

The
PALIMPSEST

OCTOBER 1939

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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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Preëmpting the County Seat

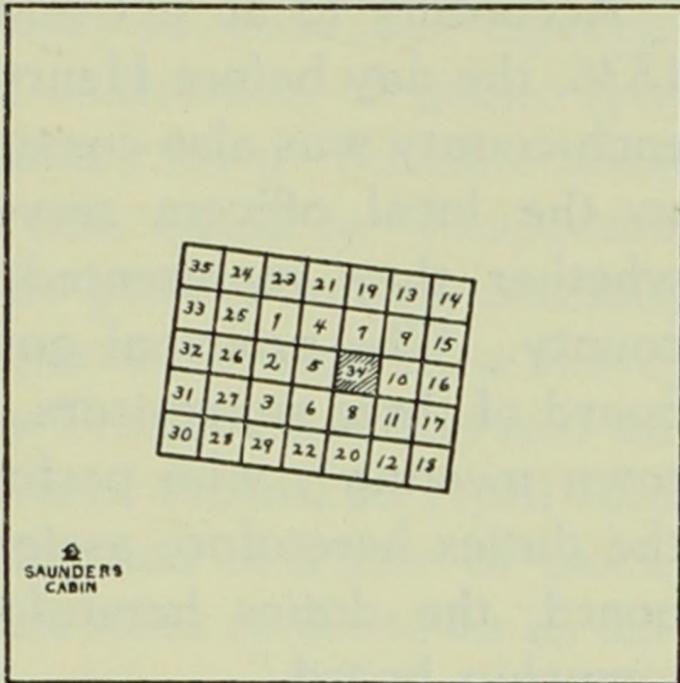
The advantages accruing to a community so fortunate as to be the county seat have long been recognized, and for this reason intense rivalry has often been displayed by eligible towns in their efforts to become the political capital of the county. Many bitter contests arose during the settlement of Iowa, the echoes of some of which continue to reverberate. Indeed, the prize was usually worth the cost in effort, money, and political intrigue, for defeat might lead to decadence, and eventually, perhaps, to deserted villages. Some towns that once aspired to be county seats have disappeared utterly, leaving scarcely a trace of their former existence, even in the memory of the old settlers.

The location of the county seat of Henry County was typical. While the town of Mount Pleasant, favored for its size and central location, was early considered the most acceptable place for the county government, it was not finally selected without opposition by rival communities.

Early in the autumn of 1834, Presley Saunders selected a building site near a spring on wooded land now comprising a part of beautiful Saunders Park at the southwest corner of the present city of Mount Pleasant. His claim was on the fringe of settlement thirty miles northwest of Burlington. In anticipation of rapid immigration he staked out temporarily a number of lots, which were offered for sale. The town was surveyed in the summer of 1836 on the high open prairie, without regard for the official government survey which was not made until April, 1837. No correction was made for the variation of the magnetic needle from the true north. This accounts for the fact that all streets, alleys, and lot lines of the "Original Town Plat" deviate from their true direction by approximately seven degrees.

As soon as John H. Randolph, the county recorder, got a book in which to preserve legal documents, Presley Saunders filed a description of his town. It was the first entry in the book. "The Town of Mount Pleasant in the County of Henry", he declared on February 3, 1837, "Contains Therty Five Blocks and each Block Eight Lotts and the sise of each Lot is One Hundred and Fifty Feete East & West and Eighty Feet North & South the Street passing the Block No. 34 which is the Publick Square ar each Seventy eight Feet

wide and all the rest Sixty feet wide the Alleys running North & South through the center of each Block is each Sixteen Feet Wide all the above naim Streets and Alleys with the Square Block No. 34 are intended for Publick uses the above naim Town is laid out by the point of the Cumpass and on the Claim of the Proprietor."



FIRST PLAT OF MOUNT PLEASANT
IN SECTION NINE

Meanwhile, settlers had been pushing up the Skunk Valley in constantly increasing numbers. The need of more convenient areas of local government was obvious, and so, without much ado, on December 7, 1836, the First Legislative Assembly of Wisconsin Territory divided Demoine County into seven, one of which was named Henry County, occupying the Skunk River Valley, west of the new Des Moines County to the Indian boundary. Mount Pleasant, a town of over 100 inhabitants, was near the geographical center of the county. Toward the eastern border, the neighborhood of Dover, later named New London, was becoming community conscious.

Settlements were forming around Oakland Mills on the Skunk River and at Trenton up the valley toward the Indian country.

According to an act adopted on December 6, 1836, the day before Henry County was created, each county was also constituted a township, and so the local officers served the whole county whether they represented the township or the county. The principal governing body was the board of three supervisors, elected at the "annual town meeting", who performed, "in addition to the duties heretofore assigned them as a county board, the duties heretofore performed by the township board."

The citizens of Henry County lost no time in organizing their local government. An election was held on January 13, 1837, at which Robert Caulk, Samuel Brazelton, and George J. Sharp were elected supervisors. Claborn Jones replaced Sharp in March. On January 16th the newly elected officers met in Mount Pleasant, canvassed the election returns, were inducted into office, and began the discharge of their duties. Though no place was designated as the county seat in the act creating Henry County, the semiannual terms of the district court were fixed at Mount Pleasant.

