

# *The Iowa Land Records Collection: Periscope to the Past*

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Scholars have explored bits and pieces of the American land disposal system in the nineteenth century but few have remained undaunted by the sheer mass of the data.<sup>1</sup> The record books of Iowa land transfers from 1838 to 1900 number by a conservative estimate more than 7,500 large volumes, and they are scattered in courthouses throughout the state. Only with the new techniques of computerized data processing can these records be studied in any detail. This has been done in Iowa, and its pioneer land records are the first of any state to be converted to machine-readable form. Computerized print-outs of these records comprise the bulk of the Iowa Land Records Collection. This article describes the genesis of that collection, its general nature and scope, and the research possibilities inherent in it.

That the Indians contributed much to Iowa's past is a truism, but who would have thought that 130 years after their forcible removal from the Hawkeye State, these tribes would have contributed to scholarship the first electronically-processed land records of any state in the Union? The fact is, however, that we have the Sac and Fox and Iowa Indian tribes to thank for this magnificent collection of primary source material which their attorneys have donated to The University of Iowa Libraries.<sup>2</sup>

The origin of the Iowa Land Records Collection is a fascinating tale

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<sup>1</sup> For a survey of the literature, see Robert P. Swierenga, *Pioneers and Profits: Land Speculation on the Iowa Frontier* (Ames, 1968), chap. 1.

<sup>2</sup> Attorneys for the various tribal petitioners were: George B. Pletsch and Robert S. Hunt of Schiff, Harden, Waite, Dorschel and Britton (Chicago) for the Sac and Fox Tribe of Indians of Oklahoma; Lawrence C. Mills and Robert J. Garrett of Mills and Garrett (Chicago) for the Sac and Fox Tribe of the Mississippi in Iowa; Stanford Clinton (Chicago) for the Sac and Fox Tribe of Missouri; Nicholas Conover English of McCarter and English (Newark, N.J.) for the Iowa Tribe of the Iowa Reservation in Oklahoma; and Brian Sullivan and Thomas L. Munson

which dates from the period 1957-1962. In these years descendants of the Sac and Fox Nation and the Iowa Nation of Indians filed various damage suits before the Indian Claims Commission of the United States Court of Claims to collect damages for several unconscionable land treaties which the federal government had forced upon them in 1839 and 1843. Congress created the Indian Claims Commission in 1946 to consider these long-standing grievances of their recalcitrant aboriginal wards.<sup>3</sup> The so-called "cession lands" involved in the recent claims cases covered the entire southeastern half of the state (Royce Cessions 175, 226, 244, 262) and totaled almost 21 million acres (see map on page 20).<sup>4</sup> The legal proceedings involved two steps: validation of title and valuation of the land. The second step—to determine the value of the land as of the treaty date—was most important for future scholars since these hearings prompted the collection of extensive information on land sales in the treaty areas. The valuation hearings for eastern Iowa lands (Cessions 175, 226, 244) were held in Washington in 1962; those for southcentral Iowa (Cession 262) were in 1965.

Determining the "fair market value" of the various cession areas in Iowa prior to or on the valuation date was complicated by the lack of an active land market at the time. Federal law forbade Indians to sell their land to private American citizens. As a matter of general policy, therefore, the Indian Claims Commission recognizes subsequent land sales in the subject area as a highly relevant indicator of prospective value as of the valuation date. On this premise, legal counsel for the Indian claimants undertook a massive study of county land records in the cession areas. Some 360 land record books covering the pioneer years from 1838 through 1860 were microfilmed and reprinted by Xerox process. Skilled abstractors then codified the vital information

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of Dykema, Wheat, Spencer, Goodnow and Trigg (Detroit) for the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska.

<sup>3</sup> The origin and work of the Indian Claims Commission is discussed ably by Thomas LeDuc, "The Work of the Indian Claims Commission under the Act of 1946," *Pacific Historical Review*, XXVI (February, 1957), 1-16.

