

The Half-breed Tract

In the early decades of the nineteenth century Indians roamed in Iowaland. There were Indians on the plains, along the streams, by the lakes, and in the woodlands. There were great Indian chiefs, strong Indian braves, and many charming Indian maidens. Among these tribes had come white men, trappers and traders, who were as gallant as they were venturesome. Some of them married Indian women and remained in the Iowa country, living either at the frontier posts or at the Indian villages. Their children were half-breeds, whose way of life was usually more Indian than white.

In the summer of 1824 ten chiefs of the Sauk and Fox tribes, accompanied by Indian agents and interpreters, left their village homes in the valley of the Upper Mississippi River and journeyed to Washington to visit their "Great Father", the President of the United States. For the sake of perpetuating peace and friendship with the government, this deputation of head men, on August 4, 1824, relinquished their claim to all the land they possessed in the State of Missouri, except a triangular area lying between the Des Moines

and Mississippi rivers south of the northern boundary of Missouri. This tract, comprising approximately 119,000 acres located in what is now Lee County in the extreme southeastern part of Iowa, was reserved "for the use of the half-breeds belonging to the Sock and Fox nations" by the same title and in the same manner as other Indian lands were held. In other words persons of mixed Indian and white blood, and presumably their parents or grandparents if of different races, were to have possession of this Half-breed Tract, though the land remained a part of the public domain of the United States subject to control by the national government but not to be sold in fee simple until the Indians were removed.

When possession of this area was first given to the half-breeds, the land was considered as of little value and slight consideration was given to actual ownership or title. The few half-breed residents were more concerned for the time being with Indian trade and river traffic. The difficulty and confusion did not develop until settlers began to arrive in large numbers.

The first pioneers in the Iowa country were interesting people. Dr. Isaac Galland in writing of them some years after their arrival said: "It is true that they did not render themselves notorious, either by their turmoils with each other or by their

inhuman brutality toward the natives, as many other settlers upon the frontiers have done. But as long as benevolence and humanity, industry and enterprise, virtue and talents, deserve to be remembered the names of Russell Farnham, Dr. Samuel Muir, Joshua Palen, John Connolly, Moses Stillwell, Maurice Blondeau, Andrew Santamont, John Gaines, Thomas Briely and James White should not be forgotten."

As early as 1820 Samuel C. Muir, a surgeon in the United States army, who was stationed at Fort Edwards, now Warsaw, Illinois, crossed the Mississippi River and built a log cabin at Puckeshetuck, "Point or Foot of the Rapids", on the present site of Keokuk. Dr. Muir, like many another early settler, was not immune from the beguiling influences of Indian maidens, and had taken one of them for his wife. After building his cabin in Iowa he leased it for a term of years to residents of Saint Louis, and went to the Galena lead mines, where he practiced his profession for ten years, returning to Keokuk in 1830.

Meanwhile a second settlement had begun to develop in the Half-breed Tract, a few miles north of Keokuk, near the present site of Montrose. This settlement was first called Ahwipetuck. Later it was named Nashville, and still later it came to be known as Galland, in honor of Dr.

Isaac Galland. It was at this location, and largely under the influence of Dr. Galland, that in 1830 the first school was established in the Iowa country. The opening of this school, although now looked upon as a significant event in Iowa history, was then considered as of no great moment. No teacher's examination, no certificate, and no minimum wages were taken into consideration. Dr. Galland, having decided that a school was necessary for the development of culture, had crossed the river to Commerce, Illinois, and hired Berryman Jennings as the first schoolmaster in Iowa. The building in which this school was held was a small log cabin. The pupils were few in number, but the "district" was very large — extending from the boundary of Missouri northward to Canada, and from the Mississippi River westward to the Rocky Mountains.

By the latter part of 1830 the little community at Keokuk had grown sufficiently to maintain a school. In December of that year and the opening months of the succeeding year, I. K. Robinson taught the youth of that pioneer settlement. In those early days, Iowa had no churches and no courts, but the sturdy pioneers, looking forward to the time when their children would govern a great Commonwealth, would not do without schools.

These two pioneer settlements at Keokuk and Galland were advantageously situated because steamboats on their voyages up and down the river had to unload their cargoes at these points in order to be lightened over the rapids. By March, 1833, the Half-breed Tract had been surveyed and plats and field-notes were forwarded to Washington. As late as September of that year, however, no division of the reservation had been effected, but requests were made that each half-breed claimant be given his share of the Tract.

It is significant that, although trespassers upon government lands in the north were rigorously excluded and driven out by United States troops prior to the legal opening of the Iowa country, squatters upon the Half-breed Tract were never molested. Only a few white men had drifted in before the thirties. Moses Stillwell came to Puckeshetuck with his family in 1828, Dr. Galland settled at Nashville in 1829, and Isaac R. Campbell arrived in the following year. These, it may be said, were advance agents of civilization, for no portion of Iowa was opened to white settlers until June 1, 1833.

As the population in the Half-breed Tract increased, the land became more valuable and there was continual agitation to give the individual half-

breeds titles to their share of the land so that they might dispose of their interests to incoming purchasers. To meet this demand Congress passed an act in 1834 which relinquished all rights, titles, and interests in this tract and vested them in the half-breed residents.

Difficulties at once appeared. Speculators came in and claimed title by purchase from half-breed owners. Nor were shrewd dealings and connivings confined entirely to the ranks of the white men. Sometimes a full-blooded Indian sold a tract of land "in which he had no earthly interest". Sometimes a half-breed of some other tribe "palmed himself off" as a half-breed Sauk or Fox, and in other cases genuine half-breeds sold and conveyed their interests to several different parties. Moreover, actual settlers urged the validity of their claims based upon the fact that they entered the land under the impression that there was no title vested in any one — that the land still belonged to the government and that they were entitled to preëmption rights as first settlers. Thus it became extremely difficult to distinguish between honest and bogus titles. This confusion was the basis for many long and bitter law suits.

As immigrants continued to arrive the land titles became more and more complex. The expediency of determining just claims gave rise in

January, 1838, to a Territorial legislative measure which provided for a partition of the lands among those having valid claims. Three commissioners were appointed to receive testimony concerning claims, and a fee of six dollars each per day was allowed for their services. The expenses thus entailed resulted in a judgment and an execution sale of the entire tract to H. T. Reid for the sum of \$2885.60. Thus for a mere pittance Mr. Reid became the ostensible owner of one of the largest estates ever privately held in Iowa.

Shortly before this sale was consummated, Francis Scott Key, author of the "Star Spangled Banner", who was then an attorney for a New York company having extensive land interests in the Half-breed Tract, drew up a decree by which this area was divided among one hundred and one half-breed claimants. Thus for every acre of this area there were two paper titles — one resulting from the decree and another issuing from the execution sale. In addition to these, many claims were made by squatters who had settled there with the hope of later acquiring title to a homestead.

For a decade and a half, land titles in the Half-breed Tract were frequently before the courts of Lee County. Sometimes claimants from each of these three sources of titles were involved. In at

least eleven instances matters involving half-breed titles were taken to the Supreme Court of the Territory or the State, and in one instance the matter was appealed to the Supreme Court of the United States. In accordance with the decision of the latter tribunal in 1850, land titles in the Half-breed Tract are traceable to the partition drawn up by Francis Scott Key.

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