

## Southwest Iowa in 1857

[The following "Letter from Iowa" by a correspondent who signed himself "S.J." appeared in the *Patriot and Union* of Harrisburg, Pennsylvania, on July 22, 1857. The descriptions of Council Bluffs and southwestern Iowa, the activities of claim jumpers, land speculators, and the frequent illegal side-stepping of preemption laws, are particularly revealing as they give an eye-witness account of squatter sovereignty on the Missouri slope. THE EDITOR.]

Fairfield, Iowa, July 8, 1857.

DEAR PATRIOT:—I arrived at this place on the morning of the glorious Fourth, by stage, in three days from Council Bluffs, a distance of two hundred and sixty-five miles. Passing through Ottumwa, twenty-five miles west of Fairfield, about the middle of a calm, moonlit night, I and my fellow passengers are witnesses, that whilst in the ballroom of the "Curlew House," kept by Major Douglass, formerly of Mercer, Pennsylvania,—freedom's anniversary was soothingly ushered in with the "poetry of motion"—its recurrence was loudly proclaimed in the street, from the cannon's brazen lips.

A day or two before I left Council Bluffs, a report (fully credited there) was brought in by a French trader, that Col. Sumner's command, on their way from Fort Kearny, to Fort Laramie, when near a place called O'Fallon's Bluffs, had been surprised by a large force of Indians, com-

posed of Cheyennes, Arrapahoes and other wild mountain tribes, and about a hundred of the soldiers killed. Whether this report is true or not, and if true, whether instigated by Brigham Young, or not, I do not know, but am well satisfied that these Indians are disposed to be hostile, and that the overland route to the Pacific needs the protection of the government. It is the custom of some members of Congress, and such editors as the sham philosopher of the *N.Y. Tribune*, at a safe distance to prate about the oppressed and magnanimous Indians.

In the western part of the State the season has been very good; the rains have been frequent and refreshing. The crops of every description are heavy and of good quality. The same is the case from Council Bluffs to Fairfield; except that in a small circle around this place, the drought has injured the grass. Grain crops are, however, first rate. Harvest has not yet commenced, being later than I ever knew it to be in Iowa. The Burlington and Missouri River Railroad is under contract to Ottumwa; the cars are to run to Fairfield by next winter.—Fairfield, fifty miles west of the Mississippi River, is the county seat of Jefferson County, and the center of a rich agricultural region, abundantly supplied with coal, timber and building stone. This place will be the western end of the railroad for a year.

About two weeks since, starting from Council

Bluffs, I took a hasty trip through the counties of Mills, Fremont and Page, in the southwestern part of Iowa. This is a beautiful, fertile, rolling and well-watered country. The two former counties contain a sufficiency of timber. The eastern part of Page County, and Taylor County, which I have hitherto explored, embrace a fine tract of country, well supplied with timber, stone and coal. In southern Iowa the coal fields begin thirty miles west of the Mississippi and the same distance east of the Missouri, leaving a 30-mile strip along each river destitute of this black diamond. The vacant government lands lying between the railroad grants, and south of the grant to the Burlington and Missouri River Railroad, are subject to pre-emption.—Those entitled to the benefits of the pre-emption laws, are eagerly taking advantage of them. I saw almost numberless "foundations," on the prairies, in the eastern part of Fremont and the western part of Page counties. These foundations are generally four logs or poles, about twelve feet long each, and six or twelve inches in diameter, laid for the "foundation" of a house, so called. After laying his foundation, the pre-emptor has thirty days to file his pre-emption, at the Land Office, and a year to make proof and payment, and secure a title to his land. The pre-emptions made in this part of Iowa are generally not the work of actual settlers, but, as I was told, of the "little speculators," who now have a chance, whilst the "big

