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IOWA: THE FIRST FREE STATE IN THE LOUISIANA PURCHASE

WILLIAM SALTER

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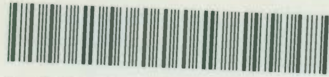

IOWA

THE FIRST FREE STATE IN THE LOUISIANA PURCHASE

LIEUTENANT ZEBULON PIKE

IOWA

THE FIRST FREE STATE IN THE LOUISIANA PURCHASE

From its Discovery to the Admission of the State into the Union

1673–1846

BY

WILLIAM SALTER

Illustrated with Portraits and Plans

CHICAGO
A. C. McCLURG & CO.
1905

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INTRODUCTORY

A RESIDENT of Iowa for sixty-one years, and an immediate observer of its growth and progress from a census of 75,152 in 1844 to 2,231,853 in 1900, I have cultivated a study of its history with some assiduity, and published a number of articles upon the subject in the "Annals of Iowa" and in the "Iowa Historical Record." The present volume is the outcome of these studies. It is not a history of Iowa after the admission of the State into the Union, but a record of the incidents in American history from 1673 to 1846, that made it "the first Free State in the Louisiana Purchase." I am happy to acknowledge my indebtedness for aid in my studies to my deceased friends, Lyman C. Draper and Theodore S. Parvin, and to James D. Butler, LL.D., of Madison, Wisconsin, and Charles Aldrich, Curator of the Historical Department of Iowa.

W. S.

BURLINGTON, IOWA,
November 17, 1904.

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IOWA

THE FIRST FREE STATE IN THE LOUISIANA PURCHASE

I

DISCOVERY

"WE entered the Mississippi with a joy I cannot express," said Marquette, speaking of the moment when he and Joliet glided in birch canoes from the Wisconsin River into the Father of Waters. It was on the seventeenth day of June, 1673. Marquette was a missionary from France, of the Society of Jesus; Joliet, a Canadian trader. They were the first white men to behold the shores of Iowa. Emerging from between the low lands at the mouth of the Wisconsin, the high bluffs on the opposite shore attracted their gaze.

Among those bluffs now stands aloft the city of McGregor.

One hundred and thirty-two years previously De Soto had been upon the lower Mississippi, nine hundred miles down the river, and met his tragic fate. On Spanish maps "Nova Hispania" had been inscribed over the whole vague outline of North America. But in the lapse of more than a century De Soto's adventures passed out of notice. No one followed them up. Spain was engrossed with the conquest of Mexico and Peru. Glutted with silver and gold from those lands, and enfeebled by luxury, her rulers lost that ambition for a larger knowledge of the globe which gave immortal honor to Queen Isabella. The spirit of adventure passed to France.

Marquette led in the new discovery. He was the forerunner in bringing the valley of the Mississippi to light. Sailing down the river, he noted the fishes, the birds, the buffalo, and other animals, but saw no trace of a human being for eight days. On the twenty-fifth of June, having gone about two hundred and

seventy miles, human footprints were seen upon the right bank of the river, and a beaten path leading to a beautiful prairie. Marquette and Joliet went ashore and followed the path some five or six miles to a village of Illinois Indians on the banks of the Des Moines. One of our chief poets has put Marquette's narrative of their reception into the closing scene of the "Song of Hiawatha":

From the farthest realms of morning
Came the Black-Robe chief, the Prophet,
He the Priest of Prayer, the Pale-face,
With his guides and his companions.
  And the noble Hiawatha,
With his hands aloft extended,
Held aloft in sign of welcome,
. . . .
Cried aloud and spake in this wise:
"Beautiful is the sun, O strangers,
When you come so far to see us!
All our town in peace awaits you,
All our doors stand open for you;
You shall enter all our wigwams,
For the heart's right hand we give you.
Never bloomed the earth so gayly,

Never shone the sun so brightly,
As to-day they shine and blossom
When you come so far to see us!"

. . . .

And the Black-Robe chief made answer,
Stammered in his speech a little,
Speaking words yet unfamiliar:
"Peace be with you, Hiawatha,
Peace be with you and your people,
Peace of prayer, and peace of pardon,
Peace of Christ, and joy of Mary!"
Then the generous Hiawatha
Led the strangers to his wigwam,
Seated them on skins of bison,
Seated them on skins of ermine,
And the careful old Nokomis
Brought them food in bowls of basswood,
Water brought in birchen dippers,
And the calumet, the peace-pipe,
Filled and lighted for their smoking.
All the old men of the village,
All the warriors of the nation,

. . . .

Came to bid the strangers welcome;
"It is well," they said, "O brothers,
That you come so far to see us!"

On the thirtieth of June the explorers proceeded down the Mississippi. They observed the Missouri mingling its tumultuous flood with the great waters, and they went as far as the mouth of the Arkansas, when they turned about, lest they fall into the hands of Spaniards from Florida, Spain being then at war with France. On their return, they passed up the Illinois River, and crossed over to Lake Michigan.

As reports of their discovery reached Quebec and France, other explorers soon followed. In 1680, Hennepin, a Franciscan missionary, came down the Illinois River, and ascended the Mississippi to the Falls of St. Anthony. As he passed along the whole eastern border of Iowa, he was the first white man to see that part of it which lies above McGregor. He had the art to ingratiate himself among the Sioux Indians. The same summer, Du Luth, whose name is preserved in the city at the head of Lake Superior, threaded his way through the wilderness and swamps between that Lake and the Mississippi into the Sioux country, where he

fell in with Hennepin. In the fall they came down the Mississippi together to the Wisconsin, and went up that river, and over to Green Bay and Mackinaw, retracing the route by which Marquette and Joliet came to the Mississippi seven years before.

Two years later (1682), La Salle unfurled the banner of France on the ninth of April at the mouth of the Mississippi, and took formal possession of the country watered by it and its affluents, in the name of Louis XIV. In this act he named the country Louisiana, as Hennepin also called it in his "Description of Louisiana," published at Paris in 1683.

Prominent among other explorers was Nicolas Perrot. Born in France in 1644, he came to Canada when eleven years old, and at the age of twenty-one engaged in trade among the Indians. A man of native powers, of fine address, fond of adventure, he went among different tribes, and made himself familiar with their languages and customs. Possessed of religious fervor, he affiliated with the Jesuit fathers, and supported their

missions. From his acquaintance with the tribes of the Upper Lakes, Talon, the Intendant of New France, had employed him to assemble the chiefs of those tribes at the Falls of St. Mary on the fourteenth of June, 1671, when the French standards were set up with pomp, and formal possession of the country was taken. Next to the Jesuit fathers who were present, Perrot affixed his name to the *procès-verbal* as "His Majesty's Interpreter in these parts." The name of Joliet follows. It was Perrot's report to the Intendant of what the Indians had told him of a great river running south, that led Talon to despatch Joliet with Marquette to discover it.

Afterwards, Perrot was the first trader with the Indians upon the Mississippi; Marquette and Joliet after their discovery were never again upon its waters. Perrot made several establishments; one, among the Sioux near Lake Pepin; another, near the mouth of the Wisconsin, probably in what is now Clayton County, Iowa. The latter had his Christian name. It was Fort St. Nicolas. These estab-

lishments, called "forts," were depots for goods brought into the country and for furs bought of the Indians in exchange for knives, guns, blankets, and trinkets. The traders were soldiers, subject to military orders. While thus engaged, Perrot was commissioned by the Governor of New France, Denonville, to take formal possession of the upper Mississippi, "in order to make incontestable His Majesty's right to the country discovered by his subjects." This was done on the eighth of May, 1689, at Post St. Anthony, which stood upon a commanding site, Mont Trempealeau, a few miles above the city of La Crosse, Wisconsin. De Bois Guillot, commandant at Fort St. Nicolas, Joseph Jean Marest, of the Society of Jesus, Le Sueur, a hardy adventurer and mine prospector in the Sioux country, and other witnesses were present, and with Perrot signed the *procès-verbal.*

The following year, 1690, some Miami Indians, then living upon the Mississippi, brought a specimen of lead ore from a "ruisseau" (probably Catfish Creek, Dubuque), to Perrot, and

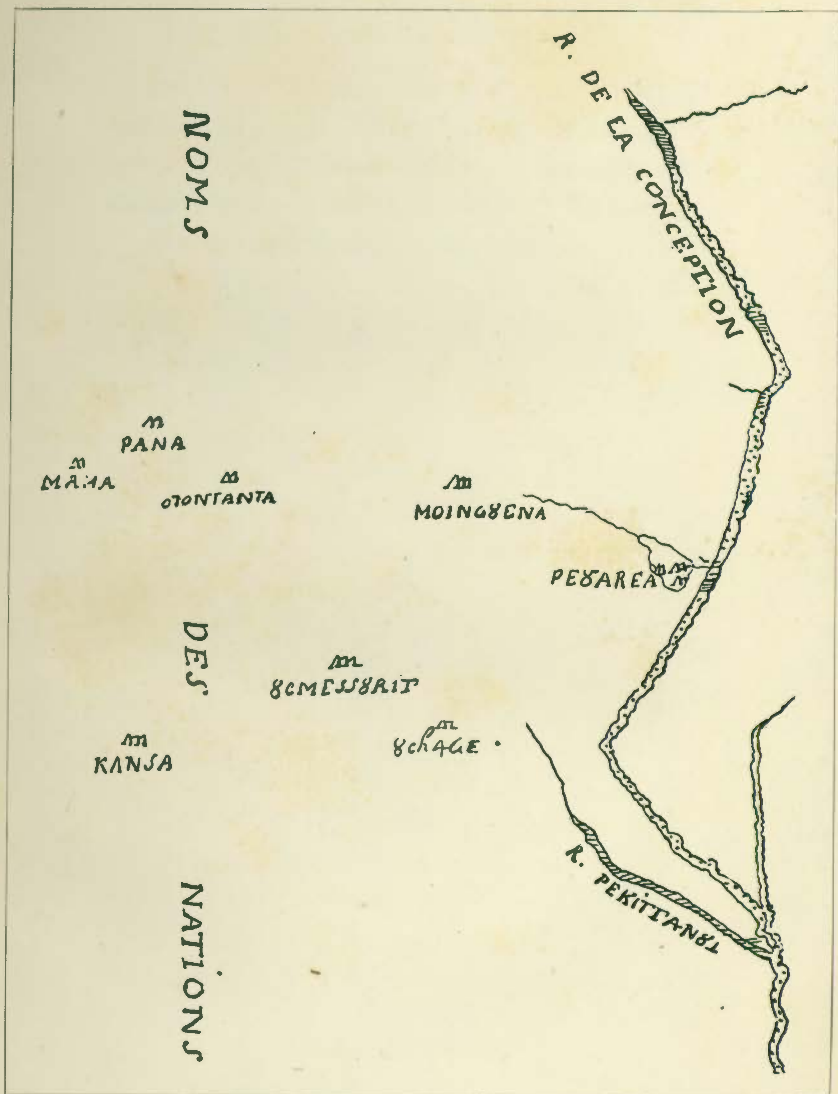
requested him to establish a trading-post there, which he did, and the place became known as "Perrot's Mines."

At the period of these discoveries all western Europe was in arms. France was at the head of the nations, and Louis XIV. was head of France, and a terror to other lands. While discovering the Mississippi on one continent, he was carrying dismay and ruin into neighboring countries on another, overrunning the Palatinate, conquering Alsace, Lorraine, and Luxembourg, threatening England and Holland. Only the resistance, the patience, and the daring of William, Prince of Orange, afterward William III. of England, turned the tide of battle against him. At the same period the Huguenots, denied liberty of worship in France, begged the privilege of planting themselves upon the Mississippi. But Louis XIV. replied that he had not banished Protestants from France to make a republic of them in America.

At the time of Marquette's discovery the English settlements on the Atlantic coast were scattered and feeble. They extended but short

distances into the interior, and were frequently in terror of the Indians. King Philip was still at peace with the Plymouth Colony, but two years later, 1675, he kindled a general Indian war, which excited gloomy apprehensions in every settlement in New England. In New York, the Dutch and English were still at strife for the province. William Penn had not yet crossed the Atlantic; nine years later he founded Philadelphia. The settlement in Virginia was sixty-six years old, but numbered only forty thousand souls. The Carolinas had a population of four thousand; the city of Charleston was founded seven years later. A Spanish settlement had existed for a century at St. Augustine, but was still feeble, and chiefly memorable for intolerance, cruelty, and crime.

Thus small and obscure were the beginnings of our country when the bluffs and prairies of Iowa first glimmered into view. Though a part of the earliest discovered portion of the Mississippi valley, and rich and attractive as any, the settlement of Iowa was long delayed. For a century and a half it remained in the



Marquette's Map of the Discovery of Iowa

seclusion of nature, the home and hunting-ground of wandering and warring tribes, visited only by traders to get the furs of the region, its fortune in history held in abeyance by persons living and events occurring far away.

II

THE ABORIGINES

THE discoverers of Iowa found roving bands of Illinois and Miami Indians upon its borders, who soon returned east of the Mississippi, where their names remain in rivers of other States. The Iowas had the same roving habits. They were of Sioux stock, as their language and traditions indicate. They were sometimes called "Prairie Sioux." They roamed from Lake Michigan to the Missouri River, and at the same time occupied villages in Iowa, and upon rivers that bear their name, longer and more continuously than any other tribe. Hence Iowa became the name of the State, as the names of the Illinois, Missouri, Wisconsin, and Minnesota Rivers fell to the States through which those rivers flow. Bands of Iowas were found at one period and another upon the Milwaukee River, the Mississippi, the St. Peter's, the Upper and

Lower Iowa, Rock River, the Des Moines, the Missouri, the Grand, the Chariton, and the Little Sioux. On an early map (1718) the Little Sioux is called "River of the Iowas."

Rivers were the Indian highways of transportation in canoes of birch bark. These were of graceful construction, built without hammer or nail, but strong, of large carrying capacity, yet so light as to be easily carried over a portage from one river to another.

The aborigines were in a low state of barbarism. They had no arts or trades. They knew nothing of writing, or of numbers beyond the ten fingers. Their tools or implements were shells, fish-bones, the bones of wild animals, clubs and spears of wood. They knew not the use of stone in building, or of lime and sand, or how to construct a chimney. Their tents were put up with poles and sticks, covered with skins, or with mats made of bark and rushes. Their clothing was of skins. At feasts and on show occasions they smeared the face and body, put feathers on their heads, and strung bear claws about the neck. They had no iron, wax, or

oil. They made fire by rubbing sticks. They had no horses, cows, sheep, hogs, chickens; only dogs. They knew not the use of milk. Their subsistence was from fishing and hunting, in which they were expert, and from little corn-fields and melon-patches, cultivated by the squaws. The men hated labor. Nothing aroused them to action but war and the chase. To hunt, fish, and pursue and scalp an enemy, was their life. On marches the squaws carried the pack-burdens; on hunting expeditions they dressed the skins, jerked the buffalo meat, and put up the lodges at night.

The savages had hardly a conception of property, or it was limited to a few things, that were held in common rather than as personal belongings. They had no idea of money or sense of value. In their wandering life they knew nothing of land-ownership. The earth is our common mother, they said, and land and water are free as air and light. When we speak of the Indians selling their land, or of our people buying their land, we use the language of our civilization, not that of the savages.

Marquette's friendly reception by the Illinois drew his heart to that tribe, and it was in his mind to establish a mission among them, but his life was cut short in less than two years, and the work fell to others. Father Gabriel Marest, a brother of Joseph Jean Marest, previously mentioned, took up the work and prosecuted it with heroic devotion. Writing from Kaskaskia thirty-seven years after Marquette's death, he said:

"The Illinois are less barbarous than other savages. In a great extent of country only three or four villages are found. Our life is passed in threading dense forests, crossing lakes and rivers, that we may overtake some poor savage who is fleeing from us, whom we know not how to tame. Slaves to brutal passions, they are indolent, deceitful, and naturally thievish, so as to boast of their skill in thieving. Nothing is more difficult than the conversion of these savages; it is a miracle of the Lord's mercy. We must first make men of them, and afterward work to make them Christians." *

The Illinois were the only tribe on the upper Mississippi among whom the Jesuits established

* "Jesuit Relations" (Thwaites), lxvi., 218.

missions. The Iowas, the Sioux, and the Missouris, Pawnees, Otoes, Omahas, of what is now western Iowa, and the Osages of the country south, remained in original savagery.

The Sacs and Foxes came later into Iowa. A century elapsed before they gained a foothold upon the upper Mississippi. The early explorers of Canada found them about Lake Huron and Saginaw Bay, where they were at war with other tribes. Soon they were at war with the French. When worsted in those wars, and after the repulse of the Foxes at the siege of Detroit in 1712, they drifted to Lake Michigan and Green Bay. Here they carried on war with the Chippewas and other tribes, and again fought the French, robbed the French traders, and burned their trading-houses. Again worsted, they moved over to the Wisconsin River. Here they went on the war-path against the Illinois Indians. A captain in the French service at Fort Chartres reports the descent of a body of Foxes, Sacs, and Sioux from the Wisconsin River in more than a hundred canoes to avenge upon the Illinois Indians the killing of a Fox hunting-party:

"The Foxes had fixed upon Corpus Christi day for fighting the Illinois, knowing they would come to see the ceremonies performed by the French on that day. Ten or twelve of the Foxes fell upon the Indian village, which was only a league from the Fort, killed all they met, and fled. The Illinois pursued them, but an army of Foxes was lying in the tall grass, and they killed twenty-eight Illinois, and then fell upon the village, set fire to it, killed men, women, and children, and led away the rest as captives. The Foxes lost but four men. I was a spectator of the slaughter, June 6, 1752, from a hill which overlooks the village, and had the opportunity of saving the life of a girl of fifteen years of age, who came to bring me strawberries. The savages did not venture to shoot at her for fear of hitting me." *

The famous Connecticut traveller, Jonathan Carver, found a large Sac village on the Wisconsin River in 1766. Thence they drifted to the Mississippi. The region was open before them, former occupants were gone, and they spread themselves up and down the river, and up the Missouri, carrying their war spirit in every direction, fighting the remnant of the

* Bossu. "Travels in Louisiana," i., 131.

Illinois, fighting the Iowas, fighting the Osages and the Missouris, fighting the Sioux, fighting Spain, fighting the United States. The idea of their owning Iowa by hereditary right, or by long occupation, is fabulous. From the beginning they resisted all efforts for their civilization. They spurned the missionary, with cross and rosary, or with Bible and school-book, and the farmer, sent by the United States to teach them the plough and the spade.

III

UNDER FRANCE

1682–1770

WHILE Marquette's discovery and the acts of La Salle and Perrot gave to France the territory now called Iowa, it remained during the whole French domination a savage wilderness. France was then in search of silver and gold mines, such as Spain had found in Mexico and Peru. Le Sueur, who was with Perrot on the upper Mississippi in 1689, was foremost in the search. After the formal possession of the country was taken, he went to France, to obtain exclusive mining privileges and men to work the mines. But encountering many mishaps in the war then raging between England and France, it was not until ten years afterward that he arrived at New Orleans with a party of French miners. In the spring of 1700 they started up the Missis-

sippi, and passed along the border of Iowa in the summer. They encountered Canadian voyageurs and Sioux and Iowa Indians upon the river. On the thirteenth of August they were at Perrot's Mines, and on the seventh of September they passed the present boundary line between Iowa and Minnesota. Later in the season they ascended the St. Peter's to the Blue Earth River, where Le Sueur made an "establishment." Here again he met Iowas, with Indians of other tribes.

The Indian trade of the upper Mississippi centred at the mouth of the Wisconsin River, where trading posts were established, some of them on the west bank of the Mississippi. Thence traders and missionaries went up into the Sioux country, or down the Mississippi, or followed a long path to the Missouri River, overland, which was marked on English maps as the "French route to the West." The Indians on the Missouri River furnished a valuable trade, in which the French at Kaskaskia also engaged. The idea was then cherished, as expressed by Charlevoix in 1722, of ascending to the

sources of that river and finding a passage to the Pacific Ocean; an idea realized eighty-three years afterwards by Lewis and Clark.

The Des Moines River was also traversed its whole length by Canadian voyageurs. They observed "great plenty of pit coal" upon its banks, and that the river "issues from the midst of an immense meadow which swarms with buffaloes and other wild beasts," and they traced the connection between the lakes that are its source and other lakes in which the Blue Earth River has its origin.

A few names, as that of the Des Moines River, and of Tête des Morts in Dubuque County, are the only marks of French domination remaining upon the soil of Iowa. No grant of land was made to any one. During much of the time, France, England, and Spain were at war with each other, and jealous as to their respective possessions in America. In 1720, Spain being at war with France, an expedition was fitted out from Santa Fé to seize Louisiana, but the party on reaching the Missouri River fell into the hands of savages, and

all but one, the priest who escaped, were massacred. Two years later, the French built Fort Orleans on the Missouri River, near the mouth of the Osage, to guard against another invasion. Later, this fort was attacked by the savages, and all the French were massacred.* Bossu, writing from Kaskaskia, May 15, 1753, says:

> "Spain saw with great displeasure our settlements on the Mississippi. The English, too, spared no intrigues to ruin this growing colony, as they still do those on the Ohio, which they say belongs to them; they have likewise laid claim to the Mississippi." †

Louis XIV. cherished a warm and ambitious regard for New France and Louisiana. He gave them his personal attention and support. No English sovereign had any such regard for the English colonies in America. They grew by their own energy and enterprise. As against Louis XIV. and James II., they supported the Revolution of 1688, which put William III. on the throne of England. The contest raged

* Amos Stoddard. "Sketches of Louisiana," pp. 45-46.
† Travels in Louisiana, i., 151.

fiercely in America, in what were known as the French and Indian wars, on the frontiers of the Hudson, the Connecticut, the Merrimac, and the headwaters of the Ohio. At an early stage in those wars the French abandoned their establishments on the Mississippi, and the traders returned to the St. Lawrence. So far as the Indians of this region took part, it was on the British side.

Louisiana was dependent originally upon and subordinate to New France, with the seat of government at Quebec. Charlevoix in his History of New France (1744) treats them as one, though under separate governments. He says the country above the Illinois is "not Louisiana, but New France." The Ohio River and the mouth of the Arkansas were at different times spoken of as the line between them. On the west side of the Mississippi, above the mouth of the Ohio, the first settlement was at St. Genevieve in 1745; the next at St. Louis in 1764 by the adventurous Laclède, who organized a company that obtained a monopoly of the fur trade of the whole region. "Many

ages must pass before we can penetrate into the northern parts of Louisiana," said a historian of that time.*

Meanwhile, the French and Indian wars were closed on the Heights of Abraham with the fall of Quebec (1759). France was humiliated. She lost Canada, and she feared for Louisiana, lest an English fleet should seize the mouth of the Mississippi and capture New Orleans. In these straits, Louis XV., great-grandson of Louis XIV., a weak and corrupt man, by a secret treaty ceded New Orleans and the country west of the Mississippi to Charles III. of Spain, another great-grandson of Louis XIV., a man of stronger character, "from the affection and friendship existing between these two royal persons." The cession was accepted, and acknowledged in the Treaty of Paris, January 1, 1763.

At New Orleans the people were exasperated at the treaty. They sent a deputation to the French king, begging him to retract his donation to Spain. The venerable Bienville, the

* Du Pratz, "History of Louisiana," London, 1763, ii., 159.

JONATHAN CARVER

founder of the colony, then residing in Paris in his eighty-sixth year, expostulated with the prime minister, with tears and upon his knees, to retract; but to no purpose. The answer was:

"The colony cannot continue its precarious existence without an enormous expense, of which France is incapable. Is it not better that Louisiana should be given away to a friend than be wrested from us by a hereditary foe?"

At New Orleans the people refused subjection to Spanish authority. They ordered off the first governor sent by Spain, and were not brought into subjection until the arrival of a strong military force under another governor (1769).

The first American who is known to have been in Iowa was Jonathan Carver, of Connecticut. He came down the Wisconsin River in October, 1766, and ascended the Mississippi. The traders of his party took up a residence for the winter at the mouth of Yellow River, in what is now Allamakee County, and he went up to St. Anthony's Falls.

No representative of Spain came to upper Louisiana until August, 1768, when a captain arrived at St. Louis with twenty-five soldiers. By universal consent, however, the last French commandant, Saint-Ange de Bellerive, a venerable man of high character, continued in authority until a Spanish Lieutenant Governor arrived, Don Pedro Piernas, who received possession of the province on the tenth of May, 1770. Thus what is now Iowa came under Spain.

IV

UNDER SPAIN

1770–1804

THE possession of Louisiana gratified the ambition of Spain for larger possessions in America. An act of friendship between two royal persons, it was also a compensation for the aid Spain had given to France in the recent war with England. That war was disastrous to both France and Spain; but the acquisition of Louisiana did for Spain what De Soto in 1540, and the expedition from Sante Fé in 1720, had vainly attempted. It made her colonial possessions the largest in the world. They now stretched in an unbroken line on the west side of the continent from Cape Horn to the sources of the Missouri and the Mississippi. Slumbering in that vast area, undistinguishable in the wilderness, lay Iowa. Under Spain, it continued in the hands of wandering and war-

ring savages, with few incidents for historical record, its future determined in the counsels of courts far away.

As the Treaty of Paris (1763) secured to England free navigation of the Mississippi, British traders soon appeared upon the upper Mississippi. They came into competition with the French Canadians who had been there earlier, and with Spanish traders who came later. They extended their trade up the Des Moines, and far up the Missouri, where the trade was the richest of all. By their enterprise, and with better goods at lower prices, they ingratiated themselves with the Indians, and, as trade makes friends, won them to the British side, against both Spain and the United States. At the same time Laclède and Chouteau carried on a prosperous trade from St. Louis. That city vied with Mackinaw for the Indian trade, and therein laid the foundation of its wealth.

In 1779, Spain went to war with England. A Spanish force captured Natchez on the lower Mississippi. On the upper Mississippi,

the representatives of the two powers were feeble and scattered, but they shared in the war. In May, 1780, a British force from Mackinaw with a motley band of traders and Indians assaulted St. Louis. The next year a Spanish expedition from St. Louis marched across Illinois and captured a small English fort on St. Joseph River, near the present city of Niles, Michigan. This capture was made the ground of a Spanish claim to a vast tract of country east of the Mississippi.

During the American Revolution Spain was friendly to it, and aided the United States with arms and ammunition. But when independence was won, Spain became jealous of the new nation, and endeavored to cut it off from the Mississippi.

Though Spain excluded the British from the Indian trade west of the Mississippi, the British traders kept it up. It was to no purpose that Lieutenant Governor Cruzat at St. Louis sent word to the Sacs and Foxes, November 30, 1781, that "the King of Spain, the master of the world, was their true father, and that the

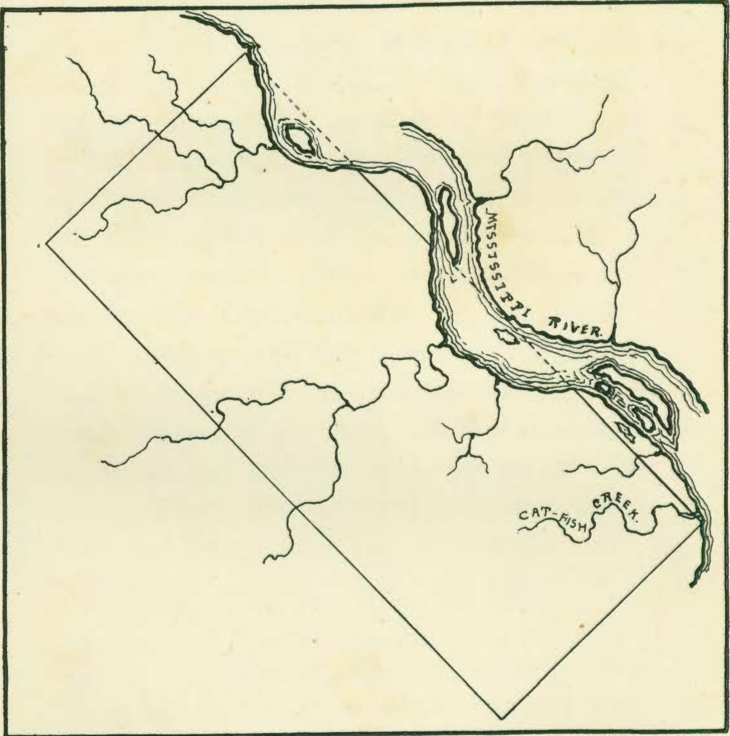
English were intruders." They judged both Spanish and British traders by the prices at which they sold their goods. The Spanish traders were shackled by heavy taxes to their government, and were sometimes victimized by the Indians, especially by the Iowas, who stole their best furs and turned them over to British traders. At the same time the British traders took the risk of being overtaken by Spanish gunboats and stripped of all they had. In 1786, Navarino, the Intendant at New Orleans, complained that "the British had all the trade with the nations on the Des Moines, where beaver and otter skins were in the greatest abundance." Later, the fur trade of Spanish Louisiana was farmed out to an English house in London.

But few Spaniards came into Upper Louisiana. The population remained French. A few Americans came under the offer of land from the government; as Daniel Boone, who settled on the Missouri River, and Israel Dodge, who settled near St. Genevieve. They also cherished the belief that the country would at some time fall into the possession of

the United States. Without that expectation Boone said that he would not have come. The only Spaniard who distinguished himself by enterprise and adventure was Manuel Lisa, an active and indefatigable fur trader, who spent many winters in the wilderness, and was foremost in extending trade among the Indians upon what is now the western border of Iowa, and among the Blackfoot and Crow Indians of the Big Horn Mountains. He became a patriotic American, and was employed in the service of the United States. He said, "I have suffered enough under a different government, to know how to appreciate the one under which I now live."

The Sacs and Foxes came into the Mississippi country about the time of the transfer of Upper Louisiana to Spain. The Foxes established themselves in five villages on the west side of the river, between the upper Iowa River and Rock Island. Their largest village was on Catfish Creek. Julien Dubuque, a French Canadian, an early settler at Prairie du Chien, visited this village to trade with the

Indians. A man of parts, cunning, adroit, a charmer of rattlesnakes, of which the region was full, handling them with impunity, he ingratiated himself with the Indians, and secured their unlimited confidence. He took a squaw wife. The discovery of a lead mine at the village made his fortune. He assembled the Fox chiefs of the region at Prairie du Chien, and procured a permit to work the mines, with a monopoly of the right, November 22, 1788. Ten Canadian laborers were employed in working the mines. Dubuque built them cabins, and they, too, took squaw wives. He built a smelting furnace, and a house for himself. Large quantities of lead were produced. The establishment prospered. It was the first white settlement in Iowa. Dubuque drove off other traders who came there with goods. He shipped lead to St. Louis, and gained consideration and credit with Chouteau, the principal merchant of that city. As under Spain none but Spaniards could hold mines, he became a Spaniard, and named his mines "Spanish mines." In 1796 he petitioned



Dubuque's Claim, 1788–1810

Carondelet, the Governor of Louisiana, to assure him the possession of his establishment, representing that he had bought the land lying between the Little Maquoketa and Tête des Morts rivers, of the Indians. The Governor indorsed the petition, "Granted as asked," November 10, 1796, with certain restrictions. Dubuque's description of the land as given him, and of its boundaries, was a misrepresentation. There was nothing of the kind in the Indian permit.

