

The
PALIMPSEST
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CONTENTS

Regulating the Lead Miners 185

WILLIAM J. PETERSEN

John P. Sheldon 201

M. M. QUAIPE

Comment 215

THE EDITOR

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THE PURPOSE OF THIS MAGAZINE

THE PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

Superintendent

THE MEANING OF PALIMPSESTS

In early times palimpsests were parchments or other materials from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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THE PALIMPSEST

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Regulating the Lead Miners

A Fox warrior was stealing furtively down the Mississippi below Prairie du Chien. Desperately wounded and half starved, he staggered along, wading streams and skulking through the underbrush. His strength was ebbing fast as he approached the Fox village at the mouth of Catfish Creek below present-day Dubuque. Fortunately he managed to reach his kindred and friends just in time to tell of the ambushade and massacre of their principal chiefs and headmen by the Sioux and Menominee. Then the lone survivor himself shuffled away to the happy hunting grounds.

A paroxysm of fear gripped the leaderless Fox Indians. For a score of years since the death of Julien Dubuque in 1810, they had worked the lead mines on the west bank of the Mississippi. No white men had been allowed to cross the river, for the Foxes jealously guarded their primary source of wealth. But with the enemy lurking near, the Foxes fled, leaving their lead mines unprotected.

Across the Mississippi in Illinois, lead miners had waited impatiently for an opportunity to try their fortunes on the western side. The precipitate flight of the Foxes was the signal to take possession of the old Dubuque lead mines. James L. Langworthy and Lucius H. Langworthy were among the first to arrive, swimming their horses over by the side of their canoe. By mid-June fully thirty men had followed. Finding themselves without a government and realizing that they must have some rules, the miners met around an old cottonwood tree on June 17, 1830. The meeting was organized in due form, and after the preliminary business was disposed of, a committee on mining regulations was appointed. The committee submitted the following report, written by James L. Langworthy on a half-sheet of coarse, unruled paper.

"We, a committee, having been chosen to draft certain rules and regulations, by which we, as miners, will be governed; and, having duly considered the subject, do unanimously agree that we will be governed by the regulations on the east side of the Mississippi River, with the following exceptions, to wit:

"ARTICLE I. — That each and every man shall hold two hundred yards square of ground working said ground one day in six.

"ART. II. — We further agree, that there shall be chosen by the majority of the miners present, a person who shall hold this article, and who shall grant letters of arbitration, on application being made, and that said letter [of] arbitration shall be obligatory on the parties concerned so applying.

"To the above, we the undersigned subscribe.

J. L. Langworthy,
H. F. Lander,
James McPheeters,
Samuel H. Scoles,
E. M. Urn."

This report was adopted and signed by all the miners present. Dr. Francis Jarret was authorized to issue the papers of arbitration. The Miners' Compact was undoubtedly the first set of laws for the government of white men adopted on the soil of Iowa, and it occupies as important a position in early Iowa history as the Mayflower Compact does in the story of Massachusetts.

From the beginning the disposition of mineral lands perplexed the government of the United States. The land ordinance of 1785 reserved "one-third part of all gold, silver, lead, and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct." This reservation of minerals suggests how little was known of the western country. It is reminiscent of the mineral

reservations for royalty or sovereign dues in the crown charters of American colonies. Furthermore, it reveals the government's doubt as to what policy it should pursue with regard to holding, leasing, or selling mines and mineral lands.

Fifteen years later, on April 16, 1800, Congress authorized the President to employ an agent to collect information relative to the copper mines south of Lake Superior. The agent was also instructed "to ascertain whether the Indian title to such lands as might be required for the use of the United States in case they should deem it expedient to work the said mines had been extinguished." On the eve of the Louisiana Purchase it appears that Congress assumed that the government might operate the mines directly.

The United States inaugurated the policy of leasing mineral lands by an act of Congress passed on March 3, 1807. This act authorized the President to lease any lead mine in Indiana Territory (which included the Galena district) for a term not exceeding five years. In addition, the government reserved certain adjacent territory to be used by the lessees for dumpage ground. The timber on this land could be used for smelting.

