

# THE PALIMPSEST

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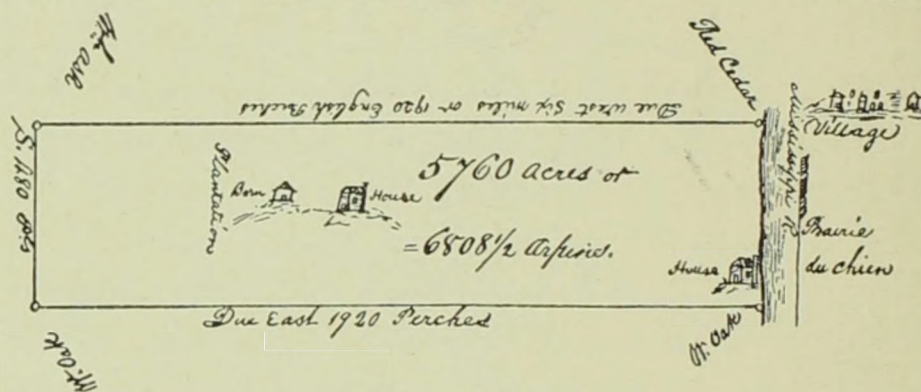
## The Giard Tract

Some years ago two young men from western Iowa found a farm crowning the Mississippi bluffs in Clayton County that seemed to them a desirable possession. They negotiated for its purchase; an abstract of title was furnished, the transfer was made, and the deed duly recorded. When the transaction was later reviewed by a lawyer, he questioned the validity of the title and suit was brought to test it. The judge, who was familiar with the findings in previous legal transactions of its kind, made the necessary explanations and dismissed the case.

The farm was a part of the old "Giard grant", one of the tracts lying within the boundaries of Iowa which were granted by the government of Spain to Frenchmen resident thereon. This grant was eventually recognized by the United States government as a legal transfer. Any freeholder who can trace a land title to Basil Giard is secure in the possession of his property.



Located on the west bank of the Mississippi River nearly opposite the original settlement at Prairie du Chien, the Giard grant contained 6808  $\frac{1}{2}$  arpents by the French unit of measure, or approximately 5760 acres. Beginning at a red cedar tree on the west bank of the river opposite Prairie du Chien, the northern boundary of the tract ran due west six miles to a white ash tree, thence the line ran south a mile and a half to a white oak tree, and from there due east to another white oak on the west bank of the Mississippi.



FROM THE ANNALS OF IOWA, VOL. 16, P. 625

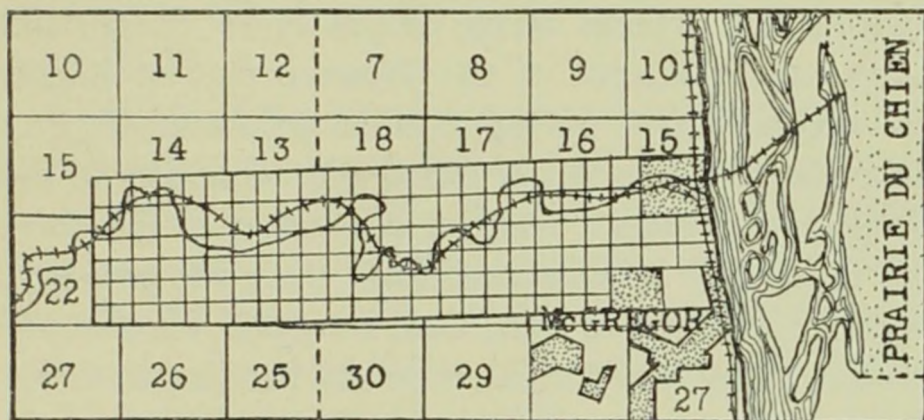
FACSIMILE OF THE PLAT OF THE GIARD TRACT  
DRAWN BY THE SURVEYOR IN 1807

Besides an extensive farming community, the town of Marquette and part of McGregor are now included in this area.

