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“HALF-BREEDS,” SQUATTERS, LAND SPECULATORS, AND SETTLER COLONIALISM IN THE DES MOINES-MISSISSIPPI CONFLUENCE

An Abstract of a Thesis

Submitted

in Partial Fulfillment

of the Requirements for the Degree

Master of Arts

Matthew Hill

University of Northern Iowa

May 2019

ABSTRACT

Americans are accustomed to a standard historical version of American expansion: The United States pushed West, removing Indians in its wake and filled the land with American settlers. This is often seen as a form of settler colonialism. Westward expansion and settler colonialism were much more complicated. They often occurred on the periphery of the American centralized state, proceeding any serious government involvement, and involved a wide mix of culturally indeterminate people. This paper examines westward expansion in the Des Moines-Mississippi Confluence, a 119,000-acre region in what is now southeastern Iowa. At one time or another, Sauk and Meskwaki Indians, mixed-race people then called “half-breeds,” lawless squatters, and manipulative land speculators all claimed the land, fighting over it using an array of tools and without much government interference. This mixing of racially and culturally indeterminate people shows that westward expansion was often more complicated than a meeting of two developed cultures, that we need to rethink the role of extralegal squatters in westward expansion, and the federal government often exercised less power in the American West than we usually believe.

“HALF-BREEDS,” SQUATTERS, LAND SPECULATORS, AND SETTLER COLONIALISM IN THE DES MOINES-MISSISSIPPI CONFLUENCE

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Matthew Hill

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May 2019

This Study by: Matthew Hill

Entitled: “Half-Breeds,” Squatters, Land Speculators, and Settler Colonialism in the Des Moines-Mississippi Confluence

has been approved as meeting the thesis requirement for the

Degree of Master of Arts

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Date	Dr. Fernando Calderón, Thesis Committee Member
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Date	Dr. Barbara Cutter, Thesis Committee Member
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Date	Dr. Jennifer Waldron, Dean, Graduate College

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I originally came to the University of Northern Iowa with dreams of writing about the James K. Polk administration and the Mexican-American War. Dr. Michael Childers was the first person to suggest I select a more local topic. He emphasized the importance of archival research to the historian's craft and pointed out that researching a topic in the region would allow me to gain experience in archives, libraries, museums, and historical sites. I reluctantly agreed to dig into an Iowa topic, but I haven't regretted it since. When I first discovered the Iowa Half-Breed Tract, I was intrigued by the name and the racial implications, but I quickly found that there was virtually no easily obtainable information on its history. A poorly written Wikipedia page was all the internet had to offer. I owe a particularly significant debt to Dr. Childers and Dr. Leisl Carr Childers, my first thesis committee chairperson, for helping me piece together information on the tract at the very beginning of this project. Showing a characteristic passion for helping students, Dr. Carr Childers helped me with my early research, teaching me how to use archives, get help from archivists and librarians, and how to piece together primary sources.

Dr. Fernando Calderón helped me think of the tract in new ways, pointing me toward Marxist and theoretical literature and helping me decide how to confront issues of race and class in history.

Dr. Barbara Cutter helped me put together a historiography and identify useful secondary sources on Native Americans, racial identity, and borderlands. She also made the seemingly obvious suggestion that I consult old newspapers from southeastern Iowa

for first-hand accounts of the tract when I had run out of ideas of where to look. I cited several newspaper stories in the final document, largely because she pointed me in the right direction.

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INTRODUCTION

Western expansion is an important part of American identity. It has been for a long time. Thomas Jefferson, James Madison, Daniel Boone, John L. O'Sullivan, Frederick Jackson Turner, and John Wayne have all done their part in enshrining the push westward in the American mythos. The myth of westward expansion has changed somewhat over time. Thomas Jefferson promoted an agrarian myth in which poor, hardworking Americans could move west, work the soil, become financially independent on their own plot of land, and develop into a yeoman farmer class that he believed would be the backbone of American society. This conception of westward expansion has since been replaced by a mythos of violence, cattle ranching, and masculinity promoted by novelist Zane Grey, John Ford, and others.[1] Modern historiography has complicated both traditional mythos by pointing to the highly destructive nature of western settlement, citing the horrific wrongs done Native Americans, rampant racism, and the mistreatment of working-class Americans.[2]

The story of western expansion is still often understood in a very simple way: The American government and settlers push west, Indians were displaced, Americans set up farms, towns, ranches, etc. This story, though simplified, is not entirely false. Americans

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[1] Walter Nugent, *Into the West: The Story of its People* (New York: Vintage Books, 2001), 12-13.

[2] For a few examples, see Roxanne Dunbar-Ortiz, *An Indigenous People's History of the United States* (Boston: Beacon Press, 2014); Gerald Horne, *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean* (New York: Monthly Review Press, 2018); David J. Wishart, *An Unspeakable Sadness: The Dispossession of the Nebraska Indians* (Lincoln: University of Nebraska Press, 1994); James Wilson, *The Earth Shall Weep: A History of Native America* (New York: Grove Press, 1998); Gunther Peck, *Reinventing Free Labor: Padrones and Immigrant Workers in the North American West, 1880-1930* (Cambridge, Illinois: Cambridge University Press), 2000.

did move steadily west (as well as north and east) while Indians (and the Spanish, French, and Mexicans) moved or were moved out of the way. Its simplicity obscures our understanding of the American past, however. The actual story of how western migration and Indian removal occurred is more complicated. It often features actors besides just Indians and the federal government, including mixed-race peoples, called a variety of racist names at the time including "half-breeds" and "mixed-bloods," squatters who settled the land without permission of the American government, and eastern land speculators who sought to buy up western lands as a financial investment. The federal or territorial governments of the United States often exercised little practical power over expansion, which usually occurred on the edges of the centralized American state, beyond the grasp of full-fledged governmental power. Settlers and indigenous people did often fight over land, but settlers often fought amongst each other, with eastern land speculators, and even the federal government. Spanish land grants and reservations often figured into the scramble for land. Western expansion featured many historical actors with a variety of motivations, and played out in a variety of locations, including violent conflicts over land, town-hall meetings, court houses, and settler societies.

This paper is a case study of western expansion in a 119,000-acre tract of land in what is now extreme southeastern Iowa. Settlement of this tract of land—I refer to it as the Des Moines-Mississippi Confluence because it resides between the two mighty rivers—was particularly contested and featured a variety of actors with their own conflicting interests in the land (see figure 1 in appendix 1).

The Des Moines-Mississippi Confluence refers to a 119,000-acre region in what is now southeastern Iowa between the Des Moines and the Mississippi rivers. It was not extremely fertile land compared with the rest of Iowa, but, due to its proximity to the river, it was one of the first parts of the state settled. Before white settlers arrived, the land was held by the Sauk and Meskwaki nations. By the end of the eighteenth century, whites began to settle in the area. Most of the earliest settlers were fur traders and, eventually, American soldiers stationed at Fort Madison, a military outpost by the Mississippi River.[3] These early fur traders and soldiers often intermarried with the local Sauk and Meskwaki people, creating mixed-race families with an indigenous mother, a white father, and mixed-race offspring.[4] These families would play an instrumental role in the region's history. They also provide an interesting glimpse into race and culture in the nineteenth century.

In 1824, the United States government created a reservation specifically for these mixed-race people. All 119,000 acres of the Confluence were set aside for "the use of the half-breeds belonging to the Sock and Fox [Meskwaki] nations. . ."[5] This "Half-Breed Tract" was the first of its kind: a reservation set apart for people with roots in the white

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[3] A.R. Fulton, *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes* (Des Moines: Mills & Company, Publishers, 1882), 407-409; Carl Knoepfler, "The Half-Breed Problem" (master's thesis, the University of Iowa, circa 1913), 35-36; Jacob Van Der Zee, "The Half-Breed Tract," 151-152; The Iowa Writer's Program of the Works Progress Administration, *Lee County History* (The Works Progress Administration, 1942), 4; Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.," 883-884.