Fully aware of the advantages of maintaining the seat of justice at their town, the citizens of

Mount Pleasant immediately proposed that a courthouse be erected in the center of the public square. At the first scheduled meeting of the county board on February 13, 1837, the supervisors ordered an official solicitation of public spirited citizens to raise money for a "Suitable house for County purposes" that would be "Respectable in size & quality". The project was so cordially supported that the supervisors ordered a survey of the land donated by Presley Saunders and announced a public auction of the lots on April 10th. This land probably consisted of a row of blocks along the north and east sides of the town as officially described by Saunders on February 3rd. Plats of the "original town" show forty-seven blocks instead of thirty-five, numbered as if the north and east rows of blocks were added soon after the first survey.

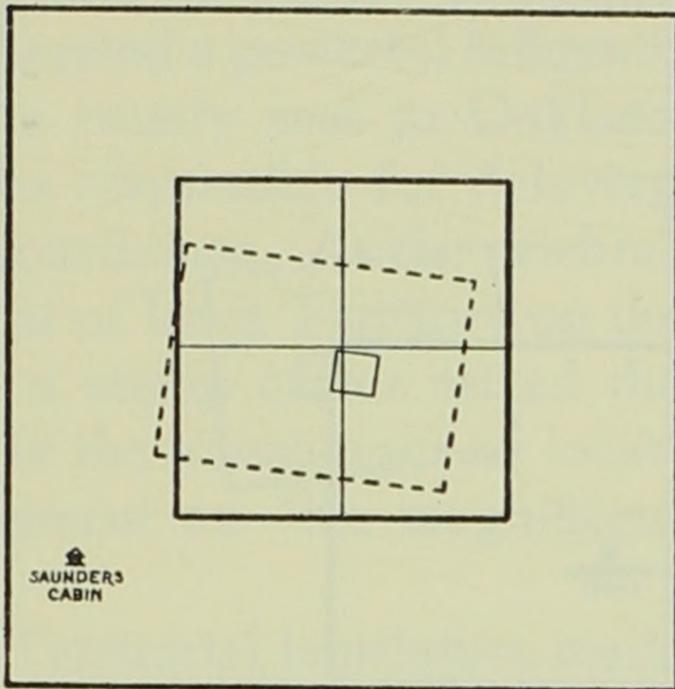
As yet the county seat in Henry County had not been officially located, and the act of 1836 describing the boundaries was destined by law to be changed before the end of the next session of the Territorial legislature. When the Legislative Assembly met at Burlington in November, 1837, the imperative problem of reorganizing the counties in the Iowa District confronted the Territorial law makers. Dubuque County was carved into fourteen new counties without much trouble. Most of

them were rectangular in shape and the boundaries followed the township lines of the government land survey. The same method was followed without controversy in redefining the counties of southern Iowa. Several disputes arose over the designation of county seats, however, and Governor Henry Dodge vetoed the first bill because the legislature allowed political influence to interfere with the public welfare in two instances. Thereupon the measure was revised and on January 18, 1838, it became a law.

The shape of Henry County was considerably changed. Instead of extending diagonally northwest from Des Moines County to the Indian boundary, it was transformed into a twenty-four mile square lacking one township in the southwest corner. The Skunk River flowed from the northwest corner to the southeast corner. Mount Pleasant, nearer the geographical center than formerly, was designated by law as the county seat.

Meanwhile, the supervisors, in anticipation of the action of the legislature, claimed preëmption rights to a quarter section of land at the county seat. According to an act of Congress each county was authorized to obtain 160 acres from the government and sell the land for the purpose of raising funds for county buildings. Since the town of Mount Pleasant had already been laid

out in the center of section 9, township 71 north, range 6 west, the supervisors preëmpted the northwest quarter of the southeast quarter, the southeast quarter of the northwest quarter, the southwest quarter of the northeast quarter, and the northeast quarter of the southwest quarter. Thus, four adjoining "forties" were selected in the center of section nine. This tract included most of the original town site.

