

**IOWA AND THE
CENTENNIAL:
THE STATE ADDRESS**

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Iowa and the Centennial: The State Address by C. C. Nourse

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C. C. NOURSE

**IOWA AND THE
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Iowa and the Centennial.

THE STATE ADDRESS

DELIVERED BY

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HON. C. C. ^{Charles} NOURSE,

AT PHILADELPHIA,

THURSDAY, SEPTEMBER, 7, 1876.

DES MOINES:
IOWA STATE REGISTER PRINT.
1876.

ADDRESS OF HON. C. C. NOURSE.

MR. PRESIDENT, AND LADIES AND GENTLEMEN:—On the 13th of May, A. D., 1673, James Marquette and Louis Joliette, under the direction of the French authorities of Canada, started from the Straits of Mackinaw, in their frail bark canoes, with five boatmen, "to find out and explore the great river lying to the west of them, of which they had heard marvelous accounts from the Indians about Lake Michigan."

From the southern extremity of Green Bay they ascended the Fox river, and thence carried their boats and provisions across to the Wisconsin. Descending that stream, they reached the Mississippi on the 17th of June, and entered its majestic current, "realizing a joy," wrote Marquette, "that they could not express." Rapidly and easily they swept down to the solitudes below, and viewed on their journey the bold bluffs and beautiful meadows on the western bank of the stream, now revealed for the first time to the eyes of the white man. This was the discovery of Iowa.

By right of discovery, France claimed jurisdiction over the country thus visited, until 1763, when she ceded it to Spain. Spain ceded her possession in the Valley of the Mississippi back to France in 1801.

By treaty, signed on the 30th of April, 1803, the First Consul of the French Republic ceded these possessions to the United States. At this date the greater portion of the country afterwards constituting Iowa, was in the possession of the confederated tribes of Sac and Fox Indians. The first occupation under claim of title, by a white man, of any portion of Iowa soil, was by Julian Dubuque, a native of Canada, who, in 1788, obtained from Blondeau and two other chiefs of the Fox Indians, what he asserted was a grant of lands. He bounded his claim as seven leagues on the west bank of the Mississippi, from the mouth of the Little Maquoketa river to the Tete Des Morts, and three leagues in depth. He also had a qualified confirmation of this grant from Carondelet, the Spanish Governor at New Orleans. He took to wife an Indian squaw, and occupied the mines until the time of his death, 1810, employing about ten white men in digging mineral. He was buried on the bluff of the Mississippi at the mouth of Catfish creek, and the city and county of Dubuque were afterwards named for him.

The Supreme Court of the United States in 1854 decided that his grant was no more than a temporary license to dig ore, and constituted no valid claim to the soil. (16 Howard Rep., 224.)

On the 30th of March, 1799, Louis Honore Tesson, also a native of Canada, obtained permission from the Lieutenant Governor of Upper Louisiana to establish a trading post at the head of "the lower rapids of the Mississippi river, with the concession of a "sufficient space to make the establishment valuable for the commerce of peltries, to watch the Indians, and keep them in fidelity to his Majesty." He made such a settlement, and it was sold to one of his creditors at sheriff's sale on the 15th of May, 1803, for \$150. This claim was afterwards allowed to the extent of 640 acres, and Martin Van Buren issued a patent therefor, February 7, 1839. The Supreme Court of the United States in 1852 adjudicated the title valid, and it now constitutes the oldest legal title to any land within the State. (14 How. Rep. 513.)

By an act of Congress approved March 26, 1804, the boundary between Upper and Lower Louisiana was established. The lower country was called the Territory of New Orleans, and the upper the District of Louisiana. The District of Louisiana embraced the present States of Arkansas, Missouri, and Iowa, and was attached to the Territory of Indiana for political and judicial purposes.

In 1805 General Pike made an official visit to the Mississippi border of our State, chiefly to advise the Indians that the United States had acquired the sovereignty over the country. In 1804 the expedition of Lewis and Clarke to the head waters of the Missouri, visited the western border of Iowa. They buried one of their number, Sergeant Floyd, on a bluff of the Missouri, near the mouth of the Sioux river. It has ever since been known as Floyd's Bluff. They also held a council with the Indians near the northwest corner of the present county of Pottawattamie, thereafter known as Council Bluffs. The name has since been transferred to the county seat of the county, now known as the city of Council Bluffs, the present eastern terminus of the Union Pacific Railroad. In 1807 Iowa was organized with the Territory of Illinois; and in 1812 she was included in the Territory of Missouri. In 1821, when Missouri was admitted into the Union as a State, Iowa was left, for the time being, a "political orphan," until attached to Michigan Territory, in June, 1834. During this interregnum it is probable that the only civil law in force in Iowa was that provision of the Missouri bill that prohibited slavery and involuntary servitude in the territories of the United States, north of 36 degrees 30 minutes,

north latitude; and the constitutionality even of this precious remnant of *Lex Scripta* was afterwards seriously questioned by the Supreme Court of the United States.