As early as 1810 Captain Henry Shreve is said to have worked his way up to Fever River and secured a small cargo of lead which he floated

back to the towns on the lower Mississippi. In 1816 the government obtained from the Indians "five leagues square" of land in the lead district. The first regular mining operations were carried on by Colonel James Johnson of Kentucky. Johnson seems to have been working the Fever River mines as early as 1820, apparently with the consent of the Indians but contrary to government regulations. J. G. Souldard, who passed up the Mississippi in 1821, saw Johnson's barges floating down the river loaded with lead. The district was still under the control of the General Land Office which was neither able nor inclined to exercise the vigorous authority that the War Department later exerted.

In November, 1821, jurisdiction of the lead mines was transferred from the General Land Office to the War Department. Leases were granted to four Kentuckians on January 4, 1822. A military escort under Lieutenant Clark Burdine was provided to accompany the lessees to the mineral region. Lieutenant Burdine was instructed to aid in the selection of land, offer protection from Indian attack, and make surveys of the ground for the information of the government. Subsequently other leases were granted, chiefly to Kentuckians who brought their negro slaves to work the mines in the free soil of Illinois and Michigan Territory.

During the year 1822, Major John Anderson, of the United States Topographical Engineers, was the government representative at Fever River. He occupied a shanty just below Galena at a place then known as "Anderson's Slough" but later called Harris Slough. Although Major Anderson was in charge of the lead district, his duties, like those of Lieutenant Burdine, seem to have been confined to surveying and protection of the miners. With no authority to lease mineral lands, neither Anderson nor Burdine had much to do. Accordingly the government failed to realize any financial returns from the lead mines.

A new era in the history of the lead district began with the arrival in June, 1823, of Dr. Moses Meeker and his colony of settlers aboard the keelboat *Colonel Bomford*. During the ensuing year miners continued to flock to the Fever River. Glowing reports of the number of miners and the rich deposits of lead reached Washington and the government promptly took steps to secure a firmer grip on the mines and obtain some revenue from their operation. Accordingly, on August 18, 1824, Lieutenant Martin Thomas was appointed superintendent of the lead mines of the Upper Mississippi with full authority to grant leases and permits to smelters and miners.

Lieutenant Colonel George Bomford of the

Ordnance Department ordered Thomas to "superintend the interests and general concerns of the government in the lead mine lands, more particularly those lying in the range of country within the limits of the Northwest or Michigan Territory." The leases and bonds specified the conditions under which the mines were to be worked. Thomas was ordered to keep regular accounts of all transactions. He was given the liberty to adopt some form "best calculated to give the *history* of each quarter section" and enabling him to furnish general statements quarterly and at any time. All lead on hand, together with that thereafter collected, was to be transmitted to the military storekeeper at Bellefontaine for safe-keeping.

Early in the spring of 1825 Superintendent Thomas posted the first regulations for the lead miners around Fever River. These fourteen articles were very important in the story of government control of the mines. No such regulations had previously been in effect and when they were promulgated their enforcement in Missouri was difficult because the miners were accustomed to lax supervision.

Furthermore, by 1825 the Missouri miners were flocking to the Fever River by the score. Fully 664,530 pounds of lead was mined at Fever River for the year ending September 30, 1825, compared

with 286,590 in Missouri. For the year ending September 30, 1829, the Fever River mines produced 13,343,150 pounds compared with a paltry 1,198,160 in Missouri. Not only were the lead mines at Fever River richer and more readily worked, but Lieutenant Thomas reported that the cost of transportation by steamboat and keel-boat to Saint Louis was actually less than from the Potosi mines to the depots on the Mississippi.

The regulations of the mines were strict but by no means onerous. All miners had to report immediately to the agent who entered their names on a register and gave them a written permit to mine on ground which was not leased. No miner could dig or mine for lead without a permit. Should he attempt to do so he would forfeit his discovery and all the mineral raised and be prosecuted as a trespasser. Any miner who gave false testimony in a dispute or arbitration, or who was convicted of stealing ore, setting fire to the prairie or woods, or cutting timber where prohibited would forfeit his permit to mine or dig. In addition to this no smelter was allowed to purchase lead from him or give him employment. At the diggings two or more miners had to work together. They were permitted to stake off three hundred yards square, with lines running north and south and east and west. A permanent post or stake had to be placed

near each digging, with marks designating ownership. A discontinuance of work for eight days in succession caused a forfeiture of ground. Miners and smelters were required to submit their disputes to arbitration. If they were unable to settle the dispute in this manner it was referred to the agent whose decision was final.