[4] B.L. Wick, "The Struggle for the Half-Breed Tract," *The Annals of Iowa* 7, no. 1 (1918), 18-19; Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.", *The Annals of Iowa* 1867, no. 3 (1867): 883; Jacob Van Der Zee, "The Half-Breed Tract," *The Iowa Journal of History and Politics* 13, no. 2 (1915), 151-152; Carl Knoepfler, "The Half-Breed Problem," 36-38.

[5] "Treaty with the Sauk and Foxes: August 4, 1824," *First People*, accessed February 15, 2018. http://www.firstpeople.us/FP-Html-Treaties/TreatyWithTheSaukAndFoxes1824.html.

and Native American cultures. The reservation was a mixing place of races and cultures as well as a literal and cultural borderland. It thus presents a fantastic place to examine racial and cultural interaction in the 1820s.

My thesis is organized both chronologically and thematically, with each chapter structured around a time period and a group of historical actors. The first chapter examines the formation of the tract and focuses on the "half-breeds," a group of racially diverse people grouped together despite their often complex racial heritage. "Half-breed" is a disrespectful, racist term. When possible, I have elected to use mixed-race to describe people with mixed racial heritages. This term has its limits, however. The people labeled as "half-breeds" in eastern Iowa in the 1820s were not necessarily mixed-race. As this paper will show, "half-breed" was actually used to describe a specific group of racially indeterminate people. Because this term does not really have a modern-day, more respectful equivalent and because history is all about capturing the views of a past time, I have used the word "half-breed" to describe the specific people labeled as such in the 1820s and 1830s.

The Half-Breed Tract did not last long. On June 1, 1833, in the aftermath of the Black Hawk War, the Sauk and Meskwaki signed a treaty ceding modern-day eastern Iowa to the United States.[6] Settlers began streaming across the Mississippi. The Half-Breed Tract should have been exempt from this influx, since it was set aside as a federal reservation. Poor Americans crossing the river in search of land didn't care. These

[6] Dorothy Schwieder, *Iowa: The Middle Land* (Iowa City: University of Iowa Press, 1996), 15.

settlers, called squatters, did not obtain legal title to their land, simply settling and registering their claim with other squatters.[7] They quickly overran the Des Moines-Mississippi Confluence. Along with the half-breeds, squatters are key actors in the history of the Half-Breed Tract. Chapter two focuses on the years after 1829 and the drama that began to unfold over ownership of the tract. It also focuses on the squatters who took possession of the Confluence. Squatting was not a phenomenon isolated to the Confluence. A great deal of western settlement was done by extralegal squatters prior to the Homestead Act of 1862.[8] These squatters acted in disobedience to American laws, settling on land that wasn't theirs while expanding the boundaries of the United States. Chapter two attempts to place squatters in historical perspective, suggesting that they might be best conceptualized using James C. Scott's model of a centralized state and a periphery.

Unsurprisingly, the squatters' settlement of the land did not go unchallenged. After all, they lived there illegally. However, the challenge did not come from the parties one would expect. The Sauk and Meskwaki, as well as the half-breeds themselves, petitioned to have the squatters removed early in the tract's existence, but it is striking how quickly they faded from the scene.[9] The main objectors to the squatters' presence were land speculators. Land speculators are some of the most important actors in the

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[7] 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.

[8] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010), 62-63; Walter L. Hixon, *American Settler Colonialism: A History* (New York: Palmgrave Macmillan, 2014), 56.

[9] Carl Knoepfler, "The Half-Breed Problem," 40-42, 63.

history of the American West but are grossly under-analyzed in the literature. Land speculators were easterners who bought up large chunks of western land and then resold it later at a profit. These investors often lived on the East Coast and made purchases through land agents in the West. Speculators had quickly purchased most of the half-breeds' shares in the tract and thus contended that they, not the squatters had the right to most of the land in the Confluence. In the case of the Half-Breed Tract, speculators often purchased land through corporations like the New York Land Company. Benefiting from large amounts of capital, the New York Land Company took squatters to court again and again. Some individual land speculators did the same. In general, the courts ruled in favor of the speculators. Yet the squatters remained. This points to another important component of western expansion: The federal government often struggled to impose its will on disobedient people on the fringes of the centralized state. Squatters acted illegally and got away with it because the federal government had neither the power nor the will to do anything about it. Chapter three examines the legal battles over the tract, highlighting land speculators and pondering the lack of federal authority in the Des Moines-Mississippi Confluence.

One of the most striking aspects of the region's history is the sheer number of players who came into conflict over the land. The Sauk and Meskwaki, half-breeds, squatters, land speculators, and the state and federal governments all attempted to control the allocation of the land. In some ways, the Confluence is unique. The creation of a reservation on the land in 1824 made the battle for its possession especially complicated. Not all plots of land in the American West were the subject of such a multidimensional

struggle. On the other hand, the history of the Confluence helps bring to light just how complex struggles over land in the west could be. It was often not as simple as a clash between the federal government and the Indigenous People. The history of the American West features many different historical actors. Many of these, like squatters, mixed-race people, and land speculators, have not received the scholarly attention they deserve. The especially complex nature of the struggle over the Half-Breed Tract brings the role of these various players to light, but, hopefully, it also encourages researchers to take a closer look at the complex, multidimensional struggle over the land in other parts of the American West.

The Des Moines-Mississippi Confluence, a seemingly small, insignificant piece of land in what is now southeastern Iowa was in fact a cultural confluence full of tension over identity and land ownership. It offers insight into forgotten characters in western expansion such half-breeds, squatters, and land speculators as well as adding to and challenging historians' ideas about important aspects of western expansion like settler colonialism, racial and cultural mixing, and borderlands.

The Des Moines-Mississippi Confluence does not fit the standard model of western expansion. My goal is not to suggest that what occurred in the tract is what "really happened" in the entire American West. Instead, an analysis of the tract can offer two things: First, it presents a case study of a particular example of western expansion. The best way to complicate broad models of historical events—like western expansion—

is to look at specific examples.[10] The fight over land in the Des Moines-Mississippi Confluence was particularly complicated and therefore offers a great example of how multidimensional western expansion could be. Even though the battle over a 119,000-acre chunk of land in what is now the Midwest did not play a definitive role in the settlement of the American West as a whole, coming to grips with what occurred there complicates basic notions about western expansion and encourages a more critical approach to western history.

Second, the story of the Des Moines-Mississippi Confluence offers insight into broader trends that existed throughout the American West such as racial mixing, squatter settlement, and land speculation.

In addition to complicating our ideas about the American West, the Half-Breed Tract complicates or contributes to several other ongoing historical discussions, including Patrick Wolfe and Lorenzo Veracini's conceptions of settler colonialism. Settler colonialism is a structure that removes indigenous populations and replaces them with colonizers.[11] Although it has been applied to historical situations throughout world history, it is especially applicable to the displacement of Indians in the American West. Settler colonialism is a valuable theoretical approach to the past. It allows historians to be more specific than in simply using the overly broad term "colonialism." This is not to say

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[10] This is one of the main values of history as a discipline. It "historicizes" broad theoretical discussions by looking at particular people and events. See Joseph Miller, *The Problem of Slavery as History: A Global Approach* (New Haven: Yale University Press, 2012), 49; Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkley, CA: University of California Press, 2005).

[11] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 387-409.

the concept is without flaws. As with many broad theories of history, settler colonialism often creates the illusion of a master plan where none ever existed. Historians using the settler colonial model tend to paint westward expansion in teleological terms with the American central government as the driving force behind it. This runs the risk of simply returning to Frederick Jackson Turner's insightful but overly simplistic frontier thesis.[12] In Turner's view Americans were driven west and defined by this drive. Their incorporation of Indian lands was inevitable (Turner didn't use the word "manifest destiny" but his thesis supports this myth in its own way). Settler colonialism can sometimes devolve into similarly oversimplified terms, depicting Westward expansion, as a fairly linear movement driven by the American government. This is too simple. Veracini has complicated settler colonialism somewhat, proposing that, rather than a dualistic relationship between settler societies and colonized people, settler colonial relationships were often triangular in nature. Settlers were sometimes at odds with Indigenous people while also having a tenuous relationship with their own governments.[13] The Half-Breed Tract illuminates an even more complex, web-like entanglement of relationships between various players in settler colonial interactions. Settler colonialism is a valuable system of analysis, but it needs to move beyond simplistic ideas of westward expansion in order to fit the historical realities of things like the Half-Breed Tract.

