

A Court House at a Bargain

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VAN BUREN COUNTY COURT HOUSE



COURT HOUSE AND COUNTY BUILDINGS

At Keosauqua

Court House, center building; County Jail in rear.
In front—Original Office Building
containing offices of
Sheriff, Treasurer, Clerk of Court, Supt of Schools

A COURT HOUSE AT A BARGAIN

By RICHARD C. LEGGETT

The court house stands on a low hill with surroundings much the same as a century ago. It is an attractive antique, venerable and of obsolete architecture; and its story goes back into territorial days and the rough and ready ways of the frontier. County seats were queens on the early political chess boards, and this one also became the basis for driving a hard cash bargain, which was well kept, and so it stands today the Van Buren county court house at Keosauqua.

In 1836 Iowa was a part of Wisconsin Territory. That part lying west of the Mississippi river was divided into two counties, Des Moines county consisting of the portion south of Rock Island, and Dubuque county in the north. The most populous county in Wisconsin Territory at that time was Des Moines. A subdivision of its extensive territory became an obvious necessity. So, by an act of the Wisconsin Territorial Assembly passed December 7, 1836, the new counties of Lee, Van Buren, Henry, Des Moines, Louisa, Muscatine and Scott were created from the original county of Des Moines. By the same act Farmington was designated as the place for holding court in Van Buren county. Here, on April 10, 1837, the first term of court in the county was held by Judge David Irwin, and two other terms were subsequently held in April and November 1838.

There was great rivalry between the various towns of the county for the location of the county seat. In September 1838 an election was held to determine the location. Apparently, Bentonsport and Keosauqua were the principal contestants and the record in the office of the county auditor at Keosauqua recites:

I do hereby certify that at an election held on the tenth of September, 1838, agreeably to the provisions of an Act of the Council

and House of Representatives of the Territory of Wisconsin passed June 22, 1838, * * * * * Keosauqua received a majority of the whole number of votes given by the people of said county as the seat of Justice thereof. November 1838. Signed, H. Heffleman, Sheriff of Van Buren county, Iowa Territory. (See 1st record, page 82)

But now appears "the fine Italian hand" of Iowa's Territorial Legislature, which convened at Burlington on November 12, 1838. An act passed and approved January 25, 1839, designated Benjamin F. Chastain of Jefferson county, Michael H. Walker of Lee county and Stephen Gearhart of Des Moines county, as commissioners to relocate the county seat of Van Buren county, and "for other purposes." By this act the commissioners were required to meet at Keosauqua on the first Monday of May next, and to "proceed forthwith to locate a suitable place for the seat of justice of Van Buren county, having reference to the geographical center, the convenience and welfare of said county"; provisions also were made for their qualification, pay and report. The catch comes in the eighth paragraph which reads:

Sec. 8. Be It Further Enacted, That if the proprietors of the town of Keosauqua shall on or before the 1st of April next, enter into good and sufficient bonds with security to be approved by the county commissioners, to the county treasurer for the benefit of the county for the sum of Five Thousand dollars payable in town lots in said town of Keosauqua, or other real estate, at a fair cash value, or cash, or such other materials as the county commissioners may deem proper to receive, for the purpose of carrying on or completing the public buildings in said county.

Sec. 9., The payments to be divided into three equal parts, and paid in one, two and three years.

Sec. 10: Be It Further Enacted, That if said proprietors shall enter into bonds as provided for in the eighth section of this act, then this act shall be null and void, otherwise to remain in full force and value. (See Statute Laws of the Territory of Iowa, 1838-1839 [Blue Book] Page 96.)

COERCED BY A LEGISLATURE

Usually, legislative Acts provide for spending the public money, but this one was a bold and barefaced "Hijacking" of the proprietors of Keosauqua under threat of removal of the county seat. Imagine their consternation when, after they had won the county seat election, the Territorial Legislature cut the ground from under them and required them to raise Five Thousand dollars to build the county court house.

Evidently, the proprietors, M. Sigler, James Hall, James Manning, Edwin Manning, John J. Fairman, John Carnes and Robert Taylor, thought the price not too high, for they immediately proceeded to give security in the form of mortgages on Keosauqua real estate. Ironically, the first mortgage foreclosure in the county was one of these mortgages. Henry King was employed by the commissioners to draw plans for the building. The record is then very confusing. First, we find that on April 20, 1840, Sewall Kenedy and Henry King were appointed building agents for the construction of the court house at a cost of \$6,500.00; then at a special meeting of the commissioners on May 30, 1840, it was ordered that the proposal for the building of the court house for the sum of \$6,500.00 by John Fairman and James Hall be accepted, on condition that the building be completed in two years; then, on January 7, 1841, the commissioners ordered that the appointment of Sewall and King as building agents be rescinded. Finally the contract was assigned to Edwin Manning, who accepted the note of the commissioners for \$1,712.00 with interest at 15% per annum, and took over the \$5,000.00 in mortgages which he and the other proprietors had given to keep the county seat at Keosauqua. The project dragged along until the fall of 1843, when the building was completed and ready for occupancy. I can find no record of any dedication or celebration.