To prevent too great an influx of settlers other than miners, one section of the regulations declared that no person was permitted to build a cabin, cultivate the land, or cut timber, without the written permission of the agent. Whenever surveys of discovery were required they were to be laid out in tracts twenty rods by forty, the length to correspond with the course of the lead. The discoverer was entitled to the certificate of survey. No miner was allowed to hold two discoveries at the same time, nor to go on other ground until his lead was dug or sold. Upon abandoning his diggings he was required to turn in his old certificate of survey before attempting to present a new discovery. The certificate of survey could be sold only to a miner having a written permit or to a smelter with a license. Miners were expected to report to the agent the name of the smelter to whom they delivered their mineral and the amount they delivered in each quarter of the year. The government thus had a double check on the amount of lead mined,

for the smelter was also required to keep an accurate account of the amount of mineral he smelted.

The regulation of the smelter was in many respects similar to that of the miner. He was expected to furnish a bond for the faithful performance of his duties. The smelter agreed among other things not to purchase ore from any one but an authorized miner or lessee. He promised to smelt with a log furnace or furnaces whenever one hundred thousand pounds or more of ore was on hand. He was expected to build, free of expense to the United States, a strong log warehouse, sixteen by twenty feet and one story high, made of squared logs so that a bar of lead could not be passed between them, and equipped with a strong door and a good lock. In this warehouse the smelter was required to deliver, free of expense, a tax of one-tenth of all lead manufactured, to be paid monthly in clean, pure lead.

Lieutenant Thomas made his headquarters at Saint Louis, visiting the Missouri and Fever River mines as occasion demanded. The routine work at Fever River was done first by sub-agent Charles Smith and later by Thomas McKnight. Two volumes marked "A" and "B", which have been preserved in the Jo Daviess County archives, contain the transactions of Lieutenant Thomas's agency from 1825 to 1827. The following extract from

sub-agent Charles Smith's report to his superior officers is typical of conditions at the mines.

"June 11, 1825. — [Joseph] Hardy and [George E.] Jackson are running an ash furnace; [Moses] Meeker is smelting in his log furnace; [A. P.] Van Matre's ash furnace will be in operation to-day. Perfect harmony exists among the diggers. The regulations appear to give universal satisfaction. Every man appreciates the protection which they afford, and the security they give to their operations presents a stimulus to enterprise, and prevents encroachments upon the rights of others. The difficulty of borrowing or hiring a horse when wanted, has rendered necessary the purchase of one. I have accordingly bought one, old, to be sure, but serviceable — the price, \$20. He will be worth as much, probably, a year hence."

On the same day Smith reported that he had just visited "a discovery made by C[uyler] Armstrong and I. Thorn, about three-quarters of a mile south of the Cave Diggings. They dug twenty or thirty feet before they struck mineral. Two thousand pounds were taken out in three hours — six thousand pounds at least, are in view on the west side of the diggings, and I struck mineral over one-half of the bottom. The hole is about five feet in diameter."

A month later Smith noted that the diggers were refusing to deliver their lead, waiting in hope that the market price would rise. On July 11, 1825, Lieutenant Gideon Low arrived with a force of twenty-five men to enforce the regulations and the collection of the lead rent, as well as to compel the miners to deliver their mineral to the licensed smelters, whether they desired to do so or not. Before serious friction developed these orders were countermanded and Lieutenant Low promptly withdrew.

Although the miners grumbled at the close government supervision, their lot was by no means as hard as their complaints might indicate. In May, 1826, Lieutenant Martin Thomas made the following observation to Colonel George Bomford: "Were the Government to prohibit working the public mines under leases, and offer the mines for sale, the present inhabitants of the district, who are destitute of capital, could not of course be the purchasers. It would be the large capitalists of other sections who would become the owners, and the present inhabitants would have to labor on such terms as the proprietors chose to afford. It is not to be supposed that terms as liberal as those of the Government, would be given by individuals. Of this fact, if I am not in error, the present population of the mine district are becoming aware;

they are certain of obtaining leases on liberal terms from the United States, but they are by no means certain that they would obtain the mines if offered for sale."

