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A LANDSCAPE IN FLUX: MANY PATHS TO MODERNITY

IN EASTERN IOWA, 1780-1910

A DISSERTATION APPROVED FOR THE DEPARTMENT OF HISTORY

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Dedicated to my wife, Lauren

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Abstract

While its history is often forgotten, the Upper Mississippi River Valley Region, including eastern Iowa and western Illinois, has a multiracial, turbulent, and violent past. This dissertation will examine the history of eastern Iowa between the American Revolution and the early 1900s, arguing that the region was defined not by continuity but by change. Eastern Iowa shows that state formation often took place in the absence of federal power, not because of it. This study examines the various forms of "maverick statecraft"—or extralegal methods of state formation—that ultimately created eastern Iowa as it exists today.

State formation in eastern Iowa is not a story about a strong federal government imposing its will on a colony. In fact, the federal government was often the weakest of many powers trying to exert control. The Meskwaki dominated the region up until 1832. They successfully joined global markets by mining lead and hunting for furs. Under Meskwaki leadership, the region was mostly peaceful and white miners and traders were allowed to cross the river only under specific circumstances. In a brief show of power, the federal government toppled the Meskwaki regime in 1832. This created a power vacuum in which "Iowa" as we know if was created. White squatters, land speculators, Latter-day Saints, and various iterations of the local, territorial, state, and federal governments all sought to impose their will on the state formation process. Squatters, people with no legal right to the land, ultimately proved victorious in most of these conflicts. The importance of "maverick statecraft" in eastern Iowa demonstrates the limits of federal authority in state formation in the American West and points to larger trends in nineteenth-century America.

Introduction

On July 4, 1890, a man named Washington Galland gave a speech to the "Old Settlers Society" in Lee County, Iowa. Born in 1827, Galland was old enough to remember early American settlement in the region. Galland's address is full of clichés and oversimplified anecdotes about "the good old days" on the frontier. He recalled that, when American settlers first arrived, total equality reigned. Everyone was on an equal playing field.[1] These sorts of stories about early Iowa history were common in the late 1800s and early 1900s. They convey a myth about Iowa history—that it is a relatively boring story about peaceful agriculturalists—that has, in some ways, persisted to the present day. This version of history coincides with the image Iowa presents to itself and the world today. Iowa prefers to be seen as a peaceful, conservative, agricultural state. The version of its history popularized by people like Washington Galland seems to confirm that Iowa's past was similar to this rendering of its present.

In fact, this sterilized version of the history of eastern Iowa—defined in this dissertation as the region encompassed by the original Black Hawk Purchase or the territory between the Mississippi River and Iowa City—could not be further from the truth. Iowa has a complicated, multi-racial, violent, and fascinating history that involved a slew of historical actors. The "good old days" that Washington Galland remembered were actually a time of intense conflict between numerous historical actors attempting to impose their own vision on the region. The Meskwaki hoped to build a stable Native power structure that resisted settler colonialism while

[1] Washington Galland, "Address to the Old Settlers' Society," July 4, 1890, Collected Materials on Washington Galland. Microfilm. Church History Library, Salt Lake City, Utah. MS6929.

simultaneously engaging in the global market economy. Mixed-race fur trade families sought to carve out a niche of their own. Squatters engaged in "maverick statecraft," implementing their own vision of manifest destiny while flouting U.S. law while land speculators sought to use federal power to their own advantage. Latter Day Saints struggled to create a theocracy neither completely dependent on nor completely independent of the U.S. nation-state. Galland's peaceful community of settlers was actually the flashpoint in a complex, multipolar struggle.

It is not the continuity of eastern Iowa that is essential to understanding its history but the constant change that transformed the region between the American Revolution and the Civil War. A dizzying array of people from different backgrounds and with different interests met here and tried to make a living. Using Iowa as an example, this dissertation examines how people in the early U.S. West asserted control over land and its resources. They used creative cultural, social, and personal tactics to build economic and political power. Sometimes, to protect those resources, they resorted to violence, either personally or by demanding that the state use its military power.

The Meskwaki, the main Indigenous actors in this dissertation, emigrated to the region in the mid-1700s, displacing the Ioway and other Native peoples who had previously inhabited it.[2] The Meskwaki were not a "state" in the typical sense. According to the traditional Weberian definition, statehood implies the ability to monopolize violence through a centralized society.[3]

[2] Edmunds and Peyser, *The Fox Wars*, xviii; Brett Rushforth, "Slavery, the Fox Wars, and the Limits of Alliance," *William and Mary Quarterly* 63, no. 1 (January 2006): 56-57, accessed 4/6/2020, https://www.jstor.org/stable/3491725; Dorothy Schwieder, *Iowa: The Middle Land* (Iowa City: University of Iowa Press, 1996), 4-7.

[3] Peter Evans and James E. Rauch. "Bureaucracy and Growth: A Cross-National Analysis of the Effects of 'Weberian' State Structures on Economic Growth." *American Sociological Review* 64, no. 5 (1999): 748–65.

Although too decentralized to meet Weber's criteria, the Meskwaki skillfully adapted to their surroundings, establishing a power structure—a system of political organization that kept the peace and promoted economic development—based on lead mining and the fur trade that dominated the region until the Black Hawk War in 1832. Meskwaki power kept the region mostly peaceful and regulated the influx of white settlers. Meskwaki authority declined swiftly after 1832 and created a power vacuum. The federal government was largely unable to fill this vacuum. Prior to the Civil War, the federal government that oversaw western expansion was more often characterized by weakness and ineptitude than by strength or a comprehensive colonial strategy.[4] The weak U.S. nation-state lacked the resources, personnel, and willpower to bring peripheral regions like Iowa to heal. Squatters—settlers with no legal claim to the land other than the fact that they lived on it—land speculators, Latter-day Saints, and various iterations of the Territorial, State, and Federal Governments all entered eastern Iowa. In the absence of strong, decisive federal power, each group attempted to create a power structure that imposed its own vision for the region.

This story is not completely unique and has many similarities to a variety of other histories of colonization that have been written in recent years. Bethel Saler's *The Settler's Empire: Colonialism and State Formation in the Old Northwest* examined this process nearby in what became Wisconsin. Saler reveals how complex expansion in the West could be, forcing the U.S. to negotiate its two identities as a postcolonial republic and a colonizer state. [5] While Saler

[4] See Rachel St. John, "State Power in the West in the Early American Republic," *The Journal of the Early Republic* 38, no. 1 (spring 2018): 87-94.

[5] Bethel Saler, *The Settler's Empire: Colonialism and State Formation in the Old Northwest* (Philadelphia, PA: University of Pennsylvania Press, 2015).

is careful to point out that the federal government had limited power in Wisconsin, large parts of her book focus on the impact colonization in the West had on the federal government itself.

Stephen Aron's *American Confluence: The Missouri Frontier: From Borderland to Border State* chronicles the process of state formation in neighboring Missouri. Aron emphasizes the importance of *habitant* populations in Missouri much older than the Louisiana Purchase and elaborates on a power structure that antedated American colonialism. The Jefferson Administration eventually developed plans to use Missouri as a center for "population transfer" or Indian removal. American settlers were supposed to remain outside of Missouri and preserve it as a space for Native Americans removed from the East. It quickly became apparent that the Federal government did not have the "money or the manpower to keep American pioneers out." Squatters poured into Missouri and ran the governor, Meriwether Lewis, out of the state.[6]

Robert Morrissey's *Empire By Collaboration* examines early state formation in colonial Illinois. Morrissey argues that colonial Illinois was defined not by conflict, but by collaboration between European and later American powers and local Indigenous peoples. According to Morrissey, "Illinois became a safe haven for fur traders, farmers, missionaries, and Indians who sought to realize alternative visions for colonial life at the edge of these competing powers."[7]

Rob Harper's *Unsettling the West: Violence and State Building in the Ohio Valley* examines the power struggles and early state building process in Ohio. Harper argues that, in the absence of strong state power, people succeeded in the West by joining coalitions. These quasi-

[6] Stephen Aron, *American Confluence: The Missouri Frontier: From Borderland to Border State* (Bloomington, IND: Indiana University Press, 2009).

[7] Robert Morrissey, *Empire By Collaboration: Indians, Colonists, and Governments in Colonial Illinois Country* (Philadelphia: University of Pennsylvania Press, 2015), 5.

legal family and business units imposed some level of order on society.[8] Coalitions were generally based on patronage. People joined coalitions and often paid for their membership in some way in order to protect themselves and provide their lives and surroundings with some sense of order and security. Coalitions defy simple definitions since they were, as Harper says, "extensive, fluid networks of people pursuing a wide range of dissimilar and even contradictory goals."[9] Harper echoes Anne Hyde in suggesting that these sorts of coalitions could actually be quite effective at creating order in the West.[10] In eastern Iowa, squatters formed their own coalitions called claims associations, groups of squatters that elected their leaders and agreed to use violence if necessary to defend one another's land. Although completely illegal, these claims associations were often extremely successful at providing security to squatters, even in the face of government sanction.

Harper's concept of coalitions or patronage groups that kept people safe in the absence of a more centralized government is extremely useful in trying to understand what happened in eastern Iowa. The various groups that passed through the region—the Meskwaki, the squatters, land speculators, Latter-day Saints, and even the local, territorial, state, and federal governments themselves—were all coalitions. While "statecraft" may not apply to all of these groups, they were all seeking to build a coalition that could impose order. The Meskwaki were not, therefore, engaging in statecraft, but they were engaging in coalition building. They created the most successful coalition in the region before the 1850s. Squatters also engaged in coalition building. They were deeply influenced by Jeffersonian and later Jacksonian ideology within the United

[8] Rob Harper, *Unsettling the West: Violence and State Building in the Ohio Valley* (Philadelphia: University of Pennsylvania Press, 2018), 5-6.

[9] Ibid, 2.

[10] Anne F. Hyde, Empires, Nations, and Families: A New History of the American West, 1800-1860 (New York: Harper Collins Publishers, 2011), 29.

States, extolling the values of democracy, freedom, and white male egalitarianism, so I have termed their process of coalition building as "maverick statecraft." Other groups, like the land speculators, were clearly not engaging in statecraft, but they were certainly attempting to build a coalition to protect their interests and rights to the land. State formation itself was a slow and difficult process that was often much more complicated than the federal government imposing itself on the region.

Saler, Aron, Morrissey, and Harper differ in how much they emphasize federal power, but they all agree that it was limited in the West. Early state building often took place in the absence of significant state power, not as a product of a powerful, well-organized state-building apparatus run by the central government.[11] This dynamic was perhaps most pronounced in eastern Iowa. In the absence of federal power, various coalitions attempted to fill the vacuum and impose their vision for eastern Iowa. Up until 1832, the region was largely governed by the Meskwaki and their allies the Sauk. White settlers in the area were rare. The federal government briefly mobilized immense power in the Black Hawk War, destabilizing Meskwaki control, but then was largely absent from the eastern Iowa for years.

Settlers and miners poured into the region. Unregulated and unpoliced, these overnight settlements destabilized the region. Squabbles over land and politics often turned violent. Squatters policed their claims with violence rather than resorting to legal means. Towns sometimes erupted into anarchic violence. On one occasion, squatters in eastern Iowa ripped a new settler's home down from around him after he refused to file his claim with the local claims

[11] See Rachel St. John, "State Power in the West in the Early American Republic," *The Journal of the Early Republic* 38, no. 1 (spring 2018): 87-94.

association.[12] Rival mobs of Northern and Southern settlers in Belleview Iowa literally battled for control of the town in a series of violent street fights.[13] In both cases, neither the federal or territorial government ever sought to intervene. Numerous coalitions and patronage groups developed in an attempt to impose order on the chaos, many vying for some access to far away federal power or, eventually, a territorial government and later state government power that was close at hand. Eventually, the territorial government of Wisconsin and then Iowa emerged as a new center of power in the region along with a distant federal government. Neither center of power was extremely powerful, and the territorial and local governments often found themselves in conflict with the far-away federal government. In most cases, actors with the support of local and territorial government triumphed emphatically over the supposedly more powerful federal government. For example, squatters in southeastern Iowa generally triumphed over land speculators for control of the land despite their much weaker legal case for ownership. Even though the federal courts routinely supported land speculators, squatters eventually won control of most of the land. This story adds to an already existing literature on state building in the American West and suggests that local and territorial power structures sometimes dominated federal ones.

States are highly centralized government structures that monopolize the control of violence, but the process of creating a powerful centralized entity like that in eastern Iowa was

[12] Roscoe L. Lokken, Iowa Public Land Disposal (Iowa City: State Historical Society of Iowa, 1942), 73-74.

[13] The Belleview Massacre is an excellent example of this sort of near-anarchy. Competing mobs of Northern and Southern settlers violently battled for control of the town, and the territorial government did virtually nothing to stop it. See "J.V. Berry to Robert Lucas, Governor, April 4, 1840," "John King to Robert Lucas Robert Lucas, April 6, 1840," and "Robert Lucas to J.V. Berry, April 7, 1840," Robert Lucas Papers, 1803-1830, April 1840, MRC1, State Historical Society of Iowa in Iowa City.

decentralized, violent, and complicated. That process involved the creation and dissolution of numerous coalitions that often conflicted with one another. That messy process of state formation is essential to understanding American expansion and colonization in Iowa and elsewhere. Whereas previous books like *Settler's Empire* and *American Leviathan* have focused more on the impact of state formation on the federal government, this study focuses on the chaos itself and what this can tell us about settlers and state building on the ground level.

In the process of this discussion, this dissertation will also add to the conversation on two distinct groups: the Meskwaki and squatters. The Meskwaki are better-known today by the name the French gave them: "the Fox." During the removal process, they were lumped in with their allies the Sauk—or "Sac" to most Americans at the time—to form the "Sac and Fox Nation." The Sac and Fox are an influential people group in modern-day Oklahoma and extant groups who call themselves either Meskwaki or Fox depending on the location still live in Iowa and Missouri. I will use the term "Meskwaki" because that is what the people in eastern Iowa in the 1700s and 1800s likely would have called themselves and because the extant group in Iowa still calls itself the Meskwaki.

The Meskwaki nation has received limited but significant historical attention before. R. David Edmunds's *The Fox Wars: The Mesquakie Challenge to New France* discussed an earlier period in Meskwaki history. While living in what's now Wisconsin, the Meskwaki fought a series of wars between 1710 and 1730 with the French and neighboring Native nations in which they were almost completely wiped out. Brett Rushforth has shown that the Ottawa, Ojibwe, Illinois, and Huron likely initiated this conflict and coaxed the French into joining by providing

them with Meskwaki slaves captured in the war.[14] In the late 1730s, Meskwaki moved west as an almost destitute people, but Edmunds emphasizes the resilience and adaptability of the Meskwaki: They survived in the face of tremendous violence. After being forced to move from their homeland to eastern Iowa, they skillfully reinvented themselves as a powerful, sophisticated people.[15]

Lucy Murphy has also extensively delved into the history of the Meskwaki in *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* and *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie Du Chien, 1750-1860*. Murphy emphasizes the dominant role the Meskwaki played in the lead mining market on the Upper Mississippi. The Meskwaki had long mined lead on a small scale in Wisconsin, but they recognized the ore's increased value once Europeans moved into the area. The Meskwaki mined lead, manufactured their own bullets, and sold both ore and bullets to European settlers.[16]

Dorothy Schwieder covers the Meskwaki briefly in *Iowa: The Middle Land*, describing the Meskwaki as the dominant power in northeastern Iowa before the Black Hawk War and

[14] Edmunds and Peyser, *The Fox Wars*, xviii; Brett Rushforth, "Slavery, the Fox Wars, and the Limits of Alliance," *William and Mary Quarterly* 63, no. 1 (January 2006): 57-62, accessed 4/6/2020, https://www.jstor.org/stable/3491725;

[15] R. David Edmunds and Joseph L. Peyser, *The Fox Wars: The Mesquakie Challenge to New France* (Norman, Oklahoma: University of Oklahoma Press, 1993), accessed 3/26/2020 *http://web.b.ebscohost.com.ezproxy.lib.ou.edu/ehost/ebookviewer/ebook/bmxlYmtfXzE1NTc5X19BTg2?sid=c5c26051-6e4f-4d79-97a3-59cc1253543a@sessionmgr101&vid=0&format=EB&rid=1*. See also Lucy Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* (Lincoln, NE: University of Nebraska Press, 2000), 21-22.

[16] Lucy Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* (Lincoln, NE: University of Nebraska Press, 2000); Lucy Eldersveld Murphy, *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie Du Chien, 1750-1860* (New York: Cambridge University Press, 2014). See also Lucy Murphy, "Autonomy and the Economic Roles of the Indian Women of the Fox-Wisconsin River Region, 1763-1832," in *Negotiators of Change: Historical Perspectives on Native American Women*, Nancy Shoemaker, ed. (New York: Routledge, 1995).

specifically noting their prowess as lead miners.[17] The Meskwaki have also appeared as supporting characters in numerous histories of the Black Hawk War as well as histories of the Sac and Fox Nation in Oklahoma. Nevertheless, the Meskwaki's key role in the Upper Mississippi Region remains understudied. After displacing the Ioway, they were the dominant power in what is now eastern Iowa for decades, and they successfully established an economic and political structure that kept the region mostly peaceful and productive. Meskwaki power was evident in their productive economy and their control over the region. They were mostly able to control the immigration of white settlers across the Mississippi River before 1832. The Meskwaki skillfully engaged in global markets like the fur trade and the lead trade. Nor did they do so simply by providing raw goods like furs or lead. They smelted lead and manufactured their own bullets, tapping into a lucrative trade enabled by the Mississippi River and successfully joining the global economy. The first three chapters of this dissertation attempt to place the Meskwaki and their power over the region in a clearer perspective. Meskwaki power only came to an end in 1832 due to the disastrous Black Hawk War, a conflict which had little to do with them.

The end of Meskwaki dominance brought chaos to the region. The U.S. military played little role after Meskwaki removal. Into this vacuum stepped squatters, another key group of actors in this dissertation. Historians have been writing about squatters for years, albeit usually as minor characters in a larger drama. Squatters in the Ohio Valley often figure into debates over the American state in the eighteenth and nineteenth centuries. Brian Balogh discusses squatters and their relationship to the federal government in his book *Government Out of Sight.* Balough notes that squatters constantly frustrated the early Federalist governments of the United States,

[17] Dorothy Schwieder, *Iowa: The Middle Land* (Iowa City: University of Iowa Press, 1996), 4-8, 15, 24.

but he does not necessarily see them as separate from the American state. On the contrary, he thinks early squatters often succeeded in eventually obtaining title to their land due to their powerful Jeffersonian sponsors. After Thomas Jefferson's election in 1800, squatter settlement, although still technically illegal, was much more in line with the expansionist goals of American political elites in Washington like Jefferson and James Madison.[18] This is evidenced by the Intrusion Act of 1807 and the various pre-emption acts that followed. They allowed squatters who had completed "improvements" on their lands to have the right of first refusal when buying their land from the government.[19]

Patrick Griffin argues something similar in *American Leviathan: Empire, Nation, and Revolutionary Frontier*. Griffin believes that squatters who poured into the west without legal title beginning even before the creation of the United States continually stirred up conflict with Native American peoples frustrated with the presence of squatters and the inability of the Federal Government to restrain them. The ensuing conflicts along with the pressure to try and create order in the West, in Griffin's mind, are actually what led to the creation of a strong American state, or, in Hobbesian terms, an American leviathan.[20] In other words, Griffin believes that the chaos of expansion directly contributed to the growth of a highly centralized American state. In the very long-term, this might be true, but the conflict over eastern Iowa never yielded an leviathan of centralized power.

[18] Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009), 184-193.

[19] Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970* (Lincoln, NE: University of Nebraska Press, 1976), 26, 72-91.

[20] Patrick Griffin, *American Leviathan: Empire, Nation, and Revolutionary Frontier* (New York: Hill and Wang, 2007).

Red Gentlemen and White Savages: Indians, Federalists, and the Search for Order on the American Frontier by David Nichols makes a somewhat more complex argument. Nichols believes that Native peoples seen as gentlemen were sometimes able to form a coalition with the elites in the Federal government against squatters and land jobbers—people both groups despised. This coalition was often unsuccessful at holding back the tide of aggressive settlement, but Nichols too sees squatters as often acting outside of the authority of the federal government. More than that, he sees them as directly in opposition to many of the Federal Government's aims.[21]

The aforementioned Rob Harper has complicated this discussion in *Unsettling the West: Violence and State Building in the Ohio Valley*. Harper is less sure that we should see squatters as an "undifferentiated mass of troublemakers" as authorities sometimes referred to them. In fact, he is not even sure that we should call them squatters. He says, "Rather than illegal squatters with no regard for authority, these migrants are better understood as quasi-legal colonists seeking to manipulate the law for their own ends."[22] Harper thinks that squatters are just one example of a quasi-legal system that grew up in the absence of strong state power. The sophisticated claims associations discussed in chapter 4 support this claim.

Squatters have also been discussed extensively in the literature on the Great Lakes, the Mississippi River, and the Old Southwest. Bethel Saler masterfully tells how these squatters began resisting being moved as soon as the Land Ordinance of 1785 was passed.[23] In the early

[21] David Nichols, *Red Gentlemen and White Savages: Indians, Federalists, and the Search for Order on the American Frontier* (Charlottesville: University of Virginia Press, 2008).

[22] Rob Harper, *Unsettling the West: Violence and State Building in the Ohio Valley* (Philadelphia: University of Pennsylvania Press, 2018), 16, 28

[23] Bethel Saler, *The Settler's Empire: Colonialism and State Formation in the Old Northwest* (Philadelphia, PA: University of Pennsylvania Press, 2015), 49-50.

days of U.S. history, squatters often came into conflict with Federalist administrators like Governor Arthur St. Clair of the Northwest Territory who envisioned an orderly western settlement dominated by educated New Englanders.[24] *In Race, Removal, and the Right to Remain*, Samantha Seeley argues that, at least in Ohio, the U.S. government made an earnest effort to remove these early squatters, burning down some of their homes. Most squatters simply rebuilt their homes, however, and squatter settlement continued largely unabated.[25] Claudio Saunt emphasized the role of squatters in the dispossession of the Five Tribes in the Old Southwest in his masterful *Unworthy Republic*. While the federal and state governments obviously played a major role in Indian removal, one of the major pressures on tribes like the Creek to flee their traditional homes came from white squatters who forced themselves on to lands that they had no legal claim to.[26] This connection between squatter settlement and Indian removal is important to Iowa as well. The Black Hawk War initiated an era of removal in eastern Iowa that was largely enforced, not by the federal government, but by squatters.

Stephen Aron has documented the role of squatter settlement in Kentucky and Missouri. Like Griffin and Nichols, he sees the impulse for squatter settlement as primarily self-interested rather than linked to the Federal Government of state building. Aron argues that ". . .the cause of American nationhood was not a major concern for those who moved into Kentucky and Tennessee. The independence that mattered to them came to men who owned real estate. It was for individual land claims that they risked their lives and the lives of their dependents."[27] Anne

[24] Ibid, 61-63.

[25] Samantha Seeley, *Race, Removal, and the Right to Remain: Migration and the Making of the United States* (Chapel Hill: The University of North Carolina Press, 2021).

[26] Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* (New York: W.W. Norton & Company, 2020), 206.

[27] Stephen Aron, *American Confluence: The Missouri Frontier: From Borderland to Border State* (Bloomington, IND: Indiana University Press, 2009), 71. See also Stephen Aron, *Peace and Friendship: An Alternative History of the American West* (Oxford: Oxford University Press, 2022), 123.

Hyde has also examined squatters in her studies of the convoluted nature of life and settlement in the American West. In *Empires, Nations, and Families* she aptly observed that "Squatters . . .thumbed their noses at any control, state, or federal, and moved on to Indian land."[28] She also notes that the influx of squatters into what is now the Midwest accelerated greatly after the War of 1812 and gave Americans a much firmer claim on the Great Lakes Region at the expense of the British.[29]

More recently, some historians have begun to analyze squatters in their own right. In *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy*, John Suval puts squatters at the center of the Age of Jackson. Suval argues that squatters and squatter rights eventually became a mainstay of the Democratic Party and pushed many Americans to support the Democrats and expansion. The Republican Party eventually undermined the Democratic hold on squatters through the Homestead Act and an appealing emphasis on expansion without slavery.[30] In Suval's telling, squatters went from being reviled by most American politicians to being trumpeted as American heroes and frontiersmen under Andrew Jackson and his successors. Squatters, since they represented frontier settlement and American ingenuity (at least in theory) while not necessarily representing slavery, allowed the Democrats to hold together a coalition of Southern slaveholders and Northerners who were

[28] Anne Hyde, *Empires, Nations, and Families: A New History of the American West, 1800-1860* (New York: Harper Collins Publishers, 2011), 242.

[29] Ibid, 257. For additional information on squatters in the Ohio Valley, the Old Southwest and Kansas, see Samantha Seeley, *Race, Removal, and the Right to Remain: Migration and the Making of the United States* (Chapel Hill: The University of North Carolina Press, 2021); Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* (New York: W.W. Norton & Company, 2020), 206; Anne Hyde, *Born of Lakes and Plains: Mixed-Descent Peoples and the Making of the American West* (New York: W.W. Norton & Company, 2022), 241.

[30] John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford: Oxford University Press, 2022).

neutral to or opposed slavery because they all favored expansion. The collapse of this coalition eventually helped to precipitate the Civil War.

In his book, Suval also uses the term "squatter colonialism" to describe settler colonialism perpetuated by squatters. Whereas Suval's book was a good 10,000-foot view of squatters and American politics, this dissertation offers a ground-level view of squatter colonialism in eastern Iowa. Given that they settled so much of the land that now makes up the United States, squatters are an important part of American history. They were not some mindless rabble of extra-legal settlers. In fact, they often formed very modern, organized groups called claims associations to facilitate organized settlement, even if what they were doing was technically illegal. Squatters often thought of themselves as quintessentially American despite the questionable legality of their actions. This attitude was not unique to squatters at the time. Prior to the Civil War, an often-weak federal government coupled with outsized ambitions among Americans contributed to a "craze" of extra-legal expansion, behind-the-scenes scheming, and conspiracies. Filibusters and conspirators have received much more recognition from historians than squatters, but, in many ways, they were two varieties of the same species. They were committed Americans who strove to expand the United States even if it meant stepping outside of the U.S. legal system or taking the law into their own hands. Squatters thought of themselves as extensions of American institutions, but also had a very antagonistic relationship to the state. They were both connected to the United States and decidedly maverick in their inclinations. This relationship is important and has heretofore received too little attention in the historiography. In this dissertation, I propose that this propensity was part of a broader trend toward "maverick statecraft" or extra-legal state formation that still purported to be on behalf of the United States. Squatters, filibusters and other groups in U.S. history all casually

stepped outside of the bounds of the American legal system in pursuit of expanding and improving the very nation whose laws they flouted.

Other interesting groups passed through the region like the Church of Jesus Christ of the Latter-day Saints. The Latter-day Saints can be considered a coalition in the sense that Harper describes them. Like squatters, they attempted to impose their own vision onto the region. They hoped to create a quasi-independent theocracy based out of Nauvoo. They hoped that federal power would help them achieve this rather than hinder them. The LDS Church can certainly be seen as part of the colonizing state, but they had their own motives for moving to southwestern Illinois and southeastern Iowa. As Thomas Richards, Jr. has explained in *Breakaway Americas*, the LDS Church often contemplated its own nationalist ambitions.[31] However, the similarities with squatters end there. Unlike squatters, the Latter-day Saints also attempted to latch onto federal power. This put them into direct conflict with squatters, who generally found their authority in local power structures.

Also complicating the power struggle in the region were the amorphous local, territorial, and then state governments that came and went as time passed. Governments, be they local, territorial, state, or federal, were amorphous in the early history of eastern Iowa. Local claims associations morphed into local government and the Wisconsin territorial Government became the Iowa territorial government and then the Iowa state government. In addition to feeling semi-permanent, governments also did not consistently exert control over events on the ground. Major treaties and military conflicts like the Black Hawk War were often overseen by the federal government, but events on the ground level often had little to with these far away government

[31] Thomas Richards, Jr. *Break-Away Americas: The Unmanifest Future of the Jacksonian United States* (Baltimore: Johns Hopkins University Press, 2020), 83-107.

entities and much more do with various forms of local government. Squatters, though undoubtedly American, acted semi-independently of the U.S. government. The squatters self-regulated their extralegal activities through sophisticated and democratic claims associations. As towns like Keokuk and sprung up, they formed local governments of their own. After Iowa became a political entity, it had first a territorial then a state government. Early efforts at state formation were anything but centralized.

One reason this is noteworthy is that all of these various forms of government often conflicted with one another. There was not really one unified "state" or "metropole" that affected colonization on the ground-level. Local, territorial, state, and federal government agencies often conflicted with one another over land claims, laws, etc. The settler state itself was rife with internal conflict. Various coalitions including the Meskwaki, squatters, land speculators, and Latter-day Saints were much more important to the process than the federal government and what federal power did occasionally extend into the region was often in conflict with a variety of local forces. There was nothing unified about the settler colonial process in eastern Iowa.

This dissertation is chronological in format and focuses on what is now eastern Iowa from the late 1700s to the last of the court cases involving the so-called "Iowa Half-Breed Tract" in the early 1900s. "Chapter 1: 'The Richest Yet Found': Lead Mining and Meskwaki Power in the Upper Mississippi River Region" discusses Meskwaki lead mining in what is now northeastern Iowa between the Revolutionary War and 1832 and suggests that lead mining was part of a broader Meskwaki power structure. The Meskwaki skillfully used lead mining to build an advanced economic and political system that dominated what later became eastern Iowa for decades. The coalition they built around lead mining sometimes included European settlers who married into Meskwaki kin networks. Chapter 1 will examine the so-called "Mines of Spain,"

Julien Dubuque, and their connection to the Meskwaki economy. While Dubuque has sometimes been reimagined as a "founding father" of Iowa. He was, in fact, part of a Meskwaki coalition designed to protect their lead assets that was largely successful until the Black Hawk War.

"Chapter 2: 'Our Traders': The Story of the So-Called 'Half-Breed Tract'" moves south down the mighty Mississippi and discusses another facet of the Meskwaki power structure: a reservation designed specifically for mixed-race people created in 1824. The reservation, like the Mines of Spain, was an example of Meskwaki coalition building. French fur traders who married into Meskwaki kinship networks were permitted to create a blended society in the Des Moines-Mississippi Confluence in the late 1700s and early 1800s. In 1824, the Meskwaki skillfully used a treaty with the United States to codify this community in American as well as Meskwaki law. Even though the Tract was short lived, it provides another example of Meskwaki power and coalition forming.

"Chapter 3: 'The Tomahawk is Buried Forever!': The Tragedy of the Black Hawk War of 1832" examines the main pivot-point of this narrative: The Black Hawk War. It argues that the Black Hawk War severely damaged the Meskwaki power structure that had risen in the region in proceeding decades. While the Meskwaki themselves were only minimally involved in the conflict, the use of military force in the Black Hawk War set off a chain reaction that led to Meskwaki removal and created a power vacuum in eastern Iowa. This power vacuum opened the door for squatter colonialism, or settler colonialism driven by extra-legal squatter settlement.

"Chapter 4: 'They are not Surpassed. . .by an Equal Number of Citizens of Any Equal Country in the World': Squatter Society in the American West" takes a long hard look at the squatters who poured into the Upper Mississippi River Region after the Black Hawk War. It argues that squatters, in contrast to the way they sometimes have been portrayed, were often a

very modern, sophisticated group who used democratic grass roots organizations like claims associations to achieve their goals. They often believed they represented the best the United States had to offer and that they were advancing American democratic ideals, even if their squatter claims were technically illegal. I argue that this was part of a broader trend in nineteenth-century America toward "maverick statecraft." Like the Meskwaki before them, squatters used coalition building to impose order in the absence of a federal presence in the region. These coalitions took the form of claims associations that sought to imitate American democratic ideals, drafted constitutions, held elections, and trumpeted Jeffersonian republicanism.

"Chapter 5: 'A. . .Class of Money Sharks': Land Speculators and Eastern Iowa" looks at another group of important actors in the colonization of eastern Iowa: land speculators. While squatters often lived on land they did not own, land speculators often owned land they did not live on. Speculators bought up Western land through public auctions, often planning to resell it years later at much higher prices. Speculators often came into conflict with squatters who lived on land they owned. This conflict often turned violent and illustrates some of the conflict within the settler state itself in the early to mid-nineteenth century. Land speculators added to the political and legal tensions in the region between 1832 and the 1850s.

"Chapter 6: '. . .The Place was Literally in a Wilderness': Mormon Claims in Eastern Iowa" examines the Church of Jesus Christ of the Latter-day Saints' sojourn in eastern Iowa between 1838 and 1846. The LDS church is most famous for their settlement of Nauvoo, just across the Mississippi River from the Tract in Illinois, but they also founded a significant settlement on the Iowa side of the river that they called Zarahemla. Like squatters' and speculators, the Latter-day Saints formed their own coalition. In the absence of federal power,

the relied on institutions of their own making and organized religion to assert their control over the region. The Latter-day Saints eventually came into conflict with the squatters who had already settled southeastern Iowa. The conflict between these two groups—both with minimal legal claim to the region they purported to own—took place largely in the absence of federal authority and demonstrated the importance of coalition-building and rival visions for maverick statecraft in the American West.

Finally, "Chapter 7: 'The Bitterest Land War and Litigation Ever Instanced in Our State': The Legal Battle for Eastern Iowa" is the final chapter of this dissertation. It details the legal battles that consumed and eventually led to the demise of the Tract. The complex struggle for land in eastern Iowa generated no shortage of court cases. These cases provide some of the best historical documentation of events in the region. Perhaps the most significant aspect of these endless court cases, however, is how little impact they had on events on the ground. The federal courts consistently ruled in favor of land speculators, but squatters simply refused to budge. In most cases, squatters eventually won the conflict despite their total lack of a legal claim to the land. The lack of federal enforcement power points to the importance of maverick statecraft.

The complicated, contested saga of eastern Iowa involves a whole litany of actors, all trying to impose their vision on eastern Iowa. The Meskwaki envisioned a thriving, sophisticated economy that still protected their traditional lifestyles. The squatters hoped to create an independent, Jeffersonian society that reflected their ideas of democracy end expansion. Land speculators hoped to enforce an older, Federalist vision of expansion that would allow them to make money off large investments in Western land. The Latter-day Saints hoped to create a semi-independent theocracy. In the absence of strong governments, people and groups formed coalitions to try an enforce order according to their own vision. State formation in in nineteenth-

century Iowa essentially consisted of competing coalitions, all battling over what sort of place Iowa should eventually be. These conflicts created a messy, chaotic process of state formation in which the federal government was rarely the most powerful actor. This dissertation is the story of that conflict.

Chapter 1: "The Richest Yet Found": Lead Mining and Meskwaki Power in the Upper Mississippi River Region

The Meskwaki are not originally from the Upper Mississippi. Like the other groups of settlers and traders who eventually passed through, they immigrated to the region. Meskwaki tradition suggests that they originated along the eastern seaboard. Whatever the accuracy of this statement, they were living along Lake Superior on what is now the Southern Peninsula of Michigan in the 1500s. Many historians believe that the Meskwaki were pushed out of their Michigan homeland by the Iroquois as part of the "Great Dispersal" in 1640s and 1650s and fled south to what is now Wisconsin, a part of "the shatter zone" described by Robbie Ethridge and Richard White, but both Ojibwe and Meskwaki tradition suggests it was the Ojibwe who drove the Meskwaki to their new home in Wisconsin.[1] Whatever the case, the Meskwaki lived in Wisconsin for over one hundred years until the Fox Wars (1710-1730), a brutal, genocidal conflict between the French, Huron, Ojibwe, and a wide variety of other Indigenous allies and the Meskwaki (the French called the Meskwaki *Renards* or Foxes). The French and their Native allies made a deliberate attempt to kill off the Meskwaki. In 1730, French forces along with their Native allies routed the Meskwaki in a decisive battle. Only fifty Meskwaki warriors along with a handful of women and children remained. Decimated by genocidal killings and mass enslavement, the Meskwaki moved again, this time nearer to the Mississippi in what is now

[1] R. David Edmunds and Joseph L. Peyser, *The Fox Wars: The Mesquakie Challenge to New France* (Norman, Oklahoma: University of Oklahoma Press, 1993), 9, accessed 3/26/2020 *http://web.b.ebscohost.com.ezproxy.lib.ou.edu/ehost/ebookviewer/ebook/bmxlYmtfXzE1NTc5X19BTg2?sid=c5c26051-6e4f-4d79-97a3-59cc1253543a@sessionmgr101&vid=0&format=EB&rid=1*; Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815.* (New York: Cambridge University Press, 1991), 4-7; Robbie Ethridge, "European Invasions and Early Settlement, 1500-1680" in *The Oxford Handbook of Native American History*, Frederick Hoxie, ed. (New York: Oxford University Press, 2016), 41-53.

Iowa, Illinois, and Missouri in the mid-1700s and reinvented themselves for the third time in as many centuries.[2] They became close allies with the Sauk, a neighboring tribe that had supported them during the latter stages of the Fox Wars.[3] The Meskwaki and Sauk won a decisive victory over the Ioway in 1821, firmly securing their control over most of what is now eastern Iowa.[4]

By the time the Meskwaki reached the Upper Mississippi River Valley, they were already skilled at adapting to new surroundings. They would need those skills to adjust to the ever-changing landscape in the decades ahead. Despite their history of war with the French, the Meskwaki had long traded with French *coureurs du bois* or unlicensed traders who made a living trading illegally with Natives. These relationships continued in the Upper Mississippi. French traders, mostly unlicensed, quickly flocked to the region because the Meskwaki produced resources that Europeans desired. Native American people in the Great Lakes region have been mining lead to make beads and other goods for over four thousand years. It is unclear exactly when the Meskwaki began mining lead, but they certainly mined lead in Michigan before moving further west. Along with neighboring tribes like the Ho-Chunk (called the Winnebago by the Europeans) the Meskwaki operated mines in what is now northeastern Iowa, Wisconsin, and northwestern Illinois.[5]

As the Meskwaki and Ho-Chunk acquired firearms and needed more ammunition and recognized the enormous demand among whites for lead, they ramped up the process. While they

[2] Edmunds and Peyser, *The Fox Wars*, xviii, 154-172; Brett Rushforth, "Slavery, the Fox Wars, and the Limits of Alliance," *William and Mary Quarterly* 63, no. 1 (January 2006): 56-57, accessed 4/6/2020, https://www.jstor.org/stable/3491725.

[3] Roger L. Nichols, *Black Hawk and the Warriors Path* (Wheeling, Illinois: Harlan Davidson, Inc, 1992), 6.

[4] Dorothy Schwieder, *Iowa: The Middle Land* (Iowa City: University of Iowa Press, 1996), 4-7.

[5] See Lucy Murphy, "Autonomy and the Economic Roles of the Indian Women of the Fox-Wisconsin River Region, 1763-1832," in *Negotiators of Change: Historical Perspectives on Native American Women*, Nancy Shoemaker, ed. (New York: Routledge, 1995).

had traditionally devoted only a small period of time per year to lead mining, mining and smelting now became a huge, time-consuming portion of the Meskwaki lifestyle. The Meskwaki began mining lead on a large scale to trade with Europeans and to mold it into their own ammunition. The constant demand for ammunition among Europeans fueled a growing lead mining sector in the Meskwaki economy. Lead mining rapidly became one of the pillars of Meskwaki power in the region. They controlled access to some of the richest lead mines in the American West. Henry Rove Schoolcraft believed that the Meskwaki lead mines might have been "the richest yet found" in North America. However, these rich mines remained under Meskwaki control when Schoolcraft visited in 1819. Schoolcraft lamented that they were "worked in a very imperfect manner," and complained that the Meskwaki refused to let "any white man work them."[6]

The Meskwaki were well aware of the value of the lead. That is why they did not allow any whites to mine it. The "imperfect manner" in which they mined was part of Meskwaki culture. Meskwaki lead mining reflected their traditional gender roles. Schoolcraft commented that "The lead ore at these mines is now exclusively dug by the Fox [Meskwaki] Indians, and, as is usual among savage tribes, the chief labour [sic] devolves upon the women."[7] While Schoolcraft, used to Euro-American gender norms, was probably shocked to see women doing the hard work of mining, it was consistent with Meskwaki culture. Women typically handled the

[6] Henry Rowe Schoolcraft, *A View of the Lead Mines of Missouri; Including Some Observations on the Minerology, Geology, Geography, Antiquities, Soil, Climate, Population, and Productions of Missouri and Arkansaw, and Other Sections of the Western Country* (New York: Charles Wiley & Co., 1819), 62, accessed 2/16/2020, https://books.google.com/books?hl=en&lr=&id=f8QJAAAAIAAJ&oi=fnd&pg=PA9&dq=henry+rowe+schoolcraft&ots=8RcjtpFtjD&sig=Ho6rO4xnjMZLUnyldvLQ9S0JrD4#v=onepage&q=henry%20rowe%20schoolcraft&f=false

[7] Henry Rowe Schoolcraft, *Narrative Journal of Travels through the Northwestern Regions of the United States: Extending from Detroit through the Great Chain of American Lakes to the Sources of the Mississippi River, Performed as a Member of the Expedition under Governor Cass. In the Year 1820.* (Albany: Printed and published by E. & E. Hosford, 1821), 244, accessed 3/20/2020 https://www.loc.gov/item/rc01001453/.

farming, maple sugaring, and other difficult manual chores. They had traditionally mined lead as well. Their male counterparts stoked the fires and smelted the lead. Schoolcraft might have thought that the work was too arduous for women, but the Meskwaki wives and young women were certainly up to the task. In 1818, they traded 2,000 lbs. of lead in Prairie du Chien alone.[8]

Mining lead was difficult, taxing work. According to Moses Meeker, a white lead miner who spent some time in the region, Meskwaki women would light fires along the rocks and then, once the rock wall was extremely hot, pour water over it until the rock cracked and became easier to pry up. The ore, once pried up, was placed atop logs in a whole in the ground. Meskwaki men set the logs ablaze and stoked them until the fire was enormous and extremely hot. When the lead melted, it would flow into bar shaped depressions made at the bottom of the whole. Once the lead cooled, it could be removed from the depressions in bar-shaped blocks. These blocks could be reheated to mold into bullets or tools or traded to Europeans for important trade goods.[9]

Schoolcraft believed the "imperfect manner" in of labor in the Meskwaki lead mines reflected the backwardness of Native people, but he acknowledged that the Meskwaki demonstrated business acumen, understanding the value of the resources they possessed and preventing white miners from accessing it.[10] While Meskwaki lead mining seemed backward to

[8] Lucy Murphy, "Autonomy and the Economic Roles of the Indian Women of the Fox-Wisconsin River Region, 1763-1832," in *Negotiators of Change: Historical Perspectives on Native American Women*, Nancy Shoemaker, ed. (New York: Routledge, 1995), 82-83.

[9] Kerry Trask, Black Hawk: The Battle for the Heart of America (New York: Henry Holt & Company, 2006), 38.

[10] Henry Rowe Schoolcraft, *A View of the Lead Mines of Missouri; Including Some Observations on the Minerology, Geology, Geography, Antiquities, Soil, Climate, Population, and Productions of Missouri and Arkansaw, and Other Sections of the Western Country* (New York: Charles Wiley & Co., 1819), 62, accessed 2/16/2020, https://books.google.com/books?hl=en&lr=&id=f8QJAAAAIAAJ&oi=fnd&pg=PA9&dq=henry+rowe+schoolcraft&ots=8RcjtpFtjD&sig=Ho6rO4xnjMZLUnyldvLQ9S0JrD4#v=onepage&q=henry%20rowe%20schoolcraft&f=false

Schoolcraft because it did not conform to European notions of gender and work, it was actually an extremely sophisticated adaption to the global market for lead. Making use of their traditional notions of gender and labor, the Meskwaki successfully developed technology and work practices that allowed them to mine huge amounts of lead and manufacture much of their own ammunition. The Meskwaki therefore became major players in the Upper Mississippi lead trade and mitigated their dependence on Europeans. Instead of having to purchase ammunition from Europeans, creating bonds of dependency, the Meskwaki developed sophisticated technology and procedures to mine, smelt, and mold lead and successfully utilized the Mississippi River as a connection to a global trade. In doing so, the Meskwaki preserved their independence and made huge profits.[11] It is noteworthy that they did all of this while maintaining their own distinctly Meskwaki traditions and gender norms.

In addition to reflecting traditional gender norms, Meskwaki lead mining also reflected the seasonal nature of traditional Meskwaki life. The Meskwaki economy was based on regular movement. In the spring, they lived in their village, traded with fur traders, buried their dead, and opened their cashes of corn and other foodstuffs from the year before. Around March, the Meskwaki usually removed to their maple sugaring camp where they extracted sweet syrup from maple trees and hunted waterfowl. Upon returning to the village, women would then plant corn and other crops while the men feasted and prepared for the hard labor of hunting that lay ahead. Once the corn was about knee-high, the Meskwaki set off to the hunting grounds or to the lead mines. In many cases, they traveled to both. After the hunting and mining season, they returned to their villages, feasted on dried buffalo, and harvested their corn when it was ripe. In the

[11] Lucy Murphy, "Autonomy and the Economic Roles of the Indian Women of the Fox-Wisconsin River Region, 1763-1832," in *Negotiators of Change: Historical Perspectives on Native American Women*, Nancy Shoemaker, ed. (New York: Routledge, 1995), 82-83.

winters they again left the village to hunt while animals' furs were thickest.[12] Lead mining, sometimes assumed to be an exclusively European practice, had existed among the Meskwaki for decades and was seamlessly incorporated into their seasonal lifecycle to meet growing European demand.

From the very beginning of white-Meskwaki interactions in this region, white prospectors wanted to mine for Meskwaki lead. The Meskwaki recognized the potential for enormous profits in trading lead with the whites and they ramped up their lead mining accordingly, but they were careful to do so in a way that preserved their independence. When describing the mines, Henry Rove Schoolcraft noted several times with evident frustration how determined the Meskwaki were to keep whites out of the mining region. But white miners had, on occasion, worked in or near the mines. The Meskwaki were not afraid to let whites move onto their land if it had the potential to benefit them without endangering their autonomy. In 1788, Julien Dubuque purchased the usage rights to 140,000 acres of the best lead mining land in Meskwaki territory. The modern-day town of Dubuque, Iowa stands roughly where Dubuque lived and worked in the late 1700s and early 1800s.[13]

Dubuque's contract with the Meskwaki is a fascinating negotiation between the Meskwaki and European legal systems. The document says:

> the [Meskwaki], permit Mr. Julien Dubuque, called by the them
> the Little Cloud, to work at the mines long as he shall please, and
> to withdraw from it, without specifying any term to him; moreover,

[12] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 70-80, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493; Lucy Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* (Lincoln, NE: University of Nebraska Press, 2000), 22.

[13] Henry Rowe Schoolcraft, *Narrative Journal of Travels through the Northwestern Regions of the United States: Extending from Detroit through the Great Chain of American Lakes to the Sources of the Mississippi River, Performed as a Member of the Expedition under Governor Cass. In the Year 1820.* (Albany: Printed and published by E. & E. Hosford, 1821), 248, accessed 3/20/2020 https://www.loc.gov/item/rc01001453/.