At the close of the Blackhawk war, and on the 15th of September, 1832, General Winfield Scott concluded a treaty at the present site of the city of Davenport, Iowa, with the confederated tribes of Sac and Fox Indians, by which the Indian title was extinguished to that portion of Iowa known as the "Blackhawk Purchase." This was a strip of land on the west bank of the Mississippi river, the western boundary of which commenced at a point where is now the southeast corner of Davis county; thence to a point on Cedar river, near the northeast corner of Johnson county; thence northwest to the neutral grounds of the Winnebagoes, thence to the Mississippi to a point above Prairie du Chien, and contained about six million acres of land. By the terms of this treaty the Indians were to occupy the land until June 1, 1833.

After the death of Julian Dubuque, in 1810, the Spanish lead mines were worked but little. In 1838 the miners from the east side of the Mississippi were permitted to cross the river and settle upon the land; but as soon as they commenced raising the mineral the United States put in an appearance by an agent, who assumed control of the mineral lands and required the miners to take out permits for limited privileges, and to deliver their ore to a licensed smelter, who paid the government a royalty on the lead manufactured. These restrictions became so odious, and were so hard to enforce, that the government abandoned them in 1846 and put the lands into market.

In the spring of 1836 John King purchased at Cincinnati, Ohio, and brought to Dubuque, a Smith press with the necessary type, and published a newspaper called the *Dubuque Visitor*. William Cary Jones was foreman of the office at a salary of \$350.00 a year and boarding. Andrew Keesicker was compositor. In 1842 this press and type were taken to Lancaster, Wisconsin, and on it was printed the Grant County *Herald*. Subsequently the same press was taken to St. Paul, Minnesota, and from it was issued the first paper printed in Minnesota Territory, called the *St. Paul Pioneer*. In 1858 the same press was taken to Sioux City Falls, in Dakota Territory, whereon to print the first newspaper published in that Territory, called the *Dakota Democrat*. In March, 1862, the Sioux Indians burned the town of Sioux City Falls, and this pioneer of American civilization perished in the flames.

From 1834 to 1837 the government had a camp established at Mont-

rose, on the Mississippi, which was called Camp Des Moines. At the foot of the rapids was an old trading house, afterwards known as "Rat Row," and two or three old cabins. This was known as the point afterwards named for Keokuk, the eloquent old chief of the Sac tribe. The first settlers here were engaged chiefly in lighting and towing freights over the Des Moines Rapids.

In a treaty made with the Sac and Fox Indians in 1824, there was reserved for the use of the half-breeds of their tribes, in the south part of what was afterwards Lee county, a very valuable tract of land containing about one hundred and thirteen thousand acres. By an act of Congress, approved June 13, 1834, the government released to these half-breeds, as tenants in common, the fee simple title to these lands.

The treaty with the Sac and Fox Indians did not fix either the names, number or identity of the persons for whom the reservation was made. Here was a chance for speculation and fraud. Half-breeds multiplied by means before unknown in the settlement of this country. A company was duly incorporated to buy up half-breed titles. The Territorial Legislature of Wisconsin, which held its session at Burlington, in 1838, passed a special act appointing Edward Johnston, Thomas S. Wilson, and David Brigham, commissioners, before whom claimants to the half-breed tract should make proof of their titles, and requiring the commissioners to report their findings to the Territorial District Court, and authorized the court, after notice by publication, to enter a decree establishing titles. Before this work was completed, the next legislature, January 25, 1839, repealed the law, but in the repealing act authorized the commissioners to sue the owners of the half-breed tract for their services. This they did, and Johnston and Brigham each recovered judgments against the "owners of the half-breed tract," by that general name and description. Executions were issued on these judgments, and the half-breed tract was levied upon, and sold at sheriff's sale to Hugh T. Reid. The Supreme Territorial Court at one time held this title to be valid, and Reid narrowly escaped being a great land proprietor. Meantime the Territorial Legislature began to encourage settlements on the half-breed tract, by legislative assurances to squatters, that if all other titles should fail, possession should be, not only nine, but ten points of the law. The very worst that a settler had to fear was, that his improvements should be assessed by a "jury of his peers," and that their value thus ascertained should be a lien on the land. In 1840, a suit in partition was commenced in the Territorial courts in the name of Josiah Spaulding and twenty-two