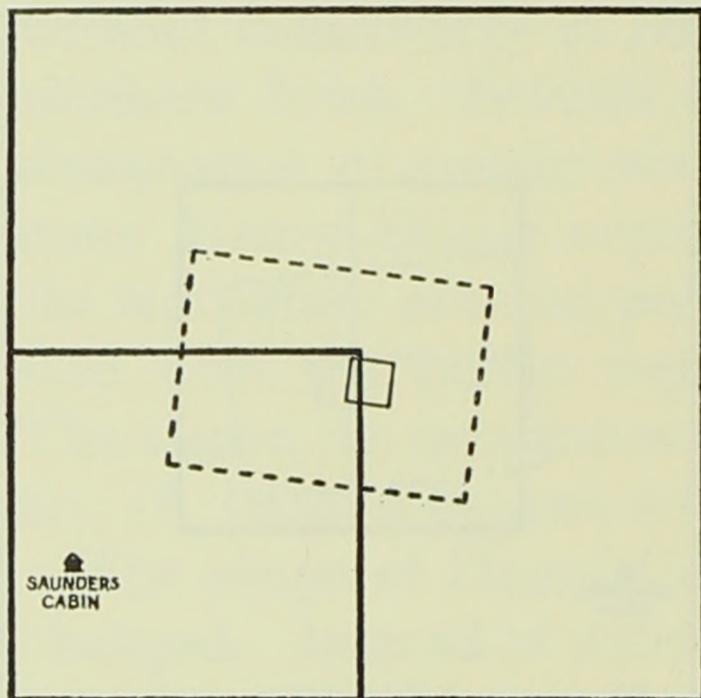


SUPERVISORS' FIRST SELECTION
OF COUNTY QUARTER SECTION

Due to the fact that many lots in this locality had already been sold, the revenue from the land would be seriously reduced. If a quarter section adjacent to the center of population were chosen, the financial advantage might be increased and legal complications avoided. Moreover, Presley Saunders would lose most of the profit he had anticipated in founding the town. On February 5, 1838, the county supervisors rescinded their former action and the next day chose the southwest quarter of section 9 for county seat purposes.

This included only the southwest quarter of the

original town. While many lots already occupied must have been claimed by the county, there was no intention to require repurchase or to withhold



SUPERVISORS' SECOND SELECTION
OF COUNTY QUARTER SECTION

title from the citizens who had bought squatter's rights. But again serious difficulties were encountered, owing to the fact that this quarter section included almost the entire farm of Presley Saunders, the

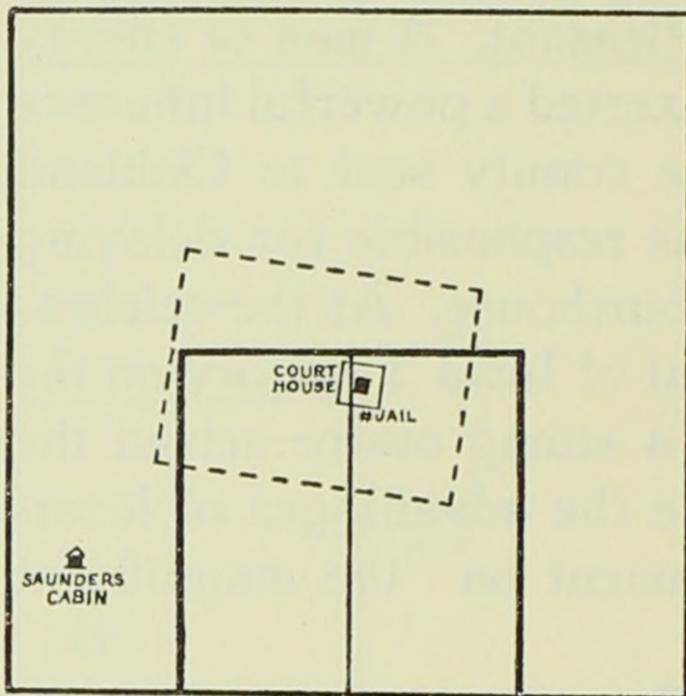
founder of the town. This was a grave injustice.

Although Mount Pleasant was the county seat by virtue of the legislative authority of the Territory of Wisconsin, some factions in Henry County were not satisfied with the location. Samuel Brazelton had contended for Trenton as long as there seemed to be any hope, but when the boundaries of the county were readjusted his town was too far from the geographical center to command much support. When the three western townships were transferred to Jefferson County in January, 1839, Trenton was eliminated entirely. Moreover, Brazelton moved to Mount Pleasant.

The advocates of locating the county seat on the Skunk River were more persistent. Paton Wilson, one of the county commissioners in 1838, was hostile to Mount Pleasant. A man of energy and determination, he exerted a powerful influence in favor of moving the county seat to Oakland Mills. Perhaps he was responsible for delaying the construction of a courthouse. At the celebration of the establishment of Iowa Territory on the Fourth of July, 1838, a stump orator seized the opportunity to advocate the advantages of locating the seat of government on "the magnificent Skunk".

Candidates for the Territorial legislature made an issue of the controversy. James Richey promised that if he were elected to the House of Representatives he would try to repeal the act designating Mount Pleasant as the county seat and name a place on the "navigable" Skunk River near the center of the county. He proposed to have the county become the proprietor of a new town to be located on a quarter section of land to be selected for preëmption. The county could then sell all the lots and obtain sufficient funds to build a courthouse and jail without taxes or private contributions. But these inducements were unavailing. Richey was not elected. William H. Wallace of Mount Pleasant became Speaker of

the House of Representatives. Both members of the Council, Lawson B. Hughes and Jesse D. Payne, were staunch supporters of Mount Pleasant, and so the county seat was not relocated by the legislators.