During 1827 it was necessary to warn miners individually and by circular to confine their activity to the "Five Leagues Square" that had been purchased from the Indians. On August 8, 1827, Michael Dee was convicted by arbitration of having stolen certain articles from Thomas Williams and all miners and smelters on Fever River were forbidden to harbor Dee or give him employment. It was the first conviction for theft of which any record is known.

Lieutenant Thomas served as superintendent of the lead mines from 1824 to 1829. "In the history of government mining in the United States," a congressional committee declared, "there seems to be but one point of time during which the operation may be truly said to have been productive of revenue, and that era is to be found during the superintendence of the man [Lieutenant Thomas] whose memorial now forms the subject of consideration. Prior and subsequent to his appointment, the leases seem to have yielded not enough to pay the expenses chargeable upon the rents of the mines." Before Lieutenant Thomas took charge the largest annual rent received was 17,000

pounds of lead. He collected 143,000 pounds of lead in his first year and 1,350,000 pounds during the last year of his superintendence. During his entire agency he received nearly four million pounds which was valued at upwards of \$145,000.

Lieutenant Thomas was succeeded by Captain Thomas C. Legate of the Second United States Artillery. Captain John H. Weber served as assistant superintendent. The system instituted by Lieutenant Thomas generally prevailed until 1836, except that in 1830 the rental was reduced from ten per cent to six per cent. By 1830, too, the miners were not only trespassing beyond the Fever River tract but were pushing westward across the Mississippi into the Iowa country. It was the first spray of this advancing tide that drew up the Miners' Compact.

The occupation of the Dubuque mines was clearly illegal. When news of these trespassers reached Lieutenant Colonel Zachary Taylor at Fort Crawford, he drove them back across the Mississippi during the summer of 1830. William Clark, Superintendent of Indian Affairs at Saint Louis, was thinking of buying the Dubuque land from the Foxes but when he learned that their price would be \$32,000 per year for fifty or sixty years, with salt, tobacco, and the payment of about \$60,000 toward the debts due their traders he

quickly changed his mind. The Superintendent of the United States Mines had no authority to grant permits on Indian territory. Furthermore, both the lead agent and the Department of Indian Affairs had to call upon the United States Army to enforce their decrees.

After the Black Hawk Purchase in 1832 the lead miners once more crossed over into Iowa before the country was open to settlement. Presently they were persistently importuning Superintendent Legate with applications "for *mineral surveys* for *mining*, and *groves* for the purpose of *smelting lead ore*" on the west bank of the Mississippi. "To prevent misunderstanding, and to save trouble," Legate replied in the *Galenian* on October 3, 1832, "I hereby give notice, that I have not the authority to grant either at present." He concluded by pointing out that all permits and arrangements were done in writing at his office and could be shown by the holder.

Despite Legate's warning the miners continued to cross the river and on December 15, 1832, Indian Agent M. S. Davenport warned them off until after the ratification of the treaty and suitable arrangements had been made for their entry. Troops arrived the next day and expelled them. Meanwhile 147 miners had signed a petition to Secretary of War Lewis Cass asking that the In-

dian Agent's orders be rescinded. The *Galenian* of December 26, 1832, was delighted at the exemplary conduct of the miners who, although "on the verge of a savage wilderness" respected the laws of the land so highly "that it was only necessary for the constituted authorities, to signify the will of our beloved government, to insure a prompt & peaceable acquiescence, even at the hazard and sacrifice of fortune."

Such confidence in the amenability of the miners was not entirely justified however. Many returned in a few weeks to their Iowa diggings. This time Lieutenant Jefferson Davis went personally to each miner's cabin and explained that all must return to the Fever River country. Davis promised the miners, however, that as the "intimate friend" of Captain Thomas Legate, he would seek "to secure through him to every man, the lead or prospect then held; if, and as soon as, the treaty should be ratified, to extinguish the Indian title."