> that they shall and abandon and to him all the cost and the contents of the mine discovered by the wife of Peosta, so that no white man or Indian shall make any pretention to it without the consent of Mr. Julien Dubuque; and in case he shall find nothing within, he shall be free to search wherever he may think proper to do so. . ."[14]

The contract is written in French and meets the criteria for a binding legal document in the European legal system. But it is not a traditional bill of sale. It "permit[s]" Dubuque the right to "work the mines as long as he shall please," but it does not sell him the land. In European terms, Dubuque was granted usufruct rights or rights of occupancy. He could mine on 140,000 acres of the Meskwaki's best land, but they did not give him permanent title to it. When Dubuque died or moved on, the land would revert to the Meskwaki. This sort of contract reflects Meskwaki notions about ownership and is clearly designed to prevent dispossession. Dubuque was permitted on their land, but only if he lived there on the Meskwaki's terms. The Meskwaki would profit from their relationship with Dubuque, a trader and miner, but they would not give their land away permanently. Dubuque received this privilege because he had married into the Meskwaki trading network. He married into the Meskwaki tribe around 1783 and may have had more than one Meskwaki wife.[15] Dubuque was thought of as a relative. Chief Black Hawk, the famous Sauk war chief, later referred to the Dubuque Mines as "the ground that we had given to our relation Dubuque."[16]

[14] Julien Dubuque's Agreement with the Mesquakie, Prairie Du Chien, 22 September 1788. Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 1.

[15] Thomas Ryder. "Dubuque's Chief Peosta Reburied on River Bluff." Dubuque, IA. *The Dubuque Telegraph-Register*, 5-13-1973, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 1. Rumors about Dubuque's wives abound. Different accounts and local legends give her different names and sometimes suggest Dubuque had more than one wife. Out of respect, I have not attempted to name her in case the information is incorrect.

[16] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 149, accessed 3/7/2020, *https://hdl.handle.net/2027/uc1.$b282493*.

While Dubuque brought some elements of European society with him, he was still very much on Native ground. Dubuque was permitted to use (but not own) the land because he had married into the Meskwaki nation and because his presence would benefit the Meskwaki. This sort of cooperation should not be seen as a sign of Meskwaki weakness or European conquest. On the contrary, it was a sign of Meskwaki power and autonomy. The Meskwaki sometimes intentionally created strategic links with the Europeans because they did not necessarily see them as a threat. A well-regulated mine and trading post run by a European with ties to the Meskwaki like Dubuque had the potential to benefit the Meskwaki by providing them with conduit for trade on the global lead market.

Dubuque, like so many other guests on Native ground, knew he had to contend with a variety of legal systems. After Dubuque had secured access to the land from the Meskwaki, he wrote to the Spanish authorities then theoretically in control of the region to ask for a land grant. The fact that he pursued Meskwaki permission to use the land first reveals who he thought held more power on the ground.

Dubuque wrote to Francisco Luis Hector, the Baron De Carondelet, the governor of Spanish Louisiana from 1791-1797, to request a Spanish land grant to the region he was already mining. Speaking in the third person, Dubuque declared that he "has come to be the peaceable possessor of a tract of on the western bank of the Mississippi, to which he has given the name of the 'Mines of Spain' in memory of the government to which he belonged."[17] Dubuque's request for a Spanish land grant was highly strategic. A Frenchman born in Canada and married into the Meskwaki, Dubuque had little ostensible connection to the Spanish government. Yet he named

[17] Julien Dubuque to Francisco Luis Hector, the Baron De Carondelet, 1797, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 1.

the mines the "Mines of Spain" to curry favor with the governor.[18] Like many French-Canadian traders, Dubuque knew how to speak multiple legal languages. He negotiated one deal with the Meskwaki on their terms and then sent a cleverly worded appeal to the Spanish on their terms. Dubuque received a land grant from the Spanish Crown, giving him at least some claim to both Indigenous and European rights to mine the land. Lucy Murphy, a historian of the Fox-Wisconsin Riverway, argues that the term "Mines of Spain" was a very misleading. She calls Dubuque's settlement a "small Creole community." In Murphy's usage, "Creole" refers to old fur trade families that often included mixed-ancestry peoples with some French heritage. Dubuque had a Meskwaki wife, regularly employed several mixed-ancestry people and Natives, and he actually purchased much more lead from Meskwaki miners than he dug himself.[19] His estate included a farm, a trading post, a mill, and materials for smelting lead.[20] While the name "Mines of Spain" seems to indicate that Dubuque's estate was some sort of Spanish outpost, this could not be further from the truth.

Years later, Julien Dubuque would be used to create a founding myth for the white population in northeastern Iowa. Julien Dubuque undoubtedly brought new cultural knowledge and different experiences, altering the landscape through the "small Creole community" he built and the trade he took part in, but he did so on the Meskwaki's terms. The Meskwaki skillfully used intermarriage and interaction with whites in order to facilitate their own growth. Trade,

[18] "To The Public," *Missouri Gazzette and Public Advertiser*, St. Louis, Missouri, September 19, 1811, accessed 4/19/2020, https://www.newspapers.com/image/249511320/?terms=Dubuque; Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926), 14, accessed 3/15/2020, http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Wisconsin/_Texts/MAHOFC/home.html.

[19] Bills of Sale from the Julien Dubuque Estate, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 4; Lucy Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* (Lincoln, NE: University of Nebraska Press, 2000), 88-94.

[20] Inventory of the (Personal) Property of the Deceased Julien Dubuque, June 17, 1810, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 6.

intermarriage, and cultural mixing did not necessarily mean dependence. The Meskwaki used all three of these processes to their own advantages. They intentionally helped to create intercultural zones like Dubuque's mines that helped connect them to global trade markets as long as they did not endanger Meskwaki sovereignty.

Dubuque developed a thriving business. His personal papers include hundreds of bills of sale, indicating he had lots of business selling lead and furs.[21] To service his thriving business, Dubuque built a large estate for himself, his family, and likely for some of the miners who either temporarily or permanently made their home in his "small Creole community." Dubuque lived in a large home furnished with a painted armoire, a walnut table, and a pedestal table. At the time of his death, auditors noted he had 45 plates, 18 coffee cups, and eight goblets. In addition to his furnishings, Dubuque owned many books and apparently was an avid reader. He had eight volumes on science and government, works of Montesquieu in two volumes, a dictionary of arts and trades in five volumes, five volumes of Jewish literature, three more dictionaries, and thirty-six additional volumes on varying subjects.[22] Dubuque's lifestyle and material wealth reflects his location. The Mississippi River allowed enterprising traders and businessmen to travel from the Great Lakes to the Gulf of Mexico.[23] Dubuque was able to buy all sorts of goods that were manufactured in Europe because he had easy access to the global market through the Mississippi River. He was connected to a stream of goods from the American interior through the fur trade,

[21] Bills of Sale from the Julien Dubuque Estate, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 4

[22] Inventory of the (Personal) Property of the Deceased Julien Dubuque, June 17, 1810, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 6.

[23] Susan Sleeper-Smith has clearly shown that the Ohio Valley was much more cosmopolitan and connected than was long thought. Julien Dubuque and the Meskwaki benefitted from the same waterways and trade connections as the Miami and other peoples she describes. See Susan Sleeper-Smith*, Indigenous Prosperity and American Conquest: Indian Women of the Ohio Valley, 1690-1792* (Chapel Hill: Omohundro Institute of Early American History and Culture and the University of North Carolina Press, 2018), 7.

goods from Europe via the Mississippi, and his books indicate he was even engaged with the Enlightenment and European philosophy. The Meskwaki in general enjoyed a similar strategic position. They were well-connected to various avenues of trade.

In addition to a thriving business trading and selling lead, Dubuque was also a fur trader. It is unlikely that he hunted himself. Instead, he probably purchased pelts from the Sauk and Meskwaki and then traded them to other fur traders or Natives who either lived across the Mississippi or were traveling up or down the river. At the time of his death, Dubuque had over 650 pounds of Muskrat pelts, 34 pounds of beaver pelts, and over 400 pelts of various big cats in a cave near his house.[24] Dubuque used his local Indigenous connections to his advantage, trading and mining where no other white people were yet allowed because he had married into the Meskwaki trade network. Dubuque was living on what Kathleen DuVal would call Native ground—land that Native people still claimed as their own that was not subject to compromise or conciliation with the European settlers.[25]

Julien Dubuque's place in the local social hierarchy should not be misrepresented. Dubuque made a living for himself by joining Meskwaki society and taking part in Meskwaki lead mining. He was not the only lead miner in the region. The Meskwaki continued to mine much more lead themselves than Dubuque ever extracted at the Mines of Spain. Dubuque's mines are not an example of Natives adopting Western practices so much as an example of the Meskwaki adding to their own tradition of lead mining. They used a traditional practice of lead mining to adapt to a changing world while maintaining their own traditional gender roles and

[24] Ibid.

[25] Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006), 5.

norms throughout the process. They also successfully limited white prospectors' access to their valuable lead mines and granted relatives like Dubuque restricted access.

While Julien Dubuque appeared to be running a successful business, he remained a debtor for his entire adult life. When Dubuque died in 1810, an audit found that his estate included $10,887.50 in assets and $15,883.93 in debts.[26] Most of Dubuque's debts were owed to the influential fur trader Auguste Chouteau of St. Louis. Chouteau quickly claimed the entire Mines of Spain as payment for the extant debts, but the Meskwaki did not allow him or his representatives to use the Mines of Spain. Recalling that they had only given the land to Dubuque for as long as he lived, the Meskwaki refused to let Chouteau repossess the land in an important defense of their sovereignty. They even went so far as to burn down Dubuque's estate.[27] The reclamation of Julien Dubuque's land is an important moment in Meskwaki history. They demonstrated that they still owned the land and had no intention of bowing to the whims of the pushy Auguste Chouteau. The Meskwaki demonstrated control over their land and their ability to dictate the terms of their arrangement with Dubuque, both before and after his death.

Dubuque was not the last European man to be allowed into the Meskwaki lead mines. On the Wisconsin side of the Mississippi River, several whites obtained limited access to the mines through their Meskwaki wives and some of them brought their black slaves with them. The 1830 census shows that twenty-one black slaves and twenty-seven free blacks lived in the region.[28] For a while, the lead region, especially on the Wisconsin side of the river, became an

[26] Dubuque Estate Audit from Charles County in Missouri Territory, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 3.

[27] Thomas Augue, "The Life and Times of Julien Dubuque," *The Palimpsest* 57, no. 1 (1976): 5, 10, accessed 4/12/2020, *https://ir.uiowa.edu/cgi/viewcontent.cgi?article=4520&context=palimpsest*.

[28] Lucy Murphy, "Autonomy and the Economic Roles of the Indian Women of the Fox-Wisconsin River Region, 1763-1832," in *Negotiators of Change: Historical Perspectives on Native American Women*, Nancy Shoemaker, ed. (New York: Routledge, 1995), 83.

extremely diverse intercultural zone still dominated by the Meskwaki. Meskwaki women, white men and possibly their Meskwaki wives, and black men, either slaves or free, all worked in relatively close proximity to one another. Meanwhile, with the exception of Dubuque, the Meskwaki continued to mostly restrict all European access to the mines on the western side of the Mississippi River. The Meskwaki skillfully negotiated this complicated ethnic situation by generally limiting access to the mines to miners who had married into the Meskwaki nation and keeping access to the mines on the west side of the Mississippi more limited.

The comparative success of the Meskwaki in policing their own land is highlighted by the events that transpired across the Mississippi in the Ho-Chunk lead mines. The Ho-Chunk had lived in the region much longer than the Meskwaki—according to their own histories, they have lived on the east side of the Mississippi in what is now Wisconsin forever. Like the Meskwaki, the Ho-Chunk had a long history of lead mining. They also incorporated lead mining into their traditional societal norms and carried on an extensive lead trade with Europeans.[29] The Ho-Chunk were initially more welcoming to American prospectors and lacked the barrier of the Mississippi River to protect them from the onslaught of settlers. White prospectors poured into the region in the 1800s. Many set up mines and worked illegally on Ho-Chunk lands. One such prospector was William Hamilton, Alexander Hamilton's son.[30] Mining towns like Galena, Illinois sprung up on Ho-Chunk land as the influx of prospectors grew and grew. The Ho-Chunk struggled to regulate these incoming prospectors in the way that the Meskwaki handled men like Dubuque. In 1826, the Ho-Chunk lashed out at American prospectors. A white man from Prairie

[29] Libby Tronnes, "Corn Moon Migrations: Ho-Chunk Belonging, Removal, and Return in the Early Nineteenth-Century Western Great Lakes" (Ph.D. diss, University of Wisconsin, 2017), 30-31.

[30] Bethel Saler, *The Settler's Empire: Colonialism and State Formation in the Old Northwest* (Philadelphia, PA: University of Pennsylvania Press, 2015), 151-153.

du Chien was killed, his death was attributed to the Ho-Chunk, and a brief war broke out. The Americans typically referred to the Ho-Chunk as the Winnebago, and the ensuing conflict was known as the Winnebago Outbreak. It was brief and bloody. A couple of settlers were killed, and U.S. troops were quickly sent to the region.[31]

Given their similar interests in lead mining, one might expect that the Meskwaki and perhaps even the Sauk would have supported the Ho-Chunk, but this sort of an alliance was nearly impossible. Years before, during the Fox Wars, the Ho-Chunk had sided with the French in their effort to kill of the Meskwaki. This turned the Ho-Chunk and Meskwaki into mortal enemies. Tensions had cooled somewhat by the 1820s, but the Meskwaki and Ho-Chunk were still not on friendly terms. This was probably why the Meskwaki did not send aid to the lead miners across the river.[32]

The Ho-Chunk eventually surrendered, and the General Henry Atkinson announced that American prospectors could now help themselves to the lead between the Galena River and the Wisconsin River. The Winnebago Uprising was over and the Ho-Chunk lead mines had now become American lead mines.

The Meskwaki had always mined some lead on the Wisconsin side of the river, and they lost these lands as a result of the Winnebago Uprising. The region's Indian agent or federal representative to the Native Americans, Thomas Forsyth, reimbursed some of the Meskwaki pushed off their land, but he generally upheld the prospectors' rights to land east of the

[31] Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926), 104-118, accessed 3/15/2020, http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Wisconsin/_Texts/MAHOFC/home.html.

[32] John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War* (Cambridge, MA: Harvard University Press, 2009), 16-24, 77.

Mississippi. Even so, the Meskwaki successfully defended their sovereignty over most of the lead mines west of the Mississippi all the way through 1832.[33] They continued to carry on a highly profitable trade with other Natives and white colonists and often manufactured their own bullets. The influx of prospectors greatly changed the landscape. The population diversified and the number of mines on the east side of the river proliferated. Pressure on the Meskwaki to move grew, but they continued to skillfully adapt to their surroundings.

If not for the Black Hawk War of 1832, it is entirely possible that the Meskwaki could have continued to carry out a thriving business much longer. Years later, Black Hawk, the Sauk War Chief who had initiated the war, seemed to acknowledge some culpability in the destruction of the Meskwaki lead mines in his autobiography. In his book, he recalled visiting the lead mines during the War of 1812 and mentions in passing that "they had nothing to do with the war." He may be referring to the War of 1812 or more generally arguing that the Meskwaki who worked the mines had nothing to do with the events that followed, including the Black Hawk War.[34]

After the Black Hawk War, the American Government claimed all of the land in eastern Iowa. It was called the Black Hawk Purchase, and settlers quickly flooded into the region. Meskwaki dominance in the lead mining region was at an end. Nevertheless, the legal intelligence of the Meskwaki was made only more evident as the years passed. Auguste Chouteau, the man the Meskwaki had prevented from claiming Dubuque's Mines after Dubuque's death, thought he would finally be able to acquire the rich lead mines now that the

[33] Lucy Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* (Lincoln, NE: University of Nebraska Press, 2000), 103-105.

[34] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 55, accessed 3/7/2020, *https://hdl.handle.net/2027/uc1.$b282493*.

Meskwaki were being removed. But it was not that simple. Other settlers challenged that, since Dubuque had only ever had usufruct rights to the land he mined, Chouteau could not legally claim them now that he was gone. The middle ground contract that Dubuque and the Meskwaki had signed was now subjected to American legal scrutiny. Had Julien Dubuque ever owned the land he mined? In some ways the question was really whether or not the Meskwaki terms to the deal held up under scrutiny in U.S. courts.

Chouteau was determined to get his hands on the Mines of Spain. Dubuque had lived and worked on 140,000 of extremely valuable land that bordered the important Mississippi River and contained large reserves of lead. This was top-dollar real estate that promised to grow in value as Mississippi River traffic grew and more and more settlers moved west of the Mississippi. A wealthy fur trader with connections, Chouteau hired the famous Daniel Webster in 1853 to serve as his attorney in this case. Until the year before, Webster had been working as Secretary of State in the Millard Fillmore Administration. Webster was a lawyer, congressman, and writer of great renown in the United States, and Chouteau's decision to employ him demonstrates his determination to win the case. Webster argued that the Spanish land grant Dubuque had received from Francisco Luis Hector, the Baron De Carondelet clearly certified his legal title to the region. It was on the basis of this land grant rather than the Meskwaki contract that Webster believed the case should be judged. Webster correctly pointed out that other Spanish land grants in Iowa and elsewhere had been ruled as conveying valid title to settlers and asserted that this case should be no different.[35]

[35] "Opinion" of Daniel Webster, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 4.

The case, eventually named *Chouteau vs. Molony*, made it all the way to the U.S. Supreme Court in 1853. Justice James Moore Wayne presented the opinion of the Court. He said the issue at hand really was what sort of right to the land Dubuque had been granted by the Meskwaki and then the Spanish Crown. As Justice Wayne summarized, "Was the grant which the Baron de Carondelet made to Julien Dubuque a complete title, making the land private property, and therefore excepted from what was conveyed to the United States by the Treaty of Paris of the 30th April, 1803?"[36]

In order to answer this question, Justice Wayne went back to the original contract between Dubuque and the Meskwaki. The deal did not, in fact, explicitly sell the land to Dubuque. It stated:

> [T]he Foxes, permit Mr. Julien Dubuque, called by the them the Little Cloud, to work at the mine as long as he shall please, and to withdraw from it, without specifying any term to him; moreover, that they shall and abandon and to him all the cost and the contents of the mine discovered by the wife of Peosta, so that no white man or Indian shall make any pretention to it without the consent of Mr. Julien Dubuque; and in case he shall find nothing within, he shall be free to search wherever he may think proper to do so, and to work peaceably without anyone hurting him, or doing him any prejudice in his labors.[37]

Wayne determined that it was pretty clear that this deal gave Dubuque usage rights to the area for mining purposes, not permanent title to the land. He pointed out that Meskwaki villages continued to exist within Dubuque's 140,000 acres throughout his time there. It is not really plausible to believe that the Meskwaki intended to deed their villages over to him. It is also worth noting that the treaty gave Dubuque the right to look elsewhere if he did not find any lead and no specific landmarks or area for the so-called mines was ever officially laid out. This made it

[36] *Chouteau v. Molony,* 57 U.S. (16 How.) 203 (1853)

[37] Julien Dubuque's Agreement with the Mesquakie, Prairie Du Chien, 22 September 1788. Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 1.

impossible to quantify as private property in the European sense. Justice Wayne pointed out that "Without having a given depth, the tract could not have been surveyed as to quantities of boundaries. On that account it would, under the Spanish law as well as our own, have been void for its uncertainty." It certainly did not look like a conventional land sale.[38]

Because the Meskwaki had so expertly crafted the contract, it was easy for a Supreme Court justice sixty years later to see that they had never intended to give Dubuque full title to his land. Like many other Indigenous groups throughout history, the Meskwaki expertly used the European legal system to their own advantage.

Wayne also pointed out that it was illegal under Spanish law for settlers to buy occupancy rights from Natives and that the Spanish land grant had never been directly approved by the King of Spain. In short, he determined that there was no reason to think Dubuque had ever owned anything but usufruct rights that had been guaranteed in his contract with the Meskwaki and agreed to by the Spanish when they approved his claim. Thus, Chouteau could not claim the Julien Dubuque estate.[39]

While the *Chouteau v. Molony* case may seem to be an unimportant bit of legal history, it actually demonstrated the enduring power of the Meskwaki. The Meskwaki skillfully created a contract between themselves and Julien Dubuque that adhered to their own traditions while also abiding by U.S. law. They designed this contract so well that, even sixty years later at the high point of Indian removal and anti-Native racism, the Supreme Court of the United States ruled that

[38] *Chouteau v. Molony,* 57 U.S. (16 How.) 203 (1853)
[39] *Chouteau v. Molony,* 57 U.S. (16 How.) 203 (1853)

it was legal and binding. This is a testament to both the Meskwaki's power to remain as well as their creative adaptability to a changing world.

Julien Dubuque was really only a minor character in the broader story of Meskwaki power and lead mining, but he has often been remembered at the Meskwaki's expense. Today, visitors to northeastern Iowa find the Julien Dubuque Monument amidst the rolling hills. The monument's design is visually striking.



The monument, with its late Gothic revival style and medieval pretentions as well as the reference to the "Mines of Spain," seems to suggest that the region has a secret, distant past. It adds the allure of the ancient to an otherwise bucolic landscape. A tombstone nearby denotes the final resting place of Julien Dubuque, "miner of the Mines of Spain and founder of our city, died March 24, 1810." Dubuque is portrayed as the founder of white society in Iowa. The monument

is visually arresting and has captured the imagination of many a passerby. There is only one problem: It is not even remotely historically accurate.

Built in 1897, the Julien Dubuque Monument was added to the National Register of Historic Places in 1988, but the reasons it qualified point to the monument's confusing, misleading relationship to the past. When they applied for recognition as a historical site, the city of Dubuque suggested the monument had historical significance because it fit the category of "The Commemorative Monument: an Expression of Boosterism." The application says this sort of boosterism in monuments was an "antiquarian phenomenon between approximately 1870-1940."[40]

In their application, the city of Dubuque admitted that its medieval design had absolutely nothing to do with Julien Dubuque himself. In fact, though loosely based on reality, the monument was not really about preserving history at all. On the contrary, it was an example of boosterism. In the late nineteenth century, an era of industrialization and rapid change, the future seemed uncertain. The past offered people something firm they could hold on to amidst uncertain times. Monuments sprang up all over the country. Oftentimes, the focus was less on truly understanding or remembering the past than on creating a narrative about the past that helped the world make sense in the present. In other words, the Julien Dubuque Monument was deemed a national historic place precisely because it was inaccurate and misrepresented the past for presentist purposes.[41]

[40] National Register of Historic Places Registration Form for the Julien Dubuque Monument, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 1. The 1893 Wounded Knee monument erected by the 7th Cavalry is another example of this phenomenon. See David Grua, *Surviving Wounded Knee: The Lakota and the Politics of Memory* (Oxford: Oxford University Press, 2016).

[41] National Register of Historic Places Registration Form for the Julien Dubuque Monument, Julien Dubuque Collection, Loras College Center for Dubuque History, Folder 1.

Julien Dubuque's story is not really about European civilization at all. Dubuque married into and joined Meskwaki civilization. Dubuque's Mines were part of an already thriving Meskwaki society. They were skillfully adapting cultural practices of lead mining, travel, trade, and gender norms to a changing landscape. Dubuque's Mines were the latest addition to their growing sphere of influence on the Mississippi and an important trade conduit with European outsiders.

It is the Meskwaki who should be memorialized. The advanced system of mining and trade on global markets that the Meskwaki developed in the region is the bigger, more important story. The Meskwaki did not engage in "statecraft" in the Weberian sense, but, before the state of Iowa was even an idea in anyone's mind, they built a sophisticated power structure on the western side of the Mississippi River. Lead mining was one of the cornerstones of Meskwaki power, allowing them to skillfully integrate into Western markets while maintaining their own cultural norms and traditions. Meskwaki adaptability manifested itself in other ways as well. The next chapter will deal with another example of the Meskwaki's strategic engagement with the outside world: the so-called "Iowa Half-Breed Tract."

Chapter 2: "Our Traders": The Story of the So-Called "Half-Breed Tract"

The Treaty of 1824 between the United States and the Sauk and Meskwaki peoples ceded all Sauk and Meskwaki territory in what is now Missouri to the United States in exchange for a one-time payment of $1,000 and an annuity of $500 per year for the next ten years. The U.S. also promised to furnish the Sauk and Meskwaki with a blacksmith, cattle, and agricultural implements. Most of the treaty seems like another unremarkable example of the "pen-and-ink witchcraft" of treaty-making that was such a common part of American expansion.[1] A closer reading reveals that the end of Article 1 is a bit more unusual:

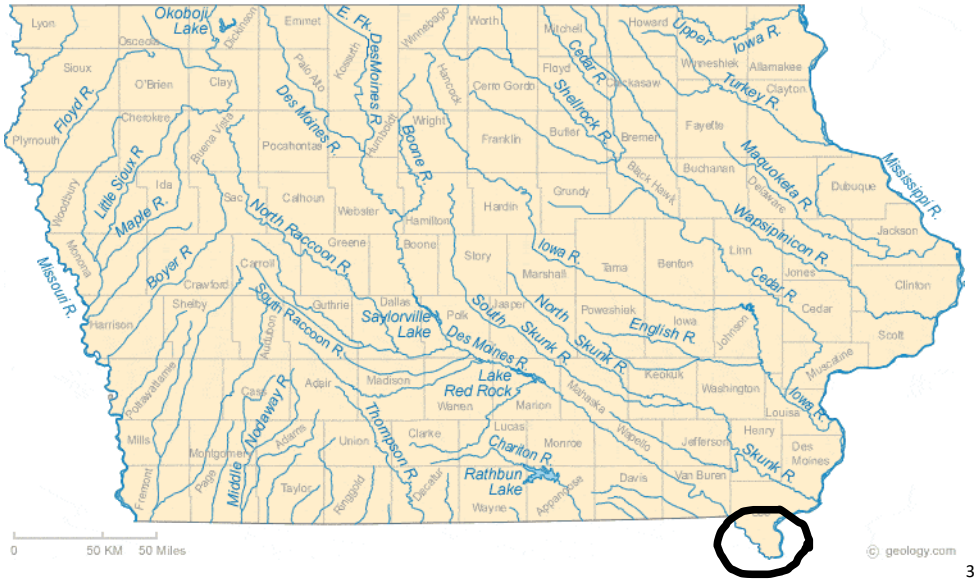
> It being understood, that the small tract of land lying between the rivers Desmoin and the Mississippi, and the section of the above line between the Mississippi and the Desmoin, is intended for the use of the half-breeds belonging to the Sock and Fox nations; they holding it, however, by the same title, and in the same manner, that other Indian titles are held.[2]

In addition to its more "typical" contents, the Treaty of 1824 also created a reservation for the so-called "half-breeds belonging to the Sock and Fox nations." They would hold occupancy rights to the reservation in "the same manner that. . .other Indian titles are held." Legally speaking, this reservation was the same as any other. This unusual (although not completely unique) reservation would come to be known by the racist moniker of the "Iowa Half-Breed Tract." It was to be located between the Des Moines and Mississippi rivers in what is now Lee County, IA. It is

[1] Colin Calloway, *Pen and Ink Witchcraft: Treaties and Treaty Making in American Indian History* (Oxford: Oxford University Press, 2013).

[2] "Treaty with the Sauk and Foxes, 1824" in Charles J. Kappler, *Indian Treaties: 1778-1883* (New York: Interland Publishing, Inc., 1972), 207.

easy to find on a map because, unlike the rest of southern Iowa, which is an unbroken line at a right angle from Missouri, the former "Half-Breed Tract" juts out like a peninsula below the Missouri border. Due to the extremely racist nature of the reservation's name, I will generally refer to it as the "Tract."



[3]

The Tract was short-lived, and although it spawned two other similar reservations in Minnesota and Nebraska, it remains an unusual phenomenon in American history. It was reservation designed for mixed-race people created long before the use of blood quantum and even before the Indian Removal Act (1830). So what are we to make of the Tract?" Why was it created? Why did it ultimately fail? Perhaps more importantly, what can it tell us about the early history of Indian removal and the Sauk, Meskwaki, and French people who forged it? This chapter will seek to answer those questions and argue that that the Tract represents a creative way the Sauk and Meskwaki sought to adapt to the ever-changing political realities of the Upper

[3] The Half-Breed Tract was located between the Des Moines and Mississippi Rivers and south of the Sullivan Line that demarcated the southern border of the rest of Iowa. From "Iowa Lakes, Rivers, and Water Resources," Geology.com, accessed February 13, 2019, https://geology.com/lakes-rivers-water/iowa.shtml.

Mississippi River Region. Contrary to initial appearances, the tract was, or at least was intended to be, Native ground.[4] The rise and fall of the Tract also gives us insight on to the relative power of the Meskwaki, the federal government, and extralegal squatters in a region that, in the 1820s and 1830s, was very far from Washington City.

The region that would become this unique reservation included 119,000 acres between the Des Moines River on the west side, the Mississippi River on the east side and the "Sullivan Line"—the line drawn by American surveyor John Sullivan in 1816 which serves as the border for the rest of Missouri and Iowa—in the north.[5] Of course, this region was not Iowa or a reservation before the 1800s. In order to avoid colonial terms that came into use later, I will refer to it as the Mississippi-Des Moines Confluence. Because of its strategic location between two major rivers it has been a prime spot to live and trade for centuries. Native people have been coming and going from the Des Moines-Mississippi Confluence since long before white settlers arrived in the area. It's strategic location between the Des Moines and Mississippi Rivers made it an important fur trade hub and provided easy transportation. The Meskwaki and their Sauk allies predominated in the region when American settlers began to burst on to the scene, but, as discussed in the previous chapter, they were relatively recent arrivals themselves.

Despite their history of war with the French, the Meskwaki had long traded with French *coureurs du bois* or unlicensed traders who made a living trading illegally with Natives. These

[4] Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006).

[5] For the boundary, see "Map showing the Disputed Boundary of Missouri and Iowa [with relative positions of the lines in dispute]. Executed under direction of the Commissioner on the part of the United States." Cartographic Records (Part 1), Iowa Territorial Papers, Microcopy No. 325. Roll No. 31, target 56, entry 36. University of Northern Iowa, F.616.T4; "Boundary of Missouri and Iowa [to accompany H.R. bill No. 11]" The David W. Kilbourne Papers, Box 28, The State Historical Society of Iowa in Des Moines, N16/9/6-9; N16/8/1-2; for information on the Sullivan Line, see Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 224-225., The State Historical Society in Iowa City, MS BL241 f.12.

relationships continued in the Des Moines-Mississippi Confluence. French traders, mostly unlicensed, quickly flocked to the region. In 1799, the Spanish Crown commissioned the aforementioned Louis Honori to work as a fur trader in the Confluence. He received title to a plot of land and was instructed to "watch" the local Natives and "keep [the Sauk and Meskwaki] in the fidelity which they owe to his majesty."[6]

Honori's commission was misleading. Although his he lived on his land grant continuously for 25 years, it is unlikely that he "watch[ed] the Indians" or kept "them in the fidelity" they supposedly owed the King of Spain.[7] Spanish fur traders were often little more than entrepreneurs. They certainly influenced Indigenous cultures, but, especially in distant regions like the Confluence, they wielded little if any authority. The Meskwaki kept traders like Honori around because they saw them as ways to acquire valuable resources. Unlike Honori, most of the traders in the Confluence were unlicensed *coureurs du bois*. Most *coureurs du bois* were French, even after the Spanish assumed control of the Louisiana Territory. *Coureurs du bois* were oftentimes much more successful at profiting from their interactions with Natives than licensed traders. In 1729, Etiene De Perrier, the governor of Louisiana, described *coreurs du bois* as people "who work their trade only because they want to be their own masters and who would easily withhold their obedience from the King if we were not prepared to repress them."[8]

Oftentimes, the state was not prepared to repress them and these extralegal traders went about their business in the Louisiana borderland without paying taxes or following government

[6] *Marsh v. Brooks*, 49 U.S. 223 (1850). A copy of the land grant also appears in its entirety in A.R. Fulton, *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes* (Des Moines: Mills & Company, Publishers, 1882), 407-409. Mention of the Honori Tract is also made in the William Clark papers. See William Clark Papers St. Louis Superintendency of Indian Affairs, Roll #1 Vol. 1. MS-0094, 25.

[7] Marsh v. Brooks, 55 U.S. 14 How. 513 513 (1852)

[8] Kathleen Duval, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006), 88.

regulations on trade. One such trader named Lemoliese likely settled in the Confluence around the same time as Honori, only without an official land grant. He founded a trading post in the southern part of the Confluence that would later be called Sandusky. Years later, settlers would recall that Native traders frequented Lemoliese's post.[9] Isaac R. Campbell, an early settler of the region, speculated that Lemoliese may actually have been the first European to settle in the region.[10]

Maurice Blondeau, a half-Meskwaki trader who made his living as a farmer, trader and interpreter, moved into the region sometime in the early 1800s.[11] A Frenchman named Denis Julien settled in the Confluence in 1805 and established a trading house.[12] It is highly probable that many more *coureurs du bois* passed through or settled in the region, but their presence was not recorded. One problem with tracing extralegal people like Lemoliese or other *coureurs du bois* is their lack of a paper trail. Their freedom from government oversights like taxes made them invisible in state records. Like many other people throughout history, they may have even preferred this sort of life, unconstrained by some of the high modernist efforts of their own

[9] "Trader Established Post on Sandusky Creek During 1820." *Gate City and Constitution-Democrat* (Keokuk, IA). Friday, September 6, 1946.

[10] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co." *The Annals of Iowa* 3 (1867): 883. This is a reprint of a primary source.

[11] Capt. J. W. Campbell. "Old Settlers." *The Daily Gate City* (Keokuk, IA). Saturday, September 18, 1875**.** Captain Campbell, who was a child in the early days of white settlement in the Confluence, recalls Blondeau as a "jolly good Frenchman, weighing considerably more than two hundred pounds" and a local favorite of whites and Indians alike. See also Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 151-152., The State Historical Society in Iowa City, MS BL241 f.12; Blondeau is described as the American interpreter in the region in several newspaper articles. See "From Missouri," *Pennsylvania Gazzette*, Philadelphia, PA, November 10, 1813, Newspapers.com, https://www.newspapers.com/image/41024552/?terms=Blondeau and "St. Louis, Feb. 14," *Lancaster Intelligencer*, Lancaster, PA, March 25, 1815, https://www.newspapers.com/image/556550844/?terms=Blondeau.

[12] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.", *Annals of Iowa* 1867, no. 3 (1867), 885.

nations. The *coureurs du bois* fit well into James C. Scott's model of the center and the periphery in *The Art of Not Being Governed*.[13]

Many early fur traders in the Confluence married Native women. Lemoliese married a Native woman.[14] Maurice Blondeau, himself of mixed race, married Peeavie, a Sauk or Meskwaki woman. John W. Johnson, an American trader, married Tapassia, a Sauk or Meskwaki, and had three mixed-race daughters named Eliza, Mary, and Rozella. Samuel Muir, a Scotsman by birth, married Mawwayquoi and had three mixed race children, Louisa, James, and Jane.[15]

The Meskwaki and Sauk remained the dominant powers in the region. French traders like Lemoliese and Maurice Blondeau were allowed to live on their turf because they made valuable trading partners. This relationship was analogous to the one between Julien Dubuque and the Meskwaki a few miles north in the lead region.

The Meskwaki and their allies the Sauk still dominated the region and the traders succeeded because they played by Meskwaki rules, intermarrying into Sauk or Meskwaki trade networks and respecting Native customs. The Europeans brought new practices, norms, and traditions to the region, but they were certainly living on Native ground. Writing about this time

[13] James C. Scott, *The Art of Not Being Governed: An Anarchist History of Southeast Asia*. (New Haven, CT: Yale University Press, 2009).

[14] Thomas Forsyth to William Clark, June 10, 1830, William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 6. Volume 32, MS 0099 Kansas Historical Society, Topeka, Kansas. See also Campbell, "Recollections of the Early Settlement of Lee Co," 883; B.L. Wick, "The Struggle for the Half-Breed Tract," *The Annals of Iowa* 7, no. 1 (1918): 18-19 ; Jacob Van Der Zee, "The Half-Breed Tract," *The Iowa Journal of History and Politics* 13, no. 2 (April 1915): 151-152; Carl Knoepfler, "The Half-Breed Problem," 36-38.

[15] Thomas Forsyth to William Clark, June 10, 1830, William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 6. Volume 32, MS 0099 Kansas Historical Society, Topeka, Kansas. The same letter also appears in Thomas Forsyth papers, Lyman Draper Manuscripts microfilm, 2T, pp. 21-23, State Historical Society of Wisconsin, Madison.

period, Black Hawk, a Sauk War Chief said, "At this time, we had very little intercourse with the whites, except our traders."[16] Black Hawk's use of the phrase "our traders" is important.

Coureurs du bois in regions like the Des Moines-Mississippi Confluence were viewed as separate from other Europeans. They were part of the Sauk or Meskwaki trading network. The presence of white traders certainly reshaped the social and economic landscape, but it did not dislodge the Meskwaki from their commanding position in it. In this sense, the fur trading community that developed in the Des Moines-Mississippi Confluence was similar to the Mines of Spain. Black Hawk would probably have considered Julien Dubuque one of "our traders" as well. These were people who had married into Meskwaki trade networks and had essentially become components of the Meskwaki economy and society. Like the Mines of Spain, Julien Dubuqu's intercultural community on Native ground, the Confluence was still very much Native ground. It was populated by people loyal to the Meskwaki while also giving the Meskwaki a crucial conduit for trade with Europeans. The fur trading community in southeastern Iowa was in many ways a counterpart to the Mines of Spain in northeastern Iowa.

The community that developed in the Confluence was mostly made up of French fur traders (with a few exceptions) who married into Sauk or Meskwaki families and used their trading connections to straddle the Sauk, Meskwaki, and white worlds. According to John W. Johnson, one of the first Americans to move into the region, there were between thirty-five and forty mixed-race families. He made a list that mostly includes the male members of these families, but the Native wives no doubt often formed the cornerstone of Confluence families.

[16] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 70-80, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493. This quote also appears in Lucy Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* (Lincoln, NE: University of Nebraska Press, 2000), 71.

They were essential both because of the commercial connections they could provide to Indigenous trade networks and as interpreters/cultural interlocuters. It is notable that very few white men without Native wives resided in the Confluence before 1824, indicating that this was probably the reason many male traders were allowed to stay. While not all of their names were recorded for posterity, these Native women were crucial to the trading community that made up Black Hawk's "our traders."[17]

Lemoliese's wife offers an excellent example of the important intercultural role these Native women often played. While her name has not been recorded, she was known as an "amiable and exemplary woman." When in the company of white guests, she would often "array herself in the costume of a white woman, including gown, bonnet, and shoes." When with other Natives, she would dress instead "in the most gaudy styles of her native costume, this being more congenial to her taste."[18] Lemoliese's wife transitioned freely and easily between both cultures and helped her husband build strong trading connections with all parties. Maurice Blondeau's mixed-race family seems to have been equally adept at moving between cultures. According to Caleb Atwater, Blondeau's mixed-race daughters were "well educated, well read, and accomplished young ladies." Their education and manners impressed white men while they remained close with their Native relatives and trading partners. Writing in 1831, before mixed-race status became stigmatized, Atwater said that mixed-race women "make excellent wives, and

[17] John W. Johnson's list includes mostly men but a few women and can be found in John W. Johnson et al To the Honorable Senate and House of Representatives, August 25, 1829, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6. Volume 26-33. MS 0099, Kansas Historical Society, Topeka, Kansas. Here are the heads of household he included: Russel Farnham, Maurice Blondeau, Victor Blondeau, Madam Gainville, Battis Samuel, James Campbell, Elizabeth Hunt, Maria Barnappe, John Connolly, Betsy Fanar, Antoine Le Claire, Pier Lauvier, Francis Provats, Maria Antaya, Stanige Powers, Chryston Antaya, Antony Bell, Pier Cardinal, Charles [unclear] Jr. , Isaac Antaya, Elisabeth Horronica, and Francis Mombread

[18] A.R. Fulton, *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes* (Des Moines: Mills & Company, Publishers, 1882), 362, State Historical Society of Iowa in Iowa City, E18.16F9.

many of their children are beautiful." He commended their skills as cooks, homemakers and cultural negotiators. While Atwater's analysis was certainly tinged with 1830s sexism, it was also clear that he acknowledged the essential role women played in intercultural zones like the Des Moines-Mississippi Confluence.[19] It is highly likely that many of the traders' Native wives played essential functions in their personal and business endeavors. In many cases, it was only because of their wives that fur traders became successful. Since Native trade was often defined by kinship, fur traders often made a great effort to become kin.[20]

In 1805, Zebulon Pike documented the interesting intercultural world that had developed along the shore of the Mississippi River along the Confluence. Thomas Jefferson sent Pike on a special mission to find the source of the Mississippi River. Pike's voyage was part of Jefferson's larger ambition to explore the newly purchased Louisiana Territory. Shortly after the much more famous Louis and Clark expedition headed west, Pike traveled north on the Mississippi from New Orleans on a similar mission of exploration. On August 20, Pike and his men passed over the Rapids "De Moven" or Desmoines in what is now southeastern Iowa.[21] The Mississippi River Rapids no longer exist. They were first circumvented by a canal in 1877 and then made completely obsolete by the creation of Keokuk Lake in 1913, but, on that summer day in 1805, they presented a formidable obstacle to Pike and his expedition.[22] As Pike's tired men rowed over the first and most formidable round of rapids, they were met by a curious party. An

[19] Caleb Atwater, *Remarks Made on a Tour Made to Prairie Du Chien; Thence to Washington City in 1829* (Columbus, Ohio: Isaac N. Whiting, 1831), 59, 114.

[20] Susan Sleeper-Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (Amherst: University of Massachusetts Press, 2001), 19. See also Lucy Eldersveld Murphy, *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie Du Chien, 1750-1860* (New York: Cambridge University Press, 2014), 33.

[21] Zebulon Pike, *The Expeditions of Zebulon Montgomery Pike, to the Headwaters of the Mississippi River, Through Louisiana Territory, and in New Spain, During the Years 1805-6-7* (New York: Francis P. Harper, 1895), 13-14.

[22] The Iowa Writer's Program of the Works Progress Administration, *Lee County History* (The Works Progress Administration, 1942), 19-20, State Historical Society of Iowa in Iowa City, F627.L4185.

American man, his "French interpreter," and around fifteen Sauk rowed out to meet them, flying an American flag. Pike's party was nearly 900 miles from Washington City in territory still controlled by the local Sauk and Meskwaki tribes and yet he was met by an American, a Frenchman, and several Sauk.[23] While the presence of two white men in what would later become Iowa so early in the nineteenth century might seem surprising, their stories are even more perplexing. William Ewing, the American in the boat, was originally from Pennsylvania and had been sent west earlier that summer to found a "U.S agricultural establishment" on what is now the Illinois side of the Mississippi River.[24] Ewing was assigned to teach the local Sauk, Meskwaki, and Pottawatomie "the Arts of Agriculture."[25] Of course, the local peoples were very experienced farmers who made agriculture a regular component of their seasonal lifestyle. But Ewing was to teach them to farm correctly—the Euro-American way. The "agricultural settlement" amounted to a complete failure, but the land Ewing cleared to create it would eventually become Commerce, Illinois and then Nauvoo, briefly the home of the Church of Jesus Christ of the Latter-day Saints and still an important site to many Latter-day Saints today.

That evening, Ewing gave the Pike expeditionary party shelter at the agricultural settlement and they both dined with Louis Honori. Honori was still working on the land grant he had received from the Spanish crown as a fur trader.[26] Apparently, he sometimes worked with

[23] Pike, *The Expeditions of Zebulon Montgomery Pike*, 15.

[24] Donald Jackson. "William Ewing, Agricultural Agent to the Indians," *Agricultural History* 31, no. 2 (April 1957): 3–7.

[25] Pike, *The Expeditions of Zebulon Montgomery Pike,* footnote 18.

[26] The Iowa Writer's Program of the Works Progress Administration, *Lee County History* (The Works Progress Administration, 1942), 8; A.R. Fulton, *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes* (Des Moines: Mills & Company, Publishers, 1882), 407-409, State Historical Society of Iowa in Iowa City, E18.16F9.

Ewing. Pike quickly moved on, traveling further up the river, but his brief sojourn in the Confluence revealed a complex, multicultural society.

By the early 1820s, an important intercultural community had grown in the Des Moines-Mississippi Confluence. It was small but important to the Sauk and Meskwaki people who traded with them. They were also tied to the Sauk and Meskwaki through marriage and friendship. It is significant that Black Hawk referred to them differently from other white people when he called them "our traders." Residents of the Confluence made a living selling furs, operating ferries across the river, and working as lightermen. In those days, the Des Moines River Rapids forced ships passing by on the Mississippi to stop, unload their cargo so that they would float higher in the water, and then sail over the rapids. Once past the rapids, they would then load their cargo again. "Lightermen" were people who unloaded the cargo and moved it up or down stream before loading it back on its cargo ship. It appears that fur traders, ferry operators, and lightermen came from a wide variety of backgrounds. Some were white and many were mixed-ancestry. Caleb Atwater recalled crossing the Mississippi in 1829 on a ferry operated by mixed-ancestry person.[27]

But this intercultural community was threatened by the advance of American settler colonial society. None of the residents of the Confluence, with the possible exception of Louis Honori, were likely to be awarded fee simple title or full ownership of their land under the U.S. government, which officially acquired the area in 1803 through the Louisiana Purchase. After all,

[27] Caleb Atwater, *Remarks Made on a Tour Made to Prairie Du Chien; Thence to Washington City in 1829* (Columbus, Ohio: Isaac N. Whiting, 1831), 135, accessed 2/15/2020, *https://books.google.com/books?hl=en&lr=&id=FylhAAAAcAAJ&oi=fnd&pg=PA181&dq=caleb+atwater&ots=FSbT095iEM&sig=tPl-ypEmHprErkk5SsFPSIPQ-U4#v=onepage&q=caleb%20atwater&f=false*; The Iowa Writer's Program of the Works Progress Administration, *Lee County History*, 12-13, 18, State Historical Society of Iowa in Iowa City, F627.L4185.

most of the *coureurs du bois* had never had trading licenses or anything remotely resembling legal title to their land under French and Spanish rule.

In order to preserve Native ground that also included "our traders," the Meskwaki and the mixed-race families of the Confluence worked together to find a creative solution. In 1824, nine Sauk and Meskwaki chiefs made a trip to Washington City to negotiate with the U.S. government. With them traveled representatives of the mixed-race families in the Confluence. Maurice Blondeau, Louis Honore Tesson, A. Baronet Vasquez, and John W. Johnson were all present at the negotiations.[28] As mentioned before, Maurice Blondeau was a successful farmer and trader who lived north of Keokuk. He was one of the earliest fur traders to settle in the Confluence. Blondeau was also a part-Meskwaki himself and married to a Native woman. Louis Honore Tesson was the son of Louis Honori. He had likely grown up on the land deeded to his father. A. Baronet Vasquez had been an ensign at Fort Madison before it was destroyed in 1813. It is unclear if he still lived on in the Confluence in 1824, but he was a licensed trader among the Sauk and Meskwaki and served as the principal interpreter at the negotiations. His ethnic heritage is unclear, but his name makes it likely that he had Spanish ancestors. Perhaps most importantly, John W. Johnson attended the negotiations. Johnson is one of the key figures in the early history of the Des Moines-Mississippi Confluence. One of the first Americans to move to the region, he had been the factor at Fort Madison and, like Blondeau, had mixed-race children.[29]

[28] "Treaty with the Sauk and Foxes: August 4, 1824." The Sauk chiefs who signed the document were Pah-sha-pa-ha, or Stubbs, Kah-kee-kai-maik, or All Fish, Wash-kee-chai, or Crouching Eagle, Kee-o-kuck, or Watchful Fox, and Sah-col-o-quoit, or Rising Cloud. The Meskwaki chiefs who signed the document were Fai-mah, or the Bear, Ka-pol-e-qua, or White Nosed Fox, Pea-mash-ka, or the Fox Winding His Horn, and Kee-sheswa, or the Sun. The witnesses who signed the treaty were Thomas L. McKenney, Lawrence Taliaferro, Indian Agent at St. Peters, W. Kennerly, Indian Agent, A. Baronet Vasquez, Maurice Blondeau, Louis Honori, John W. Johnson, Meriwether Lewis Clark, and Noall Dashnay.