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[12] Frederick Jackson Turner, *The Frontier in American History* (Huntington, N.Y.: Robert E. Krieger Publishing Company, 1976).

[13] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, 19.

This analysis of the Half-Breed Tract also draws heavily on an ongoing scholarly discussion on racial and cultural interaction in the American West. Richard White's seminal work, *The Middle Ground*, suggested that Indian and white interactions were more complicated than oppressor and oppressed. White argued that, in the 1700s, when the Indian nations of the Great Lakes Region were still strong enough to challenge the French, the cultures often met an interacted on what he called the middle ground, a place where Indian and white cultures overlapped, intermingled and rubbed off on each other.[14] Historians like Anne Hyde and Tiya Miles have improved upon his thesis, pointing out that the West was a peripheral region where people from different cultures and races frequently intermixed.[15] It was not always the meeting point of two distinctly defined cultures like White's middle ground can sometimes suggest. As Hyde points out, people in the West often felt more loyalty to their families or clans than to any national government or centralized state. They intermingled and intermixed, often thinking little of broader national implications.[16] This paper seeks to continue to expand on the ideas of Hyde and Miles. The Half-Breed Tract was a peripheral region full of racially and/or culturally indeterminate people of varying backgrounds. They intermarried, fought with each other, enforced their own brand of justice, and generally carried on their lives without much influence from the centralized American state. This sort of confluence of

[14] Richard White, *The Middle Ground* (New York: Cambridge University Press, 1991), x, 19-36.

[15] Tiya Miles, *Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Los Angeles, University of California Press, 2005).

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

cultures and races without much government control was characteristic of much of the American West in the early days of its settlement.

The Half-Breed Tract was also a borderland. Borderlands have become a subject of interest to historians in recent years. Authors like Gunther Peck, David Chang, and Susan Sleeper-Smith have written extensively about regions where societies, cultures, and economic systems meet and interact. In a nationalist sense, the Half-Breed Tract might not qualify as a borderland. At least in theory (more accurately a legal fiction), the United States owned all the land surrounding the tract even in 1824, when it was created. The Meskwaki who lived to the west were a "domestic dependent nation" living on American soil. By 1846, Iowa was a state and all of the land around the tract was firmly in the hands of the United States. However, borderlands are more than the regions surrounding national boundaries. A focus on rigid national boundaries often pushed indigenous people into the background since they very often had rigidly fixed borders. David Chang has conceptualized of borderlands as "nodes in a network of global processes" where cultures collide. These borderlands can exist within nations as well as on their edges.[17] The Mississippi-Des Moines Confluence was certainly such a borderland. It was a meeting place of peoples, cultures, and ways of life. In a sense, the American West or, to use a somewhat antiquated term, the frontier was itself a borderland. In the past, historians like Turner have seen westward expansion as white Americans as settling an untamed wilderness or even "new ground"—*terra nullius*. This

[17] David Chang, "Borderlands in a World at Sea: Concow Indians, Native Hawaiians, and South Chinese in Indigenous, Global, and National Spaces," *Journal of American History* 98, no. 2 (September 2011): 384.

is what the concept of frontier is all about. Regions like the Half-Breed Tract show that westward expansion was more of a confluence or mixing of various diverse peoples and cultures. It was more of a borderland than a frontier.

CHAPTER 1

RACE, IDENTITY, AND CULTURE FORMATION IN SOUTHEASTERN IOWA: THE CREATION OF THE HALF-BREED TRACT

On June 1, 1833, in the aftermath of the Black Hawk War, the Sauk and Meskwaki signed a treaty ceding what is now eastern Iowa to the United States of America.[18] After the acquisition of the "Black Hawk Purchase," settlers began to flood into the region. This is generally regarded as the beginning of large-scale white settlement in what is now Iowa.[19] One early Iowa history records that when the "first" settlers arrived in southeastern Iowa in the early 1830s "they were amazed to find in the primeval forests skirting the banks of the Mississippi River an old apple orchard. The trees had already reached maturity and many of them had fallen into decay: some had been toppled over by storms, and second growth saplings were springing up about their roots."[20]

The Sauk and Meskwaki people who lived there previously did not usually cultivate apples, and whites had supposedly never inhabited this region before. Nevertheless, there was an apple orchard that had clearly been there for many years. The settlers' astonishment at this orchard is telling, reflecting a mindset common among

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[18] Dorothy Schwieder, *Iowa: The Middle Land* (Iowa City: University of Iowa Press, 1996), 15.

[19] Albert M. Lea, *The Book that Gave Iowa its Name: A Reprint* (Iowa City: Athens Press, 1935), 8; A.R. Fulton, *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes*, 363; The Iowa Writer's Program of the Works Progress Administration, *Lee County History*, 8.

[20] *The Red Men of Iowa,* 363, State Historical Society of Iowa in Iowa City, E18.16F9; The Iowa Writer's Program of the Works Progress Administration, *Lee County History*, 8.

pioneers. Settlers often thought of themselves as the first inhabitants of terra nullius or new ground. In their minds, the Indians were not really owners of the land because they had failed to "develop" it according to western practice, making the lands from which they were displaced virgin soil. The settlers conceptualized themselves as indigenous people.[21] The existence of an apple orchard in the region, apparently indicating previous white settlement, disturbed settlers' ideas about themselves and the land they lived on.

Even today, extreme southeastern Iowa presents something of a puzzle. It juts out further south than the rest of the state, protruding beneath the Sullivan Line, the latitude demarcating the rest of the Iowa-Missouri border. This peculiar peninsula is located between the Des Moines River on the west and the Mississippi River on the east and is part of Lee County today. Because of its location between the rivers, I will often refer to this portion of land as the Mississippi-Des Moines Confluence (see figure 1). It's unusual shape and location are closely related to its unique history.

The origin of the apple trees became something of a local mystery and even factored into a Supreme Court Case. Some claimed that Louis Honori had planted the apple trees. Honori was the son of a French-Canadian tailor from St. Louis. He became an Indian trader, frequenting the Mississippi-Des Moines Confluence long before the United States owned it. In the late 1790s, he petitioned the Spanish government, then the owners of the land west of the Mississippi, for a land grant to set up a trading post in the

[21] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, 5, 20-22, 82; Walter L. Hixon, *American Settler Colonialism: A History*, 11-12; Aloysha Goldstein, "Introduction: Toward a Geneology of the U.S. Colonial Present," in *Formations of United States Colonialism*, ed. Aloysha Goldstein (Durham: Duke University Press, 2014), 13-14; See also Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006); 391.

Confluence, and, in 1799, Zenon Trudeau, the lieutenant governor of Spanish Louisiana, granted his request.[22] In the 1840s, the heirs of Thomas F. Riddick, claimed that they owned the apple orchard. They asserted their claim could be traced back to Honori. A man named D.W. Killbourne also claimed ownership of the orchard. He produced evidence in court suggesting that the apple orchard was, in fact, older than the Honori Grant. According to Killbourne, a half-breed named Red Bird or Thomas Abbott planted the trees. Red Bird/Thomas Abbott purportedly had set up his wigwam in the Confluence as early as 1790. Around this time, he received the apple seeds from "a good white man" and planted them on one of his many trips to the region.[23] Additionally, Killbourne and later Samuel Marsh, William Lee, and Edward Delevan, who replaced him as plaintiffs in the suit, argued that the Honori title was voided because the land in question had been given to the "half-breeds belonging to the Soc and Fox nations" in the Treaty of 1824.[24]

The struggle for the apple orchard reveals just how complicated disputes over land ownership in the Confluence could be. Contrary to the notions of white settlers who streamed into the Mississippi-Des Moines Confluence in the early 1830s, they were not the first white people to inhabit the region. The area actually had a complex, muddled history, as evidenced by the dizzyingly complex struggles over land ownership it produced. Before the "first" white settlers arrived in 1833, the land had been the home to

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[22] The Iowa Writer's Program of the Works Progress Administration, *Lee County History* 8, State Historical Society of Iowa in Iowa City, F627.L4185; *The Red Men of Iowa*, 407-409.

