

## Comment by the Editor

### *THE CENTENNIAL OF SETTLEMENT*

One hundred years ago the Sauk and Fox Indians packed up their belongings, put on their feathers, whistled for the dogs, and straggled out of the Black Hawk cession. Most of them probably built new wickiups on the banks of the Iowa River in Keokuk's Reserve and a few small bands may have remained along the streams in the western part of the tract, but they must have realized that these abodes were only temporary. From the Great River, a brave had to ride all day with the sun to reach a land not claimed by the white man. No longer did he have any legal right to hunt on the prairies or in the woods where his great grandfathers had stalked the deer and the bison and fought the Sioux and the Ioways. On May 31, 1833, the sun set forever on the favorite hunting grounds of the Sauks and Foxes, but the next day it rose on a paradise of opportunity for the white men.

Before settlement on the public domain was legal, two conditions were requisite. Not only must the Indian title be extinguished, but no one had a right to live on the land or buy it from the

government until it was surveyed. Although the Indians were removed from the Black Hawk Purchase in 1833, the land had not been surveyed and none was offered for sale until 1838. As long as the Indians occupied the country, the government kept the settlers out for their own protection and in defense of the rights of the Indians.

Even after the Indians were gone, the government endeavored to prevent settlement in the Iowa country. In February, 1833, the Secretary of War reported that a company was being organized at Rock Island "to take possession of the lead mines west of the Mississippi". An act of Congress in 1807 excluded settlers from the public lands in States and Territories, but there was no law to prevent the contemplated settlement at the lead mines after June 1st, because the Iowa country was politically unorganized. The provisions of the act of 1807 were, therefore, made applicable to the Black Hawk Purchase, and the Indian agents at Rock Island and Prairie du Chien were entrusted with the enforcement of the law.

Being in sympathy with the venturesome settlers at Flint Hills and Dubuque's mines who had been "persuaded" to get out of the new country when their cabins were destroyed during the winter, the agents quibbled about their authority under the revised law and did nothing. The squat-

ters were allowed to remain west of the river after June 1st. Thus, the permanent settlement of Iowa, though illegal, actually began in 1833.

There can be little doubt that the squatters knew they were trespassing upon the property of the United States. If they outran the statutes of Congress and ignored the newspaper notices, they were informed by the soldiers, traders, and Indian agents. Nevertheless, the practice of the government had never been as severe as its policy. According to Representative Duncan of Illinois, the exclusion law had never been enforced. Public opinion was opposed to it. Intruders who staked out claims upon the common land of the country had usually been tolerated and eventually obtained a legal title to their homesteads. Ultimately this preëmption practice was adopted as the policy of the government in disposing of the public land. To recognize the claim rights of honest settlers seemed preferable to the futile system of trying to exclude everybody, which resulted in admitting only those who were disposed to "disregard all law."

It is significant that a government was provided for the squatters of Iowa four years before they were allowed to own the land they lived on. But that is the subject of another centennial.

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