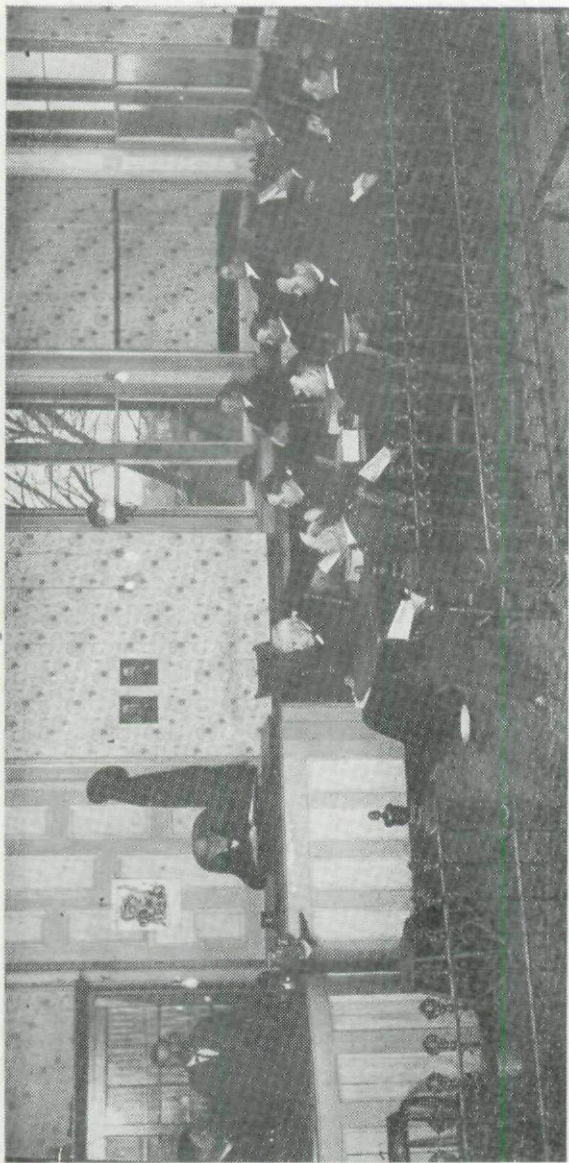
Today, this building stands as a monument to its build-

ers. It is framed of oak timbers more than a foot square skilfully braced so that its corners stand as plumb and square as the day of their erection; the solid brick walls of the first story are twenty-two inches thick and taper to eighteen inches in the second story. The court room is without pillars with huge oak trusses sustaining the roof. Its interior trim is of walnut wood said to have been cut within one hundred rods of the building site. At present this building is occupied by the court room, judge's chambers, sheriff's office, grand jury room and the office of the county superintendent. The other county offices are housed in another building built later.

Possibly more interesting than the building are the men and events it has known. The court room was the pioneer stage on which were acted the dramas of actual life and where the leaders of the community played their parts.

The most notorious trial was that of the United States vs William McCauley. McCauley became involved with the wife of one Coffman in Washington county and killed Coffman. In September 1844 he was indicted for murder in Washington county and the case taken to Van Buren county on change of venue. At the April, 1845, term his first trial was had in Keosauqua. McCauley was represented by Hall and Mills who were famous pioneer criminal lawyers. Joseph C. Knapp, later a noted judge, was prosecutor. At the close of the state's testimony the defendant withdrew his plea of not guilty and admitted his guilt in open court. The judge, without hearing further testimony, immediately sentenced him to be hanged. An appeal was taken to the Supreme court and the case was reversed on the ground that it was the duty of the judge to have heard testimony to determine whether he was guilty of murder or of manslaughter. (1 Morris 641).

Consequently, the case was sent back to Keosauqua for retrial. Commencing March 5, 1846, a new jury was chosen, evidence heard and a verdict of guilty returned.



COURT SCENE IN OLD COURT HOUSE AT KEOSAUQUA

Individuals from left to right: (Standing) Edward F. Pittman, Deputy Clerk of Court; John K. Matheson, Clerk. (Sitting) Judge Robert Sloan. Front row, next to rail: William M. Walker, Samuel E. Irish, Julian C. Calhoun, Hugh B. Sloan. Next row: Alex Brown, Ernest L. McCoid, James W. Harwood, James P. Starr. Last row: Edgar R. Harlan, Robert R. McBeth.