[23] *The Red Men of Iowa*, 363-364.

[24] "*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; "Treaty with the Sauk and Foxes: August 4, 1824," *First People*, accessed February 15, 2018, http://www.firstpeople.us/FP-Html-Treaties/TreatyWithTheSaukAndFoxes1824.html.

Indians, French fur traders, American soldiers, and, in the language of the time, "half-breeds." Parts of the land had already been deeded to Louis Honori by the Spanish and the nebulous class of half-breeds by the U.S. government. The region, like much of the America West in the nineteenth century, was not the empty space imagined by incoming settlers. It wasn't an empty, untamed frontier. It was a borderland full of different people and conflicting ideas of ownership. In *Empires, Nations, and Families*, Anne Hyde says that "Most of us continue to imagine the space west of the Mississippi as blank space, with little action before the go-go years of the 1840s."[25] This is perhaps nowhere more evident than in the settlers' shock at finding an apple orchard in the supposedly virgin wilderness west of the Mississippi. One can almost imagine them speaking to each other, shocked, "Someone was here before us? Who could they have been?"

The settlers' confusion remains. Most people today are unaware of the rich history of the American West before what Hyde calls "go-go years of the 1840s", an era characterized by white conquest and Indian removal. In 1930, the leaders of Montrose, a town in the Des Moines-Mississippi Confluence, set up a monument near the site of the old apple orchard commemorating its place in the town's history. The monument was "a great boulder" that sat in the Montrose schoolyard with the following inscription:

> In commemoration of the First Orchard in what is now the State of Iowa. Growing from about 1796 to about 1879 on a plot 3,960 feet east from this point, it throve beneath the flags of France, Spain, and the United States of America. . .

[25] Anne F. Hyde, *Empires, Nations, and Families*, 6.

In a painfully ironic turn of events, the school and the monument were both submerged under Lake Keokuk by a planned redirection of the Mississippi. [26] Just as the complicated early history of the American West has largely been washed from our collective consciousness, the monument to the apple orchard now lies somewhere on the bottom of Keokuk Lake.

This chapter seeks to explore the origins of the Iowa Half-Breed Tract while shedding some light on the Des Moines-Mississippi confluence that existed prior to the mass settlement of the 1830s. This region is both a literal confluence between the Des Moines and Mississippi Rivers and a cultural confluence of peoples and races that existed between the centralized American state and the Indian lands further west. In between these competing cultures was a cultural borderland.

Various scholars have attempted to describe this sort of multicultural region. Richard White has penned perhaps the most famous analysis in his seminal book, *The Middle Ground*. White asserts that interactions between Native Americans and European settlers were much more complicated than conflict and conquest. He argues that the cultures intermingled, rubbed off on each other, and, in some cases, created entirely new cultures.[27] Anne Hyde has complicated White's analysis, suggesting that the American West was not really characterized by nations or races prior to the 1840s. People based their identities on kinship and familial ties that often bound members of different races or

[26] The Iowa Writer's Program of the Works Progress Administration, *Lee County History*, 10-11.
[27] Richard White, *The Middle Ground*, x, 1-2, 19.

nationalities together.[28] This paper builds on White and Hyde's ideas, positing that the best way to conceptualize the cultural borderlands of the American West is as a confluence of nationally and racially indeterminate people. The western borderlands were made up of people of ambiguous racial and national heritage who formed communities based on land ownership, kinship ties, or various other things. It was not so much a middle ground based on cultural exchange between established peoples as a muddled confluence of detached peoples.

A case study of the literal Mississippi-Des Moines Confluence will demonstrate the cultural confluence that existed throughout the west while adding new layers to the discussion of mixed-race identity and ethnogenesis in the American West.

In his 1836 book, *Notes on the Wisconsin Territory; Particularly with Reference to The Iowa District or Black Hawk Purchase*, Lieutenant Albert M. Lea wrote about the brand new "virgin land" of the Iowa District. Describing the wave of settlers who flooded into the territory after the Black Hawk War, Lea said, "the first permanent settlement of whites in Iowa did not take place until the summer of 1833." However, he notes, "It is true, that a few whites had been living somewhat longer on the tract of land belonging to certain half-breeds; but as they were very few, and were living only by sufferance, they need not be ranked as settlers of the district."[29] This quote is multilayered and points to the importance of the Mississippi-Des Moines Confluence in Iowa history. Lea actually denotes two classes of settlers in the Confluence that antedated "the first permanent

[28] Anne F. Hyde, *Empires, Nations, and Families*.
[29] Albert M. Lea, *The Book that Gave Iowa its Name*, 8.

settlement of whites." He mentions "certain half-breeds" and "a few whites" who lived on their land. Lea breezes on, discussing the settlement of Iowa in the 1830s, but it is worth taking some time to look at these peculiar residents of the Confluence who "need not be ranked as settlers."

If D.W. Killbourne, the plaintiff in the court case over the apple orchard, is to be believed, Red Bird or Thomas Abbott lived in the Confluence as early as 1790. His presence is especially important because, as a biracial person or, to use the language of the time, "half-breed," he represent how early cultures began mixing in midwestern North America. However, it is hard to say for certain whether Red Bird ever really lived on the Confluence or how early he lived there. Even so, it is very clear that whites and mixed-race people lived on the land by the late 1790s.

The earliest white settlers in the Confluence were traders. There was a Sauk and Meskwaki village in the northern Confluence sometimes called "Cut Nose Village."[30] Traders could make a living dealing with Indians in this village or the surrounding area. Settlers also farmed and fished in the Mississippi. Louis Honori settled permanently in the region in 1799 when the Spanish crown granted him land. The grant he received says:

> It is permitted to Mr. Louis (Fresson) Honori to establish himself at the head of the rapids of the river Des Moines, and establishment once formed, notice of it shall be given to the governor-general, in order to obtain for him a commission of a space sufficient to give value to such establishment, and at the same time to render it useful to the commerce of the peltries of this country, to watch the

[30] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co," 884.

> Indians and keep them in the fidelity which they owe to his majesty.

Honori was commissioned to promote trade in the region and educate the indigenous people about Spain and religion.[31] This appears to be the first effort by a white government to incorporate the land of the Confluence. It is entirely possible that white traders had at least passed through the region or even settled there years earlier, but Honori is the first settler on record. A French trader named Lemoliese likely settled in the region around the same time as Honori, only without an official land grant. He founded a trading post in the southern part of the Confluence, near modern-day Keokuk. Isaac R. Cambell, an early settler of the region, speculated that Leomoliese may actually have been the first white person to settle in the region.[32] Maurice Blondeau, a Meskwaki half-breed who made his living as a farmer and trader, moved into the region sometime in the early 1800s.[33] A Frenchman named Julien settled in the Confluence in 1805 and established a trading house.[34] Perhaps more importantly, the United States government set up Fort Madison, a military base and trading post, on the Confluence in 1808. The fort only survived for five years until it was destroyed in the War of 1812, but it brought an influx of soldiers and traders to the area. In 1809, it housed eighty-one soldiers and seven traders. John W. Johnson, who would go on to play a crucial role in the region's history, was the factor or head trader.[35] It is fair to say that between one hundred and one hundred

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[31] *The Red Men of Iowa*, 407-409.

[32] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.," 883.