In addition to mining, Dubuque carried on the fur trade with different tribes, outwitting other traders, if he could. A British trader's record of an adventure with him on the Des Moines River, in the winter of 1801–1802, shows how such things went on:

"I ascended the river about fifty miles, to the Iowa tribe. A Frenchman named Julien [Dubuque] was my only competitor this year at this point. Those Indians hunted near the Missouri, about ninety miles across the country from where we were located. It would have been easy to have sent goods up the Missouri to the vicinity of their hunt-

ing grounds, but to save expense we agreed that neither would send outfits there, but trust to our own exertions in the spring, when the Indians would bring their furs to our shops. I considered myself away from trickery, and, as time hung heavily, wore it away with hunting, making oars, paddles, and other whittlings, until Christmas. Then Julien and his interpreter had a quarrel, and his interpreter told me that Julien, with the intention of stealing all the credits I had made to the Indians, had sent goods up the Missouri last fall. This was a thunder-clap to me. An immediate explanation was demanded from Julien. I was furious, and showered all the abuse I could on his cringing head. My mind was soon made up. I left my interpreter in charge of the Des Moines trading post, and with Julien's interpreter started the next day with seven loaded men, taking provisions for one day only, depending on game for supply. The little islands of wood, scattered over the boundless plains, were swarming with wild turkeys, so that we had plenty. At the end of six days we reached our destination, taking Julien's two *engagés* by surprise. My party fixed up a temporary shop. Not long after, the Indians came in. I made a splendid season's trade, managed for the transportation of my packs of fur, leaving a man to help Julien's *engagés* down with

their boat. Thus I completed my winter, and Julien found his trickery more costly than he anticipated." *

Under Spain, Dubuque remained in possession of his establishment and in favor with the Fox Indians. Falling in debt to Chouteau at St. Louis for merchandise, he bargained away one-half of his land to him. An account current over both their signatures is preserved, in which Dubuque is credited with a "contract of seventy-two thousand arpents of land bought"; and two hundred dollars and four hundred dollars are "payable in deer skins at the current price." †

Two other land grants in Iowa were made under Spain: one to Basil Girard, on the ground of his "inhabitation and cultivation" of land, where the city of McGregor stands; the other to Louis Tesson (Honoré), of land on which Montrose, in Lee County, is situated. These two grants were confirmed by the United States; that to Dubuque was not confirmed, the United

* Thomas G. Anderson. Wisconsin Hist. Coll., ix., 151.
† "Annals of Iowa." Third series. iii., 649.

States Supreme Court deciding that a concession to work the mines did not carry a grant of land. The grant to Tesson was "of sufficient space to make it valuable to the commerce of peltries," and he was "to watch the Indians, and keep them in the fidelity they owe to his Majesty." He erected buildings and a trading-house, and planted gardens and an orchard. He, too, fell in debt, and the whole property was seized under the Spanish law, and sold at public sale at the door of the parish church in St. Louis, at the conclusion of high mass, the people coming out in great number, after due notice given by the public crier of the town in a high and intelligible voice, on three successive Sundays, May 1, 8, 15, 1803. On the first Sunday twenty-five dollars was bid; on the second, thirty dollars; on the third, the last adjudication, one hundred dollars; and subsequently, one hundred and fifty dollars by Joseph Robidoux, Tesson's creditor, which was repeated until twelve o'clock at noon; and the public retiring, the said Robidoux demanded a deed of his bid. It was cried at one o'clock, at two o'clock, and at three o'clock, and,

no other persons presenting themselves, the said land and appurtenances were adjudged to him for the mentioned price of one hundred and fifty dollars, and having to receive this sum himself, he gave no security.

A copy (translation) of the grant made by Lieutenant Governor Trudeau, a copy of the legal process, and a copy of the United States patent to the land, signed by President Van Buren, February 7, 1839, were exhibited at the fifteenth annual meeting of the State Historical Society of Iowa, June 23, 1873, at a commemoration of the two-hundredth anniversary of the discovery of Iowa. The patent is the first given by the United States to any land in Iowa. It was sustained by the United States Supreme Court in 1856, against those holding under a "half breed" claim. A similar patent was given to the assigns of Basil Girard in 1844. These are the only instances in which a land title in Iowa is derived from Spain; in both cases the land fell to creditors of the original grantees.

In the overturnings of Europe by Napoleon, Spain retroceded Louisiana to France, Octo-

ber 1, 1800, by a secret treaty, negotiated by Napoleon's brother, Lucien, then French ambassador to Spain. When the secret came out, it excited grave apprehensions in the United States. Spain administered her government at New Orleans to the injury of American commerce, and now it was feared, that if France possessed that city, things might be worse. Our relations with that country had been strained by her defiant attitude towards our government in the closing years of Washington's administration, and by her spoliation of our ships at sea. Diplomatic intercourse had been suspended, and only lately resumed. Robert R. Livingston was our minister to France, one of our ablest public men. President Jefferson was thoroughly informed of the situation, and watched the course of events with deep solicitude for the interests of our country. The treaty of retrocession was not executed until the thirtieth of November, 1803, at New Orleans, when Spain delivered up that city and Louisiana to France. The transfer of Upper Louisiana took place on the ninth of March, 1804, at St. Louis.

That was the beginning of the decline and fall of the empire of Spain in America. After a few years, revolutions broke out in Mexico, which were soon followed in other provinces, until every colony that Spain had planted on the continent threw off the Spanish yoke. It was a sequence in the nineteenth century to the act of the Thirteen English colonies in the eighteenth century, in throwing off the British yoke.

V

IN THE LOUISIANA PURCHASE

1803-1804

THE purchase of Louisiana by the United States was complicated with the affairs of Spain and France and England. The sale was a necessity for Napoleon, in view of a war with England, upon which he was set. In that event, he saw that England would capture New Orleans and take possession of Louisiana. He therefore gave up the plans he had cherished, to hold that city and to plant a French colony in Louisiana, and proposed the sale of both city and province to the United States. The American plenipotentiaries, Robert R. Livingston and James Monroe, though without instructions from President Jefferson as to the country west of the Mississippi, accepted the offer and made the purchase. Livingston had conducted the negotiations before the arrival of

Th: Jefferson

Monroe in Paris. The treaty of cession was signed April 30, 1803.

The purchase was a necessity for the United States in order to meet the demands of American commerce for the possession of New Orleans, and in view of Napoleon's conditioning the sale of New Orleans upon the sale of the whole province. James Madison, Secretary of State, expressed his apprehension, July 24, 1801, that in the event of the capture of Louisiana and Florida by England, "our country would be flanked south and west, as well as north, by the last of neighbors that would be desirable." At the time of the purchase, however, England was in friendly relations with us, and the American minister at London was assured, "that England would be satisfied if the United States obtained Louisiana, and that, when apprised of the cession, her provisional expedition to occupy New Orleans would be wholly out of view." * Under apprehension that France would take possession of New Orleans, President Jefferson had written

* Rufus King. Life and Correspondence, iv., 255, 573.

Livingston, April 18, 1802: "From that moment, we must marry ourselves to the British." He had not expected Napoleon to give in, until France and England were actually at war. Whether, however, Napoleon might not see the sale to be necessary beforehand, was a chance Jefferson thought it well to try. In these circumstances he despatched Monroe to Paris, with large discretion to the plenipotentiaries. When Napoleon learned what preparations England was making for war, immediately he ordered the sale. "We availed ourselves of the situation; the *dénouement* has been happy," said the President.

The triumphs of diplomacy are more honorable than those of war. The peacemakers are of superior dignity to the war-makers. It is noteworthy that the author of the Declaration of Independence was the director of the Louisiana Purchase, and that Livingston, the chief agent in making the treaty, was one of the committee with Jefferson to draw up the Declaration. Their fame is as statesmen, not as soldiers. Monroe has similar honor.

In the extent of the Purchase, Jefferson saw "promise of a widespread field for freedom and equal laws." He further said, "I look to the duplication of area for a government so free and economical as ours, as a vast achievement to the mass of happenings which is to come." It was the boast of Napoleon that he strengthened the power of the United States against his mortal enemy. A century afterwards, the representative of the French Republic at the St. Louis Exposition recalled with pride and congratulation that the cession of Louisiana was the third contribution of France to the life and growth of our country, following the Alliance of 1778, without which England might have overpowered us, and the recognition of our place among the nations in 1783.

Upon signing the treaty, Livingston rose and shook hands with Monroe, and with Marbois, the French minister, and said: "We have lived long, but this is the noblest work of our lives. This treaty will change vast solitudes into flourishing districts, and prepare ages of happiness for innumerable generations. The

Mississippi and the Missouri will see them succeed one another, and multiply in the bosom of equality, under just laws, freed from the errors of superstition and the scourges of bad government." It gave especial gratification to Jefferson, as he wrote Livingston, that the negotiation was conducted "with a frankness and sincerity honorable to both nations, and comfortable to a man of honest heart to review." He gave full credit to Livingston for his part in the transaction, and in writing to him called it, "your treaty."

The treaty was ratified by the Senate on the twenty-first day of October, and ten days later Congress voted the money to carry it into effect. Prompt action was necessary, for Spain was still in possession, and in bad humor. Aggrieved by the perfidy of Napoleon, she protested against the sale to the United States, the terms of retrocession, to which he had agreed, forbidding the transfer of Louisiana to another power. In this, as in other cases, Napoleon played false. At the same time, the French were in such disturbed condition, and

so given to change, that apprehension was felt lest they should go back upon what had been done. Livingston and Monroe advised Jefferson that if it had to be done over again the treaty could not be obtained. The President, therefore, advised Congress to act with as little debate as possible, particularly as to the "constitutional difficulty," which he felt was great, but, if his friends thought differently, he said, "Certainly, I shall acquiesce." The "constitutional difficulty" was similar in both countries. The French Republic forbade the sale of French property without the consent of the Chambers, which was not given; and Jefferson held that the United States had no constitutional authority to purchase foreign territory. He spoke of "the necessity of shutting up the Constitution for a time." Napoleon took the matter in his own hands, and Jefferson took it in his. A little later, in another matter, Matthew Lyon, a representative in Congress from Kentucky, compared Jefferson to Napoleon. What the wily Talleyrand called "the empire of circumstances" was in control. Napoleon sold what

he was "certain to lose," as he told his brother Lucien. Sixteen days after the treaty, England declared war against France, and a British fleet would have captured New Orleans, had it still belonged to France. Jefferson suggested a constitutional amendment, and Madison drew up one. Alexander Hamilton and Gouverneur Morris thought it unnecessary, that the United States had complete power, and the suggestion fell to the ground. The country generally, and Jefferson himself, concurred. He said, "In seizing the fugitive occurrence which so much advances the good of the country, the Executive has done an act beyond the Constitution, but we shall not be disowned by the nation."

Pursuant to the treaty, France appointed a commissioner (M. Laussat) to receive the government of Louisiana from the Spanish authorities and transfer it to the United States, Spain having withdrawn its protest at the dictation ot Napoleon, and Congress authorized the President to take possession. Accordingly, on the thirtieth of November, Laussat exhibited to the

Spanish authorities at New Orleans an order for the deliverance of the province, and his credentials from France to receive it. The keys of the city were handed to him, the Spanish flag was lowered on the public square, and the French flag was raised. For twenty days France remained in possession, awaiting the arrival of the United States commissioners. Another ceremony was gone through with at the same place on the twentieth of December, when the commissioners, Governor Claiborne, of Mississippi Territory, and General James Wilkinson, of the United States Army, arrived, and they received the province. A body of American troops was present.

The day was fine. A large crowd assembled. The treaty and the credentials of the commissioners were read. Laussat then gave the keys of the city to Claiborne, and proclaimed the transfer of Louisiana to the United States. The French flag came down, and the American flag went up. As they met in mid-air, cannon and guns resounded with salutes to both flags. On the same day Governor Claiborne issued a proclamation declaring the authority of Spain and

France at an end, and the establishment of that of the United States of America. He assured the people that they were received as brothers, and would have the free enjoyment of their liberty, property, and religion, and all the rights and advantages of American citizens.

The following spring, similar ceremonies took place at St. Louis. Captain Amos Stoddard, of the United States Artillery, was commissioned to act for both the French Republic and the United States. On the ninth of March, 1804, he received for France the government of Upper Louisiana from Don Carlos de Hault de Lassus, the Spanish Lieutenant-Governor, who was a man of high character, French by birth, but long in the Spanish service, a personal friend of General William Henry Harrison, then Governor of the adjoining Indiana Territory. On the next day, the tenth of March, Captain Stoddard, acting for both countries, transferred the government from France, and received it for the United States. On one day the flag of Spain gave way to that of France; on the next day the flag of France gave way to that of the United States.

While some of the French inhabitants looked sadly upon the scene, others welcomed the change. Auguste Chouteau called for cheers when the Stars and Stripes was unfurled. The population of Upper Louisiana at the time was reported to be ten thousand, one hundred and twenty, of which about one thousand were blacks, mostly slaves. Captain Stoddard, "first civil Commandant of Upper Louisiana," in a circular addressed to the inhabitants, assured them of "the justice and integrity of President Jefferson; that the acquisition of Louisiana would perpetuate his fame to posterity; that he had the most beneficent views for their happiness; that they were divested of the character of subjects, and clothed with that of citizens; that they would have popular suffrage, trial by jury, a confirmation of their land titles, a territorial government, to be succeeded by their admission as a State into the Federal Union; and he indulged the hope that Upper Louisiana would become a star of no inconsiderable magnitude in the American constellation."

It was the policy of President Jefferson not to

interfere with the Indians in Louisiana, except for their friendship and trade, and to encourage the removal of all the Indians on the east side of the Mississippi to the west side. He said, "When the American people have filled up the east side, we may lay off a range of States on the west side from the head to the mouth, and so range after range advance compactly as we multiply." Until this time he suggested shutting up the west side of the Mississippi from settlement by the white people.

A "Description of Louisiana," which the President sent to Congress, enumerates the Indians who were at this time in what is now Iowa, or upon its borders:

"On the River Moingona or *Rivière de Moine* are the Ajoues (Iowas), a nation originally from the Missouri. It consisted of two hundred warriors, before the smallpox lately raged among them.

"The Sacs and Reynards (Foxes) live together on the Mississippi, and consist of five hundred warriors; they frequently trade at St. Louis, but their chief trade is with Mackinaw.

"On the Missouri, the Omahas with five hundred warriors in 1799, but said to have been almost cut off

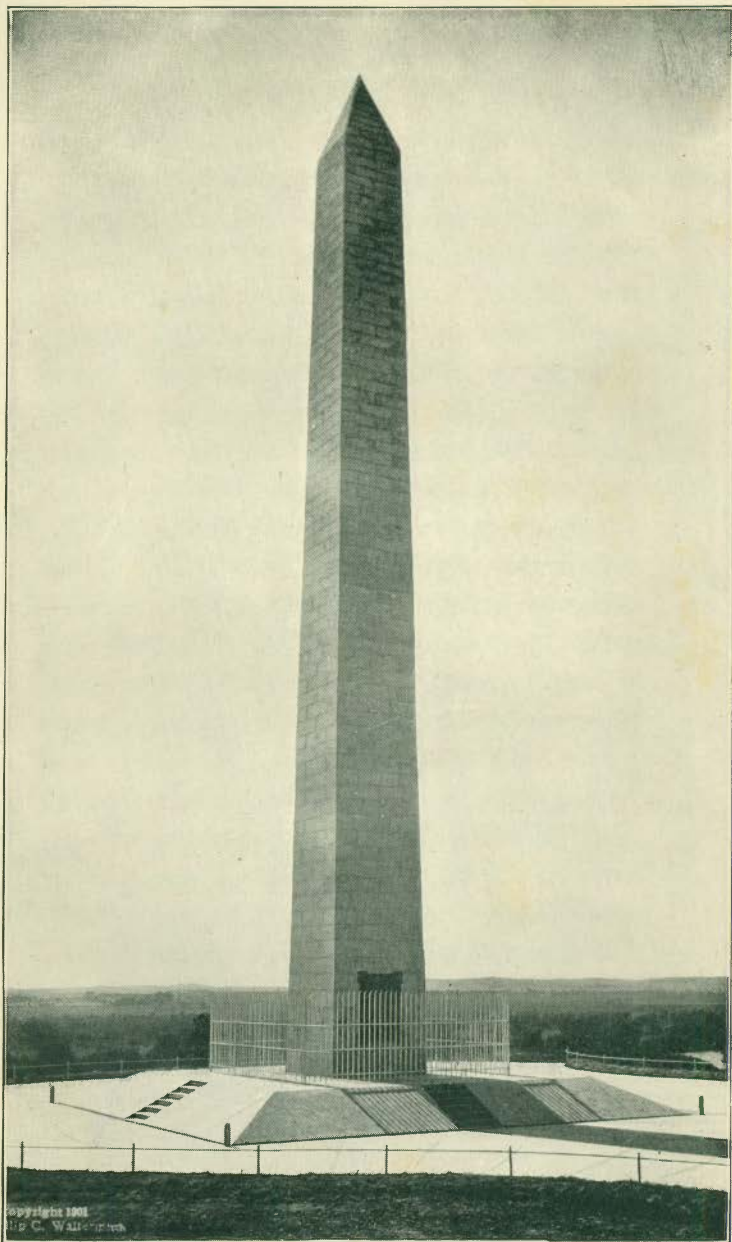
last year by smallpox; the Otoes and Pawnees with two hundred and fifty warriors; the Sioux, between the Mississippi and the Missouri, a great impediment to trade and navigation, massacring all who fall into their hands; and other nations concerning whom but little information has been received."

For twenty years an exploration of the Missouri River, and the discovery of a passage from its headwaters to the Pacific Ocean, had been upon the mind of Mr. Jefferson. Previous to the purchase of Louisiana, he had sent a confidential message to Congress asking an appropriation of twenty-five hundred dollars for the object, which Congress voted. The work was immediately undertaken; and one of the greatest feats in geographical discovery and adventure was accomplished in two years and a half.

The exploring party of Lewis and Clark arrived at St. Louis in December, 1803, and had planned to winter with Daniel Boone at the furthermost settlement on the Missouri River. But the Spanish governor had not received official notice of the transfer of the province, and would not consent. They wintered on the

east side of the Mississippi, opposite the mouth of the Missouri, and on the fourteenth of May, 1804, they entered the river. They reached what is now the western boundary of Iowa on the eighteenth of July, and sailed along that boundary to the mouth of the Big Sioux River August 21. A few miles above the present city of Council Bluffs they observed on the east side of the river "a spot where the Ajouway (Iowa) Indians formerly lived, who had emigrated to the River Des Moines." On the twenty-eighth of July they went into camp for six days on the west side of the river, in what is now Washington County, Nebraska, and held a council with several Indian tribes. They called the place "Council Bluffs."

On the twentieth of August occurred the only tragic incident of the whole voyage of Lewis and Clark, — the death of Sergeant Charles Floyd. His comrades buried him on the top of a bluff, to which they gave his name. They marked the spot with a cedar post inscribed with his name and the date of his death. Two years later, on their return, they again ascended



THE FLOYD MONUMENT

the bluff, September 6, 1806, and put the grave in order. George Catlin was there in 1832, and paid his tribute to the "sleeping monarch of this land of silence, sole tenant of this stately mound." In 1839, Jean Nicollet "replaced the signal the winds had blown down, which marks the spot and hallows the memory of the brave sergeant." In May, 1857, the remains, which had been nearly washed away by heavy floods, were reinterred by the people of Sioux City with services of honor. "The cedar was as sound as the day it was placed there, though it had been whittled down by relic-hunters." On the thirtieth of May, in the first year of the twentieth century, 1901, a lofty obelisk, erected by the Floyd Memorial Association of Sioux City, John H. Charles, President, was dedicated to his memory, and to the honor of the Lewis and Clark Expedition, with imposing ceremonies, and an eloquent oration by John A. Kasson, on "The Expansion of the Republic West of the Mississippi." *

* "Annals of Iowa." First Series, viii., 31-34. Third Series, v., 148-149, 177-198.

VI

IN THE DISTRICT OF LOUISIANA UNDER THE GOVERNMENT OF INDIANA TERRITORY

1804–1805

CONGRESS was in session when the Government took possession of Louisiana. An act, approved March 26, 1804, extended over it the constitution and laws of the United States. Everything inconsistent therewith was declared invalid. The act provided for trial by jury, for liberty of worship, every man free to maintain his own religious opinions, and not burdened for those of another. The particular disposition and government of the vast area became at once a great question with the American people, dividing them in opinion for two and three generations, embarrassing, embittering, endangering the life of the nation.

Slavery had existed in Louisiana under

France and Spain, as in the English colonies under Great Britain. The United States had cast off the British yoke, but not the slavery which British rule had imposed on the colonies despite remonstrances from those colonies. France had proclaimed universal emancipation, but French vessels still carried on the slave trade and brought negroes from Africa into New Orleans, even after the city was transferred to the United States. Spain at one time prohibited the slave trade, but removed the prohibition in 1783, "to favor the commercial interest," and slaves were brought into New Orleans from Africa and the West Indies in British and American vessels, the latter belonging to Newport, Rhode Island. "The only time I ever heard the slave trade defended in Congress was by a member from Rhode Island," said Nathaniel Macon.

The idea of strengthening slavery, or "the Slave Power," in the language of a later day, by the purchase of Louisiana, was not in any man's mind. That idea did not then exist. It was foreign to the national consciousness of the

time. There was no distinction then between slaveholding and nonslaveholding States. It belongs to a later day. Slavery was then under a general ban. It was expected that the principles of the Declaration of Independence would do away with it. The whole country had united in putting those principles into effect by prohibiting slavery in the Northwest Territory by the Ordinance of 1787. The members of Congress of that year from Delaware, Virginia, North and South Carolina, and Georgia, voted for the Ordinance, and it was ratified and confirmed in 1789, by the First Congress under the Constitution.

Some States had abolished slavery; some had adopted measures of gradual emancipation. Every Southern State, following the lead of Virginia in 1778, prohibited the importation of slaves, though at this juncture South Carolina went back on itself, and authorized the importation of slaves for four years, 1804–1807. In this period forty thousand slaves were brought into Charleston, mostly in British ships. The character of the trade may be inferred from

a reminiscence given in Congress a century later by a senator from South Carolina:

"I happened in my boyhood to see some real Africans fresh from their native jungles. The last cargo of slaves imported into this country were brought here in 1858, on the yacht Wanderer, landed on an island below Savannah, and sneaked by the United States Marshal up the Savannah River, a little distance below Augusta; and my family bought some thirty of them. These poor wretches, half starved on their voyage across the Atlantic, shut down and battened under the hatches, and fed a little rice, several hundred of them, were the most miserable lot of human beings — the nearest to the missing link with the monkey — I have ever put my eyes on." *

At this time there were friends of slavery in the country, who saw that "their interest would be strengthened by the immense acquisition of territory to the United States," as was stated in Congress by Thomas Lowndes, a sagacious representative from South Carolina. In the world at large the idea of property in man was not reprobated as "a guilty fantasy." The

* Congressional Record, xxxvi., 2800.

United States was handicapped by the treaty which promised "protection to property"; and slaves were property.

There were differences of opinion as to what should be done. Congress was memorialized to prohibit slavery. It was held that the obligation of the treaty might be fulfilled, by applying prohibition not to slaves then there, but to children born and persons coming afterwards into the territory. Rufus King, who had acted an accessory part with Livingston in the negotiation of the treaty, asked, "May not the acquisition of the west side of the Mississippi prove pernicious instead of beneficial?" It was his conviction that slave representation in Congress and in the Electoral College should not be extended to the Louisiana States.*

A twofold course was adopted. Congress divided Louisiana into two parts, by the 33d degree of north latitude, with a different legislation for each part. The south part was constituted the Territory of Orleans, with a government similar to that of the adjoining

* Rufus King. "Life and Correspondence," iv., 324, 569.

Territory of Mississippi, organized six years before, and the President transferred the governor of Mississippi Territory to be governor of Orleans Territory.

The Ordinance of 1787 had been applied to the Mississippi Territory upon its organization, "excepting and excluding the last Article"; which declared, "there shall be neither slavery nor involuntary servitude." The freedom that dawned upon the Northwest in 1787 was excluded from the Southwest in 1798.

As the constitutional limitation upon Congress not to prohibit the importation of slaves into any of the original States before 1808, did not apply beyond those States, and as Congress, when establishing the Territory of Mississippi, prohibited the importation of slaves into it, so now Congress prohibited the importation of slaves into the Territory of Orleans. Congress enacted further that no slave brought into the United States since May 1, 1798, nor any who might be brought hereafter, should be brought into the Territory of Orleans, and also that no slave should be brought in except by a citizen

of the United States removing for actual settlement, and *bona fide* owner of said slave.

These restrictions show the humane and enlightened spirit of the nation at the time, but they were disregarded. The President and the Secretary of the Treasury, Albert Gallatin, struggled in vain to enforce them. Many slaves were smuggled into New Orleans. Slavery set the laws at defiance.

The same act of Congress that established the Territory of Orleans made a different law for the part of the purchase north of the thirty-third parallel. This was named the District of Louisiana, and its government was vested in the governor and judges of Indiana Territory. The Indiana Territory of that time extended to the Mississippi, and was immediately contiguous to the District of Louisiana, as the Mississippi Territory was to the Orleans Territory. The inhabitants of both sides of the upper Mississippi were in close communication with each other from the first settlement of the country. Under France they had been under one government. St. Genevieve and St. Louis were settled

by people from the east side. In commerce and trade St. Louis was called "St. Louis of Illinois." From their historical relations and their contiguity, it was fitting that the two sides of the upper Mississippi should be under one rule again. The law took effect October 1, 1804. On that day the Governor of Indiana Territory, William Henry Harrison, was escorted by a cavalcade of people from the east side to St. Louis, as Governor also of the District of Louisiana on the west side.

Indiana Territory existed under the Ordinance of 1787. In placing the District of Louisiana under its government Congress did not "except and exclude" the article that prohibited slavery. This was a promise of freedom for the district and its vast area, but it proved illusive. The promise was spurned. Remonstrances against it were sent to Congress. It was said that "placing the District under a Territory where slavery is proscribed, is calculated to alarm the people and create the presumption of a disposition in Congress to abolish slavery in the District at a future day."

Congress was asked "to acknowledge that in view of the treaty the people were entitled to their slaves, and to the right of importing slaves." John Randolph, of the committee to which the remonstrance was referred, reported that "a prohibition of the importation of foreign slaves was a wise and salutary restriction, equally dictated by humanity and policy." A year before, upon a petition from some citizens of Indiana Territory for a suspension of that Article of the Ordinance which prohibited slavery, on the ground that it prevented the immigration of persons who would come if they could bring their slaves with them, Mr. Randolph reported it "dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and that in the salutary operation of this sagacious and benevolent restraint the inhabitants would find ample remuneration for a temporary privation of labor and immigration."

Congress denied the petition from Indiana Territory, to the incalculable advantage of the

States afterwards formed out of it, but succumbed to the demand from the west side of the Mississippi, to its detriment for many years. Governor Harrison and the judges associated with him enacted "a law respecting slaves" for the District of Louisiana, so that slavery was fastened upon the whole purchase from the Gulf of Mexico to the British line. The same authority constituted the inhabited portion north of the Missouri River the District of St. Charles. It included the settlements of Tesson, Dubuque, and Girard in what is now Iowa, and their names appear in the American State Papers * as in St. Charles County.

It was the policy of President Jefferson, before the Louisiana Purchase, to obtain from the Indians a cession of lands upon the Mississippi, in order to strengthen the then western boundary of the United States, in view of complications that might arise with Spain or France. Governor Harrison had previously obtained a cession of what is now Southern Illinois from the remnant of the Kaskaskias and other tribes.

* "Public Lands," iii., 332, 345.

Those Indians wanted the protection and friendship of the United States against their enemies, and were willing to sell their lands for goods and annuities. Governor Harrison was now instructed to procure a cession of land farther up the Mississippi, where the Sacs and Foxes were in possession. It was important to pacify these warlike tribes, and attach them to the American interest. Governor Harrison made a treaty with five of their chiefs and head men at St. Louis, November 3, 1804, by which the United States received the united Sac and Fox tribes into its friendship and protection, and those tribes agreed to consider themselves under the protection of the United States, and of no other power, and they ceded to the United States on the west side of the Mississippi the land now constituting the county of St. Charles, in the State of Missouri, then occupied by a small French population, and on the east side their lands from the Illinois River to the Wisconsin River. It afterwards appeared that one-half the cession on the east side, the land from Rock River to the Wisconsin, belonged to

the Winnebagoes, not to the Sacs and Foxes. In consideration of the cession, the United States gave the Sacs and Foxes goods to the value of two thousand, two hundred and thirty-four dollars, and promised them one thousand dollars annually, to be expended for their benefit in domestic animals, implements of husbandry, and in compensation to useful artificers to reside among them. The United States also agreed, in order to save the Sacs and Foxes from the abuses and impositions of private traders, to establish a trading-house or factory where they could be supplied with goods at a reasonable rate. The Sacs and Foxes, "in order to show the sincerity of their friendship for the United States and a respectful deference for their advice, by an act not only acceptable to them but to the Common Father of all the nations of the earth," agreed to put an end to their bloody war with the Osages. The cession covered only a small portion of the lands claimed by the Sacs and Foxes. The vast region on the west side of the Mississippi from the Missouri River to the Sioux country

remained theirs, and they were to enjoy the protection of the United States in its possession, and also the privilege of living and hunting upon the ceded lands until the United States should make sale of them.

The District of Louisiana under the government of Indiana Territory had an existence of only nine months. It was obnoxious to the people of St. Louis. They sent a remonstrance against it to Congress, in which they claimed the right of importing slaves under the treaty of cession from France. Congress listened to their petition for a change of government.

VII

IN THE TERRITORY OF LOUISIANA

1805-1812

BY act of Congress, the District of Louisiana became the Territory of Louisiana on the fourth day of July, 1805; the Governor and Judges were required to reside in the Territory, and were empowered to make laws. President Jefferson appointed General James Wilkinson Governor. The appointment contravened the President's general policy against mixing military and civil offices, but he justified it in this case on the ground that the duty would be chiefly military. Governor Wilkinson appointed Henry Dodge lieutenant of militia in the district of St. Genevieve.

On the ninth of August, 1805, Lieutenant Zebulon M. Pike, an able and efficient young officer of the United States Army, under instructions from General Wilkinson, sailed from

St. Louis upon an exploring expedition to the sources of the Mississippi. He was instructed to note the rivers, islands, rapids, highlands, mines, quarries, Indian nations, the tracts of country on which they made their hunts, the quantity and species of skins and furs they bartered per annum, the prices of these relative to goods, and the people with whom they traded, and to examine strictly for an intermediate point between St. Louis and Prairie du Chien, suitable for a military post, and also for a similar post near the Wisconsin River.