[29] Thomas Forsyth to William Clark, June 10, 1830, William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 6. Volume 32, MS 0099 Kansas Historical Society, Topeka, Kansas. For more on Louis Tesson Honore, see Patrick Walsh, Justice of the Peace for the County of St. Louis to William Clark, February 5,

Johnson offers one of the only accounts of the treaty negotiations. The nine Sauk and Meskwaki chiefs, their four mixed-race relatives, and officials in Washington negotiated a treaty that gave up Meskwaki claims to any land in the new state of Missouri, but also ensured that the Des Moines-Mississippi Confluence would remain in friendly hands. Article 1 of the treaty includes the aforementioned clause: "It being understood, that the small tract of land lying between the rivers Desmoin and the Mississippi, and the section of the above line between the Mississippi and the Desmoin, is intended for the use of the half-breeds belonging to the Sock [Sauk] and Fox [Meskwakie] nations; they holding it, however, by the same title, and in the same manner, that other Indian titles are held."[30] The Treaty created the 119,000-acre Tract on the on the grounds of the Mississippi Des Moines Confluence.

The Tract was an unusual place. It was the first (though not the last) reservation established for mixed-ancestry people, and its name and the criteria required for ownership in the Tract (some form of mixed racial heritage) foreshadow discussions of blood quantum that arose over half a century later during allotment. It was a reservation and its inhabitants held their land "by the same title, and in the same manner, that other Indian titles are held," meaning they owned the land in common rather than as individuals and had occupancy rights rather than fee simple titles.[31] Why would the Meskwaki agree to the creation of such a reservation? John W. Johnson, one of the "white fathers" with mixed-ancestry children who accompanied the Sauk and

1833, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6. Volume 32, MS 0099, 24. For an early Iowa historian's description of Blondeau, Honore, Vasquez, and Johnson, see Jacob Van Der Zee, "The Half-Breed Tract," 151-152.

[30] "Treaty with the Sauk and Foxes: August 4, 1824."

[31] For a discussion of occupancy rights, see Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia 1788-1836* (Cambridge, MA: Harvard University Press, 2011).

Meskwaki chiefs to Washington, left an account of treaty negotiations suggesting that the Meskwaki actually pushed for its creation.[32] Why would they do this?

For one thing, the Sullivan Line (36 degrees, 30 minutes north) that was used to divide Iowa and Missouri extended across the northern boundary of the Confluence. In other words, the Confluence would have been included in Missouri except for the clause that set it aside as the Tract. The bizarre shape of present-day southeastern Iowa is a reminder of the peculiar reservation that existed there. Keeping this territory was a major win for the Meskwaki and mixed-race negotiators. Of course, the land no longer officially belonged to the Meskwaki but to their mixed-race relatives. The Meskwaki would have only consented to this if they felt the Tract would still be Native ground. After all, it belonged to what Black Hawk had called "our traders." As the Meskwaki were driven out of Missouri and the Treaty of 1824 began to map out the landscape in new ways, creating imaginary borders and bounded spaces where there had been none, the Meskwaki and their mixed-ancestry allies creatively negotiated to maintain Native ground in the Des Moines-Mississippi Confluence using the legal structures of the Europeans. Isaac Galland, an important settler in the region, would later recall that, when he arrived in 1829, the Tract "was in the possession of the half-breeds."[33] The Tract was, at least immediately after its creation, something like Prairie du Chien as described by Lucy Murphy in *Great Lakes Creoles*. It was a mixed society and borderland that in many respects continued to be Native

[32] Isaac Galland, "Dr. Galland's Account of the Half-Breed Tract," *The Annals of Iowa* 10, no. 6 (1912): 464-465

[33] *Joseph Webster v. Hugh T. Reid*, Iowa Territorial Papers, Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, 40, State Historical Society of Iowa in Des Moines, microfilm, #2736.

ground.[34] The bizarre reservation created a legal space where *coureurs du bois* could continue to live as they had for decades as the Meskwaki's trusted traders and relatives.

The reservation was ostensibly successful for a short time. Mixed-race families continued to live on the land after U.S. occupation and carry on much as they had under previous regimes. In 1829, five years after the Tract's creation, a physician and landowner from New York state named Caleb Atwater, passed through the tract by steamboat. He left a written record of his travels which is probably the best available description of life on the Tract shortly after its creation. He described Keokuk as the "capital of the Half-Breed Tract." It was modest in size—Atwater guessed it was home to around twenty "Indian families," a tavern, and an American Fur Company post. It is highly likely that what he called Indian families were mixed-race families, probably consisting of old fur traders or settlers, their Native wives, and their mixed-race children. Atwater believed the land itself was owned in common by forty-two half-breeds.

While on the tract, Atwater visited the home of Maurice Blondeau. He described Blondeau's family as "owners to a considerable extent of this fine tract of land." He said that Blondeau's farm was "a fine fertile one, and his dwelling house is on the bank of the river, within a few rods of the water's edge. His corn on the side hill, covered a great space and looked finely. Here I ate as good a dinner as any one I ever did, of venison just killed, and of fish just caught as I arrived here.".[35] Atwater's description of Blondeau's farm is important for a few reasons. It shows that mixed-race families like the Blondeau's were living and prospering in the tract in the 1820s. At least a few mixed-race families were living on the Tract, and at least Blondeau was

[34] Lucy Eldersveld Murphy, *Great Lakes Creoles: A French-Indian Community on the Northern Borderlands, Prairie Du Chien, 1750-1860* (New York: Cambridge University Press, 2014).

[35] Caleb Atwater, *Remarks Made on a Tour Made to Prairie Du Chien; Thence to Washington City in 1829* (Columbus, Ohio: Isaac N. Whiting, 1831), 59.

flourishing. Atwater's description also makes it clear that Blondeau was farming. Early residents of the Tract farmed and caught fish in the river, like Blondeau. However, it appears that trading and river traffic were still the driving force of the tract's economy.

Many accounts of the Tract from this time describe a rollicking, fun-loving but lawless town. Most of them no doubt drew on stereotypes of mixed-race people as hard drinkers and may be overexaggerated. Isaac Campbell, who moved to Keokuk in 1831, describes a rollicking town full of Natives, mixed-race people, and whites:

> In our pioneer days there was not the reserve or restraint in society, that there is to day: when our red friends presented us with a painted stick, we asked for no explanation, but followed them to their wigwams and fared sumptuously on dog meat. In winter, whites and half-breeds mingled in the dance. . .Those who did not dance could be found in an adjoining room engaged at cards. . .We had no church edifices, or church members, and when the Missionary visited us, I welcomed him in behalf of the citizens, tendered him the use of a part of my house, for church services, and, in the capacity of warden, I announced in my bar room to the loafers who were to compose the audience, when the time of service began.[36]

Isaac Campbell was not the only one who remembered the Tract as a wild place. J.S. Buckingham, a travel writer, also passed through the region in the early days of the Tract on his way up the Mississippi River. He referred to the "Indian village of Keokuk" and seemed appalled at the drunkenness and wild parties he witnessed there.[37] It is hard to evaluate the accuracy of such accounts, especially given that Atwater's description stressed the educated, fine young ladies of the area. In all likelihood, the Confluence was a diverse place with a variety of

[36] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.", Annals of Iowa 1867, no. 3 (1867): 891. This is a reprint of a primary source.

[37] J.S. Buckingham, *The Eastern and Western States of America Volume III* (Paris, France: Fisher, Son, & Co.), 164-166.

interesting characters. Some probably were drunkards while others were probably extremely educated like Blondeau's daughters. This was partly a function of the types of people who lived there. On the one hand, there were fairly stable Native and mixed-race families that had been there for a while. On the other hand, significant transient young man also passed through as lightermen, fur traders, or soldiers at Fort Madison. They likely brought raucous behavior along with them. Most people probably exhibited some of both characteristics. Keokuk quickly became the biggest town in the region and was home to an American Fur Company post. The string of cabins by the post were known collectively as "Rat Row," and the post apparently did excellent business, capitalizing on the intercultural connections of Keokuk residents.[38]

Whatever the case, the region seemed to be thriving. Fur traders with connections to the Meskwaki controlled the Confluence, just as they had for years. Native ground had been preserved and even reified using the American legal system. Buckingham frowns on the wild parties and alcohol consumption he observed, but it is pretty clear that the region was Native ground. At least for the first couple of years, the intercultural space envisioned by the Treaty of 1824 seems to have materialized. Mixed-race people mixed freely with Natives, French, and Americans. The space remained an important conduit for Meskwaki trade and preserved Meskwaki control of the Upper Mississippi.

At first glance, it might seem that things were going according to plan on the newly created reservation. However, issues began to arise very early in its existence. For the most part, these issues were rooted in the cryptic Treaty of 1824. The clause that created the Tract said "the section of the above line between the Mississippi and the Desmoin, is intended for the use of the

[38] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers, and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R.B. Ogden, 1876), 11; R.J. Bickell, "Rat Row in Keokuk," *The Annals of Iowa* 33, no. 6 (Fall 1956): 450-453.

half-breeds belonging to the Sock and Fox nations." Race is an ever-changing social construct that was created over time in the U.S.[39] In the 1820s, race and racism were not nearly as developed or codified as they would be later. In *Born of Lakes and Plains*, Anne Hyde has shown that understandings of mixed-race heritage changed greatly between the early 1800s and the 1840s. She points specifically to Henry Schoolcraft, an American Indian Agent and scholar who, over the course of his own lifetime, went from being quite accepting of mixed-race people in the early 1820s (he married a mixed-race woman named Jane Johnston) to vilifying them in the late 1840s (by this time Jane Johnston had died and he was married to a white woman).[40] Schoolcraft's evolving views of mixed-race people reflected changing notions throughout society on race and mixed-race people.

The Tract was created in 1824, long before "half-breed" became a highly defined term or even before it was generally classified as a bad thing. The time and place in which the document was signed as well as the evolving discussion of race in the U.S. at the time caused major problems for the unusual reservation. The treaty did not specify who qualified as a mixed-race person or provide any clues about how many people were intended to share the Tract.

The use of the term in the treaty in the first place is a bit surprising. While vaguely defined, the term was certainly in use by that time, but the Meskwaki themselves, like most Native people, had no concept of "mixed-race." It is most likely that the people the treaty referred to were the same people Black Hawk called "our traders." They were not really a racial category so much as a specific group of people who already lived in the area and had family ties to the Meskwaki. This

[39] For a more detailed study of the development of race in the U.S. over time, see Nicholas Guyatt, *Bind Us Apart: How Enlightened Americans Invented Racial Segregation* (New York: Basic Books, 2016).

[40] Anne Hyde, *Born of Lakes and Plains: Mixed-Descent Peoples and the Making of the American West* (New York: W.W. Norton & Company, 2022), 120-143, 199-225.

interpretation is reflected in the way some of the mixed-race people who had been present for the drafting of the treaty understood it.

If anything, the use of the term "half-breed" again reflects the ability of Meskwaki negotiators to create contracts adaptable to both the Meskwaki and American legal systems. Just as the bill of sale for Dubuque's Mines had provided for "our relation Dubuque," the Treaty of 1824 sought to provide for "our traders." The Meskwaki managed to include this intercultural community in an American legal document that reified it according to American law and protected the rights of their relations. These mixed-race families were referred to in the treaty using the vague racial language of the Americans. The Meskwaki were capable of using even American racial categories to protect their relatives and their social and economic system.

The problem was that that meaning of the term was anything but fixed. [41] John W. Johnson, one of the interpreters at the treaty negotiations, was convinced that the Tract was intended for thirty-eight people.[42] Caleb Atwater believed it belonged to forty-two.[43] This is a tiny discrepancy, but it points to a mounting problem the reservation presented. Who qualified for a share in the Tract? Johnson may have had a very specific group of people in mind when he helped craft the

[41] The concept if "mixed-race" was not the only one in flux. The concept of "whiteness" was still very much in development. In *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1996), David R. Roediger argues that the concept developed in conjunction with an emerging working-class identity in the Eastern United States in the 1830s and 1840s. The development of "whiteness" as a concept certainly influenced what happened next in the Tract, but it is unlikely that it was on anyone's mind in 1824 when the treaty was inked in the same way it would be thirty years later. For more on the development of "whiteness" and race in American thought, see Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkley: University of California Press, 2002) and Cheryl Harris, "Whiteness as Property," Harvard Law Review 106, no. 8 (June 1993).

[42] John W. Johnson et al To the Honorable Senate and House of Representatives, August 25, 1829, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6. Volume 26-33. MS 0099, Kansas Historical Society, Topeka, Kansas.

[43] Caleb Atwater, *Remarks Made on a Tour Made to Prairie Du Chien; Thence to Washington City in 1829* (Columbus, Ohio: Isaac N. Whiting, 1831), 58.

treaty, but the document's language is vague. Perhaps even more importantly, it used a phrase—"half-breed"—for which the meaning was in flux.

While the use of the term likely made perfect sense to the drafters of the treaty in 1824, the term opened the door for endless speculation about who actually qualified for a share in the Tract in the years that followed. Even as the racial distinctions between mixed-race and white that Anne Hyde describes in her book occurred in society at large, debate raged over what the term meant in the Treaty of 1824. It was this debate that would ultimately tear the Tract apart.

Also, the Tract had never been intended just for mixed-race people. White husbands like John W. Johnson's qualified for ownership in the Tract under the doctrine of coverture—American law dictated that whatever belonged to a man's wife belonged to him. Many men were intended to receive plots along with their mixed-race families. The nebulous nature of the mixed-race category and its unspecific usage in the Treaty of 1824 as well as the indeterminate nature of race in the Confluence left the door open for a very large number of people of various ethnic and racial backgrounds to claim ownership of the tract. The brief, vague clause of the Treaty of 1824 also left room for confusion about property ownership. It stated that the residents of the Tract were to own it "by the same title, and in the same manner, that other Indian titles are held." Like other Indian reservations, the Tract was to be owned communally, but no one knew who qualified as a for ownership.[44] It was therefore impossible to know who owned the land. Further, since the treaty did not apportion specific plots of land to specific people, there was really no way to settle who belonged on the Tract.

[44] The same year the Tract was created, the Supreme Court determined in *Johnson v. M'Intosh* that Native people could not own the fee simple title to land and that they owned occupancy rights in common to reservations. See Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of their Lands* (Oxford: Oxford University Press, 2005), 95-110; Walter Echo-Hawk, *In the Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided* (Golden, CO: Fulcrum, 2010), 56-78.

The concept of race was in such flux at this time, that the intentions and terminology of the treaty appear to have quickly become dated. The Tract had been intended for a specific group of people—the people Black Hawk called "our traders." The reservation had been intended for a specific multicultural community that was related to the Sauk and Meskwaki through marriage and connected to them via commercial ties, not an entire racial category of people.

The debate over the Tract quickly dissolved into a confusing racial discussion of who belonged and who did not. Though muddled, this discussion presents some insight into conversations of race in the 1820s, '30s, and '40s.

Of particular importance are John W. Johnson's letters to Congress in 1826 and 1829. Johnson, the former factor at Fort Madison, was one of the first Americans to move to the Confluence, and, significantly, he had been in attendance when the Treaty of 1824 was negotiated. Thus, he would seem to have had a better memory of what the Tract was created to be than most other onlookers who weighed in. The change in Johnson's verbiage and ideology are both indicative of the ever-evolving racial discussion over the Tract. In 1826, John W. Johnson began pushing the idea that the Tract was for mixed-race families that lived for the most part like white Americans. Johnson argued that the part of the purpose of the Tract was to help turn mixed-race families into American-style yeoman farmers. As Johnson argued in a letter to the Office of Indian Affairs,

> It should be of indelible importance, too, that every encouragement should be given to agricultural [development] in this district, not more for the benefit of those who inhabit it, than for the influence it can have on the mind of the Indians surrounding it who in their daily visits to these relations would daily be impressed with the importance--in fact [unclear] that would have a happier effect in

> promoting among those Indians the generous and humane policy pursued by our government towards this whole people.[45]

Johnson, himself a claimant in the Tract, had begun to try and encourage the United States to protect mixed-race families' claims in the Tract using American settler colonial logic. If mixed-race families became excellent farmers, they would model the benefits of American, Christian, sedentary agricultural, and society to their Native relatives and ease the process of assimilation along. Perhaps Johnson genuinely endorsed this idea or perhaps it was the best way he could come up with to try and convince Washington to remove squatters. He may have adopted this line of reasoning to appeal to his audience.[46]

Within a few years, his racial logic had hardened. In 1829, Johnson wrote a letter to the U.S. House of Representatives that used new racial categories to describe the chaotic situation in the Tract. The language used by Johnson and others like him is extremely racist in nature and is only repeated here because it provides insight into how race increasingly became a part of the debate over the Tract. Johnson made use of terms that would become more and more common, distinguishing "civilized half-breeds" from "blanket half-breeds." So-called "civilized half-breeds" referred to mixed-race people who lived and worked among white Americans. So-called "blanket half-breeds" referred to those who "wore the blanket" and lived like their Native American relatives. Johnson pointed out that many of the legitimate claimants to land in the Tract were, in fact, "civilized half-breeds." Many actually had a "very liberal education" and

[45] John W. Johnson Relations to the Reservation of Lands Made by the Sock and Fox Indians for their Half-Breed Children-Should Like to [Unclear], Letters Received by the Office of Indian Affairs, 1824-1881 Microcopy no. 234, roll no. 728, Bizzell Memorial Library, University of Oklahoma.

[46] Johnson's idea of "civilizing" Native people through amalgamation was quite common in the United States, at least in elite circles up to the 1830s. It is reflected in the "civilization policy" of George Washington and John Adams. For an in-depth discussion of ideas about amalgamation in the early republic, see chapter 4 of Nicholas Guyatt, *Bind Us Apart: How Enlightened Americans Invented Racial Segregation* (New York: Basic Books, 2016).

could not be "induced to abandon civilized life and settle upon the reserved lands."[47] Johnson had begun to emphasize the European-like qualities of mixed-race claimants to the Tract, believing that this would induce the United States to come to their aid. Johnson also continued to emphasize that the residents of the Tract would practice European-style farming: "[T]he said reservation was made not to be used merely as bounty ground for a time and then surrendered but to be enjoyed by them permanently and for beneficial purposes; for their improvement in agriculture and civilization and they are fearful those objects cannot be accomplished without the further aid of the general government."[48]

Johnson wanted the Federal Government to step in and support the claims of the specific mixed-race families that had lived in the Confluence for years. He felt help was necessary because more and more people were coming forward and claiming a stake in the Tract. Even Johnson, a man who had been present for the treaty negotiations, felt the need to appeal to the evolving racial sensibilities of the time. He claimed that the Tract was only intended for "civilized half-breeds," a racially charged term that would become more and more common in discussions about the rightful owners of the Tract.[49] In other words, Johnson distinguished the mixed-race people living in the Confluence from other mixed-race people based on their lifestyle. These people lived settled lives in homes that resembled those of American settlers. This "civilized" vs. "uncivilized" dichotomy

[47] John W. Johnson et al To the Honorable Senate and House of Representatives, August 25, 1829, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6. Volume 32. MS 0099.

[48] John W. Johnson et al To the Honorable Senate and House of Representatives, August 25, 1829, William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 6. Volume 32. MS 0099, 4. Johnson's ideas likely reflect nineteenth century ideas about "degradation." According to this line of reasoning, Native people were not inherently inferior to White people or any other race, but they had been degraded by years of uncivilized behavior. They could in turn be rehabilitated by adhering to "civilized" norms. A so-called "civilized half-breed" was one who was less degraded because he/she had embraced European norms and standards of living. See Nicholas Guyatt, *Bind Us Apart: How Enlightened Americans Invented Racial Segregation* (New York: Basic Books, 2016), 29.

[49] Ibid, 5.

would become increasingly important in discussions of the Tract and in the American West at large.

Additionally, white American settlers had already begun to pour into the region. Of course, this land was technically off limits to American settlers seeing as how it had already been reserved for someone else by the federal government, but that did not stop squatters from grabbing up excellent land along the Mississippi and Des Moines rivers. In the same letter, John W. Johnson noted that squatters had begun to proliferate in the region as early as 1826.[50]

Land speculators also weighed in on what they thought the treaty had meant by "half-breed." In 1842, land speculator Isaac Galland wrote a broadsheet pamphlet entitled "Claimants of the Sac and Fox Half Breed Reservation." Galland expounded greatly upon his interpretation of the Treaty of 1824. Galland acknowledges that many believed the tract was only intended for "civilized half-breeds," likely referring to Johnson. He disagreed. Galland asked rhetorically if the Tract was intended for mixed-race people "whose composition does not partake of the *white man*." Galland elaborated, saying he meant mixed-race people who were clothed in "blankets . . .or deer skins." Unlike Johnson, however, Galland did not think the status of mixed-race people as "civilized" or "uncivilized" mattered as far as their right to claim land in the Tract. ". . .it appears that the essential prerequisite is not that the individual should be one half *white*, or that they should be civilized or uncivilized; or that they should be clothed in a blanket or broadcloth, calico or linen, buffalo or deer skins." Galland pointed out that all the treaty actually said is "half-breed relative" of the Sauk and Meskwaki. Therefore, he concluded that anyone

[50] John M. Johnson "Relations to the Reservation of Lands Made by the Sock and Fox Indians for their Half-Breed Children-Should Like to [Unclear]", Letters Received by the Office of Indian Affairs, 1824-1881 Microcopy no. 234, roll no. 728, Bizzell Memorial Library, University of Oklahoma.

who was half-Sauk or half-Meskwaki qualified for a claim in the Tract. They could be half-Meskwaki and half-Otto or half-Sauk and half-Lakota. It did not matter as long as they were one-half Sauk or Meskwaki.[51]

Galland's confusing definition is almost certainly not what the drafters of the treaty had intended, but it is important for a few reasons. It shows that some of the arguments about racial qualification that we generally associate with allotment in the 1890s were already going on in the 1830s and 1840s in regards to reservations created for mixed-race people. Galland's argument also reflected the beginnings of a broader change in how society perceived mixed-race people. Galland argued that mixed-race was a fixed racial status determined by ancestry rather than lifestyle or other factors as had seemed to have been part of the definition in the 1820s. As a speculator, he strategically used this evolving definition to legitimate hundreds of claims he had purchased.

This is not to say that classifications of race became settled by the mid-1800s or that classification based on lifestyle disappeared. In 1913, when early Iowa historian Carl Knoepfler wrote about the Tract, he unabashedly used "blanket half-breed" and "civilized half-breed" as if they were commonly accepted racial categories between mixed-race people who lived like Americans and mixed-race people who lived like Natives.[52]

It is probably unwise to draw any firm conclusions from the racial discussions in regard to the Tract, but the conversation reflects bigger ones that were occurring in the United States as

[51] Isaac Galland, "Claimants of the Sac and Fox Half Breed Reservation," (broadsheet pamphlet), 1842, The Library of Congress Digital Archive, https://www.loc.gov/resource/rbpe.01903600/?sp=1.

[52] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, the University of Iowa, circa 1913), 25-26, State Historical Society of Iowa in Iowa City, MS BL241 f.12

a whole, and it is possible that arguments over the Tracts in the United States foreshadowed later discussion of belonging during and after allotment.[53]

The lack of clarity in regards to who actually was entitled to a stake in the Tract as well as the Federal Government's weak powers of enforcement in the area quickly led to the reservation's breakdown. More and more squatters poured on to the tract. While it is easy to think of squatters as a lawless, disorganized rabble of land-hungry settlers, they were often organized and intelligent in the ways they grabbed up land that did not belong to them. Many felt that they represented the true values of Jeffersonian democracy and American expansionism.[54] Squatters often formed claims associations to help them hold on to their land in the absence of legal title. The squatters were prepared to defend their claims, whatever their questionable legality.

While initial attempts were made to remove squatters, more and more moved on to the Tract. In 1833, U.S. Army troops at Fort Crawford essentially admitted that they had too few troops and there were too many squatters. It was impossible to keep land hungry, organized squatters off the land without additional troops or some other enforcement mechanism.[55]

[53] More work needs to be done on this subject. Similar conversations occurred in regards to the "Lake Pepin Half-Breed Tract" in Minnesota. In an 1839 letter from L. J. Peace to Thomas Hartley Crawford, Commissioner of Indian Affairs, Peace argued that dividing up a tract into 160-acre plots had the potential to "save" mixed-race people from the "habit of idleness and vices" that consumed their Native relatives. This sounds a lot like the rationale behind allotment in the 1880s and 1890s, but it is unclear if there is any linear connection. See L. J. Peace to Thomas Hartley Crawford, Commissioner of Indian Affairs, January 22, 1839, Alexis Bailly Papers. Box 1. 123.A.3.1B. Minnesota Historical Society in Saint Paul.

[54] See Benjamin Shambaugh, *Constitution and Records of the Claim Association of Johnson County Iowa* (Iowa City, IA: State Historical Society of Iowa, 1894). This topic is discussed in much more detail in chapter 4.

[55] Jacob Van Der Zee, "The Half-Breed Tract," *The Iowa Journal of History and Politics* 13, no. 2 (April 1915): 164. Attempts to remove squatters were made many times throughout the process of American expansion, but they generally failed. For example, after the War of 1812, squatters poured into Missouri. Territorial Governor Meriwether Lewis ordered sheriffs and other officers of the law to arrest squatters. In some cases, officers of the law were beaten back by well-armed squatters. In others, sheriffs simply refused to carry out Lewis's orders. See Stephen Aron, *American Confluence: The Missouri Frontier: From Borderland to Border State* (Bloomington, IND: Indiana University Press, 2009), 145. The next territorial governor, William Clark, issued a proclamation condemning squatting. It mostly went unheeded. See Stephen Aron, *Peace and Friendship: An Alternative History of the American West* (Oxford: Oxford University Press, 2022), 124-125.

The increasing numbers of squatters in the region did not go unnoticed by either the local mixed-race families for whom the Tract had been intended or the Sauk and Meskwaki who had negotiated the treaty. In 1829 and then again in 1830, the Sauk and Meskwaki leadership wrote to President Andrew Jackson, asking him to have the land surveyed and divided into plots for all of the intended claimants in the Tract. They also asked that they be given fee-simple title to their own plots rather than occupancy rights in common to the whole territory. Their 1830 letter has survived in its entirety:

> Father: -- Last year whilst at Prairie Du Chien we wrote a letter to our Great Father, the President of the United States, requesting him to have the land surveyed which was given to our relations, the half-breeds of our nations at the treaty made at Washington City, on the 4th day of August, 1824; but as yet we have received no answer. Father; above are the names and ages of the half-breeds of our nation who were in existence when we made that treaty and to whom we gave that tract of land and to none others whatsoever.

The Sauk and Meskwaki leaders clearly believed that the Tract had been intended only for a select group of people. In fact, they went as far as to provide a list of the people they thought were entitled to land under the Treaty. This clearly supports the idea that the Sauk and Meskwaki never understood "half-breed" to describe a racial classification of people. They signed the Treaty of 1824 with their traders in the Confluence in mind. They also explicitly called on President Jackson to hold up the United States' end of the bargain.

> Father; we wish you to remove all the white people now on that tract of land which we intended for the use of the half-breeds of our nations and not to allow any white people of any description to settle and live on that land except a father, a husband or wife of any of the half-breeds or any agent appointed by the President. Father; we wish you to prevent any white persons or half-breeds from keeping any spirituous liquors for sale on any part of the above mentioned tract of land, on any account whatever but if

> white people or half-breeds who wish to sell goods to Indians or others, we can have no objection to their being allowed to remain anywhere on the tract of land, provided you chose to give them a license.
>
> Perchapaho, his X mark
>
> Pishkeenanie, his X mark
>
> Wabalalow, his X mark
>
> Taimah, his X mark
>
> Keokuk, his X mark
>
> Mukkopaum, his X mark[56]

The attached list includes about forty claimants and is similar to the one that appears in Johnson's 1829 letter to the House of Representatives. Johnson named twenty-two specific claimants he believed should receive land and said there may be as many as thirty-five or forty claimants.[57] It is important to note that the Sauk and Meskwaki were well-aware that the terms of the treaty were being violated and contacted the President and House of Representatives to make sure they were notified. Congress began working on a bill to grant the Meskwaki's requests. In 1832, William Clark commissioned a surveyor named Jenifer T. Sprigg to conduct a survey of the Tract and divide it into 160-acre plots.[58] In June of 1834, Congress passed a law giving the so-called "half-breeds" fee-simple title to their land.[59] Of course, this by itself was worthless

[56] Thomas Forsyth, Indian Agent to William Clark, June 9th, 1830, William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 6. Volume 32. MS 0099, 4, Kansas Historical Society, Topeka, Kansas.

[57] John W. Johnson et al To the Honorable Senate and House of Representatives, August 25, 1829, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6. Volume 26-33. MS 0099, Kansas Historical Society, Topeka, Kansas.

[58] William Clark to Elbert Herring, Indian Dept., February 29, 1832, William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 6. Volume 4. MS 0099, 348-349, Kansas Historical Society, Topeka, Kansas.

[59] *Marsh, Lee, and Delevan, Plainiffs in Error vs. Thomas F. Reddick's Heirs*, Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2568, Iowa Territorial Papers, roll 9, Iowa Historical Society in Des Moines, in F 621.T4. History of the Half Breed Tract. Nauvoo Lands and Records Office Files. CR 387 16. The Church History Library. Salt Lake City, Utah.

until it was determined who exactly the legitimate claimants to the Tract were. Fee-simple title to land grants the owner the right to sell it, but, if it is unclear who the owner is, it is not very useful. The land could be surveyed, divided into individual plots, fee-simple title to specific plots could be assigned to specific individuals, but, until it was determined who qualified as a so-called "half-breed," none of it would really matter.

The lack of clarity over ownership of the Tract, the presence of squatters who claimed the land despite a lack of legal title, and the confused discussion over who qualified for ownership combined with the lack of federal enforcement power in the area created a power vacuum.

After the mixed-race owners of the tract obtained the right to sell it, "a period of wild land speculation and squatter settlement" ensued. Mixed-race people still did not own individual plots of the land that they could sell, but they had been granted fee-simple title, which meant they had the right to sell their claims. Meanwhile Squatters were living on the land that was supposed to belong to mixed-ancestry people under the Treaty of 1824. Speculators like Isaac Galland would purchase mixed-race peoples' shares in the tract.[60] A mixed-race person's share was his or her claim to land on the tract. Land speculators assumed that the tract would eventually be partitioned into individual plots. They purchased shares from mixed-race people in the hopes of receiving whatever land was allotted to them in the future partitioning. For instance, a bill of sale from 1837 conveys Ash-Lam-Mu Verbois's "right, title, claim and interest in and to the tract of land which was reserved by the Sac and Fox tribes or nations of Indians and the United States for the benefit of the half breeds belonging to their nations by treaty made at Washington City."[61] Ash-Lam-Mu Verbois had sold his "claim" to land in the Tract. In 1837, it

[60] Carl Knoepfler, "The Half-Breed Problem" 68-72.

[61] "Jeremiah Smith, Jr. Papers Box 1: Correspondence, 1838-1847, Miscellaneous documents, 1837-1849,".Sm61, State Historical Society of Iowa, Iowa City.

was unclear what specific land was included in that "claim," but the speculator who purchased it assumed that would eventually be made clear. In this way, Ash-Lam-Mu Verbois's claim moved into the hands of a white speculator. By the 1840s, few mixed-race people owned their "claim" anymore. Most were in the possession of white land speculators or land companies like the New York Land Company. In some instances, mixed-race people made good money from selling their shares, but, in many cases, speculators purchased land at outrageously low prices.[62]

By the end of 1841, there were several different claims to the Tract. In January 1839, the Iowa territorial legislature passed a law providing for the collection of taxes from the Half-Breed Tract. Since no one knew who owned what in the tract, no property taxes were being collected. Sheriff B.W. Gillock, Hawkins Taylor's predecessor, was authorized to collect taxes from the area. If the land was unclaimed and no taxes were being paid on it, Gillock was authorized to sell the land. Apparently unable to obtain taxes from anyone in the region, Gillock seized the whole tract and sold the entire thing to Richard Barrett for an absurd $513.50.[63] Barrett was likely a land speculator. Deed records show that he had bought and sold land in the region and had previous dealings with Hugh T. Reid.[64] Barrett purchased the land in December of 1839 but received the deed in December of 1841, just a month or so before Reid also purchased the entire tract. Barrett's claim to the land was called the "Barrett Tax Title."

In 1842, Sheriff Hawkins Taylor of Lee County seized the entire Half-Breed Tract as payment for an outstanding debt.[65] He then held an auction—he later claimed it was advertised

[62] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers, and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R. B. Ogden, 1876), 67; B.L. Wick, "The Struggle for the Half-Breed Tract," *The Annals of Iowa* 7, no. 1 (1918): 19-20.

[63] R. W. Gillock, "Notice" *Lee County Democrat* (Fort Madison, Iowa), Saturday, December 11, 1841; Carl Knoepfler, "The Half-Breed Problem," 112-113.

[64] "Lee County Deed Record Lands." Lee County, IA County Records, microfilm, p. 385-386, roll 3, 977.767 L511. Iowa Historical Society in Des Moines.

[65] See Chapter 6 for the whole story.

ahead of time—and sold the 119,000-acre tract of land to Hugh T. Reid, a land speculator, for a paltry $2,884.66 in January, 1842.[66] All of this was done without giving the squatters on the Half-Breed Tract or the mixed-race people who had the most legally binding claim to the land any say in the matter. Hugh T. Reid suddenly possessed 119,000 acres worth far more than $2,800. The New York land Company claimed to have spent around $1,000 on half of a mixed-race person's share in 1829.[67] This makes it highly unlikely that the auction was very competitive. If the New York Land Company had spent $1,000 on a half-share, how could the highest bid for the entire Tract have amounted to under $3,000 in 1842. Reid's title is suspect at best. The entire sequence of events that led to Reid's acquisition of the land—his title was sometimes referred to as the "judgement title"—is suspicious at best. The squatters had no intention of yielding their land to Reid, but his claim to the land became vitally important in several ensuing court cases. Around the same time, Richard F. Barrett also managed to obtain title to the entire tract.

Title to the Tract was becoming hopelessly convoluted. What is more, none of the different claims that emerged—the squatter claim, the judgement title, and the Barrett tax title—had attempted to grapple with the original intentions of the Treaty of 1824. The old trading families continued to clamor for their rightful title to land in the Tract. The territorial government of Iowa tried to solve the problem. In the late 1830s, the new territorial government of Iowa asked the Territorial Supreme Court to suggest laws for the new government to implement. Chief Justice Charles Mason and the Court complied, submitting numerous laws, including a "bill for

[66] Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2736, 10-14, Iowa Territorial Papers, roll 9; Carl Knoepfler, "The Half-Breed Problem," 101.

[67] Isaac Galland, "Dr. Galland's Account of the Half-Breed Tract," The Annals of Iowa 10, no. 6 (1912): 460. This is a reprint of a primary source.

partition of real property." In 1839, Governor Robert Lucas signed the "bill for partition" into law. It allowed people who claimed title to the same land to file a lawsuit in the local district court to resolve the dispute. In 1840, Hugh T. Reid, who had not yet acquired the entire tract, and another land speculator filed a petition for partition of the Half-Breed Tract based on the new law.[68]

In theory, this provided an opportunity to settle the tensions over ownership in the Tract once and for all. Claimants were to file their claims with the District Court, who would then determine which claims were valid and how much land each claimant was entitled to. Most of the claimants were land speculators who claimed land "under" the mixed-race person they had purchased their land from. For instance, Patrick Walsh claimed "one- half of a full share under Isadore Antaya, a half-breed as aforesaid, also one half of a full share under Benjamin La Guthrie, a half-breed as aforesaid."[69] The list of claimants goes on and on like this. Occasionally, a mixed-race person claimed land for him or herself, but, in general, claimants were land speculators claiming land "under" a so-called "half-breed." Land speculators obviously had the advantage in this sort of a proceeding. They often had the benefit of skilled lawyers and capital, two things that the old mixed-race families lacked.

The New York Land Company was a driving force in the partition process from the beginning. The company was represented in court by Francis Scott Key, the famous author of the Star-Spangled Banner and an excellent attorney.[70] Charles Mason, the local district judge who

[68] Carl Knoepfler, "The Half-Breed Problem," 104-105.

[69] Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840," The Annals of Iowa 14, no. 6 (1924): 424-460; Carl Knoepfler, "The Half-Breed Problem," 425.

[70] Carl Knoepfler, "The Half-Breed Problem," 108.

drew up the final settlement also had a long history of dealings with the New York Land Company.

The 1841 Decree of Partition authored by Mason determined that there were 101 legitimate claims by mixed-race people to a share in the Tract. This number is obviously much higher than previous estimates made by the Sauk and Meskwaki and John W. Johnson but lower than the incredibly expansive number Isaac Galland believed to exist. Based on this number, the Decree divided the land into 101 equal plots of just over 1,000 acres a piece. The land was then given to whomever was determined to own the claim "under" the initial claimant. In other words, most of the land went to speculators who had claimed land "under" mixed-race people. Most of the shares were awarded to Marsh, Lee, and Delevan, the owners of the New York Land Company and Antoine Le Clare, a well-known land speculator, with dozens of smaller owners obtaining some land as well. Isaac Galland was conspicuously absent from the Decree of Partition. It appears to have invalidated hundreds of claims that he had sold to the Church of Jesus Christ of the Latter-day Saints and many other buyers.[71] By 1841, the old trading families themselves were increasingly becoming outsiders in the dispute over the tract. Most had sold their land to speculators, possibly in search of money, possibly because they could not inhabit their land anyway because it was filled with squatters. The struggle for the tract was increasingly becoming one between land speculators, who now owned the half-breeds' title, and the squatters who actually lived on the land.

Something like the Decree of Partition might have been much more successful at preserving the original intentions of the Treaty of 1824 if it had been passed in the late 1820s or

[71] Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840," 456- 459.

early 1830s and taken into account the lists of legitimate claimants created by the Sauk and Meskwaki and John W. Johnson, but the bill was not successfully passed until years later after squatters and land speculators had taken advantage of the situation, mostly pushing out the original people the land had been intended for. The creations, existence, and deterioration of the Tract also reflects the murky concept of race in the first half of the nineteenth century. In 1824, the term "half-breed" seemed ambiguous and likely was really intended for a few specific relatives of the Sauk and Meskwaki—the people Black Hawk called "our traders." By 1841, the concept had become a bit more rigid, but, in general, it was still incredibly vague. People like Isaac Galland used convoluted nature of race as an opportunity to reinterpret "half-breed" as a very specific denotation of racial status. In theory, this opened the door to many more legitimate claimants. The federal government's foot dragging on reforming the Treaty of 1824 ultimately led to its downfall.

Although the Tract was only successful for a short while, the intercultural community that developed in the Des Moines-Mississippi Confluence is important for a variety of reasons. Like the lead mines further north, the Confluence was an important conduit for trade in global markets. Even as they engaged in the lead market, the Meskwaki also entered the global fur trade. The Confluence was strategically located because the Mississippi was the main pathway for European/American trade before the arrival of the railroad.

Even before their move to the Upper Mississippi region, the Meskwaki had experience working with French *coureurs du bois*. *Coureurs du bois* became an important component of Meskwaki society along the Mississippi. Enterprising traders married into the Meskwaki society and served their interests by trading European goods for furs and lead. The community that developed in the Confluence—the people Black Hawk called "our traders"—became an

important part of Meskwaki society. In most cases, they were mixed-race families who were probably more loyal to the Meskwaki than any of the various European empires that passed through the region or the United States. They helped the Meskwaki enter global trade networks, trading lead and furs for steel, firearms and other European goods. The Meskwaki would not likely have referred to these people as mixed-race. They were "our traders," a part of the Meskwaki nation. As American expansion arrived at their doorstep, the Meskwaki skillfully sought to create a manufactured borderland while preserving Native ground in the Confluence. In much the same way that they had signed a contract with Julien Dubuque that held up under scrutiny in the American legal system while also preserving Meskwaki sovereignty, they created a unique reservation called the "Iowa Half-Breed Tract through the Treaty of 1824. This reservation was the first of its kind and represented a sincere attempt to preserve Meskwaki power while reifying the claims of the intercultural community in the Confluence under the American legal system.

Since the Tract was ultimately unsuccessful, it is easy to overlook how brilliant it actually was. Just as they had done with Dubuque's Mines, the Meskwaki once again sought to purposefully create an intercultural community that served their best interests, met the American legal systems standards, and preserved Meskwaki power and infence. If the Black Hawk War had not limited Meskwaki authority in the surrounding region, it might have been much more successful.

Instead, the area became consumed by white squatters, a confusing semantic debate over what "half-breed" meant, unscrupulous land speculators, and a lack of federal enforcement power in the region. If anything, the breakdown of the Tract reflects the breakdown of order in the region after the Black Hawk War. Under Meskwaki control, the region had been relatively

well ordered, peaceful and economically successful. Rather than being replaced by a powerful American state, the region was thrown into chaos since the federal government was largely unable to impose the same kind of order that the Meskwaki had for decades after the Black Hawk War. The chaos that ensued after the Meskwaki were driven from the area is a testament to how successful Meskwaki rule had been.

Chapter 3: "The Tomahawk is Buried Forever!": The Tragedy of the Black Hawk War of 1832

The turning point in the fortunes of Meskwaki power in eastern Iowa ironically came from something they had very little to do with. In 1832, Black Hawk, a Sauk war chief, and his Rock River Band of Sauk and other Natives embarked on a quasi-military expedition across the Mississippi River from Iowa into Illinois. The local Illinois population labeled Black Hawk's actions an "invasion" and moved to aggressively stamp out Black Hawk and all of his followers. The subsequent Black Hawk War decimated the Rock River Band and led to the American acquisition of nearly all of the land in modern-day eastern Iowa in September of 1832. The Meskwaki ultimately lost most of their valuable lead mines and access to their traders in the Tract because of the rash actions of a Sauk War Chief that many of them had never approved or supported.

The Black Hawk War also provided an important excuse for Indian removal in the North. It occurred eight years after *Johnson v. M'Intosh* determined that Native Americans were incapable of owning land, providing a legal basis for removal and two years after the passage of the Indian Removal Act prompted widespread removal efforts in the Old Southwest. The Black Hawk War should be understood in conjunction with the broader events of the Andrew Jackson

presidency and nationwide Indian removal. The conflict provided federal officials with an event to point to while they suggested that Natives were violent, unreliable, savage, and ultimately needed to be removed. Unfortunately, it served as a justification for subsequent Northern Indian removal.[1]

This chapter approaches the Black Hawk War as a multifaceted tragedy. It was of course tragic for the families of the 300 or so members of the Rock River Band that perished at the Battle of Bad Axe. Many of the casualties were women and children either killed by American forces or drowned as they tried to cross the Mississippi River to safety. Many other band members had already perished from disease or hunger. It was also a tragedy because it inadvertently wiped out the burgeoning Meskwaki economy and power structure that had had taken intricate work and networking to build. It ended a way of life that could have perhaps endured much longer if left to its own devices. Lastly, it was a tragedy because it precipitated violent, destructive Indian removal throughout the rest of the northern United States. While it's easy to deemphasize the Black Hawk War as a short, provincial contest between a larger American Army and a smaller force of Sauk and other Natives, the Black Hawk War had enormous consequences both for the Meskwaki and the larger region.

The Black Hawk War has received significant attention from historians, although it still garners less discussion than events that precipitated Southern Indian removal. Kerry Trask's excellent book *Black Hawk: The Battle for the Heart of America* argued that the conflict was the result of long-simmering tensions. In the mid-late 1600s, the French had established themselves at the head of web of alliances, intermarriage, and trade in the Great Lakes and Upper

[1] John P. Bowes, *Land Too Good for Indians: Northern Indian Removal* (Norman: University of Oklahoma Press, 2007), 49-50.

Mississippi Region. The Spanish and the British eventually filled this role for many of the nations of the Upper Mississippi, but, after the War of 1812, the U.S. stepped into this role. Unwilling to participate in gift giving or be as accommodating as previous regimes, the U.S. destabilized the balance of power that had been helping to hold the region together for 150 years. To Trask, the Black Hawk War was the eventual result of these tensions. In this sense, Black Hawk was reasonable to blame the United States for destabilizing the region.[2] Patrick Jung's *The Black War of 1832* also locates the roots of the conflict in the War of 1812 and Black Hawk's affinity for the British. Jung believes that Black Hawk fully anticipated British military support when he crossed the Mississippi River in 1832.[3] In *Uncommon Defense: Indian Allies in the Black Hawk War*, military historian John W. Hall complicated the narrative of the war by discussing the various Native American combatants in the conflict. The Ho-Chunk, Menominee, and Santee Sioux all largely fought on the side of the United States. Most Sauk and Meskwaki also refused to side with Black Hawk. To Hall, it was this lack of unity among Native peoples and even Black Hawk's own tribe that doomed the Rock River Band in 1832.[4] More recently, Libby Tronnes has challenged Hall's interpretation of the Black Hawk War, suggesting that perhaps the majority of Ho-Chunks either supported the Rock River Band or attempted to protect them from the full brunt of American retaliation during the conflict.[5]

The story of the Black Hawk War has been told before, but this dissertation will focus specifically on the war's role in damaging Meskwaki power and demonstrate the myriad ways

[2] Kerry Trask, Black Hawk: The Battle for the Heart of America (New York: Henry Holt & Company, 2006), 9-13. See also Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991), 1-49.

[3] Patrick J. Jung, *The Black Hawk War of 1832*, Norman: University of Oklahoma Press, 2007), 73.

[4] John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War* (Cambridge, Harvard University Press, 2009), 14-33.

[5] Libby Tronnes, We Have Buried Our Tomahawks Very Deep in the Ground and in the Sky: Rock River Ho-chunk Peacekeeping in the 1832 "Black Hawk War," *Western Historical Quarterly* 53, no. 3 (2022).

the conflict destabilized the region for years to come. The Black Hawk War is best understood in light of previous events such the War of 1812 and the Winnebago Uprising and subsequent events like the breakdown of the Meskwaki power structure. The chapters before and after this one help put the war more fully in its regional context.

The Meskwaki and to a lesser extent the Sauk had done an excellent job propping up a powerful economic and political system west of the Mississippi and north of the Sullivan Line, but it is important to remember that they had lost extensive land holdings elsewhere. The Meskwaki and Sauk had been forced to remove from their homelands many times. First, they were forced from Michigan by the Iroquois. Then they were forced from Wisconsin in the Fox Wars. They had also been forced to part ways with their lands east of the Mississippi and south of the Sullivan Line in modern-day Missouri by the United States. It was tension over these land cessions that eventually percolated into the ugly Black Hawk War.

Black Hawk was born in a Sauk village called Saukenuk in 1767.[6] In his autobiography, Black Hawk claimed that his father, Na-na-ma-ke or "Thunder" was an important war chief among the Sauk. From a young age, Black Hawk demonstrated skill and courage as a warrior. He became a brave at a very young age for taking his first scalp when he was still a boy. At the tender age of nineteen, he was already leading Sauk war parties against their enemies. Black Hawk fought the Osage and the Cherokee as a young man and later claimed that he had taken "many scalps."[7] He spent much of his early life in Saukenuk, a village in what is now western Illinois, just across the Mississippi River from Iowa. It was located in roughly the same spot as modern-day Rock River, Illinois. Strategically located on the Mississippi River and in the middle

[6] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 1, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[7] Ibid, 2-7.

of a beautiful area, Saukenuk was a thriving Sauk community for decades. Black Hawk appears to have developed a deep personal connection to the location. Black Hawk's band did not live in Saukenuk year-round. Instead, they followed a seasonal lifestyle in keeping with their people's longstanding traditions described in chapter 1.[8] While they moved around a lot, Saukenuk was the anchor to their mobile lifestyle. It was where they planted and harvested, feasted and rested, and, perhaps most importantly, it was where they buried their ancestors. It was a sacred space for the Sauk where they returned to visit the graves of those who had passed away.[9]

Black Hawk was a Sauk and many of his boyhood friends and associates appear to have been Sauk. A Meskwaki war chief who would eventually collaborate with Black Hawk grew up around the same time, though. Ma-que-pra-um, known as "John Morgan" in most historical accounts, would later become the main Meskwaki connection to the Black Hawk War. Morgan spent much of his life at Dubuque's Mines, living in the intercultural community Dubuque and the Meskwaki had created there.[10] Morgan was a mixed-race member of the Meskwaki who may have had Scottish as well as Meskwaki lineage.[11] Much of Morgan's story is unclear, but it may have paralleled Black Hawk's. He became a Meskwaki war chief and seems to have shared the Sauk chief's intense dislike of Americans. He eventually became a close associate of Black Hawk's and joined the Rock River Band.