[33] Carl Knoepfler, "The Half-Breed Problem," 35-36; Jacob Van Der Zee, "The Half-Breed Tract," 151-152.

[34] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co," 885.

[35] The Iowa Writer's Program of the Works Progress Administration, *Lee County History*, 4; Carl Knoepfler, "The Half-Breed Problem," 36.

and fifty white people lived in the Mississippi-Des Moines Confluence before the War of 1812.

These whites, some French, some American, and some "half-breed"—a loose term for racially indeterminate people—were predominantly men. In the American West early 1800s, it was very common for white males to marry Native American women.[36] In *Empires, Nations, and Families,* Hyde estimates that mixed-race people made up the majority of residents in some large settlements such as Saint Louis.[37] When interacting in a confluence with lots of cultural overlap, racial mixing was not uncommon at all.[38] The confluence was no exception. Many early fur traders and settlers of Iowa married Indian women. Lemoliese, one of the first French fur traders to settle in the region married an Indian woman. She supposedly often dressed "in gown, bonnet and shoes," to please her French husband, "but could not be prevailed upon to continue the costume, as her native garb, the blanket and petticoat, were more congenial to her feelings and taste." Maurice Blondeau, himself a half-breed, married an Indian woman. John W. Johnson, the factor of Fort Madison, married an Indian and had three mixed-race daughters. Many if not most of the first settlers, soldiers, and fur traders had Indian wives.[39] These interracial marriages resulted in mixed-race offspring. Mixed-race families exemplify the confluence of people and cultures in the American West. Indian, French, American, and

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[36] Richard White, *The Middle Ground*, 60.

[37] Anne F. Hyde, *Empires, Nations, and Families*, 40.

[38] It was often a shrewd business practice for white traders. See Tiya Miles, *Ties That Bind*, 19.

[39] B.L. Wick, "The Struggle for the Half-Breed Tract," 18-19; Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co," 883; Jacob Van Der Zee, "The Half-Breed Tract," 151-152; Carl Knoepfler, "The Half-Breed Problem," 36-38.

mixed-race people such as Blondeau with no clear national loyalty intermingled and formed families.

Although the War of 1812 and the burning of Fort Madison interrupted life in the Mississippi-Des Moines Confluence for a while, white traders and settlers picked up again where they had left off once the war ended. In 1820, John C. Muir, an army surgeon originally from Scotland, built the first house in what is now Keokuk where he eventually became a successful trader. Keokuk would become the most important town in the region. Muir was married to a Sauk woman, and they had five children.[40] The American Fur Company set up a post in Keokuk sometime between 1820 and 1829, erecting a row of log houses for their employees in town known as "rat row."[41] The aforementioned Julien, who had come to the Confluence in 1805, built up a successful business in Keokuk, trading with locals. He later sold his business to James White, a white settler.[42]

The land was commercially viable for a few reasons, all of which in involve the Mississippi. First, it bordered on the Mississippi River rapids. The river has been adapted to human settlement by engineers over the years, but it was very different in the early nineteenth century. There were two rapids in the Mississippi River next to the Confluence. The Upper or Rock Rapids were located in the northern part of the

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[40] *The Red Men of Iowa*, 339; Jacob Van Der Zee, "The Half-Breed Tract," 159.

[41] R.J. Bickel, "'Rat Row' in Keokuk," *Annals of Iowa* 33, no. 6 (Fall 1956): 450-451. Campbell includes a list of the employees at the AFC post. It is impossible to know if his list is exhaustive, but, according to Campbell, the traders who worked at the post were Russell Farnham, manager, Joshua Palen, Mark Aidfridge, Edward Brishnell clerks, Francis Labashure and Babtiste, a Menominee Indian, principal interpreters. John Connolly, John Forsyth, James Thorn and John Tolman, were engaged by the company as itinerant peddlers collecting furs, etc.

[42] Isaac R. Campbell, 885, 890.

Confluence, by modern-day Montrose. The Lower or Des Moines Rapids were located in the southern part, by modern-day Keokuk. The rapids were eventually removed, but, at the time, ships traveling up and down the river had to lighten their cargo in order to pass over the rapids safely. This provided jobs for "lightermen" who unloaded the ships, moved their cargo past the rapids, and then loaded them back up again.

The task of lightening ships provided jobs and money for settlers. Second, before bridges were built over the Mississippi, residents of the Confluence were also able to make money ferrying settlers across. Flatbed ferries were used to haul wagons, livestock, and people across the river. According to one of the early county histories, "The first flatboat ferry to haul whole families and their loads at once to Iowa was at Keokuk, for the early settlers of the Half-Breed Tract."[43] This is significant both because it shows why settlers would be interested in living in the Confluence—there was work to be had as a lighterman or ferrying people across the river—and because the very fact that a ferry system was necessary shows that people were regularly traveling across the Mississippi.

Isaac Campbell recorded his visit to the Confluence in June 1821. He characterized the region as "a wilderness and inhabited by Sac and Fox [Meskwaki] tribe of Indians." Campbell's use of the word "wilderness" is typical of white accounts of Indian territory. Since the Indians had not developed their land based on white norms of husbandry, their land was seen as an uncultivated wilderness.[44] This perpetuated the myth of *terra nullius*. Yet Campbell didn't really find a barren wilderness. Along the

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[43] 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.

[44] William Cronon, "The Trouble with the Wilderness: Or, Getting Back to the Wrong Nature," *Environmental History* 1, no. 1 (January 1996), 15.

Mississippi, he visited a burgeoning frontier settlement, not empty land. He passed Puck-e-she-tuc (an early name for Keokuk) and Samuel Muir's cabin. Campbell left only a brief description of the town, perhaps indicating that it was still quite small, but he clearly remembered it as a settlement of whites and half-breeds. He next passed through Lemoliese, the settlement founded by the Frenchman of the same name, a settlement with several inhabitants. He mentions "Cut Nose Village" and a trading post and another Meskwaki village just north of the Confluence.[45]

The area was not Terra Nullius. The United States believed that it had dominion over or ownership of the land, but it was occupied by the Sauk and Meskwaki.[46] This changed in 1824, when ten Sauk and Meskwaki chiefs made the trek to Washington to negotiate with the federal government.[47] The ostensible goal of negotiations was to determine the fate of Sauk and Meskwaki land claims in Missouri. These Indian dignitaries were accompanied by important residents of the Des Moines-Mississippi Confluence. Maurice Blondeau, Louis Honore Tesson, A. Baronet Vasquez, and John W. Johnson were all present at the negotiations.[48] As mentioned before, Maurice Blondeau was a successful farmer and trader who lived north of Keokuk. He was one of the earliest white settlers of the Confluence. Blondeau was also a part Meskwaki himself and married

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[45] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.," 883-884.

[46] For an analysis of the differences between dominion and occupancy, see Patrick Wolfe, "Settler Colonialism and the Elimination of the Native."

[47] Jacob Van Der Zee, "The Half-Breed Tract," *Annals of Iowa* 13, no. 2, 151, State Historical Society of Iowa in Des Moines, REF.F616.I4. The ten chiefs who signed the treaty were Kee-o-kuck or Watchful Fox, Pah-sha-pa-ha or Stubbs, Wash-kee-chai or Crouching Eagle, Sah-col-o-quoit or Rising Cloud, Kah-kee-kai-maik or All Fish, and Kah-kee-kai-maik, or All Fish from the Sauk (there were apparently two chiefs named Kah-kee-kai-maik) and 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 from the Meskwaki.

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

to an Indian woman. He was a product and participant in the confluence of the American West. 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 principle 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. He had been the factor at Fort Madison and, like Blondeau, he had mixed-race children.[49] Johnson offers one of the only accounts of the treaty negotiations.

Why did Blondeau, Tesson, Vasquez, and Johnson attend? They even affixed their signatures to the treaty as witnesses, indicating that they had some special significance to the proceedings.[50] There are at least two possible reasons that representatives from the Confluence attended.