On the twentieth of August the expedition reached the mouth of the Des Moines River. After much difficulty in passing the Rapids they came to a Sac village, and told the Indians in a friendly "talk" of the purpose of their great father, the President, to establish a trading-house among them. On the twenty-third of August they came to "a handsome situation for a garrison," where is now Crapo Park in the city of Burlington. At Rock River they met Black Hawk, who recalled the scene twenty-eight years afterwards:

"Lieutenant Pike gave us some presents, and said our American father would treat us well. He presented us an American flag, which we hoisted. He then requested us to lower the British colors, which were waving in the air, and to give him our British medals. This we declined to do, as we wanted to have two fathers. He went to the head of the Mississippi, and then returned to St. Louis. We did not see any American again for some time, being supplied with goods by British traders." *

They encamped, August 27, on the site of the city of Davenport. On the thirty-first they passed "a beautiful eminence that had the appearance of an old town" (site of Bellevue, Jackson County). On the first of September they reached the mines of Monsieur Dubuque, who "saluted them with a field-piece, and received them with every mark of attention." Dubuque said that he was making from twenty to forty thousand pounds of lead a year. He informed Lieutenant Pike that the Sioux were at war with the Chippeways up the river. On the fourth of September Pike arrived at Prairie

* "Black Hawk's Autobiography," by J. B. Patterson, edition 1882, p. 21.

du Chien. The next day he ascended the bluff on the opposite side of the river, the site of McGregor, and made choice of "a commanding spot, level on top, a spring in the rear, most suitable for a military post." It was long known as "Pike's Hill." September 10, near the mouth of the Upper Iowa River, Wabashaw, chief of the four lower bands of the Sioux, received them kindly, and they smoked together the pipe of peace. Here they witnessed a medicine dance, men and women, gaily dressed, dancing indiscriminately, each puffing and blowing at one another, one falling apparently dead, then rising and joining in the dance. The expedition was twenty-one days in passing along what is the eastern boundary of the State of Iowa from the southern to the northern limit. They kept on their voyage until the Mississippi was closed by ice, when they made long marches to its headwaters, and established the authority of the United States over the vast area. Finding the British flag flying at the posts of British traders, they supplanted it with the American flag. De-

MAP DRAWN FROM THE NOTES OF LIEUTENANT PIKE

scending the river in the spring of 1806, they fell in with many Indians, some of whom gave up their British medals. At one place they saw some two hundred naked savages in a game of "cross," Sioux on one side, Foxes and Winnebagoes on the other, contending for hours to keep a ball in midair.

Lieutenant Pike noted the settlements of Giard, Dubuque, and Tesson, the only white people then in Iowa. On his map an "Ajouwa village" is put down on the Des Moines River. He reported the Sacs and Foxes as 4,600 souls, 1,250 warriors; Iowas, 1,400 souls, 300 warriors. In his opinion the prairies should be left to the wandering savages, as incapable of cultivation.

In June, 1808, the St. Genevieve Academy was incorporated by the legislature of the Territory. Henry Dodge was one of the original trustees. It was the first institution of learning west of the Mississippi River. The law provided for instruction in English and French, for the instruction of the children of poor people and those of the Indians gratis,

the establishment of an institution for the education of females as soon as the funds would admit of it, and forbade any discrimination in the choice of trustees or teachers on account of religious sentiments, or any interference with the rights of conscience or the free exercise of religious worship.

After the return of Lewis and Clark from their expedition to the Pacific, the President made Captain Lewis Governor of Louisiana Territory, and Captain Clark Brigadier-General and Indian Agent for the Territory. To carry out a provision of the treaty of November, 1804, for establishing a trading-house or factory among the Sacs and Foxes, Governor Lewis held a council with them at St. Louis, August, 1808, and with the Iowas. They agreed upon a cession of land for that purpose. President Jefferson felt a lively interest in the matter. He regarded it of the highest importance to cultivate friendship with our "red brethren," as he called them, and to promote their civilization by equity and fair dealing in trade. He said:

"We must prohibit the British from appearing west of the Mississippi, break up all their factories west of Lake Michigan, nor permit them to send out traders to the Indian towns, putting our own commerce under the same regulations. I think well of Governor Lewis's proposition to carry on all our commerce west of the Mississippi at fixed points, obliging the Indians to come to the commerce, instead of sending it to them. With the Sacs and Foxes I hope he will be able to settle amicably, as nothing ought more to be avoided than a system of military coercion on the Indians. As soon as our factories on the Missouri and the Mississippi can be in activity, they will have more powerful effect than so many armies." *

Despite Jefferson's peaceful policy, and the agreement of the Indians to live in peace, the Sacs and Foxes and Iowas kept up their wars with the Osages, and waylaid and murdered settlers upon the frontier. In his last annual message the President spoke of the Iowas and the Sacs as having "delivered up for trial and punishment individuals from among themselves, accused of murdering citizens of the United States."

* Writings of Thomas Jefferson, 1853, v., 348-351.

Pursuant to the treaty of 1804, Lieutenant Alpha Kingsley was sent in September, 1808, with a small company of the First United States Infantry, to select a site for a factory. He fixed upon a place he called Belle Vue, "about twenty-five miles above Le Moine." Storehouses were erected by the soldiers, who had extra pay for the work at the rate of ten cents per day, and one gill of whisky for each man. The first winter ten thousand dollars' worth of goods was sold to the Indians in exchange for beaver, otter, deer, bear, muskrat, and raccoon skins, and beeswax and tallow. One year the business amounted to thirty-nine thousand dollars. For the safety of the establishment, a small fort was built with bastions and stockade. It was called Fort Madison, for the new President. The site was upon the river bank, and was selected for convenience of trade rather than for military defence. It was afterwards seen that a site on higher ground would have been more secure against an enemy.

British traders were jealous of the factory. They had smuggled goods through Green Bay

and the Fox and Wisconsin rivers into the Mississippi, and wanted a monopoly of the trade. They poisoned the Indian mind against Fort Madison. Trickery and treachery were common to the savages. On one occasion they formed a plot to enter the fort under guise of giving a dance, and capture it with weapons concealed under their blankets; but an Indian maiden revealed the plot to a young officer, and it was foiled by a counterplot that opened a masked cannon upon the savages as they danced and began to whoop and yell.

After the battle of Tippecanoe, November 7, 1811, some Winnebagoes and Sacs who had been with Tecumseh started under Black Hawk to attack Fort Madison. They were supplied with ammunition by British traders. Black Hawk in his autobiography says that he dug a hole in the ground and concealed himself by placing weeds around it, and from his ambush directed his warriors. They beleaguered the fort, hurled firebrands upon the buildings, and killed three men, when their ammunition gave out, and they abandoned the siege.

On the twenty-fourth of March, 1810, Julien Dubuque died, and the establishment which he had occupied for twenty-two years went to decay and ruin. No other man ever gained such consideration among the Fox Indians. They buried him with the honors of a chief. Soon after his death, the residue of his claim was sold at St. Louis for the payment of his debts, under the laws of the Territory of Louisiana, and his creditors sent up an armed force to take possession of the mines. But the Indians drove them off. They would suffer no white man among them. They worked the mines themselves in a crude way, squaws doing the work. Dubuque's St. Louis creditors appealed to Congress in vain for relief. Albert Gallatin, Secretary of the Treasury, disallowed their title. It was decided adversely by the United States Supreme Court, 1854, on the ground that the confirmation by Governor Carondelet of the permission given by the Fox Indians to work the mines carried no grant of land. In 1897 the people of the city of Dubuque erected a monument to the memory of the first white man who made a

settlement in Iowa. It stands upon the site of his grave.

In 1811 a change in the form of government of Louisiana Territory was under deliberation in Congress. It was proposed to prohibit slavery in that part of the Territory which lies north of the parallel of latitude that runs through the mouth of the Ohio River. Jonathan Roberts, afterwards senator from Pennsylvania, said that he gave his maiden vote for it in the House of Representatives, and that he was not then told that the proposition was unconstitutional, or in violation of the treaty of cession, but that we were on the eve of war with England, with almost half of the country infatuated with the spirit of opposition to the Government, and that further dissension at that time might be fatal.* The question was deferred.

* Abridgment of Debates in Congress, Benton, vi., 431.

VIII

IN THE TERRITORY OF MISSOURI

1812–1821

THE people of Orleans Territory having organized a State government and named it Louisiana, and the State being admitted into the Union in April, 1812, Congress gave another name to the Territory of Louisiana, and called it the Territory of Missouri, the boundaries remaining as before, that is, covering the whole of the Louisiana Purchase north of the thirty-third parallel. William Clark was Governor, and continued in office through the whole life of the Territory. A native of Connecticut, Edward Hempstead, was chosen delegate to Congress; he was a man of character, efficient in securing legislation for the support of schools.

On the eighteenth of June, 1812, Congress declared war against England. In the Eastern

States it was a war for "free trade and sailors' rights." In the West, on the part of England, it was a "traders' war," to keep the Indian trade and the Indian country in the hands of the British fur companies. To this end the British traders supplied the Indians with arms. Tecumseh said to a British general, "You gave us the tomahawk; you told us that you were ready to strike the Americans, that you wanted our assistance, that you would get us our lands back." He had visited the Sacs of Rock River, the Iowas, and other tribes, to secure their alliance. Black Hawk and his warriors were enlisted in the British service. A British officer gave him a British flag, and placed a "Royal George" medal around his neck, saying, "Your English father has found out that the Americans want to take your lands, and he has sent me and his braves to drive them back to their own country." In the course of the summer Mackinaw and Detroit were captured, and the garrison at Chicago massacred. For more than a year

Fort Madison was threatened with a similar fate. It was a lone post, two hundred and fifty miles from its base of supplies at St. Louis, and the most northern spot on the Mississippi where the authority of the United States was represented by soldiers and the flag. The garrison consisted of about one hundred men, officers, and privates; there were also a few men in charge of the factory, or trading-house, which the government had erected, pursuant to the treaty of 1804.

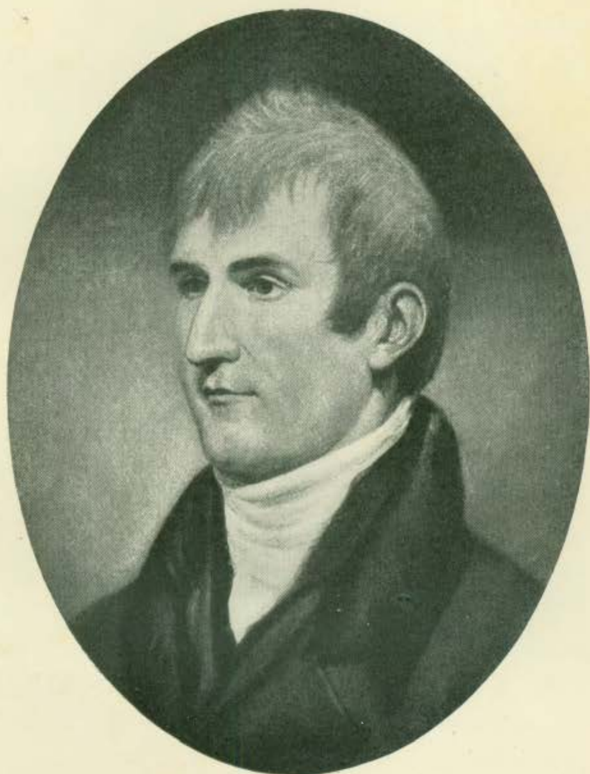
On the fifth of October and the two following days a party of Winnebagoes beleaguered the fort. They shot blazing arrows and hurled burning brands upon the block houses, destroyed the corn-fields, killed the live-stock, and killed and scalped a soldier who had exposed himself outside the fort. By direction of the commanding officer, Lieutenant Thomas Hamilton, at an evening hour when there was no wind and the fort not endangered, the factory was burned to save its contents from falling into the hands of the savages, at an estimated loss of fifty-five hundred dollars. A contempo-

rary report says: "Lieutenants Hamilton and Barony Vasquez have done themselves much credit in the defence of the post. No lives were lost in the fort. Many Indians must have been killed." * Some of the military authorities proposed the evacuation of the fort, but General Benjamin Howard, in command at St. Louis, objected that it might embolden the Indians. He also said that an expedition to erect a garrison commanding the mouth of the Wisconsin River was contemplated, and that Fort Madison would be of service in the prosecution of the expedition. In April, 1813, General Howard visited the fort on an inspection tour and advised holding it, though the necessary preparation for evacuation might go on. The fort was twice attacked in July, and in the morning of the sixteenth of that month a corporal and three privates were surprised at an outpost and butchered. The Indians occupied higher ground, and kept up the siege, so that no one

* Niles' Register, October 31, 1812. "Annals of Iowa." Third Series, iii., 105.

dared venture outside the fort. There were many soldiers on the sick-list. As the supplies were about exhausted, and promised reinforcements failed to arrive, some feared the fate of their butchered companions, and it was concluded to abandon the fort. A trench was dug to the river. In the night of September 3 the men moved down the trench on their hands and knees to boats on the shore; the order was given to set fire to the block-houses and barracks; and the garrison were on their way down the Mississippi, and the fort was in flames, before the savages, lying within gunshot, were aware of the movement. The stone chimney of the fort remained standing for several years. The site was known as "Lone Chimney." The Indians called it "Po-to-wo-nock," the place of fire.

Prominent in Missouri Territory for his military services was Henry Dodge. From captain of a mounted rifle company at the beginning of the war he rose to the rank of brigadier-general by appointment of President Madison. By his courage and skill, having



Meriwether Lewis.

great knowledge of Indian character, himself perfectly fearless, he overawed and composed hostile and wavering bands, and protected the frontier settlements. Notable among his actions was saving the lives of a band of Miamis that General Harrison had sent west of the Mississippi in order to put them out of the way of British influence. These Indians proved perfidious, and became a terror to the settlements on the Missouri River. General Dodge was sent to chastise and correct them. On reaching their village it was found deserted. They had taken to the woods. On being collected together, they gave up their arms and the booty taken from the settlers whom they had robbed and murdered; they only begged that their lives be spared. The General accepted their surrender, and was making preparations to send them back to their former country, when a troop of "Boone's Lickers," whose kindred and neighbors had been plundered and slain by the Miamis, rode up, intent to kill every one of them. The instant General Dodge was informed of this

he rode to the spot where the Miamis were upon their knees, a death-prayer to the Manitou on their lips, and the "Boone's Lickers" in the act of levelling their guns upon them. Spurring his horse between the guns and the Indians, he placed the point of his sword at the bosom of the captain of the troop and forbade the shooting. After some harsh words the captain ordered his men to put up their guns. The Miamis expressed the warmest gratitude to General Dodge for saving their lives. They were soon conducted to St. Louis and conveyed to their home on the Wabash. General Dodge, recalling the scene in later years, said that he felt more pride and gratification in having saved the lives of his Miami prisoners than in any triumph in arms.

In order to break up a nest of British traders and hostile Indians on the upper Mississippi, Governor Clark early in May, 1814, went up the river with a gunboat and barges, and one hundred and fifty volunteers and sixty regulars, and built a fort at Prairie

du Chien. The Governor returned to St. Louis, leaving the troops to hold the fort; but an overwhelming force of British and Indians compelled its capitulation on the seventeenth of July. About the same time, troops on the way up the river with reinforcements and supplies, under Captain John Campbell, met with a furious assault from the Sacs and Foxes at Rock Island. The savages were marshalled by Black Hawk, and swarmed about the boats on both sides of the river. They killed nine, wounded sixteen of the Americans, captured one of the boats with its stores, and compelled a retreat. The British commander at Prairie du Chien reported it as "perhaps the most brilliant action fought by Indians only, since the commencement of the war."

To chastise those Indians and destroy their villages and corn-fields, another force was sent from St. Louis in August under Major Zachary Taylor. Approaching Rock Island, a British flag was seen flying, and a cannon-shot that struck Major Taylor's boat gave him the first warning that a British force would dispute his

passage. A lieutenant from Prairie du Chien had come in answer to an appeal from the Indians, bringing a brass three-pounder and two swivels. They were posted on the west side of the river. At the same time bands of Foxes, Winnebagoes, and Sioux came down the Mississippi to help the Sacs. Black Hawk again marshalled the Indians on both sides of the river. The guns were well handled. The Indians dragged them from one position to another with high glee, and drowned each report of the guns with yells and acclaims. After fatal skirmishing (eleven men were badly wounded, three mortally), finding it impossible to dislodge the enemy without endangering his whole command, Major Taylor retired down the river. This was on the sixth of September, 1814.

The British and their savage allies now held the upper Mississippi. Whether or no they should continue to hold it was one of the vital questions before the commissioners who had already been appointed to negotiate a peace between Great Britain and the United

States. A British officer sent this word to Black Partridge, a famous Pottawattamie chief, and to chiefs of other tribes: "When the French left Canada they asked us [the British] to take care of the Indians. We will do so; and unless the Americans abandon all the country on this side of the Ohio, we will not make peace with the Americans." The British commissioners at their first meeting with the American commissioners, August 8, 1814, insisted that the United States set apart a portion of the Northwest to the Indian tribes, to be held by them in sovereignty under a guarantee of Great Britain. They also asked the right of navigation for British subjects upon the Mississippi. However preposterous these demands, and denied as they were by the American commissioners, they show the British animus of the time. The same summer the city of Washington was captured, the Capitol and the President's house were burned, and preparations were being made to capture New Orleans and take possession of Louisiana. At the same time it was expected that Spain

would cede Florida to England, so that the territory of the United States would then be circumscribed by England, be confined to its original limits, and there be a Greater Britain upon the American continent. This was the dream of British propagandists; but the commissioners yielded the points upon which they had insisted. It was agreed that the boundaries of the two countries remain as before the war; and Spain still held Florida. The British traders had brought upon the Lakes and the Mississippi a larger supply of goods for the Indian trade than ever before. They hoped to retain their ascendancy and keep that trade. But after the peace the United States excluded them from that trade in our territory. "Their ascendancy over the Indians in the late war must be remembered," said Mr. Calhoun. He traced to it our greatest disasters in that war.

In the treaty of peace Great Britain looked after its Indian allies, and provided that the United States should put an end to hostilities with them. Accordingly, the United States

summoned all the tribes upon the upper Mississippi and Missouri rivers to meet in council in the interest of peace. They assembled in June, 1815, at Portage des Sioux, upon the Mississippi, on the neck of land just above the mouth of the Missouri. It was a great assemblage of chiefs and warriors of many tribes. Governor Clark, Governor Edwards, of Illinois Territory, and Auguste Chouteau, of St. Louis, were the commissioners on the part of the United States. General Henry Dodge was present with a military force to preserve order and guard against surprises and disturbances. Treaties were made with twelve tribes, whose chiefs and warriors, one hundred and twenty-four in all, signed their respective treaties. In each treaty except that with the Sacs of Missouri River, who had kept peace with the United States, it was agreed that "every injury or act of hostility by one or either of the contracting parties shall be mutually forgiven and forgot, and there be perpetual peace and friendship between all the citizens of the United States and the individuals of each tribe." Several of

the tribes had their hunting-grounds in what is now Iowa. The Sacs of Missouri River and the Foxes assented to and confirmed the treaty of November 3, 1804, by which their lands east of the Mississippi were sold to the United States.

The Sacs of Rock River, meanwhile, remained hostile. Pains were taken to conciliate them. They were invited to send a deputation of their chiefs to meet the commissioners. But they declined, and they continued their depredations upon the frontier settlements. Some warriors at Portage des Sioux offered to go and chastise them, but the United States "preferred their reclamation by peaceful measures," and awaited their return to a better mind. When Black Hawk first heard from the British commander at Prairie du Chien of the peace between England and America, that officer said that "Black Hawk cried like a child." Inveterate in his hostility to the American people, his heart was with the British. His band was known as the "British Band." The next year he changed his mind, and went with some of his chiefs and warriors to St.

Wm Clark

Louis, where they all signed a treaty in which they represented themselves as "now imploring mercy, having repented of their conduct, and anxious to return to peace and friendship with the United States." They also declared their "unconditional assent to the treaty of November 3, 1804." Here for the first time Black Hawk touched the goose quill, "not knowing," he said seventeen years afterwards, "that by the act he consented to give away his village." He asked, "What do we know of the laws and customs of the white people?"

The original plan of the government, from the days of Washington, to establish factories for the Indian trade, and employ its own agents, was now abandoned, and the trade was thrown open to individuals and companies under "regulations," which were generally disregarded. John Jacob Astor bought the trading-posts and fixtures of the British traders, and he and others formed companies and made great profits. The Indians were exploited, as before, by British traders, whisky and the white man's vices making havoc among them.

A steamboat first reached St. Louis on the second day of August, 1817. On the sixteenth of May, 1819, a steamboat first entered the Missouri River, and passed up to the mouth of Chariton River; later in the same year, the "Western Engineer," a Government steamboat, passed along the western shore of Iowa to the Council Bluff of that time. They were the heralds of an advancing civilization, of a new people in the wilderness. The Indians were astonished and astounded at them. An extension of military defences followed, high up the Mississippi at Fort Snelling, and on the Missouri at the Council Bluff, under the energetic action of John C. Calhoun, then Secretary of War. Additional treaties of peace and friendship were made with other Indian tribes. This led to many new settlements in Missouri Territory. The population doubled in five years. There was a similar increase, though not as large, in the adjoining Territory of Illinois. In that Territory, though with less population than in the Territory of Missouri, the people, pursuant to an enabling act of

Congress, organized a State government, and with a smaller population at the time than any other State before or since, the State of Illinois was admitted into the Union, December 3, 1818.

At the same time the people of Missouri Territory were equally desirous of a State government, and the Legislature sent a memorial to Congress on the subject.

It stated that the —

"Population was little short of one hundred thousand souls, was daily increasing with a rapidity almost unequalled, and that the Territorial limits were too extensive to admit of a convenient government. It asked for a division of those limits, and for authority to establish a State with the following boundaries: on the north, a line drawn due west from the mouth of Rock River; on the east, the Mississippi River; on the south, a line beginning at the 36th degree of north latitude, thence in a direct line to the mouth of Black River, thence up White River to the parallel of 36° 30′, thence with that parallel due west to a point from which a due north line will cross the Missouri River at the mouth of Wolf River; on the west, the said due north line."

The memorial added:

"To a superficial observer these limits may seem extravagant, but attention to the topography of the country will show they are necessary. The districts of country that are fertile and susceptible of cultivation are small, and separated from each other at great distances by immense plains and barren tracts, which must for ages remain waste and uninhabited. These frontier settlements can only become important and respectable by being united, and one great object is the formation of an effectual barrier against Indian incursions, by pushing a strong settlement on the Little Platte to the west, and on the Des Moines to the north."

Soon after the presentation of this memorial to Congress, a bill to authorize the people of Missouri Territory to form a State government was introduced in the House of Representatives on the thirteenth of February, 1819, when a motion was made by James Tallmadge, Jr., of New York, to prohibit the further introduction of slaves into the proposed State, and to give freedom to all children of slaves born there after the admission of the State into the Union, at the age of twenty-five years. Heated debates fol-

lowed for several days. A few quotations from some of the speakers will show their different views. It should be remembered that the importation of slaves into the United States, though prohibited in 1808, was still carried on. John W. Taylor, of New York, said:

"Cast your eye on that majestic river which gives name to the Territory for the admission of which into the Union we are to provide. Contemplate the States hereafter to unfold their banners over this portion of America. Our votes will determine whether the high destinies of this region shall be fulfilled, or whether we shall defeat them by permitting slavery. I am not willing to declare the country west of the Mississippi a market for human flesh. In vain you enact laws against the importation of slaves, if you create an additional demand for them by opening the western world to their employment. While a negro man is bought in Africa for a few gewgaws, and sold in New Orleans for twelve or fifteen hundred dollars, unprincipled men will prosecute the traffic."

Thomas W. Cobb, of Georgia, spoke to the effect that gentlemen could not suppose that the Southern States would submit to a measure

which would exclude them from all enjoyment of the region that belonged equally to them as to the Northern States. He ventured to assure them that they would not. The people of the slaveholding States knew their rights, and would insist upon them. He might subject himself to ridicule for attempting a spirit of prophecy, but (turning to the author of the motion) he warned the advocates of this measure against the certain effects it must produce, destructive of the peace and harmony of the Union. They had kindled a fire which the waters of ocean could not put out, which only seas of blood could extinguish.

James Tallmadge said:

"Language of this sort has no effect on me. If a dissolution of the Union must take place, let it be so. If civil war, which gentlemen so much threaten, must come, I can only say, let it come! My hold on life is probably as frail as that of any man who hears me, but while that hold lasts, it shall be devoted to the service of my country, to the freedom of man. The violence which gentlemen have resorted to will not move my purpose. I have the fortune and the honor to stand here as the representative of freemen who

know their rights, who have the spirit to maintain them. As their representative I will proclaim their hatred to slavery. Has slavery become a subject of so much feeling, of such delicacy, of such danger, that it cannot be discussed? Are we to be told of the dissolution of the Union, of civil war, and seas of blood? And yet with such threatenings, in the same breath, gentlemen insist on the encouragement of this evil, an evil threatening the civil and religious institutions of the country. If its power and its impending dangers have arrived at such a point that it is not safe to discuss it on this floor, what will be the result when it is spread through your wide domain? Its present aspect, and the violence of its supporters, so far from inducing me to yield to its progress, prompt me to resist its march. It must now be met, and the evil prevented.

"Extend your views over your newly acquired territory, so far surpassing in extent your present limits that that country which gave birth to your nation hangs but as an appendage to the empire over which your Government is called to bear sway. Look down the long vista of futurity. See your empire, in advantageous situation without a parallel, occupying all the valuable part of the continent, inhabited by the hardy sons of American freemen, knowing their rights, inheriting the will to maintain them, owners of the

soil on which they live, interested in the institutions which they labor to defend, with two oceans laving their shores, and bearing the commerce of your people. Compared to yours, the Governments of Europe dwindle into insignificance.

"But reverse the scene. People this fair domain with the slaves of your planters; spread slavery over your empire: you prepare its dissolution; you turn its strength into weakness; you cherish a canker in your breast; you put poison in your bosom.

"It has been urged that we should spread the evil rather than confine it to its present districts. Since we have been engaged in this debate, we have witnessed an elucidation of this argument, of bettering the condition of slaves by spreading them over the country. A trafficker in human flesh has passed the door of your Capitol on his way to the West, driving before him some fifteen victims of his power; the men handcuffed and chained to each other, the women and children marching in the rear, under the guidance of the driver's whip. Such has been the scene witnessed from the windows of Congress Hall, and viewed by the members who compose the legislative councils of republican America! This reasoning is fallacious. While slavery is permitted, the market will be supplied. Our extensive coast, and its contiguity to the West Indies, render the introduction

of slaves easy. Our laws against it are highly penal; and yet it is a well-known fact that about fourteen thousand slaves have been brought into our country this last year."

Henry Clay, of Kentucky, Speaker of the House, took part in the debate. He denied the right to prohibit the carrying of slaves into Missouri, as in violation of the second section of the fourth article of the Constitution, which entitles "the citizens of each State to all the privileges and immunities of citizens of the several States." He charged the advocates of prohibition with being under the influence of negrophobia, proscribing the people of the South, cooping them up, preventing the extension of their population and wealth. He further said that the spread of slavery would cure or palliate its evils, that prohibition would be cruel to the slaves, leaving them to destruction in the old worn-out States, instead of allowing them to share in the fat plenty of the new West.

In the Senate, Rufus King of New York maintained the constitutional right and the

duty of Congress to prohibit slavery in Missouri. Having been a member of the convention which formed the Constitution, his words carried force and weight. Though spoken without heat or passion, they were "the signal guns," said Thomas H. Benton, of the controversy which soon agitated the nation. Mr. King's speeches, delivered February 27, 1819, were not reported. He spoke from notes. By request, he published the substance of them in the following November. "This publication," said John Quincy Adams at the time, "has largely contributed to kindle the flames now raging through the Union." "We never have observed so great a body of argument pressed into a smaller space," said Niles' "Weekly Register." A brief résumé may show the course of Mr. King's argument:

The Territory of Missouri belongs to the United States, and is subject to the government prescribed by Congress. The clause of the Constitution which gives this power to Congress is comprehensive and unambiguous.

The question respecting slavery in the old Thirteen States was decided before the adoption of the Consti-

BLACK HAWK

tution, which grants to Congress no power to change what had been settled. The slave States, therefore, are free to continue or abolish slavery. Since 1808 Congress has had power to prohibit, and has prohibited, the importation of slaves into the old States, and at all times has had power to prohibit such importation into a new State or Territory. Congress may, therefore, make it the condition of a new State that slavery shall be prohibited therein. This construction of the Constitution is confirmed by the past decisions of Congress.

If Congress possesses the power to exclude slavery from Missouri, it remains to be shown that they ought to do so. The motives for the admission of new States into the Union are the extension of our principles of free government, the equalizing public burdens, and the consolidation of the nation. Unless these objects are promoted by the admission of new States no such admission can be justified.

The existence of slavery impairs industry and the power of a people. When the manual labor of a country is performed by slaves, labor dishonors the hands of freemen. If Missouri is permitted to establish slavery, the security of the Union may be endangered, and other States that may be formed west of the Mississippi will extend slavery instead of freedom over that boundless region.

To secure to owners of property in slaves greater political power than is allowed to owners of other property seems contrary to our theory of political rights. In a slave State five free persons have as much power in the choice of representatives to Congress and in the appointment of presidential electors as seven free persons in a State in which slavery does not exist. This disproportionate power and influence was conceded to the slave States, though with reluctance, as a necessary sacrifice to the establishment of the Constitution. It was a settlement between the Thirteen States, and faith and honor stand pledged not to disturb it; but the considerations which led to it, the common share of those States in the war of the Revolution, and in the effort "to form a more perfect union," were peculiar to that time and to those States, and not applicable to new States. Its extension would be unjust and odious; and the free States cannot be expected to consent to it, and we may hope the other States are too magnanimous to insist on it.

Freedom and slavery are the parties which this day stand before the Senate, and upon its decision the empire of the one or the other will be established. If slavery be permitted in Missouri, what hope can be entertained that it will ever be prohibited in any of the new States that may be formed west of the Mis-

sissippi? If we can pass our original boundary without affecting the principles of our free governments, this can only be accomplished by vigilant attention to plant, cherish, and sustain the principles of liberty in the States that may be formed beyond our ancient limits.

A bill to authorize the people of Missouri to form a State government, and prohibiting the further introduction of slavery, passed the House of Representatives by a vote of 97 to 56, on the sixteenth of February. But in the Senate, after a long and animated debate in which Rufus King spoke as above, the clause prohibiting the further introduction of slavery was struck out by a vote of 22 to 16, on the twenty-seventh of February. After a conference of the two Houses, the Senate refused to concur in the prohibition of slavery, and the bill fell to the ground.

At the same time a territorial government was established for the part of Missouri Territory south of 36° 30′. It was named Arkansaw. A motion to prohibit slavery in it failed in the House, 86 yeas, 90 nays, February 19; and in

the Senate, 14 yeas, 19 nays, March 1. The Fifteenth Congress expired March 3, 1819.

For many months the whole country was agitated with the question. The Northern people called for a restriction upon the extension of slavery west of the Mississippi. Pennsylvania declared in its legislature "that it was the boast of the people of that State that they were foremost in removing the pollution of slavery from amongst themselves, and that veneration for the founders of the Republic, and a regard for posterity, demanded a limit to the range of the evil." The legislatures of New York, New Jersey, Delaware, Ohio, and Indiana joined in declarations to the same effect. Martin Van Buren was a member of the State Senate of New York, and voted to instruct the members of Congress from that State to oppose the admission into the Union of any State from beyond the original boundary of the United States, without the prohibition of slavery therein. With prophetic foresight Rufus King said, "the entrance of slavery beyond the Mississippi will operate to the dis-

advantage and humiliation of the States where slavery is prohibited."*

The Southern States were equally positive on the other side. They claimed the right, under the Constitution, and under the treaty with France, to carry slaves into Missouri. Persons who had taken slaves there held public meetings in the Territory, and denied the right of Congress to interfere in the matter.

