

In Defense of Claims

This month of March, 1939, marks the one-hundredth anniversary of the organization of a typical pioneer institution. Though extra-legal, its influence was extensive and the benefits it conferred upon the settlers were of inestimable value. The name of this organization was the Claim Association of Johnson County.

Until late in the thirties the area now known as Johnson County was a veritable wilderness which constituted a hunting ground for Poweshiek's Sauks and the Fox Indians. According to an act of Congress the "possession of, surveying, marking off, or occupation by any and all persons of any portion" of the public domain was forbidden until the Indians were removed and the land surveyed. By the treaty of 1837 the Indians were eliminated and eager pioneers ventured into the new country. Possession of the land was still without legal right, but settlers were tolerated by the government. In May, 1838, the sheriff counted 237 squatters in Johnson County.

The catalyst for the settlement movement in Johnson County was an American Fur Company trader by the name of John Gilbert, who, in 1836,

persuaded Eli Myers and Philip Clark that his sphere of operation was their promised land. These two men rode horseback from Indiana to investigate, and became the county's first white settlers. They so ably spread the gospel of rich soil, healthy climate, and abundant timber and stone for building that a number of their Indiana friends and neighbors packed, lock, stock, and barrel, and trekked forthwith to the banks of the Iowa River. Johnson County was created in December, 1837. In August, 1838, Governor Lucas appointed S. C. Trowbridge sheriff and instructed him to organize the county. Officers were elected on September 10th at Napoleon.

In the following winter the Territorial capital was located by law in Johnson County. This aroused the settlers. What was to prevent speculators and undesirable citizens from coming in and exploiting the area, depriving honest settlers, already on the land, of their homes? Unless concerted action was taken, every claim in the county would be jeopardized. The settlers talked over the situation, and on March 9, 1839, at a grand meeting, the constitution for the "Claim Association of Johnson County" was adopted. S. C. Trowbridge, the county sheriff, was elected the first president of the Association. Nearly every settler in the county was present, and 282 signa-

tures were affixed to the constitution. These included the names of the humblest squatters as well as the signature of Governor Robert Lucas.

Similar claim associations for the protection of the settlers were not unique, but the constitution of the Johnson County Claim Association was probably the most elaborate in Iowa. Close scrutiny of the faded pages of the original manuscript, which is now housed in the library of the State Historical Society of Iowa, will show with what care and foresight those early pioneers guarded their interests. As an organic law, the constitution was ideal. It named the officers and prescribed their duties — a president, vice president, clerk or recorder of claims, deeds, or transfers of claims, seven judges or adjustors of claims or boundaries, and two marshals. Samuel H. McCrory, one of the most prominent men in the community, was elected recorder, and he held this position throughout the life of the Association.

Most of the onerous duties fell to the adjustors of claims and the marshals. The duties and powers of the former were "to decide on all questions of dispute relative to the rights of claims or parts of claims as the case may be and settle all disputed lines or boundarys, between members of this association or members of this association and any other individuals". The marshals had "to serve

all processes that may be handed them", enforce the decisions of the judges, and "demand the assistance of sufficient number of the members of this association if they find it necessary to carry all decisions and laws in to effect." But these doughty officers had plenty of backing, as is shown by extracts from the minutes of a meeting held in 1842. On July 2nd it was resolved that, "more effectually to sustain settlers in their just claims according to the custom of the neighborhood and to prevent difficulty and discord" the members pledged their honor not to associate, trade, barter, deal, or neighbor with any "enemys of justice and good order" who refused to respect the claims of settlers. Moreover, the Association officially declared that any person who attempted to intrude upon the rightful claim of another and "take away a portion of the hard earnings of the enterprising and industrious setler is dishonest & no Gentlemen".