[8] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 70-80, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493; Lucy Murphy, *A Gathering of Rivers: Indians, Metis, and Mining in the Western Great Lakes, 1737-1832* (Lincoln, NE: University of Nebraska Press, 2000), 22.

[9] See Kerry A Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt & Company, 2006), 114.

[10] Kerry Trask, Black Hawk: The Battle for the Heart of America (New York: Henry Holt & Company, 2006), 12.

[11] A.R. Fulton, *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes* (Des Moines: Mills & Company, Publishers, 1882), 139, State Historical Society of Iowa in Iowa City, E18.16F9; Roger L. Nichols, Black Hawk and the Warriors Path (Wheeling, Illinois: Harlan Davidson, Inc, 1992), 77-78, 91, 94, 103.

His connection to the Mines of Spain and the Tract are both difficult to ascertain, but he was one of the more famous mixed-race Meskwaki people. Some Iowa historians from the early 1900s claimed that Morgan was the one who suggested the creation of the Tract at the treaty negotiations of 1824.[12] It appears that all of these early twentieth-century writers were using Orion Clemens as a source. In 1856, Clemens, the brother of Samuel Clemens or Mark Twain, claimed that the Tract had been Morgan's idea. He provides no citation or evidence to support this claim, but it appears to have been widely accepted by later local historians.[13] There is no indication that Morgan was even in Washington City when the treaty was drafted, so it may simply have been a rumor. Whatever the case, Morgan was clearly one of the most well-known Meskwaki, at least to Americans, and he represents a minor connection between the Mines of Spain and the Black Hawk War.

Black Hawk and Morgan grew up during a time of growing anti-American sentiment. When Black Hawk was a young child, most of the Sauk sided with the British in the American Revolution. The Meskwaki, preoccupied with their own nation-building, took a much less active interest in the conflict. Once the Revolution ended and the United States was created, the Sauk were immediately suspicious of the new country to their west. To them, it appeared as if the United States supported their enemies, the Osage.[14] As a young man, Black Hawk saw action in

[12] See Harvey Ingham, *Iowa Southeast* (Des Moines: Unknown--maybe the Des Moines Register, 1933); Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 24, The State Historical Society in Iowa City, MS BL241 f.12; B.L. Wick, "The Struggle for the Half-Breed Tract," *The Annals of Iowa* 7, no. 1 (1918): 18.

[13] Orion Clemens, *City of Keokuk in 1856: A View of the City Embracing its Commerce and Manufactures and Containing the Inaugural Address of Mayor Curtis, and Statistical Local Information; also a Sketch of the Black Hawk War and History of the Half Breed Tract* (Keokuk, IA: Book and Job Printer, 1856), 33, State Historical Society of Iowa in Des Moines, F629.K3 C54 1856.

[14] Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 18.

the western theater of the War 1812 fighting alongside the British. Morgan most likely sat the conflict out since the Meskwaki generally avoided involvement.

In his autobiography, Black Hawk says in no uncertain terms that he had always found the British easier to get along with than the Americans. His feelings seemed to be confirmed by the events of 1804. That year, a Sauk killed an American and was imprisoned in St. Louis. Sauk leadership sent several emissaries to St. Louis to meet with William Henry Harrison, governor of the Indiana Territory, to try and sort the matter out.[15] These emissaries, perhaps under the influence of alcohol or enticements, agreed to sell all Sauk and Meskwaki land east of the Mississippi to the Americans in exchange for a one-time payment of $2,234.50 and a yearly annuity to be paid in goods at St. Louis in the amount of $1,000. $600 worth of goods were earmarked for the Sauk and $400 to the Meskwaki.[16] This was obviously an unfair price for extremely valuable land and Black Hawk immediately suspected foul play. He said that the emissaries who had negotiated the treaty struggled to remember the details of the negotiations because they had been drunk and claimed they had not known what they were really signing. Even more importantly to Black Hawk, the Treaty of 1804 gave Saukenuk to the Americans. He could not accept that he had to leave his home and the graves of his ancestors because a few unwise emissaries were bamboozled by William Henry Harrison. For years afterward, Black Hawk refused to recognize the treaty as valid and remained in Saukenuk.[17]

[15] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 10-11, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[16] Treaty with the Sauk and Foxes, 1804, in Charles J. Kappler, *Indian Treaties: 1778-1883* (New York: Interland Publishing, Inc., 1972), 74-77.

[17] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 9-12, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493; Kerry A Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt & Company, 2006), 72-73.

After obtaining the Sauk and Meskwaki lands east of the Mississippi, the Americans constructed Fort Madison in 1808 in what is now southeastern Iowa. Fort Madison was both a military outpost and a trading post. Black Hawk viewed the fort as symbolic of the miscarriage of justice in 1804 and led a campaign against the fort sometime around 1808-1812. The attempt on the fort failed, but it reflected Black Hawk's disdain for everything American.[18]

Black Hawk's hatred for the United States and his greater trust in Great Britain were both further nursed by the events of the War of 1812. As war broke out between England and the U.S., American representatives met with the Sauk and told them to remain neutral in the war. They also said in no uncertain terms that the Sauk would not be allowed to trade with the British. This was a problem because, while the British had always allowed the Sauk to trade on credit, the Americans had not. Obviously, this made the British better trading partners. According to Black Hawk, the American emissaries assured the Sauk that they would be allowed to trade on credit at Fort Madison. The Sauk agreed, but, when they traveled to Fort Madison in the fall of 1812, the fort's factor, John W. Johnson, a future claimant to land in the Tract, told them that they could not obtain goods on credit.[19] For over a century, French, Spanish, and British forts in the Great Lakes Region had extended goods on credit. The U.S. was departing from a standard practice that most Sauk and Meskwaki had come to expect. Furious, most of the Sauk, including

[18] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 30-33, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493. See also Patrick J. Jung, "Lonely Sentinel: A Military History of Fort Madison, 1808-1813," *Annals of Iowa* 75 (2016): 201-233.

[19] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 36-37. Black does not name John W Johnson, but historical records clearly indicate that Johnson was the factor from 1808-1813. See Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 36, The State Historical Society in Iowa City, MS BL241 f.12; Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926), 41, accessed 3/15/2020, http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Wisconsin/_Texts/MAHOFC/home.html.

Black Hawk, joined the war on the side of the British. Black Hawk said he made the decision to join the British "having been forced into the war by being DECIEVED!"[20] He traveled east to help the British take Detroit. Black Hawk remained in Michigan for a while, but, when the British struggled to take the city and it became clear to him that no plunder was forthcoming, he left and returned to Saukenuk.[21]

In 1814, a team of American regulars traveled up the Mississippi to reinforce Fort Shelby. They encountered the Sauk at Saukenuk. It is extremely possible Black Hawk was present for this meeting. According to American accounts, the Sauk professed friendship and, apparently ignorant to the fact that the Rock River Sauk had fought with the British at Detroit, the American troops believed them. Bad weather forced the American troops to anchor close to shore, and the deceptive Sauk took the opportunity to attack. The Sauk had surrounded the boat on both sides of the river and fired from tree cover, making it very difficult for the American troops to successful return fire. Sixteen Americans were killed and more than twenty wounded.[22] It is likely that this finally allowed Black Hawk to engage the enemy and claim some plunder.

Black Hawk was not only privy to British arguments against the Americans. He was also deeply aware of the Shawnee leader Tecumseh and his brother, the Prophet Tenskwatawa, who preached that the Americans and their influence needed to be purged.[23] Man Poc, a Potawatomi

[20] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 38.

[21] Ibid, 44-47.

[22] Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926), 58-59, accessed 3/15/2020, http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Wisconsin/_Texts/MAHOFC/home.html.

[23] See R. David Edmunds, *The Shawnee Prophet* (Lincoln: University of Nebraska Press, 1983); John P. Bowes, *Land Too Good for Indians: Northern Indian Removal* (Norman: University of Oklahoma Press, 2007), 31-50.

prophet, echoed the message of Tenskwatawa among the Sauk and Meskwaki.[24] Black Hawk was familiar with practical, spiritual, and military rationales for fighting the Americans.

In the midst of all of this fighting and bloodshed, Black Hawk recalled passing through the Meskwaki lead mines further north. He casually notes that "They had nothing to do with the war."[25] Some Meskwaki warriors did take part in the War of 1812 and other conflicts, but, for the most part, they were above the fray, focusing on their profitable lead mining and trading businesses. It appears that most Meskwaki had no interest in fighting for either side in the War of 1812. While 200 Sauk appear to have fought in the War of 1812, historian Patrick J. Jung found that only twelve Meskwaki seem to have participated in the war.[26] This does not mean that the Meskwaki were not aware of everything going on around them. Meskwaki did visit Prophetstown and hear from Tenskwatawa, were certainly aware of the War of 1812, and Black Hawk records that he passed through their mines on the way back from Detroit. They seem to have simply decided to stay out of the conflict. Interestingly, Black Hawk does not say anything negative about this decision in his book, simply noting that they chose not to participate. The Meskwaki were interested in other things such as building up their prosperous lead mining and fur trading economy and maintaining as much peace as possible on their side of the river. This is one reason the eventual Black Hawk War was so tragic from a Meskwaki perspective. They had carefully remained neutral and made few enemies for years. That is one reason they developed

[24] Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 25.

[25] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 55, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[26] Patrick J. Jung, "Toward the Black Hawk War: The Sauk and Fox Indians and the War of 1812," *Michigan Historical Review* 38, no. 1 (April 2012): 34.

such a successful economy. It was ultimately events beyond their control that brought the whole thing crashing down.

A combined Ho-Chunk and Sauk force repeatedly attacked Fort Madison in 1812-1813. In the summer of 1813, the American troops stationed at the fort began to run out of food. In November of 1813, almost out of provisions, they were forced to evacuate and burn the fort down behind them.[27] Black Hawk was not present when Fort Madison fell, but he later passed by the rubble of the burned fort. With satisfaction, he noted, "We were pleased to see that the white people had retired from our country."[28] This indicated that Black Hawk, like many other Natives people from the Upper Midwest, likely viewed the War of 1812 as a victory for the British-Native coalition. The Battle of Tippecanoe blunted the power of a pan-Indian resistance, but it still likely that many Sauk believed they had solidified control over their land.[29] After all, the Americans had never decisively defeated them close to home and had been driven back from key points along the Mississippi like Fort Madison. It was hard to accept the result of the war as a "defeat" given the local realities.

The War of 1812 also provided Black Hawk with a major rival among the Sauk. Somewhat younger than Black Hawk, Keokuk would eventually come to hold more sway over the Sauk than Black Hawk himself. During the War of 1812, most of the older, more experienced warriors like Black Hawk went to go fight in the conflict. While the warriors were away, a Sauk village was threatened by imminent American invasion. Keokuk, still a young man, volunteered

[27] Patrick J. Jung, "Lonely Sentinel: A Military History of Fort Madison, 1808-1813," *Annals of Iowa* 75 (2016): 229-231.

[28] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 50, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[29] See R. David Edmunds, *The Shawnee Prophet* (Lincoln: University of Nebraska Press, 1983), 107-115.; Bethel Saler, *The Settler's Empire: Colonialism and State Formation in the Old Northwest* (Philadelphia, PA: University of Pennsylvania Press, 2015), 83.

to lead a war party to defend the village. He demonstrated great poise, leadership skills far beyond his age, and showed off excellent public speaking skills in the process of preparing the village to defend itself. The invasion never materialized, but Keokuk's charisma, courage, and excellent comportment during the scare began his ascent to eventually becoming the most influential leader among the Sauk.[30]

Black Hawk met the newly famous Keokuk on his way back from Detroit, where he had been fighting with the British. In his autobiography, Black Hawk's disdain is evident. He notes that Keokuk had never killed anyone but had somehow been appointed a war chief. To Black Hawk, a veteran of many battles who had earned his position by taking scalps and proving his leadership skills under fire, Keokuk's newfound popularity was laughable.[31] Tension between the two Sauk was immediately palpable, and they quickly became the leaders of two opposing factions within the Sauk people. Keokuk believed that it was best for the Sauk and Meskwaki to completely remove to their lands west of the Mississippi. His more easy-going approach to Sauk-white relations was probably confirmed when he traveled east to hammer out the Treaty of 1824 that gave up Sauk and Meskwaki claims in Missouri and created the Tract. Keokuk toured Washington City as well as Baltimore, New York, and Philadelphia. He likely recognized the superior industrial capacity of the United States and worried about the consequences of fighting a protracted war against them.[32]

[30] Thomas J. Lappas, "'A Perfect Apollo': Keokuk and Sac Leadership During the Removal Era," in The *Boundaries Between Us: Natives and Newcomers along the Frontiers of the Old Northwest Territory, 1750-1850,* ed. Daniel P. Barr (Kent, Ohio: Kent State University Press, 2006), 222-223.

[31] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 48-49, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[32] While we have no record of it, it seems entirely possible that the Treaty of 1824 further divided Black Hawk and Keokuk. Black Hawk was conspicuously absent from the delegation sent to Washington City and the treaty gave up Sauk and Meskwaki land claims. Evidence of Keokuk's participation can be found on the treaty itself.

Black Hawk's Rock River Band eventually did sign a treaty of peace with the United States in 1816, although his was the last band to do so after the War of 1812. Included in the treaty that Black Hawk signed was a clause confirming the Treaty of 1804 that gave Saukenuk to the Americans. Black Hawk later claimed that he had not known this was in the treaty and forever regretted "touch[ing] the goose quill to the treaty."[33] Even after signing the treaty, Black Hawk had no intention of leaving Saukenuk, continuing to make it a part of the annual seasonal lifestyle enjoyed by the Rock River Band.

As tensions briefly simmered between the Sauk, Meskwaki, and the United States, Black Hawk kept a close eye on the events in the Ho-Chunk lead mining country, northeast of Saukenuk in what is now Wisconsin. Like the Meskwaki, the Ho-Chunk (sometimes inaccurately called the Winnebago) had a long tradition of lead mining. They tended mines just across the river from the Meskwaki lead region. Unlike the Meskwaki, who had mostly been able to strictly regulate white access to their mines through things like Julien Dubuque's contract, the Ho-Chunk were slowly being overrun by American prospectors. As previously mentioned, the Ho-Chunk lashed out at American imperialism in what was known as the Winnebago Uprising in 1826.[34] The conflict was brief and bloody and American forces swiftly carried the day. This might have

See "Treaty with the Sauk and Foxes, 1824" in Charles J. Kappler, *Indian Treaties: 1778-1883* (New York: Interland Publishing, Inc., 1972), 207. For a discussion of his tour of the eastern United States, see Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 54-55; Thomas J. Lappas, "'A Perfect Apollo': Keokuk and Sac Leadership During the Removal Era," in The *Boundaries Between Us: Natives and Newcomers along the Frontiers of the Old Northwest Territory, 1750-1850,* ed. Daniel P. Barr (Kent, Ohio: Kent State University Press, 2006), 226-227.

[33] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 69, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493. See also Patrick J. Jung, "Toward the Black Hawk War: The Sauk and Fox Indians and the War of 1812," *Michigan Historical Review* 38, no. 1 (April 2012): 46.

[34] Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926), 104-118, accessed 3/15/2020, http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Wisconsin/_Texts/MAHOFC/home.html;

been a moment when Black Hawk could have made his move against the Americans, supporting the Ho-Chunk, people who had lead mining in common with the Sauk and Meskwaki. But the Ho-Chunk and Sauk were not allies. In fact, the Ho-Chunk were closely allied with the Santee Sioux, a people Black Hawk hated almost as much as the Americans.[35] For the time being, Black Hawk watched the conflict from the sidelines as the Americans took the Ho-Chunk's lead mines from them.

In 1826, Black Hawk decided to wage war on the Santee Sioux, long-time rivals of the Sauk. Thomas Forsyth, the Indian Agent to the Sauk and Meskwaki received word of Black Hawk's plans and immediately recognized that the fall out could be tremendous. War between the Sauk loyal to Black Hawk and Sioux could jeopardize the fragile peace in the region and prompt a much larger conflict including the Ho-Chunk, Meskwaki, and perhaps the U.S. government. Forsyth appealed to Keokuk to try and talk Black Hawk out of it. At first, Black Hawk proclaimed that he would rather die than not go to war, but eventually he yielded to pressure from Keokuk and called it off. While this could seem like a reconciliation of sorts between the two leaders, their resentment for one another grew in the months and years that followed. Perhaps Black Hawk blamed Keokuk for not supporting his ambitious plan or felt that he had served American ambitions as articulated by Thomas Forsyth rather than the Sauk's.[36]

Around this same time, Keokuk began moving the Sauk loyal to him west of the Mississippi, apparently conceding places like Saukenuk to American control in accordance with

[35] John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War* (Cambridge, MA: Harvard University Press, 2009), 71-89; Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 46.

[36] Thomas J. Lappas, "'A Perfect Apollo': Keokuk and Sac Leadership During the Removal Era," in The *Boundaries Between Us: Natives and Newcomers along the Frontiers of the Old Northwest Territory, 1750-1850,* ed. Daniel P. Barr (Kent, Ohio: Kent State University Press, 2006), 228-229.

the Treaty of 1804. By now, Keokuk controlled a much larger number of the Sauk than the older, more seasoned Black Hawk. In all, Black Hawk's Rock River Band included around 800 people. Keokuk's faction was closer to 5,000 strong.[37] Black Hawk was furious. Years later, in his book, the grizzled war chief described his relationship with Keokuk at this time, "There was no more friendship existing between us. I looked upon him as a coward, and no brave, to abandon his village to be occupied by strangers."[38] From Black Hawk's perspective, Keokuk had caved into the demands of the United States and, by dividing the Sauk, had also weakened Black Hawk's hand. Instead of thousands of warriors, Black Hawk now commanded a few hundred. His power to resist the advance of American settler colonialism was greatly diminished. Of course, Keokuk's position was extremely defensible. Later historians, most notably Patrick Jung and Daniel Barr, have argued persuasively that Keokuk was not a weak leader, and he likely made the most strategic decisions based on the Sauk's realistic chances of defeating the Americans. It is true that Keokuk's non-confrontational strategy would certainly have better protected Meskwaki power in the region than Black Hawk's warlike posturing.

The Keokuk-Black Hawk schism is also important because it reminds us that Black Hawk did not control the majority of the Sauk. Sauk chiefs rarely exercised anything resembling total control, but even the Rock River Band that chose to follow Black Hawk was relatively small. One of the deepest tragedies of the later Black Hawk War was that it effectively determined American policy toward all of the Sauk and Meskwaki even though it only involved a small percentage of the Sauk and a tiny percentage of the Meskwaki.

[37] Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 56.

[38] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 88, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

George Davenport eventually purchased most of the land that Saukenuk sat on. Black Hawk had long known Davenport and had thought he could trust him not to enter the conflict over Saukenuk. He felt deeply betrayed and eventually threatened to kill Davenport.[39] Davenport began pressuring the government to have Black Hawk and the Rock River Band removed. In 1831, to smooth the situation over, Davenport agreed to help the Rock River Sauk request funds from the government to help them remove from the area. Black Hawk begrudgingly decided he would be willing to leave Saukenuk if given money to do so by the federal government. The U.S. rebuffed his request, insisting that the matter had been settled years ago in the Treaty of 1804 and that no further payment was appropriate beyond what was promised in the Treaty. General Edmund Gaines traveled to the area along with a contingent of troops to intimidate Black Hawk and had a tense meeting with the Sauk chief, telling him in no uncertain terms that he needed to vacate Saukenuk. When Black Hawk refused to leave immediately, Gaines, in a fit of anger, said, "Who is Black Hawk?"

Black Hawk angrily retorted, "I am a Sac! my forefather was a Sac! and all the nations call me a Sac!" At an impasse, Gains and Black Hawk eventually compromised. Gains told Black Hawk he could remain in Saukenuk until the Rock River Band harvested their corn crop. When they left for winter hunting, Black Hawk agreed it would be for the last time. They would not return to Saukenuk.[40]

Black Hawk had made his stance clear to General Gaines. He was a Sauk who had been born in Saukenuk. The thought of losing the village angered him. It is true that he had signed a

[39] Kerry A Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt & Company, 2006), 79-80.

[40] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 93-105, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

treaty endorsing the cession of Saukenuk in 1816 and again seemed to have agreed to it in his conversation with General Gaines, but he had always maintained that, just as the Treaty of 1804 had been deceitfully negotiated, so had the treaty he signed in 1816, and he clearly had no respect for General Gaines.

Black Hawk's increasing enmity toward the United States must also be understood against the backdrop of increasing region-wide tensions. The system of trade, coalition-building, and cooperation coupled with limited wars that had long held the region together was strained by the arrival of thousands of Americans in Illinois. Not only were tensions between the U.S. and Native heightening, but older tensions between Native nations were also exacerbated by the new changes in the landscape. In 1830, a conference was held at Prairie du Chien to try to make peace between warring Native groups. A Meskwaki delegation set out for Prairie du Chien, but, on May 5, 1830, they were ambushed by a group of Menominee and Dakota. Seventeen Meskwaki, all unarmed, were killed.[41] In the aftermath of the raid, many Meskwaki moved south of Dubuque's Mines to join other Meskwaki living near Fort Armstrong, seeking safety in numbers. Some white prospectors leapt on the opportunity to cross the river and occupy parts of Dubuque's Mines, indicating the first cracks in the Meskwaki power structure that had so long kept most white settlers out.[42]

We do not know much about Morgan during this time, but he was likely among the Meskwaki that moved out of the Mines of Spain. During the summer of 1828, he quarreled with other Meskwaki leaders, arguing vehemently that they needed to take more aggressive action

[41] Kerry A. Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt & Company, 2006), 83-84.

[42] Ibid, 85.

against the United States. Most Meskwaki leaders were unreceptive to Morgan's aggressive language.[43] We also know that Morgan joined Black Hawk's Rock River band around this time. It is possible the massacre of Meskwaki people, many of whom he probably knew personally, combined with the threat of dislocation drove Morgan to join up with Black Hawk. Just as Black Hawk felt that he was being forced from his home in Saukenuk, Morgan likely felt that he was being driven from his home in Dubuque's Mines. The two war chiefs would have had a lot in common. In an 1827 letter to Thomas Forsyth, the U.S. Indian agent to the Sauk and Meskwaki, Keokuk described Black Hawk and Morgan as two examples of the same thing. Keokuk claimed that most Sauk and Meskwaki were not troublemakers, but that "Black Hawk and Morgan will find [some] worthless young men to follow them."[44] Morgan and Black Hawk had become attractive leaders for younger Sauk and Meskwaki who hated the United States. They eventually formed the Rock River Band, a group of mostly Sauk and a few Meskwaki and other Native people who believed in more aggressive, anti-American action.

War seemed imminent but was eventually obverted. Nevertheless, Black Hawk probably felt that he was living in a powder keg that could explode at any time. He may have assumed that it would be best to act first rather than wait for surprise attacks like the one that had targeted the Meskwaki.

In some ways, Black Hawk's motivations for going to war seem clear. He didn't want to give up his hometown to the hated Americans. But why did he agree to leave Saukenuk in the first place? Did he really believe he and 800 or fewer Sauk could defeat the American Army?

[43] Roger L. Nichols, *Black Hawk and the Warriors Path* (Wheeling, Illinois: Harlan Davidson, Inc, 1992), 102.

[44] Ibid, 85.

What were his goals after recapturing Saukenuk? As historians have noted for decades, these questions point to a more complicated series of events.

Black Hawk had always been more comfortable trading with the British than the Americans. He found them fairer, more reliable, and appreciated that they generally allowed Natives to trade on credit. Even after the War of 1812, some Sauk and Meskwaki had continued to illegally trade with the British at Fort Malden, Drummond Island, and other British outposts.[45] Black Hawk may have participated in some of these long-distance trading operations. He certainly traveled to Detroit to fight alongside the British in the War of 1812, and, while he was very negative toward the British style of fighting, he seems to have greatly preferred them to the Americans. It is also important to remember that the British had fought with the Sauk against the Americans twice in Black Hawk's lifetime—once during the American Revolution and once during the War of 1812. The last time the Sauk and British had fought together, they had been pretty successful in the Upper Mississippi Valley region. It was reasonable for Black Hawk to believe that sort of an alliance could be made again.[46]

It is also important to remember that tensions between the U.S. and the British remained extremely high for much of the 1820s and 1830s. British Canada continued to trade illegally with Native nations south of the border, even after the War of 1812. Historian Kerry Trask believes that the Winnebago Uprising may have been an important moment in this cross-border conflict. Looking on from a distance, the British observed that huge numbers of Americans were

[45] Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 36.

[46] This was probably on the minds of Americans as well. John P. Bowes has suggested that one forgotten American motivation for the Black Hawk War and removal from Iowa might have been putting more space between the British and Native peoples like the Sauk and Meskwaki. See John P. Bowes, *Land Too Good for Indians: Northern Indian Removal* (Norman: University of Oklahoma Press, 2007), 50.

moving to the Great Lakes Region and that this migration was having a destabilizing effect. They fueled the fire by keeping trade avenues open with Native people like the Sauk.[47]

Meanwhile, many Americans continued to assume that annexing Canada was part of American manifest destiny and that the U.S. would eventually invade Canada again. The U.S. had invaded Canada during the Revolutionary War and the War of 1812 and the Declaration of Independence had included an invitation to Canada to join the U.S. The prospect of a third Anglo-American War seemed plausible to Black Hawk and many others. Indeed, it nearly occurred just a few years later. In 1837, a major rebellion rocked Canada and, after British forces successfully repelled the "Patriots" as the rebels were called, many fled to the United States. Tensions grew, eventually culminating in the Caroline Incident on December 29, 1837 in which an American ship was destroyed by British Canadian forces. Around 2,000 U.S. troops had to be dispatched to the border to keep American sympathizers from invading Canada.[48]

It is important to remember these American-Anglo tensions because it helps explain Black Hawk's actions. It was not completely out of the realm of possibility to think that British Canada might aid a group of Sauk people against the United States.

Black Hawk also had spiritual guidance. Wabokieshiek, the half-Sauk, half-Ho Chunk member of the Rock River Band who Black Hawk called "the Prophet" and historians have sometimes called "the Winnebago prophet," had the Sauk chief's ear.[49] Wabokieshiek had preached a message of reconciliation with the Americans until they took the Wisconsin lead

[47] Kerry A. Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt & Company, 2006), 133.

[48] Thomas Richards, Jr. *Break-Away Americas: The Unmanifest Future of the Jacksonian United States* (Baltimore: Johns Hopkins University Press, 2020), 50-80.

[49] Patrick J. Jung, "Toward the Black Hawk War: The Sauk and Fox Indians and the War of 1812," *Michigan Historical Review* 38, no. 1 (April 2012): 49.

country from his Ho-Chunk countrymen (at the time, Ho-Chunk were often erroneously called "Winnebago"--thus the name, "the Winnebago Prophet"). After the Winnebago Uprising, Wabokieshiek began to council that the British would provide the Sauk with the help they needed. He told Black Hawk that the British wanted to help the Sauk, and that they should not give up Saukenuk so easily. He counseled that British forces would come to the aid of the Sauk if they again traveled west of the Mississippi.[50] Napope, a young Sauk war chief, visited the British outpost at Fort Malden and, when he came back, assured Black Hawk that the British would support him if he took action against the Americans.[51] It seems unlikely that Napope actually received assurances of British support from members of the British Canadian government, but, given the tensions in the region, it is possible someone told him support would be given or even that he simply assumed the British would offer help. To Black Hawk, who desperately wanted to hold on to Saukenuk and hated the Americans, this news must have been like water to a thirsty soul. During the winter of 1831-1832, he began mobilizing his forces in southeastern Iowa, where Fort Madison had once been.

Morgan died in 1831. The cause of his death is uncertain, but he seems to have been one of the leaders of the Rock River Band at the time of his passing. It appears that Morgan was certainly an outlier among the Meskwaki. Most of Black Hawk's supporters were Sauk, and Morgan was one of only a few Meskwaki who actively sought to embrace a similar anti-American stance. Bad thunder, one of Black Hawk's key Sauk supporters, also died that year.[52]

[50] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 109-111, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[51] Ibid, 103.

[52] Ibid, 113

By 1831, Black Hawk seems to have been growing more and more desperate. His people, deprived of the food they had traditionally harvested in Saukenuk, were hungry. The unusually harsh winter of 1830-1831 only exacerbated their deprivation. A collapse in grain prices put many American farmers on edge, while a Meskwaki raid against the Menominee in July of 1831 in retaliation for the Menominee's 1830 attack against the Meskwaki escalated tensions among the local Natives.[53] Against the backdrop of all this tension, Black Hawk believed that American aggression was reaching unacceptable levels. Meanwhile, some of his staunchest supporters, like Morgan and Bad Thunder, had died recently. He may have felt the time for action was now or never.

The question is what exactly Black Hawk intended to do. Did he intend to "invade" Illinois or initiate a huge war? Historians are not so sure this was his intention. Patrick Jung has argued that Black Hawk hoped that, once the Rock River Band moved east of the Mississippi River, the British would move to support them. The Americans would then back down and concede Saukenuk. This sounds far-fetched, but it is possible this is what Wabokieshiek and Napope told him would happen.[54] Military historian John W. Hall believes that, either because of Wabokieshiek's advice or his own hunch, Black Hawk was convinced that Native as well as British allies would flock to his defense. Libby Tronnes disagrees. She thinks that the Black Hawk War was more of a "migration met with a massacre." Tronnes believes that Black Hawk was most likely simply traveling across the river in order to harvest corn—just as the Sauk had been doing for decades. It was not a war party. They were just simply trying to complete their

[53] Kerry A. Trask, *Black Hawk: The Battle for the Heart of America* (New York: Henry Holt & Company, 2006), 92, 142.

[54] Patrick J. Jung, "Toward the Black Hawk War: The Sauk and Fox Indians and the War of 1812," *Michigan Historical Review* 38, no. 1 (April 2012): 73.

tradition seasonal cycle of life.[55] Roger L. Nichols made a similar argument in "The Black Hawk War in Retrospect."[56]

Black Hawk's autobiography does not offer much clarity on his intentions. It is important to remember that he wrote the document after he was captured by American troops, and had the benefit of hindsight as well as the opportunity to rewrite his own past. Even so, Black Hawk himself seemed confused about his intentions. He claimed that, when he crossed the river, he had no intention to fight except defensively. But he certainly did not intend to travel to travel only to Saukenuk either. He traveled up the Rock River to Wisconsin to convince the Pottawatomi and Ho-Chunk to join him. He also notes that some of his men raised a British flag.[57] That does not seem consistent with the idea that he was simply there to harvest some corn and go.

Black Hawk claims that he had heard a British person would supply the Rock River Band with guns in Milwaukee. At least according to Black Hawk himself, he asked the Pottawatomie and Ho-Chunk to aid him in obtaining these weapons.[58]

Support did not materialize. Most people, Native and British alike, recognized his operation had little chance of success and refused to offer any serious support. In fact, Hall argues that Black Hawk's actions put many of these people groups into a tough spot where they had to support the Americans rather than risk losing additional land. Black Hawk's rash act may

[55] Libby Tronnes, We Have Buried Our Tomahawks Very Deep in the Ground and in the Sky: Rock River Ho-chunk Peacekeeping in the 1832 "Black Hawk War," *Western Historical Quarterly* 53, no. 3 (2022): 295.

[56] Roger L. Nichols, "The Black Hawk War in Retrospect," The Wisconsin Magazine of History 65, no. 4 (1982): 245–46

[57] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 115-116, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[58] Ibid, 117.

have actually united everyone against him.[59] Libby Tronnes argues that the Ho-Chunk attempted to skillfully walk a tight-rope between supporting Black Hawk and supporting the Americans. They ostensibly sided with the Americans while also trying to help Black Hawk escape.[60]

While arguments by Jung, Nichols, Tronnes, and others that Black Hawk did not intend to invade the area east of the Mississippi are interesting, it is also hard to believe that Black Hawk had extremely limited plans. If Black Hawk really only intended to harvest some corn and leave or even to peacefully force the Americans to give Saukenuk back, would not he have said so in his autobiography? Especially given the fact that he was able to write his biography after the fact, it is telling that he did not even attempt to claim that his intentions were so limited. We are also left to wonder what he meant by his statement about guns awaiting him in Milwaukee. He does state that he intended only to fight defensively, but he also makes it very clear he was traveling to Milwaukee and planning on receiving British support there. That sounds like the beginning of a much more extensive military operation. In fact, if Black Hawk and the Rock River Band actually planned to march all the way to Milwaukee, it is hard to classify that as anything but an invasion. And if it was not, why did Black Hawk chose not to deny it? While such a larger invasion seemed extremely unlikely to succeed, it is important to remember that Black Hawk had spiritual assurance that the British, Pottawatomi, Ho-Chunk, and others would come to his aid. Current events also led him to believe that a third Anglo-American War might be on the horizon, and it did not seem unbelievable that the British would start one to come to his aid. This sort of a coalition had mostly defeated American forces in the area in the War of 1812,

[59] John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War* (Cambridge, MA: Harvard University Press, 2009), 71-89; Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 125.

[60] Libby Tronnes, "We Have Buried Our Tomahawks Very Deep in the Ground and in the Sky: Rock River Ho-chunk Peacekeeping in the 1832 'Black Hawk War,'" *Western Historical Quarterly* 53, no. 3 (2022): 293-314.

so why could not it happen again? It was probably this belief in extensive support that caused Black Hawk to believe he could successfully wage war against a seemingly very superior force.

At first, things seemed to be going according to plan. An American militia force engaged the Rock River Band at the Battle of Stillman's Run on May 14, 1832. Around eleven Americans were killed compared to three Sauk. The nervous "Illinois Rangers" in the militia company quickly fled before the Rock River Band. Even as they celebrated victory, some problems became apparent. Many Rock River Band members were beginning to grasp that the weapons at Milwaukee and the promised British support were illusory. Up until Stillman's Run, they could probably have retreated back across the Mississippi without initiating a war. Now that blood had been spilt, war was upon them. To make matters worse, many of the nearby Ho-Chunk and Pottawatomi evacuated their villages and prepared to join the Americans against the Rock River Band. Black Hawk's forces found themselves victorious but with dwindling food supplies, nowhere to go, and no allies materializing.[61]

According to Black Hawk, the Rock River Band attacked a fort on the Apple River where they procured some food and won a couple of other minor skirmishes, but word reached them that a much larger army of American regulars was on its way. Meanwhile, they ran out of food. In a haunting passage in his autobiography, Black Hawk says, ". . .some of our old men and little children. . .perished on the way with hunger." Realizing they were in danger, Black Hawk

[61] John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War* (Cambridge, MA: Harvard University Press, 2009), 71-89; Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007), 133-135. Libby Tronnes argues that the Ho-Chunk were primarily motivated by a desire to protect their land and corn. They had no desire to see Black Hawk and the Rock River Band destroyed. They simply wanted to protect what was theirs. They volunteered to help American troops but intentionally took them on a circuitous route in order to buy Black Hawk more time to get away. See Libby Tronnes, "We Have Buried Our Tomahawks Very Deep in the Ground and in the Sky: Rock River Ho-chunk Peacekeeping in the 1832 'Black Hawk War,'" *Western Historical Quarterly* 53, no. 3 (2022): 293-314.

steered the band back toward the Mississippi. His plan was apparently to re-cross the river and find food and safety on the west side.[62]

By the time, they reached the Mississippi River, the Rock River Band was starving. They began to prepare for the difficult task of fording the river. A combined force of their American and Native enemies caught up to them before they could make it across. A force of American regulars together with their Menominee and Ho-Chunk allies attacked the emaciated Natives on August 1, 1832 near Bad Axe and slaughtered them in large numbers as they tried to swim or canoe across the river. Between 100-150 Natives were killed in battle and a similar number drowned as they tried to cross the river. Those that somehow made it safely to the other side of the river were beset upon by Dakota warriors. The Dakota had always been enemies of the Sauk and had jumped at the opportunity to aid the U.S. in this battle.[63] The Battle of Bad Axe would become a historical milestone for the region for a variety of reasons.[64]

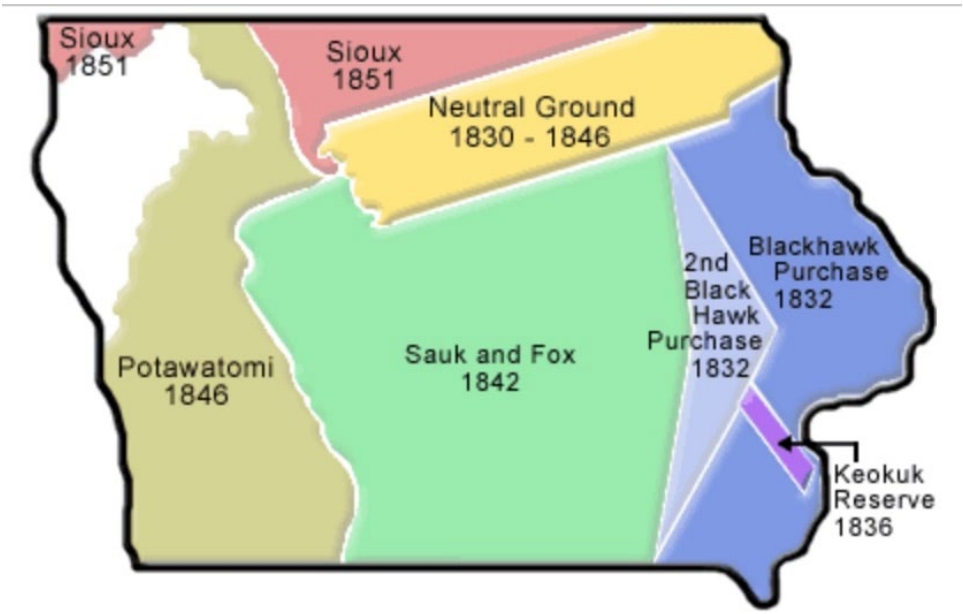
[62] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 127-133, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[63] Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926), 175-178, accessed 3/15/2020, http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Wisconsin/_Texts/MAHOFC/home.html; John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War* (Cambridge, MA: Harvard University Press, 2009), 199-200.

[64] Scholars are divided on the role of the Americans' Ho-Chunk allies in the Black Hawk War and the Battle of Bad Axe. John W. Hall believes that the Ho-Chunk were extremely divided in their sympathies, but that they generally sided with the U.S. over the Rock River Band. He argues that some Ho-Chunk—such as the Decorah family—genuinely hated the Sauk and Meskwaki and actively participated in helping American troops find and then slaughter Black Hawk's forces at Bad Axe. Ho-Chunk warrior turned Black Hawk over to the American Army after the battle. Libby Tronnes believes that the Ho-Chunk were somewhat sympathetic to the Rock River Band, but they also wanted to protect their corn crop and their land. She argues that they did agree to "lead" the U.S. Army to the Rock River Band, but that they intentionally led them astray and delayed their progress. She acknowledges that a "western band of Ho-Chunk" participated in the massacre, but emphasizes that the Ho-Chunk were generally not complicit. It seems that the differences in opinion may rise from seeing the Ho-Chunk as more homogenous than they actually were. Some Ho-Chunk seem to have been sympathetic to Black Hawk while others were genuinely spiteful. See John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War* (Cambridge, MA: Harvard University Press, 2009), 71-89; Patrick J. Jung, *The Black Hawk War of 1832* (Norman: University of Oklahoma Press, 2007); Libby Tronnes, "We Have Buried Our Tomahawks Very Deep in the Ground and in the Sky: Rock River Ho-chunk Peacekeeping in the 1832 'Black Hawk War,'" *Western Historical Quarterly* 53, no. 3 (2022): 293-314.

Black Hawk himself was captured in the Wisconsin Dells by Chaska-Ja, a Ho-Chunk, who turned him over to the Americans.[65] He had spent his last summer in Saukenuk.

The short Black Hawk War had massive consequences not just for the men, women, and children slaughtered at Bad Axe, but for the entire region. The subsequent Treaty of 1832 with the Sac and Fox Tribe gave most of Eastern Iowa to the United States. It was then called "the Black Hawk Purchase."



The Black Hawk Purchase included the Meskwaki lead region and the area surrounding the so-called "Half-Breed Tract"

The 1832 treaty noted that the cession of land was only proper: "Whereas, under certain lawless and desperate leaders, a formidable band, constituting a large portion of the Sac and Fox Nation, left their country in April last, and in violation of treaties, commenced an unprovoked war upon unsuspecting and defenseless citizens of the United States, sparring neither age nor

[65] Nancy Lurie, "In Search of Chaetar: New Findings on Black Hawk's Surrender," *The Wisconsin Magazine of History* 71, no. 3 (spring 1988): 162-183.

sex. . .” The Sauk and Meskwaki inhabitants of the Black Hawk Purchase were given until June 1, 1833 to clear out of the area forever.[66] When the day came, Keokuk led a mass exodus to western Iowa in the face of military pressure. It must have been painful for Meskwaki lead miners to leave their mines and seasonal lifestyles, especially if they had not supported Black Hawk and the Rock River Band in any way. By 1835, a bustling mining town named Dubuque had grown up where the Meskwaki had once skillfully labored. Dubuque included twenty-five dry goods stores, four taverns, a courthouse, a steamboat ferry, and very few of the original Meskwaki residents.[67] The Meskwaki remained in western Iowa briefly before being removed several more times, eventually ending up in Indian Territory.

Some Meskwaki had supported Black Hawk and his crusade. Up until his death in 1831, John Morgan had been one of the leaders of the Rock River Band and an ally of Black Hawk, but it appears that most of the Meskwaki had opted not to follow him as he “radicalized” and eventually joined the Rock River Band. In general, the Meskwaki were quite secure before the Black Hawk War, and many probably felt that diplomacy and negotiation would continue to serve them well.

While only nominally related to the Meskwaki, the Black Hawk War would be a key turning point in the history of the region. Meskwaki dominance in the lead region ended suddenly and the Tract now found itself surrounded on all sides by American territory. Its future would be forever changed. The Black Hawk War must be seen as a multifaceted tragedy. It was a personal tragedy for Black Hawk. The fearsome war chief was probably genuinely convinced

[66] “Treaty of 1832 with the Sac and Fox,” William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 1, Volume 1, MS 0099 Kansas Historical Society, Topeka, Kansas.

[67] Lieutenant Albert M. Lea, *The Book That Gave to Iowa Its Name: A Reprint* (Iowa City: Athens Press, 1935), 40-41, accessed 8/30/2018, https://babel.hathitrust.org/cgi/pt?id=mdp.39015019947988;view=1up;seq=9.

that he was doing the best thing for his people and believed he could successfully drive the Americans from the area along with British and Native support. After the war, Black Hawk was imprisoned in Jefferson Baracks. Keokuk and George Davenport petitioned for his release, but he was sent east to Washington City instead. In Washington, Black Hawk met President Andrew Jackson and other dignitaries. He confessed to being impressed by aspects of American society but also noted that "since my last visit to the white people. I have still a buzzing in my ears from the noise."[68] He found American society loud and obnoxious. Black Hawk was eventually permitted to return home. On his return trip along the Mississippi, Black Hawk described what he saw at length:

> Passing down the Mississippi, I discovered a large collection of people in the mining country, on the west side of the river, and on the ground that we had given to our relation Dubuque a long time ago. I was surprised at this, as I had understood from our Great Father, that the Mississippi was to be the dividing line between his red and white children, and that he did not wish either to cross it. I was much pleased with this talk, as I knew that it would be much better for both parties. I have since found the country much settled by the whites further down, and near our people, on the west side of the river. I am very much afraid, that in a few years, they will begin to drive and abuse our people, as they have formerly done.[69]

The outcome of Black Hawk's war had greatly changed the landscape of the Upper Mississippi River region. While Black Hawk would end his autobiography by assuring readers that the "Tomahawk is buried forever!" it is easy to sense his personal feelings of loss and tragedy due to the ill-fated war and its outcome.[70]

[68] Black Hawk, *Life of Black Hawk : Ma-Ka-Tai-Me-She-Kia-Kiak. Black Hawk, Sauk Chief, 1767-1838.* (Iowa City: State Historical Society of Iowa, 1932), 35, accessed 3/7/2020, https://hdl.handle.net/2027/uc1.$b282493.

[69] Ibid, 149.

[70] Ibid, 155.

The Black Hawk War was also a tragedy for the political and economic power structure that the Meskwaki had so skillfully created along the Mississippi River. The loss of the lead mines and access to their traders damaged this highly successful and adaptive way of life. Although many had not participated in the Black Hawk War in any way, most Meskwaki were removed to western Iowa and then sequentially removed further and further west.

Nevertheless, it is important not to fall into the trap of interpreting the Black Hawk War as cataclysmic or the "end of history" in the region. Forced to move west, the Sauk and Meskwaki continued to demonstrate their skill at adaption as they were forced to relocate yet again. Some Meskwaki remained in eastern Iowa or eventually returned. In 1857, Meskwaki leaders, as adaptable as their forefathers, purchased 80 acres in Tama County, Iowa. This community came to be known as the Meskwaki Settlement. While the idea of purchasing land that had once been theirs by right may have seemed ludicrous, the Meskwaki recognized its potential value. In 1987, the Meskwaki purchased more land. Eventually, they acquired over 8,100 acres in Tama and nearby counties. To this day, many Meskwaki live in the Meskwaki Settlement. Unlike many tribal lands, the Meskwaki Settlement is not a reservation. The Meskwaki purchased their traditional lands outright, and, in some cases, this has actually given them more freedom and autonomy than Native peoples living on closely regulated reservations.[71] The Meskwaki Settlement remains a tangible legacy of Meskwaki power in the region.

If the eastern Iowa region was most consistently defined by flux, the events of the Black Hawk War were simply the latest major change. The Meskwaki had arrived in the region fairly recently and many would now be forced to move on. Meanwhile, the lead mines and the Tract

[71] "Meskwaki: A Brief History," *Meskwaki Nation: Sac and Fox Tribe of the Mississippi in Iowa*, accessed 3/01/2020, https://meskwaki.org/about-us/history/.

they left behind did not cease to exist. The landscape continued to evolve and adapt as new people came and went. While the Black Hawk War precipitated some tragic changes, it was neither the end of a Meskwaki presence in the region nor the end of their history as an adaptive society. Even as squatters poured into the region, attempting to impose their own vision on their surroundings, some Meskwaki remained in the region seeking new ways to adapt to the ever-changing environment.

After Meskwaki removal, the region did not become more stable. It became more chaotic. Meskwaki power had long kept the peace, allowed for a growing economy, and encouraged intercultural dialogue, negotiation, and trade. Ground-level control by a centralized American nation state was still a long way off. Instead, the next few years immediately after the Black Hawk War would be chaotic, confusing, violent, and involve many new historical actors. The remaining chapters in this dissertation will examine the power vacuum that the end of Meskwaki authority created and examine the different ways various groups of actors sought to fill it.