The question was resumed in the Sixteenth Congress. Many speeches were made. In the House, Charles Pinckney, of South Carolina, who had been a member, like Rufus King, of the convention which framed the Constitution of the United States, defended the right to hold slaves, and spoke of the benefits of slavery. He commented on the Ordinance of 1787 as "chargeable with usurpation," and said that "the great body of slaves are happier in their present condition than they could be in any other, and the men who would attempt to give them freedom would be their enemies." By 93 to 84 votes the House passed a bill in which

* Rufus King. "Life and Correspondence," vi., 237.

the further introduction of slavery into Missouri was prohibited.

In the Senate, William Pinkney, of Maryland, made a speech of three hours in opposition to Rufus King's speech in the previous Congress. He spoke of the "restriction of slavery as dooming Missouri to inferiority, placing shackles upon her, putting the iron collar of servitude about her neck, instead of the civic crown of freedom upon her brows." The part of the speech which was reported occupies sixteen double-column pages in the "Abridgment of Debates in Congress," vi., 435-450. Thomas H. Benton said: "The speech was the master effort of Mr. Pinkney's life, the most gorgeous ever delivered in the Senate, dazzling and overpowering." It concluded with the hope that the matter might be disposed of in a manner satisfactory to all by a prohibition of slavery in the territory north and west of Missouri. This was on the fifteenth of February, 1820. The following day Rufus King spoke for more than an hour in support of the House bill. He said:

"The principles set forth in the preamble to the Constitution, which proclaim the purpose of its establishment, are dishonored and violated in the extension of slavery into territory beyond the ancient limits of the United States. It seemed strange that the men of the free States were blind to this violation of the Constitution."

An amendment to the House bill was now proposed by Jesse B. Thomas, of Illinois, to prohibit slavery north and west of Missouri, as Mr. Pinkney had suggested. This was adopted the next day by 34 to 10 votes, Mr. King and Mr. Pinkney voting for it. The same day, upon the question of the admission of Missouri with slavery as part of a compromise, Mr. King and seventeen other Northern senators voted against such a compromise, as did Nathaniel Macon, of North Carolina, and William Smith, of South Carolina, but for the opposite reason that the compromise prohibited slavery north and west of Missouri. The two senators from Illinois, one from New Hampshire and one from Rhode Island, joined with twenty Southern senators in supporting both parts

of the compromise, the vote being 24 yeas, 20 nays.

After having mixed up Maine with Missouri in the matter, proposing to condition the admission of Maine upon the admission of Missouri, making the latter a rider to the former, and after renewed threats if slavery in Missouri should be prohibited, and after a conference of the two Houses, the House of Representatives yielded. They struck out the prohibition of slavery in Missouri by a vote of 90 to 87, and adopted by a vote of 136 to 42 the compromise made in the Senate.

It was on the second of March, 1820, that freedom gave way, and slavery gained a political ascendancy which it held for forty years. The compromise was conceived in the interest of slavery, but could not have been carried without votes from the free States. In the House of Representatives, only five of the forty-two votes against it were from the North. "The Northern members embraced and adopted it," said Mr. Calhoun. John Randolph called it "a dirty bargain," and its Northern supporters who did not stand by their convictions,

"dough-faces." President Monroe approved the Compromise Bill, first taking the opinion of his cabinet, in which John Quincy Adams, Secretary of State, John C. Calhoun,* Secretary of War, and the others all concurred, that Congress had a right to prohibit slavery in territory of the United States. Mr. Adams said that he favored the compromise "from extreme unwillingness to put the Union at hazard." That was the overshadowing consideration with the Northern members of Congress who voted for it, and with the Northern people who acquiesced in it as closing an angry controversy, averting a civil war. In letters to friends Rufus King gave his views:

"The compromise is deceptive. The slave States, with recruits from senators and representatives of the free States, have carried the question. They have triumphed over us. We have been shamefully deserted in the House of Representatives. The result will be fatal. The pretended concession is of no value, a mere tub to the whale; for it is revocable at

* Eighteen years later, Mr. Calhoun said in Congress that "he had entirely changed his opinion."—"Thirty Years in the United States Senate." Benton, ii., 136.

pleasure, and has been provided as an apology to members of the free States who have assisted in putting us under a government of the privileged order, henceforth to be our masters. Well, therefore, may we consider ourselves conquered, as is indeed our condition.

"One State may be formed on the Mississippi that may be a free State; the country further west is a prairie resembling the steppes of Tartary, without wood or water except on the great river and its branches. Not only may the exclusion of slavery be repealed, but it is avowed that if the country should be settled, the restriction on the territory will not apply, and is not intended to apply to any new State, but that such State may establish slavery if it shall think proper to do so." *

Similar views to those of Rufus King were taken more than thirty years afterwards by Stephen A. Douglas in breaking down the Missouri Compromise, and eighty years afterwards by the President of the College at Princeton, New Jersey, who says:

"With Missouri a slave State, slavery, which was of the fixed and accepted order of society in the

* Rufus King. "Life and Correspondence," vi., 287–296.

RUFUS KING

South, and the foundation of her aristocratic system, got a new hold, and enjoyed a new reason for being."*

Congress refused to the State of Missouri the boundary line drawn west from the mouth of Rock River, and reduced it to the parallel which passes from the western border of the State through the rapids of the River Des Moines to the River Des Moines, thence down said river to the Mississippi. Senator William A. Trimble, of Ohio, speaking from personal knowledge of the valley of the Des Moines, advocated giving that fine valley to the State which should hereafter be formed north of Missouri. Congress also reduced the western boundary of the State from a line drawn at the mouth of Wolf River to one passing through the mouth of Kansas River.

Pursuant to an enabling act of Congress, representatives of the people of Missouri met in a convention and formed a State Constitution. Henry Dodge, of St. Genevieve County, was a

* Woodrow Wilson. "A History of the American People," ii., 252.

member of the convention. The Constitution made it the duty of the legislature to "pass laws to prevent free negroes and mulattoes from coming to and settling in the State." Inasmuch as in some States persons of color were citizens, this contravened the Constitution of the United States, which "entitles citizens of each State to all the privileges and immunities of citizens in the several States." Consequently, when application was made for the admission of Missouri into the Union, this contravention of the Constitution of the United States stood in the way. After heated debates in both Houses, Henry Clay, Speaker of the House, by what was deemed a master stroke of policy, brought on an arrangement that conditioned the admission of Missouri into the Union upon the declaration of a solemn public act by its legislature, that no law shall ever be passed by which any citizen of any State shall be excluded from the privileges and immunities to which he is entitled under the Constitution of the United States. The legislature did as required, and transmitted a copy of the solemn

public act to President Monroe; whereupon, pursuant to a law made for the case, he announced by proclamation the admission of the State into the Union, August 12, 1821.

Thirty-three years later, March 3, 1854, Stephen A. Douglas, of Illinois, in the Senate of the United States, called that action of the legislature of Missouri "a burlesque, the richest specimen of irony and sarcasm ever incorporated into a solemn public act." Sixty-seven years later, a Missouri historian called it a "farce" and "absurdity" done with "commendable alacrity." *

After an existence of eight years the form of government called the Territory of Missouri gave way, one part to the Arkansaw Territory, one part to the State of Missouri, the remainder, the vast region north to the British line and west to the Rocky Mountains, lapsing into its aboriginal condition.

* Lucien Carr. "Missouri a Bone of Contention," p. 150.

IX

IN UNORGANIZED TERRITORY OF THE UNITED STATES

AUGUST 10, 1821 — JUNE 28, 1834

UPON the admission of the State of Missouri into the Union, the country north of that State, and the residue of the Louisiana Purchase north of 36° 30′, were left without law or government, except the prohibition of slavery and laws to regulate the Indian trade. Traders and army officers, however, as occasion served, still carried slaves into the territory. In consideration of one thousand dollars paid to the Sacs and Foxes, September 3, 1822, those tribes released the United States from the obligation of the treaty of 1804, to establish a trading-house or factory for their benefit. Thus the government plan for trade with the Indians by its own agents, which Jefferson had sedulously carried out, came to an end.

The soil of Iowa continued in the occupancy of a few tribes, who lived in villages on banks of rivers, and often fell foul of one another as they roamed over the prairies in hunting expeditions. There were about six thousand Sacs and Foxes with a thousand Iowas in eastern and central Iowa, one or two thousand Otoes, Pawnees, and Omahas in western Iowa, and roving bands of Sioux in northern Iowa, numbering a thousand more, — in all about ten thousand souls. War was their native element, the ideal of savage life. A skulking band of Sacs under Pash-e-pa-ho and Black Hawk, in May, 1823, for some real or imagined wrong, surprised and nearly exterminated an Iowa village upon the Des Moines River at Iowaville, while the braves of the village were at their sports and games without arms.

During this period the American Fur Company monopolized the Indian trade and made exorbitant profits. Regardless of the laws prohibiting the introduction of intoxicating liquor into the Indian country, they smuggled it in under artful devices. Congress fostered the

Santa Fé trade and the rich fur trade of the upper Missouri and the Rocky Mountains, but made no provision for the prairie country between the Mississippi and the Missouri. President Monroe in his message, December, 1824, suggested the removal to this region of the northern Indians who were east of the Mississippi, with schools for their industrial education, as had been recommended by the Secretary of War, John C. Calhoun. President Jackson made a similar recommendation in his message to Congress in 1829. Had these suggestions been carried out, what is now Iowa might have been for Northern Indians what the Indian territory has been for the Southern Indians. But the Indians who held this region scouted civilization and an industrial life; and the Winnebagoes and the Pottawattamies, who were removed into the region at the close of this period, profited little by their removal. The condition of children and old people among the Indians was extremely pitiable, as reported by the commissioner of Indian affairs, William Clark, in 1826:

"During several seasons in every year they are distressed by famine in which many die, and the living child is often buried with the dead mother. They have neither hogs nor cows, and do not want them, because they would eat up their little patches of corn which are without fences, and because, as the whole nation go out to hunt twice a year, they want nothing but horses and dogs which accompany them. In these expeditions the aged and infirm, when unable to keep up, are frequently left to die."

Had the different tribes lived at peace among themselves and with the United States, they might have remained where they were. There was at that time no disposition to acquire their lands on the part of the United States. Such a disposition was expressly disclaimed by the agents of the Government, Lewis Cass and William Clark. Large tracts of land east of the Mississippi were still unsettled. There seemed no necessity, as there was no demand, for more land to be thrown open to the white people. At the same time the State of Missouri desired the removal of the Sac and Fox and Iowa Indians from the lands north of the Missouri River which they held or claimed in that State.

A deputation of the chiefs and head men of those tribes was taken to Washington, D. C., in 1824, and treaties were made with them for the cession of those lands to the United States. The famous Sac chiefs, Pash-e-pa-ho and Keokuk, the Fox chief, Tama, and the Iowa chief, Mahaska, were in the deputation. Flying Pigeon, one of Mahaska's wives, accompanied him. He had refused her request to go, but she followed him down the Des Moines River, and with tomahawk in hand claimed her right to keep him company. He yielded to her importunity. A woman of handsome presence and noble bearing, she was fêted at the White House as an Iowa princess, and her portrait painted for the Indian Gallery. After the cession took effect, January 1, 1826, those tribes were confined to their lands in what is now Iowa, save that Black Hawk and his band, who were known as the Sacs of Rock River, remained east of the Mississippi. The treaty with the Sacs and Foxes also provided that "the small tract of land lying between the rivers Des Moines and Mississippi, and the section of the

Mahaska

State boundary line between the Mississippi and the Des Moines, is intended for the use of the half-breeds belonging to those nations"; — according to the sentiment in the Indian mind that care and protection were due to any who inherited their blood.

In those years the Sacs and Foxes kept up their hereditary war with the Sioux. In order to promote peace and establish boundaries between them as well as between all the tribes from the lakes to the Missouri River, invitations were sent out to the chiefs and head men of those tribes to assemble at Prairie du Chien in the summer of 1825, and in a spirit of mutual conciliation accomplish those objects. It was a great assemblage. Eva Emery Dye describes it in "The Conquest — the True Story of Lewis and Clark," with graphic pen:

"Prairie du Chien was alive with excitement. Governor Cass of Michigan was already there. Not only the village, but the entire banks of the river for miles above and below were covered with high-pointed buffalo tents. Horses browsed upon the

bluffs in Arabian abandon. Below, tall and warlike, Chippewas and Winnebagoes, from Superior and the valley of St. Croix, jostled Menomonees, Pottawattamies, and Ottawas from Lake Michigan and Green Bay.

"'Whoop-oh-hoo-oh!'"

"Major Taliferro, from the Falls of St. Anthony, made the grand entry with his Sioux and Chippewas, four hundred strong, drums beating, flags flying. Taliferro was very popular with the Sioux, — even the squaws said he was '*Weechashtah Washtay*,' — a handsome man.

"Over from Sault Ste. Marie, the learned agent Schoolcraft had brought one hundred and fifty Chippewas. . . .

"Keokuk, the Watchful Fox, with his Sacs and Iowas,* was the last to arrive. Leagued against the Sioux, they had camped on an island below to paint and dress, and came up the Mississippi attired in full war costume singing their battle-song. It was a thrilling sight when they came upon the scene with spears and battle-lances, . . . casting bitter glances at their ancient foe, the Sioux. Nearly nude, with feather war-flags flying, and beating tambourines, the Sacs landed in compact ranks, breathing

* Foxes.

defiance. From his earliest youth Keokuk had fought the Sioux.

"'Bold, martial, . . . Keokuk landed, majestic and frowning,' said Schoolcraft, '. . . and shook his war lance at the Sioux.'

"At the signal of a gun, every day at ten o'clock, the chiefs assembled.

"'Children,' said Governor Clark to the assembled savages, 'your Great Father has not sent us here to ask anything from you — we want nothing — not the smallest piece of your land. We have come a great way to meet for your own good. Your Great Father the President has been informed that war is carried on among his red children, — the Sacs, Foxes, and Chippewas on one side, and the Sioux on the other, — and that the wars of some of you began before any of you were born.'

"'Heigh! heigh!' broke forth the silent smokers. 'Heigh! heigh!' exclaimed the warriors. 'Heigh! heigh!' echoed the vast and impatient concourse around the council.

"'Your father thinks there is no cause for continuation of war between you. There is land enough for you to live and hunt on and animals enough. Why, instead of peaceably following the game and providing for your families, do you send out war parties to destroy each other? The Great Spirit

made you all of one color and placed you upon the land. You ought to live in peace as brothers of one great family. Your Great Father has heard of your war songs and war parties — they do not please him. He desires that his red children should bury the tomahawk.'

"'Heigh! heigh!'

"'Children! look around you. See the result of wars between nations who were once powerful and are now reduced to a few wandering families. You have examples enough before you.

"'Children, your wars have resulted from your having no definite boundaries. You do not know what belongs to you, and your people follow the game into lands claimed by other tribes.'

"'Heigh! heigh!'

"'Children, you have all assembled under your Father's flag. You are under his protection. Blood must not be spilt here. Whoever injures one of you injures us, and we will punish him as we would punish one of our own people.'

"'Heigh! heigh! heigh!' cried all the Indians.

"'Children,' said General Cass, 'your Great Father does not want your land. He wants to establish boundaries and peace among you. Your Great Father has strong limbs and a piercing eye, and an arm that extends from the sea to Red River.

"'Children, you are hungry. We will adjourn for two hours.'

"'Heigh! heigh! heigh-h!' rolled the chorus across the Prairie.

"As to an army, rations were distributed, beef, bread, corn, salt, sugar, tobacco. Each ate, ate, ate, — till not a scrap was left to feed a humming-bird.

"Revered of his people, Wabasha and his pipe-bearers were the observed of all.

"'I never yet was present at so great a council as this,' said Wabasha. Three thousand were at Prairie du Chien.

"The Sioux? Far from the northwest they said their fathers came, — the Tartar cheek was theirs. Wabasha and his chiefs alone had the Caucasian countenance.

"Three mighty brothers ruled the Sioux in the days of Pontiac, — Wabasha, Red Wing, and Little Crow. Their sons, Wabasha, Red Wing, and Little Crow, ruled still.

"'Boundaries?' they knew not the meaning of the word. Restless, anxious, sharp-featured Little Crow fixed his piercing hazel eye upon the Red Head, — *

"'*Taku-wakan!* — that is incomprehensible!'

* Name given to Governor Clark by the Indians.

"'Heigh! What does this mean?' exclaimed the Chippewas.

"'We are all one people,' sagely observed Mahaska, the Iowa. 'My father, I claim no lands in particular.'

"'I never yet heard that any one had any exclusive right to the soil,' said Chambler, the Ottawa.

"'I have a tract of country. It is where I was born and now live,' said Red Bird, the Winnebago. 'But the Foxes claim it and the Sacs, the Menomonees and Omahas.* We use it in common.'

"Red Bird was a handsome Indian, dressed Yankton fashion in white unsoiled deerskin and scarlet, and glove-fitting moccasins, — the dandy of his tribe.

"The debate grew animated. 'Our tract is so small,' cried the Menomonees, 'that we cannot turn around without touching our neighbors.' Then every Indian began to describe his boundaries, crossing and recrossing each other.

"'These are the causes of all your troubles,' said Clark. 'It is better for each of you to give up some disputed claim than to be fighting for ever about it.'

"That night the parties two by two discussed their lines, the first step towards civilization. They drew maps on the ground, — 'my hunting ground,' and

* Ottawas.

'mine,' and 'mine.' After days of study, the boundary rivers were acknowledged, the belt of wampum was passed, and the pipe of peace.

"Wabasha, acknowledged by every chief to be first of the Seven Fires of the Sioux, was treated by all with marked distinction and deference. And yet Wabasha, dignified and of superior understanding, when asked, 'Wabasha, what arrangement did you make with the Foxes about boundaries?' replied, 'I never made any arrangement about the line. The only arrangement I made was about peace!'

"'When I heard the voice of my Great Father,' said Mongazid, the Loon's Foot, from Fond du Lac, 'when I heard the voice of my Father coming up the Mississippi, calling to this treaty, it seemed as a murmuring wind. I got up from my mat where I sat musing, and hastened to obey. My pathway has been clear and bright. Truly it is a pleasant sky above our heads this day. There is not a cloud to darken it. I hear nothing but pleasant words. The raven is not waiting for his prey. I hear no eagle cry, "Come, let us go, — the feast is ready, — the Indian has killed his brother."'

"Shingaba Wassin of Sault Ste. Marie, head chief of the Chippewas, had fought with Britain in the War of 1812, and lost a brother at the battle of the Thames. He and a hundred other chiefs with their

pipe-bearers signed the treaty. Everybody signed. And all sang, even the girls, the Witcheannas of the Sioux.

"'We have buried our bad thoughts in the ashes of the pipe,' said Little Crow.

"'I always had good counsel from Governor Clark,' observed Red Wing.

"'You put this medal on my neck in 1812,' said Decorah, the Winnebago, 'and when I returned I gave good advice to the young men of our village.'

"After a fierce controversy and the rankling of a hundred wrongs, the warring tribes laid down their lances and buried the tomahawk. Sacs and Sioux shook hands; the dividing lines were fixed; all the chiefs signed, and the tribes were at peace." . . . .

"'Pray God it may last,' said Clark, as his boat went away homeward along with the Sacs down the Mississippi." *

To speak only of boundaries between tribes belonging to this history — the Upper Iowa River from its mouth to the source of its left fork, thence crossing the Red Cedar in a direct line to the upper fork of the Des Moines, thence in a direct line to the lower fork of the

* "The Conquest," by Eva Emery Dye, pp. 410–414.

Big Sioux River, and down that river to the Missouri, was made the boundary line between the Sioux and the Sacs and Foxes. The claim of the Iowas to a portion of the country with the Sacs and Foxes was acknowledged, also the claim of the Otoes to a portion of the country on the Missouri River. The Sacs and Foxes relinquished all claim to land east of the Mississippi, and acknowledged the reservation made for the half-breeds in 1824. It was further understood that no tribe should hunt in the limits of another without its assent, and that in case of difficulties all the tribes should interpose their good offices to remove them.

Of the one hundred and thirty-four chiefs who signed this treaty, twenty-six were Sioux, twelve were Sacs, sixteen were Foxes, and ten were Iowas. President John Quincy Adams in his first annual message, December 6, 1825, referred to this treaty as "an adjustment of boundaries, and pledges of permanent peace between tribes which had been long waging bloody wars against each other."

The Indians, however, could not keep their agreement. They had no sense of treaty obligations. "To touch the goose-quill" meant nothing. The slightest provocation, an imaginary affront, called for the scalps of their enemies. They were soon at war again. The Sioux still came down on their old enemies.

"In May, 1830," says an eye-witness, "I visited Prairie du Chien, and was a guest of Joseph Rolette, agent of the American Fur Company. One evening we were startled by the reports of firearms on the Mississippi, succeeded by sounds of Indian drums and savage yells. About midnight we were aroused by footsteps on the piazza and by knocking on the doors and shutters. Mr. Rolette went out to ascertain the cause, and was informed that a bloody battle had been fought, and the visitors were the victors, and called up their trader to obtain spirit-water for a celebration. Their wants were supplied. The warriors kept up a horrible pow-wow through the night with savage yells. In the morning we heard the particulars of the fight, and during the day witnessed a most revolting exhibition.

"On the day before the battle, some twenty Sioux joined by a few Menomonees, encamped on an island

opposite Prairie du Chien. The Sioux had information that a party from the Fox village at Dubuque were to visit Prairie du Chien, and would encamp for the night near the mouth of the Wisconsin River. That afternoon the Sioux party descended the Mississippi and hid in thick bushes near where their victims would encamp. Between sunset and dark, the unsuspecting Foxes — one old chief, one squaw, a boy of fourteen years, and fifteen warriors — came up and disembarked. After they had landed and were carrying their effects on shore, leaving their guns and war-clubs in the canoes, the party in ambush sprang to their feet and fired upon the Foxes. All were slain, except the boy, who escaped down the river. Hands, feet, ears, and scalps were cut off, and the heart of the chief cut from his breast, as trophies.

"The next day the victors, accompanied by a few squaws, paraded the streets with drum and rattle, displaying on poles the scalps and dismembered fragments of their victims. The whole party was painted in various colors, wore feathers, and carried their tomahawks, war-clubs, and scalping knives. Stopping in front of the principal houses in the village, they danced the war-dance and the scalp-dance with their characteristic yells. The mangled limbs were still fresh and bleeding; one old squaw carried on a pole the hand with a strip of skin from

the arm of a murdered man, she keeping up the death-song and joining in the scalp-dance. After this exhibition, which lasted two or three hours, the warriors went to a small mound, about two hundred yards from Mr. Rolette's residence, made a fire, roasted the heart of the old chief, and divided it into small pieces among the warriors, who devoured it.

"This occurred in a town of six hundred inhabitants, under the walls of the United States garrison, within musket shot of the fort. Neither civil nor military authority made any effort to prevent it. In the afternoon the Sioux embarked in their canoes to return to their village." *

Not long afterwards a war party was formed in the Fox village to avenge the murder. Wailings and lamentations for the dead gave way to savage yells. With blackened faces, chanting the death-song, the party entered their canoes. Arriving at the bluffs opposite Prairie du Chien they discovered a Menomonee encampment spread out on the ground, nearly under the guns of Fort Crawford. The Foxes lay in ambush till midnight, when, girded with tomahawk and scalping knife, they swam the river

* Wis. Hist. Coll., ix., 324-326.

KEOKUK

and stole upon the foe. In the first lodge an old chief sat by a smouldering fire, smoking his pipe in sleepy silence. They despatched him without making a disturbance, and pursued their bloody work from lodge to lodge, until the whole encampment, with the women and children, met the same fate. Then with a yell of satisfaction and revenge they took to the canoes of their victims, bearing aloft the trophies of victory. Upon reaching their village, they held their orgies and danced the scalp-dance. But fearing a swift retaliation, they concluded to abandon their village, and seek a safer place among other bands of their tribe, and near the Sacs. They settled where the city of Davenport now stands. Eye-witnesses reported seeing them as they came down past Rock Island, their canoes lashed side by side, the heads and scalps of their enemies set upon poles. They landed with shouts of triumph, singing war-songs, displaying the scalps and ghastly faces of the slain. The new village was called Morgan, after their chief, a half-breed of Scotch and Fox blood.*

* "Annals of Iowa," 1863. pp. 35, 36.

Soon after the Foxes had deserted their village at Dubuque, adventurers from Galena, Illinois, went over there to explore the mines and make claims. Lucius H. Langworthy says:

"We crossed the Mississippi, June, 1830, swimming our horses by the side of a canoe. A large village was at the mouth of Catfish Creek, solitary, deserted. About seventy buildings constructed with poles and bark remained. The council-house contained furnaces in which kettles had been placed to prepare feasts; but the fires had gone out. On the inner surface of the bark were paintings, done with considerable skill, representing the buffalo, elk, bear, and other animals, also wild sports on the prairie, and feats of warriors in bloody fray, — a rude record of national history. Could the place have been preserved, it would have been an interesting relic, but it was burned down by vandal hands in the summer." *

While the adventurers were mining and working some valuable lodes, Captain Zachary Taylor, United States Army, came down from

* L. H. Langworthy. Lecture before the Dubuque Literary Institute, Dec. 18, 1854.

Fort Crawford and ordered them off, as the country belonged to the Indians. The miners demurred. They said: "The country is vacant, and we will stay." The captain replied, "We will see about that." Returning to Prairie du Chien, he sent down a detachment of troops to remove the intruders, and they left. Whereupon some of the Foxes, finding that they would be protected by United States troops, returned to their village, and made a large profit from the mines which the men from Galena had opened.

Some years earlier, several bands of the Sacs and Foxes, pursuant to the treaty of 1804, had removed from the east side of the Mississippi to the west side. Keokuk, Wapello, and Poweshiek had planted villages upon or near the Iowa River. Tama had moved from Henderson Creek, Illinois, to Flint Creek nearly opposite. But Black Hawk, though requested by United States agents, refused to leave. He said, "My reason teaches me that land cannot be sold. Nothing can be sold but such things as can be carried away." In 1829 and 1830 President Jackson ordered the removal of the Indians from the

lands ceded in 1804. The United States had surveyed and sold most of those lands. Part of them were "bounty lands" to soldiers of the War of 1812. Purchasers claimed possession. Altercations and disputes arose between Black Hawk's band and the settlers. There were misunderstandings and depredations on both sides.

The Sacs and Foxes and the Sioux continuing at war with each other, a council of their chiefs was convened at Prairie du Chien, July, 1830, at which it was agreed to erect a barrier between them in order to keep them apart. The Sioux ceded to the United States a tract twenty miles wide north of and adjoining the boundary line between them and the Sacs and Foxes fixed in 1825, and the Sacs and Foxes ceded to the United States a similar tract twenty miles wide south of that line. These were called "neutral grounds." Its southern boundary on the Mississippi was indicated by a "Painted Rock," marked with figures of wild animals and hieroglyphics, to serve as a notice to all parties.

At the same council, by the same treaty, the Sacs and Foxes, Iowas, Missourias, Omahas,

Otoes, and bands of Sioux, joined in ceding to the United States all their right and title to what is now western Iowa, that is, west of "the high lands between the waters falling into the Missouri River and those falling into the Des Moines River, and of the dividing ridge between the forks of Grand River to the source of Boyer River, and thence in a direct line to the upper fork of the Des Moines. Thus the Indian title to western Iowa was extinguished, and these "high lands" and this "dividing ridge" were acknowledged as the western boundary of the lands of the Sacs and Foxes and Iowas.

In the spring of 1831, Felix St. Vrain, the United States agent for the Sacs and Foxes, informed Black Hawk that the Government ordered him to remove to the west bank of the Mississippi. Black Hawk assembled his band and said to them:

"WARRIORS: — Sixty summers or more have gone since our fathers sat down here, and our mothers erected their lodges on this spot. On these pastures our horses have fattened; our wives and daughters have cultivated the corn-fields, and planted beans and

melons and squashes; from these rivers our young men have obtained an abundance of fish. Here, too, you have been protected from your old enemy, the Sioux, by the mighty Mississippi. And here are the bones of our warriors and chiefs and orators.

"But alas! what do I hear? The birds that have long gladdened these groves with their melody now sing a melancholy song! They say, 'The red man must leave his home, to make room for the white man.' The Long Knives want it for their speculation and greed. They want to live in our houses, plant corn in our fields, and plough up our graves! They want to fatten their hogs on our dead, not yet mouldered in their graves! We are ordered to remove to the west bank of the Mississippi; there to erect other houses, and open new fields, of which we shall soon be robbed again by these pale-faces! They tell us that our great father, the chief of the Long Knives, has commanded us, his red children, to give this, our greatest town, our greatest graveyard, and our best home, to his white children! I do not believe it. It cannot be true; it is impossible that so great a Chief should compel us to seek new homes, and prepare new corn-fields, and that, too, in a country where our women and children will be in danger of being murdered by our enemies. No! No! Our great father, the chief of the Long Knives,

will never do this. I have heard these silly tales for seven winters, that we were to be driven from our homes. You know we offered the Long Knives a large tract of country abounding with lead on the west side of the Mississippi, if they would relinquish their claim to this little spot. We will, therefore, repair our houses which the pale-faced vagabonds have torn down and burnt, and we will plant our corn; and if these white intruders annoy us, we will tell them to depart. We will offer them no violence, except in self-defence. We will not kill their cattle, or destroy any of their property, but their *scutah wapo* (whiskey) we will search for, and destroy, throwing it out upon the earth, wherever we find it. We have asked permission of the intruders to cultivate our own fields, around which they have erected wooden walls. They refuse, and forbid us the privilege of climbing over. We will throw down these walls, and, as these pale-faces seem unwilling to live in the community with us, let them, and not us, depart. The land is ours, not theirs. We inherited it from our fathers; we have never sold it. If some drunken dogs of our people sold lands they did not own, our rights remain. We have no chiefs who are authorized to sell our corn-fields, our houses, or the bones of our dead. The great Chief of the Long Knives, I believe, is too wise and good to approve acts of robbery and injustice,

though I have found true the statement of my British friends in Canada, that 'the Long Knives will always claim the land where they are permitted to make a track with their foot, or mark a tree.' I will not, however, believe that the great Chief, who is pleased to call himself our 'Father,' will send his warriors against his children for no other cause than contending to cultivate their own fields, and occupy their own houses. No! I will not believe it, until I see his army. Not until then will I forsake the graves of my ancestors, and the home of my youth!" *

Shortly afterwards, General Gaines, with United States troops, and Governor Reynolds, of Illinois, with a force of militia, came to Rock Island and demanded of Black Hawk that he remove west of the Mississippi. Black Hawk was sullen and spiteful. The interpreter said to him, "Your father asks you to take a seat." "My father!" replied the petulant chief, repeating what Tecumseh said twenty years before to General Harrison, "The sun is my father; the earth is my mother; I will rest upon her bosom." At this crisis Keokuk made an effort to conciliate Black Hawk. He

* Galland's "Iowa Emigrant." 1840. pp. 24-47.

advised him to take a reasonable view of the situation, and persuaded him once more to "touch the goose-quill." Says the United States army officer who drew up the "Articles of Agreement" by which Black Hawk engaged to remove:

"There were in attendance about fifty chiefs and warriors. All being seated in due form, I read the treaty, sentence by sentence, interpreted by Antoine LeClaire. I called up Black Hawk to affix his sign manual to the paper. He arose slowly and with dignity, while in the expression of his fine face there was a deep-seated grief and humiliation that no one could witness unmoved. When he reached the table, I handed him a pen, and pointed to the place where he was to affix his mark. He took the pen, made a large bold cross with force; then returning it politely, he resumed his seat. It was an imposing ceremony; scarcely a breath was drawn by any one. Thus ended the scene, one of the most impressive of the kind I ever looked upon." *

General Gaines made a present to Black Hawk and his band of a large quantity of corn

* "Letters from the Frontiers," by George A. McCall, p. 241.

for their subsistence, and of five thousand dollars' worth of goods, and they immediately removed to the west side of the Mississippi, under promise not to return to the east side without permission from the Governor of Illinois or the President of the United States.