On June 1, 1833, the Black Hawk Purchase was opened for settlement and the miners were free to resume their digging without molestation. It remained for Legate and his assistant superintendent, John P. Sheldon, to administer the regulations that had been established at the Fever River mines and voluntarily endorsed by the Miners' Compact.

WILLIAM J. PETERSEN

John P. Sheldon

A slight young man of twenty-five strode westward from the little town of Rochester, New York, on a day in May, 1817. Before him lay the unplumbed opportunities of the boundless West. In an army knapsack was his entire wardrobe; in his pocket his scanty capital, but a few dollars in all. Yet history walked with the youth, for in his mind was the fixed resolve to establish somewhere in the great Northwest a newspaper, and there "grow up" with the country.

John P. Sheldon, the hero of our tale, had served in the War of 1812, attaining the rank of sergeant in the artillery regiment commanded by Colonel Alexander Macomb. He had learned the printer's art, and in the spring of 1816, in partnership with A. G. Dauby, had established the weekly *Gazette*, Rochester's first newspaper. A year of practical trial, featured by a spell of illness, determined him to abandon the enterprise. Distant Detroit, the ancient capital of the upper country, had suffered horribly during the recent war, but at its close a reaction had set in and the community began to enjoy a distinct real estate boom. Stories of its attractiveness and of its

glowing prospects, coming to the ears of Sheldon, had induced him to explore the possibilities for journalism in that remote region.

At Buffalo, which still bore the scars of British pillage and Indian massacre, Sheldon encountered Ebenezer Reed, a youth of twenty-one, who had served a printer's apprenticeship in the office of Seward and Williams at Utica. Reed proposed to join with Sheldon in the contemplated newspaper enterprise of the latter, and the proffer was accepted. A seven-day voyage on the schooner *Erie* brought the adventurers to the mouth of the Detroit River. "As the vessel moved slowly up the noble strait," wrote Sheldon more than forty years later, "Reed and myself were surprised and delighted with the scenery, and decided, ere we landed, to make Michigan our home — the numerous orchards upon both banks were in full bloom; and directly in front of the orchards, and near the water, the white cottages of the inhabitants gave promise of comfort and hospitality."

While Reed departed for New York, in search of a second-hand press which could be bought on liberal credit, Sheldon busied himself acquainting the townsmen with the boon he was about to bestow upon them. In August the *Gazette* was born. For eight years it was Detroit's only newspaper. For thirteen years it led a busy and color-

ful, if not always prosperous, career. Through all this time Sheldon was the dominant editor, and during most of it a storm-center of angry dispute and discussion. He was a man of aggressive temper, imbued with an exceedingly exalted idea of the editor's rôle in the community.

In the evolution of political opinion which the decade of the twenties witnessed, it was inevitable that Sheldon, an early and ardent admirer of General Andrew Jackson, should become an enthusiastic Democrat, and one of the fathers of the Democratic party in Michigan. For Governor Lewis Cass, who loved the environment of the frontier and knew how to dominate it, he entertained feelings of high admiration and the warmest personal friendship. The two men had much in common and to a large extent the political fortunes of Sheldon were shaped by the patronage of Cass.

Next to Cass the most conspicuous public character in Michigan Territory was William Woodbridge, the Territorial Secretary and Collector of the Port at Detroit. A New Englander of high ideals and fine intellect, he helped found Michigan's State University. In politics, however, he was a Whig, and any member of that party was anathema to a vigorous Democratic editor.

Although Woodbridge and Sheldon were on

friendly terms for several years, in 1822 they became permanent and increasingly bitter enemies. The quarrel for years influenced powerfully the course of politics of the Territory and, indirectly, the future Commonwealth of Iowa. It reached an acute stage in the election of Congressional Delegate in 1825 when the official conduct of Woodbridge gave the victory to his friend, Austin E. Wing, and withheld it from John Biddle, the candidate Sheldon had supported. The affair infuriated Sheldon, and the resentments produced by the electoral contest of 1825 long continued to agitate the Territory.

