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**A BIOGRAPHICAL SKETCH OF CAPTAIN HOSEA B.  
HORN. OF BLOOMFIELD, DAVIS COUNTY, IOWA.**  
BY THE FORMER EDITOR OF THE ANNALS.

Captain Hosea B. Horn, whose personal history is here briefly sketched by a friend, was born near Harrodsburg, the seat of justice of Mercer County, Kentucky, on the 3d of December, A. D. 1820. His father, named John, and his grandfather, Phillip Horn, were of German descent, and natives of Frederic County, Maryland. Both were farmers, the grandfather having fought in the army of the Revolution; and both of them were open year in the war of 1812, and at the battle of New Orleans, after their removal to the country near Harrodsburg, Ky., where the family settled, in the year 1800, when John was six years old.

The mother of Captain Horn was the daughter of Turner Bottom, of English parentage and birth, in Henrico County, Virginia, whence he emigrated to Mercer County, Ky., in 1794, where she was born the following year.

As Kentucky afforded but few facilities for education, during young Horn's boyhood, he never had the advantages of common school education, nor of attending any school, being chiefly instructed by his mother at home, and self-taught by reading and study, till apprenticed to Mr. Jesse Head, of Harrodsburg, Ky., in the printing business, at the age of fifteen. In the printing office, he had some assistance from others in the same employment, and by personal attention to books through early life, he acquired what may well be termed self-education. His father having removed to Indiana in 1839, being a young man of nineteen, he entered the office of the Clerk of the Circuit Court of Bartholomew County, in that State, where he remained about five years.

In the Spring of 1844, with Mr. H. C. Child, he edited and published a weekly political newspaper in Columbus, Ind., devoted to the cause of the Whig party, and advocating the election of Henry Clay to the Presidency of the United States. And, in the Autumn of 1845, he disposed of his interest in that paper, removed to Davis County, Iowa, where he was admitted to the bar, having studied law during the time he was Deputy Clerk.

On the 9th day of December, 1847, Captain Hosea B. Horn was married to Miss Margaret Weaver, the daughter of Judge Abram Weaver, and sister of Col. James B. Weaver, now commanding the 2d Iowa Volunteer Infantry. And, in all the social relations of life, Mr. Horn has always maintained a character unsullied for integrity and uprightness.

In 1850, Captain Horn made a trip overland to California, from ill-health, and returned the following Winter by Central America and Cuba. Having taken notes of travel from the Missouri River to the Pacific Ocean, they were published by Messrs. Colton & Co., of New York, as "Horn's Overland Guide to California." On his return to Bloomfield, Davis County, Iowa, he engaged in mercantile business until 1860.

In 1852, he was honored with the nomination of Whig candidate for the office of State Treasurer of Iowa; and, although the Whig party was then in the minority, yet Mr. Horn was favored with the largest number of votes of any of the Whig candidates.

In 1854, while engaged in merchandizing, as above stated, he nevertheless found leisure to prepare and publish a Form Book for Justices of Peace and Constables, the first work of the kind issued in this State.

In 1855 and 1856, Mr. Horn also edited the American newspaper at Bloomfield, and the Republican paper there in 1858.

During the Summer of 1862, when the disloyal and marauding men of Missouri, on the Southern Border of Iowa, were threatening the invasion of this State, Governor Samuel J. Kirkwood gave Mr. Horn special authority to organize the militia of Davis County. And, immediately after, the General Assembly of Iowa, in extra session, with great unanimity, authorized the organization of the "Southern Border Brigade." Mr. Horn was chosen and commissioned as Captain of Company A, in the Second Battalion; and the companies composing that Battalion selected him as Major, or officer of the highest rank in the Brigade. But Governor Kirkwood, from motives of economy and the kind of service required, concluded to have no higher rank than Captain commissioned.