Black Hawk might well have been content on the west side of the Mississippi, and planted his villages and corn-fields in some of the rich valleys of Iowa, as other chiefs had done. The country his people still held was of vast extent. All the Sacs and Foxes with the Iowas numbered but a few thousand souls. They had the protection of the United States in the possession of about two hundred miles square of land as fair as any beneath the sun. Had Black Hawk stayed upon these lands, he would not have been disturbed for the rest of his life. But insensible to these considerations, he nursed his grief and his vexation. Reckless of promises, confident of aid and support from other tribes, and even from his British father, he laid his plans to return to Rock River. Keokuk opposed them, and said to his people:

"Braves! I am your chief, to rule you as a father at home, and lead you in war, if you are determined to go; but in this war there is only one course. The United States is a great power; and unless we conquer, we must perish. I will lead you on one condition only, that we put our old men and the women and children to death, and resolve when we cross the Mississippi never to return, but perish among the graves of our fathers."

The majority listened to Keokuk and heeded his warnings; but others, the young braves especially, were eager to go on the warpath, and rallied to Black Hawk. It was while United States troops were on their way up the Mississippi to enforce a demand for the punishment of the Foxes who had murdered the Menomonees, that Black Hawk with several hundred warriors on horseback, and a retinue of followers, crossed the Mississippi at the Yellow Banks (Oquawka), on the sixth of April, 1832, to the terror of the settlers upon the Illinois frontier. His forces were recruited by some Winnebagoes and Pottawattamies. He raised the British flag. The United States

Indian agent, St. Vrain, was murdered while extending the hand of friendship and imploring the chief Little Bear to desist from war. His body was mangled, his heart cut out and eaten by the savages. The whole number of Indian warriors was variously estimated at from six to eight hundred. The Black Hawk War was carried on in Illinois and in Wisconsin (then a part of Michigan Territory), and belongs to the history of those States. Conspicuous for his valor and energetic services in defeating Black Hawk was Henry Dodge. His bravery and daring at the battles of Pecatonica, Wisconsin Heights, and Bad Axe, led his compatriots to name him "Captain of aggressive civilization; Hero of the Black Hawk War." By his influence over some Winnebago chiefs he secured the capture of Black Hawk, when in flight to Canada.*

As some of the Winnebagoes and Pottawattamies abetted the war, those tribes shared in the disastrous consequences which fell to Black

* A sketch of the services of Henry Dodge in the Black Hawk War is in the Iowa Historical Record, vi., 391-423.

Hawk. The people on the frontier called for their removal. Black Hawk went to war in order to keep the white man out of the country; the result of the war was to bring the white man in. It hastened the settlement of northern Illinois and of Wisconsin. The founding of the States of Wisconsin and Iowa, and of the city of Chicago, would have been delayed indefinitely but for this war. Thirty-five years afterwards, it was said at the annual meeting of the Historical Society of Wisconsin:

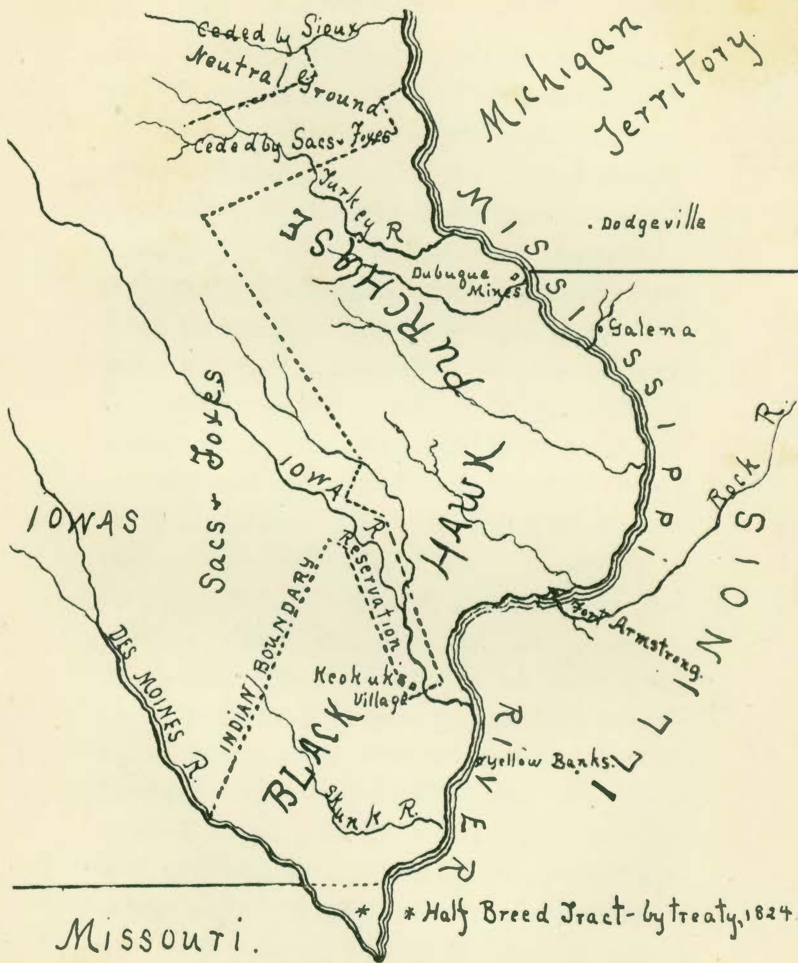
> "Those border wars may seem trivial, but when we consider Wisconsin as it then was, with roving bands of Indians the terror of the few whites, it will be seen that the settlement of the country depended upon the battle-fields of the Black Hawk War; instead of being uninteresting spots, they are the birthplace of our State."

The Winnebagoes were convened in a council of their chiefs and head men at Rock Island, September 15, 1832, when they ceded to the United States all their lands in Illinois and Wisconsin, and the United States in exchange

granted to them the "Neutral Ground," described above, and agreed to pay them annually for twenty-seven consecutive years the sum of ten thousand dollars, to establish a school for their children voluntarily sent to it, and to make other provisions for their benefit. The Winnebagoes engaged to deliver up certain individuals who were accused of murdering citizens of the United States in the late war, and to remove to the "Neutral Ground" on or before June 1, 1833.

The removal of the Pottawattamies was arranged later, under a treaty made at Chicago, September 26, 1833, by which five million acres in western Iowa were assigned them. The United States met the expense of their removal, of their subsistence for one year after their arrival at their new home, and provided for the payment of more than eight hundred thousand dollars, to be expended for the erection of mills, and for other useful objects, and in annuities to them.

Soon after the capture of Black Hawk, the principal Sacs and Foxes who had not joined



THE BLACK HAWK PURCHASE, BY TREATY OF SEPT. 21, 1832

him — Keokuk, Pa-she-pa-ho, and seven other Sacs, Wapello, Tama, Poweshiek, and twenty-one other Foxes — were summoned to a council with Commissioners of the United States, Major-General Winfield Scott, and Governor Reynolds, of Illinois. They met September 21, 1832. In opening the council, General Scott reproached the Indians in stern language that they had not restrained Black Hawk from going to war; and the Commissioners demanded as indemnity for the millions the war had cost the United States, and to secure the future safety of the invaded frontier, that they cede to the United States "a portion of their superfluous territory," bordering on that frontier. The Indians assented, and ceded to the United States a strip of territory lying along the Mississippi from the northern boundary of the State of Missouri to the "Neutral Ground," about one hundred and ninety-five miles in length, part of it extending fifty miles west, part of it forty miles, embracing nearly six million acres. A reservation for the Indians in this cession was made of four hundred square

miles, on both sides of the Iowa River, and embracing the villages of Keokuk and Wapello. In consideration of the extent of the cession the United States agreed to pay annually to the Sacs and Foxes for thirty years the sum of twenty thousand dollars. It was further agreed that the United States should hold Black Hawk, his two sons, and eight other warriors, as hostages for the future good conduct of the late hostile bands. They were then in confinement at Jefferson Barracks. Washington Irving was in St. Louis at the time, and went to see them. He wrote, September 16, 1832:

"The redoubtable Black Hawk, who makes such a figure in our newspapers, is old, emaciated, and enfeebled. He has a small, well-formed head, an aquiline nose, a good expression of eye. His brother-in-law, the prophet, a strong, stout man, much younger, is considered the most culpable agent in fomenting the late disturbance; though I find it difficult, even when so near the scene of action, to get at the right story of these feuds."

After the treaty was concluded, General Scott invested Keokuk, the other chiefs consenting,

with the rank and gold medal of head chief, and gave them all a grand dinner. When night came on, batteries of rockets and fire-balls from mortars emblazoned the sky, amid savage shouts of astonishment and delight. Keokuk joined in presenting a pantomime of Indians on the warpath, surprising and capturing an enemy. A war-dance followed; in the carousal young army officers made merry with the braves, dancing together. The ground on which the treaty was made was upon the west bank of the Mississippi, the site of the city of Davenport. At the close of the festive scenes the Indians dispersed, cheerful and contented. The ceded lands were called for a time "Scott's Purchase," but later "The Black Hawk Purchase," from the war which bore his name. The Indians agreed to remove from them on or before June 1, 1833. The name of Scott is retained in that of the county which holds the ground where the treaty was made. The Indians left the Purchase, as they agreed, for their lands farther west, except that those who occupied the Reservation remained upon it.

The United States troops who were protecting the Foxes at the Dubuque mines were sent against Black Hawk when the war broke out; at the same time the Foxes went and joined Black Hawk. In the desertion of their village, miners from the east side of the Mississippi again crossed over, and resumed operations at Dubuque, but were ordered off later by military authority; as were adventurers who made claims at Flint Hills (Burlington), Fort Madison, and other points; the country belonging to the Indians until the day agreed upon for their removal.

Black Hawk and the other hostages were confined at Jefferson Barracks until April, 1833, when they were sent to Fortress Monroe. At Washington the President, Andrew Jackson, received them in a kind spirit. He told them that the time of their detention would depend upon the conduct of their people: they would be set free as soon as it was ascertained that the bad feelings of their people were banished, and they were to remain in Fortress Monroe until he gave them permission to return to their homes.

Black Hawk made his explanation as to the cause of the war, and said that his people were exposed to attacks by the Sioux and Menomonees, and he wanted to return to take care of them.

The President replied that he was apprised of the circumstances of the war, and it was unnecessary to look back to them. It was his purpose to secure the observance of peace, and prevent the frontiers from being again stained with blood. They need feel no uneasiness about the Sioux and Menomonees. He meant to compel the red men to be at peace with each other, as well as with their white neighbors. He had taken measures with this view, and when it was ascertained that they were effectual, — when the tribes learned that the power they attempted to contend with was equally able and disposed to protect the peaceful and to punish the guilty, and when assured that Black Hawk's people in particular were convinced of this and were disposed to observe the terms of peace granted to them, then they would be restored to their families.

The President then gave his hands to the chiefs and dismissed them.

The next month Keokuk asked for the release of the prisoners, and pledged himself for their good behavior, and the Government arranged to send them home. Upon their homeward route they had another interview with the President, at Baltimore. He said to them:

"My children, when I saw you in Washington, I told you that you had behaved very badly in raising the tomahawk, and in killing men, women, and children upon the frontier. Your conduct compelled me to send my warriors against you; your people were defeated, and your men surrendered, to be kept until I should be satisfied that you would not try to do any more injury. I told you I should inquire whether your people wished you should return, and whether if you did return, there would be any danger to the frontier. General Clark and General Atkinson have informed me that Keokuk, your principal chief, has asked me to send you back, and the rest of your people are anxious you should return. Your chiefs have pledged themselves for your good conduct, and I have given directions that you be taken to your own country. You will be taken through some of our

towns. You will see the strength of the white people. You will see that our young men are as numerous as the leaves in the woods. What can you do against us? You may kill a few women and children, but such a force would soon be sent against you as would destroy your whole tribe. Let the red men hunt, and take care of their families; but I hope they will not again raise their hands against their white brethren. We do not wish to injure you. We desire your prosperity and improvement. But if you again plunge your knives into the breasts of our people, I shall send a force which will severely punish you. When you go back, listen to the counsels of Keokuk and the other friendly chiefs. Bury the tomahawk, and live in peace with the frontiers. And I pray the Great Spirit to give you a smooth path and a clear sky to return."

Black Hawk answered:

"My Father: My ears are open to your words. I am glad to hear them. I am glad to go back to my people. I want to see my family. I did not behave well last summer. I ought not to have taken up the tomahawk. My people have suffered a great deal. When I get back I will remember your words. I will not go to war again. I will live in peace. I shall hold you by the hand."

The party were taken under the conduct of Major Garland, of the United States Army, through the cities of New York, Buffalo, Cleveland, and Detroit, by way of Green Bay and the Wisconsin River, to Rock Island, where a large company of chiefs and braves assembled to welcome them. Keokuk said:

"The Great Spirit has been kind to them. He has listened to their prayers. They ought to be thankful. They had petitioned their great father to return Black Hawk and the other prisoners, and he has now sent them home to enjoy their liberty. The Great Spirit has changed the heart of the old chief; has given him a good one. Let the past be buried deep in the earth. Whilst his heart was wrong, he had done many bad things, but now after having travelled through many of the big towns he could see the folly of his past course, and would know how to govern himself in future."

Keokuk then advanced with dignity, his arms folded, to Black Hawk, shook hands with him, and sat down. The other chiefs followed, each taking Black Hawk by the hand, not saying a word till Keokuk broke the silence; then all

joined in congratulations. No censure was cast upon the old chief. It was humiliation enough that he was now without honor and power, and indebted for obtaining his liberty to Keokuk, whom he had called a coward for not going to war. Major Garland expressed his pleasure at finding so much good feeling for Black Hawk, and his confidence that all would now live in peace. He reminded Black Hawk that Keokuk was at the head of the nation, that his counsels should be heeded, and that by the terms of the late treaty no band was to exist "under any chief of the late hostile bands." Hereupon Black Hawk rose in violent agitation. He said: "I am an old man. I will not obey the counsels of any one. No one shall govern me." Keokuk at once turned to Black Hawk to allay his indignation, and asked that what he had said might not be remembered, that Black Hawk was too old to say anything good, and that he (Keokuk) was answerable for his good behavior. Black Hawk then recalled his words, and asked to have a black line drawn over them. Finally the pipe of peace was passed for

all to take a whiff, and in return Major Garland served a glass of champagne. The ceremonies closed with a dance, in which Black Hawk's party did not join, but they retired sullen and dejected.

In the spring following (1834), the Stockbridge Indians, living near Green Bay, descendants of those in Massachusetts to whom Jonathan Edwards was a missionary (1751-1757), were moved to send a deputation of their number to the Sacs and Foxes, to persuade them to give up their savage life, have schools, and adopt the ways of civilization. John Metoxen, a chief and a preacher, was at the head of the deputation. He had been educated in the Moravian School at Bethlehem, Pennsylvania. In an interview with Black Hawk he told him that missionaries would do his people good, and advised him to receive them. Black Hawk replied that the trader (George Davenport) told him not to have anything to do with missionaries, for they would make the Indians worse. The Rev. Cutting Marsh, a missionary of the American

Board of Commissioners for Foreign Missions, accompanied the deputation. He reported as follows:

"Keokuk's, the principal village of the Sacs, is situated on the eastern bank of the Iowa River, about twelve miles from its mouth. It contains between forty and fifty lodges, some are forty or fifty feet in length, constructed of bark. The village is at the northern extremity of a delightful prairie extending south and west. There were probably four hundred souls in it.

"Upon entering the village, which is formed without any order, my attention was attracted by Black Hawk's lodge. This was enclosed by a neat fence of poles, embracing four or five rods in a circular form. A little gate led into it; around the inside melon vines had been planted. The lodge was constructed of peeled bark. It was perfectly tight, except a hole at the top for the smoke to pass out. At the sides, places were built all around, about three feet from the ground, and mats spread over, on which they sat and slept. It was furnished with some dining chairs, which I saw at no other lodge in the nation. I was received politely by the children of Black Hawk, himself and wife being absent. I never before witnessed such a specimen of neatness and good order

in any Indian lodge. Although Black Hawk is not permitted to hold any office, it is questionable whether he is not as much respected as the haughty Keokuk, who now holds the reins of government.

"Wending my way to Keokuk's lodge, which was about fifty feet long, I found him sitting with prince-like dignity in one corner, surrounded by his young men, and wives not less than five. He appeared distant and not disposed to converse, but treated me with politeness and hospitality, and ordered his young men to put out the horses, and supper to be prepared. I found him unwilling to listen to any suggestions respecting the object of my visit, as was the other chief, Pash-e-pa-ho, the Stabber. There was the same unwillingness to hear anything respecting religion, and all made light of it when mentioned in the presence of the latter chief.

"Wapello's village is about ten miles above Keokuk's, is considered to contain thirty lodges. He is a notorious drunkard, and his band follows the example of their chief. At this village I learned that a man murdered his wife a few days before, and then cut off her nose and ears. The Indians are jealous of their wives, and if at such times an Indian cuts off the nose or ears of his wife, no notice is taken of it.

"Poweshiek's village is upon the Red Cedar, a

branch of the Iowa, about ten miles from its mouth. Powesheik is second chief among the Foxes. The village contains about forty lodges and four hundred souls, as Powesheik informed me. He sent one of his young men to inform me I could stay at his lodge, and assigned me a place in it. He is about forty years of age, savage in appearance, and very much debased, as well as all his band. Still he was more willing to converse than either of the chiefs before mentioned. I inquired about the instruction of his young men. He replied that he would like to have two or three educated for interpreters, but he did not want schools, for he wished to have his young men warriors. I inquired if he should not like his young men to make farms. He answered they could work with a hoe, and did not want a plough; they chose rather to hunt for a living than cultivate the ground. He said, 'The Great Spirit made us to fight and kill one another when we are a mind to.' I showed some young men specimens of Ojibwa writing, and asked if they would not like to have some one come and teach them. They answered, 'We do not want to learn; we want to kill Sioux.'

"Appanoose's village, called Au-tum-way-e-nauk (Perseverance Town), is situated upon the south side of the Des Moines, about one hundred and twenty-five miles from its mouth. This is the most eligible

place I met with amongst the Sacs and Foxes for a missionary establishment. It is at a greater distance from the white settlements. The Des Moines, which the Indians call Ke-o-shaw-quah, is a rapid and beautiful river, remarkable for uniformity in width, being generally about forty rods wide. In its banks and bluffs coal is found in abundance. The fine, rolling prairies, covered with a luxuriant growth of grass and flowers of every hue, present a powerful inducement to search for treasures hid in their bosom. This whole region seems to have been formed by nature for agriculture, and I have little doubt will be covered with flocks and herds before another generation shall pass away. But what will become of the Indians?

"Besides the villages enumerated there are a number of others consisting of three or four or half a dozen lodges, some of which I visited.

"The Sacs and Foxes are strongly attached to their superstitions; I have seen no Indians so much so, and they guard with jealous care against any change. Their great object is war and hunting, so as to rank among the braves, wear the polecat's tail upon the calves of the legs, and the shau-no-e-hun (small bells), and strike the post in the war-dance, and tell the number they have killed in battle. To this there are some exceptions. One of the most striking is Appanoose. He is young and aspiring,

and possesses more independence of mind than any of the rest of the chiefs. He expressed a desire to have something done for the improvement of his people. This was a great desideratum with his father, Tama, who was a much respected chief. He is anxious himself to receive instruction. He is one of the most kind and gentlemanly Indians I ever met. But he is a drunkard, and my not succeeding to gain his consent to have a school established at his village I attribute to a drunken frolic at the time appointed to bring the matter before him. After he became sober he seemed far less inclined to do anything on the subject than before.

"Keokuk in years past manifested a desire to have one of his sons educated, but his mind has been changed. He is altogether under the influence of the traders of the American Fur Company, who are exceedingly hostile to missionary operations. At a council, Colonel William Davenport, commanding officer at Fort Armstrong, strongly urged upon the chiefs to have missionaries. They replied, 'We do not want missionaries.'

"The Sacs and Foxes are in perpetual warfare with the Sioux. Their hunting-ground joins on the northwest, and there are mutual complaints of encroachment, which is one great cause of hostility. The Sacs and Foxes are more warlike, and more than a

match when equal numbers meet in battle, but the Sioux are the most numerous by far, so that they live in constant fear of each other." *

Previous to the Black Hawk War a few white persons had located themselves on the tract "intended for the use of the half-breeds belonging to the Sac and Fox nations." Among those persons was Samuel C. Muir, an army surgeon, who had lived with a squaw, and who, when such an alliance was forbidden by the Government and required to be terminated, chose to retain it, and left the Government service. He was a native of Scotland, educated at Edinburgh, and said, "God forbid that a son of Caledonia should desert his child or disown his clan." He built the first house at Puck-a-she-tuk (foot of the rapids), where the city of Keokuk stands. The American Fur Company had a trading-post here, and built a row of log houses ("Rat Row") for their business, Russell Farnham, manager. At the head of the rapids (Ah-wi-pe-tuk), a small settlement of white

* Wis. Hist. Coll., xv., 104.

THE FIRST SCHOOLHOUSE IN IOWA

people built a log house in which Berryman Jennings taught a school in the winter of 1830–1831, the first in Iowa.

Some of the half-breeds were traders, interpreters, and employés of the American Fur Company. Among such was Maurice Blondeau, who had a trading-house at Flint Hills, and died and was buried there in 1829; his name is preserved in that of one of the streets in Keokuk. But most of the half-breeds retained the habits of Indian life. In June, 1834, Congress relinquished the reversionary right of the United States in the tract to those who were entitled to the same under the laws of the State of Missouri, with power to sell their several portions. Questions then arose as to who and how many were the half-breeds, their respective claims, and as to the extent of the tract. Many of the half-breeds had scattered and vanished. There were fraudulent claimants. The questions became entangled and confused. They led to bitter disputes for years, and were not settled without many lawsuits and long litigation in the courts.

On the first day of June, 1833, the United States troops, who up to that time had guarded the Purchase against the incursion of the white people, and had removed intruders, and burned their cabins, were withdrawn, and the pioneers of the frontier entered in to make claims and settlements. A transformation of the wilderness commenced. There were some instances of strife and contention among the adventurers for town-sites, mill-sites, belts of timber, and the best lands, but good feeling generally prevailed, and rules and regulations as to claims were agreed upon in the interest of fair dealing and mutual protection. A petition was sent to Congress for the extension of the laws of the United States over them, and a bill was introduced to organize a Territorial government between Lake Michigan and the Missouri River under the name of Wisconsin. "This territory," said Senator John Tipton, of Indiana, "must have ten thousand inhabitants, and will soon have two large States. Nearly three thousand people have located themselves on the west bank of the Mississippi, north of the State

of Missouri. Their petition to extend the laws over them lies on your table. We owe it to our country that our legislation keep pace with our population." Meanwhile, in the absence of established government, people took law and justice into their own hands, and dealt summarily with crime. An instance occurred at Dubuque in the trial and execution of Patrick O'Conner for the murder of George O'Keaf. Appeals were made in vain to the governor of Missouri, and to the judge of the western district of Michigan Territory; they disclaimed jurisdiction. A citizens' court conducted the trial with deliberation and solemnity. A jury was empanelled. All judicial forms were observed. The murder was committed on the nineteenth of May, 1834, and the execution took place on the twentieth of the following month.

After having been without an established government for a year and one month, Congress interposed and attached the territory north of the State of Missouri and between the Mississippi and the Missouri rivers to the

Territory of Michigan for temporary government, and gave the inhabitants the same privileges and immunities, and subjected them to the same laws as other citizens of Michigan Territory.

X

IN THE TERRITORY OF MICHIGAN

JUNE, 1834-JULY 4, 1836

THE country north of the State of Missouri being now attached to the Territory of Michigan, came again under the Ordinance of 1787, which was extended over it in 1804, but withdrawn in 1805. Meanwhile, the act of Congress for the admission of the State of Missouri into the Union prohibited slavery north and west of that State. But the prohibition was dormant for fourteen years, until a strip of country north of Missouri was opened to settlement, when the prohibition proved a barrier to slavery. The pioneers welcomed the national authority. One of them has left this record:

"An Irishman, Nicholas Carroll, living in the vicinity of Dubuque, first unfurled the Star Spangled Banner in Iowa. He contracted with us for the flag, and paid us the price, ten dollars. It was

under our direction, and superintended by a black woman, who was a slave. It was run up soon after twelve o'clock in the morning of the Fourth of July, 1834. The flags at Burlington and Davenport, we are informed, did not go up until after sunrise on that day." *

Congress provided for an extra session of the Legislative Council of Michigan Territory, and appropriated three thousand dollars for the travel and time of members, and for incidental expenses. The Council was convened at Detroit, September 1, 1834. The Governor, Stevens T. Mason, said in his message:

"The inhabitants on the western side of the Mississippi are an intelligent, industrious, and enterprising people, and their interests are entitled to our special attention. At this time they are peculiarly situated. Without the limits of any regularly organized government, they depend alone upon their own virtue, intelligence, and good sense, as a guaranty of their mutual and individual rights and interests. Spread over an extensive country, the immediate organization of one or two counties, with

* Eliphalet Price. "Annals of Iowa," 1865. p. 538.

one or more townships in each county, is respectfully suggested, and urged. A Circuit and County Courts will also be necessary, making a special circuit for the counties west of the Mississippi, as it would be unreasonable to require the attendance of inhabitants of that section at courts east of the river. I rely upon your diligence and wisdom for the measures demanded by the annexation of the new territory to the limits of Michigan."

Accordingly, by "an act to lay off and organize counties west of the Mississippi River," the Council constituted two counties, Dubuque and Demoine, and made them each a township; one, Julien; the other, Flint Hill. A line drawn due west from the lower end of Rock Island was made the boundary between the counties. A county court was provided for each county, and the laws then in force in Iowa County, and process civil and criminal, and writs of error from the Circuit Court of that county, were extended to the new counties.

Iowa County was at that time the nearest organized portion of Michigan Territory to the new counties. It was constituted in 1829, and

named by Henry R. Schoolcraft, then a member of the Council. It embraced the mining region north of Illinois to the Wisconsin River, and extended west to the Mississippi. The conditions of society there and at the Dubuque mines were similar. There was a rush of adventurers, sometimes disputing one another's claims. The miners, under the system then in vogue paid the United States ten per cent on the lead they manufactured and raised as rent for land. From the judicial relation of Iowa County to the new counties, and from the fact that the same United States judge, David Irvin, held court in Iowa County, and afterwards in the counties of the Black Hawk Purchase, those counties were spoken of as "The Iowa District." This was the earliest application of the name "Iowa" to a part of what became the Territory of Iowa in 1838, and the State of Iowa in 1846.

On the sixth of September, 1834, with the consent of the Legislative Council, Governor Mason appointed to office in Dubuque County men who were recommended by their fellow-citizens. They were men of character and

ability. Among them were John King, as Chief Justice of the County Court, who established the first newspaper in Iowa, "The Dubuque Visitor," May 11, 1836; and Lucius H. Langworthy as sheriff, an early and honored pioneer of the Dubuque mines.

To provide officers for Demoine County, the Governor asked the inhabitants to nominate suitable persons. He sent the laws of the Territory to William R. Ross, M. D., Flint Hills, with instructions to hold an election. The package, enveloped in oil-cloth, was addressed to Macomb, Illinois, as the nearest post-office to Flint Hills. Dr. Ross published written notices for an election in every settlement, and forwarded the names of those elected to the Governor at Detroit, who appointed them, with the consent of the Legislative Council, December, 1834, as follows: William Morgan, Chief Justice; William R. Ross, County Clerk; Solomon Perkins, Sheriff. All were pioneers of 1833. Subsequently, March, 1846, Isaac Leffler was appointed Chief Justice: he had served eight years in the Legislature of Virginia,

was a member of Congress from the Wheeling District, Virginia, 1827–1829, was elected to the First Legislative Assembly of Wisconsin Territory, and was Speaker of the House at its second session. William R. Ross, the County Clerk, became the first postmaster at Flint Hills, subsequently called Burlington; he made the first survey of streets and lots for the town, and built a Methodist Church, "free for every order to preach in," afterwards called "Old Zion," in which the First, Second, and Third Legislative Assemblies of the Territory of Iowa held their sessions, and courts were held for a number of years.

The character of these men, and their appointment in answer to the recommendation of the people, shows that a regard for intelligence, for moral order, and for local and representative government, existed in the first settlement of Iowa. The population, however, was not without baser mixtures. While the axe and the plough made clearings in the wilderness, and a log schoolhouse, which was often used for religious meetings, arose in many settle-

ments, vice and crime, gambling and drunkenness, had their dupes and victims, and disputes over mine-claims and land-claims brought on broils and murders.

For protection against Indian disturbances three companies of Colonel Henry Dodge's United States Dragoons were stationed at the head of the Lower Rapids of the Mississippi. The place was called Camp Des Moines. For a while the soldiers patrolled the frontier, but they were hardly needed, as the Indians did not disturb the settlements, though the Sacs and the Sioux still kept at war with each other.

In the summer of 1835 the dragoons made a long march up and down the frontier, of which Lieutenant Albert Lea many years afterwards gave these reminiscences:

"On the seventh of June, 1835, our three companies began the march. The command consisted of one field officer, Lieutenant Colonel Kearney; one captain, Nathan Boone; and two lieutenants, Lea and H. S. Turner; and about one hundred and sixty rank and file, with five four-mule teams and a pack horse to take commissary stores for three months.

"Our route was along the divide between the Mississippi and Des Moines rivers, the ground still soft from excessive rains; but the grass and streams were beautiful, and strawberries so abundant as to make the whole track red for miles together, and as our progress north, about fifteen miles per day, coincided with their ripening, we had this luxury for many weeks, increased by the incident of one of our beeves becoming a milker; and, as the master of the herd was of my company, I had the monopoly of the grateful food, seldom enjoyed so far from civilization.

"The grass was fine, and our horses and beeves gradually grew fat; but the Indians had burnt the old grass, leaving short hazel stubs, which penetrated the horses' feet, softened by the wet earth, causing fistulas between the frog and the shell, to be cured only by the knife or caustic. My long parade horse was the first victim, becoming very lame, when I threw him, cut away all the fistula in reach, and ran a short stick of lunar caustic up over the frog, replaced the shoe with a boot leg and padding, and turned him out for the night. Although usually rude and unwilling to be handled, early next day he came to my tent door and extended his foot for treatment. As we had no veterinarian, many claimed my services for that and other afflictions horse flesh

ALBERT M. LEA

is heir to, and thus what I had learned from my father on a farm in the mountains of East Tennessee served the Government and my friends on the wild plains of the far west. All knowledge is worth treasuring.