Probably as early as 1779, Basil Giard was trading with the Indians and trappers at Prairie du Chien. In the course of time, perhaps in 1785, he began cultivating a few acres across the river, enclosed his crops with a brush fence, and eventually built a cabin. By 1796



his plantation "on a bayou, nearly opposite to Prairie du Chien," was occupied by a farmer who raised some corn and had some stock on the place. Four years later as much as fifty acres was said to be under cultivation. During all these years, Giard had not been disturbed in the possession of his "plantation" either by white men or Indians. According to local opinion, the land belonged to him by right of occupation and cultivation.



THE GIARD TRACT AND VICINITY

Nevertheless Giard had no legal title to his claim. To remedy that deficiency he petitioned the government of Upper Louisiana on October 15, 1800, for a land grant. "Bazil Giard, subject of his Catholic Majesty, has since fifteen years, occupied a tract of land, situated about half a league from the river Mississippi, and has constructed buildings thereon, and made considerable expenses to improve the said land", he declared. "The petitioner, who has a wife and



three children, humbly asks for the said land, according to the privileges granted to the faithful subjects of his Catholic Majesty; and your petitioner, respectfully requests that you will inform yourself from the Citizens of St. Louis as to his Conduct and Character, since he became a subject of the King of Spain; and he hopes that said information will be such as to justify you in Granting his demand".

A month later, Don Charles Dehault Delassus, "Lieutenant Colonel of the armies of H. C. M. and Lieutenant Governor of the Western part of Illinois and dependencies", having received satisfactory reports as to the good conduct of Giard and his fidelity to the Spanish government, issued a concession of the claim "in order that he may peacefully enjoy his property, as well himself as his heirs, until he applies for the concession to my lord the Intendent by handing to us his petition, wherein he shall specify the number of arpens of land, he is settled upon, in order that a regular title may be furnished him, similar to all those which are granted in the name of H. C. M. to his faithful subjects."

Furthermore the Lieutenant Governor recommended that Giard "help with all means in his power, the travellers who should pass at his house, as he has done hitherto — and to preserve a good understanding between the Indian nations and our government, as well as to inform us with the greatest care of all the news



which he shall gather, and which could affect the peace and property of our settlements."

In compliance with the governor's recommendation, Giard apparently entered his claim to about four and a half sections of land, including the site of his farm, for the grant specified an area of 6808  $\frac{1}{2}$  arpents. The exact location and shape of the tract seems to have been uncertain for a number of years. Not until May, 1807, was the grant surveyed and the plat recorded. Meanwhile Giard and his family continued to occupy the land.

Even before the grant was consummated, Spain had retroceded Louisiana to France, but the treaty expressly provided that all titles to land legally held under Spanish grants were to be recognized by France. Three years later France sold Louisiana to the United States, and again the same covenant respecting the legality of Spanish land grants was made.

Shortly after the purchase of Louisiana, President Jefferson sent Lieutenant Zebulon M. Pike up the Mississippi River to explore the territory. In his journal, Pike mentions a little group of three houses on the western bank opposite Prairie du Chien. They were then occupied, probably by the Giard family. In 1808, however, the settlement was abandoned; Giard's application for confirmation of his title had been denied by the Recorder of Land Titles in 1807. Moreover, Giard wished to establish his claim to certain town



lots in Prairie du Chien. So he moved to the French town and soon after blandly swore that it had been his legal residence for many years.

At his death, Basil Giard left three heirs, his daughters Lizette and Mary, and a grandchild, Felicite Giard, daughter of Angelie Giard. In 1816 the Recorder of Land Titles at St. Louis recognized the validity of Giard's claim to his Spanish grant, and title was confirmed by an Act of Congress relating to Spanish grants in this territory. Meanwhile the family had scattered. Mary Giard married Tunis Bell, Lizette married Francis Chenevert, and Felicite married Paul Dussaume. In 1832 the Bells deeded an undivided one-half of the tract to James H. Lockwood, a prominent citizen of Prairie du Chien. When they realized later that Felicite was also an heir, this was changed to an undivided one-third. In 1836, the other two heirs deeded their shares to Lockwood and Thomas B. Burnett, in partnership. The deeds were all duly recorded. By that transaction the Spanish grant went out of possession of the Giard family.

IOLA B. QUIGLEY