

**CONSTITUTION AND
RECORDS OF THE
CLAIM ASSOCIATION OF
JOHNSON COUNTY, IOWA**

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Constitution and records of the Claim Association of Johnson County, Iowa by Benjamin F. Shambaugh

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BENJAMIN F. SHAMBAUGH

**CONSTITUTION AND
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CLAIM ASSOCIATION OF
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CONSTITUTION AND RECORDS
OF THE
CLAIM ASSOCIATION OF JOHNSON COUNTY

IOWA

WITH
INTRODUCTION AND NOTES

BY
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1894

H. S.

PREFACE.

WHILE preparing a monograph on "*Iowa City*" (published by the Iowa State Historical Society, in 1893), my interest was aroused in an old manuscript, which at that time I had occasion to refer to under the title of "*The Constitution and Records of the Claim Association of Johnson County.*"¹

This manuscript, which may be found and consulted in the Library of the Iowa State Historical Society, is still in a fairly good state of preservation, although some of its pages are badly torn and many more soiled and faded. Uncovered and loosely held together by a coarse thread, the whole consists of about one hundred and seventy-seven pages of closely written matter. The size of a page is about seven by thirteen inches. The paper is plain, moderately heavy and, with the exception of faint pencil lines here and there, unruled. The handwriting throughout is uniform and distinct, and undoubtedly the work of Mr. Samuel H. McCrory, the clerk of the Association.

The contents of the manuscript fall naturally under the following heads: I. Constitution and Laws; II. Minutes of the Meetings of the Association; III. Recorded Claims; IV. Recorded Quit Claim Deeds or Transfers of Claims. The constitution occupies a little more than six full pages in the original; while the signatures of members, a list of two hundred and eighty-two, are spread over four pages. In this

¹ *Iowa Historical Record*, Vol. IX, No. 1, p. 44.

publication I have placed the minutes of the meetings immediately after the constitution and laws. But this is not their position in the manuscript. On the contrary, they occupy in the original six pages between pages twenty-one and twenty-two of that part of the manuscript devoted to the record of quit claim deeds. I cannot, however, believe this to be their first or true position; but that, being detached, they were subsequently pasted in this unnatural place. The descriptions of claims, covering fifty-nine pages, come next after the minutes of the meetings. The remainder, considerable over one half of the entire manuscript, is devoted to the record of quit claim deeds.

In editing the Constitution and Records of the Claim Association of Johnson County, I have made a strictly literal interpretation of the original manuscript. That is to say, I have made no reasonable allowances for unconscious errors, but have edited the manuscript literally, retaining, as far as the change from pen to type would allow, sentences, words, capitals, punctuation, and marks, just as they appear in the manuscript. At the same time I am satisfied that many of the errors are due rather to the haste and carelessness of the recorder than to his ignorance.

For helpful suggestions in the preparation of this publication, and in my study of claim associations in general, I am grateful to Professor Isaac A. Loos of the State University of Iowa.

B. F. S.

June 1st, 1894.

CONTENTS.

INTRODUCTION.

- I. The Claim Association ix
- II. History of the Johnson County Association xiv

CONSTITUTION AND RECORDS OF THE CLAIM ASSOCIATION OF JOHNSON COUNTY. (IOWA).

- I. Constitution and Laws 3
- II. Minutes of Meetings 17
- III. Recorded Claims 23
- IV. Recorded Quit Claim Deeds 96

INTRODUCTION.

THE CLAIM ASSOCIATION.

RECENT tendencies in the study of American history indicate that we can no longer consider our civilization as wholly an inheritance from Europe. The new environment working upon many different races, classes and characters of men is bringing forth a development characteristic of America. Our history, our politics and our institutions, therefore, cannot be justly estimated from the Old World standpoint alone, nor from the standpoint of that part of America which has, in a measure, always retained the European bias, namely, the East. On the contrary "the true point of view in the history of this nation is not the Atlantic coast, it is the Great West."¹ "Too exclusive attention has been paid by institutional students to the Germanic origins, too little to the American factors."² To which let us add, that in the study of American institutional beginnings and developments too exclusive attention has been paid to Eastern forms and systems, too little to Western influences and factors. Yet the new point of view in American history and the scientific interest which is awakening in the field of Sociology will undoubtedly give an impetus to the investigation and study of those factors in our history and politics which are more distinctively American. And, as I have intimated, the field for such investigation and study is the Great West.

¹ *The Significance of the Frontier in American History*, by Professor Frederick J. Turner—See Annual Report of the Am. Hist. Association, 1893, p. 200.

² *Ibid.*, p. 207.

In discussions, political and social, it is not infrequently held by the extreme socialist that our institutions are unnatural and oppressive, and that if men were free to make choices, society would be revolutionized. Now, what nineteenth century men would do, what customs and institutions they would adopt, in short what choices they would make, need not be wholly a matter of speculation. For, in the settlement and growth of the West there has been "a recurrence of the process of evolution in each western area reached in the process of expansion."¹ Is the institution of the family unnatural? The frontiersman could have abolished the home and lived in a state of promiscuity. Is all government obnoxious to the American? The pioneers were not compelled to adopt a line or submit to a letter of governmental regulation. Is the system of private property in land oppressive unnatural and a hinderance to progress? The "squatters" of the West were as free to adopt the communal system as they were to breathe the air around them. It is the bearing which it has upon questions like these, that a study of institutions such as the claim association becomes important to students of History, Politics and Sociology. In this place, however, it is not my purpose to enter upon either a detailed or a general discussion of these questions. Here I desire simply to indicate the setting of the records which follow this introduction, by briefly outlining the conditions which gave rise to the claim association and determined its leading characteristics.

The government of the United States, partly through cessions on the part of the original States and partly through treaty and purchase on the part of the United States, obtained a vast and unoccupied Public Domain. This vast territory was under the supervision and at the disposal of Congress, which, from time to time regulated its survey, sale and occupation. In 1807 an act was passed, which prohibited any

¹ *The Significance of the Frontier in American History*, by Professor Turner—See Annual Report of the Am. Hist. Association, 1893, p. 200.