It may be added, that Mr. Horn held the office of Postmaster at Bloomfield, under President Zachary Taylor; and also has been Justice of the Peace there; Commissioner to Superintend the Draft in Davis County, in 1862, and Enrolling Officer in 1863, under the Conscript Act of Congress.

To his fellow citizens and townsmen, the writer of this imperfect sketch is much indebted for the following summary view of his general character, and estimation at home:

"As a professional man, he has never devoted his entire energy and labor to his legal studies. Yet, as an attorney, we believe, he compares with the majority of the members of the bar, who have given the law their more undivided attention. His moral character is good. His influence has always been exercised on the side of temperance and sobriety. Though not a member of any church, yet he has liberally contributed to the erection of church edifices, and supported the ministers of the various denominations. He was an officer in the first Sabbath School in the town, and a charter member of the first Division of the Sons of Temperance organized in the county. As a man of truth and veracity, he has as many friends, perhaps, as any of the leading men of our community."

It is hardly necessary to add, that Captain Horn has gratuitously devoted much time and labor to the collection and preparation of the "History of Davis County," the publication of which is concluded in this number of the "ANNALS OF IOWA," which, with other literary and military efforts, will constitute a signal monument of his patriotic character while living, and a lasting memorial of his virtues, when departed.

*Serus in calum redeat.*

*S. S. E.*

**HISTORY OF DAVIS COUNTY, IOWA.**  
BY CAPT. HOSEA B. HORN, OF BLOOMFIELD.

**CHAPTER II.**  
**CLAIM LAWS.**

The history of America furnishes ample proof that the several countries of which this Continent forms a part, were, by common consent of the whole civilized world, considered as lost goods, if ever owned by any people. It seemed to be the opinion of all, that, all that was necessary to place the title in such as were disposed to become possessed thereof was to find a place unoccupied, and when found, to occupy it. If the possessor's title should be questioned by any, it devolved upon him to make it good either by conquest, or purchase. And upon this principle and custom the *claim laws* of Iowa were founded.

At a very early day in Iowa, perhaps in January, 1839, the Council and House of Representatives of the territory passed a law recognizing the right of settlers on the public lands, and virtually declaring the *club laws* of the respective neighbors in full force and binding. That act provided that any settler could maintain an action in and of the courts for trespass, *quare clausum fregit*, ejectment forcible entry and detainer, or forcible detainer, the same as if the *claim* had been sold by the general government, and owned by the plaintiffs in the action, and that on the trial the possession shall be considered as extending to the boundaries of the *claim* of such claimant without proving an actual enclosure.

"*Provided*, That such *claim* shall not exceed in number of acres the amount limited to any one person, according to the custom of the neighborhood in which said land is situated, and shall not in any case exceed in extent three hundred and twenty, acres. \* \* \* \* But no such holder shall be entitled to hold a *claim* less than the smallest legal sub-division, agreeably to the laws of the United States relative to selling the public lands. And all such *claim* shall be marked out, so that the boundaries thereof can be readily traced and the extent of said *claim* easily known:— *Provided*, That no person shall be entitled to sustain either of said actions for possession of, or injury none to any *claim* unless he has actually made an improvement, as required by the custom of the neighborhood in which such *claim* may be situated."

In some neighborhoods an enclosure was necessary and in others it was not; but by the *club laws* of most neighborhoods, the settler was required to lay the foundation of a cabin, at least sixteen feet square. This improvement was sufficient to hold the claim for three months. Different neighborhoods had different laws, as we said before, but they were all framed to come within the meaning of the act of the General Assembly from which we have copied, and which may be found in the "old blue back," on page 458. These *club laws* were scrupulously adhered to by the pioneers, and no one dared to interfere with the claim of another. And whenever the improvement required was made, the occupant was protected by his neighbors, in the full enjoyment thereof, for two or three years after the lands were brought into market by the proclamation of the President of the United States, and subject to private entry. Some one or two cases occurred in this county, where some persons entered part of the *claim* of others, but the whole neighborhood, in each case, turned out *en masse*, and caused the offender to deed the land to the *Squatter* who owned the claim, and by way of punishment, made the offender wait generally one year for his money without interest. Two such cases came under the writers own notice. The *club laws* also had a provision to the effect that if a *Squatter* took a claim larger than was lawful, any part of his claim was liable to be *jumped*. We have before us a copy of the *club laws* of one neighborhood in this county, from which we copy a few sections:

"SEC. 2. That we will not benefit ourselves by the pre-emption law, neither will we suffer speculators or any other person to be benefited thereby, except as hereinafter provided.