Chapter 4: "They are not Surpassed. . .by an Equal Number of Citizens of Any Equal Country in the World": Squatter Society in the American West

The Black Hawk War damaged the Meskwaki power structure that had been holding eastern Iowa together. While elements of the system such as the Tract still remained, the region was changing. A period of chaos ensued after Meskwaki removal. The absence of Meskwaki governance created a power vacuum that the American federal government was unable to fill, sparking an era of grass roots organizing, violence, and conflict over land. Squatters quickly became the dominant power in the region, forming claims associations and strategically engaging in extralegal methods of state formation or "maverick statecraft."

The Treaty of 1832, signed immediately after the Black Hawk War, ceded most of eastern Iowa to the United States. Before the region became known as Iowa, it was generally called "the Black Hawk Purchase." According to U.S. law, this land needed to be surveyed, divided into sections of 160 acres, and then auctioned at official proceedings. This process took a long time, and the auction system tended to favor wealthy buyers, so many poor settlers opted to move onto the land early and settle on it before it had been surveyed or auctioned. This practice was usually called squatting and was remarkably common in the American West. The first federally authorized land sale in eastern Iowa did not occur until 1838. By that time, approximately 20,242 white people lived in the region. All of these people, except the few settlers for whom the Tract had been intended, were, by definition, squatters.[1] In other words,

[1] Roscoe L. Lokken, Iowa Public Land Disposal (Iowa City: State Historical Society of Iowa, 1942), 68-69; Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2nd ed. (Lincoln: University of Nebraska Press, 1976), 67.

most of Iowa's first white settlers were squatters. Squatters were responsible for the creation of the Iowa Territory's earliest towns, organizations, and government entities.

Squatters in eastern Iowa were extremely organized, efficient, and democratic, forming complex, democratically elected "claims associations" to protect their land claims in the absence of any legal claim under American law. Claims associations in particular, though a major part of settlement in the American Midwest, have received little attention in the scholarship. This chapter will examine claims associations in eastern Iowa in the 1830s-1840s and make two arguments. First, squatters in eastern Iowa were actually a very modern, organized group of settlers who used complex claims associations to achieve their goals. Second, squatters can be seen as neither completely disconnected from the state nor as directly connected to it. Instead, they were part of a larger phenomenon of "maverick statecraft" that was common during the fractured early days of the American republic. Maverick statecraft refers to a grassroots effort to expand a state without the state's permission and sometimes in direct violation of the state's laws. Like filibusters, squatters sought to expand the United States and build democratic societies they believed were perfectly in keeping with Jeffersonian ideology all while technically breaking the law.

Squatting was already an established American tradition by the time the first squatters arrived in eastern Iowa. Settlers' drive for westward expansion had often exceeded their government's eagerness to open land for settlement. As soon as the Declaration of Independence was signed, it was clear that the new United States would soon have to confront the issue of western settlement. The seven states with uncertain western borders, Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, and New York, all claimed land stretching to the Pacific. The six smaller states with landlocked borders were frightened that they would not

reap any benefits from westward expansion while their larger neighbors would grow to immense size. It was clear that one of the earliest challenges the United States federal government would face was creating a land policy for future settlement. The federal government quickly secured the right to the "public land" west of the original states, putting Congress in control of future land policy. Under the Confederation government, Congress created a special committee to address the land system in 1783. Thomas Jefferson initially chaired the committee. He envisioned a nation of yeoman farmers who lived off the produce of their own sweat and hard work on farms. He wanted to provide farmland to settlers for free. At the time, the United States were drowning in war debt, and unable to impose virtually any taxes to obtain revenue, so many Americans wanted to turn public land into a revenue stream. Jefferson was called to serve as Minister to France, and, in the absence of his strong presence, the committee produced the Land Ordinance of 1785.[2] The Ordinance of 1785 declared that western lands would have to be surveyed, divided into townships six miles square and lots one-mile square, and auctioned by the federal government. Settlers could not obtain legal title to the land until these conditions had been met.[3]

Surveyors were intended to precede settlers, demarcating the land into a grid of townships. This land would then be auctioned off to the highest bidder. This system was from the beginning accompanied by issues of title and ownership. Since the federal government often had little power on the ground in Western territories, contracting, commissioning, and paying surveyors was often difficult, and the process of surveying proceeded at a snail's pace.[4] Even when land was successfully surveyed at made available at auctions, there were issues with the

[2] Bethel Saler, *The Settler's Empire: Colonialism and State Formation in the Old Northwest* (Philadelphia, PA: University of Pennsylvania Press, 2015), 20-21; Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2nd ed. (Lincoln: University of Nebraska Press, 1976), 4-7.

[3] Robert Middlekauff, *The Glorious Cause: The American Revolution, 1763-1789* (New York: Oxford University Press, 2005), 609-610.

[4] Roy M. Robbins, *Our Landed Heritage: The Public Domain*, 9, 17.

system. The Land Act of 1796 decreed that parcels of land could not be sold in chunks smaller than 640 acres or at a price under $2 per acre. This was well out of the reach of the poor Americans Jefferson had envisioned becoming the backbone of society.[5] What is more, the land was sold at auctions. This naturally favored buyers with more money in their pockets. Thus, speculators regularly outbid poor settlers. The slow pace of surveying combined with the auction system made it difficult for poor Americans to acquire farmland. Impoverished citizens or immigrants looking for a new life in the west naturally became squatters. Unable to purchase land or wait for surveyors to finish their work, they simply moved west and squatted on unsurveyed territory.

Squatters streamed into western lands while speculators often purchased much of the land for sale. Many speculators were absentee landholders. They never set foot on the land they purchased. Their interest in the land was purely speculative. Land agents in the west often advertised plots of land in eastern newspapers. Speculators paid land agents through the mail and acquired the land. They hoped to sell it later at profit, but they often had no intention to move there or develop the land. Land agents would watch over the land and often pay taxes for the absentee owner.[6]

Issues between speculators who often owned large amounts of western land and squatters who many times lived on their land began as early as the 1790s in Kentucky. Scores of squatters had settled on land owned by absentee speculators. Squatters and many other Americans found it fundamentally unfair that fertile land owned by speculators should be uncultivated while

[5] John Mack Faragher, Sugar Creek: Life on the Illinois Prairie (New Haven, CT.: Yale University Press, 1986, 53.

[6] Paul W. Gates, *Landlords and Tenants on the Prairie Frontier* (Ithaca, N.Y.: Cornell University Press, 1973), 52-53.

thousands of poor Americans were clamoring for the chance to work the soil and develop the land. Kentucky passed a series of laws designed to protect the squatters. A 1797 law required speculators to pay squatters with a color of title for any improvements they made to the land before moving them off the property. "Color of title' was a legal term that may have originated with the 1797 law. It indicated that squatter, even in the absence of any legal deed, had some form of claim to the land they lived on based on possession. Color of title could mean a bill of sale from another squatter, payment of taxes on the land, or, in some cases, simply possession itself. The concept of color of title was one of the first legal protections created for squatters. Soon after, the state passed a law requiring squatters to be reimbursed for any taxes they had paid on the land. A series of further "occupancy laws" protected squatters. The United States Supreme Court struck down these laws as unconstitutional since speculators were the legal owners of the land and squatters were, in effect, trespassers. Kentucky defiantly ignored the Supreme Court and kept enforcing its occupancy laws. This set a precedent in American land policy. Federal courts often upheld the claims of land speculators and large proprietors while territorial and local governments often took the side of squatters. Many other states like Vermont, Tennessee, and Ohio instituted occupancy laws.[7]

State and local governments actively sought to protect squatters, seeing them as American everymen with more right to the land then an absentee owner from another state. In 1830, Congress signaled that it would also protect squatters to a certain extent. The Preemption Act of 1830 permitted squatters who had settled on unsurveyed land to purchase up to 160 acres of the land they were living on for $1.25 an acre before anyone else had the opportunity to buy it.

[7] Paul W. Gates, *Landlords and Tenants on the Prairie Frontier*, 20-45.

The Act was repeatedly renewed.[8] Occupancy and preemption laws signaled the start of a land reform movement that would eventually culminate in the passage of the Homestead Act of 1863. More importantly for Iowa squatters, however, these laws signaled that squatters could expect the government to protect them in some way. Those who squatted on unsurveyed land had every reason to suspect that they would eventually at least be paid for their improvements to the land and likely be granted preemption rights.

In Iowa specifically, preemption laws required that that squatters had to meet four requirements to qualify for preemption. First, they had to occupy the land. This meant that the settler in question was actually living on the land they claimed. Second, they had to have a color of title. This is a confusing legal phrase often used in the nineteenth century that means they had some sort of documentation to support their ownership. Perhaps they had purchased the land from another squatter or filed a claim with a claims association. This sort of "title" was still illegal, but held some weight in the courts. Third, they had to have made improvements in good faith. This referred to building a house, clearing a field, or completing some other change to the land that was dubbed an "improvement." Fourth, they had to have been found not to be the rightful owner of the land. If they were the rightful owner, a preemption claim would not apply.[9] By the 1830s, there was a legal process by which a person who had been found not to be the rightful owner of a plot of land could still qualify for a preemption claim.

Squatters began to move into eastern Iowa even before the Black Hawk War. Squatters and prospectors (essentially miners who squatted on land for the minerals underneath it) began plaguing Ho-Chunk and Meskwaki mines on the east side of the Mississippi in the 1820s. The

[8] Roy M. Robbins, Our Landed Heritage: The Public Domain, 50.

[9] *Supreme Court of Iowa: James Craton vs. James Wright*, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9.

Ho-Chunk mines and Meskwaki mines on the east side of the river were eventually overrun after the so-called "Winnebago Uprising" in 1826.[10] Even before the Uprising, prospectors and squatters expressed interest in the Meskwaki lead mines and surrounding lands on the western shore of the Mississippi. The success of Dubuque's Mines seemed inviting to many young men searching for fame and fortune in the West. If not for the incredibly strong Meskwaki power structure that policed the western side of the river, squatters would have undoubtedly poured into the region. As evidenced by the Meskwaki's decision to burn down Julien Dubuque's residence after his death in order to prevent Auguste Chouteau from repossessing it, they were perfectly willing to defend their turf. Since it was incredibly difficult to gain access to the Meskwaki lead mines, many prospectors moved instead to the Ho-Chunk mines on the eastern side of the river.

As soon as the Black Hawk War ended Meskwaki dominance in the region, squatters and prospectors did begin to fill up Eastern Iowa. They mined for lead, farmed, fished in the river, worked on river boats, or sometimes did all of the above. The town of Dubuque was laid out and established in 1833 and white miners quickly began working on mines that had previously been worked by Meskwaki families. By the fall of 1835, Dubuque had a population of 1,200 that was "rapidly increasing." Mining in the region was unregulated. Albert Lea wrote in 1836, "As the lands yet belong to the United States, and no regulations have been made in relation to the working of the mines, they are subject to the occupation of any one [sic] who may think proper to take possession."[11] Most of these settlers likely knew what they were doing was illegal, but

[10] Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926), 104-118, accessed 3/15/2020, http://penelope.uchicago.edu/Thayer/E/Gazetteer/Places/America/United_States/Wisconsin/_Texts/MAHOFC/home.html.

[11] Lieutenant Albert M. Lea, *The Book That Gave to Iowa Its Name: A Reprint* (Iowa City: Athens Press, 1935), 41, accessed 8/30/2018, https://babel.hathitrust.org/cgi/pt?id=mdp.39015019947988;view=1up;seq=9.

assumed, based on the previous preemption acts that they would eventually be given title to, or at least some form of restitution for the improvements they made on the land they settled on.

Southeastern Iowa also quickly filled with squatters. While it might have been reasonable to assume that preemption would eventually apply to squatter settlements in northeastern Iowa, settlement on the Tract was much more complicated. Since the land had already been promised to someone else by the federal government, some sort of preemption act applying to squatter settlement there would be impossible. Nevertheless, squatters poured into the Tract. Sauk and Meskwaki requests that the President remove all the whites living in the Tract clearly indicate that the land was already filling with white squatters by 1830.[12] Jacob Van der Zee wrote that, by 1833, the soldiers at Fort Crawford and Fort Armstrong had given up on keeping the squatters out of the region.[13] There were simply too many squatters and too small a government presence in the region to keep them from taking the land they wanted. So who were these extra-legal settlers and how did they contribute to the history of eastern Iowa? Accounts differ drastically.

In 1860, an author who identified him/herself only as an "old settler" from southeastern Iowa wrote down some recollections of the "old days" in the local *Des Moines Valley Whig*. The "old settler" remembered one of the first land sales in southeastern Iowa, back in June of 1837. Investors and farmers gathered to buy up 160-acre plots of land at the auction, hoping to become some of the first settlers in the Blackhawk Purchase (Iowa). But the land sale was not as simple as it seemed. The "old settler" recalls that it was disrupted by a group of hard, weathered men on horseback. Their leader was a "bully" named Bill Price. Price and his thugs were members of the

[12] Thomas Forsyth, Indian Agent to William Clark, June 9th, 1830, William Clark Papers, St. Louis Superintendency of Indian Affairs, Roll No. 6. Volume 32. MS 0099, 4, Kansas Historical Society, Topeka, Kansas.

[13] Isaac Galland, *Galland's Iowa Emigrant: Containing a MAP, and General Descriptions of the Iowa Territory* (Chillicothe, Ohio: Wm. C. Jones, 1840), 3; Jacob Van Der Zee, "The Half-Breed Tract," Annals of Iowa 13, no. 2, 164, State Historical Society of Iowa in Des Moines, REF.F616.I4.

"Squatter party," and had been living in the area for quite some time. The squatters were armed, and the land sale was called off because of their threats. No one purchased any land that day.[14] J.M. Reid, the son of prominent land speculator Hugh T. Reid (see chapters 2, 5), recalled that Bill Price "was well known as a turbulent character, always getting into fights and whipping someone, for he was a bully."[15]

This somewhat frightening story evokes one possible memory of squatters as ruffians who settled the West illegally. They were "low, lazy, sluttish, heathenish, and hellish" bullies.[16] But this is not the only way squatters have been remembered. In 1836, just a year before Bill Price and his squatter-thugs upended the land sale the "old settler" remembered, Lieutenant Albert M. Lea, a soldier stationed in Iowa, provided a very different description of the squatters living in the same region of southeastern Iowa. According to Lea, "the character of this population is such as is rarely to be found in our newly acquired territories. With very few exceptions, there is not a more orderly, industrious, active, pains-taking population west of the Alleghenies, than is this of the Iowa District."

Lea saw squatters not as a disorganized mass of lawless ruffians. He saw them as the very best the United States had to offer, saying, "Those who have been accustomed to associate the name of *Squatter* with the idea of idleness and recklessness, would be quite surprised to see the systematic manner in which everything is here conducted. For intelligence, I boldly assert that they are not surpassed, as a body, by an equal number of citizens of any equal country in the

[14] "Historical Sketches and Reminiscences of Lee County, No. 2." *The Des Moines Valley Whig* (Des Moines, IA). Friday, August 13, 1860.

[15] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers, and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R.B. Ogden, 1876), Church History Library, Salt Lake City, Utah, 977.7 R356s 1876.

[16] David Nichols, *Red Gentlemen and White Savages: Indians, Federalists, and the Search for Order on the American Frontier* (Charlottesville: University of Virginia Press, 2008), 4.

world."[17] Clearly, perceptions of squatters varied greatly. Some described them as uncouth bullies, while others recalled that they were the salt of the Earth, the finest America had to offer.

It appears that most squatters in eastern Iowa were quite confident that they would not be removed from the land they had illegally claimed. In the 1830s, squatting was clearly illegal. An 1807 federal law declared that squatters could be forcibly removed by local marshals. An 1833 law made this act specifically applicable to Iowa.[18] On the other hand, the previously mentioned preemption laws suggested to squatters that the federal government might eventually come around to their way of seeing things. Even more importantly, many squatters seem to have genuinely believed in the binding nature of their claims. Albert Lea explained it this way, "It is now clearly understood what improvement it takes to constitute a claim to any portions of these lands; and a claim to a farm, regularly established, is just as good, for the time being, as if the occupant had the Government patent for it."[19] Improvements to the land were seen by the squatters as rock solid claim to ownership and they were confident the government would honor that when it surveyed the land.

Part of the squatters' faith in their land claims was based on the organized way in which they made them. Most people would probably imagine that squatters simply picked empty land wherever looked appealing and then farmed as much of it as they could. In fact, they were much more calculated and organized. Accounts from the time suggest that squatters arrived in eastern Iowa, outfitted themselves for a ten-day journey, and explored the area to find some land unclaimed by another squatter. If a squatter found land that he desired, he/she usually used paces

[17] Albert M. Lea, *The Book that Gave to Iowa its Name: A Reprint* (Iowa City: Athens Press, 1935), 14.
[18] Roscoe L. Lokken, Iowa Public Land Disposal (Iowa City: State Historical Society of Iowa, 1942), 66-68.
[19] Albert M. Lea, The Book that Gave Iowa its Name: A Reprint, 19.

to measure out a 320-acre claim. If he could not find any to his liking, he could purchase an improved claim from another squatter.[20] Once a squatter selected and measured his claim, he had to register it with the local claims association. Wanting to keep track of who owned what land, squatters in eastern Iowa often formed claims associations that mapped out the local land claims and enforced their boundaries. These were extra-legal, grassroots organizations that allowed squatters to police one another. Over one hundred claims associations were founded in Iowa.[21] Despite operating outside of the law, these clubs had constitutions, secretaries, ran notices in local newspapers, and were effective in protecting squatters' claims.[22] An 1839 issue of the *Davenport Sun* ran a notice declaring that a man named Royal C. Gilman had laid claim to a specific plot of land in township 78 north, range 4 east and warned all other would-be settlers to stay off.[23] These sorts of notices frequented local Iowa newspapers in the early to mid-1800s. These notices had little official legal power, but they were considered a legal statement in the eyes of claims associations.

The Johnson County Claims Association in eastern Iowa left behind the best record of its meetings and bylaws. It is remarkable how organized the Johnson County squatters were. They were consciously democratic and modern and believed they represented the best characteristics of the United States. The association's constitution established several elected positions including a president, a vice president, a clerk/recorder of claims, seven judges/adjusters of claims, and two marshals. All these positions were elected annually to one-year terms. Regular

[20] Roscoe L. Lokken, *Iowa Public Land Disposal*, 68-69.

[21] While my research is primarily constrained to Iowa, there were certainly claims associations and "claim clubs" elsewhere. They were neither invented in eastern Iowa nor unique to the region. For example, they were extremely prevalent in Kansas during the Bleeding Kansas crisis. See John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford, Oxford University Press, 2022), 137.

[22] Roy M. Robbins, *Our Landed Heritage: The Public Domain*, 67.

[23] Royal C. Gilman, "To Claim Jumpers," The Annals of Iowa 10, no. 6 (1912): 430

meetings of the claims association were held twice per year, but the president could also call a meeting at any time he deemed it necessary to the common good.[24]

In addition to establishing a variety of elected positions, the constitution also established numerous laws. Anyone who staked a claim in the Johnson County area would have to clearly mark its boundaries by staking them off or "blazing" them and submit their claim to the association. Those who did not follow the rules could be evicted by the marshals.[25]

The constitution also established rules for "citizenship" of the county. Anyone who had resided in the county for over two months and spent $50 or more on "improvements" to their plot became a "citizen." Citizenship permitted them to vote in the claims association and potentially run for office as president, judge, etc.[26]

It is important at this point to reiterate that none of this governing structure was sanctioned by the U.S. government or the territorial government. Squatters in Johnson County created the whole apparatus of the claims association themselves. This was a grass roots organization that, strictly speaking, was illegal given the fact that its whole purpose was to facilitate the settlement of land the U.S. government had not opened for settlement. Nevertheless, nothing about the claims association's constitution or anything else the squatters left behind suggests that they ever considered setting up their own country or a government separate from the United States. In fact, as Albert Lea's quotes cited earlier suggest, the squatters thought of themselves as American and embodying the best qualities of the United States. This is crucial to

[24] Benjamin Shambaugh, *Constitution and Records of the Claim Association of Johnson County Iowa* (Iowa City, IA: State Historical Society of Iowa, 1894), 3-4.

[25] Ibid, 5-10.

[26] Ibid, 10. It is not clear whether the $50 requirement indicates actual cash spending or sweat equity. It is also unclear if "citizens" had to be white males, but I have so far been unable to find any examples of claims association members who did not meet both criteria.

understanding who the squatters were. While some outsiders may have understood them—and not entirely incorrectly—as a bunch of law-breaking rogues and bullies, they thought of themselves as an extension of the United States.

While the Johnson County Claims Association left behind the most detailed records, it certainly was not the only claims association of its time. In December of 1843, settlers in Wapello County, Iowa founded a claims association. They called a settler meeting in township 71, range 12 west in Wapello to settle who owned what and agree not to infringe on each other's claims, declaring that ". . .whereas some misunderstanding or disagreement may have already happened or hereafter may happen in regard to the true and equitable location of claim lines among neighbors and also as it was rationally anticipated from the hasty settlement of an unsurveyed country" they agreed to settle things once and for all.[27] Squatters in the Tract also formed their own claims association called the Union Association. They had an executive committee and held regular settlers' meetings. Samuel Van Fossen, one of the executive committee members referred to it simply as "the Union" in documents he left behind. Their meetings were announced in the local *Keokuk Register*. One such notice appeared on June 19, 1847:

"SETTLERS' MEETING!"

A meeting of the Settlers on the Half Breed Tract of Land will be held at John Arrow Smith's, in Montrose township on Saturday, January 26th inst! Business of much importance will be laid before the meeting, and it is desired that every member of the Union Association will be there, as well as all others who are friendly to their interests.

Samuel Van Fossen,

Alexander Kerr,

[27] "Settlers Meeting," *Burlington Hawk-Eye*, December 21, 1843.

Executive Committee.[28]

The Union Association was an exclusive group. They did not tolerate anyone who did not support the squatters or "their interests." Samuel Van Fossen himself was at one point accused of disloyalty and had to publish a pamphlet defending and extolling his loyalty to the squatters to avoid being ejected from the region.

Shortly after moving to Iowa and before becoming an official in the claims association, Van Fossen had written a letter to a land speculator saying he would like to buy some land in the "Half-Breed Tract." This letter was uncovered a few years later once Van Fossen had risen to prominence in the Union Association. The very fact that he had had dealings with a land speculator and suggested purchasing land rather than going through the Union Association sparked a scandal. Claims associations were for people who lived on the land, not people who purchased land. Van Fossen pleaded for understanding in his pamphlet, saying dramatically that if "any man living, since I joined that Union will show a line from under my hand, either directly or indirectly approving that monstrous Decree, then I will plead guilty to the charge of deception and justly forfeit the confidence of those whose good opinion I value." [29]

The Union held significant power in Lee County and would eventually morph into its own political party.[30] Not only were claims associations a way to keep order, but Albert Lea's description of fair and democratic squatters seems to suggest they were also an effort to promote

[28] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 207, The State Historical Society in Iowa City, MS BL241 f.12.

[29] S. Van Fossen, "To the Settlers in the Half-Breed Tract" (broadsheet pamphlet), Library of Congress Database, https://www.loc.gov/resource/rbpe.01903700/?sp=1.

[30] Ibid; Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 207, The State Historical Society in Iowa City, MS BL241 f.12.

grassroots democracy. Squatters were forging a government of their own while on the periphery of the American state.

Given the lack of federal or territorial authority, it would be easy to imagine that the claims association was a paper tiger—an attempt by settlers to "play government" without any real means of enforcement—but the opposite was true. In Johnson County, the Claims Association constitution was mostly followed, but, in at least one case where someone attempted to stake a claim without reporting it to the association, the "claims jumper" was whipped and banished from the county.[31]

In 1851, a "claims jumper" showed up on the settlement of a squatter named Theophilus Bullard. According to the Burlington Hawk-Eye, a local newspaper, "about one hundred and fifty men in broad day-light, without disguise, left their horses below Devil Creek, and, crossing the Creek, they marched in regular order to the house of" Bullard's antagonist. They burned his house to the ground and expelled him from the area.[32] Squatters may not have had any technical legal jurisdiction, but the organization of well-connected claims associations allowed them to exercise a lot of practical power over events in eastern Iowa. In Bullard's case, squatters effectively organized themselves and policed what they had determined to be the boundaries of Bullard's estate. Given the lack of state power such as a military presence, some active form of law enforcement, or powerful sanctioned local governments in the area, squatters were often able to make their own law through claims associations.

[31] Benjamin Shambaugh, *Constitution and Records of the Claim Association of Johnson County Iowa* (Iowa City, IA: State Historical Society of Iowa, 1894), xv.

[32] "Half Breed Disturbances-Speak of Civil War," Burlington Hawk-Eye, June 5, 1851, accessed September 4, 2018, University of Iowa online database.

This sort of "frontier justice" often allowed squatters to hang on to their land. Roscoe L. Lokken, an early historian of Iowa, records several instances of squatter justice:

> On one occasion a man named Crawford located a claim north of Iowa City and built a cabin on it. But William Sturgis had already registered this tract with the secretary [of the claims association] and therefore had the support of the claim association. In response to a meeting called for that purpose, a group of men proceeded to Crawford's cabin. He was given an opportunity to leave peaceably and offered payment for his labor. His refusal of both resulted in the destruction of his cabin. . .The claim jumper found himself, ax in hand, 'in the center of the vacant space that had been occupied by his cabin.'"

Crawford was furious. He sought legal redress in the courts, but immediately realized the gravity of his situation. "It was impossible to find a judge, lawyer, or juror in Iowa who was not a claim-holder." In this case, the frontier justice of the claims associations trumped the official legal system. Crawford was unable to have his day in court since no locals were sympathetic to his complaint.[33]

On another occasion near Davenport, Iowa, a settler claimed land without registering with the local claims association. Members of the claims association traveled to his home to inform him that he needed to leave the area. The claims-jumper "refused to leave and threatened the claims association members who tried to make him with a gun." In response, they hitched a

[33] Roscoe L. Lokken, Iowa Public Land Disposal (Iowa City: State Historical Society of Iowa, 1942), 73-74.

team of oxen to his cabin and tore it down. Capturing the claims jumper, they forced him to swim across the Mississippi back to Illinois.[34]

In addition to successfully protecting the association members, claims associations were often successful at securing their members legal title to their claims. Eventually, the land in eastern Iowa was surveyed and sold at auction, but these auctions were often policed by claims association marshals and sympathetic government officials. In January of 1840, the Federal Government announced that the land in Johnson County would be officially auctioned off. The Johnson County Claims Association immediately held an emergency meeting and drafted a petition to the president of the United States to postpone the auction until August of 1840. Their wish was granted. [35]

The association then determined to help all association members purchase the land they were already living on. Members who could not afford to make the minimum bid were provided with money by more wealthy members and they elected a "bidder" and "assistant bidder" to place the first bid each time the auctioneer brought a piece of land up for sale. Cyrus Sanders, the assistant bidder, remembered the day of the land sale like this:

> On Monday morning early we had made all arrangements for the sale. The bidder and the assistant bidder had furnished themselves with large plats of the two townships to be sold, with each claimants name plainly written on the subdivision which he wished to purchase. When the time came for the sale to begin, the crier stepped on the platform, and, inviting the bidder and assistant to take places on the platform beside him, took hold of one side of the plat and began at section No. 1, and called out each eighty acre

[34] Ibid.

[35] In *Dangerous Ground*, John Suval shows that squatters eventually became an important part of the Democratic Party machine. President Martin Van Buren's willingness to listen to them in this instance may reflect that. Andrew Jackson was the first president to sometimes openly support squatter rights—squatters fit much better into his populist understanding of the United States than wealthy land speculators who were often Whigs—and some of his Democratic successors followed suit. See John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford, Oxford University Press, 2022), 15-44.

> subdivision as rapidly as he could speak. When he came to a tract with a name written on it, he would strike his hammer down and give the name to the clerk. He thus proceeded, taking the sections in numerical order. The two townships were offered in less than thirty minutes.[36]

In this way, the Johnson County Claims Association successfully allowed squatters to claim land illegally and then eventually obtain legal title to it. In 1843, they did something remarkably similar at a subsequent land sale. After that, since most of its members were now legal owners of their land, the Association disbanded.[37] The fact that squatters were often able to obtain their land from the United States without receiving any punishment for years of illegally squatting on it suggests that they were not completely separate from the larger mechanisms of state expansion. They were not some rabble that had little in common with the centralized American state. At the same time, squatters had clearly engaged in illegal acts such as claiming the land in the first place and using violence to protect their claims and break up land sales. They often garnered more support from local politicians than federal ones.

Despite all their influence on the region, individual squatters are often somewhat difficult to trace in the historical record because they did not legally possess their land. Squatters did not have deeds to their land and usually did not pay taxes, so they did not leave a large paper trail for historians. One exception was Hawkins Taylor, the one-time sheriff of Lee County and key ally to squatters everywhere, Taylor later wrote numerous articles and anecdotes in the 1870s, usually under the pseudonym "an old settler." These essays, along with Taylor's own typewritten autobiography, glamorized the squatters as the fearless pioneers of Iowa who turned a wilderness

[36] Benjamin Shambaugh, *Constitution and Records of the Claim Association of Johnson County Iowa* (Iowa City, IA: State Historical Society of Iowa, 1894), xvi-xvii.

[37] Ibid, xviii.

into a fine, civilized society, but they also offer many clues into the lives, views, and culture of squatters in the American West.

Perhaps even more importantly, Taylor held numerous official roles in the local, territorial/state, and even federal government over the years, serving as the sheriff of Lee County, an Alderman for the fourth ward of Keokuk, the Second Master of Boat Services in Western Waters, Postmaster Inspector for the Kansas Territory, a representative in the Iowa Territorial Legislature, Mayor of Keokuk, and a special agent for the Department of the Treasury combatting counterfeiting in Iowa.[38] In this sense, Taylor represents another class of actors involved in the spider web of settler colonialism in eastern Iowa. He was a local government official who blatantly supported squatters over land speculators and did everything he could to help them acquire land. Taylor attempted to reify squatter claims throughout his career by blasting speculators and refusing to even mention Native people or their mixed-race relatives. This stands in stark contrast to the role of territorial and state officials like Charles Mason who used the law to help speculators and even more starkly in contrast with federal officials and the Supreme Court who almost always supported speculators because of the legality of their claim. In fact, local, territorial/state, and federal governments were often in conflict when it came to things like expansion.

Hawkins Taylor was born in Virginia. His birthdate is uncertain, but he was probably born around 1810. His father, Samuel Taylor, was an Irish immigrant who worked as a wagon maker or wainwright. Taylor's family was poor and unable to compete with wealthy Virginians who could afford slaves. Both of Taylor's parents became ardently opposed to the "peculiar

[38] Hawkins Taylor Papers, 1837-1890. State Historical Society of Iowa in Des Moines. N17/9/5 Box 70 Folder 7 Copy: 1.

institution" and, as Taylor later recalled, "The first thing that I really recollect was my mother impressing it on my mind that I ought to be thankful that I was born white, instead of being born black, as I never could be enslaved."[39] Perhaps in an effort to escape the slaveocracy of Virginia, Taylor's family moved to Kentucky while he was a young child. Taylor did not receive much formal schooling and lived in a log cabin, but he was inculcated with American patriotism at an early age. Two of his uncles had served in the American Revolution and many of the "old men" who lived around him had as well. They taught Taylor about the values behind the American Revolution and why they believed it had been a change for the better. He was reared on stories of the heroism of George Washington and Nathaniel Greene.[40]

When Taylor was in his late teens, he left his family and moved west to Illinois in what he remembered as a large migration of dissatisfied, non-slaveholding whites out of Kentucky.[41] Taylor moved around a lot in Illinois but was living in western Illinois, just across the river from Iowa, when the Black Hawk War broke out. Taylor remembered fleeing to Galena to get away from the conflict and then moving to Hannibal, Missouri immediately after the war. Sometime during his stay in Illinois, Taylor met a young Abraham Lincoln during his campaign for the Illinois House of Representatives in 1831 or 1832. Taylor and Lincoln both came from poor families in Kentucky and had both left along with many others dissatisfied with the slave-based economy in the state, so they became friendly. Taylor supported Lincoln's political ambitions for

[39] The autobiography of Hawkins Taylor, 2, Hawkins Taylor Papers, 1837-1890, State Historical Society of Iowa in Des Moines, N17/9/5 Box 70 Folder 7 Copy: 1.

[40] The Autobiography of Hawkins Taylor, 10-12, Hawkins Taylor Papers, 1837-1890, State Historical Society of Iowa in Des Moines, N17/9/5 Box 70 Folder 7 Copy: 1.

[41] The Autobiography of Hawkins Taylor, 4, Hawkins Taylor Papers, 1837-1890, State Historical Society of Iowa in Des Moines, N17/9/5 Box 70 Folder 7 Copy: 1. Taylor's memory of this diaspora of antislavery whites is thoroughly substantiated in the literature. See John Mack Faragher, *Sugar Creek: Life on the Illinois Prairie* (New Haven, CT: Yale University Press, 1986), 46; Honor Sachs, *Home Rule: Households, Manhood, and National Expansion on the Eighteenth-Century Kentucky Frontier* (New Haven, CT. Yale University Press, 2015.

the rest of his life.[42] This makes Taylor distinctive as a committed Whig and a supporter of squatter rights. This combination of a belief in public works and western expansion and agriculture-based society would become more common with time and eventually be personified in the Republican Party.[43]

Shortly after the Black Hawk War, when the Black Hawk Purchase or eastern Iowa obtained by the U.S., Taylor moved to the Tract and took up residence with many other squatters in Lee County, Iowa. Since the land had not been surveyed and opened for settlement, this sort of immigration was still technically illegal, but now that the Meskwaki were no longer policing their borders, squatters streamed in. Like most squatters, Taylor tried his hand at farming. He quickly became involved with the local claims association, called the Union Association.[44]

Taylor eventually decided he was not much of a farmer and moved into local politics. Tellingly, this meant Taylor became involved both with an extralegal claims association and the official local government. Taylor became the sheriff of Lee County in 1840 and appears to have joined the "Union Association" even before that. Taylor quickly became a prominent citizen in the bustling frontier community of Lee County. He was a proud member of the claims association, a respected member of the local government, and an amateur writer and historian. In Taylor's memory, the Tract was merely an uncultivated wilderness when he first arrived. Given the extensive evidence of Sauk and Meskwaki as well as earlier fur trade activity in the area, it seems surprising that Taylor found the area unpopulated and wild, but this phenomenon is a

[42] Ibid, 13-21.

[43] See John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford, Oxford University Press, 2022), 58-165.

[44] The Autobiography of Hawkins Taylor, 4, Hawkins Taylor Papers, 1837-1890, State Historical Society of Iowa in Des Moines, N17/9/5 Box 70 Folder 7 Copy: 1.

common component of settler colonialism. Taylor's conception of the adventurous settlers who tamed the region required an untamed wilderness, so that is what he remembered.[45]

For Taylor it was the "wilderness" aspect of the Iowa frontier that made claims associations necessary. The brave squatters lived not only in a natural wilderness, but a legal one. There were no laws to protect them. In light of their precarious situation, the squatters banded together and formed claims associations like the Union Association. In Taylor's own words: "There were no homestead laws as now, not even pre-emption laws. The settlers had to be a law on to themselves, to protect their own homes and firesides. To do this previous to the lands being offered for sale, the settlers in each township met and adopted their own bylaws. . ." In Taylor's recollection, the Union Association effectively settled disputes, enforced the "bylaws" the settlers had created, and required all squatters to live and work continuously on their land, "making certain improvements thereon."[46] This stood in stark contrast with speculators who owned large amounts of land but never set foot on it or "improved" it. Like many of the squatters in chapter 4, Hawkins Taylor waxed nostalgic about the democracy, fairness, and effectiveness of claims associations like the Union Association.

At least in Taylor's recollection, claims association was an example of "taming the wilderness." Squatters brought civility and law to an otherwise uncivil and lawless land through their grassroots democracy. Of course, the wilderness Taylor remembered was a distorted version of actual history and geography. It was filled with Native people, traders, and included lead mines, trading posts, an active shipping industry, and more. Under the Meskwaki, the area was anything

[45] William Cronon, "The Trouble with Wilderness; or, Getting Back to the Wrong Nature," *Environmental History* 1, no. 1 (1996): 7-28; Lorenzo Veracini, Settler Colonialism: A Theoretical Overview (New York: Palgrave Macmillan, 2010), 22.

[46] Hawkins Taylor, "Squatters and Speculators at the First Land Sales," The Annals of Iowa 1870 no. 3 (1870): 269-270.

but a wilderness. Most of this is absent from Taylor's reminiscences. If anything, the chaos he recalled was created by the American Army in the Black Hawk War rather than some sort of natural state the land existed in before white settlement.

Interestingly, Taylor's recollections hardly mention the Tract or Native or mixed-race people. Surely Taylor was aware of their presence, and he could not have failed to hear about all the court cases involving mixed-race people and their Native family members, but this part of the story was never important to him. Taylor always associated "half-breed claims" with land speculators who purchased them. They always represented corrupt, Eastern investors, not Indigenous people or their relatives. Taylor did recall some examples of tension over title to the land, but they often emphasized the corrupt nature of the speculators and nothing more. For example, Taylor remembered a dishonest "Yankee" who lived in the Tract for some time. The man was a woodcutter who made a living selling lumber to steamers passing on the Mississippi. Taylor asserts that the woodcutter's Yankee background made him a busybody "who would turn his hand occasionally to any sort of business that would earn a penny."[47] Given his greedy nature, Taylor believed it was no surprise that the woodcutter eventually purchased "what was called in the language of those days a 'blanket title' to a portion of the 'half-breed tract.' That sort of title usually cost a blanket, paid to some drunken Indian or half-breed; and though it had merits sometimes, yet usually was good for nothing."[48]

Since this incident is not recorded anywhere else, it is difficult to guess what sort of title the woodcutter possessed, but Taylor's outright disdain for titles purchased from Native and

[47] Hawkins Taylor, "Law Ministers of the Olden Time," *Annals of Iowa* (July 1871): 606-617.
[48] Ibid, 613-614.

mixed-race people is obvious. So is his characterization of the people who bought them as Yankee busybodies.

The woodcutter sold his share to the clerk of the district court in Fort Madison for $800, but the clerk eventually refused to pay for it, declaring the share worthless. The case went to court, with Charles Mason in charge of the proceedings. It would have been very interesting to see what might have happened next given Mason's known tendency to support speculators' claims to the Tract, but the woodcutter did not make it to trial. Taylor cryptically says that the woodcutter "committed some act of 'border warfare,' somewhat common in Iowa, in those days, and fled the country, and neither he nor his note has since been heard of."[49]

What sort of "border warfare" the woodcutter committed is left to the imagination, and the flippant way Taylor mentions it is almost humorous. It seems possible that the woodcutter found himself subject of the same frontier justice that many other "claims jumpers" were subjected to (see chapter 4). Perhaps even more important than whatever happened to the woodcutter is Taylor's complete dismissal of the idea that preexisting claims to the Tract might trump those of the squatters.

Taylor found squatter society to be the best, safest, and most democratic throughout the world: "The law never did and never can protect the people in all their rights, so fully, and so completely, as the early settlers of Iowa protected themselves by these organizations, doing justice to all, as well as paying the government fully for the lands occupied by them."[50] At least in Taylor's mind, the ad hoc laws and society created by the squatters were not just a substitute for the laws

[49] Ibid, 16.

[50] Hawkins Taylor, "Squatters and Speculators at the First Land Sales," The Annals of Iowa 1870 no. 3 (1870): 270.

and society of the United States. They were superior. Years later, no doubt with memory somewhat clouded by nostalgia, Taylor remembered that squatter society was more equal, more enterprising, and more exciting than anything that had come after it. This is interesting for a few reasons. It substantiates the idea that squatters saw themselves as the standard bearers for America, not in opposition to it. Second, it shows that, at least for Taylor, the story of the brave squatters who had formed claims associations that brought law to a lawless land had become the origin story of Iowa. This view appears to have been shared by many of the other "old settlers" who later wrote about the town of Keokuk and eastern Iowa. One "old settler" who wrote a newspaper article in 1860 recalled that Hawkins Taylor was among the earliest, most influential squatters in the Tract. He defended their practice of squatting, saying "the settlers' interest and honesty established a law which was effectual between themselves and against outsiders, so that all felt certain of obtaining their land at $1.25 per acre, when it was offered at government sale, and none were ever disappointed."[51] To this "old settler," Taylor's status as a squatter and defender of squatters made him one of the heroic founding fathers of the region, not a criminal or anything of the sort.

Taylor used both his position of influence in the Union Association and his status as sheriff of Lee County to help squatters keep hold of the land they were living on. Taylor later recalled that tensions over land ownership began to heighten after the Panic of 1837. The recession prompted the federal government to try and get as much public land surveyed and auctioned off as quickly as possible. In those days, land sales were a way for the government to try and recoup its losses and stimulate the economy after a panic. Land was surveyed throughout eastern Iowa and

[51] "Historical Sketches and Reminiscences of Lee County," No. 1, *The Des Moines Valley Whig* (Des Moines, IA), Friday, August 3, 1860, Bickel Collection: Pioneers, Keokuk Public Library, Keokuk, Iowa.

quickly put up for auction. Taylor made it his personal mission to ensure that squatters were able to keep their land.

It is entirely possible that Taylor understood this to be part of his job as sheriff as well as claims association member. Local governments often supported squatters. Their constituencies were made up mostly of squatters and they sometimes shared their suspicions of eastern land speculators. When an auction date was announced, Taylor would call a "town meeting." Anyone who was currently living on land set to be auctioned was to come to the meeting and help establish what land was "theirs." For example, an 1842 article in the *Lee County Democrat* announced a "town meeting" for squatters to plan how to obtain the land they were living on at the forthcoming auction. Taylor called the meeting and apparently had done so before in advance of previous auctions. Squatters typically agreed to pay around $7.50 for their plots of land.[52] At these meetings, Taylor made a record of all the squatters and what plots they owned.

In addition to his job as sheriff, Taylor often served as an auctioneer at land sales. With list of squatters in hand, he would proceed to offer the plots one by one to the squatters who claimed them. Any speculator or other person who tried to butt in and offer a higher bid on a squatter's land risked being subjected to squatter justice. One time when Taylor was auctioning off land in Butler County, Iowa, a squatter named John Judy was unable to afford his plot. Wanting to ensure that he still was able to keep his land, Taylor passed over that plot, intending to sell it in a few months when Judy said he would have the money. According to Taylor, a "Virginian" auctioneer sold Judy's plot to a speculator without Taylor knowing it. The squatters were quick to take collective action to defend Judy and ensure their brand of justice was done. "[W]ithin five minutes

[52] Hawkins Taylor, "Public Meeting," *Lee County Democrat* (Fort Madison, Iowa), Saturday, March 5, 1842, Lee County Democrat, December 11, 1841-July 13, 1844. State Historical Society of Iowa in Des Moines. Microfilm. Roll no. 8334

time, not less than fifteen hundred of as desperate and determined a set of men as ever wanted homes, started for the hold bidder." Taylor and another leading squatter reached the man who had purchased the stake before the mob and convinced him to void his actions and slip out of town before he faced the wrath of a bunch of angry Iowa farmers.[53]

Taylor often used his status as a leading member of the Union Association and a local official to help squatters keep their land. He moved fluidly between the two roles, suggesting that he may not have seen them as extremely different or contradictory. Taylor's devotion to the squatter cause doesn't seem to have prevented him from making some additional money by helping the occasional speculator, though.

In 1838, the Wisconsin Territory, then in possession of what is now Iowa, passed a law to deal with the complicated ownership dispute in the tract. The law, "An Act for the partition of the half-breed lands and for other purposes," required people who believed they owned some of the tract to file their claim with the District Court of Lee County. It also appointed Edward Johnstone, Thomas S. Wilson, and David Brigham as commissioners to investigate the legality of the claims and determine who was actually entitled to the land.[54] Once they had made their determinations, a public auction was to be held for those who wanted to sell their land. Hawkins Taylor and other squatters found Johnstone, Wilson, and Brigham's actions troubling. They could potentially challenge the squatters' claims to their land. When Iowa became a territory, Taylor, a newly elected representative from Lee County convinced the territorial legislature to get rid of the

[53] Hawkins Taylor Papers, 1837-1890. State Historical Society of Iowa in Des Moines. N17/9/5 Box 70 Folder 7 Copy: 1. The event is also recorded in Hawkins Taylor, "Squatters and Speculators at the First Land Sales," The Annals of Iowa 1870 no. 3 (1870): 272.

[54] Orion Clemens, *City of Keokuk in 1856: A View of the City Embracing its Commerce and Manufactures and Containing the Inaugural Address of Mayor Curtis, and Statistical Local Information; also a Sketch of the Black Hawk War and History of the Half Breed Tract* (Keokuk, IA: Book and Job Printer, 1856), 34, State Historical Society of Iowa in Des Moines, F629.K3 C54 1856; Carl Knoepfler, "The Half-Breed Problem," 93-101.

commissioners. In 1840, the new territory of Iowa repealed Wisconsin's law, putting the commissioners out of a job.[55] . Edward Johnstone and David Brigham believed they still deserved their salary, so they sued the "owners of the Half-Breed lands lying in Lee County" for their money.[56] This lawsuit was, from the beginning, bizarre. Johnstone and Brigham likely did deserve payment for their work, but it is unclear why they sued the owners of the Half-Breed Tract. Why were the owners supposed to pay their salary? Besides, the very purpose of Johnstone and Brigham's job had been to determine who actually owned land on the tract, so they must have known that no one knew for sure who owned the land. How could they sue a group of people whose members were unknown?

In separate cases, the District Court of Lee County ruled in favor of Johnstone and Brigham's favor in 1841, declaring that the money promised them for their salaries should be collected with interest—it came to $3,008—from the owners of the tract. None of the defendants appeared at these court cases, perhaps indicating that there was so much confusion as to who owned the Tract that no one could be summoned, or perhaps suggesting that they were not made aware. Acting as Sheriff of Lee County, Hawkins Taylor proceeded to seize the entire Half-Breed Tract as payment for the debt. He then held an auction—he later claimed it was advertised ahead of time—and sold the 119,000-acre tract of land to Hugh T. Reid, a land speculator, for a paltry $2,884.66 in January,1842.[57] All of this was done without giving the squatters on the Half-Breed

[55] "An Act to repeal the laws of Michigan and Wisconsin, 1840" Robert Lucas Papers, 1803-1830, January 1840, MRC1, State Historical Society of Iowa in Iowa City; Orion Clemens, *City of Keokuk in 1856: A View of the City Embracing its Commerce and Manufactures and Containing the Inaugural Address of Mayor Curtis, and Statistical Local Information; also a Sketch of the Black Hawk War and History of the Half Breed Tract* (Keokuk, IA: Book and Job Printer, 1856), 34-35, State Historical Society of Iowa in Des Moines, F629.K3 C54 1856; Carl Knoepfler, "The Half-Breed Problem," 93-101.

[56] Carl Knoepfler, "The Half-Breed Problem," 93-101.

[57] Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2736, 10-14, Iowa Territorial Papers, roll 9; Carl Knoepfler, "The Half-Breed Problem," 101.

Tract or the mixed-race people who had the most legally binding claim to the land any say in the matter. Hugh T. Reid suddenly possessed 119,000 acres worth far more than $2,800. Land speculators like Isaac Galland had spent thousands of dollars on a single share in the Tract.[58] This makes it highly unlikely that the auction was very competitive. If men like Galland had spent $1,000 on a half-share, how could the highest bid for the entire tract have amounted to under $3,000 in 1842? Reid's title is suspect at best.