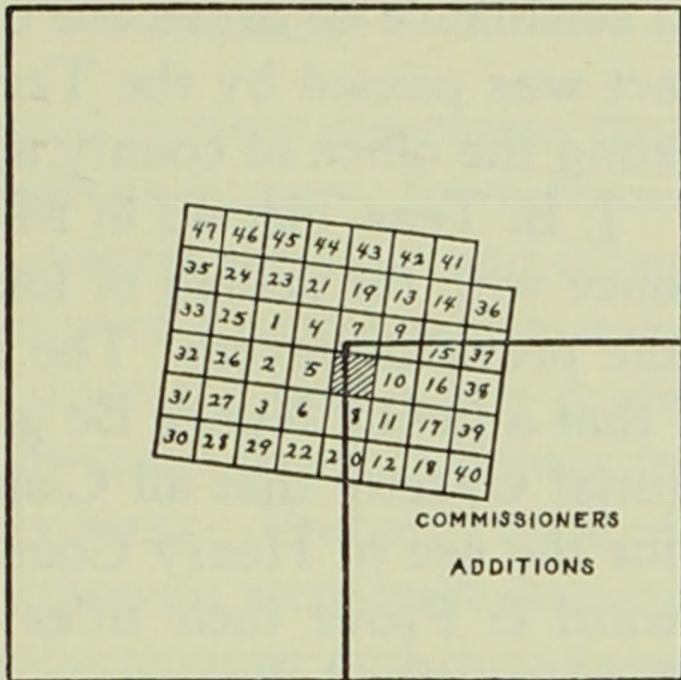
COMMISSIONERS' THIRD SELECTION
OF COUNTY QUARTER SECTION

Thus matters stood until April 21, 1839, when the preemption order was again rescinded by the county commissioners and the west half of the southeast

quarter and the east half of the southwest quarter of section nine were selected for county purposes. This action in effect shifted the tract a quarter of a mile eastward, thus releasing the west half of the southwest quarter of section nine, on which Presley Saunders lived. He was allowed the use of his land included in the new preëmption and given the "privilege of moving off his Rails when the present crop is raised." This action was confirmed on June 26th by county commissioners Samuel Brazelton, G. W. Patterson, and Henry Payne.

At last the time had come to buy the land from

the government. During the week following the decision of the commissioners, a new agreement with Presley Saunders must have been made, for on July 2, 1839, the commissioners entered a preëmption claim to the southeast quarter of section 9, and the customary sum of \$1.25 per acre was paid in cash. On the next day, the county commissioners directed J. B. Teas,



COMMISSIONERS' FINAL SELECTION OF COUNTY QUARTER SECTION

the county agent, to pay the "Board of County Commissioners out of the money received for Lots &c the Sum of two hundred dollars. Which Sum has been advanced by them for the purchase from the United States of the quarter section of land on which the County Seat is located." In March, 1840, Saunders preëmpted all of the southwest quarter of section 9, and so the county and private claims were finally settled.

Purchase of the land from the government, however, did not solve the problem of adjusting private titles to lots included in the preëmpted tract which had previously been sold by the town

proprietors. Moreover, some lots located in the portion relinquished had been sold by the county during the year of presumed possession. To bring a semblance of order out of such chaos, a special act was passed by the Territorial legislature creating the office of county agent in Henry County.

J. B. Teas, elected in May, 1839, proceeded at once with the selling of lots and negotiating with the previous buyers. The commissioners ordered "that a public Notice Be given in the Iowa Territorial Gazette that all Claimants on the Location for the use of Henry County" should "come forward & Prove their titles to the Lots originally Sold on Said Locations & make arrangements to pay for the same on the first Monday of next July, and that unless the same is attended in due form the same will Revert to the County as unsold Lots."

Meanwhile, plans for the erection of a courthouse in the public square were at last materializing. The county seat was permanently established at Mount Pleasant.

BEN HUR WILSON

The First Courthouse

To observe the splendid modern structures that now house the county offices in many Iowa counties, few people would suspect the slow and often painful architectural evolution through which such buildings have passed since the time when court was held in log cabins or small frame buildings in many of the older county seats. Probably most of the first permanent courthouses were built, in part at least, by means of subscriptions and donations of labor and materials by public spirited citizens. Of course the pioneers also utilized the opportunity to preëempt a quarter section of public lands and devote the proceeds from the sale of lots to the erection of the courthouse and jail.

At Mount Pleasant, even before the county was established in its final form, efforts were instituted to construct a courthouse in the center of the public square of that city, and a petition with a subscription list appended was presented at the second meeting of the "Supervisors Court", held on Monday, February 13, 1837, only a month after the date of the first election of county officers. In order to be sure of public opinion and sincerity, the supervisors "Ordered that A Sub-

scription issued in the Name of the Supervisors of Henry County" be "presented to those who wish to aid Building A Court House in The Town of Mount Pleasant and said house to be Built so it serve as Suitable house for county purposes to Be Respecable in size & quality and to Be Built in the centre of the public square".

Apparently "sundry citizens" were solicited at once and responded generously, for on the following day the supervisors were able to acknowledge the return of the subscription paper "with six hundred forty two dollars and fifty cents with considerable amount subscribed in Property." Thereupon, they "Ordered that a survey of the Land donated by Presley Saunders Be made in accordance with the old survey of the Town of Mount Pleasant and Recorded as a part of said Town plat or an addition thereto, and that there be A public sale of said Lots on the tenth day of April to the highest Bidder." Six months credit was allowed on good security, and the supervisors promised the same kind of title as had "heretofore Been given By the original Proprietors of the Town of Mount Pleasant."

Three days later, on February 17, 1837, upon the request of citizens of Mount Pleasant, a special meeting of the supervisors was held for the purpose of considering the scheme "to Build A

court house during the present Sumer." Tentative plans had apparently been made and the terms of a contract drafted, for the supervisors ordered that "the Contract to Build A Court house in Mount Pleasant pass the Bord and that the supervisors Receive seald Proposals for the work on said Court house after the publication of this order up to the tenth of April next in the way and maner that may be described." Samuel Brazelton, who was then leading the opposition to Mount Pleasant, may have been absent from this meeting, for he did not sign the order with the other supervisors.