"SEC. 3. That there shall be a committee of three appointed to settle all disputes relative to claims, who shall proceed to examine into by testimony or otherwise, as they may deem proper, and decide according to the justice and merits of the claimant, and award the claim to the person that in their opinion has the legal right thereto.

"SEC. 4. No one person's claim shall exceed 320 acres, and shall be situated according to the requisites of the Statute of Iowa.

"SEC. 5. We bind ourselves by our legal rights and sacred honor that we will protect and defend each other against all intruders and speculators, or claim jumpers, at the risk of our lives and property.

"SEC. 8. Any person wishing to pre-empt his claim may do so, by previously obtaining the consent of the above mentioned committee.

"Sec. 9. That there be a committee of twelve appointed to deal with those who act contrary to these regulations, as they may deem proper."

Under section three, Messrs. George Fitzgerald, J. Bartlett and George W. Lester were appointed. Under section nine, Messrs. L. C. Evans, J. H. Zimmer, Sam'l Riggs, Reuben Riggs, Wm. T. Johnson, James A. Songer, S. L. Saunders, Isaac Fitzgerald, E. M. Nelson, A. D. Williamson, Jno. H. Songer, and Jacob Close, were appointed. These *club laws* were signed by fifteen others, besides those appointed on the committee above named.

#### FIRST ATTORNEY.

The third session of the Board of Commissioners, being the first regular term, convened at the house of Dr. Barron, at the new county seat, on the first day of July, 1844. It was at this term of the court that the first lawyer made his appearance as such. The cause in which he appeared is this. When the Commissioners appointed to locate the seat of justice, had selected the quartersection upon which Dr. Barron had a claim, I the County Board had promised that if he would relinquish his right in favor of the county, they would donate him a small portion of the town. Becoming alarmed lest the court would do him injustice, he employed J. W. Kidder, Esq., to see after his interest in the matter. Having disturbed the court from day to day, Mr. Kidder became very restless, and on the last day of the session, when the court (which had been kept on short allowance,) was anxious to get through their business and return home, he again made his appearance, with an armful of books, cocked and primed to make a speech. The court coolly informed the attorney that they had no time or inclination to listen to a speech, and that if he felt it his duty to make one, he might address himself to a stump which stood near the door, which they had no doubt would be less disturbed by his noise than the court would. The legal gentleman was taken somewhat aback, but gathering up his books and papers retired. Thus ended the first effort of the first legal gentleman of our county. At this term of the court the County Surveyor made his report of the survey of the town into streets, alleys and lots. His report, the records tell us, "was first examined and received as returned by G. S. Lackman, County Surveyor." The quarter-section was laid off into forty-nine blocks of eight lots to each block, except block twenty-five, which was reserved as a public park. On the third day of this session, Mr. Van Caldwell was authorized to "keep a Ferry on the Des Moines," "where the old Mormon track" crosses "said river, for the sum of \$3,20 cts. a year." Mr. Job Carter was also authorized to keep a Ferry on the same river "where the territorial road from Iowa City to the Missouri line, crosses the same, for the sum of \$5,00 a year." As the Missouri State line is some 900 miles in length between the Mississippi and Missouri rivers, we don't think our friend Job's ferry franchises confined to any particular locality by the record. But notwithstanding the uncertainty of the place as the court left it, Job knew precisely where it was, and therefore had no trouble on that score.