On March 7th the defendant was brought into court and sentenced to hang. The record in Journal "N" at page 149 reads: "And now comes said defendant into open court and, upon being asked, says nothing why the judgment of the law shall not be passed upon him, therefore it is ordered and adjudged and the sentence of the court is that you, William McCauley, be taken from hence to the jail of this county and to remain until Saturday the 4th day of April next, that on said day between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, you will be taken by the proper officer to some convenient place within this county and there hung by the neck until dead."

Accordingly, a scaffold was erected in the hollow just north of the court house on a small mound which can still be seen. This hollow lies just west of Highway No. 1 between the depot and the court house and has ever since been known as "Hangman's Hollow." Tradition has it the fateful day dawned bright and clear. From the entire countryside the excited populace gathered to crowd the surrounding hills for vantage points. At the appointed hour the condemned with the sheriff and guards marched from the jail to the gallows with measured tread. The noose and black cap were adjusted and the adulterer dropped to his death in fulfillment of his sentence. Parts of the scaffold are now stored in the attic over the court room, but souvenir hunters have taken away the most of it.

ABLE MEN FROM VAN BUREN COUNTY

In my judgment, more prominent lawyers and jurists have come from Van Buren county than from any other county in the state. One of the most famous was Henry Clay Caldwell. He was admitted to the bar in the old court house in 1851 and was associated with the firm of Wright & Knapp. Before the civil war he was county attorney and a member of the state legislature. He en-

listed and became colonel of the Third Iowa Cavalry. At the close of the war he was appointed judge of the United States District Court of Arkansas and in 1890 he became Judge of the 8th U. S. Circuit Court of Appeals. His public life closed in 1903 when he resigned to spend the remainder of his days as a private citizen. His integrity and sense of justice endeared him to the people of Arkansas and he enjoyed unusual popularity for a northern man in a southern state. He was seriously considered as a candidate for the presidency in 1896 and for vice-president in 1900 but refused to abandon his judicial position.

Judge George C. Wright was another of Iowa's leaders who practiced law in the old court house. He came to Iowa in 1840, immediately after his admission to the bar, and commenced to practice in Keosauqua. He was successively prosecuting attorney, state senator, justice and chief justice of the Supreme Court of Iowa and United States senator. With Judge C. C. Cole he organized the first law school west of the Mississippi at Des Moines in 1865. In 1868 this school was moved to Iowa City and became the law school of our State University. He was a man of great personal charm and popularity as well as of brilliant intellect. Iowa's legal history is incomplete without mention of Judge Wright.

A partner of Judge Wright was Judge Joseph C. Knapp. In personality, he was the antithesis of his partner. He cared little for public opinion and apparently held a contempt for the ordinary conventional courtesies of life, but his learning in the law and his wonderful ability made him a leading figure at the bar. After his elevation to the bench he restrained his gruff nature and made a calm, even tempered judge.

Judge Robert Sloan probably served longer as a district judge than any other Iowan. He was a man of wonderfully kind, pleasing personality and his court was the exemplification of courteous dignity. His record as a

district court judge is unsurpassed. Judge Francis M. Hunter of Ottumwa, Judge William Walker of Keosauqua, Augustus Hall, Henry Clay Dean, D. C. Beaman, Joseph C. Mitchell, J. C. Calhoun and a host of other prominent lawyers have practiced in the old court room. Its walls have echoed to the eloquence of barristers throughout the life of our state and it is still the forum for trial in Van Buren county's litigation. It has witnessed the coming and going of Iowa's great men, the tragedies of many generations, the excitement of the Civil war, of World War I and of our present gigantic struggle. If its walls could talk, their stories would dwarf this meager recitation of its history.

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GOING WEST ACROSS IOWA

The work on the Rock Island bridge across the Mississippi, notwithstanding the protest made by St. Louis and Burlington, goes on. The river continues at a good boating stage. A few deaths by cholera have occurred at all the principal points along the river during the summer, although it does not now exist in any of them in an epidemic form. Emigration continues to pour into the state; provisions are high and rents enormous. Another fine steam ferry boat has been added to the already efficient ferry force now in operation at this port. A new daily has also been started, under the name and style of the *Dubuque Observer*. It is a well printed and ably conducted anti Nebraska Whig journal. The *Daily Tribune* is taking strong ground against all participation of the north with slavery. The *Herald* and the *Express* support the administration. The health of the north of Iowa is unexceptionable. The emigration to Nebraska has never been equalled in this country since the settlement of California. It is altogether unprecedented in the west, and is the surest guard against the encroachment of slavery.—*Iowa Journal of Education*, July 1854.

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