"Some weeks' march north we passed near the head of Skunk River (given me in the Sac tongue as Chicaqua, a modification of the Pottawattamie Chicago), when a gosling ran through our ranks, and was chased by a raw German on foot to a curious lake, apparently dammed artificially by a wall of boulders, and marked on my sketch as Swan Lake. Not far from the head of Skunk River, in the midst of an ocean of fine native grass, such as only Iowa produces, we encountered a small herd of buffalo, to which many of us gave chase. It was the first and only time I have seen the lordly beast in his home, and probably the last time he appeared in that region.* Meat was plenty in camp that night, including a calf brought in alive; but my feast was found in the marrow, which Agent Dougherty † had taught me to esteem.

"After moving to the Mississippi, where a noted

* In 1842 a hunting party from Burlington, in which was John C. Breckinridge, afterwards Vice-President of the United States, 1857–1861, found buffalo in this region.

† John Dougherty, United States Indian Agent for the Pawnees, Omahas, and Otoes on the Missouri River.

landmark, known as 'La Montagne que trempe à l'eau,' was plainly in view, and awaiting the arrival of a steamboat with supplies, our march was westward, and we soon got into a region of lakes and open groves of oak, beautiful as English parks.

"Six years after, when Chief Clerk of the War Department, I was breakfasting one Sunday with Nicollet in the room where his great map of the upper Mississippi was under construction, glued on a large drawing table, when he led the talk to the map of that country, made from notes and sketches of this campaign, and he was enthused by my sketch of a scene on a particular lake. 'Ah,' said he, 'zat ees fine, zat ees magnifique! What you call 'im?' 'I named it from its shape, Lake Chapeau.' 'Zat ees not de name; it is Lake Albert Lea;' and he ran to the big table, and wrote the name on the map, and the name is still attached to the lake, and a fair little city bearing the same has grown up on its border.

"Thence our march was still through rich prairies, interspersed with lakes and groves; across the Des Moines River, which we descended to the mouth of the Raccoon Fork, a grassy and spongy meadow with a bubbling spring in the midst, near which my tent was pitched; and the side of a fat young deer was spitted before the fire, and despatched with great

gusto by the aid of two brother officers, and a bottle of fine old French brandy, obtained from Chouteau's stock, and carried the whole campaign in my wallet, untasted. The capital of Iowa now covers that site.

"The next morning, a bright Sunday, I got orders to reconnoitre the Des Moines River by descending it in a canoe, to ascertain the practicability of navigation with keel boats, with a view to the establishment of a military post. A goodly cottonwood was selected; my men set to work with a will, and at sunrise Tuesday I bade adieu to the camp and, aided by a soldier and an Indian, started on my toilsome task, sounding all shoals, taking courses with a pocket compass, estimating distances from bend to bend by the time and rate of motion, sketching every notable thing, occasionally landing to examine the geology of the rocks, and sleeping in the sand despite the gnats and mosquitoes. We made the trip without accident, and leaving our canoe at the trading-house (Keokuk), we footed it to the fort, where we arrived many days before the main body, who returned leisurely by land, and arrived in fine order, without the loss of a man, a horse, a tool, or a beef, which were fatter than at the starting, after a march of eleven hundred miles.

"During a very cold spell in February, 1836, I rode from the fort up the river, stopped at the raw village of Burlington one night, and next day reached

the mouth of Iowa River at dark, and was refused shelter in the only house there, occupied by a drinking crowd of men and women, and was obliged to go up the narrow crooked river on the ice, four inches thick, with snow three inches deep on it, in moonless darkness relieved only by the snow, four miles to a snug cabin on the north side, where aroused at 9 P. M. they received me kindly, gave me supper, and a sleep with the hired man, the other two beds being occupied by the squatter and wife and many children, grown daughters included, the cook stove being in the fourth corner, and yet we were all comfortable, and as gay at breakfast as if feasting at a wedding.

"About noon that day the head of Muscatine Slough was reached, where * a squatter had a small cabin of unhewn poles and two stacks of prairie hay, which with his 'claim' he offered me for fifty dollars, but I had no idea that he held the position I was seeking, and pushed on by starlight to Ben Nye's at the mouth of Pine River, which I was well assured was the coveted apex of the great bend. The next morning I bought all his claims, and rode on, in high spirits, to visit the officers at Fort Armstrong. After two nights and a day at the hospitable garrison, I returned to our post." †

* Site of the city of Muscatine.

† Iowa Historical Records, vi., 546–552.

The same summer that the dragoons made this march upon the western frontier of the Black Hawk Purchase, George Catlin passed up and down its eastern border. He says:

"During such a tour, the mind of a contemplative man is continually building splendid seats, cities, towns, villas, States, for posterity; it would seem that this vast region of rich soil and green fields was almost enough for a world by itself. On the upper Mississippi and Missouri for the distance of eight hundred miles above St. Louis is one of the most beautiful champaign countries in the world, continually alternating into timber and fields of the softest green, calculated from its latitude for people of the northern and eastern States, and Jonathan is already here from 'down east.'

"A visit to Dubuque will be worth the while of every traveller; for the speculator and man of enterprise it affords the finest field now open in our country. It is a town of two hundred houses, built within the last two years on one of the most delightful sites on the Mississippi, in the richest part of the mining region, having this advantage over most other mining countries, that the land on the surface produces the finest corn. This is certainly the richest section of country on the continent. In the society

of hospitable friends I found myself amply repaid for a couple of weeks spent in the examination of the extensive lead mines, walking and creeping eighty or a hundred feet below the surface through caverns decked in stalactite and spar, with walls of glistening lead, and rich stalagmites that grow up from the bottom.

"Dubuque's grave is a place of great notoriety on this river. After his death his body was placed in the tomb, lying in state upon a large flat stone, exposed to view, as his bones now are to the gaze of any traveller who takes pains to ascend the grassy, lily-covered mound to the top, and peep through the gratings of two little windows.

"At the foot of the bluff there is an extensive smelting furnace, where vast quantities of lead are melted from the ores which are dug out of the hills.

"From Dubuque I descended the river on a steamer, with my bark canoe laid on its deck, to Camp Des Moines, and joined General Joseph M. Street, the Indian agent, in a tour to Keokuk's village. Colonel Kearney gave us a corporal's command of eight men, with horses, for the journey, and we reached the village in two days' travel, about sixty miles up the Des Moines. The country we passed over was like a garden, wanting only cultiva-

tion, mostly prairie, and we found the village beautifully situated on the bank of the river. They seemed well supplied with the necessaries of life, and with some of its luxuries. I found Keokuk a chief of fine and portly figure, with a good countenance, and dignity and grace in his manners. He placed before us good brandy and wine, and invited us to drink, and to lodge with him.

"We were just in time to see the curious custom of 'smoking horses.' The Foxes were making up a war-party to go against the Sioux, and had not suitable horses enough by twenty. The day before they had sent word to the Sacs that they were coming on that day at a certain hour to 'smoke' that number of horses, and they must have them ready. On that day, and at the hour, the twenty young men who were beggars for horses were on the spot, and seated themselves on the ground and went to smoking. Soon an equal number of young Sacs, who had agreed each to give a horse, appeared, galloping around at full speed until they were close to the fellows on the ground, when each selected the one to whom he decided to present his horse and gave him a tremendous cut on his naked shoulders with a heavy whip, and, darting round again and again, he plied the whip until he saw the blood trickling down his shoulders, when he dismounted

and placed bridle and whip in his hands, saying, 'Here, beggar, I present you a horse, but you will carry my mark on your back.' In this manner they were all 'whipped up,' and each had a good horse to go to war with. The stripes and the scars were the price of the horse, and the Sac had the satisfaction of putting his mark upon the Fox.

"With about twenty of his principal men Keokuk came to Camp Des Moines with us. He brought in all his costly wardrobe that I might select such as suited me best for his portrait; but at once, of his own accord, he named the one that was purely Indian. In that he paraded for several days, and in it I painted him at full length. He is a man of a great deal of pride, and makes a splendid appearance on his black horse. He owns the finest horse in the country, and is excessively vain of his appearance when mounted and arrayed — himself and horse — in all their gear and trappings, his scalps attached to the bridle-bits. He expressed a wish to see himself represented on horseback, and I painted him in that plight. He rode and nettled his prancing steed in front of my door until its sides were in a gore of blood. I succeeded to his satisfaction; his vanity increased, no doubt, by seeing himself immortalized in that way. After finishing him I painted his favorite wife (one of seven), his

favorite boy, and eight or ten of his principal men and women, after which all shook hands with me, wishing me well, Keokuk leaving me the most valued article of his dress and a beautiful string of wampum which he took from his wife's neck. They departed in good spirits to prepare for their fall hunt."

At this period the affairs of Michigan Territory were complicated by the organization of a part of the Territory as the State of Michigan. For the remainder of the Territory a new apportionment of members of the Legislative Council was made, by which Dubuque and Demoine counties were each entitled to two members. Allen Hill and John Parker were elected in Dubuque County; Joseph B. Teas and Jeremiah Smith in Demoine County. At the same election, October, 1835, the first election by law in what is now Iowa, George W. Jones was elected Delegate to Congress from Michigan Territory. He had been nominated for the office by Augustus C. Dodge at a public meeting in Mineral Point. Both had served with Colonel Henry Dodge

in the Black Hawk War. They were men of firm and resolute character, and became prominent in the public service. After nearly fifty years they stood hand in hand at a celebration in Burlington of the first settlement of Iowa, when George W. Jones made grateful recollection of the fact that of the two hundred votes in that precinct polled at that election he received all but six.

The seventh and last Legislative Council of Michigan Territory was convened at Green Bay, January 1, 1836. It was in the depth of winter, and the members from Demoine County made the journey through deep snows on horseback; those elected from Dubuque County did not attend. Meanwhile, Governor Mason had been elected Governor of the State of Michigan; whereupon President Jackson appointed John S. Horner Governor of the Territory of Michigan. He proved unworthy of the office. The Council was organized by choosing John B. Teas Temporary President; on the second day William Schuyler Hamilton, a son of Alexander Hamilton, was elected

President. By a vote of eight to one the Council asked President Jackson to revoke the commission of Governor Horner, which he declined to do. A memorial to Congress for a separate Territorial government west of Lake Michigan was adopted:

"Thrown off by Michigan in the formation of her new State, without an acting governor to enforce the laws, without a competent civil jurisdiction to give security to our lives and property, we ask the intervention of the national aid to give us a new efficient political existence. It has been decided by the Federal Court that the population west of the Mississippi are not under its jurisdiction, and the monstrous anomaly is presented that citizens of the United States living in its territory should be unprotected by its courts of civil and criminal jurisprudence."

On the presentation of this memorial in the United States Senate, John M. Clayton, of Delaware, referred to a recent murder in Dubuque, where the murderers were arrested, but after argument before the United States Circuit Court

at Mineral Point, David Irvin presiding judge, they were discharged for want of jurisdiction.

"Mr. Clayton observed that Congress ought not to permit this state of things to exist. One of the largest and most fertile portions of our country by the neglect of Congress was permitted to remain the scene of lawless violence, where private vengeance was the substitute for public justice. Let us act on this subject promptly; and if we do our duty towards this noble Territory, the day is not distant when it will be made to appear that it is capable of supporting the population of an empire." *

The action of Congress was delayed by a dispute as to the boundary line between Ohio and the new State of Michigan, and also by the fact that the admission of Michigan into the Union was coupled with that of Arkansas, under the then popular fad that to preserve the balance of power a free and a slave State must come into the Union together; but, as the constitution of Arkansas forbade emancipation, many members

* Debates in Congress, xii., 978. Dubuque, by L. H. Langworthy. pp. 29-34. Wis. His. Coll., xv., 287-289.

of Congress were slow to acquiesce in the admission into the Union of a State with such a provision in its fundamental law.

Finally, and largely through the persistent efforts of the delegate from Michigan Territory, Congress created the Territorial government of Wisconsin by an act approved April 30, 1836. The Territory covered the country between Lake Michigan and the Missouri and White Earth rivers, north of the States of Illinois and Missouri. The act provided for a legislative body of two houses, and was in this respect an advance upon former laws for Territorial government.

Before its adjournment, January 15, 1836, the Legislative Council of Michigan Territory, in expectation that the new Territory would embrace the country on both sides of the Mississippi, voted, seven to two, in favor of Cassville on the east bank of the river for the location of the capital. "Nature has done all in her power to make it one of the most desirable spots in the far West," said Wm. S. Hamilton. Soon afterwards Dubuque was claimed by citizens of that

town as a more desirable location. A little later the proprietors of Davenport were confident that the seat of government for the new Territory would be in that city; as was Albert Lea, that "the mouth of Pine River, at the apex of the great bend" of the Mississippi, would be the site; he named it "Iowa," and called it "the capital of the future State of Iowa."

While new settlers were thronging into the Black Hawk Purchase, the Winnebagoes and Pottawattamies were slowly and reluctantly leaving their old homes on Rock River, and about Lake Michigan, for the new lands assigned them; the Winnebagoes for what is now northeastern Iowa, the Pottawattamies for what is southwestern Iowa.

Albert Lea was so enraptured with the country during his residence and travels in it, that he was moved in April, 1836, to write a description of its situation and advantages. He says:

"Taking this District all in all, for convenience of navigation, water, fuel, timber, for richness of soil, for

beauty of appearance, for pleasantness of climate, it surpasses any portion of the United States with which I am acquainted. Could I present to the reader the view before my eyes, he would see the Mississippi flowing gently and lingeringly along one side of the District as if in regret at leaving so delightful a region; he would see half a dozen navigable rivers, their sources in distant regions, gradually accumulating their waters as they glide through this favored region to pay their tribute to the 'Father of Waters'; he would see innumerable creeks and rivulets meandering through rich pasturages, where the domestic ox has taken the place of the untamed bison; he would see here and there groves of oak and elm and walnut, half-shading, half-concealing beautiful little lakes, that mirror back their waving branches; he would see prairies of two or three miles in extent, inclosed by woods, along which are ranged the neat-hewed log-cabins of the emigrants, their fields stretching into the prairies, their herds luxuriating in the native grass; he would see villages springing up along the banks of the rivers; and he would see the swift steamboats to supply the wants of the settlers, to take away their surplus produce, or bring an accession to the growing population, anxious to participate in nature's bounties here so liberally dispensed.

"During the year 1835, the chief part of the population arrived, and there is every indication of a vast accession during 1836. There are now emigrants from every State in the Union, as well as many foreigners. During a ride of one hundred and fifty miles through the District in January, 1836, I was surprised at the number of improvements then being made for occupation as soon as the warm season should set in. With few exceptions, there is not a more orderly, industrious, painstaking population west of the Alleghanies. For intelligence they are not surpassed as a body by an equal number of citizens of any country in the world. About the mining region is a mixed mass of English, French, German, Irish, Scotch, and citizens of every part of the United States.

"This District, being north of the State of Missouri is forever free from the institution of slavery, according to the compact made on the admission of that State into the Union. So far as political wealth and strength is concerned, this is a great advantage; for free States grow more rapidly than slave States. Compare Ohio and Kentucky; and what would not Missouri have now been, had she never admitted slavery within her borders?

"It may appear to some unacquainted with the

character of our Western people, and not apprised of the rapid growth of this country, that some of my descriptions and predictions are fanciful; but if there be error, it is that the truth is not fully expressed rather than transcended." *

* "Notes on the Wisconsin Territory, particularly with reference to the Iowa District, or Black Hawk Purchase," by Lieutenant Albert M. Lea, United States Dragoons. Philadelphia, Henry S. Tanner, 1836.

XI

IN THE TERRITORY OF WISCONSIN

1836-1838

HENRY DODGE was appointed Governor of the new Territory. After heroïc services in the Black Hawk War, he had conducted two United States military expeditions as colonel of dragoons to the base of the Rocky Mountains among the Indians of the plains, and was now welcomed back to his home by the pioneers among whom he had lived since 1827. He took the oath of office at Mineral Point, on the fourth of July, 1836. It was a gala day, the occasion blending with a celebration of the sixtieth anniversary of American independence by the people of the mining region. A similar celebration was held the same day at Dubuque, to which the Governor had been invited. His friends at that place said: "He has been our

Andrew Jackson

President of the United States of America

To all who shall see these Presents, Greeting:

Know Ye, That reposing special Trust and confidence in the Integrity, Diligence and Ability of Henry Dodge, I have nominated, and, by and with the advice and consent of the Senate, do appoint him Governor of the Territory of Wisconsin, and do authorize and empower him to execute and fulfil the duties of that Office according to law; and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him the said Henry Dodge, for the term of three years from the third day of July next; unless the President of the United States for the time being should be pleased sooner to revoke and determine this Commission.

In Testimony whereof, I have caused these Letters to be made patent and the seal of the United States to be hereunto affixed. Given under my hand, at the City of Washington, the thirtieth day of April, in the year of our Lord, one thousand eight hundred and thirty six; and, of the Independence of the United States of America, the sixtieth.

Andrew Jackson

By the President,

John Forsyth Secretary of State.

COMMISSION OF HENRY DODGE AS GOVERNOR OF WISCONSIN TERRITORY

leader through two Indian wars, and is now Governor of the Territory and Superintendent of Indian Affairs in the Northwest. His experience as a frontier-man and Indian-fighter has pointed him out for these responsible stations."

With the exception of a few settlements of white people, upon Lake Michigan, in the mining region, and in the Black Hawk Purchase, the occupants of Wisconsin Territory and masters of the soil at this period were the red men of various tribes scattered over immense distances. As Superintendent of Indian Affairs, the Governor was charged with composing differences between the different tribes, keeping them at peace with each other, and with the United States, and making bargains and treaties for cessions of land. In this work his duties were similar to those previously of William Henry Harrison, Governor of Indiana Territory, Lewis Cass, Governor of Michigan Territory, and William Clark, Governor of Missouri Territory, in opening the country to civilization.

On the third of September, 1836, Governor

Dodge concluded a treaty with the Menomonees for the cession of more than five million acres of pine lands in the Green Bay region, which were thrown open to lumbermen, and from which great industries arose that in a few years covered vast prairies with farmhouses and villages.

On the twenty-seventh of the same month, the Governor held a convention with the chiefs and braves of the Sac and Fox tribes at Davenport, in which they relinquished to the United States all their interest in the lands lying between the west boundary line of the State of Missouri and the Missouri River. Those lands were without any Territorial organization, and the haunt of desperadoes and outlaws. The Governor, when in command at Fort Leavenworth as colonel of dragoons, had suggested the expediency of attaching those lands to the State of Missouri, which was subsequently done, and those lands were divided into six counties, which became rich and populous. The relation of the matter to slavery was not then foreseen or mentioned. But in the mu-

tation of affairs, it came about that from those counties in 1854, a host of propagandists went forth to make Kansas a slave State, which led to the Civil War. It is also noteworthy that by appointment of Governor Dodge, James W. Grimes, of Burlington, was secretary of the convention. He had come into the Black Hawk Purchase when it was a part of the Territory of Michigan. He was now not quite twenty-one years of age. It came about in less than twenty years that he bore a conspicuous and leading part in opposition to the slavery propagandists.

On the twenty-eighth of September, 1836, Governor Dodge held a treaty with the same Indians, by which they relinquished to the United States the reservation on the Iowa River which they had held under the treaty of September 21, 1832. James W. Grimes also acted as Secretary in making this treaty; and among the witnesses were Joseph M. Street, Indian Agent; L. Dorsey Stockton, Jr.;* Antoine Leclaire, Interpreter; P. R. Chouteau, Jr.; Jeremiah

* Judge of the Supreme Court of Iowa, 1856–1860.

Smith, Jr.; George Davenport; George Catlin. The treaty provided for the payment to the Indians of thirty thousand dollars the next year, an annuity for ten years of ten thousand dollars, the payment of all their debts to the traders to the amount of more than fifty thousand dollars, the payment of one thousand dollars to the widow and children of Felix St. Vrain, their former United States agent, killed by the Indians in the Black Hawk War, and sundry sums for the benefit of half-breed and other children. Provision was also made for a payment to the Iowa Indians for a part of the land to which they set up a claim. The Sacs and Foxes at once left the reservation and removed to their lands on the Des Moines River, or farther up the Iowa River. An eye-witness gave the following report of what he saw at the treaty:

"The two bands of Foxes (Wapello's and Powesheik's) were camped on the west side of the Mississippi on the slope of the bluffs opposite Rock Island. At a distance the encampment looked picturesque, as the Indians arrayed in their green or

red blankets flitted about the bulrush and bark tents, their horses browsing on the bluff tops. The scene appeared like a picture of an Arab encampment. A nearer view showed the dirty paraphernalia of skinning, jerking meat, and cooking, around the tents.

"Half a mile above, nearer the river bank, on a kind of promontory, were the more neatly arranged tents of the Sacs, in the form of a crescent. Above them, fronting the hollow of the crescent, was the Council Lodge. At one end were Governor Dodge, Captain Boone, Lieutenant Lea, General Street, and the traders; on the east side were the tawny warriors decked in their finery, the mass of them standing, the chiefs and headmen sitting in front, all listening to the propositions of the Governor, and as each sentence was interpreted, signifying their approbation by the exclamation, 'Hugh!'

"Wapello commands respect amid his apparent indifference and air of nonchalance. Appanoose is a young-looking fellow, talented but dissipated. Pashapaho, with his uncombed, unshorn hair, and his fierce countenance, is rendered hideous by smearing it fantastically with black.

"Keokuk is of noble countenance, fine contour, tall and portly; his chest, shoulders, and right arm bare, save a necklace of bears' claws, and a large

snakeskin encircling and pendant from his right arm. In the left hand he sported a fine Pongee silk handkerchief. The snakeskin was lined with some rich material, and had little bells attached to it, giving a tinkling sound at every gesture that added grace and impressiveness to his elocution. He advanced with stately step; the trappings of his white buckskin leggings set off his finely formed and comparatively small foot to advantage. He advanced to the Governor's stand and shook hands with him. Then, falling back half a dozen steps, with eyes fixed on the Governor, he began his speech. His voice rang clear as a trumpet. Fluent in words, he was energetic and graceful in action." *

George Catlin recorded his observations of the scene:

"Descending the Mississippi in our neat little 'dugout' by the aid of our paddles, we reached Rock Island in time to see a savage community transferring the soil to the grasp of pale-faced voracity. We found the river, the shores, and the plains contiguous, alive and vivid with plumes, with spears, and war-clubs of the yelling red men. The whole of the Sacs and Foxes are gathered here;

* Iowa Historical Record, viii., 309.

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their appearance is thrilling and pleasing. They have sold so much land that they have the luxuries of life to a considerable degree, — may be considered rich, are elated, — carrying themselves much above the humbled manners of the semi-civilized tribes, whose heads hang and droop in poverty and despair.

" Keokuk was the principal speaker. Black Hawk was present. The poor dethroned monarch looked like an object of pity. With an old frock coat and a brown hat on, a cane in his hand, he stood outside of the group in dismal silence, his sons by his side, also his quondam aide-de-camp, Nahpope, and the prophet White Cloud. They were not allowed to speak or sign the treaty. Nahpope, however, arose, and commenced a speech on temperance! but Governor Dodge ordered him to sit down, as out of order, which saved him from a more peremptory command by Keokuk, who was rising at that moment with looks on his face that the devil might have shrunk from.

"After the treaty was signed, the Governor addressed a sensible talk to the chiefs and braves, and ended by requesting them to move their families and property from this tract within a month, to make room for the whites. The chiefs and braves broke into a hearty laugh, which one of them explained:

'My father, we have to laugh; we require no time to move; we have left already, and sold our wigwams to chemokemons (white men), some for one hundred dollars. There are already four hundred chemokemons on the land, and more are moving in, and before we came away one chemokemon sold his wigwam to another for two thousand dollars to build a great town.'"

Meanwhile, a census of the white people in the Territory had been taken. It showed a population of 6,257 in Demoine County; 4,274 in Dubuque County; and 11,687 in the four counties east of the Mississippi River; but no one of those counties had so much population as Demoine County, so that the latter was entitled to a larger representation in the Legislative Assembly than any other county. The whole number of members was thirteen in the Council and twenty-six in the House of Representatives. The Governor apportioned to Demoine County three members of the Council and seven members of the House; to Dubuque County three members of the Council and five of the House. An election was held on the

second Monday of October, when the following persons were chosen from west of the Mississippi, from Demoine County to the Council:

Arthur B. Inghram, born in Washington County, Pennsylvania.
Jeremiah Smith, born in Pickaway County, Ohio.
Joseph B. Teas, born in Knox County, Tennessee.

To the House of Representatives:

Thomas Blair, born in Bourbon County, Kentucky.
John Box, born in Claiborne County, Tennessee.
David R. Chance, born in Madison County, Kentucky.
Warren L. Jenkins, born in Hardin County, Kentucky.
Isaac Leffler, born in Washington County, Pennsylvania.
Eli Reynolds, born in Washington County, Pennsylvania.
George W. Teas, born in White County, Tennessee.

From Dubuque County, the members of the Council were:

John Foley, born in Waterford County, Ireland.
Thomas McCraney, born in Delaware County, New York.

Thomas McKnight, born in Augusta, Hampshire County, Virginia.

The members of the House of Representatives were:

Hosea T. Camp, born in Jackson County, Georgia.
Peter Hill Engle, born in Delaware County, Pennsylvania.
Hardin Nowlin, born in Monroe County, Illinois.
Patrick Quigley, born in Londonderry, Ireland.
Loring Wheeler, born in Cheshire County, New Hampshire.

At the same election George W. Jones was elected delegate to Congress. Of 1,849 votes polled west of the Mississippi, he received all but 79.

The Legislative Assembly was convened at Belmont, Iowa County, on the twenty-fifth of October. Iowa County had then a larger population than any of the counties east of the Mississippi, and Belmont occupied a commanding position near the Platte Mounds upon the thoroughfare from Mineral Point to Galena, Illinois. A town had been laid out on paper, in the hope that it

might become the capital of the Territory; a plain two-story building was put up, in which the Assembly held its sessions from October 25 to December 9. The Governor administered the oath of office to the members. The officers of the Council were chosen from the east side of the Mississippi; those of the House from the west side. Peter H. Engle, of Dubuque, was President of the House; Warner Lewis, of Dubuque, Chief Clerk; W. R. Ross, of Burlington, Enrolling Clerk. The Governor delivered his message to the two Houses jointly assembled. His views upon the subject of the Public Lands and upon the tenantry system show the spirit of the times and are worthy of preservation:

"The policy pursued by the Government, granting the right of preëmption to actual settlers, has induced many families to emigrate to this Territory. They have invested all their means in the improvement of this country, and to be placed in competition with speculators in the purchase of their homes would bring ruin and distress on many families. The actual settlers have brought this Territory into notice, and been the means of producing a large amount in the

treasury of the United States (by payment of rents for mining lands). The public lands were intended for the benefit of the actual settlers, who depend alone on the soil for support. The policy of granting preëmption rights to actual settlers has grown with the growth and strengthened with the strength of the western country. It is wise and just. The relation of landlord and tenant should never exist in this country; it is contrary to the spirit of our free institutions; and surely the representatives of a great and enlightened people will shield the actual settler from the avaricious grasp of the speculator."

To speak only of the Governor's references to the western part of the Territory, he observed that the public interest would be greatly promoted by the location of two land offices west of the Mississippi, and he recommended a memorial to Congress for the removal of the obstructions to navigation in the Mississippi River.

"The annual transportation over these rapids amounts to several millions of dollars. The great increase in the commerce of the upper Mississippi within the last two years, the large amount of lead shipped from the lead mines, now sufficient for the

THE FIRST CAPITOL OF WISCONSIN TERRITORY, AT BELMONT

consumption of the United States, and the increased value of the public lands on the shores of the upper Mississippi, where towns are building on the most eligible situations, give the citizens of this Territory strong claims on their Government."

The most exciting question before the Assembly was the location of the seat of government. In expectation that the Territory would continue to extend over both sides of the Mississippi for an indefinite period, many anticipated that its permanent capital would be located on the banks of the great river. Cassville, on the east side, and Peru and Dubuque and Bellevue on the west side, put in their claims. But as the surprising growth of the country west of the Mississippi suggested the probability of a division of the Territory, a central situation between Lake Michigan and the Mississippi at the Four Lakes was chosen, and Madison made the capital, with a proviso under which the second session and also a special session of the First Legislative Assembly of Wisconsin Territory were held in Demoine County, at Burlington. All the members from

this county voted for the measure; all the members from Dubuque County voted against it. There were charges of bargaining and corruption. David R. Chance said:

"I was raised in the wilds of Illinois, and used to wear a leather hunting shirt, and sleep under a buffalo rug. I was educated in the woods. The early part of my life was spent in tracking Indians, but it is harder tracking these gentlemen. Mr. Chairman, we are honest men from Demoine; we are not here to be bought or sold. When I left home, my intention was to locate the seat of government in the east of the Mississippi, and divide the Territory with the river. If they did not wish to divide, I meant to sustain the place selected by the Executive, Belmont. We said to the delegation on the East, fix your place, and we go for it. I have no town property in the Territory of Wisconsin, only some marked out in the town of Wapello."

Peter H. Engle, of Dubuque, Speaker of the House, said at the close of the session:

"There has been one subject settled of more than ordinary interest. It has elicited all the ingenuity, tact, and talent of the House in debate,

and some asperity of feeling. It has been a measure of such absorbing interest as to color in a degree the other proceedings of this body. I have been in the minority on this question; my votes will be found on the side of those who ardently resisted the course that question has taken."

At this session, Demoine County was divided into the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Muscatine, and Cook. With the exception of the last, these counties remain as thus constituted, with some change of boundaries. Cook County was attached to Muscatine County for judicial purposes. It was named for Ira Cook, an early settler, whose sons, Ebenezer and John P., came to honor among the public men of Iowa. A portion of it, with a portion of the original county of Dubuque, was made a new county in 1837, under the name of Scott.

The Assembly constituted Dubuque and Demoine counties the second judicial district of the Territory, and assigned Judge David Irvin to it. He was a native of the Shenandoah valley in Virginia. In 1833 he was appointed

one of the judges of the Territorial Court of Michigan, and assigned to the western district. He held court at Mackinaw, at Green Bay, and at Mineral Point. His assignment to the counties west of the Mississippi River made him the first United States judge in what is now Iowa. He held court in Demoine County, at Burlington, in February, 1837; in Van Buren County, at Farmington, in March; in Dubuque County, in May; in Lee County, at Fort Madison, in September. He admitted James W. Grimes to the bar at Burlington, and in April, 1838, appointed Charles Mason, Prosecuting Attorney, *pro tem.*, for Van Buren County. The Chief Justice of Wisconsin Territory, Charles Dunn, held the first term of court in Jackson County, at Bellevue, June, 1838.

Three banks were incorporated at this session; the Miners Bank of Dubuque, the Bank of Mineral Point, the Bank of Milwaukee; all of which became bankrupt, creating a prejudice against banks, which led the people of Iowa to prohibit them in the State constitution they adopted in 1846.