#### A CONSTABLE IN TROUBLE.

As a general rule, the first immigrants to our county were honest, honorable and very prompt in the payment of their debts; but as there are some exceptions to all general rules, so

there were some exceptions to the general promptness of the early pioneers along this border. Mr. Noah Fairo was numbered among the exceptions, and by a too liberal expansion of his credit, he had contracted a debt altogether too ponderous for his somewhat depleted purse. Failing to come to time, his creditor appealed to the Coercive provisions of the old "Blue Back" for redress, and in due time obtained a judgment against the defaulting Noah. A writ of *feri facias*, in the name of the United States of America was placed in the hands of Mr. Cephus M. Hurlless, then one of the high Constables of Soap Creek Township. Cephus being prompt in the discharge of all his official duties, without delay, mounted his *nag*, and repaired to the domicile of his neighbor Fairo. Here his business was made known, and the unfortunate debt-or being short, craved time, promising the officer that he would pay both debt and cost in a few days. The executive officer of the court whence the writ issued, granted the time asked for, and thus far all was well; but when the period had arrived at which Noah was to liquidate, and the needful was not forthcoming according to stipulations, Cephus seized, in execution, Noah's race mare, to be sold at public venue in satisfaction of the judgment. Mr. Fairo plead piteously for further time, but having failed to make his promise good upon this occasion, the officer was inexorable, and started away with the property. Noah became enraged, appealed to physical force, wrested the mare from the Constable's possession, and then and there gave him a sound thrashing!—thereby creating a new cause of action. He was immediately arraigned before Justice C. M. Jennings for resisting the officer when in the discharge of his duties, and for a breach of the peace, was found guilty and fined one dollar! In consequence of this difficulty, or for some other reason, Cephney soon afterwards emmigrated to Hazel Green, Wisconsin, where he resided for several years, but subsequently returned to this county, and is now in the service of his country in the 3d Regiment of Iowa Cavalry Volunteers.

#### HAIRY NATION.

The appearance of the collector of taxes on the "Dispute" never failed, for the two or three years after its settlement, to produce trouble, as not more than one tenth of the citizens of that part of the county would willingly pay one cent toward the support of either Iowa or Missouri. The resistance offered by those squatters to the officers of the law, not only in the collection of taxes, but at times to the services of other process, was somewhat formidable. The whole of the non paying portion of those residing on the "dispute," were organized (as were the citizens of the several neighborhoods throughout the county) into bands or "clubs," the better to protect each other in the possession of their "claims," which in our county, consisted of three hundred and twenty acres of government land. This was all well enough in itself; but on the "Dispute" their resistance to "claim jumping," and the bringing to terms those who offended against the *club laws*, constituted but a portion of the business some of the citizens took upon themselves to transact. Refusing to pay and resisting the collection of taxes at first, but afterwards offering resistance to the service of other legal process, especially those in the hands of the officers of Missouri, constituted a large share of the business of these organized "clubs" on the "Dispute." A second attempt to collect taxes of these people by the State of Missouri, fully satisfied the collector that the opposition to such a procedure was entirely too formidable. He therefore retired from that portion of "the field of his labors" with disgust, swearing that the people were unmanageable, and he would just as soon undertake to do business with a menagerie of wild animals! The accounts given of

these people by the Missouri officials, together with their unshaven faces, wolf-skin caps, &c., gave rise to the cognomen "HAIRY NATION!" by which the people residing on the "Dispute," afterwards termed themselves, and by which Davis County is still known.