First, in the American West, residents of cultural borderlands often have served as moderators between cultures. Lucy Eldersveld Murphy has written extensively about the "Creoles" of Prairie du Chien. Murphy uses creole to describe old fur trade families that lived in the borderland between cultures and may or may not have been mixed-race.[51] Creoles often played an important role in society as mediators and interpreters because

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[49] Jacob Van Der Zee, "The Half-Breed Tract," 151-152.

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

[51] 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), 19.

they were familiar with both white and Indigenous culture and often spoke at least two languages.[52] Melissa L. Meyer has also noted that mixed-race people often possessed a unique knowledge of both of their parent cultures and were thus able to mediate between them.[53] Murphy's concept of Creole is useful because it is more expansive than mixed-race. It includes fur trade families that may or may not have been mixed racially but existed in a borderland world and were thus familiar with multiple cultures. In the case of the Confluence, the residents of the middle ground that attended the treaty negotiations seem to loosely fit Murphy's definition. Blondeau was mixed-race and part of an old fur trade family.[54] Vasquez had lived in both the literal Des Moines-Mississippi Confluence and the confluence of cultures that existed there, serving as a go-between for the American and Indian leaders because of his proficiency in several languages. Honore Tesson was a member of an old fur trading family, one of the first to settle in the Confluence. John Johnson was a particularly important member of Confluence society. He had linked the Indian and white worlds commercially as a factor at Fort Madison and had married an Indian woman. Johnson himself was not mixed-race, but his family was, and he lived his life at the crossroads between cultures. These men were logical intermediaries for the negotiations because they came from the cultural confluence at the border of Sauk and Meskwaki culture and white society.

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[52] Lucy Eldersveld Murphy, *Great Lakes Creoles*, 69-71, 105.

[53] Melissa L. Meyer, *The White Earth Tragedy: Ethnicity and Dispossession at a Minnesota Anishinaabe Reservation, 1889-1920* (Lincoln: University of Nebraska Press, 1994), 10, 89, 116.

[54] According to *The Red Men of Iowa*, one of the Indian chiefs who signed a treaty giving Julien Dubuque land in eastern Iowa in 1788 was named "Blondeau." It is likely that the Blondeau family had been interacting and intermixing with the Sauk and Meskwaki for a long time.

It was also not uncommon for American treaty negotiators to rely on "civilized" mixed-race or creole people to help them broker deals with Indian nations. John W. Johnson had an Indian wife and good relations with the Sauk and Meskwaki. He was also a savvy white man with an interest in acquiring private property. These sorts of people often helped whites and Indians broker deals.[55]

There was likely another, more intriguing reason for their presence. All of the families, traders, and half-breeds who lived in the Confluence were there illegally. In 1784, Virginia had relinquished its claim to the northwest to the federal government, creating the national domain. After this point, the federal government owned the Old Northwest. This was somewhat misleading because much it of was inhabited by Indians, but, at least according to the letter of American law, this land belonged to the national government. At the time, the United States were reeling from the Revolutionary War, drowning in debt, and without a way to raise money under the Articles of Confederation. Most politicians had no intention of giving this valuable land away for free when it could be used to provide income for the fledgling national government.

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

[55] Patrick Wolfe, "After the Frontier: Separation and Absorption in American Indian Policy," *Settler Colonial Studies* 1, no. 1 (2011): 24-25; for a further discussion of "civilized" half-breeds and their sometimes conflicting relationships with full-bloods, see Melissa L. Meyer, *The White Earth Tragedy: Ethnicity and Dispossession at a Minnesota Anishinaabe Reservation, 1889-1920* (Lincoln: University of Nebraska Press, 1994).

had been met.[56] Since the Des Moines-Mississippi Confluence belonged to the Sauk and Meskwaki until 1824 and none of the land had been surveyed, none of the white or mixed-race inhabitants of the Confluence owned their land in the eyes of the federal government. They were squatters living on their land without any legal title.

Squatters have consistently been a part of American expansion.[57] Before the American revolution, the British government had declared that settlers could not go beyond the Appalachian Mountains in the Proclamation of 1763. Nonetheless, over 50,000 squatters lived west of the Appalachians in 1776.[58] After independence, squatters poured into the Ohio Valley, always proceeding ahead of surveyors.[59] The inhabitants of the Des Moines-Mississippi Confluence were part of a long traditions of squatter settlement in the American West. In 1824, with the federal government basically unrepresented in the region, their land was secure, but the question remained: would they be permitted to keep their "property" once the area was incorporated by the U.S. government? This is likely the second reason that Johnson and the others accompanied the Sauk and Meskwaki chiefs to Washington. They hoped to use their familiarity with both parties—the Indians and the Americans—to obtain a legal title to their land. Years later, Johnson described the negotiations, saying:

> At this treaty the chiefs of the Sac [Sauk] and Fox
> [Meskwaki] Indians urged strongly to the Commissioner on

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

[57] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010), 62-63.

[58] Walter L. Hixon, *American Settler Colonialism: A History* (New York: Palmgrave Macmillan, 2014), 56.

[59] Robert Middlekauff, *The Glorious Cause*, 611; Francis Jennings, *The Creation of America: Through Revolution to Empire* (New York: Cambridge University Press, 2000), 16.

> the part of the United States to consent that the half-breeds might have a strip of land ten miles wide and extending from the Mississippi to the Missouri River—the Indians insisting on this proposition alleging that it would be a means of securing peace and good feeling between the two races, to have the half-breeds settle on the northern frontier of Missouri, between the white people and the Indians. . .[60]

It is very possible that the Sauk and Meskwaki did want to look out for the residents of the Confluence, but it also very likely that the "white fathers" and mixed-race people like Blondeau pressed the Sauk and Meskwaki to obtain land for them. To a certain degree, this is conjecture. We do not know exactly why the Sauk and Meskwaki "urged strongly" for land to be apportioned to the half-breeds (the word "half-breed" in the treaty includes half-breed families with their white father). However, it seems highly probably that the residents of the Confluence themselves played some role in obtaining this land. Several of them accompanied the Indians to Washington and signed the treaty. In addition, several early historians of the treaty of 1824 believed that they must have been involved. Karl Knoepfler, writing in the early 1900s, said that it had often been suggested that Blondeau had a hand in the arrangements.[61] Writing in 1918, B.L. Wick, an Iowa historian, said that "A half-breed by the name of Morgan, is said to have been the person who made such an eloquent plea for his people, that he won the government officials to reserve this valuable tract of land for the use of the people of his color."[62] John Morgan or "The Bear's Hip" was half-breed and a Meskwaki chief. He was a

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

[61] Carl Knoepfler, "The Half-Breed Problem," 24; B.L. Wick and other writers from the early 1900s also speculate about Maurice Blondeau's involvement.

[62] B.L. Wick, "The Struggle for the Half-Breed Tract," 18.

warrior, a rabble-rouser, and a known associate of the famed Sauk war-chief Black Hawk.[63] It is possible that, because of his status as both a Meskwaki chief and a half-breed he played some role in pushing the chiefs to negotiate for land for mixed-race people. The same rumor of his influence pops up in numerous sources from the early 1900s, but he did not sign the treaty and there doesn't appear to be any hard evidence linking him to the outcome. Jacob Van der Zee, an Iowa historian in the first half of the twentieth century, appeared completely convinced that negotiations over land for half-breeds occurred because of pressure from the "white fathers"—people like John Johnson who had married an Indian woman and had mixed-race children.[64] Regardless of the speculation of past historians, the presence of the "white fathers" at the negotiations, their signatures on the treaty, and the allotment of land they eventually received make it highly probable that they had a hand in the negotiations over land for half-breeds. Johnson's writing on the events also substantiates this idea. He demonstrates impressive knowledge of the intentions behind the clause regarding half-breeds. This either means he was kept very much in the loop by Sauk and Meskwaki chiefs or that he had a hand in designing the proposition himself.