Adding to the suspicious nature of the undertakings that made Reid such a large landowner, Lee County land records show that he had had previous interactions with Sheriff Hawkins Taylor. In 1841, a few months before Taylor sold the tract to Reid at a "duly advertised" auction, Reid purchased "sixteen one hundredths of an acre more or less" in Fort Madison from Hawkins and Melinda Taylor. Judging from the small size of the property and its location in a town, Reid was probably purchasing a house. This is not peculiar in and of itself, but Reid paid a large sum for the house: $1,491.00.[59] That was an exorbitant price for a house in those days—it was about half of what Reid paid for the entire tract. Of course, there is no real proof that Reid entered into some kind of corrupt bargain with Taylor. Perhaps it was a very nice house or Reid had some other reason to overpay for it. It is, however, suspicious that, shortly before Reid somehow acquired the entire Half-Breed Tract in supposedly public auction from Sheriff Taylor, he had paid the sheriff a large sum of money for such a small property. The entire sequence of events that led to Reid's acquisition of the land—his title was sometimes referred to as the "judgement title"—is suspicious at best.

[58] The David W. Kilbourne Papers, Box 1, The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2. Isaac Galland, "Dr. Galland's Account of the Half-Breed Tract," The Annals of Iowa 10, no. 6 (1912): 460. This is a reprint of a primary source.

[59] "Lee County Deed Record Lands." Lee County, IA County Records, microfilm, p. 527, roll 3, 977.767 L511. Iowa Historical Society in Des Moines.

There is no definitive proof that Taylor did anything illegal, but the very fact that he would auction off the entire Tract to one of the land speculators he so vociferously condemned stands in stark contrast with the pro-squatter bravado he usually exhibited. Tellingly, Taylor's essays and autobiography make no mention of his seizure or sale of the Tract to Hugh T. Reid. It is possible that Taylor needed the money and made the deal with Reid for purely pecuniary reasons. It's also possible that he was simply following orders in his official position as sheriff of Lee County, although that does not sound much like Taylor.

It is perhaps more likely that, since he had no respect for any title to the land besides the squatters, Taylor auctioned the land off assuming—correctly as it turned out—that Reid would never successfully claim the land or remove the squatters who lived on it. Whatever the case, the incident points to the convoluted nature of settler colonialism in places like eastern Iowa. Taylor was a Whig squatter who helped lead a claims association while working in an official capacity as the Lee County Sheriff who possibly made money on the side by helping out the occasional land speculator. The complexity of Hawkins Taylor belies his later self-depictions as a gallant, honest settler who helped tame the wilderness and points to a much more complicated reality. Western settlement was messy, and the spider web of settler colonialism defies simple description.

However much Taylor's life story may complicate many of his claims about heroic settlers and noble squatters, Taylor was not being thrasonical when he claimed to be one of the founders of Iowa. In 1836, Wisconsin became the latest territory of the United States. Wisconsin included modern-day Iowa and many of those living west of the Mississippi hoped that Dubuque would be designated as Wisconsin's capital. Instead, Wisconsin chose Madison, then a completely undeveloped part of the state and made Belmont—a town in modern-day eastern Wisconsin—the temporary capital until Madison could be made suitable. A temporary territorial capital was erected

in Belmont and the first territorial legislature met there for just over forty days in the fall of 1836.[60] That first congress included delegates from Des Moines and Dubuque Counties in Iowa, many of whom were not happy about having to make the long, arduous journey to Belmont. The session was a bit of a disaster—the brand-new capital building burned down, forcing the delegates to move to a building near the "Weber & Remmy" general store. Partway through the session, "the Secretary ran out of money, and had to send a sleigh to Milwaukee for funds." While they waited for money, the legislators had to borrow "seven or ten thousand dollars of John S. David," the local agent for a big salt company. Despite the almost humorous bumbling of the new Wisconsin legislature, they did pass a few laws of import, including an official request that Iowa be organized into a separate territory.[61] As a follow-up, a committee of Iowans met in Burlington, a town in southeastern Iowa to finalize the request to Congress. Signifying his status as one of the important early citizens of the region, Hawkins Taylor was selected to serve on this committee. They approved the request and sent it off to Congress.[62]

In 1838, their wish was granted, and Iowa became the latest territory of the new United States. Hawkins Taylor traveled to Burlington, the new territorial capital of Iowa, to serve as one of the territory's first legislators. He served a one-year term representing Lee County.[63]

It might seem odd that a squatter who lived illegally on his land could serve as territorial congressman or a sheriff, but it reflects the local support squatters often had. In fact, the early Iowa Territorial Government was generally very supportive of squatters. Squatter influence on territorial

[60] Hawkins Taylor, "Before and After the Territorial Organization of Iowa" *Annals of Iowa* (January 1871): 452-453.

[61] Ibid, 453-456.

[62] Ibid, 456.

[63] Hawkins Taylor Papers, 1837-1890. State Historical Society of Iowa in Des Moines. N17/9/5 Box 70 Folder 7 Copy: 1.

and later state politics is apparent in some of the bills passed during the 1840s and 1850s. Although the national Preemption Act of 1830 did not apply to the Tract since it had already been assigned to mixed-race people by the Federal Government, local and territorial officials often tried to protect the land of squatters on the Tract anyway.[64] An 1839 law and successive amendments passed by the territorial legislature decreed that squatters in the "Half-Breed Tract" who were removed from their land had to be paid for the improvements they had made on it and should be reimbursed for any taxes they had paid on the land. This essentially granted squatters on the tract the occupancy rights that had been common in the American West since their implementation in Kentucky in the late-1700s. In 1847, the Iowa State Supreme Court determined that this law was invalid, but it still reflected local support for squatter rights. In 1843, the territorial legislature chartered the "Half Breed Land Company." The company was apparently intended to be run by squatters themselves and would pool their funds to purchase the legal title to their lands. It never materialized, but it shows a continuing trend of squatter cooperation. In 1845, the year before statehood, the territorial assembly passed a bill "to provide for the better settling and adjudicating of the several titles to the Half Breed Lands in the County of Lee" over Governor John Chambers's veto. The bill was clearly designed to favor squatters in legal contests over their land. It assigned very narrow procedures to plaintiffs suing to have squatters removed and attempted to give squatters the legal advantage when defending themselves. The courts refused to attach much importance to this law, but it shows a continuing pattern of local support for squatters and the territorial and later state Supreme Court's rejection of squatter title.[65]

[64] For a discussion of the Preemption Act of 1830, see John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford, Oxford University Press, 2022), 15-44

[65] Carl Knoepfler, "The Half-Breed Problem," 209-217.

Squatters often found allies in local government officials like Hawkins Taylor but faced intense resistance from federal officials like Charles Mason and the U.S. Supreme Court. This intergovernmental conflict was often essential to the story of American settler colonialism. Divisions within the settler state itself could often be just as striking as those without.

After the Possum Party gridlocked the first Iowa state legislature and secured most of the squatters their rights, Taylor continued to live in Keokuk and held a variety of important positions. Taylor eventually joined a clique of Whig politicians who mostly controlled Keokuk after statehood. He became an ally of David Kilbourne, one of the same land speculators he used to detest. In 1849, the population of Keokuk began to rise dramatically, partially due to the increasing confidence settlers felt in the legality of their title to the land. In 1855, David Kilbourne, a Whig and former trustee of the New York Company, was elected the mayor of Keokuk. He unveiled a program of public improvements and worked to establish Keokuk as a major railroad hub. His hopes that a major railroad would follow the Mississippi across the United States and cut through Keokuk never materialized, but Keokuk did modernize under his influence.[66]

In 1857, Taylor succeeded Kilbourne as mayor of Keokuk. He continued to emphasize railroads and public improvements, although the Keokuk, Des Moines, and Minnesota Railroad that Kilbourne had founded eventually went bankrupt.[67] Taylor's apparently seamless transition from enemy of the land speculators to ally of Whigs like Edward Kilbourne reflects the rapidly changing landscape of southeastern Iowa between 1850-1900. Both Kilbourne and Taylor emphasized that any legal dispute over the land in southeastern Iowa was over by 1855, apparently

[66] Edward Kilbourne, Inaugural Address, Keokuk, Iowa, 1855, The David W. Kilbourne Papers, The State Historical Society of Iowa in Des Moines, Box 28, N16/9/6-9; N16/8/1-2.

[67] Hawkins Taylor, Inaugural Address, Keokuk, Iowa, 1857, The David W. Kilbourne Papers, The State Historical Society of Iowa in Des Moines, Box 28, N16/9/6-9; N16/8/1-2.

seeing the issue as finished after the state congress had endorsed squatter rights. They appeared ready to move on and seek other means of accumulating wealth in the ever-changing American West.

As he aged, Taylor became one of the leading amateur historians in Iowa, chronicling the unique history of southeastern Iowa as he remembered it in a series of essays and anecdotes. He regularly attended meetings of the Old Settler Society and gave speeches to anyone who would listen about the brave pioneers who had founded the state. In Taylor's histories, squatters became heroes, land speculators villains, and Native Americans and their mixed-race relatives were all but forgotten. Taylor's overly simplified histories are a shame hide how truly complex and interesting his life was. Taylor was as an example of the complexity, fluidity, and confusion inherent in the American West. He was a squatter, a local government official, an avid Whig who also supported common settlers, and a leading member of a claims association. He made enemies and friends in southeastern Iowa as he pushed a pro-squatter agenda. He was a champion of squatter rights who may have occasionally taken money under the table from a wealthy land speculator. He was one of the founding politicians of Iowa and a leading voice of the squatters in early territorial politics but then somehow reinvented himself as the Whig mayor of Keokuk and a key ally of some of the same people he used to denounce as "money sharks."

Taylor's life defies easy description or classification, perfectly representing the class of squatters who flocked to southeastern Iowa. Like many other groups of people that passed through the region, the squatters' identity was fluid, they constantly found themselves in conflict with other groups seeking to utilize the region for their own purposes, and they constantly adapted to the ever-changing landscape around them. Taylor's interesting life also reveals the interesting role that local governments often played in the struggle over land in the West. Local governments often supported

squatters over speculators and sometimes conflicted with the federal government, revealing tensions within the settler state itself and pointing to how complex the spider web of settler colonialism really was.

Squatters' claims all throughout Iowa were dubious, but they were most blatantly illegal in the Tract. Since the land had already been given to mixed-race families related to the Meskwaki in the Treaty of 1824, it was very difficult to suggest that squatters had any legal right to settle there or that a preemption law could ever be applied to the region. That didn't stop the Union Association from making a stand for the squatters who quickly filled the reservation after the Black Hawk War. The Union Association eventually transitioned to state politics in order to protect squatters' claim to their land. Beginning around 1842, they formed a distinct political party based on the rights of squatters in southeastern Iowa. The party was called by various names—sometimes the Union or Retrenchment Party—but it became most commonly known by the name its opponents gave it: the Possum Party. Despite its unintimidating name, the Possum Party came to exercise a great deal of influence on territorial and early state politics.

Even before the Possum Party formed, territorial politics had begun to move to protect squatters. Squatter influence on territorial and later state politics is apparent in some of the bills passed during the 1840s and 1850s. An 1839 law and successive amendments passed by the territorial legislature decreed that squatters in southeastern Iowa who were removed from their land had to be paid for the improvements they had made on it and should be reimbursed for any taxes they had paid on the land. [68] This essentially granted squatters the occupancy rights that had

[68] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 209-217, The State Historical Society in Iowa City, MS BL241 f.12

been common in the American West for decades.[69] In 1847, the Iowa State Supreme Court overturned this law, but it shows the influence squatters and their supporters had on local politics.[70]

Lisa Ford has written extensively about occupancy rights in *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia 1788-1836*. Occupancy rights, similar to usufruct rights, include the right to live and work on land but not the underlying fee-simple title to it. Native Americans were said to have occupancy rights by the U.S. Supreme Court in *Johnson v. M'Intosh*. Interestingly, squatters effectively had these rights as well. While her book focuses on the Southeast, Ford explains squatters as actors setting state sovereignty against federal sovereignty. According to Ford, squatters "breached federal law, but anticipated the extension of state law, which they hoped would reward their illegitimate possession with legitimate title."[71] In essence squatters were well aware of the conflicts within the settler state itself between local, territorial/state, and federal governments and strategically used them to their advantage.

Once formed, the Possum Party quickly had electoral success. In the first state elections in Iowa in 1846, the Possum Party swept Lee County, which encompassed the Tract.[72] Lee County elected three former Whigs and two former Democrats to the new state House of Representative as well as one former Whig and one former Democrat to the state Senate. These Possums, discarding their previous party affiliations because of their united support of the squatter title, defeated candidates from the Democratic and Whig parties by a large margin. Given the organized

[69] See Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia 1788-1836*. (Cambridge, MA: Harvard University Press, 2011).

[70] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 209-217, The State Historical Society in Iowa City, MS BL241 f.12

[71] Ibid, 92.

[72] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 207, The State Historical Society in Iowa City, MS BL241 f.12.

nature of many of the claims associations, it is not hard to imagine them making the transition to an organized political party. The Union Association's almost seamless transition into American party politics suggests how closely aligned the claims associations were with the politics of their day. Men who had held leadership positions in claims associations were able to directly transfer their skills to territorial and then state politics.

Since the new state legislature was very evenly divided between Democrats and Whigs, the Possum Party sometimes played a deciding role in political controversies despite its relatively small size. Whichever party could garner the support of the Possums could push their bills through the state legislature. Reflecting the Possum Party's important stance in state politics, Jesse B. Brown, a Possum Party member, was elected Speaker of the House in Iowa.[73]

After Iowa achieved statehood in 1846, the state legislature was charged with electing two senators to represent the state in Washington. According to the state's new constitution, the state House and Senate, together referred to as the General Assembly, were to meet and elect two senators to represent Iowa in Washington.[74] Democrats held twelve of the nineteen senate seats and nineteen of the thirty-nine seats in the House of Representatives. Possum Party delegates from Lee County were wildcards, willing to vote for whichever party looked out for their constituents. With the House divided so evenly, the Possums held immense power. They could sway the election by voting for the Whigs or the Democrats or could hamstring the entire process by voting for an independent candidate. In December 1846, the General Assembly met to elect Iowa's first senator. A candidate had to receive thirty votes to win a place in the United States Senate. The Democratic candidate, Thomas S. Wilson, received twenty-nine votes. The Possum Democrats voted for the

[73] Jack T. Johnson, "The First State Election," The Palimpsest 27 (1946), 269, accessed January 17, 2019, https://ir.uiowa.edu/palimpsest/vol27/iss9/2.

[74] Jack T. Johnson, "The First State Election," 269.

Whig candidate, Jonathan McCarty. McCarty received twenty-nine votes. Shockingly, one Whig congressman voted for an independent candidate. Since none of the candidates received thirty votes, a second vote was necessary to select a candidate. The Democrats recognized that the Whigs would undoubtedly pull their one dissenter back into the fold and secure thirty votes for their candidate, Jonathan McCarty, and moved to adjourn. They hoped to secure more Democrats in Congress in two years and elect senators then. The Whigs, tasting victory, opposed adjournment and called for another vote. Possum Party members Rueben Conlee and Josiah Clifton voted with the Democrats to adjourn.[75]

Although small, the Possum Party exercised significant power in the state legislature. Because of the struggle to obtain votes, Iowa failed to elect senators until December 1848, two years after achieving statehood. The Democrats finally obtained Possum support by endorsing squatter rights. After this, the Democrats elected two members of their party to the United States Senate and controlled Lee County for several years.[76] The Possum Party's success shows how skillful claims associations and squatters could be at engaging with and manipulating the government. They successfully transitioned into American electoral politics and manipulated the system in their favor. This points to the organized, intelligent nature of squatter society.

The squatter society that developed in eastern Iowa demonstrates just how complex, modern, and sophisticated squatter societies could sometimes be. While authors have debated their relationship with the federal government, few historians have really engaged with the complicated, politically savvy nature of squatter society itself, continually choosing to depict them as unruly, poor Americans without political know-how or foresight. Squatters were actually calculated,

[75] Dan Elbert Clark, "History of Senatorial Elections in Iowa: A Study in American Politics" (Ph.D. diss, University of Iowa, 1910), 25-31.

[76] Ibid, 25-31.

thoughtful, organized, and intelligent. They were also extremely democratic and patriotic. In order to achieve their goals, they often formed well-organized claims associations that enforced and protected their land claims, no matter how illegal they may have been.

In *The Populist Vision*, Charles Postel challenged our traditional notions of Populists. Instead of backward traditionalists, Postel convincingly argued that Populists were fundamentally modern and progressive, seeking to improve their lives through the promise of rational thinking and modernity.[77] We need to undergo a similar rethinking of squatters and squatter society. Like populists, squatters may seem like an agrarian, rural movement, but, also like Populists, they were actually very modern and sophisticated in their methods and goals. The squatters in the Upper Mississippi River Valley exhibited what Sarah Hines has called "vernacular modernism." As opposed to the "high modernism" which colonizing forces often force on average people described by James C. Scott, vernacular modernism describes "cross-class efforts in particular sites to promote and participate in modernist development and creatively adapt it to local needs and realities."[78] Squatters may have been fundamentally extralegal in their occupations, but they were striving to create a modern, organized, democratic, and distinctly American society in the American West.

None of this is to defend squatters. They illegally settled on land, displaced Native Americans, and freely used violence to achieve their ends. If anything, it is actually more damning

[77] Charles Postel, *The Populist Vision* (Oxford: Oxford University Press, 2007).

[78] Sarah Hines, "The Power and Ethics of Vernacular Modernism: The Miscuni Dam Project in Cochabamba, Bolivia, 1944-2017," *Hispanic American Historical Review* 98, no. 2 (2018): 228. For James C. Scott's argument, see James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998).

to think of them as intelligent, extremely modern, and democratic. They may not have always acted with American sanction, but they did act as an extension of American ideals and democracy.

The sophisticated squatter society that developed in eastern Iowa also complicates our understanding of how squatters related to the state. Historians like Brian Balogh, Patrick Griffin, David Nichols, and Rob Harper have all advanced their own ideas about how we should think of squatters in relation to the state, but the complicated nature of squatter settlement in eastern Iowa suggests a more nuanced understanding may be necessary. While many historians have suggested that the Federal Government or state power played a much bigger role in the American West than we might have thought, Rachel St. John has recently pushed back on this notion, suggesting that we may have overestimated the state's power.[79] Alan Taylor has also reemphasized the fractured, weak nature of the American state in *American Republics: A Continental History of the United States*.[80] Thomas Richards, Jr. and John Suval have made similar arguments in *Break-Away Americas* and *Dangerous Ground*, respectively.[81]

It is clear that squatters were acting outside of the federal governments' limited power. That being said, the surviving evidence of their claims associations and their almost effortless transition into Iowa state politics suggests that they certainly thought of themselves as American and advancing the American republic. Decades after their titles were reified, many squatters wrote vignettes about their experiences in local newspapers or publications, and they are full of patriotism and a sense of pride in being a pioneer. One such author defended the practice of

[79] Rachel St. John, "State Power in the West in the Early American Republic," *The Journal of the Early Republic* 38, no. 1 (spring 2018): 87-94.

[80] Alan Taylor, *American Republics: A Continental History of the United States, 1783-1850* (New York: W.W. Norton & Company, 2021).

[81] Thomas Richards, Jr., *Break-Away Americas: The Unmanifest Future of the Jacksonian United States* (Baltimore: Johns Hopkins University Press, 2020); John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford, Oxford University Press, 2022).

squatting, saying, “the settlers' interest and honesty established a law which was effectual between themselves and against outsiders, so that all felt certain of obtaining their land at $1.25 per acre, when it was offered at government sale, and none were ever disappointed.”[82] These were not, at least in most cases, settlers who thought of themselves as breaking from the United States. Instead, they thought of themselves as its most legitimate citizens, embodying the qualities of independence and entrepreneurship so central to American ideals. They sought to independently advance what they thought were the goals of the United States: expansion and providing land for settlers who needed it. This is similar to the phenomena Rob Harper described in *Unsettling the West*. He argues that, in the absence of a strong federal government, authority on the ground-level was often created by coalitions of people acting based on their more localized goals and agendas.[83] Claims associations are an excellent example of this sort of coalition building. Many of the vignettes and articles squatters later wrote in the late 1800s expressed a nostalgia for the “good old days” and suggested squatter society was better than anything that had come along since.

At the same time, squatters in eastern Iowa did not think of themselves as only local actors. They really believed they were part of expanding the American nation. In this way, claims associations reflect a trend with more nation-wide implications. The sort of do-it-yourself nationalism practiced by the squatters may seem bizarre, but it was very characteristic of the fractured early republic. The early republic was full of filibusters, conspirators, and Americans who engaged in various forms of maverick statecraft. Settlers in Spanish West and East Florida, Andrew Jackson, James Long, Robert F. Stockton, James Wilkinson, and any number of other filibusters and expansionists routinely sought to advance their own interests and what they

[82] "Historical Sketches and Reminiscences of Lee County, No. 1," *The Des Moines Valley Whig* (Des Moines, IA). Friday, August 3, 1860, Bickel Collection: Pioneers, Keokuk Public Library, Keokuk IA.

[83] Rob Harper, *Unsettling the West: Violence and State Building in the Ohio Valley* (Philadelphia: University of Pennsylvania Press, 2018), 2.

perceived as those of their country, all without express permission from the American government.[84] Many seem to have sincerely believed that it was completely possible to pursue selfish ambition and even break the laws of the United States while simultaneously being a good citizen and an agent of liberty. In some ways, this sort of self-centered patriotism or individualistic nationalism can be seen as a defining characteristic of nineteenth-century America. Extra-legal patriotism of this kind was a part of American culture. While it is not really accurate to assert that squatters—or filibusters or conspirators—were directly carrying out the orders of the American state, it also is inaccurate to suggest they were completely separate. After all, the government was only too happy to incorporate lands they successfully settled or acquired. I call this phenomenon "maverick statecraft." It involves Americans, largely unrestrained by a weak federal government, seeking to build the American state on their own volition, sometimes in illegal or extralegal ways. Squatters were actually a devastating arm of the American mechanism of settler colonialism in the same way that filibusters could sometimes be.

Squatters and highly organized claims associations also serve as a reminder that settler colonialism if often an extremely complex, multipolar process. In its most simplistic form, settler colonialism is sometimes boiled down to a process by which colonizers remove and replace Indigenous people. This dualistic model is sometimes useful, but squatters complicate the story. Squatters often conflicted with both Indigenous people and the metropole. They clashed with both

[84] For the American occupation of West Florida, see Frank L. Owsley, *Filibusters and Expansionists: Jeffersonian Manifest Destiny 1800-1821* (Tuscaloosa: University of Alabama Press, 1997), 63; for George Matthews filibustering in East Florida, see James Cusick, *The Other War of 1812: The Patriot War and the American Invasion of Spanish Florida* (Athens, Georgia: The University of Georgia Press, 2007); For Andrew Jackson's conquest of Florida, see *Filibusters and Expansionists*, 154-160; for James Long's filibuster in Texas, see ibid, 178-179; for Robert F. Stockton's colonial intrigue in Liberia, see Samuel John Bayard, *A Sketch of the Life of Com. Robert F. Stockton*, 36-42, Eugene Van Sickle, "Reluctant Imperialists: The U.S. Navy and Liberia 1819-1845," *Journal of the Early Republic, 31*(1), 110; for James Wilkinson, see St. John, "State Power in the Early American Republic," Andro Linklater, *An Artist in Treason: The Extraordinary Double Life of General James Wilkinson* (New York: Walker Books, 2009). Much of the modern-day U.S., including Florida, parts of Alabama and Mississippi, Oregon, and Texas were obtained at least partly through the efforts of filibusters and squatters.

the United States and the Sauk and Meskwaki still residing in eastern Iowa. The presence of maverick statecraft within the larger framework of settler colonial expansion complicates the story and helps us understand the nuances of places like eastern Iowa.

Maverick statecraft also complicates the notion of state formation in the American West. While state formation typically indicates the establishment of centralized control by a state that monopolizes violence, state formation in the American West was often decentralized, chaotic, and multipolar. Squatters deliberately sought to expand the American republic, but they often did so by breaking with the centralized, Weberian state. This sort of state formation cannot be studied effectively by examining the federal government. Instead, it is necessary to look closely at claims associations, local organizations, and squatters' memoires to see what happened at ground level.

It is also important to remember that this chaos and decentralization ensued after the Meskwaki were removed, not before. In contrast to jingoistic stories about American expansion in which American settlers bring civility to a savage wilderness, eastern Iowa actually became much more chaotic and decentralized after Americans arrived. The Meskwaki power structure was abruptly removed and replaced by several different competing visions for the region, none of which successfully dominated the region for several decades. Squatters, claims associations, and maverick statecraft all thrived in the absence of Native power.

In conclusion, the complex nature of claims associations in eastern Iowa suggests we need a more nuanced understanding of squatters and the settlements they made. Squatters were oftentimes much more sophisticated, modern, and organized than we give them credit for and they also were an important part of a larger pattern in the early republic: maverick statecraft. The authority of claims associations did not go unchallenged, however. The next chapter discusses another key group in the struggle for eastern Iowa: Land speculators.

Chapter 5: "A. . .Class of Money Sharks": Land Speculators and Eastern Iowa

In her landmark book, *The Legacy of Conquest: The Unbroken Past of the American West*, Patricia Nelson Limerick half-joked that "If Hollywood wanted to capture the emotional center of Western history, its movies would be about real estate. John Wayne would have been neither a gunfighter nor a sheriff, but a surveyor, speculator, or claims lawyer. The showdowns would occur in the land office or the courtroom; weapons would be deeds and lawsuits, not six-guns."[1] While Limerick's comment is somewhat hyperbolic and humorous, she makes a very important point. Investors who specialized in western land—usually called land speculators—were every bit as crucial to the history of the American west as the familiar cast of characters more commonly depicted in western films.

Land speculators have not been glamorized in the same ways as some of the other key figures in the American West. They were real estate investors, something that does not hold the same appeal as cowboys or lawmen or any of the other generalized stereotypes we associate with the West. They do not evoke the same sorts of images of rugged individualism, the outdoors, masculinity, and the rest of the myth of the American West. In fact, squatters more closely resemble the heroes of Western movies—rugged individualists seeking to improve their lives through hard work and little else. Land speculators, if they do appear in Western films, are almost inevitably villains.

With that being said, land speculators were far from uninteresting. They were some of the most polarizing, most controversial, and most consequential figures in American colonialism.

[1] Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton & Company, 1987), 55.

Their story is anything but boring. While Limerick seems to think the idea of a Western drama being built around land speculation humorous, fascinating dramas involving speculation played out on a regular basis in the pre-Homestead Act West. Land speculators have been forgotten not because they were boring or uninteresting. They simply do not fit into the Western mythos Americans have created.

Before the stock market became as accessible and developed as it would in the twentieth century, land speculation was the primary form of investment utilized by rich Americans. In the same way that investors may buy stocks with little intention of keeping them long term or even any interest in the company they represent, land speculators often purchased land as money management. It was assumed that western land's value would increase over time, meaning that buying up large amounts of land and then waiting for its value to appreciate before reselling could be very profitable.[2]

Between 1834 and 1837, the U.S. experienced extremely high inflation rates. This made land speculation even more profitable and drove a speculative boom in western land. Investors from all over the U.S. and even the world rushed to get in on the frenzy.[3] Some land speculators inhabited western land they owned while many others remained in the East and managed their investments from a distance. These investors often lived on the East Coast and made purchases through land agents in the West.

Many investors did not purchase land directly. Instead they viewed investment in Western land as part of a diverse portfolio and worked through investment companies that

[2] Paul W. Gates, Landlords and Tenants on the Prairie Frontier (Ithaca, N.Y.: Cornell University Press, 1973), 49.

[3] Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2nd ed. (Lincoln: University of Nebraska Press, 1976), 60-63.

specialized in Western land. These companies—usually called land companies—employed land agents who traveled the West, purchasing land at auctions with company money.[4] Rather than purchasing land directly, investors purchased stock in land companies. As the value of the lands owned by the land companies appreciated, stock prices would rise, and investors would indirectly profit from the buying and selling of land in the West. Other land agents operated independently, purchasing plots of land and then advertising them in Eastern newspapers. Investment companies or wealthy individuals might buy up these shares based on little more than an appealing newspaper ad.[5] This system encouraged absentee land ownership and fed the speculation craze.

Unsurprisingly, such huge amounts of investment in a relatively unregulated market were accompanied by mass corruption, underhanded dealing, etc. Many government officials doubled as speculators and abused the system for their own gain. For example, Charles Mason, the Chief Justice of the Iowa Territorial Supreme Court and the first Chief Justice of the Iowa State Supreme Court worked closely with the New York Land Company and made a fortune in land speculation, all while presiding over cases that sometimes involved the New York Land Company and other speculators he regularly associated with.[6] The ready availability of credit also made it possible for speculators to spend huge amounts of money they did not really have amassing land they never planned to live on. It was a convoluted system that excluded the poor

[4] The David W. Kilbourne Papers, The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2.

[5] Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2nd ed. (Lincoln: University of Nebraska Press, 1976), 52.

[6] The David W. Kilbourne Papers, The State Historical Society of Iowa in Des Moines, Box 23, N16/9/6-9; N16/8/1-2; *James Craton vs. James Wright*, The Charles Mason Papers, 1829-1882, Volume 31, File 2, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9; Case # 2568 *Marsh, Lee, and Delevan, Plainiffs in Error vs. Thomas F. Reddick's Heirs*, Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2568, Iowa Territorial Papers, roll 9, Iowa Historical Society in Des Moines, in F 621.T4.

farmers and laborers most eager to obtain farms in the West. For some Federalists and later Whigs, the auction system and land speculation were supposed to directly fuel the growth of the American nation state. President John Quincy Adams and later Henry Clay argued that the United States should invest in internal improvements such as canals and roads in the East. As transportation became more affordable and the passage West became less harrowing, they believed the value of Western land would naturally rise, leading to greater government profits at auctions. These greater profits could then be used to finance more and bigger internal improvements, starting the process over again.[7] This early model of Western expansion incorporated the auction system, embraced the heavy use of credit, and deliberately encouraged speculation.

Things began to change when Andrew Jackson was elected president in 1828. Jackson was suspicious of a system based so heavily on credit and he disliked land speculators (although he had done a bit of land speculation himself). Jackson had doubts about paper money, the use of credit, or any sort of financial system that was not directly based on gold and silver specie. He was also keenly aware of the fact that most wealthy land speculators and the owners of land companies did not support his upstart Democratic Party. Jackson's supporters were the poor Americans who wanted land in the West but could not acquire it due to the auction system. Squatters were natural supporters of the upstart Andrew Jackson, and Jackson began to openly support squatters over speculators. As discussed in the last chapter, squatters already saw themselves as standard bearers for the American republic. Jackson and other Democrats began to endorse this idea. Squatters were recast according to what historian John Suval calls the

[7] Alan Taylor, *American Republics: A Continental History of the United States, 1783-1850* (New York: W.W. Norton & Company, 2021), 254; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 203-238.

"pioneering yeoman trope"—they were seen as American everymen taming the West. They were also mostly loyal Democrats, making them an important constituency for President Jackson. Jackson and Congress passed the Preemption Act of 1830. The law allowed most squatters to obtain land they had squatted on at minimal prices. It did not legalize squatting per se, but it suggested that Jackson supported squatters over speculators. Suval calls the bill the "lynchpin of the squatter-statesmen alliance."[8]

In an effort to curb land speculation President Andrew Jackson pushed the Specie Circular through Congress in 1836. The Specie Circular was a treasury order that required that all purchases of land from the U.S. government be made in gold specie.[9] The Specie Circular, along with the dissolution of the Second National Bank of the United States caused England to lose faith in American financial markets and triggered the Panic of 1837.[10] In addition to contributing to a global financial panic, the Specie Circular also failed in its mission to curb speculation. Since specie could only be obtained in the East, it became even more difficult for poor settlers to purchase land at auctions, driving even more of it into the hands of speculators who had the Eastern connections needed to obtain specie in the midst of a crisis.[11]

In other words, the existence of the Tract, from its creation in 1824 until it fell off the public's radar in the 1850s, coincided with a craze in land speculation. The history of the mixed-race inhabitants, the squatters, and everyone else who passed through the region is inextricably linked to the fervent land speculation that took place in the area. Eastern land speculators and

[8] John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford: Oxford University Press, 2022), 27-28.

[9] Jessica M. Lepler, *The Many Panics of 1837: People, Politics, and the Creation of a Transatlantic Financial Crisis* (New York: Cambridge University Press, 2013), 22.

[10] Ibid, 48.

[11] Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2nd ed. (Lincoln: University of Nebraska Press, 1976), 60

land companies had their eye on the fertile lands of eastern Iowa even before the Black Hawk War. Just as squatters poured into the region, speculators rushed to acquire land that they believed might skyrocket in value over the next twenty-five years.

Numerous land speculators and land companies played an important role in the Tract, but the New York Land Company was the most visible, most hated example of land speculation in the region. The origins of the New York Land Company are somewhat murky. According to one surviving record, the New York Land Company was officially chartered on October 22, 1836. Its original trustees were Samuel Marsh, William Lee, Edward Delevan, and Isaac Galland. The trustees worked closely with Edward and David Kilbourne, two brothers who lived in southeastern Iowa and had a knack for acquiring land. Bills of sale suggest that the trustees and the Kilbourne brothers were certainly buying and selling eastern Iowa land before 1836.[12] Perhaps the company was formed earlier or the eventual trustees were already working together in a more informal way until the company was officially chartered, but they were hard at work by the mid-1830s. Like other land companies in the nineteenth century, the New York Land Company bought up large amounts of land in the West and then either sold land to individual buyers at higher prices or sold "scrip" or shares in the company to investors. Company agents made the rounds in southeastern Iowa, trying to buy up as much of the valuable land as they could. It is unclear who or how many people invested in the New York Company, but, similar to

[12] Copy Opinion of Reverend Johnson, 1854, The Charles Mason Papers, 1829-1882, Volume 30, File 2, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9; Joshua Aiken, Robert E. Little to Dr. Isaac Galland, May 6, 1837, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9; Strictures, on I. Galland' Pamphlet, "Villainy Exposed" with a History of his Extensive Operations in the Half-Breed Lands (broadsheet pamphlet), 4-5, State Historical Society of Iowa in Des Moines. F627.L4K51850. See also bills of sale from The David W. Kilbourne Papers, box 1, The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2; Statement of Hire by Marsh Lee and Delevan for David Kilbourne, 1832, The Charles Mason Papers, 1829-1882, Volume 30, File 1, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9.

other major land companies, the agents on the ground in eastern Iowa appear to have operated with little oversight from anyone.[13]

The New York Land Company recognized that the confused situation in the Tract offered an opportunity. No one was sure who legally owned the land or who had a right to sell it. To the New York Land Company and other land speculators, this was a positive rather than a negative. They believed that the lack of certainty over ownership would pressure mixed-race people to sell their "shares" in the Tract at very low prices. Eventually, when the issue was sorted out, New York Land Company executives hoped to resell the shares at a tremendous profit.

Marsh, Lee, and Delevan sent Isaac Galland to eastern Iowa to act as their purchasing agent. [14] The Kilbourne brothers also appear to have worked in a similar function even though they were not officially trustees of the company. The New York Land Company quickly proceeded to buy up dozens of shares in the Tract.

Edward Kilbourne's records indicate that he started purchasing shares in the tract for the New York Land Company in 1838. He bought dozens of shares from people he believed to be legitimate claimants to shares in the Tract. For example, he purchased Che-ho-na-ne's share on February 10, 1838 for $1,800. The same day, he purchased Mas-se-parish's share for $1,200.[15] It is unclear why the value differed from one seller to another since it was still unknown who actually qualified for ownership in the Tract. Perhaps some sellers' claims were deemed more likely to be validated than others. Other local speculators paid much less for shares in the Tract.

[13] For an excellent description of a large land company, see Lindsay G. Robertson, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of their Lands* (Oxford: Oxford University Press, 2005), 3-27.

[14] Statement of Hire by Marsh Lee and Delevan for David Kilbourne, 1832, The Charles Mason Papers, 1829-1882, Volume 30, File 1, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9

[15] The David W. Kilbourne Papers, Box 1, The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2.

Jeremiah Smith, Jr., a miller provided to the Sauk and Meskwaki as part of the Treaty of 1832, kept some deeds of sale in his personal papers that indicate that Ashe-Lam-Mu Verbois sold his share for $300.[16]

In some cases, mixed-race people made good money from selling their shares. Che-ho-na-ne made $1,800 for an indeterminate amount of land. Kilbourne's records indicate some other claimants were paid north of $2,000.[17] Considering that the government was selling Public Land for a minimum price of $1.25 per acre by this time, such sellers could have taken their profits and purchased a 160-acre plot somewhere else and still had plenty of money to spare.[18] In other cases, the whole process swiftly descended into dishonesty and cheating. Mixed-race people sometimes sold their shares at outrageously low prices, perhaps because they felt as if they had no other option. They did not know what plot of land belonged to them and, even if they did, it was most likely already inhabited by squatters. Sale, even for a small profit, must have seemed a good option. Alcohol and crooked dealing were also sometimes used to induce mixed-race people to sell at low prices. B.L. Wick wrote that some shares were sold for as little as a pony.[19] Hawkins Taylor later recalled, perhaps histrionically, that some plots sold for even less, saying "That sort of title usually cost a blanket."[20] Mixed-race people also took advantage of the

[16] Jeremiah Smith, Jr. Papers Box 1: Correspondence, 1838-1847, Miscellaneous documents, 1837-1849; "J.H.B. to Robert Lucas, September 19, 1839" Records of the Bureau of Indian Affairs, Letters Sent by the Office of Indian Affairs, 1824-1881 volumes 24-33, April 1, 1838-May 15, 1843, Iowa Territorial Papers. Microcopy No. 325, Roll No. 57.

[17] The David W. Kilbourne Papers, Box 1, The State Historical Society of Iowa in Des Moines, N16/9/6-9; N16/8/1-2.

[18] This is of course assuming that there was not some other form of graft at work. For example, it is possible that money paid to mixed-race people went directly to traders they owed or to a white "guardian." Gary Clayton Anderson has documented numerous examples of this sort of graft a few hundred miles north in Minnesota. See Gary Clayton Anderson, *Massacre in Minnesota: The Dakota War of 1862, the Most Violent Ethnic Conflict in American History* (Norman: The University of Oklahoma Press, 2019).

[19] B.L. Wick, "The Struggle for the Half-Breed Tract," *The Annals of Iowa* 7, no. 1 (1918): 19-20.

[20] Hawkins Taylor, "Law Ministers of the Olden Time," *Annals of Iowa* (July 1871): 613. These sorts of claims were sometimes called "blanket claims" because they were obtained for as little as a blanket.

confusion. They sometimes sold their share more than once, and mixed-race people who had little or no Sauk or Meskwaki relation sometimes claimed relation and sold their fictitious shares.[21]

It may be asked why an investor would be willing to purchase shares in the Tract before issues of ownership were addressed. It is important to remember that, like all investments, shares in the Tract could also be purely speculative. It did not always matter if land ever became available for settlement. If a speculator could purchase a claim to it and then sell it at a higher price than he paid for it, a profit had been made regardless of the status of the land itself. In this sense, investments in the Tract could be purely imaginary. It did not always matter if the purchased "share" was ever validated if it could be eventually offloaded for a profit.

Since it was unclear who owned a legitimate share in the Tract, the New York Land Company, particularly trustee Isaac Galland, adopted a very expansive definition of "half-breed." Galland correctly pointed out that the term was never defined in the Treaty of 1824. He claimed that this meant the most expansive definition must be adopted.[22] The records of Isaac Galland and the Kilbourne brothers indicate that they purchased huge numbers of shares from hundreds of mixed-race people who claimed to be entitled to a share in the Tract. Perhaps they truly believed that all of them had legitimate claims or they simply planned to acquire as much land as they could through high-volume buying.

The process of purchasing these shares was fraught with corruption but also exposed the dicey racial and cultural foundations of the Tract. Nearly all of the shares purchased by the New

[21] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 68, The State Historical Society in Iowa City, MS BL241 f.12.

[22] Isaac Galland, "Claimants of the Sac and Fox Half Breed Reservation," (broadsheet pamphlet), 1842, The Library of Congress Digital Archive, https://www.loc.gov/resource/rbpe.01903600/?sp=1.

York Land Company for which records still exist list the names of the sellers in the hyphenated style that was popular for Native names at the time. Examples include Che-ho-na-ne, Wash-ka-shay, Kish-ke-tune, etc. At first glance, this list appears to bear no resemblance to the lists compiled by John W. Johnson, and Thomas Forsyth. Who were all of these people, where was the New York Land Company finding them, and why do not they appear on any of the other lists? One possible explanation becomes evident the longer a reader looks at the list. Every now and then, a deed of sale will be signed with a European name. Inevitably, the European name is crossed out and replaced with the sort of hyphenated name usually assigned to Native Americans in those days. For example, Louis Grennville is crossed out and replaced with Paw-ne-min-ne. That is probably the same Louis Gonniville that appears on Forsyth's list. Isadore Antaya, who appears on Forsyth and Johnson's lists, is crossed out and replaced with Wah-Wah-co se Macay. Paul Johnson and his wife Filiste have their names crossed out and replaced with Nas-se-se-pos and Mas-she-pa-re.[23] This happened again and again and indicated that many of the sellers were instructed to use their "Native name" when signing the bills of sale.

The variety of names employed by claimants in the Tract and their patrons reflect the fluidity of both Native and European culture in the 1830s American West. People often answered to various names and might choose to use them for different purposes. John W. Johnson and Thomas Forsyth used whitewashed, European-sounding names because they probably thought this would make the United States more amenable to signing off on their claims. On the contrary, Edward Kilbourne and the other agents of the New York Land Company seem to have wanted the people they purchased shares from to sound as Indigenous as possible to a European reader.

[23] Bills of Sale, The David W. Kilbourne Papers, Box 1, The State Historical Society of Iowa in Des Moines, N16/9/6-9; N16/8/1-2.

Perhaps they thought this would help validate their claim as a "real" mixed-race person. This was so important that claimants who signed their American/French-sounding names like Louis Grennville were apparently told to cross them out and replace them with "Native-sounding names."

Land speculators naturally came into conflict with squatters and other would-be settlers. To poor Americans, desperate for some land to farm, it was infuriating that wealthy speculators would hoard huge amounts of land even as no one lived or worked on it.

Squatters' resentment for land speculators was palpable. The squatters who had settled in the Tract felt their claim to the land was the most valid simply because they had possession of it at the time. They organized together and united around a deep-seated resentment of the land speculators who claimed to own the land they lived on, calling speculators, "A. . .class of money sharks."[24] To squatters, land speculators were dangerous, corrupt, and predatory.

In addition to disputing issues of land ownership, speculators and squatters often found themselves on opposite sides of the political spectrum. Many speculators were Whigs. David Kilbourne was a committed Whig who later was elected mayor of Keokuk on a Whig platform.[25] Most members of the New York Land Company appear to have been Whigs. They represented an elite class of Americans who often favored internal improvements. In the years that followed the creation of the Half-Breed Tract, as America divided over the controversial Andrew Jackson, they often chose to support Henry Clay and other leaders of the new Whig Party. They also

[24] Hawkins Taylor, "Squatters and Speculators at the First Land Sales," The Annals of Iowa 1870 no. 3 (1870): 271.

[25] David W. Kilbourne, "Inaugural Address, 1855" The David W. Kilbourne Papers, Box 28, The State Historical Society of Iowa in Des Moines, N16/9/6-9; N16/8/1-2.

tended to support orderly expansion of the American West because it supported their own monetary interests.

Many squatters, on the other hand, were Jacksonian Democrats. They believed they represented the best tenants of Jeffersonian and Jacksonian democracy. Pro-squatter newspapers and publications regularly targeted Whig politicians like Henry Clay. In an 1842 article titled "Pre-emption Law," the Lee County Democrat, a notoriously pro-squatter newspaper, ruefully noted that Clay had once referred to squatters as "land pirates." The same article declared that Democrats, not Whigs, were the "poor man's friend."[26] An 1844 article titled "Henry Clay Against the Frontier Citizen" lambasted Clay for his voting record on pre-emption laws, reiterating that he was not a friend of the common settler. The article's conclusion was pretty clear. If you were a squatter, you simply could not support Clay or other Whigs. They would not look out for your interests, so you had to be a Democrat.[27]

In *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy*, John Suval shows that alliances in this conflict often came to define the major political parties. While the Federalists and later the Whigs supported land speculators' claims to land in the west, the Democratic Party often supported squatters, portraying them as examples of the common man in contrast to the rich, elite land speculators who sought to buy up huge swaths of Western land. Suval expertly traces this conflict over squatter rights over the course of the

[26] "Pre-Emption Law," *Lee County Democrat* (Fort Madison, Iowa), Saturday, January 8, 1842. For some reason, both sides seem to have liked to use seafaring references to insult one another. Hawkins Taylor called land speculators "money sharks" and Clay called squatters "land pirates."

[27] "Henry Clay Against the Frontier Settler," *Lee County Democrat* (Fort Madison, Iowa), Saturday, June 1, 1844. See also John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford: Oxford University Press, 2022) for a more comprehensive discussion of squatters and their political leanings.

pre-Civil War era in American history and argues convincingly that it was one of the fundamental political cleavages in the early United States.[28]

Claims associations and squatter organizations, much discussed in chapter 4, quickly became political organs. While they were perfectly willing to break with the Democrats on issues of squatter land claims, they often supported Democratic causes. This shows that squatters and speculators were not completely disconnected from the American nation state. It would be a mistake to represent squatters who felt passionately about Jacksonian politics or speculators who endorsed the American System as simply avoiding state control. Both groups believed they were advancing American civilization.

The New York Land Company continued to carry on a booming business in the Tract for years, but much of its inner workings are shrouded in mystery. The company was routinely depicted as corrupt, dishonest and malevolent in squatter newspapers and pamphlets. It is hard to ascertain how much of this is because irate squatters were constantly trying to depict it as a shady, corrupt business from the East Coast and how much of it was because the company was, in fact, more than a little bit unscrupulous.

One possible example of the New York Land Company's shady activities was the Des Moines Land Company. The Des Moines Land Company operated as an entirely independent corporation, but many of the company's records are mixed in with New York Land Company's, and Isaac Galland worked as a trustee for both companies. Some early sources claim that they were simply two different names for the same thing or two companies with the same ownership. On May 6, 1837, Joshua Aiken and Robert E. Little, the trustees of the Des Moines Company,

[28] John Suval, *Dangerous Ground: Squatters, Statesmen, and the Antebellum Rupture of American Democracy* (Oxford: Oxford University Press, 2022).

sent a letter to Isaac Galland authorizing him to "to take charge and general supervision of the Half Breed Tract and more particularly to lay out the law of Keokuk [unclear] to a place now made, with such attention therein as you may deem sufficient."[29] Galland apparently bought and sold shares in the Tract for both the New York and Des Moines Companies. On November 27, 1841, Galland received word that Joshua Aiken had died and that some sort of meeting would be held to fill the vacancy created by his death. Interestingly, the letter says that Marsh, Lee, and Delevan, the trustees of the New York Land Company would be in attendance. Perhaps this indicates that the two companies had the same ownership or that the New York Land Company was planning on purchasing the Des Moines Land Company.[30]

As purchaser for the Des Moines Land Company, Galland bought up some shares in the Tract from an officer of the United States dragoons named Benjamin S. Roberts. As payment, Galland provided Roberts with bills of exchange. When they matured, Roberts tried to redeem them, but was told the Des Moines Land Company was disreputable. Interestingly, Roberts tried to redeem the bills with the New York Land Company, suggesting he may have thought the companies were linked. Marsh, Lee, and Delevan refused to redeem the bills of exchange, saying Galland had never been authorized to purchase land with bills of exchange and claiming that the Des Moines Land Company did not exist. Roberts sued, but the New York Land Company claimed that the Des Moines Land Company had never existed. They claimed that Marsh, Aiken, and Galland had all been employed as purchasers by the New York Land Company but had

[29] Joshua Aiken, Robert E. Little to Dr. Isaac Galland, May 6, 1837, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9.