No less notable was Sheldon's quarrel a few years later with the Supreme Court, of which Woodbridge was then the dominant member. Over the disposition of a case of petty larceny Sheldon criticized the judges in such a fashion that he was haled before the court for contempt. He defied the judges to do their worst, and in consequence was fined \$100. Refusing to pay, he was committed to jail. The circumstance of a Jacksonian Democratic editor imprisoned for criticising a court the majority of whose judges were Whigs afforded a rare opportunity for a display of frontier public opinion. Sheldon announced that he would never pay his fine, whereupon his political adherents undertook to raise the amount

by public subscription, the individual contributions to be limited to a maximum of twelve and a half cents. Since Sheldon's brother was the sheriff in charge of the jail, his confinement was in no way onerous, and it was presently terminated, with a public banquet tendered by his admirers. Although all three Supreme Court judges had joined in punishing him, his wrath was particularly reserved for Woodbridge and Chipman, the two Whig members of the Court. With Andrew Jackson in the Presidency their judicial fate was sealed. The complaints Sheldon poured into the Presidential ear proved effective, and when the term of office of the two judges expired, in 1832, they were retired to private life.

Scant opportunity was afforded Sheldon, however, to revel in his triumph. His family was rapidly increasing in numbers, and the proverbial wolf was never far from the door. In 1830 his printing plant and bookstore were burned, and the career of the *Gazette* ended. The blow to Sheldon was a crushing one. In 1831, disappointed in his efforts to win an appointment to the land office at Monroe, he devoted several months to a journey to Texas, seeking restoration of health and a new field of opportunity on that distant frontier.

Meanwhile his staunch friend, Governor Cass, had entered the President's Cabinet as Secretary

of War, and in this capacity had directed the course of the government in the Black Hawk War of 1832. As early as 1830 squatters from across the river had begun flocking to Dubuque's lead mines, and presently a future President of the United States, Colonel Zachary Taylor, sent the only President of the Southern Confederacy, Lieutenant Jefferson Davis, with a squad of soldiers to evict them. The defeat of Black Hawk brought about the cession of the country in question, and the miners swarmed back across the river. The Indian title had been extinguished but no form of civil government had been provided for the country when, on March 16, 1833, Cass appointed Sheldon assistant superintendent of the lead mines in the new Black Hawk Purchase.

Thereby Sheldon gained a livelihood, and the nascent Commonwealth of Iowa an exceedingly valuable settler. With characteristic vigor, Sheldon set out at once for the scene of his new activities, journeying as far as Chicago by way of the Old Sauk Trail, presently to become famous as the Chicago Road, the name conferred upon it by thousands of westward-moving settlers. West of Chicago the country was a virgin wilderness, the only sign of a road being the mark left on the prairie sod by General Winfield Scott's army wagons which had passed that way the year be-

fore. The Indian villages, where Sheldon had been told he would find shelter and information, were deserted. Although the traveler was charmed with the beauties of the prairie and groves he traversed, he did not encounter a single soul from Chicago to Galena.

The mining country, however, hummed with activity. Settlers were crossing the Mississippi in crowds, and in a single month over 150 log houses were erected in the immediate vicinity of Dubuque. West of the river there was no government, and in the belief of the settlers no law, for the best lawyers of Galena were informing them that even the laws of the United States had become inoperative following the consummation of the Black Hawk Purchase. Although it was freely predicted that Sheldon's official authority would be ignored by the miners, his tactful measures appealed to their good sense and won general acquiescence.

That the sanction of the law is essential to the peaceful existence of society, the course of events at Dubuque abundantly proved. Sheldon came upon the scene as a veteran editor, thoroughly familiar with political and governmental affairs. On his lonely journey across the Illinois prairie he drafted a program for the survey and orderly settlement of the region, which he transmitted to Washington almost as soon as he reached Du-

buque. On the same day, in a letter to Secretary Cass, he pointed out that large towns would soon spring up in the Iowa country, and urged the wisdom of making some orderly provision for the laying out of town sites. The problem thus propounded was solved by Congress two years later.

But the provision of regular civil government was the most urgent need of the Iowa country, and in supplying this Sheldon, the sole representative of government west of the Mississippi, played a stellar rôle. Associated with him were two other men, both of whom were important public officials, and both old Detroit neighbors. No man living had a better grasp of the problems affecting the western country than Secretary Cass, who was Sheldon's patron and intimate friend. Third in the Detroit group was Lucius Lyon, Territorial Delegate in Congress from Michigan, and an especial favorite in the mining country. For the future Commonwealth of Iowa the team work of these three men proved ideal. Sheldon, on the ground, supplied his friends at Washington with information and arguments; Lyon in Congress and Cass in the Cabinet provided the legislative oversight and political influence requisite to transmute the recommendations into law.