According to statute, district court was first held in Mount Pleasant on the "first Friday after the second Monday in April". The supervisors arranged that the court occupy the room used by the township clerk. And so it came to pass that Judge David Irvin opened court on April 14, 1837, in a log cabin on the west side of the public square. W. W. Chapman acted as United States District Attorney, and Jesse D. Payne served as clerk.

When the county supervisors met in May they were confronted with a bill presented by Tillman Smith for the rent of his house for the district court. Whether the court was dissatisfied with the quarters provided by the county or whether the owner of the property tried to collect extra

rent is not clear from the records, but the supervisors ordered "that the said bill nor no part there of can be allowed."

Perhaps this experience stimulated new interest in a courthouse. The project which had held such bright promise in February seems to have languished in April. Perhaps the immediate erection of the courthouse was impracticable. Maybe some of the cash so cheerfully promised was not actually available, and probably the auction of the lots donated by Saunders yielded less than had been anticipated. Whatever the causes may have been, the supervisors ordered on May 9th "that the subscription obtained for the Building of A Court House in the Town of Mount Pleasant Be null and void."

This action appears to have been more for the purpose of clarifying the record than the result of a change of attitude, for the supervisors immediately resolved to "forthwith proceed to Build A court house on the public square in the Town of Mount Pleasant to be of the following size to wit: twenty four feet square and A story of ten feet between the Joice the said House to Be A Frame building. Provided the citizens of said Town And Vicinity will give them An aid sufficient to defray the Principal part of said Building And that A subscription issue in the name of the Super-

visors for the above object." No mention was made of the money obtained or yet to be received from the sale of lots. It would seem that such a building could have been built for the \$642.50 and "considerable amount" of property subscribed in February.

At a special session of the "Supervisors Court" on June 24, 1837, the sheriff was ordered to "Proclaim at the Door that the Court Request the attendance of the Citizens present to advise in Regard to the Erection of the Court House." Judging by what followed, neither the style of building nor the location on the public square was satisfactory. After some discussion the supervisors decided "to Let the Building of the Court House in the Town of Mount Pleasant on Lot No. 2 (two) in Block ten of the following size to (wit) 30 feet Long By 18 feet wide, ten feet high between the Joice the same to be weather Bordered and Shingled and the body to be A good frame to be completed with sleepers and Joice Door and Window frames and to be delivered to the Supervisors on or before the first day of September next". The contract was to be awarded to the lowest bidder who was required to give a "Bond and Good security" that the work would "be done in workmen like maner."

Thus the previous intention to build the court-

house on the public square was abandoned in favor of a location in the block east of the square, a site later occupied by the Eshelman Building. This plan did not meet with public favor, as sufficient support was not forthcoming. Having exposed the contract to build this courthouse to public bids, the supervisors reported that the lowest offer was \$275. "After viewing the Prospects of Voluntary subscriptions to be insufficient", the board decided to "Recind all former orders to build A Court House at this time."

If there was any agitation for a courthouse during the next nine months the county officials paid no attention to it. Meanwhile, in January, 1838, the boundaries of Henry County were changed so that Mount Pleasant occupied a more central location, and in February the county supervisors selected the southwest quarter of section 9 for county building purposes. In March three commissioners were elected to replace the former county supervisors. On April 3, 1838, L. B. Hughes appeared before the county commissioners and asked permission for the citizens of Mount Pleasant to build a courthouse, but the board refused to consent, probably due to the influence of Paton Wilson who hoped to have the county seat moved to Oakland Mills.

In spite of official disapproval a committee of

seven enterprising citizens was appointed to proceed with the project. If the commissioners were unable or unwilling to provide adequate quarters for the county officers, the residents of the town proposed to do it themselves. On April 28th, May 6th, and May 12th the following notice appeared in the *Burlington Gazette*. "The undersigned committee of Arrangements for the purpose of building a Court house in the town of Mount Pleasant, will receive sealed proposals up to the tenth day of May next, for 100,000 good merchantable brick, delivered on the public square, on or before the tenth day of August next. All bids must be accompanied with sufficient securities. The very desirable situation of this young and interesting town is so well known, the committee deem it unnecessary to say any thing in commendation. *But* they only solicit strangers to come and see for themselves.

Committee

Isaac Bowen,	Samuel Hutton,
L. B. Hughs,	Samuel Nelson,
J. H. Randolph,	W. S. Viney,
D. C. Ruberts."	

Apparently the members of the citizens committee were determined to accomplish their purpose. Instead of a cheap, one-story frame building they proposed to erect a brick structure,

twenty-four feet square and two stories high. Funds were raised by subscription, brick and lumber were delivered to the public square, and work was begun. The county authorities took no official notice of this activity. Perhaps the board was still hostile to Mount Pleasant, though after the election in September, 1838, it must have been obvious that the county seat was not likely to be moved. Probably there was some money in the county fund for buildings, but the commissioners were thinking of spending it for a jail instead of a courthouse. During the fall and winter, progress on the courthouse lagged and the citizens committee must have been discouraged.