<sup>4</sup> The cases presented before the Commission are Dockets 143, 158, 209, 231, and 153. The official records are in the Indian Claims Commissions Reports. The petitioners' valuation reports, briefs, and "proposed findings of fact" are also extremely valuable. The valuation reports are Raleigh Barlowe and Conrad H. Hammar, "Valuation of Lands in Eastern Iowa, 1833-1839; Royce Cession Areas 175, 226, 244," 2 vols., presented before the Indian Claims Commission, Doc. 158, 209, 231, *Sac and Fox and Iowa Tribes v. The United States of America* (1962); and "Valuation of Lands in Southcentral Iowa: 1839-1843; Royce Cession 262," presented before the Indian Claims Commission, Doc. 153, *Sac and Fox and Iowa Tribes v. the United States of America* (1965).

which was transferred to punch cards and eventually to magnetic data tapes. The processing cost was extremely high, running into the tens of thousands of dollars, but the stakes were even higher for the Indian petitioners, amounting to more than twenty million dollars.<sup>5</sup>

The Iowa Land Records Collection includes both primary and processed data. The original records consist of Xerox reprints of the County Recorders' Books of Original Entry of fifty-three counties (shown by the shaded area on the map), printed from microfilm copies taken in the respective county seats.<sup>6</sup> These books, usually one per county, are available for the following counties: Appanoose, Benton, Blackhawk, Boone, Buchanan, Calhoun, Carroll, Cedar, Clarke, Clayton, Clinton, Dallas, Davis, Decatur, Delaware, Des Moines, Dubuque, Greene, Grundy, Guthrie, Hamilton, Hardin, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Muscatine, Polk, Poweshiek, Ringgold, Scott, Story, Tama, Union, Van Buren, Wapello, Warren, Washington, Wayne, and Webster.

Also among the primary sources in the collection are microfilm copies of several Iowa state land-office tract books on file in the office of the Secretary of State at Des Moines. These typewritten tract books, compiled as a WPA project in the 1930s, record the disposition of the special land grants to the state from the United States government, specifically, the Sixteenth Section grant (School lands), Internal Improvement (500,000-acre) grant, Saline grant, University grant, Agricultural College grant, Five-Section grant, Des Moines River Improvement grant, Iowa City town lot auction book, and a volume of miscellaneous conveyances to the state.<sup>7</sup> All of the original entry records, whether federal or state, contain similar information—the legal description of each tract and its exact acreage, the name of the purchaser, purchase date, consideration paid, and often the method of payment, i.e., cash, land warrant, or donation.

The processed records include a rich variety of computer-tabulated listings of the original records that were abstracted from some 58 Books of Original Entry and 299 early Deed Registers.<sup>8</sup> Most valuable

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<sup>5</sup> For example, the Commission in 1970 valued the 11,700,000 acres of Royce Cession 262 in southcentral Iowa at \$14,894,400 (22 Ind. Cl. Comm. 385 [1970], 415).

<sup>6</sup> The Decatur County Book of Original Entry was destroyed by a courthouse fire. A Xerox copy was made from the duplicate records in the National Archives. However, Decatur County's records were not abstracted for computer analysis.

<sup>7</sup> A brief analysis of these special grants is in Swierenga, *Pioneers and Profits*, chap. 3, entitled "Speculation in State Lands."

<sup>8</sup> Neither microfilm nor Xerox-printed copies of the 299 Deed Registers are as

are the alphabetical and chronological listings of all items in the Books of Original Entry of the thirty-three full counties of Royce Cession 262 and the nineteen selected townships (one per county) in Cessions 175, 226, and 244 of eastern Iowa. The alphabetical listings are arranged by grantor and the chronological listings are by year of "entry," i.e., the sale date. Both listings are grouped by individual counties (or townships) and also by the two major cession areas of southcentral and eastern Iowa. The tabulations include summary statistics of all entries in the various groups, including annual sales figures. The entries of the large buyers—those who acquired 600 acres or more in the thirty-three counties of southcentral Iowa—are also grouped separately in alphabetical order by individuals and in subgroups by year and by county. The tabulations of the deed records include alphabetical and chronological listings of all land transactions after original entry through 1849 in the nineteen eastern counties (through 1856 for four selected counties—Clayton, Delaware, Johnson, Linn), and through 1860 for the thirty-three southcentral counties. A special tabulation of the eastern data lists all grantors who had ten or more sales or who had aggregate sales totaling more than 500 acres prior to the end of 1849.