A series of happenings at Dubuque in the winter and spring of 1833-34 emphasized tragically

the want of an organized government. In this little community three killings occurred in five months' time. The first killer could plead self-defense in extenuation of his deed; the second killing occurred in a drunken brawl and, however deplorable, did not constitute premeditated murder. But other acts of violence were occurring, and the absence of any legal means of punishing the offenders gradually imbued the miners with the belief that in response to the law of self-preservation they must themselves assume the responsibility of enforcing justice.

Such was the situation when on May 19, 1834, a miner, Patrick O'Connor, in cold blood killed his partner, a peaceable, inoffensive man. There ensued an exhibition of ready-made justice which went far to demonstrate the essential devotion of the community to peace and order. The murderer was taken into custody, a jury was empaneled, witnesses sworn, and the accused was afforded every opportunity to clear himself. Flouting the authority of the court, and repeatedly declaring there was "no law" in the country, he declined to attempt any defense. His guilt was established and he was sentenced to be hanged on June 20th, a month from the date of his conviction.

Although Sheldon deemed the murderer richly deserving of death, he strenuously opposed the

procedure of the volunteer court, arguing that it was wholly illegal, and that the laws of the United States were in full effect in the mines and adequate to the enforcement of justice.

In a letter to the *Galenian* on June 10th, he presented this point of view, and appealed to the Galena bar to issue a formal statement concerning it. If this should uphold the local opinion that there was no law west of the Mississippi, the death sentence upon O'Connor would be carried out; if, on the contrary, the lawyers should agree with Sheldon, such an opinion might influence the miners to reprieve O'Connor until such time as a regular court could take cognizance of his case. The bar did not respond to this appeal, and Sheldon planned one last effort to preserve the community from the blot of mob law. He proposed to visit Dubuque on the day set for the execution (his home was at Peru, five miles north of Dubuque) and address the crowd assembled to witness it, in a last effort to win the miners to his point of view. When the day came he was too sick to carry out this plan, but he wrote a letter to the foreman of the jury which had condemned O'Connor, reiterating his arguments for the reprieve of the culprit.

The appeal failed, as Sheldon had expected it would, and a letter of July 9th to Secretary Cass

described the resulting procedure: "about one o'clock, on the 20th ult., O'Connor was hung with as much decorum as the most fastidious amateur could desire. The shops were closed and no liquor sold. A guard of about a hundred miners armed with rifles acted as the criminal's escort and surrounded the gallows to keep order. A Catholic priest attended the criminal in his last moments. From all the facts that I can gather, it seems that O'Connor did not begin to entertain any serious apprehensions that his end was so near until about the 18th, and when the awful moment arrived he was completely paralyzed by fear."

The murder of George O'Keaf and the execution of Patrick O'Connor, however, were not the only evidences of lawlessness at the Dubuque mines. The government had provided no warehouses at Dubuque and as a result thousands of pounds of rent lead lay exposed at several places near the river — easy plunder for thieves. "The day before yesterday", wrote Sheldon to Secretary Cass on July 9th, "a man was tried by a jury of citizens of Dubuque for stealing lead — he was sentenced to receive 35 lashes & to be banished from the country. The lashes were given in the most public manner, he was then marched through the street to the tune of Rogues march, and ferried to the east bank of the Miss^{ppi}. The fellow was a

noted thief, and plead guilty to the charge of stealing 57 pigs (about 3,200 lbs.) which he took to the Upper rapids, near Rock Island, in a large canoe, which he also stole."

Sheldon was concerned about the effect of these events. "Will the people here be censured, and considered as a band of outlaws," he wondered, "or will the blame for this state of things be attributed to the proper cause — a factious and revengeful and disappointed minority in the Senate, who have succeeded in procrastinating or defeating almost every measure intended for the public good?"