Meanwhile, Hughes, Wallace, and Payne were busy in the Territorial legislature. On January 25, 1839, an act was approved to create in Henry County the office of county agent to sell the land that had been selected for county building purposes. As soon as Joseph B. Teas assumed the duties of that office the long stalemate in the construction of the courthouse and jail was broken. The pawns of politics began to move. John H. Randolph went to work on the jail and the county arranged to assume the task of completing the courthouse.

At a special meeting of the commissioners on June 3, 1839, Samuel Smith was authorized to

contract for "Such lumber as may be necessary for covering & enclosing the Court house." A month later the citizens' courthouse committee "delivered to the board of County Commissioners Sundry notes accounts &c to be applied to the erection of a Court house when collected and also Certain Brick &c on the public Square". For these assets John H. Randolph had paid the committee \$289.69 and the commissioners therefore ordered the county agent to reimburse Randolph out of the public buildings fund. Since the materials were worth more than the amount paid, the surplus was acknowledged as a donation to the county.

At the same meeting in July the commissioners contracted with Everett Rogers to complete the brick work on the courthouse by September 15th. George W. Patterson, one of the commissioners, whose term expired in August, contracted to do the carpenter work! On August 3rd, however, the commissioners rescinded this contract and made a new one with G. W. Patterson and Levi Hagar to avoid some of the appearance of favoritism. Agent J. B. Teas was "authorized to attend to examining, counting & receiving the Brick which is to be furnished by E. Rogers for the Court house".

Financing even so modest a building as this in

those early days was no small matter, although it appears that the courthouse was built and paid for without a bond issue or any special tax levies. The sale of land probably yielded considerable revenue. In default of the payment of certain subscriptions and notes, suits were instituted and judgments taken. A special "Fund for Public Buildings" was established, out of which the contractors were paid from time to time. In July the judgments, notes, and subscriptions were given "into the Care of G. W. Patterson for collection" on condition that the proceeds be applied to the payment of the amount due him for work on the courthouse.

By early autumn funds were evidently running low, and pressure had to be exerted to raise money to pay the bills. George W. Patterson was again authorized to proceed immediately to the "Collection of the Amount due on the Subscription given over by the Courthouse Committee," and to call on "A. B. Porter for the amount of his Subscription for the Building of the Courthouse & to inform said Porter that he may pay said subscription according to the terms of the same by designating the property which he wishes to give on or before the next day of Sale; Said property to be sold on the Same terms of the other County property & the proceeds to be Credited to him on

the Subscription." He was a member of the Territorial House of Representatives.

This sale of lots to raise additional money for the fund for public buildings took place on September 14th. Lots were sold both in the original town and in the commissioners' addition. Terms were one-half down and the balance in six months or the amount paid down would be forfeited.

Throughout the fall, work toward the completion of the new building proceeded slowly but surely, and on October 9th the Board authorized Patterson "to Contract for tin plates to be put on the roof at the Chimneys of the Courthouse to turn off the water", and, at the same time, "Ordered that Everett Rogers be allowed the sum of two hundred & seven dollars" for "23 thousand bricks furnished for the Courthouse." He was later allowed the additional sum of \$384.93½ to be paid on February 10, 1840, for "41,550 bricks furnished, laying up 159,450 & extra work in flaring jambs — being the balance due him for said work on the Courthouse."

On November 23rd Myron Kilborn was permitted to occupy a room in the courthouse for five months, from which it is evident that the building was substantially completed by the close of 1839. In January, 1840, the county commissioners "Settled with Patterson and Hagar for the Carpenter

Work on the Courthouse & according to the decision of the refferees" \$31.62 was deducted "for the Cupola which is not put up as in the agreement". A new contract was made with Patterson and Hagar to finish the work of putting "the remainder of the joists & the door frames in the inside as soon as Scantling can be obtained at the saw mills".