#### MILLING &C.

In 1838, Mr. William Miner settled on a "claim" where the village of Troy now stands. Mr. Fleming Mize, Sam'l Evans, Sen. William D. Evans, and William McCormick also, settled in the year 1840. And I am informed by Mr. Hugh Abernathy that he came here on the 17th of September, 1839, and that when he came B. F. Wilson, Levi Pickens, Tarleto Elder and others, were here. All these pioneers lived on the "dispute," or on that part of the Black Hawk purchase now included in this County. But notwithstanding they were beyond danger from the Dragoons they had a hard time. As I am informed by Mr. Abernathy, the settlers after the first year had plenty of "hog and hominy," wild game and honey. But when the famous Missouri war broke out our settlers experienced much difficulty in getting grinding. At that time there was a mill—a corn-cracker—at Waterloo, Clark County, Mo., (forty miles distant,) and one at Bonaparte (thirty miles distant,) where they had been getting their corn ground; but as soon as the war began, the authorities of Missouri chartered the Waterloo mill, and the officers of the Iowa army took possession of the Bonaparte mill, to grind for the soldiers, and the squatters could get no grinding. There was a horse mill at St. Francisville, some forty-five miles distant, to which some carried then their corn, but it was so thronged, that they were compelled to return home and betake themselves to their coffee mills and hominy mortars. This state of things did not continue long, however, for as soon as all the whiskey along the border had been consumed, the Missouri troops withdrew, and made their way into the interior of the State, where the article could be had almost for the asking, and the army of this territory was disbanded, and returned to their cabins.

#### POST OFFICE MATTERS.

About March, 1842, a post office was established at what is now Stringtown, in this county, but on the old or "Black Hawk Purchase." This office was called Fox, which name it retained until a year or so ago, when it was changed to Stringtown. Samuel Anderson Evans, Esq., now of Keokuk County, was the first postmaster. The mail was first brought to this office by Col. Stiles S. Carpenter, who then resided at Indian Prairie, Van Buren county, and, as we understand, was the postmaster at that place. After a trip or two, Mr. Samuel Swearer obtained a contract from the Post Office Department at Washington to carry the mail weekly until the general mail lettings.

The second office was at the house of Lloyd A. Nelson—on the farm now owned by William Wishard, on the Fox divide. Mr. Nelson was postmaster, and the office was called "Lewiston." This office was established in 1844, and there was considerable rivalry in its establishment. At that time Col. Carpenter had a "claim" about two miles southeast of this place—a farm now owned by William S. Martin—which he called "Prairie Springs." The county seat was not yet located, and the Colonel and his friends were doing all they could to get it located at the Springs on his "claim," while those on Fox divide were anxious to have the seat of justice at Lewiston, on the claim of Mr. Nelson. The following letter addressed to Col. Carpenter by Gen. Dodge, will afford some light on the subject of the establishment of this

office, and also bring to light a characteristic letter of one of Iowa's early pioneers and first friends:

WASHINGTON, D. C., Jan. 27th, 1844.

MY DEAR SIR:—

Business of a pressing nature, and a desire to look into your Post Office matters, prevented me from sooner answering your letters of the 27th of November and 4th ultimo.

The rivalry which at present exists between your, town and Lewiston will doubtless be settled in favor of the one at which the county seat may be located. These local difficulties are matters in which I never take part. My desire being to render the greatest amount of good to the greatest number of my constituents. Were I do so in this case, I should certainly be on your side, and on that of our estimable and worthy friend F. Street, Esq., as you are both Democrats and particular friends of mine; and have written to me on the subject, where as the other parties have not done so nor do I know whether I am acquainted with them or not. My object then is to say to you, fix your county seat; to it the mail will have to go; and then petition Congress for the other routes which you desire in and through your county. You will send these petitions to me, and I will endeavor to have such routes established as will afford to Davis and Appanoose counties the mail facilities to which they are entitled.

Give my kindest regards to Mr. Street and family, and believe me to be with high regard and esteem,

Your obedient servant and friend,

A. C. DODGE.

S. S. CARPENTER,

Prairie Springs, Davis County,

Indian Prairie, Van Buren County, Ia.

The Colonel and his friends did not succeed, but the office did not remain long at Lewiston, for as soon as the county seat was located, at the present site, this office was discontinued, and one established at Bloomfield. Mr. George Washington Kidder was appointed postmaster.