As an ardent Democrat, Sheldon thus neatly deposited upon the back of the opposition party in Congress responsibility for the illegal procedure in the mining country; and the historian finds difficulty in repelling the accusation. The most dictatorial President the country has ever known was in the White House, and an embittered and furious congressional opposition let slip no opportunity to checkmate his measures.

When, therefore, a bill was brought forward for the organization of a Territorial government west of the Mississippi, such leaders as Clay and Calhoun turned thumbs down without regard to the actual merit of the proposal. "They are opposed to doing anything", wrote the watchful Lucius

Lyon, "that will allow the President the least extension of patronage. I believe, however, when it comes to the test they will not dare to vote against the measure in sufficient number to defeat the bill, even though they may desire to do so. If they do, I shall endeavor to attach the country on the west bank of the Mississippi to the Territory of Michigan by way of an amendment to some bill, as it is passing."

They did, however, and he did, and thereby the boon of civil government was secured for the Iowa country. On June 20th, the very day of O'Connor's execution, Lyon wrote from Washington expressing despair over the prospects of the bill for the new Territory, and his intention to proceed on the other tack. Three days later, he proposed a bill attaching the Iowa country to Michigan Territory. "It will probably pass both houses," he reported to Sheldon, "that is, if any bills pass, which is somewhat doubtful."

The opposition of Clay, Calhoun, and other anti-administration leaders in the Senate doomed to certain defeat the measures that had been introduced looking to the admission to statehood of the eastern portion of Michigan Territory and the organization of a separate Territorial government for the portion west of Lake Michigan. Perceiving this, Lyon procured the introduction and

passage of two new measures. The first merely annexed the Iowa country to the existing Territory of Michigan. The second authorized the calling of an extra session of the Legislative Council of the Territory to organize local government in the country west of the Mississippi.

Upon coming to Iowa in 1833, Sheldon had established his home at Peru, five miles north of Dubuque. He quickly discovered that his official salary of \$1000 was inadequate to the support of his family, and to supplement his income he began to develop a stock and dairy farm. Meanwhile, he importuned his patron at Washington for a more lucrative office, and in the summer of 1834 he was appointed register of the land office at Mineral Point, Wisconsin, to take effect in November, following. Within less than two years, therefore, he abandoned his home at the mouth of the Little Maquoketa — “a more beautiful place than you ever saw in Michigan,” he had written of it to his wife at Detroit in the spring of 1833 — and began the establishment of a new home at Willow Springs, Wisconsin. Despite the brevity of his residence, it may well be doubted whether Iowa ever had a more useful pioneer, or one who guarded more jealously the interests of the nascent Commonwealth.

M. M. QUAIFFE

Comment by the Editor

LIBERTY AND SECURITY

Two great forces in human nature are always contending. One is a thirst for distinction, the other is a sense of equality; one is the source of individualistic philosophy, the other is the basis of collectivism; one is the bulwark of privilege, the other is the foundation of democracy. This eternal conflict of human motives has shaped the form and functions of government. Personal ambition must be served, but not at the price of social equilibrium. That government is best which provides the most liberty with the least danger to security.

Out of the Reformation and the revival of learning emerged a new conception of political structure. The privilege of leadership was no longer to be determined solely by the possession of land or ecclesiastical office. Invention, discovery, science, and movable property widened the field of power and opened the gates to popular sovereignty. With the democratization of political control came also the idea that government is for the people: welfare must be general. And so, anomalously, by means of collective protection of public interests a better opportunity for individual achievement is provided.

No nation was ever endowed with a public domain so large and rich as once belonged to the United States. Confronted with the obligation to administer this vast common property in the interest of all the people without unfairly diminishing freedom of personal enterprise, the government tried to guarantee equality of opportunity in the development of natural resources. The early policy of leasing instead of selling the lead mines was well calculated to result in public as well as private advantage. The regulations of the government were more liberal to the miners than private corporations would have imposed. And if the government had kept the mineral and oil deposits, production might have been managed for the benefit of the whole nation including future generations, and even the pain of taxation might have been greatly alleviated.

But the government, being human, is afflicted with the perpetual strife between individual ambition and social security. Consequently, no particular adjustment of liberty and equality can be permanent.

J. E. B.

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