Within a few months after the Association was formed, the marshal utilized the full power of his office and called forth all the members. This unprecedented muster was deemed necessary because a man named Crawford had brazenly taken possession of a claim lying about one mile north of Iowa City belonging to Association-member William Sturgis. At ten o'clock on the morning of

November 7th about sixty stalwart frontiersmen marched in a body to the claim-jumper's cabin. The company surrounded the place and then called a parley. Crawford, busy putting some finishing touches on his house, was asked to abandon his claim, but he refused and warned his visitors against molesting him. Sturgis then offered to pay him for all labor performed on the property if he would leave peaceably and relinquish his claim; but Crawford emphatically refused. "Without a moment's delay," related a witness, "the men ascended the corners of the house, and in fifteen minutes there was not a vestige of it left standing. Mr. Crawford was left in amazement, with axe in his hand, in the center of the vacant space once occupied by his cabin." Having administered this warning, the company dispersed.

Not long afterward another "call-to-arms" was issued. Crawford had rebuilt his house and moved in with his wife and family. This time the settlers determined to stop at no half-way measure. Whatever their plan may have been, it was not put into effect, for when they arrived upon the scene a meek and humble Crawford met them. After a short conference with Sturgis a peaceful agreement was reached. Afterward, it is related, Crawford tried to substantiate his claim in court, but nothing came of the proceedings.

The only other disciplinary measure recorded was a whipping administered to Charles Berryhill for claim jumping. By order of the club Joseph Stover gave the lashes.

Article 3, Section 1, of the constitution, gave explicit directions to the members for making and recording their claims. "All members of the association shall be required in making claims to stake them off or blaze them in such a manner that the lines of such claims can be easily traced or followed". Corners marked by a tree or stake were to be identified by the initials of the claimant. In no uncertain terms did William H. Harris describe his claim: "Commencing at a certain Oak Tree at the North East corner Running South 1 Mile to a certain Stake at the South East Corner thence west $\frac{1}{2}$ mile to a Certain stake at the south west corner thence North 1 mile to a certain Bur Oak Tree at the North west corner thence East $\frac{1}{2}$ mile to the place of beginning containing 320 Acres."

Many of the claims recorded were described in much more detail, and the claimants used every device imaginable in locating their property. Some of the entries, however, were very short, for instance: "Walter Clark has this day made the following Claim Towit all of that party of the N W qr of Sect 15 in Township 79 N R 6 west

which Lyes west of the Iowa River in Johnson County”.

During the four years of the Claim Association's history there were but two government land sales. One was held at Dubuque in 1840; the other at Marion in 1843. When the date of the first sale was announced, the Johnson County Claim Association elected a “bidder” and “assistant bidder” for townships seventy-nine north, ranges five and six west of the fifth principal meridian (the township containing Iowa City and the one directly east). The settlers arrived at Dubuque early enough to make all necessary arrangements for the sale on Monday, August 3rd.

As Cyrus Sanders, a member of the association, related: “When the time came for the sale to begin, the crier stepped out on the platform, and inviting the bidder and assistant to take places on the platform beside him, took hold of one side of the plat,” and began to sell the land in eighty-acre pieces. “When he came to a tract with a name written on it, he would strike his hammer down, and give the name to the clerk. He thus proceeded, taking the sections in numerical order. The two townships were offered in less than thirty minutes. During this time the claimants stood in a compact semicircle in front of the platform in breathless silence, not a sound being heard except

the crier's voice. The purchasers were then admitted, two or three at a time, to pay for the land and receive their certificates."

The second sale, held at Marion, was probably conducted in much the same manner. Again the Claim Association was prepared to act in behalf of its members. Minutes of a meeting just before the sale contain the following resolution: "where as for the purpose of protecting the claimants and securing to him his just right & for the purpose of preventing the speculator from takin from the settler the hard earned fruits of his Labour — Therefore be it Resolved. that the members of this association hereby pledge themselves to unite their influence, to secure to each and every member of this association any claim to which he is justly entitled by preventing any other person or persons from entering the same without the claimants consent".

Soon after the land sale at Marion, the Claim Association of Johnson County disbanded. Its usefulness was over. For four years it had kept a record of land holdings, listed transfers, prevented claim jumping, and kept order in the community until civil government was established. It was a remarkable demonstration of the capacity of the pioneers for self-government.

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