The removal of the office from Lewiston to Bloomfield, and the appointment of Mr. Kidder as postmaster, seemed to be favorable to Col. Carpenter, for Mr. K. having no family and no cabin, made an arrangement with Col. C. to take the office into his store, and procured the services of Capt. E. G. Reeves, who was clerking for the Colonel, to attend to the business of the office. Mr. Kidder being in bad health, determined to return to New York, either resigned or went away without making any disposition of the office, so that it became necessary for some one else to be appointed. Mr. Samuel Swearngen, who was the mail contractor at that time, and a person of no mean reputation and influence, was applied to by several friends of Capt. Reeves, whose appointment they sought. Mr. S. having consulted his friends as to the propriety of appointing the Captain, it was finally determined that it would be best to recommend some other person, and accordingly John W. Ellis, Esq., was recommended to the department, and received the appointment. At that time Mr. Ellis lived on his "claim," in or near Fox Bottom, and could not therefore give his personal attention to the duties of the office. He therefore made an arrangement with Mr. S. Steele, who took charge of it and attended to its duties; and afterwards having received the appointment himself, held the office until the spring of 1849, when he resigned, and the

writer of these sketches received the appointment, which he also resigned the next year.

#### A CONSTABLE PUZZLED.

About this time one neighborhood in our county was fortunate in the selection of their township officers, and having found one individual who they thought would "do to tie to," for several years in succession, they, in the exercise of the elective franchise, elevated above the common people and made constable! Indeed,

"He sat high in all the people's heart,

And that which would appear offense in us, His countenance, like richest alchemy,  
Changed to Virtue and worthiness."

This faithful official continued to discharge the multifarious duties imposed upon him by the "old blue back," and was looked to by his neighbors for advice in all legal matters for some two or three years. At length, however, as the country settled up, and school teachers and others deeply learned came in, our faithful public servant was less consulted upon *p'int*s of law, &c., and was now and then sorely puzzled to fully comprehend all that he saw embodied in the legal papers put into his possession for "legal service and due return." In the course of time a muss was got up in the neighborhood—a law suit was instituted before one of the Justices of the Peace, and it being against several of the principle settlers, counsel from Keosauqua was employed. The Keosauqua lawyer (in order that no advantage should be taken of the writ, or the insufficiency of the affidavit, which invariably raised a *p'int* in early time,) had drawn up both, and there being several defendants, the back of the writ was endorsed, "The United States of America, vs. Powers, Richey *et al.*" Our faithful public servant proceeded forthwith to arrest all the defendants named in the body of the writ, and brought them before the court. Having made diligent search and inquiry for the defendant last named on the back of the writ, who was a stranger to him, he entered the Justice's office with much anxiety depicted on his countenance, and addressed the court thus:—"See here, Squire, who is this *et al.*? I've been looking for him all day and can't find him; and mor'n that I can't find a man in these parts as know him; and I don't believe there's sich a man in this county." The worthy justice, after consulting the chapter on executions and lost goods, suggested that he make return of "not found" as to that defendant.

#### BOGUS MONEY.

As early as the year 1843, suspicion had gone abroad that "bogus" money was being coined along the Wycondah on the "dispute" in our county. The suspicion was kept up, and so was the manufacture of spurious coin, as many believe, until, sometime after the settlement of the other portions of the county. Nothing, however, was revealed sufficient to warrant the arrest of any of those who were supposed to be engaged in the business. The minds of some, as we learn, had been fully satisfied that certain persons were concerned either directly or indirectly in the matter, and upon some occasion threw out hints against some neighborhood, which afterwards lead to pugelistic exercise. Those matters went on until John B. Cole, on the 19th day of January, 1845, appeared before L. C. Evans, a Justice of the Peace, and made his affidavit "that he" "suspects and believes that counterfeit money" is concealed about the