ones" are excluded by the closing of the Land Office. Some times the "big speculators" supply the means to pay for the land, for a liberal consideration. The pre-emption law was designed for the benefit of actual settlers only, who are required to make proof that they have improved and settled upon the land, for their own exclusive benefit. Of course the pre-emptor, by making a home upon government land, in good faith, can feel easy about his title, if he can raise the money in a year; and so actual settlers can and are securing their titles in Iowa, Minnesota, Nebraska and Kansas. The class of speculative pre-emptors, there is abundant evidence to show, may and do secure titles to land, by keeping the technical letter of the law, whilst they violate its spirit and intention. In Nebraska and Kansas the public lands were settled upon before they were surveyed. The government lines when run, cut up the "claims" of the settlers (squatters), but as these sovereigns adhered to their own divisions, (having improved them), often entering the lands according to the legal subdivisions, they sell the fractions back and forth to each other and each settler is put in legal possession of his old claim. But as title can only be secured now, by pre-emption, each man has to swear that he is living on the land, and purchases it for his own "exclusive benefit." On this and other technical grounds many persons are reluctant to take the required oath.

The laws when framed by theorists, or mere politicians and lawyers, and executed by men of the same class, or routine clerks, are often drawn by the former, and explained by the latter in technical, office language, so difficult to understand, and easy to misconstrue, that the whole system may become involved in confusion. This is not the right way to frame and administer the laws regulating such realities as the solid lands of the west. I think the simple fact of settlement and cultivation of the public lands, ought to give a title to the same, good for years against all parties, except the United States. I do not know where land warrants can be located now, except in Missouri, and a flood of them have gone, and are going there. There seems very little prospect of the Land Offices in Iowa, Minnesota, Nebraska or Kansas being opened at any time soon, to others than pre-emptors. One-hundred-and-sixty-acre warrants can be sold at Council Bluffs and Omaha city, and I presume at Leocompton, to pre-emptors. I understand that one-hundred-and-twenty-acre warrants will also sell at Omaha city, but not so readily. Eighty-acre warrants are no sale there.

Having spoken of squatters induces me to give an explanation of "squatter sovereignty." In the settlement of a new country, the unwritten law outlaws certain crimes, such as horse stealing, claim jumping (that is, taking possession of a settler's claim) and entering the claim of an actual

settler, within reasonable period. The lawyer or other person, officer or private citizen, who defends a claim jumper in his course, will get neither business nor political preferment. Thus, men cannot do or defend that, which under the laws of the United States, is legal. The claims usually comprise double the quantity of land allowed to a pre-emptor. Squatter sovereignty is triumphant. The same principle, carried out, might have made Kansas a slave territory under the Missouri Compromise.

To return from these digressions, the counties of Mills, Fremont, Page and Taylor are fine agricultural counties, and new lands are being brought into cultivation; and the farmers are getting rich, and increasing in numbers. The markets afforded by the rapid increase of trade and travel on the Missouri River, the immigration and the quick growth of towns, together with the fertility of the soil, and the fact that neither a wet nor a dry season will materially injure the crops, makes western Iowa, and in fact, for similar reasons, the whole state, the land where farmers are sure to prosper. Glenwood, the county seat of Mills County; and Sidney, the county seat of Fremont County, are seven miles from the Missouri River. The former is in the valley of Keg Creek, the latter on the high and fertile ridge between the Missouri and the Nishanybotany [Nishnabotna] Rivers. These towns are not improving much this season,

but the case is different in regard to the country around them, which is being rapidly brought under cultivation. I never was in a more healthy country than western Iowa. The atmosphere is dry, clear and bracing. The soil is dry and free from mud. Neither the air nor the ground, is charged with "bad colds." This summer the numerous steamboats that navigate the upper Missouri, above Sioux City, have taken up pleasure parties, of families and others.

One boat recently started to go four hundred miles above the mouth of the Yellowstone. I have not been above Sioux City. The first white settlers in the vicinity of that now thriving town, were Canadian French, who had been in the employment of the Fur Company; but in the decline of the trade, they had given it up, and settled along the river, the most of them marrying Indian wives.