[30] Samuel Marsh to Dr. Isaac Galland, November 27th, 1841, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9.

never been authorized to use bills of exchange as a form of payment nor to create their own company. Roberts was dismissed from the military due to some personal misconduct and the case was dismissed, but it supports the idea that the New York Company, or at least those who worked for them, were willing to bend the law in order to acquire land claims.[31]

The existence (or nonexistence) of companies like the Des Moines Land Company reflect some of the same realities as claims associations. In the absence of strong state control, local actors were able to make things up as they went along. This at least partially explains the disdain many locals had for land speculators and land companies. A resident of eastern Iowa might struggle to discern if a land speculator represented a genuine land company or was simply a crook. If the speculator paid in bills of exchange or stock or something else other than hard currency, it was hard to know if they were offering legitimate payment or were part of some elaborate ruse. Not all speculators were shady characters, but locals had reason to suspect that some of them were.

The conflict between land companies, corrupt or otherwise, and claims associations is instructive. In the absence of a strong state presence on the ground in the Black Hawk Purchase and later the Iowa Territory, companies, coalitions, or organizations often wielded the most power. Land companies like the New York Land Company were sometimes able to make their own laws in the absence of police power. Claims associations essentially did the same thing. They provided a sort of grass-roots legality for squatters who were clearly breaking federal law. On the outskirts of the American state, far from the metropole, these organizations often filled

[31] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 121-128, The State Historical Society in Iowa City, MS BL241 f.12.

the void left after the fall of the Meskwaki. Settlers and speculators attempted to create their own law as they went along.

This is in keeping with Rob Harper's analysis in *Unsettling the West*. Harper argues that, in the absence of state power, people often formed coalitions that provided some stability and law. He calls this "a process of state building that transcended the rise and fall of specific governments." While *Unsettling the West* is focused on the Ohio Valley, the process of coalition building that Harper describes is evident in eastern Iowa as well. After the fall of Meskwaki power, the region became extremely chaotic. Land companies and claims associations both sought to impose their own power in the vacuum left by the Black Hawk War.

Like claims associations, land companies were perfectly willing and able to get involved in local politics. They could hire powerful lobbyists and often had strong opinions about territorial policy. At times, squatters and speculators found themselves fighting against one another on opposite sides of territorial politics. An excellent example of this sort of conflict is the Honey War (1839). Hardly a war, the conflict later known as the Honey War pitted the state of Missouri against the fledgling territory of Iowa.

Iowa's southern boundary is somewhat confusing. According to a law passed by Congress, the southern boundary of Iowa was to be a straight line west from the "Des Moines River Rapids" to the Missouri River. The Des Moines River Rapids were generally assumed to be the lower rapids in the Mississippi River. The latitudinal line that stretched west from the rapids was known as the Sullivan Line It was generally presumed to constitute the southern boundary of the Iowa territory and the northern border of the state of Missouri. The only exception was the Tract. The Treaty of 1824 had specified that the land south of the Sullivan line

and between the Des Moines and Mississippi rivers would constitute the reservation and be part of Iowa Territory. In other words, the southern boundary of the rest of Iowa demarcated the northern boundary of the Tract.

Questions began to arise over the Sullivan Line in the 1830s. Some challenged whether the "Des Moines River Rapids" really referred to the rapids in the Mississippi. They pointed out that there were river rapids in the Des Moines River about ten miles north of the Mississippi rapids and argued that the law had really been referring to the rapids in the Des Moines River. These rapids were hardly noticeable and were not even usually referred to as river rapids, but the claim was important for a few reasons. It would have moved the northern boundary of Missouri north by ten miles, adding thousands of square miles to the state. More importantly for this dissertation, though, since the northern boundary of the Tract was defined in the Treaty of 1824 as the Sullivan Line or southern boundary of Iowa, moving the border ten miles north would have greatly increased the size of the Tract.[32]

Governor Boggs of Missouri latched onto the idea and threatened to take the land by force. [33] The New York Land Company and other speculators in the area sided with Governor Boggs, arguing in favor of the Missourians that the Sullivan Line ought to be ten miles further north.[34] This would enlarge the Tract and potentially enlarge the claims to the Tract they owned. The so-called "Honey War" ensued between Missouri and Iowa over the boundary. Militia troops were called out in both Iowa and Missouri, a Missouri sheriff was arrested for collecting

[32] Suel Foster, "Origin of the Missouri War (1839) in a Land Grab.: Fraudulent Titles --Numerous Claims--Scheme of the Speculators to Enlarge Their Half-Breed Reserve by Removing the Boundary of Missouri Farther North--The Scheme Fails," *The Annals of Iowa* 1873, no. 3 (540-543).

[33] Harvey Ingham, *Iowa South East* (Des Moines: Unknown--maybe the Des Moines Register, 1933), np.

[34] "The Boundary War." *The Daily Gate City* (Keokuk, IA). Thursday, May 10, 1888, Bickel Collection: Pioneers, Keokuk Public Library, Keokuk, Iowa.

taxes in Iowa, and a few trees containing beehives were cut down, giving the "conflict" its name, but no war ever occurred. Congress quickly settled the issue, confirming that the Des Moines River Rapids were in fact in the Mississippi River. Interestingly, some squatters believed that speculators had been behind the whole thing. They believed that speculators, more interested in expanding their wealth than in preserving the territorial integrity of Iowa, had suggested the more northern border to Governor Boggs of Missouri and attempted to support his position through lobbyists in Washington. Settlers later remembered the Honey War as an example of the treachery of land speculators.[35] This characterization is difficult to verify. There is no proof that the New York Land Company or any other speculators in the region communicated the idea with Governor Boggs, and the Honey War is little more than a tense mix-up in history, but it further highlights the conflict between squatters and speculators. At least in their own minds, they were fighting a major battle over the future of Iowa on many fronts.

In the midst of all this tension, the New York Land Company kept chugging along, buying up more and more land from claimants who all believed they had rights to some amount of land in the Tract. Although many of the company's investors were easterners, they had some local ones as well. Chief among these was Charles Mason, the Chief Justice of the Iowa Territorial Supreme Court from 1838-1846. Mason was both buying and selling shares from the New York Land Company beginning in the mid-1830s.[36] Civil War buffs may know Charles Mason as the man who beat out Robert E. Lee for the highest cumulative score ever in West Point history (Lee and Mason still have the two highest scores in the history of the school, which

[35] Suel Foster, "Origin of the Missouri War (1839) in a Land Grab.: Fraudulent Titles --Numerous Claims--Scheme of the Speculators to Enlarge Their Half-Breed Reserve by Removing the Boundary of Missouri Farther North--The Scheme Fails," *The Annals of Iowa* 1873, no. 3 (545).

[36] The David W. Kilbourne Papers, The State Historical Society of Iowa in Des Moines, Box 23, N16/9/6-9; N16/8/1-2.

they achieved as part of the same graduating class), but, by the 1830s, he had established himself as a judge, lawyer, and land speculator in eastern Iowa.

Mason's position as Chief Justice of the Territorial Supreme Court and a key investor in the New York Land Company created a conflict of interest that went either unrecognized or un-stigmatized during his time on the bench. He ruled in favor of the New York Land Company in numerous judicial cases and profited from their continued success.[37]

As discussed in chapter 2, Charles Mason and the Territorial Supreme Court was placed in charge of partitioning the Tract to individual owners in 1840. As a land speculator himself with ties to the New York Land Company, it is difficult to believe he oversaw partition as an unbiased, objective fashion. The land was divided up into 101 plots, nearly all of which went to land speculators.

The New York Land Company played a hands-on role in all of this. They hired the famous Eastern lawyer Francis Scott Key, today mostly known as the author of the "Star-Spangled Banner," as their lawyer and aggressively pushed to receive as many shares as possible.[38] One early Iowa historian claimed that Francis Scott Key wrote up the decree of partition for the Court, but Charles Mason is officially listed as the author.[39] They divided the tract into one hundred and one shares of just over one thousand acres a piece. Most of the shares

[37] *James Craton vs. James Wright*, The Charles Mason Papers, 1829-1882, Volume 31, File 2, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9; Case # 2568 *Marsh, Lee, and Delevan, Plainiffs in Error vs. Thomas F. Reddick's Heirs*, Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2568, Iowa Territorial Papers, roll 9, Iowa Historical Society in Des Moines, in F 621.T4.

[38] Carl Knoepfler, "The Half-Breed Problem," 108.

[39] B.L. Wick, "The Struggle for the Half-Breed Tract, 24.

were awarded to the New York Land Company and another speculator named Antoine Le Claire.[40]

The New York Land Company certainly seems to have played a major role in the 1840 partition of the Tract. Using top-notch lawyers and their colleague, Charles Mason, on the Supreme Court, they successfully obtained official title to much of the Tract. Unsurprisingly, given that the Territorial Supreme Court had drawn up the Decree of Partition and Charles Mason was also an investor in the company, the courts generally upheld the Decree (see chapter 7 for more details on the legal battles over the Tract). When Iowa was granted statehood in 1846, Charles Mason was named the first Chief Justice of the State Supreme Court and continued to uphold the Decree Title.[41]

In 1847, Mason left the Iowa Supreme Court, but his association with the New York Land Company continued. In 1852, they hired Mason as their lawyer and a new trustee in the company.[42] Mason's casual move from aiding the New York Land Company on the bench to working and profiting directly from their landholdings was commonplace at the time. Many American politicians and judges sometimes dabbled in land speculation.[43]

The role of the courts in the New York Land Company's acquisition of the Tract further illuminates the multifaceted nature of settler colonialism. Local courts often ruled in favor of squatters, but the Territorial and later State Supreme Court, led by Chief Justice Mason, routinely

[40] Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840," 456- 459.

[41] "Early Iowa Lawyers and Judges," *The Sunday Gate City,* Burlington, Iowa, May 13, 1906, The Charles Mason Papers, 1829-1882, Volume 72, File 1, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9.

[42] "Statement of Hire by Marsh Lee and Delevan for Charles Mason, 1852," The Charles Mason Papers, 1829-1882, Volume 30, File 1, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9

[43] Paul W. Gates, Landlords and Tenants on the Prairie Frontier (Ithaca, N.Y.: Cornell University Press, 1973), 68.

supported land speculators and the decree title. A few land cases made it all the way to the U.S. Supreme Court. The Supreme Court also tended to side with the land speculators and uphold the Decree Title. It had been, after all, a law passed through perfectly legal channels.[44]

Tensions between squatters and speculators played out in the courts but were also reflected in everyday life. Squatters saw land agents and speculators as corrupt, unscrupulous, evil Easterners seeking to corrupt the beautiful democratic societies they had built. Hawkins Taylor remembered land speculators as a horde of greedy, evil people that swarmed over the Tract. According to Taylor, "The hotels were full of this and a worse class of money sharks. There was a numerous class who wanted to rob the settlers of their lands and improvements entirely, holding that the settler was a squatter and trespasser, and should be driven from his lands."[45]

Taylor's description of land speculators is particularly interesting for the way he depicts speculators of something of an invasive species. They were "a worse class" that had descended on the region and needed to be driven out. Taylor has reconceived of squatters as the Indigenous people being invaded by speculators. Tellingly, he never mentions mixed-race or Indigenous people. This postcolonial irony is obvious today, but Taylor truly believed that the struggle between squatters and speculators represented a battle between good and evil.

The difference in local versus territorial, state-level, and federal courts reflect fiery tensions between local populations made up mostly of squatters and the menacing "money

[44] Laura Edwards has argued that this pattern was widespread. Edwards argues that local law was often disconnected with federal or even state law. See Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: The University of North Carolina Press, 2009), 4.

[45] Hawkins Taylor, "Squatters and Speculators at the First Land Sales," The Annals of Iowa 1870 no. 3 (1870): 271.

sharks" from the East Coast who wanted to take their land. The local government and local courts generally supported squatters while the federal courts generally supported land speculators.

Squatters' resentment of land speculators went beyond name calling. It often turned violent. A squatter who preferred to remain anonymous later recalled that people associated with the New York Land Company did not dare "to travel openly through the Tract. . ." out of fear for their safety.[46] Their fear was well founded. Just as squatters were perfectly willing to use their own brand of justice to deal with claims jumpers, they would sometimes punish land speculators.

Sometime in the 1840s, many of the squatters in the Tract gave a man named Ferguson Wright $500 to manage represent them in a high-profile court case with the New York Land Company. The company was able to offer Wright a lot more than $500, and Wright betrayed the squatters in 1851, signing a document that conceded to the New York Land Company's claims in the Tract in exchange for money and land of his own. The Union Association enacted swift vengeance, dragging Wright out of his home and publicly whipping him.[47]

Tensions between speculators and squatters seems to have been one of the defining realities of life in southeastern Iowa in the mid-1800s. In July of 1852, the citizens of Keokuk held a town meeting "to take into consideration our relations as citizens of Keokuk to the troubles between the settlers and decree owners." The conflict between squatters and speculators was deemed to be so severe that it was hindering the growth of Keokuk and the region as a whole. The town more or less resolved to take the squatters side, saying that squatters should at

[46] Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 206, The State Historical Society in Iowa City, MS BL241 f.12.

[47] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers, and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R.B. Ogden, 1876), 121-123.

least be paid for the improvements they had made. They created a task force to try and negotiate a compromise with the land speculators.[48] It is unclear if that ever happened, but it shows how much the conflict was on everyone's mind.

In his book on Keokuk, Orion Clemens clearly took the speculators' side. Clemens describes "violent mobocratic outbreaks" on the part of the squatters. He alludes to "miniature battles" and depicts the squatters as the obstacles to progress in the region.[49] Clemens book is a good window into the way speculators viewed the conflict. Squatters were a mob of ruffians who stood in the way of progress, unabashedly broke the law, and doled out violence in order to achieve their goals.

This tension between squatters and speculators was not unique to eastern Iowa. In fact, prior to the Homestead Act, it was one of the defining conflicts inherent in expansion. The tensions in the Tract, however, were even more intense because of the unique legal status of the land itself. Since the land had already been reserved for mixed-race people by the Federal Government and the Sauk and Meskwaki nations, it was much more difficult to justify preemption rights for the squatters who resided there or easily assign title to land speculators. The entire process was mired in confusion and controversy.

The New York Land Company remained somewhat mysterious even in its dissolution. On June 28, 1852, a deed shows that Charles Mason, now a private citizen, purchased the entire company for $160,000. Mason was apparently allowed to make the purchase based purely on the

[48] "Proceedings of Citizens' Meeting, 1852," The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9.

[49] Orion Clemens, *City of Keokuk in 1856: A View of the City Embracing its Commerce and Manufactures and Containing the Inaugural Address of Mayor Curtis, and Statistical Local Information; also a Sketch of the Black Hawk War and History of the Half Breed Tract* (Keokuk, IA: Book and Job Printer, 1856), 34, State Historical Society of Iowa in Des Moines, F629.K3 C54 1856.

promise of the money. He then raised $160,000 by taking out a mortgage on the New York Land Company he now owned.[50] In other words, Mason spent much of his time as Territorial and late State Chief Justice of the Supreme Court upholding the legality of the New York Land Company and then ended up in possession of the whole company once he retired. It is unclear if this ended up being extremely profitable for Mason, but it certainly provokes questions about the nature of his involvement with the company over the last three decades. Perhaps Mason had been an "unofficial trustee" for years and then officially took over the company once he retired from his government position. Perhaps Mason had been unofficially running the New York Land Company for years. This is, of course, purely guesswork, but the New York Land Company ceased to exist in 1852, essentially becoming part of Mason's estate. After years of upholding their land claims and supporting their legal arguments on the bench, Mason suddenly became the beneficiary of whatever the New York Land Company had left to offer in the 1850s.

This controversy is important for a few reasons. First, it highlights the importance of Meskwaki power in the region. Once the system the Meskwaki had built was severely damaged by the Black Hawk War, the region plunged into chaos. In this sense, the Black Hawk War destabilized the region rather than initiating progress. As the Meskwaki migrated to Indian Territory, the lead mines and trading posts they left behind struggled in their absence. Second, it illuminates the frequent conflict within the settler state itself and between squatters and land speculators, something that is too little discussed in most histories. The political affiliations of squatters and land speculators even suggest that the two major political parties—first the Federalists and Democratic-Republicans and then the Whigs and Democrats—took sides in these

[50] Land Transfer, June 28, 1852, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9. See also Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 167, The State Historical Society in Iowa City, MS BL241 f.12.

Western land disputes, with the Federalists and then Whigs generally supporting land speculators while the Democratic-Republicans carved out a niche for themselves backing squatters.

State formation in Iowa was a messy, decentralized process with competing interest groups like squatters and land speculators. While squatters sought to impose their own vision for the region through maverick statecraft, speculators tried to tap into federal power via the courts. The messy conflict that resulted demonstrated how decentralized the Early Republic was. Speculators and squatters, not the federal government or the court system, were often the dominant players on the frontier.

Squatters and land speculators were not the only characters in this drama. The Church of Jesus Christ of the Latter-day Saints also passed through the region at the same time. The LDS Church claimed to own 20,000 acres of land in the Tract and quickly came into conflict with the squatters living there. The next chapter details how the Latter-day Saints were one more strand in the spiderweb of settler colonialism.

Chapter 6: ". . .The Place was Literally in a Wilderness": LDS Claims in Eastern Iowa

In 1838, the Church of Jesus Christ of the Latter-day Saints was under attack in Missouri. Governor Lilburn Boggs and many local Missourians were forcibly pushing the Latter-day Saints out of Jackson, Missouri. Joseph Smith, then imprisoned in Jackson, sent Israel Barlow and David W. Rodgers north with a group of Latter-day Saints to try and find a suitable place for the LDS community to relocate. Barlow and Rodgers eventually found their way to the Des Moines-Mississippi Confluence—the region called the "Iowa Half-Breed Tract" in the Treaty of 1824.[1]

Barlow and Rodgers had heard that the abandoned Fort Des Moines might provide them shelter for a couple of nights. They located the empty fort and bedded down there for the time being. While living in the ruins of Fort Des Moines, they quickly became aware of the backwater town of Commerce, Illinois just across the river. They crossed the river and found that Commerce included about "40 empty dwellings." This seemed like a potential landing spot for the migrating Latter-day Saints.[2]

In Commerce, they met a charismatic man named Isaac Galland. Galland had founded the town of Commerce on the land cleared a few decades earlier by William Ewing for his "U.S. agricultural settlement." Zebulon Pike had spent the night there in 1805 (see Chapter 2). In 1838, Isaac Galland was still a trustee of the New York Land Company, and had developed something of a reputation for himself by purchasing huge amounts of shares in the Tract. Galland often purchased shares from individuals whose claim seemed dubious at best and argued for an

[1] For a good history of the Latter-day Saints before they were expelled from Missouri, see Richard Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005).

[2] David W. Rodgers Statement. February 1839. The Church of Jesus Christ of the Latter-day Saints Church History Library. MS 1027. See also Stanley Kimball, "Nauvoo West: The Mormons of the Iowa Shore" 18, No. 2 (1978): 132-135.

extremely expansive interpretation of the term "half-breed" in the Treaty of 1824 (see Chapter 5).

When Barlow and Rodgers arrived in Commerce, Galland was then living in a stone house in the sparsely populated town and claimed to own the unoccupied buildings Barlow and Rodgers had noticed. He also said he owned over 20,000 acres across the Mississippi River in the so-called "Iowa Half-Breed Tract." A savvy businessman who recognized that the Latter-day Saints needed somewhere to go, Galland quickly proposed terms of sale. Rodgers traveled first to Quincy, Illinois to confer with other Saints there and then headed back to Jackson, Missouri to discuss the offer with Joseph Smith. In February of 1839, Smith approved the purchase, and they began the process of moving the LDS church and its members to Commerce, Illinois and the Tract on the Iowa side of the river.[3]

Much had been written about the Latter-day Saint settlement in Commerce—soon renamed Nauvoo, Illinois—but what about Isaac Galland?[4] Did Galland really own the land he sold to the LDS Church? And what about the settlement on the Iowa side of the Mississippi River? Later named Zarahemla, this less-known settlement sat on the disputed lands of the reservation set aside for the mixed-race relatives of the Sauk and Meskwaki called the "Iowa Half-Breed Tract." This chapter will seek to shed light on some of the lesser-known aspects of the Mormon odyssey in the Nauvoo- Zarahemla region and explain the settlements' connection to Isaac Galland.

[3] David W. Rodgers Statement. February 1839. The Church of Jesus Christ of the Latter-day Saints Church History Library. MS 1027.

[4] Histories of Nauvoo abound. For a very recent, very good history of the kingdom on the Mississippi, see Benjamin E. Park, *Kingdom of Nauvoo: The Rise and Fall of a Religious Empire on the American Frontier* (New York: W.W. Norton & Company, 2020).

Like the Meskwaki, French-Canadian fur traders, mixed-race families, squatters, and land speculators, the Latter-day Saints are another piece of the puzzle in eastern Iowa. They had their own vision for the future of the region. The Latter-day Saints envisioned a future built around a centralized church/government. As Thomas Richards, Jr. notes in *Breakaway Americas*, the Latter-day Saints combination of religion and politics threatened many of their neighbors. Some elements of the society they sought to establish in Nauvoo and Zarahemla such as the Mormon Legion could justly be described as a theocracy. While Joseph Smith and his LDS followers generally expressed a desire to remain connected to the United States, they certainly had proto-nationalist ambitions and their vision for the region was different from many of the other groups that passed through.[5] Robert Bruce Flanders argued that the Latter-day Saints wanted to create a "semi-independent and quasi-sovereign government. . ." in the West.[6]

Like the squatters, the Latter-day Saints practiced something akin to maverick statecraft. They did not seek to become completely separate from the American nation state. In fact, Joseph Smith considered Mormonism the most American of religions and the Book of Mormon very clearly seeks to provide a metaphysical origin story to the United States. Nevertheless, they hoped to participate in American expansion in their own way, creating holy cities and spiritual locations government by a theocracy that was only partially subservient to the American government.

For Latter-day Saints, society was inseparable from religion and church. They sought to reconstruct the space, place, and purpose of the Upper Mississippi River Valley in their own

[5] Thomas Richards, Jr. *Break-Away Americas: The Unmanifest Future of the Jacksonian United States* (Baltimore: Johns Hopkins University Press, 2020), 83-107.

[6] Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965), 92.

way. They envisioned themselves building an orderly city in place of a chaotic wilderness and creating a new, sacred, perfect space in the American West.[7]

In Iowa, the Latter-day Saints clashed with the local claims association—called the Union Association. The two competing examples of maverick statecraft left a trail of tension and violence and added additional footprints to the landscape. Isaac Galland, a particularly ambitious and crafty speculator, facilitated the tensions.

At first glance, Isaac Galland is a bizarre character in this drama, but he is actually representative of larger class of land speculators in the American West. Galland was charismatic, ambitious, and self-confident, but he was also sleazy, greedy, and dishonest. He was one of many speculators who sought to turn the seemingly limitless expanse of Western land into his own fortune. Born in Pennsylvania, Isaac Galland grew up in Ohio. An intelligent youth, Galland attended the College of William and Mary, studying theology. Quickly tiring of religion, Galland switched to medicine. It is unclear if he ever graduated, but he went by the title of "Dr. Galland" for the rest of his life. As an adult, he demonstrated his education by translating portions of the Bible from Hebrew to English.

After leaving William and Mary, Galland was married in Ohio and had two children. After his marriage ended disastrously, Galland took his children west in search of a fresh start. He remarried and jumped into the business of trading and land speculating. He would later claim he founded Commerce, Illinois, Nashville, Iowa, and Keokuk, Iowa, although the last of these is

[7] See Sarah Lee, "Utopian Spaces: Mormons and Icarians in Nauvoo, Illinois" (Dissertation, College of William and Mary, 2009), 8-54; Richard Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 216-230.

certainly untrue given Keokuk's long history as a trading post before he ever arrived in the area.[8] Galland settled in what became Henderson County, Illinois and ran a trading post. It was here that he began trading with Sauk and Meskwaki traders and met Chief Black Hawk. At Black Hawk's request, Galland moved to the west side of the Mississippi River and began trading with the Sauk and Meskwaki there. He founded a town he called Nashville. It was later renamed Galland.[9] Galland likely moved to Nashville in the late 1820s. In 1830, he hired Berryman Jennings as the town's first schoolteacher, suggesting the town was already up and running by that point.[10]

Galland initially seems to have obtained the trust of the Sauk and Meskwaki and Black Hawk would almost certainly have included Galland among "our traders," but Galland had different ideas for the future of the region than Black Hawk. As discussed in previous chapters, Galland became a trustee of the New York Land Company. He had a financial interest in Indian dispossession, although he almost certainly did not explain that to Black Hawk.

In addition to buying up lots of shares in the Tract, Galland also became a major booster for settlement in the region. In 1840, he published *Galland's Iowa Emigrant: Containing a MAP, and General Descriptions of the Iowa Territory*, essentially an advertisement to come and buy land from Galland. Galland's compelling case to move to Iowa emphasized the excitement of frontier life and the potential to improve one's lot in life. He claimed that iron ore and coal were

[8] Virginia Wilcox Irvins, *Yesterdays: Reminiscences of Long Ago*, 5-7, Church History Library, Salt Lake City, Utah, 977.7 I95y. See also Lyndon W. Cook, "Isaac Galland: Mormon Benefactor," *BYU Studies Quarterly* 19, no. 3 (1979): 261-284

[9] "Galland, Washington: Address to the Old Settlers' Society, July 4, 1890," Collected Materials on Washington Galland. Microfilm. Church History Library, Salt Lake City, Utah. MS6929.

[10] "A Description of the First School House Ever Erected in Iowa, and a Chat with the Founder: Capt. W. Galland of Montrose." *From the Printing Press: Lee County History* (October 20, 1898), Bickel Collection: Pioneers, Keokuk Public Library, Keokuk, Iowa.

plentiful throughout Iowa, and that it would soon become a booming, industrial land of prosperity. [11]

Galland did not ignore the existence of the Tract in his travel book, but he treated it like a non-issue. He noted that between the Des Moines and Mississippi rivers "is situated that tract of land known as the Sauk and Fox half breed reservation." He explained that this was not an issue for would-be settlers, however. In fact, he spent considerable time extolling the value of the land and suggested it would be exceedingly easy to harness the power of the nearby rivers. To Galland the river also offered an ideal route for future railroads.[12] Although he did not disclose it in *Galland's Iowa Emigrant*, Galland was clearly biased. As the purported land owner of thousands of acres in the Tract, he had every reason to try and convince people to move to the area.

When Israel Barlow and David W. Rodgers met Isaac Galland in 1838, he was still working for the New York Land Company, but he apparently had already created his own "Half-Breed Land Company." He claimed to own all of the land in the Tract by virtue of the fact that he had purchased it from many different claimants he had decided owned a share in the Tract. In 1838, it was still unclear who had a legitimate claim to land in the Tract. Congress had granted the owners fee-simple title and the right to sell but had provided no clarity as to who those

[11] Isaac Galland, *Galland's Iowa Emigrant: Containing a MAP, and General Descriptions of the Iowa Territory* (Chillicothe, Ohio: Wm. C. Jones, 1840), 8

[12] Ibid, 9. Galland also references the Lake Pepin Half-Breed Tract in Minnesota (then part of Iowa and a logical topic for his guide to emigrants. Describing the Lake Pepin Tract, he says, ""This is all, however, still an uninhabited wilderness, except a settlement of principally half breeds of the Sioux nation of Indians, who are located on a valuable reservation of land, situated on the shore of Lake Pepin; to which may be added a few missionary establishments at different points."

owners were.[13] This made Galland's claim to own 20,000 acres of land outright was suspicious at best. There was no way he could have possibly guaranteed that his title to the land was valid during negotiations with the Latter-day Saints. Galland did not let these legal complexities get in his way. He sold 20,000 acres in the Tract to the LDS church, apparently giving them every assurance that what they were buying was the full-proof title. He assured buyers that the land would be partitioned eventually and that his claim to the region would be substantiated. Until then, his word was as good as gold.

Galland sold at least some of the land to individual Latter-day Saints. For example, an 1840 deed shows that Galland sold a plot of land to a Latter-day Saint named Laben Wiggins for $640.[14] Although deed records are difficult to find, some land was also likely sold to the Church collectively or to Joseph Smith on their behalf.

Isaac Galland did more than simply sell land to the LDS church. He also became their number-one booster and even joined the Church himself. In February of 1839, just days after meeting the LDS search party, Galland dashed of a letter to the Territorial Governor of Iowa, Robert Lucas, urging that he accept the Latter-day Saints into the region. Galland noted that they had been terribly mistreated in Missouri by Governor Boggs and urged Lucas to be different.[15] Robert Lucas, a laissez-faire Democrat, replied that he had limited authority in the matter but that the Latter-day Saints were welcome in Iowa.[16] Lucas's response was hardly a ringing

[13] *Marsh, Lee, and Delevan, Plainiffs in Error vs. Thomas F. Reddick's Heirs*, Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2568, Iowa Territorial Papers, roll 9, Iowa Historical Society in Des Moines, in F 621.T4.

[14] Galland, Isaac, 1792-1858: Deed, 1840 July 18, microfilm, Church History Library, Salt Lake City, Utah, MS 9121

[15] Isaac Galland to Robert Lucas, Governor of Iowa Territory, February 25, 1839, Isaac Galland Correspondence. The Church of Jesus Christ of the Latter-day Saints Church History Library. MS 6121.

[16] Robert Lucas to Isaac Galland, Isaac Galland Correspondence. The Church of Jesus Christ of the Latter Day Saints Church History Library. MS 6121.

endorsement of LDS settlement, but Galland may have taken it as one (or represented it as one to Joseph Smith). Lucas was replaced as territorial governor by John Chambers in 1841, and Lucas's assurance that the Latter-day Saints would be welcome in Iowa would not remain accurate for long.[17]

Galland also wrote a pamphlet defending the Latter-day Saints in 1841. He charged that the concerns many people felt about them were unwarranted, and that LDS history mostly included instances of people oppressing the Latter-day Saints, not the other way around. The pamphlet included a copy of Robert Lucas's letter with the decidedly measured assurance that Latter-day Saints were welcome in Iowa. Galland also went out of his way to address the charge that what had happened in Missouri was about to happen in Illinois and Iowa. He responds by suggesting that what had happened in Missouri was the result of cruel Missourians and had little to do with the Latter-day Saints themselves. The pamphlet specifically heaped criticism on Governor Lilburn Boggs of Missouri, charging that he was ultimately responsible for the bloodshed in Missouri, not the Latter-day Saints.[18]

At some point after selling land to the Latter-day Saints, Galland also joined their religion. He was baptized by Joseph Smith. Galland and Smith developed a close personal relationship, and Smith went so far as to make Galland his personal lawyer and give him power of attorney to act on his behalf in 1841.[19] While the Latter-day Saints' settlement in Commerce (later Nauvoo) is much more remembered, they also settled across the river in the Tract. Joseph

[17] Charles Neally to John Chambers, May 19th, 1841, Robert Lucas Papers, 1803-1830 MRC1, State Historical Society of Iowa in Iowa City.

[18] Isaac Galland, "Dr. Isaac Galland's Reply to Various Falsehoods , Misstatements, , and Misrepresentations Concerning the Latter-Day Saints, Reproachfully Called Mormons" (Pamphlet), Church History Library. Salt Lake City, Utah, M230.9 G146D 1841, 2-4.

[19] Power of Attorney to Isaac Galland and Hyrum Smith, 1 February 1841. Church History Library, Salt Lake City, Utah. MS27082. See also Lyndon W. Cook, "Isaac Galland: Mormon Benefactor," *BYU Studies Quarterly* 19, no. 3 (1979): 278-282.

Smith named this settlement Zarahemla.[20] John Smith, Joseph Smith's uncle, was appointed president of the Zarahemla Stake and Brigham Young and other LDS members settled on the west side of the river.[21] In addition to building the new town of Zarahemla, Latter-day Saints also poured into Nashville, the town Galland had founded in the Tract, and the rest of the surrounding area.[22] While many Latter-day Saints did settle in Zarahemla and the surrounding area, a much greater number moved to Commerce or Nauvoo, just across the river. At its biggest, Zarahemla had a population of only 326.[23]

Galland's connection with the Latter-day Saints likely cost him his job with the New York Land Company. In 1841, Galland's name no longer appeared on the list of trustees in the New York Land Company.[24] The exact reasons for his firing are unclear, but Galland explicitly told the Latter-day Saints that he owned something called the "Half-Breed Land Company" and sold them 20,000 acres of land. It is very unlikely that the New York Land Company authorized him to create his own company, and it seems more plausible that he bought up lots of shares in their name and then claimed that his own company owned them when Rodgers and Barlow showed up in Commerce. He likely intended to keep any profits from the sale to the Latter-day Saints for himself. David Kilbourne, one of the other trustees, later published a pamphlet "exposing" Galland as an LDS-sympathizer. He may simply have been trying to malign Galland

[20] Zarahemla is a reference to a region described in the *Book of Mormon*. Latter-day Saints believe it was once a major city in North America and that it burned to the ground after Christ's death.

[21] Stanley Kimball, "Nauvoo West: The Mormons of the Iowa Shore," *Brigham Young University Studies* 18, no. 2 (1978): 137.

[22] Plat of the Town of Nashville. 1841. The Church of Jesus Christ of the Latter-day Saints Church History Library. M277.79 P716 1841.

[23] Stanley Kimball, "Nauvoo West: The Mormons of the Iowa Shore" 18, No. 2 (1978): 139.

[24] Samuel Marsh to Dr. Isaac Galland, November 27th, 1841, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9; Strictures, on I. Galland' Pamphlet, "Villainy Exposed" with a History of his Extensive Operations in the Half-Breed Lands (broadsheet pamphlet), 8-9, State Historical Society of Iowa in Des Moines. F627.L4K51850. See also bills of sale from The David W. Kilbourne Papers, box 1, The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2; Carl Knoepfler, "The Half-Breed Problem" (master's thesis, circa 1913), 178, 193-198, The State Historical Society in Iowa City, MS BL241 f.12.

using the common anti-Mormon sentiment of the time, but it seems to support the idea that Galland was fired for associating with the Latter-day Saints, probably for his own profit rather than the New York Land Company's.[25]

Galland did serve an important role in helping the Latter-day Saints get settled in both Nauvoo and Zarahemla. Sometime between 1838 and August of 1841, LDS missionaries met with Sauk Chief Keokuk and gave him a copy of the *Book of Mormon*.[26] It seems highly probable that Isaac Galland connected the Sauk chief with the new arrivals to the area given his history of trading with the Sauk and Meskwaki. On August 12, 1841, Keokuk traveled to Nauvoo and met personally with Joseph Smith and his brother Hyrum. Joseph Smith made a speech to Keokuk and explained the tenets of his religion and described the "New Jerusalem" he hoped to build in glowing terms. Keokuk, ever the prudent diplomat, demonstrated that he had read and understood at least parts of the *Book of Mormon*, but also carefully kept himself at arm's length from committing to Smith's religion or his plans to build a new civilization. The Latter-day Saints explained Keokuk's measured approach by saying he was too attached to the things of this world, but Keokuk was simply demonstrating the same political savvy he had for years.[27]

Galland's role in getting the LDS Church located and up and running in Nauvoo and Zarahemla should not be understated. He sold them the land that became Nauvoo and extensive land in the Tract and wrote a letter to the governor asking that their right to settle in the area be protected. He became Joseph Smith's lawyer and confidant. Lastly, it is likely Galland also connected Joseph Smith with local Sauk leaders like Keokuk. It is unclear if he did this out of

[25] David M. Kilbourne, "Strictures, on I. Galland' Pamphlet, "Villainy Exposed" with a History of his Extensive Operations in the Half-Breed Lands." State Historical Society of Iowa in Des Moines. F627.L4K51850

[26] Lawrence C. Coates, "Refugees Meet: The Mormons and Indians in Iowa" *Brigham Young University Studies*, Vol. 21, No. 4 (Fall 1981): 491.po

[27] Ibid, 496.

sincere religious convictions or simply out of a desire for profit, but he did play an important role in the early history of the movement. In the long-run, it would become harder and harder to tell if Galland helped as much as he hurt the Latter-day Saints.

Despite Galland's assurances that the Latter-day Saints would be well-received in the area, non-LDS settlers in the Tract did not recognize the church's title or enjoy their company. While Galland may have genuinely believed in his claim to own the whole Tract, most people assumed it was completely ludicrous. In 1838, no one even knew who qualified for a share in the Tract, making it next to impossible for Galland to claim he had consolidated all the shares. What is more, the region was certainly not empty. It was full of mixed-race people and white squatters.

Many of the region's residents recalled the Latter-day Saints as lawless, cruel, and violent. A few years later, in 1876, J.M. Reid, the son of Hugh T. Reid, wrote *Sketches and Anecdotes of Old Settlers, and New Comers, the Mormon Bandits and the Danite Band*. According to Reid's recollections, all of the non-LDS residents of the Tract were terrorized by the "Danite Band," a quasi-military group of LDS enforcers.[28] The details of the Danite Band are still much disputed by historians, but many of the early settlers of the region were convinced that they suffered extensively at their hands. Reid compared the Danite Band to the Ku Klux Klan, saying they terrorized residents. He specifically singled out Bill Hickman, who he called "The Terror of Lee County." According to Reid, the Danites often took residents' property by force.[29]

[28] Facts are hard to come by on the Danite Band. Bill Hickman himself wrote a tell-all book in 1872 called *Brigham's Destroying Angel: Being the Life, Confession, and Startling Disclosures of the Notorious Bill Hickman, the Danite Chief of Utah* (New York: Geo. A. Crofutt, 1872). Some of Hickman's book is demonstratively false and is usually dismissed by LDS scholars as a largely fictional money grab by a former Latter-day Saint. Nevertheless, stories of Hickman and the Danites are ubiquitous in Illinois, Iowa, and Utah. It is difficult to separate rumor from verifiable fact.

[29] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers, and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R.B. Ogden, 1876), 33-35. Reid recorded these recollections many years later. Reid's father, Hugh T. Reid, had briefly served as Joseph Smith's personal lawyer, making it possible that J. M. Reid was familiar with some of the LDS leadership, but he never mentions anything like this in his account.

Reid recalled that someone named "Old Man Miller" was brutally murdered with a bowie knife by Bill Hodges, an LDS member and apparently an associate of Bill Hickman's. Sheriff Hawkins Taylor, who admitted to loathing the LDS church, hunted down Hodges and hung him along with his brothers. It is unclear how it was determined that Hodges's brothers were also culpable in the murder.[30]

While there is a pretty clear bias evident in Reid's memories, he certainly was not alone. Virginia Wilcox Irvins, another early non-LDS settler said of the Latter-day Saints: "With their flourishing city, comfortable homes and beautiful surroundings, it might be supposed that the Mormons would have been friendly with their neighbors, but on the contrary, they became arrogant, overbearing and dishonest, and robbing the farmers of their cattle and crops and taking anything they wanted wherever they found it." Irvins also remembers that the settlers on the Iowa side of the Mississippi became more and more afraid as the Latter-day Saints built up the Nauvoo Legion. [31]

Although inexperienced at statecraft, Joseph Smith's experiences in Missouri had convinced him of the need for a military force. Smith befriended a doctor named John C. Bennett. Bennett had been a member of a strange militia group in Edwards, White, and Wabash Counties in Illinois called the "Invincible Dragons." Bennett moved to Nauvoo and began to help Smith develop a city charter. Historian Robert Bruce Flanders suspects that Bennett was not extremely serious about the religion. He may have been an opportunistic hanger-on like Isaac Galland. In 1840, Smith and Bennett completed the Nauvoo city charter. It was approved by the Illinois Legislature and received the seal of approval from Stephen Douglas, then Secretary of

[30] Ibid, 40-41.

[31] Virginia Wilcox Irvins, *Yesterdays: Reminiscences of Long Ago,* 11, Church History Library, Salt Lake City, Utah, 977.7 I95y.

State of Illinois. Among other things, the charter included a provision for the establishment of a city militia called the Nauvoo Legion.[32] By 1844, the Nauvoo Legion included 3,000 men. By comparison, the entire American Army included 8,500.[33] Isaac Galland defended the existence of the Legion, pointing out that it was simply in keeping with the town's charter and that the Constitution itself referenced a "well-regulated militia." According to Galland, there was nothing un-American about the Nauvoo Legion.[34]

Local non-Mormons did not feel reassured. The presence of an actual military force made anything seem possible. Nauvoo's 1840 charter included another provision often referenced by critics of the Latter-day Saints. It allowed Nauvoo officials to issue a writ of *habeus corpus* for anyone in the state. Critics challenged that this gave Latter-day Saint leaders the ability to free any of their members from jail, even if they had committed a heinous crime. If they were imprisoned in any other part of the state, Joseph Smith could simply issue issue writ of *habeus corpus* and have them moved to Nauvoo.[35] Reid would later recall that dozens of Latter-day Saints committed serious crimes and were saved by writs of *habeus corpus*. His book of recollections includes a list of seventeen Saints he believed were guilty of major crimes but avoided punishment.[36] Tensions quickly rose between the squatters or the Union Association

[32] Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965), 92-101.

[33] Thomas Richards, Jr. *Break-Away Americas: The Unmanifest Future of the Jacksonian United States* (Baltimore: Johns Hopkins University Press, 2020), 86.

[34] Isaac Galland, *Galland's Iowa Emigrant: Containing a MAP, and General Descriptions of the Iowa Territory* (Chillicothe, Ohio: Wm. C. Jones, 1840), 5.

[35] Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965), 99

[36] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R.B. Ogden, 1876), 49. The full list includes Bill Hickman, Jeremiah Plumb, Mark A. Childs, E.C. Richardson, Nathaniel Eames, Philander Avery, Levi Wickerson, Jonathan Barlow, Jefferson Bradly, Alvin Sanford, Jedidiah Owens, Sam'l Musick, Nelson Benton, Robert Owen, Sam' Avery, Sylvester Jackson, and Ethaw Pettit.

who lived in the Tract and the Latter-day Saints who claimed to own the land the squatters lived on. This tension is fascinating because both groups had flawed, extra-legal titles to the region. The squatters claimed ownership based on the claims they had filed with the Union Association. In this sense, maverick statecraft validated their claims, at least in their own eyes. The Latter-day Saints claimed the land based on their purchase from Isaac Galland. Galland's claim to the land was tenuous at best and ridiculous at worst, but it was not necessarily any less valid than the squatter claim. Both were claims were not necessarily legal, but legality was not always the most important issue in western land claims. In Iowa, state formation often took place in the absence of state power.

To counteract the threat they perceived from the Danite Band and the Nauvoo Legion, residents of the Tract formed the Lee County Anti-Mormon Society or the Lee County Anti-Mormon Citizens of Lee County. Using grass roots political skills they had honed in the Union Association, delegates met on October 16, 1845, created the Society, and drafted a Constitution. In their constitution, they pledged "That it is the opinion of this meeting that the public welfare requires that the Mormons should depart from this country as early as practicable." They also selected a group of ten upstanding settlers who would meet to nominate "anti-Mormon" candidates for the first state election in 1846.[37]

The Lee County Anti-Mormon Society included many of the same members as the Union Association. Hawkins Taylor was appointed to the committee of ten tasked with nominating anti-Mormon candidates, and Edwin Guthrie, a well-known squatter, was selected as the Society's

[37] Lee County Anti-Mormon Meeting. Pamphlet. Church History Library, Salt Lake City, Utah. M273.4 L477 1845.

president.[38] The Anti-Mormon Society was another example of maverick statecraft. In the absence of government oversight, both the Latter-day Saints and the squatters sometimes took the law into their own hands. The Anti-Mormon Society provided an organized way for squatters to try and counteract the Nauvoo Legion and the power of Nauvoo.

Hawkins Taylor and the other members of the committee of ten drafted a speech which was published in local pamphlets and newspapers. It criticized the Latter-day Saints, accused them of lawlessness and thievery, and called for Democrats and Whigs to unite to expel the Saints from the area: "A system of petty Mormon thieving is extensively carried on in this country, that our citizens can scarcely any longer exercise a peaceful forbearance. . . Fellow tax-payers, we appeal to you to aid us in getting rid of an abundant source of taxation."[39]

The Lee County Anti-Mormon Society was not just a group of concerned citizens. It was intended as a quasi-military organization that would counterbalance the threat of the Nauvoo Legion. Irvins recalls that, even as the Nauvoo legion was drilling with firearms, the Anti-Mormon Society was also preparing for battle if necessary.[40]

Given the extremely self-righteous feelings on both sides, it is very difficult to piece together who was actually at fault. It was a very complicated situation. For one thing, Isaac Galland had sold the LDS leaders large swaths land that he did not really own. When Reid recollected the Latter-day Saints taking settlers property by force, it is very possible that the

[38] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R.B. Ogden, 1876), 46-49.

[39] Lee County Anti-Mormon Meeting. Pamphlet. Church History Library, Salt Lake City, Utah. M273.4 L477 1845.

[40] Virginia Wilcox Irvins, *Yesterdays: Reminiscences of Long Ago,* 11, Church History Library, Salt Lake City, Utah, 977.7 I95y.

Danite Band believed they were simply protecting their property. After all, Galland had assured them that he owned it and then sold it to them. Anyone already living there could easily have been conceived of as a trespasser.

Some efforts to make peace between the Latter-day Saints and Anti-Mormons were apparently made. Isaac Galland's son, Washington Galland, would later recall that a meeting between representatives of the Anti-Mormon Society and Joseph Smith was arranged at some point. Smith crossed the river and met with some leading Anti-Mormons. Smith refused to make a deal in writing, but Washington Galland remembered that a verbal peace agreement was reached. The group joined hands and Joseph Smith solemnly made the deal before Heaven. When they left, one squatter said, "This is a weird and curious scene."[41] This account of a verbal agreement between Joseph Smith and the squatters is likely accurate, but the deal appears to have had little lasting impact on events on the ground. The Latter-day Saints and the Anti-Mormon Society remained at odds.

The tensions surrounding the Tract ultimately hampered the LDS settlement in Zarahemla. One of the reasons the Zarahemla settlement has been largely forgotten is it never took off to the extent that Nauvoo did. [42] Tensions between local squatters and Latter-day Saints made it extremely difficult for the settlement to prosper.

Tensions over the Tract are interesting for another reason. In some ways, the LDS settlers and the Union Association had a lot in common. Both were loosely connected to the American

[41] "Reminiscences of the Mormons in Lee County, Iowa," *Keokuk Daily Democrat* (Keokuk, Iowa), August 7, 1883, in Collected Materials on Washington Galland. Microfilm, Church History Library, Salt Lake City, Utah. MS6929.

[42] Robert Bruce Flanders, *Nauvoo: Kingdom on the Mississippi* (Urbana: University of Illinois Press, 1965), 54-55.

nation state while also committed to the idea of Americanism and believed themselves to be advancing the democratic values of the republic. The Union Association is a much more obvious example of maverick statecraft, but Nauvoo and Zarahemla also had elements of the same sort of do-it-yourself nationalism. Smith wanted to be part of the U.S. and even proclaimed that Mormonism was the most American of religions, but he also preferred to keep the state at arm's length and maintain his own power over his theocracy. While there are certainly limits to the similarities between the Latter-day Saints and the squatters, they both represent a form of colonialism in the American West that was loosely connected to, but not completely independent of the American nation state.

Meanwhile, issues with the LDS claim to the land were becoming more apparent. In January of 1841, Joseph Smith purported to receive a revelation commanding him to

> Let my servant Isaac Galland be appointed among you, and be ordained by my servant William Marks, and be blessed of him, to go with my servant Hyrum to accomplish the work that my servant Joseph shall point out to them, and they shall be greatly blessed.[43]

Galland with power of attorney to act on Smith's behalf, traveled east to sell "half-breed scrip" or stock in his deceitful Half-Breed Land Company.[44] It is unclear why Joseph Smith ordained him to do this. It was not uncommon for Smith and other church leaders to take missionary or fundraising trips out East.[45] Perhaps Galland had dedicated his "Half-Breed Land Company" to the church and was selling stock in the company as a form of fundraising or

[43] Smith, Joseph, Jr. *Doctrine and covenants of the Church of the Latter-Day Saints* 124:79. Kirtland, Ohio: Printed by F.G. Williams & Co. for the Proprietors, 1835. Pdf. https://www.loc.gov/item/unk82003210/.