In the summer of 1837, Governor Dodge held a council with chiefs of the Chippewa and Sioux nations at Fort Snelling, to promote peace and friendship between those tribes, which were in constant feuds and wars with one another, and to procure from them cessions of land. The young braves of the two tribes joined in sports and ball-games on the plain outside the fort. A valuable cession of pine lands in the St. Croix valley was secured from the Chippewas, and a deputation of Sioux proceeded to Washington and concluded a treaty by which they ceded their lands east of the Mississippi to the United States. At the same time deputations of Winnebago and Sac and Fox chiefs went to Washington and concluded treaties, by which the Winnebagoes ceded all their lands east of the Mississippi, and agreed to remove to the neutral ground on the west side; and the Sacs and Foxes ceded a million and a quarter acres of land west of and adjoining the Black Hawk Purchase.

Keokuk was at the head of the Sac and Fox deputation with twenty-two other chiefs. Black

Hawk accompanied them, not as having any authority, but lest, if left at home, he might be restless and make disturbance. After the treaty they visited some of the principal cities. At Boston they received an ovation. They were welcomed by the Mayor of the city and the Governor of the State. They held a levee in Faneuil Hall for the ladies, an immense concourse of whom greeted them in the old "cradle of liberty." In the afternoon they were escorted by the Lancers to the State House, where Governor Everett addressed them:

"Chiefs and warriors of the Sac and Fox tribes, you are welcome to our hall of council. You have come a far way from your home in the West to see your white brothers. We are glad to take you by the hand. Our travellers have told us of you. We are glad to see you with our own eyes.

"We are called the Massachusetts. It is the name of the red men who once lived here. In former times, the red man's wigwam stood in these fields; his council fires were kindled on this spot.

"When our fathers came over the great water,

they were a small band. The red man stood on the rock by the sea side. He might have pushed them into the water, but he took hold of their hands, and said, 'Welcome, white men.' Our fathers were hungry, and the red man gave them corn and venison. Our fathers were cold; the red man spread his blanket over them, and made them warm. Our faces are pale; yours are red; but our hearts are alike.

"We are now grown great and powerful, but we remember the kindness of the red men to our fathers.

"Brothers, you dwell between the Mississippi and the Missouri; they are mighty streams; they have mighty arms: one stretches out to the east; the other away west to the Rocky Mountains. But they make one river, and run together to the sea. Brothers, you dwell in the west, and we in the east; but we are one family.

"Brothers, as you passed through the hall below, you stopped to look at the image of our father Washington. It is a cold stone, and cannot speak to you. But our great father loved his red children, and bade us love them. His words have made a great print in our hearts, like the step of a buffalo on the prairies.

"Brothers, I make you a short talk, and once more I bid you welcome to our council hall."

Keokuk rose in reply, and, after shaking hands with the Governor and his aides, spoke in an animated manner, holding his staff, and shifting it with graceful gestures from hand to hand:

"Keokuk and his chiefs are much pleased to shake hands with the Governor and his braves. The Great Spirit has made both of us, though your color is white and mine is red. The only difference I find is, He made you speak one language, and me another. He made the same sky above our heads for both. He gave us hands to take each other by, and eyes to see each other.

"I am happy to say before I die, that I have been in this house where my fathers and your fathers used to speak together, as we do now. I hope the Great Spirit is pleased with this sight, and will keep the white and red men friends. I hope He now sees us, and hears our hearts beat kindly to each other. I take my friends by the hand, and pray the Great Spirit to give them all a blessing."

Appanoose took the Governor by the hand and said:

"Where we live beyond the Mississippi, my people call me a very great man. It is a great day that the sun shines upon, when two such great men take each other by the hand."

As Governor Everett nodded assent, the audience broke out in rounds of applause. After these ceremonies, the Indians gave a war dance upon the Common before thousands of spectators. A lad of fourteen was there, and long afterwards, having gained a high name among American historians, he recalled the scene, and spoke of "the delight of the boy spectators, of whom I was one." * In the evening, Major Beach took them to a theatre where Edwin Forrest was playing. In an exciting scene of the drama, where one falls dying, the Indians burst out into a war-whoop, frightening the women and children. A moment later, the audience applauded the whole scene to the echo, for both the Indians and the actor.

As the Sacs and Foxes yielded up a portion of their lands to advancing civilization, the

* Francis Parkman. "Half Century of Conflict," i., 333.

settlement of the country went forward rapidly. The rich and fertile soil, the salubrity of the climate, and the opportunity to acquire land and make a home, attracted people from every part of the United States and from Europe. The settlers relied upon their own right arms and upon the preëmption laws to make them secure in their claims, and save them from the grasp of speculators. The Legislative Assembly in a petition to Congress joined with Governor Dodge in deprecating the relation of landlord and tenant, and a moneyed aristocracy, as "dangerous to liberty." A pioneer of the period gave these reminiscences half a century afterwards:

"We took our land by a club law, of which I am proud, as I was a judge of that law, and the results were as good and near justice as any that have ever been enforced in the State. We organized courts and tried cases without lawyers, and the decisions were final, fatal, and eternal. Camping in the groves that fringed the water-courses, our pioneers lived in cabins made of logs uncleaned of their bark, with doors made of split clapboards, and greased paper

for windows. Nothing daunted, they saw promise ahead, and willing hearts and working hands wasted no time. Kindred circumstances begat kindly, social relations, and no newcomer, when ready to raise his rude cabin home, failed to find strong hands to give him the needed lift. Then followed the simple spread of coffee and good cheer, more enjoyable than a royal banquet, or any fashionable luncheon that modern society contrives." *

Charles Mason, who came to Demoine County in February, 1837, and was appointed Chief Justice of Iowa Territory the next year, said at an Old Settlers' Celebration in Burlington, June 2, 1858:

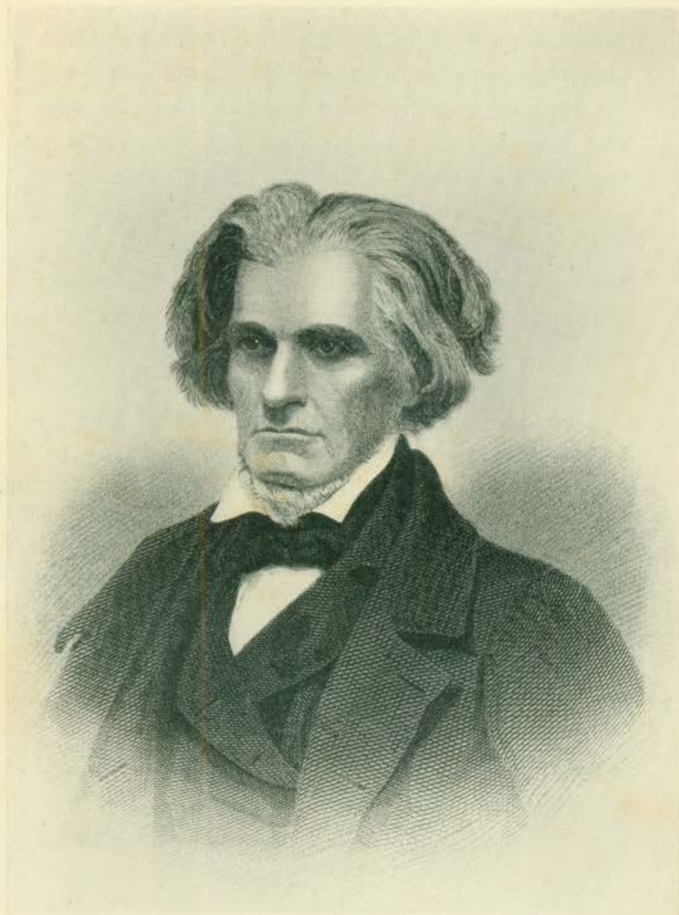
"The inhabitants, destitute of titles to their lands, being without the law in this respect, became a law unto themselves; and I have never known justice to be meted out with more strict impartiality, or tempered with more genuine equity."

The second session of the Legislative Assembly convened at Burlington, November 6, 1837, in a building erected for the purpose by

* Alfred Hebard (Yale, 1832). "Iowa Pioneer Law-Makers' Reunions," 1886–1889, pp. 33, 59.

Jeremiah Smith, an enterprising citizen of the town, and member of the House. He had given assurance to the Assembly at its first session that he would provide a suitable building for the next session. It stood on Front Street, facing the Mississippi, between Columbia and Court streets, and was occupied by the Assembly until destroyed by fire on a cold night, December 13, 1837. Accommodations were afterwards provided in small buildings that stood on the southeast and northwest corners of Main and Columbia streets, opposite the present court house of Des Moines County. Arthur B. Inghram was President of the Council; he had been a member of the Virginia Legislature; Isaac Leffler was Speaker of the House; both were of Demoine County. This was the first meeting of a legislative body in what is now Iowa. In his message the Governor again enforced his views in favor of the right of preëmption by settlers on the public lands:

"The occupants of the public lands have emigrated to this Territory under the belief that the



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same privileges would be extended to them that had been to others. They are the pioneers of the West, who are rapidly extending the settlements; they are distinguished for their industry, enterprise, and attachment to the republican institutions of this country, and every consideration of justice and humanity calls for their protection. The lot of the settlers has been one of hardship, privation, and toil, exposed to the dangers of savage warfare, and the diseases incident to the settlement of a new country. They have built towns, now the seats of civilization and refinement, where Indian wigwams stood smoking four years ago. They have explored and opened the most valuable lead mines that have been discovered in the United States.

"Land was the immediate gift of God to man, and was designed for cultivation and improvement, and should cease to be an object of speculation. The proper policy of the Government would be to reduce the price of the public lands, and sell them to the actual settler alone. Should Congress make no provision for the occupants of the public lands, and they be deprived of their homes, either by the Government, or by speculators who might purchase them at a public sale, it will produce a state of things greatly to be regretted. The people will never submit to be driven from their homes by the

land speculator. Congress having for many years granted the right of preëmption to the actual settler, that policy should not now be changed."

With reference to the Indians on the frontier the Governor said:

"They are now in a state of peace, but such is the restless disposition of all Indians that it is difficult to determine when they will commence their attacks on our frontier inhabitants. This is the proper time to make the necessary preparations to preserve the peace that now exists with them. From the great extent of the frontiers, and the numerous Indians on our borders, it is important to the inhabitants, that protection be afforded them by the Government, which can only be done by having a mounted force stationed at some suitable point on the upper Mississippi, in advance of our most exposed settlements. Two hundred mounted troops would be sufficient to range the country from the Mississippi to the Cedar, Iowa, and Des Moines rivers. This movement would be a direct check on the Indians who might be at war with each other."

The Governor in his message referred to the claim of the State of Missouri, that "the rapids of the River Des Moines," mentioned in the

Constitution of that State, adopted in 1820, for making a point in its northern boundary, meant rapids in the Des Moines River, at Keosauqua. On the other hand, the Governor stated that while there were rapids in the Des Moines River for more than a hundred miles above its mouth, there were none in that river known or designated in 1820 as "the rapids of the River Des Moines," but that among the members of the Convention who formed the Constitution, and among all who were acquainted at that period with the names and localities of the country, "the rapids of the river Des Moines" meant the rapids in the Mississippi, terminating near the mouth of the river Des Moines. The claim of Missouri led to feuds and broils, to conflicts of jurisdiction, cases of imprisonment, and the calling out of militia on both sides. The strip in question was named "The Dispute." People from Missouri settled upon it with slaves. Other settlers supposed themselves upon free soil. The extent of the Half Breed Tract was also at issue. With the boundary line claimed by Missouri, the Tract would

be much enlarged. A keen interest was taken by speculators in favor of the Missouri claim. After a controversy for years in Congress and in the courts, the boundary line was established according to the facts stated by Governor Dodge, and the United States Supreme Court so decided, December, 1848.

At this session the original County of Dubuque was divided, and the counties of Clayton, Fayette, Dubuque, Delaware, Buchanan, Jackson, Jones, Linn, Benton, Clinton, Scott, Cedar, Johnson, Keokuk, were established, as they now remain, with some changes of boundary lines. The University of Wisconsin was established at Madison, and charters were given for institutions of learning in ten places west of the Mississippi. A law of Michigan Territory which provided imprisonment for debt was repealed.

The day the Legislature met, an enthusiastic convention of citizens from the counties west of the Mississippi, then called western Wisconsin, also met in Burlington. The people of those counties felt that the vast extent of Wis-

consin Territory made it unwieldy for good government, and that their interests required the organization of a separate Territory. The convention and the Legislature adopted a memorial to Congress asking for it. At public meetings in the different counties the names of Washington, Jefferson, and Iowa were presented for the future Territory. The subject was also discussed in the convention, "and after considerable debating Iowa was decided upon." *

In Congress, the organization of another Territory met with some opposition from the slave States on the ground that it would make another free State and imperil "the balance of power." Mr. Calhoun was firm and determined in his opposition to the organization of another Territory where slavery was prohibited. The delegate from Wisconsin Territory, George W. Jones, told him that the inhabitants were mainly from Missouri, Kentucky, and Illinois, that the institutions of the South had nothing to fear from them. Mr. Calhoun replied that this state of things would not last long, that men from

* "Annals of Iowa." First Series, vi., 51.

New England, and other States where abolition sentiments prevailed, would come in, and drive him from power and place. Other Southern senators were friendly, and, with the tact and skill of which he was master, Mr. Jones found an opportunity, when Mr. Calhoun was not in the Senate chamber, to have a vote taken in that body. An act of Congress to provide a separate government for that part of Wisconsin Territory west of the Mississippi, under the name of the Territory of Iowa, was approved by President Van Buren, June 12, and took effect July 4, 1838.

Previously, a census taken in May returned a larger population in Wisconsin Territory west than east of the Mississippi, — 21,859 west, 18,149 east. Whereupon the Assembly, which had convened at Burlington in its third session, June 11, apportioned fourteen members of the House to counties west of the Mississippi, and twelve to counties east, subject to the division of the Territory. This division taking place, the apportionment lapsed, and on the news of the division reaching Burlington the Legislative

Assembly of Wisconsin Territory, as originally organized, adjourned *sine die*, June 25.

The population of western Wisconsin more than doubled during the two years that it constituted a part of Wisconsin Territory. The number of established counties increased from two to twenty-one. No other two years has witnessed an increase of population so large in proportion.

The faithful and energetic administration of Governor Dodge won universal appreciation. Nowhere was he more highly esteemed than by the pioneers west of the Mississippi. James G. Edwards, a native of Boston, son of a soldier of the Revolution who fought at Bunker Hill, founder of the Burlington "Hawk-eye," said: If the division of the Territory takes place, we hope Governor Dodge will be transferred to Iowa. It would be more agreeable to the settlers of Iowa to have him for Governor than any other man." The executive office in Burlington was in a building still standing, the Harris House, No. 615 North Main Street.

XII

THE TERRITORY OF IOWA

1838–1846

THE people welcomed the new Government, and hailed the Fourth of July with zest as also the birthday of Iowa. At Fort Madison, the citizens spread a banquet on the river bank. Black Hawk's lodge was on Manitou Creek, a few miles away, and they invited him to be their guest. He came in citizen's dress. An oration was delivered by Philip Viele. James G. Edwards gave a complimentary toast to Black Hawk:

"'Our illustrious guest, Black Hawk — may his declining years be as calm and serene as his previous life has been boisterous and warlike. His attachment and friendship to his white brethren entitle him to a seat at our festive-board.'

"In response, Black Hawk said: 'It has pleased the Great Spirit that I am here to-day; I have eaten

with my white friends; the earth is our mother; we are now on it, with the Great Spirit above us; it is good. I hope we are all friends. A few summers ago I was fighting against you; I did wrong, perhaps; but that is past; it is buried; let it be forgotten.

"'Rock River was a beautiful country. I liked my towns, my corn-fields, and the home of my people. I fought for it. It is now yours. Keep it, as we did. It will produce you good crops.

"'I thank the Great Spirit that I am now friendly with my white brethren. We have eaten together; we are friends; it is His wish and mine. I thank you for your friendship.

"'I was once a great warrior; I am now poor. Keokuk has been the cause of my present situation; but do not blame him. I am now old. I have looked upon the Mississippi since I was a child. I have dwelt upon its banks. I love the Great River. I look upon it now. I shake hands with you; and, as it is my wish, I hope you are my friends.'" *

This was the last public appearance of Black Hawk. He soon moved into the Indian country on the Des Moines River, where had been

* "Fort Madison Patriot," July 11, 1838.

an Iowa village (Iowaville). He died there on the third of October, 1838, and was buried there. The next year his grave was rifled, and the body stolen for the purpose of making an exhibition of his skeleton. The Indians were gone away at the time. Upon their return they were greatly incensed, and went to Governor Lucas and reported the outrage. He immediately took measures to recover the bones, and upon obtaining them sent for the Indians, who declared themselves satisfied to leave the bones in his possession. They were subsequently placed in the Collections of the Iowa Historical and Geological Institute at Burlington, and were consumed in a fire which reduced all the Collections of the Institute to ashes, on the sixteenth of January, 1853.

The Iowa tribe of Indians had previously removed to the west side of the Missouri River, where in October, 1838, they acknowledged their cession to the United States of all right or interest in lands lying between the Mississippi and Missouri rivers, in consideration of annuities to be paid them during the exist-

ence of their tribe. At this time the Sacs and Foxes held the central part of what is now the State, the Winnebagoes had removed or were removing to the northeastern part, the Pottawattamies to the southwestern part, and the Sioux roamed over the vast region north to the British line. The Sacs and Foxes and bands of Sioux continued at war with each other. To protect the frontier settlements, and prevent Indian disturbances, the Government established a few garrisons and forts: one at the Sac and Fox Agency, seventy miles west of Burlington, subsequently removed to the Raccoon Fork (Fort Des Moines), where is now the State capital; one among the Winnebagoes on Turkey River (Fort Atkinson); another among the Pottawattamies (Fort Croghan), where is now the city of Council Bluffs. The efforts made by the Government to improve the condition of the Indians by instruction in agriculture, and by schools, proved of little advantage. The Indians were wedded to a savage life.

Robert Lucas was appointed Governor of the

Territory by President Van Buren. Born in Virginia, at nineteen years of age he removed with his father, who had emancipated his slaves, to the Northwest Territory. He witnessed the growth of Ohio from a Territorial condition to a great State. After serving in the war of 1812, he was a member of the Ohio Legislature eighteen years, and Governor of the State four years. His personal character and long experience in public life assured a firm hand in the government of the new Territory. Theodore S. Parvin, then not quite twenty-one years of age, a native of New Jersey, accompanied the Governor as his private Secretary, and for sixty-three years devoted a life of surpassing industry to the building up of the State. With many varied services in the making of Iowa, he joined painstaking care and an ardent zeal for the preservation of its history. He was the founder of the Masonic Library at Cedar Rapids, the largest and most valuable Masonic library in the world.

The Governor convened the first Legislative Assembly of the Territory at Burlington on the

Martin Van Buren

President of the United States of America

To all who shall see these Presents, Greeting:

Know Ye: That reposing special trust and confidence in the Integrity and Abilities of Robert Lucas of Ohio I have nominated, and by and with the advice and consent of the Senate, do appoint him Governor of the Territory of Iowa and do authorize and empower him to execute and fulfil the duties of that Office according to law and to have and to hold the said Office, with all the powers, privileges and emoluments thereunto of right appertaining unto him, the said Robert Lucas, for the term of three years from the day of the date hereof, unless the President of the United States for the time being should be pleased sooner to revoke and determine this Commission.

In Testimony whereof I have caused these Letters to be made patent and the seal of the United States to be hereunto affixed.

Given under my hand, at the City of Washington, the seventh day of July in the year of our Lord one thousand eight hundred and thirty eight and of the Independence of the United States of America, the sixty third

By the President. M Van Buren

John Forsyth Secretary of State.

COMMISSION OF ROBERT LUCAS AS GOVERNOR OF IOWA TERRITORY

twelfth of November, 1838. The members, 13 in the Council, 26 in the House of Representatives, had been elected September 10. The sessions were held in the Methodist church, afterwards called "Old Zion." It had been built by William R. Ross. The Council met in the basement; the House of Representatives in the upper story. The members were natives of different portions of the United States. The prohibition of slavery, which, it had been contended in Congress, would prevent immigration from the Southern States, had not that effect. More members of the Assembly were natives of those States than of the Northern States. Nine were natives of Virginia, eight of Kentucky, two of North Carolina, one of Maryland, one of Tennessee, twenty-one in all; four were natives of New York, four of Pennsylvania, four of Ohio, two of New Hampshire, two of Vermont, one of Connecticut, one of Illinois, eighteen in all. Jesse B. Browne, a native of Kentucky, was president of the Council. He had been a captain in the United States dragoons, and was six feet and seven inches in height. William H.

Wallace, a native of Ohio, was Speaker of the House. The oldest member of the Assembly was Arthur Inghram, sixty years of age; the youngest, James W. Grimes, twenty-two. Fourteen of the members were under thirty years of age; three of them came to honorable positions in the subsequent history of the State. Stephen Hempstead was the second Governor of the State; Serranus Clinton Hastings was a member of six Territorial legislatures, representative in Congress from Iowa, 1846–1847, Chief Justice of Iowa in 1848, and afterwards Chief Justice of California; James W. Grimes became the third Governor of the State, 1854–1858, and United States Senator, 1859–1869.

The day the members of the Assembly were elected, William W. Chapman, a native of Virginia, was elected delegate to Congress. He had been United States attorney for Wisconsin Territory, and law-partner with James W. Grimes. He made the journey to Washington in wagons and stages as far as Frederick, Maryland. He took his seat in the Twenty-fifth Congress, and by act of that Congress held a seat in the first

session of the Twenty-sixth Congress. He promoted the interests of the Territory by obtaining appropriations for a military road from Dubuque by way of Iowa City to the southern boundary, and for a road over the swamp lands opposite Burlington, also a grant of five hundred thousand acres for improvements, afterwards devoted to school purposes, and he defended the southern boundary line of the Territory against the encroachment of the State of Missouri. Later, he was a member of the Constitutional convention of 1844. In 1847 he went over the plains to Oregon, with ox-teams, seven months on the road, strong in the faith that 54° 40′ was the northern boundary of the United States upon the Pacific, as it would have been had his counsels and efforts prevailed.

In his first message to the Legislative Assembly, Governor Lucas declared that the rights, privileges, and immunities of the Ordinance of 1787 belonged to Iowa. He recommended the organization of townships, and of school districts, and the support of schools. Denouncing gambling and intemperance, he gave notice that

he would appoint no one to office who was addicted to those vices.

With his zeal for good laws, Governor Lucas had an overweening confidence in his authority to shape and direct legislation, and intrenched upon the work of the Legislative Assembly. An old man, he distrusted the young men who were the leading members of the Assembly, and interposed a frequent veto upon their action. Both Houses regarded his course as a usurpation, and adopted a memorial to the President, asking for his removal. Congress intervened by an act curtailing the Governor's power, and the Governor acknowledged it a salutary measure, gratifying to himself.

The code prepared by the Assembly covered the ordinary subjects of legislation. The prevailing prejudice of the time against colored people appeared in "an act to regulate blacks and mulattoes." Remonstrances against it as inhuman and unjust were disregarded. Acts were passed for the incorporation of seminaries of learning and of public libraries. The seat of government was established in Johnson County,

and commissioners were appointed to select the site, lay out a town, to be called Iowa City, and superintend the erection of public buildings; the Assembly to hold its sessions in Burlington until the buildings were ready for use. Mr. Grimes was chairman of the judiciary committee in the House of Representatives, and all the laws passed through his hands. Their clearness of statement and freedom from ambiguity and verbiage were largely due to his revision, in which Mr. Hastings, who was a member of the committee, assisted. The code was long held in honor. Upon the establishment of a provisional government in Oregon it was made the law there, so far as applicable. Pursuant to an act of the twenty-eighth General Assembly of Iowa, it was reprinted by the Historical Department in the year 1900.

The Supreme Court consisted of Charles Mason, Chief Justice, Joseph Williams and Thomas S. Wilson, Associate Judges. They held office during the whole life of the Territory, and enjoyed universal confidence and respect. The earliest and the most important

case that came before the court was that of Ralph, a colored man, who was claimed by Montgomery, a citizen of Missouri, as his slave. By a written agreement Montgomery had permitted Ralph to come to the Dubuque mines to work out the price of his freedom, five hundred and fifty dollars, which he was to pay with interest from the first day of January, 1835. Ralph had worked in the mines, but earned little more than was needed for his own support, and made no payment. In these circumstances two kidnappers agreed for one hundred dollars to return him to Missouri. They secured his arrest as a fugitive slave, and the sheriff of Dubuque County delivered him up to be taken down the river. A noble-hearted Irishman, Alexander Butterworth, ploughing in his field, heard of the arrest. He went immediately to the United States judge of the district, Thomas S. Wilson, for a writ of *habeas corpus*, and the case was brought before him. At his suggestion, in view of the importance of the case, it was transferred to the Supreme Court of the Territory, at the July term, 1839.

JAMES W. GRIMES, GOVERNOR OF IOWA, 1854–1858

"David Rorer, attorney for Ralph, contended that slavery was prohibited here by the Missouri Compromise of 1820, and by the Ordinance of 1787, extended over the Territory in 1834, that Ralph was not a fugitive from service, but here by the consent and agreement of his former owner, and that the recent act 'to regulate blacks and mulattoes' could not apply to one who came here previous to the existence of the Territory that enacted it.

"The attorneys for Montgomery insisted that Ralph was a fugitive slave; that the Missouri Compromise did not take effect without further legislation, was of no binding force, and did not work a forfeiture of slave property.

"The unanimous opinion of the Court was delivered by Chief Justice Mason, in substance as follows:

"'When a slave goes with the consent of his master to become a permanent resident of a free State, he cannot be regarded as a fugitive slave.

"'The act of 1820 is an entire and final prohibition, not requiring future legislation to carry it into effect.

"'Slave property cannot exist without the existence of slavery; the prohibition of the latter annihilates the former. The man who after that act permitted his slave to become a resident here

cannot exercise ownership over him in this Territory. For non-payment of the price of his freedom no man in this Territory can be reduced to slavery.' " *

The case of Ralph was similar to that of Dred Scott, in which Chief Justice Taney, of the United States Supreme Court, gave an opposite decision eighteen years later, declaring the prohibition of slavery by the act of 1820 unconstitutional, sustaining the repeal of the prohibition under the lead of Stephen A. Douglas, opening Kansas to slavery, reversing the peaceful course of American history, bringing on the Civil War. In 1841 Rachel Bundy, a colored woman living in Burlington, who had been brought there by her former master, apprehensive of an effort to take her back into slavery, came before Judge Mason, and he assured her that she was immune from the peril.

The United States survey of the public lands in Iowa, marking them off into townships six

* "Iowa Pioneer Law-Makers' Association." 1890. pp. 87-88. Morris's "Iowa Reports." 1847. pp. 1-7.

miles square, and into sections of six hundred and forty acres each, and into half sections and quarter sections, was commenced in the fall of 1836. In preparation for the first land sales, which took place at Dubuque and Burlington in November, 1838, the settlers arranged among themselves as to their claims. They had an arbitration committee to adjust boundaries when necessary. Each township made a registry of claims, and chose a representative to attend the land sales and bid off the land of each claimant. Ordinarily everything moved in harmony. It was a fine exemplification in a vital matter of carrying out a social compact made by the people and for the people, without a legal authority behind it. All became happy in the consciousness of security in their lands and homes. George W. Jones was the first Surveyor-General for Iowa, with his office at Dubuque; Augustus C. Dodge the first Register of the Burlington Land District.

In view of the increasing population of the Territory, Governor Lucas once and again in

his messages recommended preparations for forming a State government, with the St. Peter's and Blue Earth rivers for the northern boundary, the Sioux and Missouri rivers for the western boundary. By the census of 1840 the population was 43,112. At the October election of that year the people voted down the proposal for a State government, 937 for, 2,907 against it.

At the same election Augustus C. Dodge was elected delegate to Congress. Not yet twenty-nine years of age, he took his seat in the second session of the Twenty-sixth Congress, and held the office of delegate for six years, and until the admission of the State into the Union. A native of St. Genevieve, the oldest town on the west bank of the Mississippi, he was the first man born in the Louisiana Purchase to sit in Congress. In the Twenty-seventh Congress his father, Henry Dodge, took his seat by his side as delegate from the Territory of Wisconsin, the only instance in the history of the United States of a father and son sitting together in the House of Representatives.

Later, their experience was similar in the Senate, where they were again together, the father a Senator from Wisconsin, the son a Senator from Iowa. No member of Congress was more attentive to the interests of his constituents. His services were of great value in securing the preëmption rights of settlers, extending surveys of the public lands, establishing mail routes, post offices, and a land office at Iowa City, and in obtaining a land grant for the purpose of aiding the Territory to improve the navigation of the Des Moines River. Constantly called on for his advice and assistance in these and other matters pertaining to the private and public welfare of the people of the Territory, he promptly responded to every call. His correspondence, he said, was larger than that of the entire delegation from North Carolina, which consisted of nine members.

The Sacs and Foxes retained their savage habits, and refused the lessons in farm-work which the Government gave them. When not at war with the Sioux, or upon hunting expeditions, they fell victims to the harpies who sold

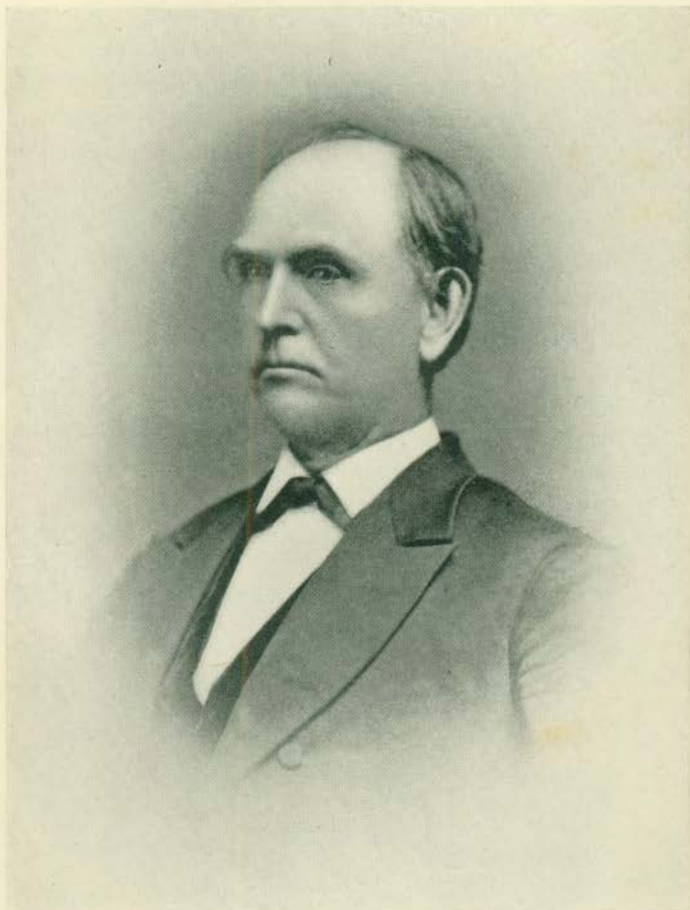
them whisky in defiance of the laws of the United States and of the Territory. They had jealousies and disturbances among themselves as to their annuities, whether they should be paid to Keokuk and the chiefs, or to heads of families. The Legislative Assembly recommended the latter course, and Governor Lucas visited them to persuade them to adopt it. But Keokuk's influence was too strong, and he continued to enrich himself and live luxuriously at the expense of his people.