The Iowa Land Records Collection has already provided the data for interesting studies and it offers many research opportunities yet untapped. One of the major questions of American historians is that of the profitability of frontier land speculation. Did large-scale speculation in western lands "pay off"? The Iowa land records permitted the first detailed study of this question on a significant area basis. This study indicated that speculator profits were extremely high in Iowa, at least for the big investors.<sup>9</sup> The next step, presently underway, is to explore the rate of return received by lesser speculators as compared with the experience of the large investors. The differential return between large and small speculators can provide the first hard data on the impact of the public land disposal system on income distribution in the United States.

The question of the efficiency effects of public land disposal has also

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yet included in the Iowa Land Records Collection. When abstracting, all types of deeds (warranty, quitclaim and indenture) were used except the following: those that contain no date of sale or patent, no purchaser's name, or no description of the land; those that are illegible, canceled, suspended, or a duplicate entry; and those sold to two or more purchasers.

<sup>9</sup> Robert P. Swierenga, "Land Speculator 'Profits' Reconsidered: Central Iowa as a Test Case," *Journal of Economic History*, XXVI (March, 1966), 1-28, reprinted in Swierenga (ed.), *Quantification in American History: Theory and Research* (New York, 1970), 317-340.

intrigued scholars. Did government land policies retard or increase the American economic growth rate in the nineteenth century? To consider this issue, one needs data on the extent of speculator-owned land, the time span of that ownership, and buying and selling prices. All of this information is conveniently available in the Iowa Land Records Collection and has already been utilized on a small scale.<sup>10</sup>

Geographers and demographers interested in frontier settlement patterns will also find the Iowa Land Records Collection to be extremely useful as a data resource. For example, by comparing information from the chronological listing of original entries with soil classification studies and topographical maps, it is possible to determine the pattern and direction of land settlement and the general relationship between the time period of land acquisition and the buyers' choices as to types of land entered. By superimposing soil maps over township graphs on which the original entries are plotted, one can determine the acreages of alluvial, timbered, and prairie soils entered in each county during the successive years of government land sales. Such information, when used in conjunction with federal farm census data, can provide solid facts for answering the perennial question of whether early settlers preferred to carve their farms from timbered tracts along the streams or out on the rich treeless prairies. Did settlers discriminate against any particular type of land or did they seek locations with a judicious combination of timber, prairie, and fresh water? Conversely, were large speculators willing to buy off large sections of land on the open prairie that settlers presumably had bypassed? These questions have only been explored in a preliminary way. Tentatively, the investigations suggest that early settlers discriminated slightly in favor of woodland and alluvial land, whereas the large speculators overwhelmingly purchased prairie land.<sup>11</sup> These patterns, however, seem to have been a product more of individual idiosyncrasies than of such factors as the availability of timber and water resources or settlement patterns. But the question remains a moot one until the completion of a great deal more research.

The Iowa Land Records Collection can also benefit genealogists. The convenient alphabetical listing of land buyers and sellers on an

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<sup>10</sup> Robert W. Fogel and Jack Rutner have made the first quantitative study of the growth question. "The Efficiency Effects of Federal Land Policy During the Nineteenth Century: A Report of Some Preliminary Findings," paper presented to the Conference on Applications of Quantitative Methods to Political, Social, and Economic History, University of Chicago, June 6, 1969.

<sup>11</sup> See Swierenga, *Pioneers and Profits*, chap. 4, entitled "The Selection of Speculator Lands"; and also Barlowe and Hammar, "Valuation of Lands in Southcentral Iowa," 154-156.

area-wide basis for the years from 1838 through 1860 facilitates tracing the land ownership patterns of tens of thousands of individuals in more than half the counties in the state. In the early years many of the buyers and sellers were nonresidents, but over time, an increasing number included the pioneer settlers and farmers of the Hawkeye State.