person of "Greenbury Willis and James Pussel." "Further that he believes the aforesaid "Willis end Pussell knows it to be counterfeit money," according to the best of "his knowledge and belief." A *capias* was therefore issued "in the name of the United States of America," and placed in the hands of Charles B. Runyan, constable, whose return read as follows: "I have, as commanded, searched the within named Willis and Pussell, with the assistance of Israel Kister and J. H Boon, and found spurious money upon the person of said Pussell, whose body I herewith deliver unto you as required by law." On the docket of the Justice, the entry reads thus: "The defendant, Greenbury Willis is discharged on the ground, that no counterfeit money was found *concealed* by the constable, about his person!" And the said "James Pussell" was discharged, the private prosecutor not appearing against him. Therefore, I shall decide that the private prosecutor pay the costs of said suit, taxed at \$8,42 1/2 cents. "L. C. Evans, J. P." Mr. Cole, the private prosecutor, did not feel disposed to pay the costs, and therefore feeling himself grieved by the decision of the court, appealed from the judgment. When the case came up in the District Court, L. D. Stockton appeared for the United States, William Thompson for Cole, and James H. Cowles for Willis and Pussel for defendants filed the following: The said defendants by their attorney, moves to dismiss this appeal on the following causes. 1st, said appeal is wrongfully taken; 2d, said appeal is irregular and "*out of order!*" This motion was sustained by the court, to which Cole's attorney took exceptions, but as the defendants were not indicted by the grand jury, this case was not taken up. The cases remained on the docket for several years, but were finally dismissed by agreement, the defendants paying costs. So it remained a mystery for a long time whether "bogus" coin had been manufactured in our county. A few years ago, however, the molds and some other apparatus for coining Mexican dollars were found in the root of a large tree on the Wyacondah, in the neighborhood where the suspicions had rested. These tools were brought to town by Mr. Carter, who found them, and were presented to the County Court while in session. The writer was present at the time, but he does not now recollect the date, neither can he say what was done with them.

#### FIRST MARRIAGE.

The first marriage license issued in our county, was on the 26th day of March, 1844 and was perhaps the first official act of Col. Carpenter after his appointment as Clerk of the District Court. The return of the marriage read as follows. "Territory of Iowa, Davis County, ss. I hereby certify that on the 27th day of March, "A. D." 1844, at the house of Mr. Downing, in said county, I solemnized the rites of matrimony between Thomas King and Harriet Downing, the former aged 24 and the latter aged 20; both of said county. "Given under my hand this 22d day of April, 1814."  
" L. N. English, J. P."

The 3d section of the act of January 6th, 1840, relating to marriages, provided that "any minister of the Gospel," Upon producing to the Clerk of the District Court of any county in this territory, in which he officiates, credentials of his being a regular ordained minister of any religious society or congregation, shall be entitled to receive from said Clerk, a license authorizing him to solemnize marriages within "this territory," &c., and the 4th and 5th sections of the same act provide that when a minister having such a license from one county, and wishing to officiate in any other county, must "produce to the clerk his

license,\* \* \* \* and said Clerk shall enter the name of such minister upon the record," &c.

Under the provisions of this act, which remained in force until July, 1851, Rev. F. R. S. Boyd, a minister in the society of United Brethren in Christ, was the first person licensed to solemnize marriages in our county. His license was issued by Stiles S. Carpenter, Clerk of the District Court, and bears date May 31st, 1844. The first person who presented a license for record, in compliance with the provisions of this act, was William A. Thompson, which was on the 8th of March, 1845. Elder J. C. Rolls, of the Christian Church, was licensed by our Clerk, however, on the 25th day of November, 1844.