others, purchasers from some of the half-breeds, against the known and unknown owners of shares in the "half-breed tract." Service was made by publication. Commissioners were appointed by the court, who divided the tract into 101 shares, of which, forty-one were assigned to the New York Company. The title under this decree of partition, after years of litigation, was finally established and quieted. In the meantime the question involved between the squatters and other claimants entered very largely into the politics of the country and the State; and political fortunes depended on the grave complications growing out of the settlement of the half-breed tract. These complications developed a great deal of bad blood, but little of which flowed through the veins of the descendants of the Sac and Fox Indians. One of the first settlers writes that "in the fall of 1836, when the question of a separate Territorial organization for Iowa was agitated, a public meeting was held on the claim of John Gaines, six miles west of Keokuk; that it was seriously thought by many who attended the meeting that the half-breed tract could not be included in any other organization, and that they contemplated starting out 'on their own hook,' and forming an independent government; but that after several gentlemen present had successively mounted the head of a whisky barrel, and exhausted their eloquence, they became convinced that the reservation was still within the jurisdiction of, and that they owed allegiance to, the Government of the United States."

As a representative of the two races of men that at this time occupied Iowa, we notice one whose life was an episode in the history of each. Antoine Le Claire was born at St. Josephs, Michigan, in 1797. His father was French, his mother a grand-daughter of a Pottawatamie chief. In 1818 he acted as official interpreter to Col. Davenport at Fort Armstrong, (now Rock Island). He was well acquainted with a dozen Indian dialects, and was a man of strict integrity and great energy. In 1820 he married the grand-daughter of a Sac chief. The Sac and Fox Indians reserved for him and his wife two sections of land in the treaty of 1832, one at the town of Le Claire, and one at Davenport. The Pottawattamies, in their treaty at Prairie du Chien, also, reserved for him two sections of land at the present site of Moline, Illinois. He received the appointment of postmaster and justice of the peace in the Black Hawk Purchase, at an early day.

In 1833 he bought, for \$100, a claim on the lands upon which the original town of Davenport was surveyed and platted in 1836. In 1836 Le Claire built the hotel known since, with its valuable additions,

as the Le Claire House. He contributed largely to the public enterprises of the town, its churches, schools, and ferries, and lived to see the village grow into a city, among the most beautiful and flourishing in the State. He died September 25th, 1861.

Before its settlement by the whites, Burlington was known as the Flint Hills, and was an Indian trading post under the control of the American Fur Company. In 1833 the settlers found here a number of old trading houses. In January, 1837, the town contained less than three hundred inhabitants. The dwellings were chiefly log, and the place was without church or school-house. By act of Congress, approved April 20, 1836, which took effect the following 3d of July, the territory now comprising the States of Wisconsin, Iowa, and Minnesota, was organized as Wisconsin Territory. Henry Dodge was appointed Governor. The country west of the Mississippi, known as the Black Hawk Purchase, was divided into two counties named Dubuque, and Des Moines, and at the first census, 1836, the population numbered 10,531. The second session of the Wisconsin legislature met at Burlington, in Des Moines county, in November, 1837. At the first session of the Wisconsin legislature, the county of Des Moines was divided, and the counties of Des Moines, Lee, Van Buren, Henry, Muscatine, and Scott, then called Cook, were formed from it. The second session divided the county of Dubuque, and made of it the counties of Dubuque, Clayton, Fayette, Delaware, Buchanan, Jackson, Jones, Linn, Benton, Clinton, and Cedar. The territory of Iowa was organized by act of Congress, approved June 12, 1838, which took effect on the 3d of July thereafter. The organic act provided for a Governor, Secretary, Chief Justice, Associate Judges, Attorney, and Marshal; to be appointed by the President, by and with the advice and consent of the Senate; and provided for the election, by the white male inhabitants, citizens of the United States over the age of twenty-one years, of a House of Representatives, consisting of 26 members, and a Council, to consist of 13 members. It gave the Governor an absolute veto power over the acts of the legislature, and appropriated \$5,000 for a public library, and the sum of \$20,000 for the erection of public buildings. Robert Lucas, formerly Governor of Ohio, was appointed Governor; William B. Conway, Secretary; Charles Mason, Chief Justice, and Joseph Williams and Thomas S. Wilson, Judges. Burlington was selected as the temporary seat of government, and the first Territorial legislature was convened November 12, 1838. Wm. H. Wallace, of Henry county, was chosen Speaker, and Jesse B. Brown,