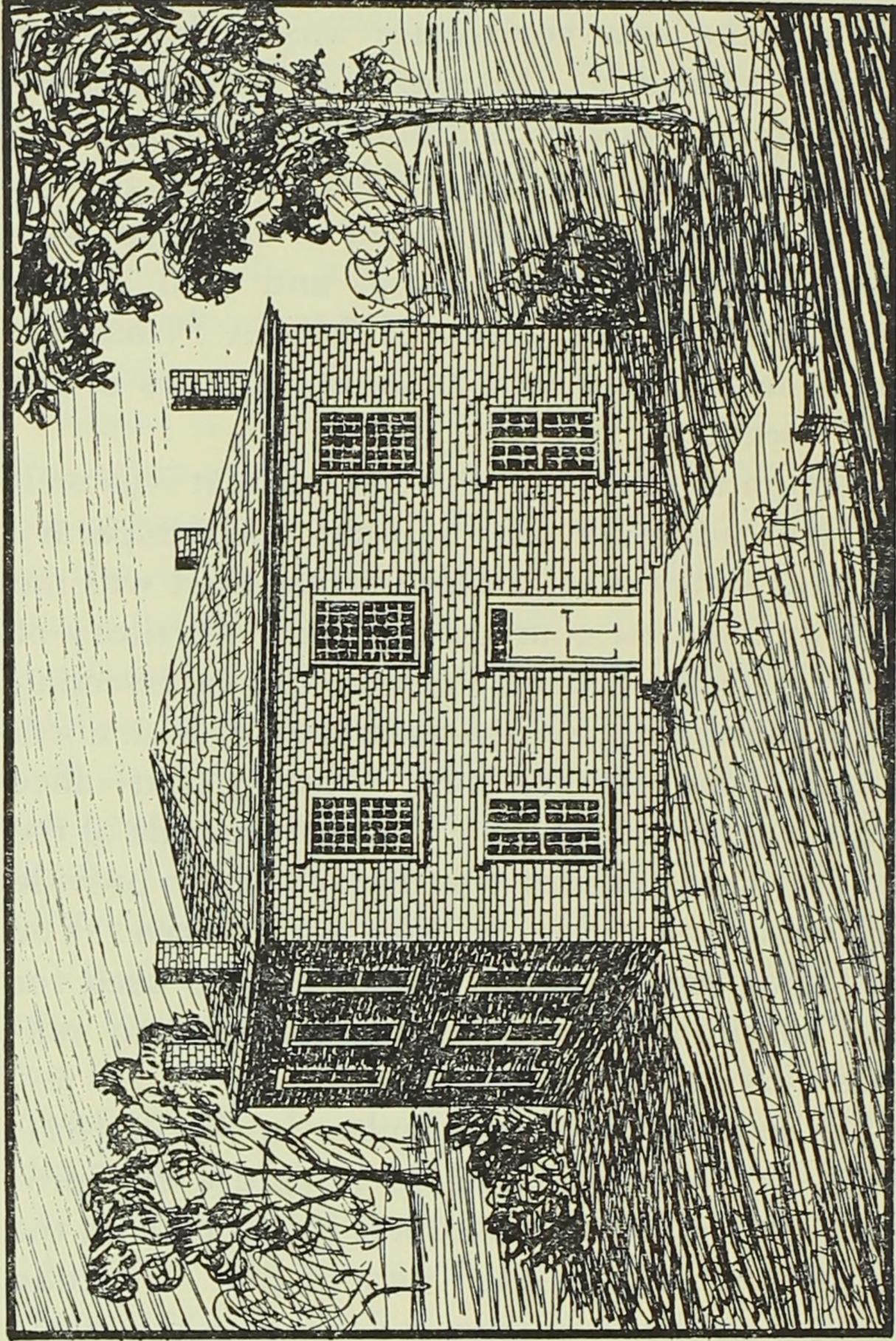
About a month later, \$1004.10 was allowed Patterson and Hagar, "being the last payment for the carpenter work on the Courthouse to be paid on the 10th day of February, 1840, out of the funds for the erection of public buildings." That the treasury was unable to cash this warrant is evident from the entry in April that \$100 be credited on this obligation and that "the remainder of the orders owing to Patterson & Hagar for work on the Court house shall draw interest at the rate of seven per centum per annum."

At the same time the clerk was authorized to rent the southeast room in the courthouse, reserving the use of it for a jury room at the time of the district court term. For finishing this room "in the Same way the other rooms are to be finished" the occupant was to have possession until March 14, 1842. He was given the benefit of what had already been done in return for allowing the county to have the use of it for a jury room.

While the new courthouse was probably not entirely finished by the spring of 1840, it must have been in a usable condition, since the board of commissioners occupied their new quarters for the first time. "At a regular term of the Board of County Commissioners begun and held at the Court house in the Town of Mount Pleasant," wrote the clerk at the head of the minutes of the April meeting.

Though the building was not large, it was well built and adequate for the time. Contemporary comment states that, "on its completion it was the finest and largest court house in the Territory of Iowa." On the lower floor were two intersecting corridors running through the building, from north to south, and east to west, creating four office rooms, one in each corner. At least one side of the east and west corridor was later closed to provide additional space for records and offices. The court room on the upper floor was also used for other meetings of various kinds, including religious services.

The cupola was never built. In April, 1841, the clerk was "required to advertise for proposals" to cover "the place left for Cupola on the top of the Court house" and to put "Venetian Shutters on the Windows & Casing on the inside of the Windows & fixing a transom over the door



DRAWN BY SHIRLEY BRIGGS

FROM AN OLD PHOTOGRAPH, COURTESY OF WILL DYALL

THE FIRST HENRY COUNTY COURTHOUSE

in the upper story of the Court house." This was apparently the last item in the records concerning the erection of the building, the full cost of which was never definitely recorded. It has been stated that the total amount of the public subscription for the courthouse was about \$3000, and so it is estimated that the entire cost must have been between three and four thousand dollars.

"Right well" the old courthouse served its purpose, wrote a citizen on the occasion of its demolition in 1871. "Many a Judge has there sat in judicial dignity in the 'old pulpit'; many a jury has been wearied by trials that had better never been tried; many a witness has been bothered and badgered; many attorneys have had their say, and with mighty voice and powerful gesture, pleaded the cause of their clients. The gospel, too, has there been preached, and some of the ablest itinerants that ever rode an Iowa Circuit have held forth to interested hearers." Far from being "a disgrace to town and county", it was "a handsome building at one time, and a matter of county pride".