## BLACK HAWK.

As early as 1837, quite a number of persons had *squatted* along the southern boundary of our county, and on the line of Van Buren—the former on the "Dispute"—the latter on that part of the "Black Hawk Purchase" lying within the present limits of our county. It was in this year that Mr. James H. Jordan established a trading post in this county, near a village of the Sac and Fox Indians on the Des Moines river. And early in the year 1838, he permanently located on the premises now owned and occupied by him. Mr. Van Caldwell and a few others also settled near the same place in 1839 and 1840. The celebrated war chief, Black Hawk, after his last return from the Eastern States, say in the spring of 1838, settled in our county, with his family, where he continued to reside until the time of his death, which took place about the first of October, 1838.

And here I will call attention to the statement of Willard Barrows, Esq., author of the history of Scott county. (Annals of 1863, page 50) He says: "The varied accounts of the death and burial of Black Hawk are such as to induce the author to say that he was not buried in a sitting posture on the bank of the Des Moines river, where he could see the canoes of his tribe as they passed to the good hunting ground," as was stated in some accounts at the time of his death. Neither was he buried as Schoolcraft says, "with all the rights of sepulture which are only bestowed upon their most distinguished men, and that they buried him in his war dress, in a sitting posture, on an eminence, and covered him with a mound of earth" He sickened and died near Iowaville, the site of his old town on the Des Moines river, in Wapello county, of this State, and was buried close by, like Wapello, another chief of his tribe, after the fashion of the whites." Mr. Barrows, no doubt, is honestly *mistaken*, as he was at the cabin and grave of Black Hawk. It is undoubtedly a mistake, however, that he either died or was buried in Wapello county. I have myself been at the grave of the Chief, and know it to be in Davis county. It being on the left bank of the river, has undoubtedly led Mr Barrows into the error of supposing it to be in Wapello county. Mr. James H. Jordan, who settled in our county in 1837,—a gentleman of undoubted veracity,—Upon several occasions has given me very full accounts of his sickness, death, burial, &c. The cabin of Black Hawk and that of Mr. Jordan were situated only about ten rods apart. The old chiefs family during his residence here, consisted of himself and wife, two sons—(Nau-she-as-kuk and Wai-sau-me-san)—a daughter—(Nao-ne-qua)—and her husband. I learn from Mr. Jordan, who was at his bedside the day previous to his death, that at that time Black Hawk made him a present of a sword and a bowie knife, which he had received while at the East a year or two before. That day Mr. Jordan started for Rock Island, Illinois, on business, and before he returned, the spirit of the old chief had taken its flight, and he had been duly interred by his family and friends. His resting place for awhile was near his cabin, on the old council ground, at the upper end of

the small blue-grass prairie, above Iowaville. I have it from Mr. Jordan, who saw his remains a few days after their interment, that he was interred by placing his back on a board, his feet in a hole about fifteen inches deep, his head elevated about three feet from the ground. He was dressed in a military suit presented to him by some of General Jackson's cabinet, including a military cap, which was ornamented with feathers, after the custom of the tribe. To his left side was attached a sword presented to him by President Jackson; his right hand rested on the cane presented by Henry Clay, while one presented by a British officer was laid by his side, with many of the old warrior's trophies. About his neck hung three heavy silver medals—one presented by President Jackson, one by John Quincy Adams, and the other, perhaps, by the city of Boston. The corpse was enclosed by placing boards on each side of it, from head to foot, one end on the ground—the other end meeting at the top, forming a ridge in the centre, like the roof a house, leaving a vault beneath. The gables being closed with boards, the whole was then covered with dirt, and well sodded over with blue-grass sod. At the head of the grave was placed a flagstaff thirty feet high, bearing the American Flag, which remained there until it was worn out by the wind. Near the grave a large hewed post was planted, on which was inscribed, in Indian characters, many of the warrior's heroic deeds. A small piece of ground, including the grave, flag-staff, &c., was inclosed with a strong picket fence, in circular form, about twelve feet high. Here the body remained, as I am informed by Mr. Jordan, until July, 1839, when it was taken away by one Dr. Turner, then residing at Lexington, Van Buren county.

[To be continued]