When William Henry Harrison became President, he at once appointed John Chambers Governor of Iowa Territory. A native of New Jersey, John Chambers had been aide-de-camp to General Harrison in the War of 1812, served in the Legislature of Kentucky, and been a member of Congress from that State. Versed in public affairs, and possessing the same sterling qualities as Robert Lucas, he had the plain manners of an American citizen, without official consequence. His most important service was in negotiating a treaty with the Sacs and Foxes, by which they ceded to the United States all

their remaining lands in Iowa. To gain the consent of the Indians to this treaty required patience, prudence, and tact. Some efforts had failed. The Indians were reluctant to leave. They said, "The Great Spirit that made the country made the red men, and put them on it." But they found the game becoming scarce in their hunting expeditions. Great herds of buffalo no more darkened the meadows. It was hard to get game and furs and skins enough to provide for their food and clothing. They were falling heavily in debt to the traders. Might it not be better for a few thousand Indians, 4,396 souls, according to Governor Lucas, to leave that vast region of more than twelve million acres for a reservation of moderate size, which the United States would provide for them west of the Missouri River, where the money offered them would supply all their wants, and keep them in comfort and plenty? Gradually, these considerations gained weight, and after many talks, and a settlement of accounts with the traders, the Indians agreed to remove, and take the offer of nearly a million dollars to be in-

vested for their benefit. Nothing better could be expected. Keokuk was a shrewd manager, intent upon a bargain. The Indians agreed to remove on or before the first day of May, 1843, from the country east of a line drawn north and south from the Painted or Red Rocks on the White Breast fork of the Des Moines River, and on or before the eleventh day of October, 1845, from the rest of their lands. The treaty was signed by forty-four chiefs, headmen, and braves, one-half of them Sacs, one-half Foxes, each chief to receive an annuity of five hundred dollars. Keokuk was at the head of the Sacs; Powesheik, of the Foxes. The United States was to be at the expense of their removal, if they removed as they agreed; otherwise, they were to remove at their own expense. The treaty was made at the Indian Agency, seven miles east of Ottumwa. To-day great railroad trains of the Burlington route pass over the ground where the treaty was made. Says an eye-witness, writing fifty years afterwards:

"It was a difficult and complicated negotiation, and, judged from the standpoint of the present day,



AUGUSTUS C. DODGE

hardly second in importance to any treaty ever made with the red man; because the large amount of land then acquired, though as yet far from being fully improved, has developed a food-producing, life-sustaining capacity, unsurpassed by any tract of like extent on the face of the earth. The bargain was a good one for all concerned, especially for the Indians. They had borrowed habits from the whites, giving rise to wants which the chase and their indolent habits could not supply. They needed blankets for their braves, and clothes and chintz for their squaws and pappooses. It required means to supply these wants, and the sale of their lands furnished them. Governor Chambers gave them some kindly advice, to live peaceably, and especially to engage in industrial pursuits. The advice was respectfully listened to, but little heeded. The idea that a proud buck, in his gaily painted blanket and feathers, should make a squaw of himself by delving the earth with a hoe, was abhorrent to his hereditary instincts." *

The Indians generally removed as they agreed, only about two hundred remaining beyond the allotted time, and they soon left.

Before the first day of May, 1843, large num-

* A. Hebard. "Annals of Iowa." Third Series, i., 397.

bers of white people assembled along the border, awaiting the hour when they could enter the portion of the New Purchase then thrown open. Up to that date United States soldiers guarded the Indian country from intruders, as ten years previously they had guarded the Black Hawk Purchase. Eager for the choicest locations, some explorers, when the midnight hour struck, crossed the border with blazing torches, and set stakes, and blazed trees, to mark their claims. The rest of the Purchase was guarded by United States troops until the time fixed by the treaty for the removal of all the Indians, when there was another rush for choice locations.

The occupation of the "neutral ground" by the Winnebagoes proved unfortunate for those Indians. They were exposed to disturbances by reason of the settlements that pressed up close to them, and to the white man's vices and greed. They were advised to remove to some region where they would be beyond those contaminating influences, either north of the St. Peter's River, or west of the Missouri River. The Government appointed Colonel William S.

Harney, a brave and discreet officer of the United States Army, to make a treaty with them. He held a council with their chiefs on the first day of November, 1844, and advised them accordingly. Their principal chief and orator, Waukon, said in reply:

"Brother, you say our Great Father sent you to us to buy our country.

"We do not know what to think of our Great Father's sending to us so often to buy our country. He seems to think so much of land that he must be always looking down to the earth.

"Brother, you say you have seen many Indians, but you have never seen one yet who owns the land. The land all belongs to the Great Spirit. He made it. He owns it all. It is not the red man's to sell.

"Brother, the Great Spirit hears us now. He always hears us. He heard us when our Great Father told us if we would sell him our country on the Wisconsin, he would never ask us to sell him another country. We brought our Council fires to the Mississippi. We came across the great river, and built our lodges on the Turkey and the Cedar. We have been here but a few days, and you ask us to move again. We supposed our Father pitied his

children; but he cannot, or he would not wish so often to take our land from us.

"You ask me, Brother, where the Indians are gone who crossed the Mississippi a few years ago. You know and we know where they are gone. They are gone to the country where the white man can no more interfere with them. Wait, Brother, but a few years longer, and this little remnant will be gone too; — gone to the Indians' home behind the clouds, and then you can have our country without buying it.

"Brother, we do not know how you estimate the value of land. When you bought our land before, we do not think we got its value.

"Brother, I have spoken to you for my nation. We do not wish to sell our country. We have but one opinion. We never change it."

The Winnebago chiefs refused to hear anything further from the commissioner, and abruptly broke up the Council. They said, "We are in a hurry to get off on our winter hunt. The sun is going down. Farewell."

The capitol at Iowa City was not completed, pursuant to previous arrangement, in season for the meeting of the Fourth Legislative Assembly, December 6, 1841. In the emergency, a public-

spirited citizen of Iowa City provided a building in which the Assembly convened. Another year elapsed before a portion of the capitol was ready for occupancy by the Fifth Legislative Assembly.

In his first message Governor Chambers renewed a recommendation of his predecessor, to submit the question of forming a State government to the people, and the Assembly so ordered. The result showed the people to be of the same mind as two years before. Every county gave a majority against the measure. Later, with an increase of population, and a growing ambition to have a full share in the life and government of the nation, there was a change of sentiment. On another submission of the question, in April, 1844, a large majority, 6,719 to 3,974, voted for a convention to form a State constitution. In August seventy-two members were elected to the convention. In order that there might be means in the Territorial treasury to defray the expenses of the convention, and in confident expectation that a State government would be promptly formed

the Sixth Assembly postponed the meeting of the Seventh Assembly to May, 1845, when the final steps, it was supposed, would be taken to put a State government in operation.

The convention met at Iowa City on the seventh of October, 1844, and continued in session until the first of November. The expenses of the convention amounted to seven thousand eight hundred and fifty dollars. Shepherd Leffler, of Burlington, was chosen President. Noteworthy among the members were Ex-Governor Lucas, W. W. Chapman, the first delegate of the Territory in Congress, James Clarke, the third Governor of the Territory, Stephen Hempstead, Ralph P. Lowe, afterwards Governors of the State, Jonathan C. Hall, afterwards an associate judge of the Supreme Court of the State, James Grant, afterwards judge of the Second District of the State, and Gideon T. Bailey, a member of the First Legislative Assembly of the Territory, the latest survivor of that body, his life extending to the fifth day of December, 1903.

The general sentiment of the convention was

in favor of creating a large State, with the Missouri River the western boundary, and the St. Peter's River the northern. An extension to include the Falls of St. Anthony was advocated. "The State of Iowa," it was said, "cannot have too much water power." The boundaries settled upon were the Mississippi River on the east, the State of Missouri on the south, the Missouri River to the mouth of the Sioux River on the west, and a direct line drawn from the mouth of the Sioux River to the mouth of the Watonwa (Blue Earth) River, thence down the St. Peter's River to the Mississippi, on the northwest and north.

Unexpectedly, the question of boundaries became the crux of the Constitution, first in Congress, afterwards in Iowa, where the people were to vote for or against the adoption of the Constitution. By misadventure, in haste for admission into the Union, the Constitution, and a memorial asking for admission into the Union, were presented to Congress in December, 1844, three months before the people were to vote upon the matter, the first Monday of April,

1845. Congress objected to the boundaries prescribed in the Constitution as creating too large a State. The annexation of Texas was then pending, with a proviso for forming four additional States out of it. As a counterpoise, it was felt that more free States should be created, in order to preserve the balance of power between the North and the South. Rufus Choate, of Massachusetts, said in the Senate: "An empire in one region has been added to the Union! Look east, and west, or north, and you can find no balance!"

In the House of Representatives the larger boundaries were supported by the delegate from the Territory, A. C. Dodge. Their reduction, so as to make Iowa about the size of Ohio, was advocated by members from that State. Samuel F. Vinton, who had been twenty-two years in Congress, speaking from the standpoint of history and enlightened statesmanship, "represented in a lucid and cogent manner," said Mr. Dodge, "the injury which the creation of large States would inflict in a political point of view on the Western country,

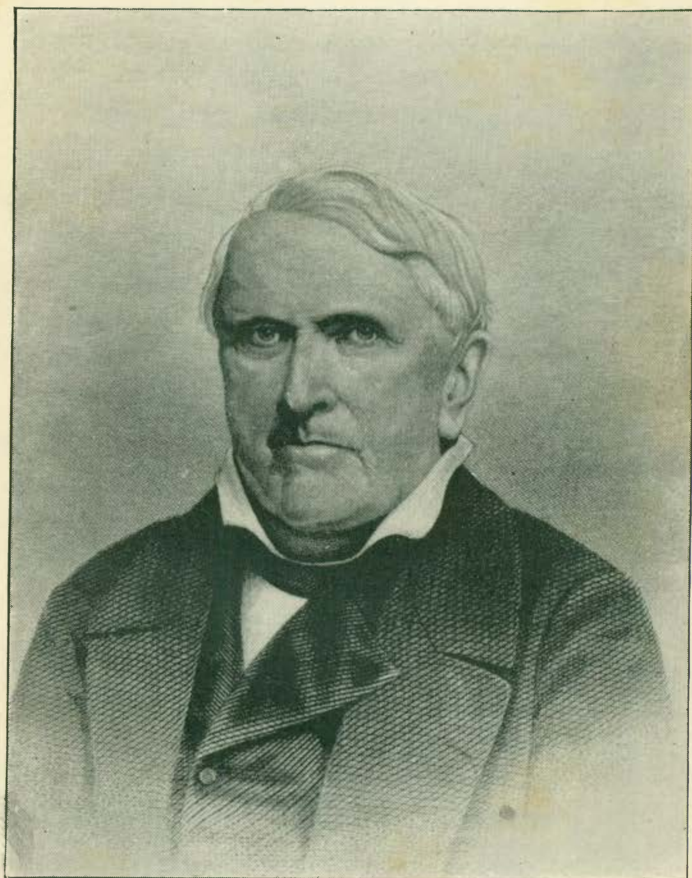
and the wrong done the West in times past in dividing its territory into overgrown States, thereby enabling the Atlantic portion of the Union to retain supremacy in the Senate. He showed that it was the true interest of the people of the Mississippi valley, that the new States should be of reasonable dimensions, and he appealed to Western members to check that legislation which had heretofore deprived the West of its due representation in the Senate."

Furthermore, with prophetic vision, — it was on the eleventh day of February, 1845, Mr. Vinton said:

"Suppose (if such a supposition be possible) an attempt were made to set up a Southern republic, blocking up the road to New Orleans, can there be any doubt what the West would do? The law of its condition, of its geographical position, would force the West to rally to the rescue of the Union. And, what must be a cheering and joyous reflection to every lover of his country who glories in the greatness of its destiny and sends up his prayers for its immortality, this bond of union will accumulate new

force and gain new strength with the increasing millions in the West. There never was a nation which had such a conservative power as must grow up in the heart of this nation. I am one of those who have an abiding faith that this great central power will be true to its trust. To preserve this Union, to make its existence immortal, is the high destiny assigned by Providence to this central power. If I could, I would fill the public mind there with this sacred sentiment, with a firm resolve, to prove faithful to this mission to which it is called. I would transmit it from father to son to the latest posterity. I would make them feel, like the vestal virgins that kept the sacred fire, that the high command is upon them, to keep the Union, to watch over it, to maintain and defend it for ever."

The result of the debates in Congress was to reduce the boundaries. Congress cut off Iowa from the Missouri River, and made a line seventeen degrees and thirty minutes west of Washington the western boundary, and the parallel of latitude running through the mouth of the Blue Earth River the northern boundary. Assent to this reduction of boundaries was made a condition of the admission of the State into



JOHN CHAMBERS, GOVERNOR OF IOWA, 1841–1845

the Union. When that assent was given, the President was to announce the fact, and the admission of Iowa into the Union was to be considered complete. At this time Florida, a slave State, had been waiting seven years to have a free State ready to come into the Union with it; and, now that Iowa applied for admission, the arrangement was made that the two States should come into the Union together by one and the same act. The bill was approved by John Tyler. It was one of his last acts as President of the United States. Nothing of the kind had been done before in the history of the Government, though advocated in the case of Missouri and Maine in 1820. In the present instance the policy failed; for though Florida came immediately into the Union, Iowa did not come in. Iowa rejected the condition imposed by Congress, and remained a Territory. Texas was annexed before Iowa came in.

When the action of Congress reached Iowa, the people of the Territory were thrown into embarrassment and confusion, especially the politicians. However strong the desire to be

a State, and to come into the Union, the question of boundaries overrode those considerations. It was in vain that Mr. Dodge, writing from Washington, told the people that by the annexation of Texas five slave States may be added to the Union, that free States of moderate dimensions were wanted as a counterbalance, and that "we will not be able under any circumstances to obtain one square mile more than is contained in the boundaries adopted by Congress." The people would not assent to be cut off from the Missouri River. Theodore S. Parvin, Frederic D. Mills, Enoch W. Eastman, afterwards Lieutenant Governor of the State, with other sagacious citizens, led in opposition to the act of Congress. Eastman was the author of the inscription upon the Iowa stone in the national monument to the Father of his Country at Washington. "Iowa — the affections of her people, like the rivers of her borders, flow to an inseparable Union." As a vote for the Constitution would involve assent to the boundaries enacted by Congress, the people voted against the Constitution by

a majority of 996 votes, and the Governor announced by proclamation that the Constitution was rejected.

In his message to the Seventh Legislative Assembly, which convened on the fifth of May, the Governor advised the calling of another Constitutional convention. The Assembly, however, in chagrin and vexation, passed a law, over the Governor's veto, to submit the rejected Constitution to another election, with a sophistical proviso that "its ratification was not to be construed as an adoption of the boundaries proposed by Congress." The people were still further confused and mystified. They again rejected the Constitution. The vote was close, but decisive; 7,235 for, 7,656 against.

John Plumbe, a citizen of Dubuque, was the earliest advocate in the United States of a railroad to the Pacific. From 1837 he made many public addresses, and memorialized Congress, in favor of the project. In the same interest Asa Whitney made an exploration of the route from the Mississippi to the Missouri River through northern Iowa in the summer of

1845. In an account of his tour, in the "New York Journal of Commerce," he said:

"At Prairie du Chien I expected a guide to the Missouri, but was disappointed, and at Fort Atkinson, fifty miles west of the Mississippi, was disappointed again. Thus situated, without a guide, and but one laboring man, our number small, seven in all, I felt a heavy responsibility in leading the young gentlemen with me into probable dangers, and certain hardships and fatigues; — an unknown wilderness before us, and probably a savage foe to watch our every step. The young men said, 'Go on; we will follow.' And they never flinched. They were ready to wade through mud, water, and grass, to their necks, with our provisions upon their heads, to swim rivers, fell trees for bridges, and endure all other fatigues.

"Before leaving Prairie du Chien, I fixed upon a route to the Missouri, and with compass in hand made it within five miles of the point started for. We crossed Turkey River at Fort Atkinson, thence the different branches of the Wapsipinicon and the Cedars to Clear Lake, thence northwesterly to a branch of the St. Peter's running northeasterly, thence to the Des Moines River, which we crossed by felling trees for a bridge, thence due west to a number of small, beautiful lakes forming the headwaters of the Little

Sioux, thence across the branches of the Calumet (Big Sioux) and Vermilion, then Jacques River, and then the grand Missouri, fifteen miles below the Great Bend, making a distance of more than five hundred miles over the finest country upon the globe, capable of sustaining more than three times the population of the same size in any other part of the world; — no swamps, no marshes, no flooding of rivers except of the Wapsipinicon, and undoubtedly the most healthy country in the world. I have never found the atmosphere so pure; the surface is gently rolling to an almost level, undulating enough to let the water off. The soil of the wilderness is as rich as it can be; none better. In the whole distance I did not see one acre of useless or bad land; all are covered with the finest of grasses for cattle, and, when cured, good hay. The farmer will want but the plough, the seed, the scythe, and the sickle. As far as the Cedars, are considerable tracts of good timber; but none beyond to the Missouri; the growth of timber, however, is so natural that without the fires, which now spread over the whole prairies yearly, consuming everything, in fifteen years the whole from river to river would be one dense forest.

"From the Mississippi to the Missouri the streams can be bridged easily, and at small comparative expense; first-rate materials being abundant in the bluffs which form their banks."

On the eighteenth of November, 1845, by appointment of President Polk, James Clarke succeeded John Chambers as Governor of the Territory. A native of Westmoreland County, Pennsylvania, he came to Wisconsin Territory in 1836, and established a newspaper, "The Belmont Gazette," at Belmont. The next year, with the removal of the capital of Wisconsin Territory to Burlington, he removed his paper to that place, and changed its name to "The Wisconsin Territorial Gazette and Burlington Advertiser," subsequently "The Iowa Territorial Gazette." The paper continues to the present time, the oldest newspaper now published in Iowa. On the twenty-seventh of September, 1840, Mr. Clarke was married to Miss Christiana H. Dodge, daughter of Henry Dodge, Governor of Wisconsin Territory, at her father's house in Dodge's Grove, Iowa County, in that Territory.

The Eighth Legislative Assembly of Iowa Territory convened on the first day of December, 1845. It submitted to the people the question of another convention to frame a Con-

stitution. The people voted in favor of holding such a convention, which was held on the fourth day of May, 1846, and remained in session only fifteen days. It consisted of thirty-two members, seven of whom had been members of the first convention; one of them, Enos Lowe, M. D., of Burlington, was chosen President. By a happy concert of action on the part of leading members of the body with the delegate to Congress, and with the Committee on Territories in the House of Representatives, a compromise as to boundaries was agreed upon. Congress repealed its former action, and, in lieu of the boundaries it had prescribed, enacted others, namely, the Missouri and Big Sioux rivers the western boundary, and the parallel of forty-three degrees and thirty minutes the northern boundary. The convention in defining boundaries used the same language. Upon the submission of the Constitution to the people on the third of August, it was adopted, the vote being 9,492 for, 9,036 against. The vote of the people was simultaneous with the action of Congress, which President Polk approved August 4. The same

act gave Iowa two members in the House of Representatives. Iowa was the first State on emerging from a Territory to have more than one representative in Congress. The census returned a population of 102,388 at this time in the Territory.

In 1820 the United States "forever prohibited slavery and involuntary servitude, otherwise than in the punishment of crimes," in the territory north and west of the State of Missouri. Thirty-six years afterwards Iowa reaffirmed that prohibition, so far as its territory was concerned, and declared in the same language, that "neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State." To breathe the air of freedom, to live where labor was honored, and there were no slaves, was the inspiring motive, more than any other, which led the people of Iowa to make it their home.

A wise provision of the Constitution made the sessions of the General Assembly biennial. The Governor was to hold office for four years, Judges of the Supreme Court were to be elected

by the General Assembly for six years, District Judges by the people of each District for five years. For the first ten years the annual salary of the Governor, the Supreme and District Judges, was not to exceed one thousand dollars each. State dēbts were prohibited beyond the sum of one hundred thousand dollars, or for a longer term than twenty years. Debts for posterity to pay were reprobated. Banks were prohibited. This was original in Iowa. It excited much opposition as injurious to commerce and trade, and affording no protection against the circulation of bills of banks of other States. It was the ground of many votes that were cast against the adoption of the Constitution.

During the year 1846 the Territory witnessed the exodus of the Mormons from Nauvoo, Illinois, wending their way over the prairies in long trains of wagons and carts, some halting at one station and another, the most encamping in Pottawattamie County and building a town they called Kanesville, in honor of a sympathizing friend, Thomas M. Kane. Here they remained until Brigham Young summoned them to Utah

in 1852. The next year the name of the town was changed to Council Bluffs.

During the Mexican War, in response to President Polk's call for volunteers, Iowa sent three hundred and forty-four of her pioneers into the military service. At Kanesville, a Mormon battalion was organized, which marched over the plains to California. Captain Benjamin S. Roberts, of Fort Madison, with his mounted riflemen, was the first to enter the City ot Mexico and raise the American flag over the palace of the Montezumas. Major Frederic D. Mills, of Burlington, and Captain Edwin Guthrie, of Fort Madison, lost their lives in the battles before the City of Mexico. Their names were given to new counties, and other counties were named in commemoration of battlefields of the war, as Buena Vista, Cerro Gordo, and Palo Alto; or of officers who distinguished themselves, as Butler (P. M.), Hardin, Ringgold, Taylor (Zachary), Worth.

In the last year of the territorial life of Iowa treaties were concluded with the Winnebagoes and the Pottawattamies, by which they agreed

to remove within two years; the former to beyond the St. Peter's River, the latter to lands on the Kansas River. Thus Iowa was to be relieved of an Indian population, and the whole State, with as little waste land as any other equal portion of the earth's surface, and with conditions of climate favorable to health and vigor, was opened to civilization, to the hand of industry, to the plough and the spade, to the planting of homes, to the school and the church, to representative government, and to equal laws and courts of justice.

XIII

THE ORGANIZATION OF THE STATE AND ADMISSION INTO THE UNION

1846

THE first election under the Constitution was held on the twenty-sixth of October, when State officers, members of the First General Assembly, and two representatives to Congress were elected. Ansel Briggs was chosen Governor. A native of Vermont, at fourteen years of age he came with his parents to Ohio. In 1838 he removed to Iowa Territory and settled at Andrew, Jackson County. A mail contractor, he established a stage route between Davenport and Dubuque, and from Davenport to Iowa City, and was sometimes his own stage-driver. His honest ways and plain manners made him friends, and he was chosen a member of the Fifth Legislative Assembly, and subsequently sheriff of Jackson County. Called upon at a

banquet for a toast, he gave the sentiment: "No banks but banks of earth, and they well tilled." This happy expression of the popular feeling and the fact that Jackson County was the strongest Democratic county in the Territory, made him a candidate for Governor, and a Democratic convention nominated him for the office, upon the platform of "opposition to all banking institutions of whatever name, nature, or description; and to grants of exclusive privileges to corporations; and in favor of less legislation, few laws, strict obedience, short sessions, light taxes, no State debt, and tariff for revenue only."

Pursuant to the Constitution, the First General Assembly was convened on the thirtieth of November, and on the third day of December the Territorial organization gave way to that of the State. The ceremony was without pomp or parade. Chief Justice Mason administered the oath of office to Governor Briggs. Governor Clarke congratulated the Assembly on "the civil revolution in our form of government, effected, not through coercion, but by the silent

force of public opinion; and he expressed the hope that "with a Constitution containing guards against improvidence, and restrictions upon class legislation, we may escape the evils which have brought ruin and blight upon other portions of our country." A man of fine character, reserved in his manners, Governor Clarke performed the duties of his office with simplicity and a quiet dignity, and enjoyed the universal respect of his fellow-citizens. His name was given to one of the new counties, adjoining that which bears the name of the first Governor of the Territory. In his brief inaugural Governor Briggs cautioned the General Assembly "against hasty and unnecessary legislation."

The Constitution of the State was presented to Congress by the delegate from the Territory on the fifteenth of December, and on the twenty-eighth of the month President Polk signed the bill by which "the State of Iowa was admitted and received into the Union." On the following day, Shepherd Leffler and S. C. Hastings took their seats in the House of Representatives. Eleven days previously, the two Houses of the

General Assembly met in joint convention to elect United States senators, but they fell into a dispute over the candidates, which proved irreconcilable, and the State had no senators in Congress for two years.

Iowa was the twenty-ninth State of the American Union, and the fourth State created out of the Louisiana Purchase. Endowed prospectively in 1820 with the heritage of freedom, it remained a savage wilderness for thirteen years following; after which, in the course of another thirteen years, more than a hundred thousand American people entered the wilderness, and made themselves homes, and planted the Commonwealth. The subsequent advancement of the State in population and wealth, and the rank it has gained among the States for the intelligence of the people, and for their moral and social order, are familiar topics in recent history. Covering but an eighteenth part of the Louisiana Purchase, it now possesses one-sixth of the population and one-third of the taxable property of the thirteen States and Territories into which the Purchase

has been divided, with a more general and even distribution of wealth than exists elsewhere in the United States or in the world. The services of Iowa to the cause of freedom, and to the life and greatness of the nation, have won honor and fame to the State. It remains for other generations to maintain that honor and perpetuate that fame to times afar.

APPENDIX

THE NAME "IOWA"

THE earliest appearance of any form of this name is in a letter of Father Louis André, written from the Bay of Puants (Green Bay), April 20, 1676. He says: "This year we have among the Puants seven or eight families from a nation that is neutral between our savages (Winnebagoes) and the Nadoessi (Sioux), who are at war. They are called Aiaoua, or Mascouteins Nadoessi. Their village, which lies two hundred leagues from here toward the west, is very large, but poor; for their greatest wealth consists of ox-hides and red calumets. They speak the language of the Puants. I preached Jesus Christ to them. They live at a distance of twelve days' journey beyond the great river called Misisipi."* In a list of twenty-six tribes that had lived in Wisconsin, John G. Shea puts down the Ainovines or "Aioδais," which he

* *Jesuit Relations* (Thwaites Edition), lx., 203-205.

calls "the old French spelling to express the sound Iowa." He says that "their first abode was at the junction of Rock river and the Mississippi." Father Zénobe Membre mentions two villages of them on the west side of Lake Michigan (1678–1680). Perrot speaks of the Upper Iowa river as "about twelve leagues from the Ouisconching, and named for the Ayoes savages," and says that he maintained friendly relations with them when he established himself on the Mississippi (1685). Other forms of the name, Aiouez, Ayavois, Ayouez, Yoais, appear in "Documents of the French Regime." In Gorrell's Journal the name is Avoy.* George Rogers Clark, writing to Patrick Henry, Governor of Virginia, from Kaskaskia, April 29, 1779, mentions the "Iowaas," among "Indians who are against us."† The modern spelling, "Iowa," appears in *The American Gazetteer*, by Jedidiah Morse, 1804, on a "map of North America, showing all the New Discoveries," and on a "map of the Northern parts of the United States," and in the following statement:—

"Iowa, a river of Louisiana, which runs S.E. into the Mississippi in N lat 41 5, sixty-one miles above

* Wis. Hist. Coll., i., 32, 34, 38; iii., 126–127; xvi., 15, *et passim.*

† *Life of P. Henry*, by William Wirt Henry, iii., 236.

the Iowa rapids, where on the E. side of the river is the Lower Iowa Town, which 20 years ago could furnish 300 warriors. The Upper Iowa Town is about 15 miles below the mouth of the river, on the E. side of the Mississippi, and could formerly furnish 400 warriors."

In the first treaty made by the United States with these Indians, 1815, and in six subsequent treaties, to October 19, 1838, the spelling is always Ioway. Thomas L. McKenney's History of the Indian Tribes in North America uses the same spelling. The first application of "Iowa" to a civil organization was made by Henry R. Schoolcraft, as explained pp. 177–178, *supra*.

NOTES ON SOME OF THE ILLUSTRATIONS

Frontispiece and page 80. Zebulon M. Pike's portrait and map are from Elliott Coues's edition of his "Expeditions," 1895.

Page 20. Marquette's Map is an extract from an "Autograph map of the Mississippi river drawn by Father Marquette," published in fac-simile in "Discovery and Exploration of the Mississippi Valley," by John Gilmary Shea, 1852.

Page 34. Captain Jonathan Carver had served with the Colonial troops in the French and Indian wars, and was at the taking of Quebec, 1759. He said, "To make that vast acquisition of territory gained by the British from the French advantageous to us, it appeared to me necessary that the Government should be acquainted with the state of the dominions they were now possessed of, and to this purpose I determined to explore the most unknown parts of them." It was upon this exploring tour, following the route of Marquette ninety-seven years before, that Carver, entering the Mississippi from the Wisconsin River, beheld the bluffs of Iowa.

Page 42. The Map of Dubuque's claim is reduced from a "Sketch of the Plat," in the Recorder's office, St. Louis, Missouri. Annals of Iowa, Third Series, v., 328.

Page 62. The Floyd Memorial is one hundred feet high, and corresponds in its proportions to an Egyptian obelisk. It is built of Kettle River (Minnesota) sandstone, and was erected under the supervision of Hiram Martin Chittenden, Captain Corps of Engineers, U. S. Army.

Page 110. The portrait of Black Hawk is

from F. B. Wilkie's "Davenport, Past and Present," 1858.

Page 128. Mahaska (White Cloud) was killed by an Omaha Indian on the Nodaway, 1834. His son, of the same name, said, "I have never shed blood, have not taken a scalp. I believe the Great Spirit is angry with men who shed innocent blood. I will live in peace." He himself held a plow, and encouraged his people in farming, and the squaws in spinning and weaving. His mother, Rantchewaime, was killed, her horse stumbling on the edge of a precipice, when he was four years old. In the winter of 1836–7 he visited Washington, and recognized her portrait in the Indian Gallery. Subsequently, he became dissolute, overcome by whisky. In explaining the migratory habit of the tribe, one of the chiefs said, "It is not the will of the Great Spirit that we should be stationary, but travel from place to place."

"History of Indian Tribes," by T. L. McKenney, ii., 81–100, 174–184; by H. R. Schoolcraft, iii., 256–266.

Page 140. Keokuk, 1780–1848, was born on Rock River, Illinois, died in Franklin County, Kansas, and was buried there. In 1883 his remains were removed to Keokuk, Iowa, and

interred in Rand Park in that city, and a monument erected over them. The portrait is from F. B. Wilkie's "Davenport, Past and Present," 1858.

Page 182. We are indebted to the courtesy of Mr. Albert N. Harbert, Cedar Rapids, Iowa, for the portrait of Albert M. Lea.

Page 200. The Commission of Henry Dodge is preserved in the Historical Department of Iowa, at Des Moines, Charles Aldrich, Curator. It is one of nineteen commissions which Governor Dodge had preserved in a package he himself marked, "Commissions in the Service of My Country." They embrace the signatures of six Presidents of the United States, — Madison, Monroe, J. Q. Adams, Jackson, Van Buren, Polk, — and of other distinguished men. It is doubtful if there is another collection of equal interest and value in the documentary history of the West. Iowa Historical Record, v., 338–340.

Page 206. Henry Dodge's portrait was painted by George Catlin, 1834. Iowa Historical Record, v., 337; vii., 118.

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