BEN HUR WILSON

Building the County Jail

One of the very necessary adjuncts to the courthouse, and the county government, was the jail. As an institution it served a dual purpose in pioneer times, and still does in most Iowa counties, being both a residence for the sheriff and a place for the confinement of prisoners. Such an arrangement not only simplified the task of boarding the prisoners, but of guarding them as well.

A hundred years ago the jail was simply a "lock-up", consisting of a separate room with a barred door and windows in one corner of the dwelling occupied by the sheriff, or, perhaps, only a one-room log cabin near the sheriff's house. Penalties usually took the form of fines instead of confinement of prisoners at public expense. The rude jails were used chiefly for custody of persons awaiting trial.

The pioneers of Henry County were unusually law-abiding. The only criminal case at the first term of district court in April, 1837, appears to have been the result of a brawl or series of fights, but only one combatant was convicted. Due to the illness of Judge Irvin, the fall term of court was not held in Henry County. In April, 1838,

William S. Talley was tried for arson, but acquitted. Though there seemed to be little need for a jail, a petition for the construction of one in Mount Pleasant was presented to the county commissioners. At their meeting on July 3, 1838, they laid the request on the table until their October session.

Meanwhile, no serious public offenses appear to have been committed. At the October meeting, after some discussion, the commissioners appointed John H. Randolph, William S. Viney (the county treasurer), and B. F. Wallace on a committee "to ascertain the Probable amount it will Take to Build A Temporary Jail and Report to the next Term of this Board and also the kind or maner of the Building."

Evidently this committee failed in their assigned duty, for at the January meeting in 1839, the county commissioners appointed John H. Randolph, John B. Lash, J. B. Teas and Bushrod Adkins "to Report on tomorrow the probable amount it will Take to Build a Tempory Jail & the plan of said Jail."

This time chairman Randolph succeeded in getting some action on the subject. Perhaps he was the leader from the beginning. At any rate the plans reported the following day by these gentlemen proved satisfactory, for the board ordered

“that John H. Randolph and John B. Lash are authorized and Empowered to Let to the Lowest Bidder the furnishing of Eighty Six Logs, Sixteen feet Long & Ten Inches square well Hude to Be of oak Timber, & six hundred feet of oak plank fourteen feet Long & two Inches thick and also twenty five hundred shingles & four hundred & fifty feet of Sheeting & Eighteen Rafters Ten feet Long all the above to Be delivered in Mount Pleasant By the first of April next, and Be it further ordered that the said Randolph & Lash is hereby Required to advertise Ten days previous to the day of Letting the Same in four Publick plaíses in the County by setting up written notices and that the person or persons under Taken such contract Shall Be Required to give Bond & Security for the faithful performance of Said Contract and that the Said Materials Shall Be paid for out of any money in the County Treasure not otherwise appropriated.”

The committee must have discharged its duty by the time the commissioners met in March, because the board prepared to let a contract on April 2, 1839, “to the Lowest Bider for the erection of a Jail of the following dementions to wit: the Said Jail to Be of Hude Timber Ten Inches Square 16 feet Long of oak Timber to be duff-tailed at the Corners and to be Layed Down Clause

[close] — the Body of Said Jail to Be Twelve Logs High, the floor & Loft to Be of the same Kind of Timber & to Be covered with Clab board all of the Said Work to Be done in a maner to Be approved of by the Commissioners. The Said Job to Be Completed By the first Monday in August next — the Contractor to Give Bond with approved security.”

The records do not reveal whether Randolph furnished the materials for the jail, but he got the contract to build it. Maybe there were not many bidders. The work progressed according to schedule during the spring and summer. At a special meeting of the county commissioners on August 3, 1839, “John H. Randolph and W. Cheney came forward to deliver up the Jail which they had Contracted to build & the board being of opinion that the Same is done according to Contract it is Ordered that it be received & the Bond given therefore Canceled.” John H. Randolph was then allowed the “sum of two hundred & forty three dollars,” as his “compensation in full for building a Jail in Mount Pleasant & that the agent be required to pay the Same out of any money in his hands not otherwise appropriated.” Thomas Leas was paid “the Sum of Seven dollars, out of the fund for the erection of Public Buildings for putting in grates & sawing down the cor-

ners of the Jail". Three weeks after the jail was accepted, Randolph narrowly escaped occupying his own calaboose. He was fined five dollars for assault and battery.

In 1841 the county paid Wm. L. Dash & Sons "13.06 $\frac{1}{4}$ c for nails for jail", and at the same time the commissioners "contracted with Dan'l Bates to lay the floor of the Jail & line the walls & make two doors, as per agreement on file". No further reference to the old log jail appears in the early records of Henry County.

According to the specifications the jail was a simple, square cabin well built of heavy logs and finished with clapboard siding. Some say that a second story of frame construction was added later. It appears to have stood east of the alley in about the center of the block immediately south of the public square, probably at the rear of lot 6 in block 8. This was a convenient location so far as the new courthouse, then under construction, was concerned. While the log jail was intended to be temporary, it served the county well for several years, until a more pretentious two-story jail of stone and brick was erected on the south side of the same block, near the alley on lot 8. This second jail was used for many years, and is yet remembered by some of the older citizens of the community.

BEN HUR WILSON

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