The proposal Johnson records is intriguing. The half-breeds were to receive a ten-mile-wide strip of land just north of Missouri and extending all the way from the Mississippi river to the Missouri River, now the western border of Iowa. This idea is notable for a few reasons. Johnson believed that there were no more than thirty-eight

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[63] Roger L. Nichols, *Black Hawk and the Warriors Path* (Wheeling, Illinois: Harlan Davidson, Inc, 1992), 77-78, 91, 94, 103.

[64] Jacob Van Der Zee, "The Half-Breed Tract," 152.

people who were entitled to half-breed land. It is unclear how he decided who qualified, but, if his number is taken at face value, each of them would have received quite a bit of land under the proposed deal.[65] Johnson, Blondeau, and the other residents of the Middle Ground would have received the legal title to significant amounts of land.

The stated purpose of the strip of half-breed land is also intriguing. According to Johnson, the residents of the Confluence were supposed to provide a buffer zone between Missouri and the Sauk and Meskwaki. It's hard to know if this proposal was really about providing a buffer or if that was the rationalization men like Johnson used to justify giving them large amounts of land. However, the fact that such a rationalization could be used points to the perception of half-breeds and mixed-race families in the early nineteenth century. Marriage was a means of forming familial and commercial ties.[66] Men like Lemoliese or Blondeau or Johnson had formed a bond with the Sauk and Meskwaki through their marriages. These marriages made them mediators between cultures. They were referred to as "half-breeds" even though their heritage was not always mixed. Their mixed-race families made them members of a Confluence culture that had elements of White's Middle Ground but was much more convoluted. It thus seemed possible to the Sauk and Meskwaki chiefs to propose that they be settled on a literal middle ground between white Missourians and their Indigenous neighbors.

They were also "Indian enough" to be given a reservation governed by essentially the same rules as one meant explicitly for Indians. There is actually a long tradition of

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[65] Isaac Galland, "Dr. Galland's Account of the Half-Breed Tract," 464.
[66] Anne F. Hyde, *Empires, Nations, and Families*, 35-36.

including half-breeds in Indian treaties. Up until 1824, however, land had usually been given to such mixed-race people on an individual basis. For instance, the 1816 treaty with the Chickasaw set aside land for two members of the Colbert family—an important mixed-race family in the region. It also set aside land for several other people who were likely mixed-race because they had European surnames while the tracts they received were designated for the Chickasaw nation.[67] The 1828 treaty with the Potawatami allotted land to several Indian women, noting the names of their white husbands. It therefore appears as if males who had married Indigenous wives and created mixed-race families were provided for in the deal.[68] The treaty with the Potawatami has a lot of parallels to the deal proposed by Sauk and Meskwaki chiefs. However, the Potawatami treaty allotted a specific portion of land to specific people. The proposed Half-Breed Tract included no such provision. The half-breeds were to hold the land in common, just as Indians did, on government apportioned reservations. This may indicate a perception that half-breeds were "not quite white" or that they were perceived as having something significant in common with Indians.

Interestingly, later treaties continued to provide for half-breeds but gave them land on an individual basis. An 1858 treaty with the Ponca provided 160-acre plots of land to all half-breeds who wished to practice sedentary agriculture and live after a western fashion. The Treaty of 1824 is somewhat unique because, instead of requiring half-breeds to live like whites, it actually gave them land in common, something usually

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[67] Treaty with the Chickasaw: 1816, taken from The Avalon Project, accessed March 29, 2018, http://avalon.law.yale.edu/19th_century/nt004.asp.

[68] Treaty with the Potowatami, 1828, taken from The Avalon Project, accessed March 29, 2018, http://avalon.law.yale.edu/19th_century/pot1828.asp.

associated with an Indian lifestyle. Treaties like these in the best interest of the United States government because they broke Indian tribes down into smaller more manageable pieces and mixed-race people were more likely to sell their land to whites. [69]

The American negotiators were unsurprisingly skeptical of providing the sort of buffer zone requested by the Sauk and Meskwaki. Much of the succeeding negotiation on land for the half-breeds was not recorded, but the final treaty included a more logical allotment of land for the half-breeds.

Leaders from both parties signed a treaty stipulating that the Sauk and Meskwaki would cede all of their land in Missouri to the United States in exchange for a one-thousand-dollar annuity—five hundred for the Sauk and five hundred for the Meskwaki. The end of the first article includes a proviso regarding half-breeds. It says:

> 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.[70]

The Des Moines-Mississippi Confluence itself became what was known as the Half-Breed Tract, a reservation for mixed-race people with a Sauk or Meskwaki and white heritage. From now on, I will refer to the geographical Confluence as the Half-Breed Tract (see figure 2).

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[69] Patrick Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," *The American Historical Review* 106, no. 3 (June 2001): 887-890.

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

This allotment made more sense than a strip of land extending all the way from the Mississippi to the Missouri. The half-breeds in question already lived in the Confluence. The treaty essentially gave them the land they had been squatting on. It is worth noting that the tract included 119,000 acres of land. If, as Johnson had intended, the land had been divided among thirty-eight people, each individual or family would have received around 3,000 acres of land for free. This land could be developed or resold later at a huge profit. The Treaty of 1824 had the potential to make the residents of the Half-Breed Tract rich. This was the first tract of its kind in American history. There would be at least two more half-breed tracts created by subsequent treaties, but the Iowa Half-Breed Tract was groundbreaking.[71]

The reservation was ostensibly successful for a short time. In 1829, five years after the Half-Breed Tract's creation, a physician and landowner from New York state named Caleb Atwater, passed through the tract by steamboat.[72] 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 Indian wives, and their mixed-race children. Atwater believed the land itself was owned in common by

[50] The Otoe-Missouria Half-Breed Tract was located southeastern Nebraska and the Sioux Half-Breed Tract was in southeastern Minnesota. Both were created by a treaty signed at Prairie Du Chien on July 15, 1830 and ratified on February 24, 1831

[72] Paul E. Johnson, *A Shopkeeper's Millenium: Society and Revivals in Rochester, New York, 1815-1837* (New York: Hill and Wang, 2004), 24-25.

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." His daughters were "well educated, well read, and accomplished young ladies." 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."[73]

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. Isaac Galland, an important settler in the region, would later recall that, when he arrived in 1829, the Half-Breed Tract "was in possession of the half-breeds."[74] At least a few half-breed families were living on the Half-Breed Tract, and at least Blondeau was flourishing. Atwater's description also makes it clear that Blondeau was farming. Early residents of the Half-Breed Tract farmed and caught fish in the river, like Blondeau.[75] However, it appears that trading and river traffic were still the driving force of the tract's economy.

Isaac Campbell, who moved to Keokuk in 1831, describes a rollicking town full of half-breeds 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

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[73] Jacob Van Der Zee, "The Half-Breed Tract," 155-156.

[74] *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.

[75] R.J. Bickel, "'Rat Row' in Keokuk," *Annals of Iowa* 33, no. 6 (Fall 1956), 450, accessed 10/19/2018, https://ir.uiowa.edu/cgi/viewcontent.cgi?article=7435&context=annals-of-iowa.

> 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; their favorite dancing tune being original, was called Guilmah, or Stump-tail Dog. Those who did not dance could be found in an adjoining room engaged at cards; our favorite game was Bragg, played with three cards, and one who was so stupid as not to understand, or appreciate its beauties, was considered ineligible to our best society. Horse racing was another great source of amusement to us; in this sport our red friends were ever ready to participate, and at times, lost on the result, every article they possessed on earth. Keokuk and Pash-e-pe-po, chiefs of the Sac tribe, were more passionately fond of this amusement than any of their cotemporaries. And when amusements of this kind ceased to be entertaining, we called upon our pugilists, Hood, McBride and Price, to further enliven the scene by a friendly exhibition of their prowess, by knocking down, and dragging out a few of the uninterested spectators. We had no prize belt to award the victor, as the science and courtesies of the ring had not then arrived at the perfection they have since. Before this era, civil law, of course, was unknown, and our only salutary mode of punishment for crime, was by prohibiting the criminal from the use of intoxicating liquors, this being the greatest punishment we could inflict. 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.[76]

In Campbell's recollection, Keokuk was a small but thriving, if amusingly wild and lawless, frontier town. It was largely unincorporated by the American government. Many of the people who lived their considered themselves Americans, but their town existed on the periphery of American society, on the border between the Indian lands of

[76] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.", *Annals of Iowa* 1867, no. 3 (1867): 891.

the west and the United States. Its people were a hodgepodge of indeterminates, with unspecific racial and national heritages. It was a cultural confluence.