[44] Smith granted Galland power of attorney in 1841. See Power of Attorney to Isaac Galland and Hyrum Smith, 1 February 1841. Church History Library, Salt Lake City, Utah. MS27082.

[45] In 1832, Joseph Smith and Brigham Young traveled to New York, proselytizing and fundraising. This is just one example. Such trips were fairly routine. See Richard Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 178-191.

perhaps he had promised Joseph Smith part of the profits. Whatever the case, Galland likely targeted Latter-day Saints as potential buyers. As a land speculator, hawking shares in a land company to eastern investors would not have been foreign to Galland. This was perhaps an income-bearing activity for the Church as well as Isaac Galland himself.

Early in the journey east, Hyrum Smith, Joseph Smith's older brother and the man who was supposed to accompany Galland, became sick and was forced to return home. This left Galland all alone to sell shares to buyers out East who may have felt a religious compulsion to buy from him. Galland appears to have made large profits selling stock in his land company, despite the fact that his claim to ownership was based on an expansive, questionable interpretation of the Treaty of 1824 and had never been substantiated by the Federal Government or American legal system.[46] The New York Land Company contended that any "property" of the "Half-Breed Land Company" rightly belonged to them anyway.

Galland traveled to Philadelphia to sell scrip virtually by himself.[47] After making his sales out east, Galland proved very slow to return to Iowa. He traveled first to Ohio and then eventually moved back to Keokuk, but he continually spurned Joseph Smith's request for an audience. It is likely he pocketed the money and had no intention of sharing any of it with the LDS leadership. In January of 1842, Smith, growing increasingly more frustrated with Galland,

[46] D. M. Kilbourne, Strictures, on I. Galland' Pamphlet, "Villainy Exposed" with a History of his Extensive Operations in the Half-Breed Lands (broadsheet pamphlet), 23, State Historical Society of Iowa in Des Moines. F627.L4K51850.

[47] Galland says he visited Philadelphia and "other eastern cities" in his pamphlet "Dr. Isaac Galland's Reply to Various Falsehoods , Misstatements, and Misrepresentations Concerning the Latter-Day Saints, Reproachfully Called Mormons." Pamphlet. Church History Library. Salt Lake City, Utah. M230.9 G146D 1841. The pamphlet was published in Philadelphia in 1841.

sent Brigham Young to forcibly retrieve Galland. It is unclear what happened next, but Smith formally revoked Galland's power of attorney, and it appears Galland left the LDS church.[48]

Galland's exact beliefs and motives are impossible to determine, but he seems to have fleeced the Latter-day Saints. He sold them land he did not own and then used Church connections to sell scrip in his non-existent land company to Latter-day Saints in the East who may have thought of their purchases like donations to the church they sincerely supported.

Galland continued to claim he owned large chunks of land in the Tract for years. Interestingly enough, he often fancied himself a common settler and criticized the horrible land speculators he believed were trying to cheat people like him out of their land. Galland described your average land speculator as a "polite mobite, a popular murderer or a legalized thief."[49] There is obviously a deep irony to Galland's criticisms of land speculators. Galland was the most corrupt land speculator of all. Yet he somehow convinced himself that he was the victim, not the perpetrator.

Settlers in the area later remembered Galland as a dishonest cheat. A man named Robert Roberts once said that he had a terrible dream in which he met the Devil. The Devil told him he was on his way to southeastern Iowa, but, when Roberts mentioned that Isaac Galland was there, the Devil decided not to go. He said, "If Dr. Galland is there, it is just as good as if I were there myself."[50]

[48] Lyndon W. Cook, "Isaac Galland: Mormon Benefactor," *BYU Studies Quarterly* 19, no. 3 (1979): 281-283.

[49] Isaac Galland, *Galland's Iowa Emigrant: Containing a MAP, and General Descriptions of the Iowa Territory* (Chillicothe, Ohio: Wm. C. Jones, 1840), 5.

[50] Colonel J. M. Reid, *Sketches and Anecdotes of Old Settlers, and New Comers, the Mormon Bandits and the Danite Band* (Keokuk, IA: R.B. Ogden, 1876), 88.

The tensions surrounding land title made it difficult for the Zarahemla Stake to ever fully take off. In 1841, most of Galland's always suspicious claims were invalidated by the territorial government of Iowa. Eventually, when the Latter-day Saints were forced out of Nauvoo, most of them left the region. But the LDS church was not altogether done with the Tract. Beginning around 1840, as more and more Latter-day Saints began to make the move west, Keokuk, the largest town in the Tract, became the outfitting station for LDS expeditions to the west.[51] The so-called Mormon Trail from Nauvoo to Salt Lake City actually began from Keokuk. In 1846, a large number of Latter-day Saints fled Nauvoo to their new homes in the west. Their journey began from Keokuk.[52]

As for Isaac Galland, his status in eastern Iowa evaporated with the invalidation of his land claims. Galland eventually moved to California in 1853 to try and seek his fortune there when it became apparent he had no future in eastern Iowa. Failing to find success there either, Galland moved back to Lee County in 1856. A.W. Harlan, a resident of Lee County in the 1850s recalled that, "Notwithstanding the Doctor's industry and good natural abilities, he began to realize in his old age that his life was a failure. He became rather petulant; would get quite angry at small offences; then woe onto the luckless wight on whom he attempted to ventilate his vocabulary of abusive epithets."[53] Galland seems to have died a frustrated, poor old man soon after that.

[51] Fred E. Woods and Douglas Atterberg, "The 1853 Mormon Migration Through Keokuk" 61, no. 1, (2002): 1-23.

[52] "They Started from Lee County." Pamphlet. Church History Library, Salt Lake City, Utah. M273.4 T421W 1938.

[53] A.W. Harlan. "Sketches of Early Iowa." *The Daily Gate City* (Keokuk, IA). Saturday, November 26, 1870.

Even though they had vacated the area, the Latter-day Saints were not done with eastern Iowa. They continued to use Keokuk as an outfitting station for westward journeys for years. In 1853, around 2,000 Latter-day Saints from England descended on the sleepy little town whose population was only around 3,000 and remained there for a few days until they were ready to make the last leg of their journey to Salt Lake City, Utah.[54] While the Zarahemla Stake did not last, the Latter-day Saints' relationship with Keokuk endured for decades.

Nor was Nauvoo's unique history complete. In their 1846 exodus, the Latter-day Saints left behind numerous structures, buildings, and infrastructure that was now practically empty. Sarah Lee described post-LDS Nauvoo as a "ghost town."[55] The chaotic LDS passage through the area had resulted in violence, conflict, and displacement, but it had also created something. The ghost town of Nauvoo soon attracted the attention of Etienne Cabet, a French Utopian philosopher living in Paris. In 1839, Cabet had written *Voyag in Icarie,* a book that proposed Cabet's idea for a communitarian paradise. Cabet developed a devoted following of people who believed in his social theories. They held regular meetings and often referred to Cabet as "Father." Cabet asked the French government for permission to establish a commune according to the theory laid out in his book and firmly under his own leadership, but the government in Paris rebuffed him. In 1848, Cabet sent sixty-nine self-titled "Pioneers of Humanity" to Texas in hopes of establishing a commune there. Cabet joined them the following year and they moved north to Illinois. Cabet purchased the ruins of the Nauvoo Temple and most of the city left behind by the Latter-day Saints in 1849.[56] About 1,500 Icarians eventually moved to the Nauvoo

[54] Fred E. Woods and Douglas Atterberg, "The 1853 Mormon Migration Through Keokuk" 61, no. 1, (2002): 7-8.

[55] See Sarah Lee, "Utopian Spaces: Mormons and Icarians in Nauvoo, Illinois" (Dissertation, College of William and Mary, 2009), 1.

[56] Emile Vallet. "Communism: History of the Experiment at Nauvoo of the Icarian Settlement," 2-5, Church History Library, Salt Lake City, Utah. 977.3 V186C.

settlement. They set about rebuilding the Nauvoo Temple and establishing a perfect, communitarian society.[57]

Many of the Icarians were shocked by Cabet's dictatorial tendencies, seeing them as out of line with his Utopian ideas about a perfect community of equals. Cabet held community meetings to discuss his plans, but, if anyone challenged his reasoning, he would grow furious and publicly castigate his opponent. Emile Valet, a member of the colony as a teenager, remembered that distrust in Cabet eventually tore the community apart.[58] In an act of rebellion, the Icarians cast Cabet out along with the few who still supported him and moved west to found a new more equal colony in Corning, Iowa. Cabet died in St. Louis in 1856. A small number of devoted Icarians continued living in abject poverty in Corning until the 1890s.[59] As late as 1975, former Icarians still held reunions in Nauvoo, returning to the site just as Latter-day Saints continue to do.[60]

While the Icarians were probably the least consequential group to pass through the region, they serve as an important example of how layered the landscape of eastern Iowa eventually became. Most of the people discussed in this dissertation did not live in eastern Iowa for very long. They came, both damaged and built up the surrounding landscape, and moved on. The Icarians are an example of this in miniature. They purchased the ruins of Nauvoo and

[57] Charles Nordhoff, *The Communistic Societies of the United States; From Personal Visit and Observation* (New York: Harper & Brothers Publishers, 1875), 333-334.

[58] Emile Vallet. "Communism: History of the Experiment at Nauvoo of the Icarian Settlement," 13-16, Church History Library, Salt Lake City, Utah. 977.3 V186C.

[59] Charles Nordhoff, *The Communistic Societies of the United States; From Personal Visit and Observation* (New York: Harper & Brothers Publishers, 1875), 335-336.

[60] "The Sixth Annual Icarian Reunion, Nauvoo, Illinois, July 20-21, 1974," Church History Library, Salt Lake City, Utah. 335 I15p 1974; "Icarian Reunion, Nauvoo, Illinois, July 19-20, 1975." Church History Library, Salt Lake City, Utah. 335 I15p 1975.

attempted impose their own vision for the future on their surroundings. When it failed, they moved on.

While the LDS sojourn in the Tract was relatively brief, it is important because it shows that local power often won out over federal power. Despite assurances that they would be welcome in Iowa, the Latter-day Saints quickly realized that the local claims associations held much more power on the ground than the far-off territorial government and certainly more power than the distant federal government. The maverick statecraft wielded by claims associations allowed them to run the Latter-day Saints, a group that probably had more legitimacy in the eyes of the federal government, out of the region. This dynamic shows how complicated state formation in places like eastern Iowa could be. Indian removal often created a power vacuum, and the federal government did not always fill it. Colonization and state formation often occurred within this power vacuum. Thus, state formation was less of an experiment in federal policy than it was a manifestation of grass roots politics. The squatters, a group with very limited legal claim to the land, often emerged triumphant in contests with groups that had a much more reasonable legal case.

The next chapter will flesh out this point even more by examining the court cases that sought to settle questions of land ownership and title. The squatters' grass roots efforts again proved remarkably successful, even when pitted against the power of federal courts.

Chapter 7: "The Bitterest Land War and Litigation Ever Instanced in Our State": The Legal Battle for Eastern Iowa

In 1907, the Cedar Rapids Gazette ran a story titled "Revives Old Romance of the Half-Breed Tract." The story details the efforts of Louise Octavia DeLouis to reclaim land in the Half-Breed Tract she said rightfully belonged to her. DeLouis claimed to be "the daughter and only living descendent of Colonel Henri DeLouis, a former staff-colonel of Napolean Bonaparte."

According to Louise Octavia DeLouis, her father had fled France at the end of the Napoleonic Wars and somehow made his way to southeastern Iowa where he married a mixed-race woman named Margaret Hunt. As a child of DeLouis and Hunt, born in the Tract, Louise believed she was entitled to land under the Treaty of 1824. She believed a "large portion" of land in the Tract had been given to her parents, but that they had been ousted by fraud.[1]

The legality of Louise Octavia DeLouis's claim is unclear. It seems odd that no record of Henri DeLouis would exist given the extremely unique circumstances of his immigration to the region. It is possible he kept his identity a secret because of his connections to Napoleon or reporting on his arrival has been lost, but this does not seem likely. John W. Johnson did remember a Meskwaki woman named Sasoquey who married George Hunt, a trader, and had a daughter named Elizabeth Hunt.[2] A schoolmaster in Ferguson, Missouri named Charles Felix Van Quickenborne once wrote to William Clark on behalf of two sisters who had attended his school with the last name Hunt who he believed deserved a share in the "Half-Breed Tract." One

[1] "Revives Old Romance of the Half-Breed Tract," the *Cedar Rapids Gazette*, Cedar Rapids, IA, November 20, 1907.

[2] D. Hough, Justice of the Peace for the County of St. Louis to William Clark, November 23, 1833, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6., Volume 32, MS 0099.

of them, Elizabeth Hunt, was now living in a Convent "in the Southern country." Quickenborne was apparently unable to remember the other sister's name.[3] William Clark later wrote back to Quickenborne, saying that he had found a record of Elizabeth Hunt, but could not find anything about her sister.[4] Perhaps this other seemingly forgotten sister from the Hunt family was Margaret Hunt, Louise Octavia DeLouis's mother. If so, that would lend some legitimacy to her claim to land in the Tract, but no concrete evidence exists to prove her connection to Sasoquey and George Hunt. Whatever the legitimacy of her claim, DeLouis took the case to court, seeking to finally obtain her land in 1907. It appears she was unsuccessful in doing so, but the continued existence of legal controversy over the Tract as late as 1907, over eighty years after the Tract was first created, demonstrates the intensity of the legal struggle over the land. The quaint headline, "Revives Old Romance of the Half-Breed Tract," also points to the ways Iowans memory of the Tract had become distorted over time. The Tract was now a "romantic" element of Iowa's frontier past.

Another headline in 1907, "Black Hawk's Treasure," spun a completely fabricated yarn about buried treasure in the Tract, supposedly deposited by mixed-race people who had gotten rich working in Dubuque's Mines.[5] This story is little more than a fairy tale, but it points to the way the Tract was becoming a strange story from the distant past even before it was 100 years old. Like Dubuque's Mines, history was often obscured in favor of strange stories that romanticized the region's history. Meskwaki lead miners and Mixed-race people had become

[3] Charles Felix Van Quickenborne to William Clark, February 21, 1834, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6., Volume 32, MS 0099.

[4] William Clark to Charles Felix Van Quickenborne, February 25, 1834, William Clark Papers, St. Louis Superintendency of Indian Affairs. Roll No. 6., Volume 32, MS 0099.

[5] "Black Hawk's Treasure," *The Sumter County Sun*, Livingston, Ala, January 10, 1907.

remembered as curious elements of Iowa's origin story rather than crucial players in the development of the region.

Louise Octavia DeLouis's suit was the last of hundreds of suits over claims to land in the Tract. These legal cases trace the often-bitter history of the Tract's breakdown and demise in the mid-1800s. The legal history of the Tract is worth investigating for three reasons:

First, the legal breakdown of the Tract challenges our understanding of Westward expansion. For the most part, land speculators won the legal battle for the land but were unable to force the squatters off their farms. While the law sided with land speculators it was not enough to change conditions on the ground. This suggests that the American state was sometimes too weak to enforce its own dictates in the territories. While many historians, perhaps most notably Brian Balogh, have suggested that the Federal Government or state power played a much bigger role in the American West than we once thought, Rachel St. John has recently pushed back on this notion, suggesting that we may have overestimated the state's power.[6] Alan Taylor has also reemphasized the fractured, weak nature of the American state in *American Republics: A Continental History of the United States* and Thomas Richards, Jr. mostly concurred in *Break-Away Americas: The Unmanifest Future of the Jacksonian United States.*[7] As discussed in chapter 4, the squatters' victory over the speculators in practice despite their legal defeats does not necessarily contradict the idea of a strong American state proposed by Balough and others, but it does point to the existence of "maverick statecraft." The fiery court cases that often played

[6] Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009),; Rachel St. John, "State Power in the West in the Early American Republic," *The Journal of the Early Republic* 38, no. 1 (spring 2018): 87-94.

[7] Alan Taylor, *American Republics: A Continental History of the United States, 1783-1850* (New York: W.W. Norton & Company, 2021); Thomas Richards, Jr., *Break-Away Americas: The Unmanifest Future of the Jacksonian United States* (Baltimore: Johns Hopkins University Press, 2020).

out in dramatic fashion usually accomplished little on the ground, but they do represent yet another aspect of the complicated process of state building in Iowa. While often lacking in the power to enforce its decisions, the American justice system was yet another part of the multifaceted struggle over expansion and territorial acquisition.

Second, the cases help bring the main players into focus. Land speculators often sued squatters, seeking to have them removed from the tract. Since there is little historical record of either the squatters or the speculators, the cases offer some of the best insights into who they were and how they framed their claims to the land. Land speculators have traditionally received very little attention from historians. Their role in the court cases helps illuminate their identities and motivations.

Third, the cases show the breakdown of the Tract. To use James C. Scott's vocabulary, the tract was always a legal fiction, but, unlike other legal fictions such as borders and survey lines, the tract ceased to hold much sway over the public because of its location on the periphery of state control. Since the government could not or would not move the squatters off, they were able to defy the Treaty of 1824 and settle the land themselves. Land speculators and their lawyers furiously pushed the courts to recognize their legal title to the land. In purely legal terms, their argument was strong and most higher courts upheld their title. Yet the squatters remained.

From the beginning, the ambiguity of the Treaty of 1824 had set the Tract up to become a convoluted mess. The term "half-breed" went undefined, and they were granted rights to the land in common. As has been discussed extensively in previous chapters, this led to no end of confusion, tension, and violence. Unsurprisingly, it also led to a legal nightmare.

As discussed in chapter 2, by the beginning of 1842, there were at least four separate claims to the Tract. In 1839, Sheriff B.W. Gillock sold the entire Tract to Richard F. Barrett under dubious circumstance. This was called the Barrett Tax Title.[8] In 1841, at the request of Territorial Governor Robert Lucas, Charles Mason and the Territorial Supreme Court created a "bill for partition of real property." It determined that there were 101 legitimate claims by mixed-race people to a share in the Tract. The Tract was divided into 101 equal plots and assigned to specific owners, nearly all of them speculators who had purchased mixed-race people's "share" in the Tract.[9] Titles based on the bill of partition were said to be based on Decree Title. Sheriff Hawkins Taylor also sold the entire Tract to Hugh T. Reid in 1842. This was called the Judgement Title.[10] Lastly, many squatters claimed their land based simply on their residency and claims associations. This was called Squatter Title.

By January of 1842, many different people were convinced they owned all or part of the Tract. They often sought to settle conflicting claims to ownership in the courts.

Hugh T. Reid, believing that the entire Tract belonged to him under the Judgement title, sought to take possession it. In October of 1844, he petitioned the District Court to have a man named Joseph Webster forcibly removed from the 160-acre plot of land he occupied on the Half-Breed Tract. Webster and Reid met in the District Court. At the time, Charles Mason was the district judge for Lee County as well as the Chief Justice of the Iowa Territorial Supreme Court. He tended to side with land speculators, putting the odds in Reid's favor. The trial was before a jury, and Webster brought a great deal of evidence supporting his claim to the land. Webster

[8] "Lee County Deed Record Lands." Lee County, IA County Records, microfilm, p. 385-386, roll 3, 977.767 L511. Iowa Historical Society in Des Moines; Carl Knoepfler, "The Half-Breed Problem," 112-113.

[9] Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840,"

[10] *Joseph Webster v. Hugh T. Reid*. Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2736, 10-14, Iowa Territorial Papers, roll 9; Carl Knoepfler, "The Half-Breed Problem," 101.

argued that Sheriff Taylor's seizure of the land and auction to Hugh T. Reid had been fraudulent, rendering Reid's title void. Additionally, Webster called Theophilus Bullard and Isaac Galland to the stand. They testified that a Webster had purchased his land from Bullard, who had in turn purchased his land from a man named John Bond. According to Bullard, Bond had purchased the land from Na-ma-ca-pas, a mixed-race person, for $600. Mason overruled all this testimony as hearsay, rendering Webster's argument essentially void. The jury ruled in Reid's favor.[11] It is unclear if Webster was ever removed from his land. Based on the squatters' track record of violent resistance, it seems very likely he kept farming on the Tract, even though it legally belonged to Reid.

In 1849, Reid's judgement title was again challenged. James Wright sued him, claiming his title was invalid. Significantly, Iowa had achieved statehood in 1846 and had a new State Supreme Court that did not include Charles Mason. Justice J. F. Kinney ruled that the 1838 act of the Wisconsin legislature that had set the whole chain of events leading to the judgement title in motion was unconstitutional and violated the Northwest Ordinance. Among other things, the Northwest Ordinance had stipulated that no man should be deprived of life, liberty, or property without due process, including a trial by jury. The 1838 act had expressly required that the District Court assign ownership without a jury trial.[12] The judgement title was thus overturned.

The decree title was also challenged in the courts. In 1842, William Meek and fourteen others sued Josiah Spaulding and several others, seeking to have the decree title voided. Meek was a squatter who wanted to keep his land. The case was moved from Lee County to Muscatine County since Charles Mason, still the district judge in 1842, had worked as an attorney for some

[11] Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2736, 7- 49, Iowa Territorial Papers, roll 9.

[12] Carl Knoepfler, "The Half-Breed Problem," 140-143.

of the people involved in the case before. Tensions ran high and the jury was unable to reach a verdict, resulting in a hung jury.[13]

An article in the local *Burlington Hawk Eye* lamented how difficult land cases centered in the Tract were: "The great difficulty about the title the lands, has arisen from the fact that the names and number of the half-breeds were never known, not even to their kindred nations. The words of the treaty are general-'to the half-breeds.'" The vague nature of the Treaty of 1824 simply made it too difficult to ascertain who really owned it. The article pointed out that the "old settlers" who lived in the area believed the Tract belonged to a small, select group of around 50 people, but others argued it was owned by 100 or even many more. The author was not without hope, however, that a compromise between squatters and speculators could be made: "We understand that the decree owners have proposed to sell the lands to the settlers, at low prices, or pay them an appraised value for their improvements. We hope that this, to us, apparently reasonable proposition may result in a settlement of the matter in dispute agreeable to both contending parties."[14] It is telling that mixed-race people and the Meskwaki were not even considered as part of a potential compromise.

It appears that some sort of compromise was reached before a second trial could be held. The squatters and speculators worked out some sort of an out-of-court settlement in early 1844. Although the specifics of the "Muscatine Compromise," as it was called, are unclear, the Burlington Hawk Eye reported in April of 1843 that "It is said that the compromise provides for the sale of lands to those who have made improvements, and now reside thereon, at prices ranging from one dollar and a quarter to five dollars per acre, in one, two and three years."[15]

[13] Carl Knoepfler, "The Half-Breed Problem,"148-150.

[14] "Half-Breed Tract," *Burlington Hawk Eye*, Burlington, Iowa, December 21, 1843.

[15] "Half Breed Tract" Hawk Eye (Burlington, IA), April 11, 1844.

Essentially, a group of squatters agreed to buy the land they were living on from the people who legally owned it for a small price. This was similar to the various forms of preemption that had been implemented throughout the history of American expansion.

In some cases, the Muscatine Compromise may have quelled tensions, but it appears that it was generally ineffective. The aforementioned violent struggle on the Bullards' property occurred fully seven years later and an 1850 issue of the *Hawk Eye* makes it clear that conflicts between squatters and speculators were still fierce in Keokuk.[16] Still, the Muscatine Compromise reveals that even land speculators were beginning to see that legal redress was not effective against the squatters. An out-of-court settlement seemed a better option than relying on the courts to remove squatters.

Legal strife over the land in the Tract became so common that lawyers opened up practices that specialized in land disputes within it. James W. Grimes and Henry W. Starr opened up the Grimes & Starr Law Firm and announced that "Particular attention will be paid to claims for land in the half breed tract, and elsewhere."[17]

Meanwhile, James Wright and others kept trying to get the court to set aside the decree of partition. In 1849, Wright v Marsh, Lee, and Delevan and Barney v Chittenden, two cases seeking to have the decree title thrown out made their way to the State Supreme Court. Interestingly, Charles Mason, no longer the Chief Justice of the Territorial Supreme Court or District Judge in Lee County, represented the New York Land Company in these cases. The

[16] "Police Riot at Keokuk," The Burlington Hawk Eye (Burlington, IA), May 30, 1850.
[17] "Grimes and Starr," *Burlington Hawk Eye*, Burlington, Iowa, December 21, 1843.

State Supreme Court upheld the decree title. Wright kept trying to have the title thrown out until at least 1858, but the courts consistently upheld it.[18]

The courts generally backed up the decree title over the next thirty years. In 1856, James Wright sued to have James Craton, a squatter, removed from land that Wright owned under the decree title. The court ruled in favor of James Wright based on the decree title. Craton countersued and claimed that he should be paid for the improvements he made while on the land. Given the late date of 1856, it is possible Craton had been living there for many years.

The local court—including a jury of Craton's peers—ruled in Craton's favor, saying he needed to be repaid $450 for the structures he had built on the land. Wright appealed and brought the case to the State Supreme Court. He argued that, since Craton had neither purchased nor received any title when he settled on the land, he did not really have any color of title and he had clearly not settled the land in good faith, thus invalidating his claim. Reflecting the differences between local and state judiciaries, the State Supreme Court quickly ruled in Wright's favor.[19] As usual, the local court sided with squatters while higher-level courts often reinforced the legitimacy of the decree title.

Around the same time, Jane A. Coy sued Charles Mason. Coy argued that it was unfair that the children of Elisabeth Cardinall, also known as Elizabeth Antaya, had not received any land in the Iowa Half-Breed Tract. Mason may have been the subject of the suit because he was the author of the Decree in Partition of the Half-Breed Tract or because Coy believed Mason owned the land that should have gone to the children of Elisabeth Cardinall/Antaya. Whatever

[18] Carl Knoepfler, "The Half-Breed Problem," 156-164.

[19] *Supreme Court of Iowa: James Craton vs. James Wright*, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9

the case, Mason mounted a spirited defense, arguing that, since Cardinall/Antaya's children were so-called "quarter-breeds" and not "half-breeds," they were not entitled to land in the Tract. The State Supreme Court of Iowa ruled in Mason's favor.[20] This demonstrates the hardening of racial definitions even within a few years of the Tract's creation.

In 1870, fully twenty-nine years after the passage of the Decree of Partition, the Supreme Court of the United States finally ruled once and for all on its legality. In *B.F. Messenger, E.J. Messenger, and James May, Plaintiffs in Error, vs. Charles Mason*, the issue of the constitutionality of the decree title made its way to the High Court of the United States. Mason had sued the Messengers and James May, squatters who were living on land that belonged to him under the Decree of Partition. The Messengers and May argued that the Decree of Partition was unconstitutional and therefore invalid. Associate Justice Samuel Nelson, a twenty-five-year veteran of the Court, delivered their ruling. He declared that the Decree of Partition was in fact constitutional and that Mason's claim to the land was therefore valid.[21] This appears to have finally legally settled the issue. At least in the eyes of the law, the Decree Title was valid and determined who rightfully owned what land in the Tract.

Unlike Reid's judgement title, the decree title had withstood judicial vetting. Nothing much appears to have come of the Barrett tax title. It remained on the books, but it was apparently never used to force squatters off the land they were living on. Eventually, the New York Land Company purchased the title from Barrett for $500 eliminating competition with the

[20] *Jane A. Coy vs. Charles Mason*, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9

[21] Supreme Court of the United States: *B.F. Messenger, E.J. Messenger, and James May, Plaintiffs in Error, vs. Charles Mason,* 1870, The Charles Mason Papers, 1829-1882, State Historical Society of Iowa in Des Moines, M397 Location: N14/6/4-9.

decree title—the title which ensured the company's holdings. The company also purchased Reid's judgement title to the land, even though it had been thrown out by the court.[22]

The New York Land Company had consolidated control of all major titles except for the squatter title. The company appeared poised to assume control of its land in the Des Moines-Mississippi Confluence. Except they did not. The squatters were determined to stay on their land. They used a mixture of violent resistance, political maneuvering, and stubbornness to stay where they were. In Isaac Galland's words: "This population, it was deemed a very difficult task to remove, without their consent; as force might be repelled by force, and popular feeling being always adverse to the schemes of landed monopolies, it was thought probable, yea almost certain, that even a posse of the country, called out by the Sheriff, to eject the settlers on these lands, would more probably take side with the resident citizens, than with foreign speculators."[23] The squatters were not inclined to move. They had broken in the land themselves. Many of them, like the Bullards, had purchased their land from previous squatters, so they had paid for the land they were living on. Many locals supported the squatters' stance. Why should squatters in Lee County go without preemption rights when squatters in the rest of Iowa had? Moreover, the Democratic Party in Iowa was eventually willing to support the settlers' claim in exchange for their votes. The squatters ultimately won out in their conflict with what Galland called the "foreign speculators."[24]

[22] Carl Knoepfler, "The Half-Breed Problem," 116-117.

[23] Carl Knoepfler, "The Half-Breed Problem," 189.

[24] This is another example of the squatters' depicting themselves as Indigenous People. Land speculators were "foreign" invaders seeking to oust them from land that was rightfully theirs. It is incredible that the logic of possession could be so convincing to squatters just a few decades after they possessed Native people whose claim based on possession was much stronger.

Another particularly unusual case involving the Tract made its all the way to the U.S. Supreme Court. In 1850, the Supreme Court of the United States heard *Marsh v. Brooks*, a bizarre land case involving the Tract. Samuel Marsh, William Lee, and Edward Delevan, trustees of the New York Land Company, sued for possession of a 640-acre plot of land lying "on the left bank of the Mississippi about eighteen miles north of the mouth of the Desmoines River. . ."[25] The heirs of Thomas F. Reddick also claimed ownership of the land. Reddick and later his heirs had lived on the land for a long time and felt that their possession superseded the claims of shady land speculators with connections to the deep pockets of far-off New York investors. Marsh, Lee, and Delevan argued that the 640 acres in question had once been part of the so-called "Iowa Half-Breed Tract," a 119-acre reservation set aside for mixed-race people related to the Sauk and Meskwaki nations of Indians in what is now extreme southeastern Iowa. Marsh, Lee, and Delevan's lawyer, Hugh T. Reed, a land speculator himself, introduced into evidence the Treaty of 1824 that created the "Half-Breed Tract" along with a bill passed by Congress on June 30, 1834 entitled "An Act Relinquishing the Half-breed Lands" that gave the mixed-race relatives of the Sauk and Meskwaki fee-simple title to their reservation. Reed then offered proof that his clients had purchased their 640-acre plot of land from Eliza Cardinal and Eustace Cardinal, the heirs of Thomas Abbott or Red Bird, a mixed-race person with a claim to the tract.[26] Reed argued on behalf of his clients that, since they had purchased the land from the legal claimants to a reservation created by the federal government who were expressly authorized to sell the land, their title trumped Reddick's heirs.

[25] **"***Marsh, Lee, and Delevan, Plainiffs in Error v. Thomas F. Reddick's Heirs*," Iowa Territorial Papers, Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, F 621.T4, roll 9, case #2568, Iowa Historical Society in Des Moines, IA, microfilm.

[26] Marsh v. Brooks, 49 U.S. 223 (1850); Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840," *The Annals of Iowa* 14, no. 6 (1924): 437. This is a reprint of a primary source.

Reddick's lawyers argued that, since no "half-breeds" could be found at the time of the trial, Marsh, Lee, and Delevan's claim was invalidated. Associate Justice John Catron, the author of the Court's majority opinion, would have none of this argument, but he did not rule against Reddick's heirs. Instead, he remanded the case back to the lower courts for further deliberation and suggested to Reddick's heirs that they would need to prove that their title to the land antedated that of Marsh, Lee, and Delevan.[27] Justice Catron's actions suggest that he did believe Reddick's heirs had the stronger claim to the land but had simply been unable to argue effectively for it in court. They obviously could not afford a legal team as skilled as Marsh, Lee, and Delevan's.

Reddick's heirs heeded Catron's advice and their case returned to the Supreme Court in 1852. This time, they were much more prepared. They produced evidence that the 640 acres in question had been inhabited by a French fur trader named Louis Honore Tesson in 1798 (see Chapter 2). In 1799, the Spanish government, then in possession of the Louisiana Territory that included modern-day Iowa, officially granted the land to Honore.[28]

Honore lived on the land and "improved it" according to European customs, building a house, farming, growing an apple orchard, and trading with the local Sauk, Meskwaki, and Ioway Indians. Honore eventually sold the land to Joseph Robedeoux who then sold it to Thomas Reddick. In 1815, Reddick brought proof of his claim to the land to the land office in St. Louis, including a copy of the Spanish land grant. The land recorder in St. Louis entered a patent for

[27] Marsh v. Brooks, 49 U.S. 223 (1850).

[28] Marsh v. Brooks, 55 U.S. 14 How. 513 513 (1852). For the exact wording of the land grant, see A.R. Fulton, *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes* (Des Moines: Mills & Company, Publishers, 1882), 407-409.

Reddick's claim, saying "Granted 640 acres, if Indian rights extinguished."[29] Furious debate ensued over the meaning of the clause, "if Indian rights extinguished," but Justice Catron, again writing the majority opinion, ruled that the Louisiana Purchase retroactively extinguished the Indian title to Tesson's Spanish land grant and gave him full ownership. Catron also correctly pointed out that the Treaty of 1804 protected all Spanish and French land grants in the Louisiana Purchase and therefore ruled that the claim made by Reddick's heirs antedated Marsh, Lee, and Delevan's claim.[30] Reddick's heirs kept the land.

Like Julien Dubuque, Louis Honore Tesson had been granted a Spanish land grant in eastern Iowa. In this case, the Supreme Court ruled that the land grant was binding since it antedated the creation of the Tract. It is fair to wonder if Honore had been allowed to live on Meskwaki land in much the same way that Julien Dubuque had. Perhaps he was only granted usufruct rights, but any contract he may have created with the Meskwaki or Sauk did not survive, so his claim was generally thought to be binding. Honore was one of the few early settlers of the region—Black Hawk's "our traders"—whose claim was reified. He may have had the most legitimate claim to land in the area of anyone and the Supreme Court later honored his title.

The legal battles over the Tract ultimately assured its demise. While the Tract appears to have functioned for a few years as a reservation for mixed-race families, it was quickly undone by the weakness of the federal government. Squatters poured into the region, crowding and displacing the mixed-race families who had lived there for decades by that point. The federal government was either unwilling or unable (or both) to remove the squatters, plunging the Tract

[29] Marsh v. Brooks, 55 U.S. 14 How. 513 513 (1852); **"***Marsh, Lee, and Delevan, Plainiffs in Error v. Thomas F. Reddick's Heirs*," Iowa Territorial Papers, Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, F 621.T4, roll 9, case #2568, Iowa Historical Society in Des Moines, IA, microfilm.

[30] Marsh v. Brooks, 55 U.S. 14 How. 513 513 (1852).

into chaos. At least four separate titles to the land eventually emerged: the judgement title, the Barrett tax title, the decree title, and the more informal squatter title. A protracted legal battle ensued over who actually owned what land and why. Eventually, the Supreme Court endorsed the decree title. The most fascinating thing about this whole process, however, is not that many court cases occurred or that the decree title was eventually found constitutional, it is that the squatters themselves, even though they undoubtedly had the weakest legal argument for title, ended up being the most successful claimants. The "maverick statecraft" employed by the squatters, first through claims associations and later through the Possum Party, eventually allowed many of them to keep their land. As with much of the history of eastern Iowa and especially the Tract, the extralegal, grassroots elements of maverick statecraft also need to be figured into the legal story of the Tract. In some ways, the squatters made their own law.

The law continually supported the existence of the Tract in the Des Moines-Mississippi Confluence, but the reality on the ground was very different. Since the law went unenforced, it did not really matter. It is important to understand that the Tract was never legally terminated. It was more or less erased by the federal government's inability to remove squatters. Squatters simply remained on their land, and, since the federal government failed to enforce its existence in any practical way, the Tract was eventually forgotten. As time passed, more and more of the squatters or their descendants sold their original claims in the Tract to newcomers. These sales produced deeds, documentation, and everything else needed to reify title according to American law. By the late 1850s, most of the residents of the Tract had deeds to prove their property ownership and were not considered squatters. Of course, they had purchased their land from squatters and their title would still not have held up under intense legal scrutiny, but it generally

satisfied everyone in the area.[31] The Iowa Democratic Party had agreed to back squatter rights and most of the mixed-race families who had claimed land in the Tract were either gone or no longer interested, with a few possible exceptions like Louise Octavia DeLouis.

The New York Land Company seems to have dissolved by this time and David Kilbourne, one of the company's former trustees, had launched himself into a career in local politics. Elected the mayor of Keokuk in 1855, Kilbourne declared that the dispute over land ownership was over. People's claim to land in "the whole Half Breed Sac and Fox reservation [was] indisputable, firm, and effectual forever."[32] Hawkins Taylor, elected mayor of Keokuk in 1857, appeared to agree with Kilbourne. Both believed that the dispute over title in the Tract had restricted Keokuk's growth and that it was in everyone's best interest to simply move on.[33]

It appears that Congress never passed a bill officially dissolving the Tract. This opens the door to the possibility that the land could still be Indian Country, in much the same way that the Muscogee-Creek Reservation in Oklahoma was ruled to still be Indian Country in 2020 in McGirt v. Oklahoma.[34] Unlike the McGirt case, however, there is no extant group of mixed-race people in the region to initiate a suit and since the mixed-race people the Tract was intended for never appear to have been a sovereign nation, it is unclear how "tribal jurisdiction" would apply anyway. The Tract has more or less ceased to exist for practical reasons rather than legal ones.

[31] "Lee County Deed Record Lands." Lee County, IA County Records. Microfilm. Roll 3. 977.767 L511. Iowa Historical Society in Des Moines; "Lee County Land and Town Lot Deeds Index volumes 1-3." Lee County, IA County Records. Microfilm. Roll 1. 977.767 L511. Iowa Historical Society in Des Moines; 1856 Iowa Census: Lee County. Iowa Census Records. Microfilm. Volumes 52-53. Pol-H-287.

[32] David M. Kilbourne, Inaugural Address as Mayor of Keokuk, 1855, The David M. Kilbourne Papers. The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2, box 28.

[33] Hawkins Taylor, Inaugural Address as Mayor of Keokuk, 1857, The David M. Kilbourne Papers. The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2, box 28.

[34] McGirt v. Oklahoma, 140 S. Ct. 2452, 2459 (2020).

The role of territorial, state, and federal courts in state formation in Iowa is telling. The courts were constantly involved, handing down hundreds of rulings on land ownership, typically favoring land speculators. Yet these decisions were very rarely impactful on the ground. While arguments made by historians like Balough that state power in the nineteenth century may have been greater than previously thought are valuable, the maverick statecraft inherent in Westward expansion complicates this notion. While the federal government was not always very strong in the West, it is not as if its absence meant complete chaos. Sometimes we erroneously assume that the absence of state power means anarchy. In some cases, it does, but squatters, claims associations, the Possum Party, and the extralegal system of land ownership that developed in Eastern Iowa suggest that it is often more complicated than that. In the absence of state power, people often form organizations and institutions that create order. Claims associations and the Possum Party are both examples of this phenomenon. In some cases, this could mean they developed a parallel state of their own, but, in the American West it more often meant that they developed grass roots government that they believed extended or even improved the American state. The success of squatters in eastern Iowa at dictating their circumstances, legal obligations, and reality points to how powerful these forms of maverick statecraft could really be.

State formation, then, cannot be understood simply as a process administered by the federal, state, or even local governments. Much of state formation in eastern Iowa was overseen at a purely grass roots or even illegal level. Claims associations and other extralegal organizations often had a greater impact than federal courts or politicians in Washington.

Conclusion

In 1855, newly elected mayor of Keokuk, David Kilbourne, gave his inaugural address. Kilbourne, a former purchasing agent of the New York Land Company, a close associate of Charles Mason, and a land speculator-turned-politician, spoke proudly of Keokuk, a town located squarely in the Tract that had originally been home to a combination of Sauk, Meskwaki, and their mixed-race relatives. Kilbourne's speech is mostly about internal improvements, plans to build a major railroad along the Mississippi that would pass through Keokuk, and dreams about the future. Kilbourne, a Whig, portrayed Keokuk as a city of the future. He spent little time focused on the past conflicts over the region and did not mention that tensions were certainly not completely settled in the 1850s. Of the struggle for the Tract, Kilbourne said cryptically, "I with others, encountered difficulties which no stranger can know, and which no non-resident owner will ever appreciate. . ."[1]

Kilbourne's silence on the issues over land title in the region sends a clear message. He believed the struggle for eastern Iowa was over and that the future was now bright. Kilbourne's efforts to almost intentionally forget about Keokuk's complicated past were similar to Hawkins Taylor's seemingly deliberate omission of Native people from his histories of southeastern Iowa. Settlers were eager to leave the complicated nature of settlement behind them and focus on the future.

In some ways, this attitude is still pervasive in Iowa today. Eastern Iowa is a bucolic landscape made up mostly of farms and small towns. Kilbourne's dreams of a thriving Keokuk never materialized, although it remains a nice, quiet small town along the Mississippi. Iowa

[1] David W. Kilbourne, Inaugural Address, 1855, The David W. Kilbourne Papers. The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2.

contains no Indian reservations and few monuments or markers to its history. Some of the memorials that do still exist, like the Julien Dubuque Monument, are deliberately misleading. Modern-day Iowa seems uniform and uncomplicated.

Part of the purpose of this dissertation has been to deconstruct that myth. Eastern Iowa's history is actually about change, not continuity. Nor was it created by a homogenous group of people. David Kilbourne's speech was one of the first steps in a long process of obscuring this history. The real, more complex history of eastern Iowa, has the potential to tell us a lot more about state formation in the American West.

The Iowa Territory actually replaced an older, more successful organizational structure. Meskwaki power had allowed the region to thrive economically, culturally, and politically. The trials and tribulations the Meskwaki had faced in previous generations had made them skilled at adapting to a changing world. They arrived in the Upper Mississippi River Valley almost completely decimated by the Fox Wars, but quickly solidified their control over the region and made use of its strategic location along the Mississippi River and bountiful lead deposits. The Meskwaki used their old traditions of lead mining and hunting to integrate themselves into global markets. The Meskwaki lead trade, located primarily in what became northeastern Iowa, especially around Dubuque's Mines, and the Sauk and Meskwaki fur trade, centered around what became southeastern Iowa and the Tract, connected the Meskwaki to the global economy and allowed them to thrive in a changing world all while mostly maintaining their traditional ways of life.

The Meskwaki formed a power structure that effectively provided order to the region and mostly allowed them to impose their own vision on eastern Iowa. The Black Hawk War disrupted and ultimately destroyed Meskwaki power in the region. This created a power vacuum

that the federal government was unable to fill. In its place, numerous other groups engaged in maverick statecraft or attempted to tap into federal power in order to impose their vision on the region. Squatters, arriving almost immediately after the Black Hawk War, had no federal authority to be there. Instead, they attempted to reify their right to keep their land through claims associations that created a semblance of grass roots law and order. Claims associations are a great example of the coalitions that Rob Harper believes often played crucial roles in westward expansion.[2] In the absence of any strong centralized power, people formed coalitions that protected them. Claims associations were especially well-organized, democratic examples of coalition building. Squatters created constitutions, drafted laws, appointed officials, and violently protected the claims of association members. These claims association constitutions make it clear that squatters did not intend to create independent governments so much as they believed their quasi-legal coalitions were themselves extremely American. They believed that, in breaking the law and creating extralegal organizations, they were actually being extremely patriotic. I termed this phenomenon "maverick statecraft" and argued that it is similar to other forms of American expansion such as filibustering. In the absence of a strong federal government, maverick statecraft was crucial to American expansion in the nineteenth century.

What is perhaps most interesting about maverick statecraft and coalition-building is that these grassroots power structures often triumphed over state and federal authority. Land speculators had a much more convincing legal case for their claims in eastern Iowa that squatters and claims associations. They also generally had the backing of the federal government or at least the federal court system. Nevertheless, they were generally unable to remove squatters and

[2] Rob Harper, *Unsettling the West: Violence and State Building in the Ohio Valley* (Philadelphia: University of Pennsylvania Press, 2018), 5-6.

assert their ownership of eastern Iowa land. This was especially true in the Tract, where federal courts ruled again and again in favor of land speculators, but squatters were never removed from their land.

The Latter-day Saints, like the speculators, actually made a greater effort to follow the legal process for acquiring land in the West. While their purchase from Isaac Galland was dubious at best, they believed they had every right to create the community of Zarahemla in eastern Iowa. They also clung to Iowa territorial governor Robert Lucas's assurance that they were welcome in Iowa as evidence that they had the support of the territorial government. The Latter-day Saints, for all their aspirations to theocracy and quasi-independence, hoped to have the support of the Illinois, Iowa, and federal governments. Once again, however, it was ultimately the squatters' local coalition that held sway, eventually forcing the Latter-day Saints to move further west.

This demonstrates that local and even grassroots authority often triumphed over state or federal authority in Iowa. While this phenomenon was particularly apparent in eastern Iowa, it is an exaggerated version of similar phenomena in Ohio, Illinois, Wisconsin, and Missouri.[3] State formation in the American West was often a complicated process. It did not proceed from chaos to civility. In eastern Iowa, the region was relatively stable under Meskwaki leadership, plunged into chaos once they were jettisoned, and was very slow to re-stabilize. What little stability

[3] See Rob Harper, *Unsettling the West: Violence and State Building in the Ohio Valley* (Philadelphia: University of Pennsylvania Press, 2018); Robert Morrissey, *Empire By Collaboration: Indians, Colonists, and Governments in Colonial Illinois Country* (Philadelphia: University of Pennsylvania Press, 2015); Bethel Saler, *The Settler's Empire: Colonialism and State Formation in the Old Northwest* (Philadelphia, PA: University of Pennsylvania Press, 2015); Stephen Aron, *American Confluence: The Missouri Frontier: From Borderland to Border State* (Bloomington, IND: Indiana University Press, 2009).

eventually emerged in the region was largely a product of grassroots coalitions, not the federal or even territorial governments. To long-time residents, it probably felt that the region had grown much less stable under American control, at least for the first few decades after the Black Hawk War.

This sort of state formation was hardly equitable. Aside from the obvious fact that it excluded Natives and people of color, it also privileged certain coalitions. The squatters won out, essentially dispossessing the supposedly much more powerful land speculators and forcing the Latter-day Saints out of the region. This disparity helps to explain the different ways Iowans later chose to remember state formation. Washington Galland, Hawkins Taylor, Lieutenant Albert Lea, and other "old settlers" often extoled the values of the "good old days." Their version of history was thoroughly tainted, but it was an example of history being written by the victors. Galland and Taylor may sincerely have thought that squatter society was the best organized in the world since *they* had made the laws. Edward Kilbourne, a land speculator, preferred to simply forget the difficulties of early settlement, writing them off by saying that residents had "encountered difficulties which no stranger can know."[4] For Kilbourne, it was probably easiest to move past the complicated period of early statehood.

State formation in early Iowa was not necessarily unique, but it is a reminder that colonialism in the U.S. was complicated. State formation often took place in a power vacuum rather than as a result of strong federal power and groups that might not otherwise have wielded much power sometimes became the drivers of settler colonialism. Unfortunately, this complicated, violent story is sometimes obscured by the settler colonial mechanism itself. We

[4] David W. Kilbourne, Inaugural Address, 1855, The David W. Kilbourne Papers. The State Historical Society of Iowa in Des Moines. N16/9/6-9; N16/8/1-2.

sometimes choose to sterilize the complexities of state formation in favor of a much simpler, more benign story.

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