Finally, the story of Iowa public land disposal which Professor Roscoe L. Lokken so ably recounted some years ago remains incomplete without a detailed study of state land sales.<sup>12</sup> As noted above, the Iowa Land Records Collection includes microfilm copies of the state land office tract books of seven of the nine special land grants in Iowa and the initial auction of lots in the capitol city.<sup>13</sup> All of these special land grants and the Iowa City auctions merit careful study. Did state land policy differ markedly from national land policy? Did an easy-going, settler-oriented policy prevail in the state or a land-for-revenue philosophy which sought to extract the greatest possible income from the donated lands? State land disposal patterns are indeed one of the virgin areas in land history. In no state of the Union, to my knowledge, has the record of state land sales been given full-length treatment.<sup>14</sup>

In summary, the Iowa Land Records Collection provides the opportunity for pioneering studies in many areas of American economic, social, and geographical history. Scholars with the patience to work with these voluminous records will find a rich storehouse of information which provides the basis for a domesday survey of early Iowa land patterns.

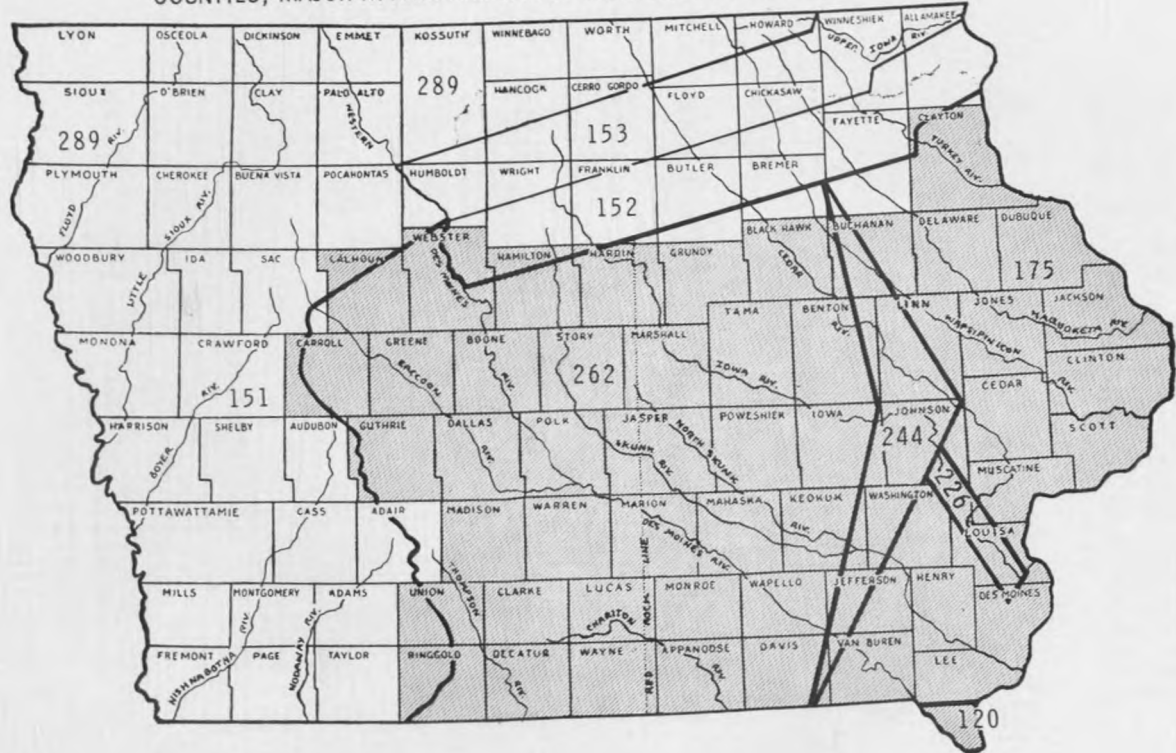
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<sup>12</sup> Roscoe L. Lokken, *Iowa Public Land Disposal* (Iowa City, 1952).

<sup>13</sup> The Railroad Land grant and Swamp Land grant are not included. Railroads maintained their own land sale records and the state turned over to the individual counties its title to the Swamp Lands.

<sup>14</sup> The existing literature is noted in Swierenga, *Pioneers and Profits*, chap. 3.

## COUNTIES, MAJOR RIVERS AND ROYCE CESSION AREAS IN IOWA



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Map of Iowa showing the area involved in recent multi-million-dollar land claims by the Sac and Fox and Iowa Indian tribes. For details, see the article by Robert P. Swierenga in this issue of *Books at Iowa*.