At first glance, it might seem that things were going swimmingly on the newly created reservation. However, issues began to arise very early in its existence. While Johnson was convinced that the Half-Breed Tract was intended for no more thirty-eight people, Atwater believed it belonged to forty-two. This is a tiny discrepancy, but it points to a mounting problem the reservation presented.

The Treaty of 1824 had not included any descriptions of who a half-breed actually was. 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 treaty, but the document's language is vague. It simply refers to "the half-breeds belonging to the Sauk and Fox [Meskwaki] nations." Intermixing was so common in the American west that there was not just a small, easily definable class of half-breeds. What's more, what of people who were one-fourth Sauk? What about those who were one-eighth? Did they, too, qualify for ownership of the tract? Although "half-breed" seems to be straightforward, implying fifty percent white and fifty percent Sauk or Meskwaki blood, the term's meaning is actually much more elusive. After all, John Johnson was not fifty percent Sauk or Meskwaki. Yet his marriage to an Indian woman qualified him for ownership in the Half-Breed Tract. Johnson and Blondeau had primarily intended the tract for such "half-breeds by marriage." If a fully white person could be called a half-breed, then who was to say that someone with only a small amount of Meskwaki blood couldn't? The nebulous nature of the term "half-breed" 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 backgrounds to claim ownership of the tract.

The brief, vague clause of the Treaty of 1824 providing for the half-breeds also left room for confusion about property ownership. It stated that the half-breeds were to own the tract "by the same title, and in the same manner, that other Indian titles are held." Like other Indian reservations, the Half-Breed Tract was to be owned communally, but no one knew who qualified as a half-breed. 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. The half-breeds were not a people group with a specific identity like the Meskwaki or another Indian nation. Consequently, they had no powers to police their own membership. Anyone could claim to be a half-breed and settle on the land. Not all settlers even felt compelled to make such a claim.

Augmenting the issue of who belonged on the tract was the continued influx of squatters. The federal government was slow to survey the land, and property-hungry settlers were not inclined to wait. Approximately 20,242 people lived in Iowa before the first federally authorized land sale occurred in 1838.[77] All of these settlers—except for the half-breeds on the tract who had been given land in 1824—were, by definition, squatters.

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[77] Roscoe L. Lokken, *Iowa Public Land Disposal* (Iowa City: State Historical Society of Iowa, 1942), 68.

Residents of the Half-Breed Tract such as Johnson and Blondeau had originally settled as squatters. Once they attained legal title to their lands, squatters did not stop pouring in. Isaac Galland founded Nashville (later named Galland) inside the limits of the tract in 1829. Other squatters moved to the fledgling town. [78] Soon after its founding, Nashville hired Berryman Jennings to teach at the local school. Jennings is widely considered to be the first school teacher in Iowa history.[79] This shows how quickly the squatter population was growing. Nashville quickly grew large enough to require a teacher. Squatters were pouring into the tract.

Squatters had their own method of acquiring land. A squatter from Marion, Iowa, recalled that squatters would, using paces, measure out a three hundred and twenty-acre plot and claim it as their own.[80] The land belonged to them because it was *terra nullius*—new ground—and simply because they had settled on it. The Confluence was, of course, not *terra nullius*, but that was beside the point. Squatters were motivated by a mythical idea of grabbing up empty land and making it their own. It is important to remember that men like Maurice Blondeau had originally staked a claim to their lands through the same principle of *terra nullius* and possession. They were thus more akin to the new white squatters than they would have cared to admit.

On June 9, 1830, the Sauk and Meskwaki leadership wrote a letter to William Clark, the governor of the Louisiana Territory, making several requests. First, they

[78] Isaac R. Campbell, "Recollections of the Early Settlement of Lee Co.," 888.
[79] Jacob Van Der Zee, "The Half-Breed Tract," 157-158.
[80] Roscoe L. Lokken, *Iowa Public Land Disposal*, 69.

repeated a request they had apparently made the previous year for a survey of their land to be conducted.

> 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.

. This indicates that, as early as 1829, only five years after its creation, the Half-Breed Tract was already struggling to deal with confusion over land ownership and an influx of squatters. The chiefs continued:

> 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. Father; we wish you to interest yourself for our relations the half-breeds of our nations who are mentioned on this list to have their lands surveyed and equally divided, it being perfectly understood at the before mentioned treaty that Maurice Blondeau was to have his choice of any place in the said tract of land so granted. 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.[81]

[81] Carl Knoepfler, "The Half-Breed Problem," 40-42.

This 1830 letter contains several specific requests. It calls for the land to be surveyed. Surveying the land would help determine the exact boundaries of the tract and pave the way for allotment—assigning specific chunks of land to specific half-breeds. Significantly, the letter also included a list of the people that the Sauk and Meskwaki believed qualified as half-breeds. Tragically, this list has not survived, and we will likely never know who or how many people were on it, but it seems possible that it included the same thirty-eight families that Johnson alluded to. The very existence of the list shows that the Sauk and Meskwaki and likely the powerful "white fathers" who had been present at the treaty envisioned the treaty applying to a finite group of people, not all people with a mixed Sauk or Meskwaki and white heritage.[82] The treaty was not about a race of people, it was about a small group of individuals. The request to "remove all the white people now on that tract" is a clear indication that, in 1830, the land was full of squatters. The presence of large numbers of squatters is well-substantiated. Jacob Van der Zee has written that, by 1833, the soldiers at Fort Crawford and Fort Armstrong had given up on keeping the squatters out of the region.[83] There were simply too many squatters and too small a government presence in the region to keep them from taking the land they wanted. The letter also asked Clark to make an allowance for husbands, fathers,

[82] As part of a lawsuit several years later, a defendant hoping to keep his claim to the tract presented to the court a list of the thirty-two half-breeds he believed to have an original claim to the tract. It is likely that many of these names were similar to those on the list presented by the Sauk and Meskwaki chiefs since it included the daughters of Blondeau an Johnson, but it is impossible to know for sure. The people on the list were Elizabeth De Louis alias Hunt, Francoise Herbert, Mary St. Amant alias Blondeau, Louisa Hood alias Muir James Muir, Louisa Bushnell alias La perche, Thomas I. Connolly, Mary Tolman alias Drejne, Margaret Price alias Herbert, Josephine Jennish, Isaac Antaya, Christopher Antaya, Augustus Gonville, Francois Gonville, Maurice Gonville, Charlotte Janiert, Babtiste Toine, Mary L. Murdoch alias Johnson, and Thomas Abbott. The list is included in Carl Knoepfler, "The Half-Breed Problem," 161.

[83] 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.

and wives of half-breeds. This provision protected men like Johnson who were the father of mixed-race children.

The letter sought a specific solution to the problem: the land should be surveyed, allotted to the half-breeds on the attached list, and the squatters should be removed. Such a solution would ultimately prove impossible because of government foot-dragging and squatter resistance, but that is for the next chapter.

The curious tale of the Des Moines-Mississippi Confluence and the origin of the Iowa Half-Breed Tract offers insight into race, identity, and cultural fluidity in the nineteenth-century American West. The Iowa half-breeds are not unusual. Intermarriage and sexual encounters almost always accompany trade between races.[84] People of mixed race can be found throughout American West and world history. The Griqua were a mixed-race people in South Africa who founded their own nation of Griqualand.[85] The Plains Metis were a mixed-race people in modern-day Canada and the northern United States who developed their own unique culture based on their own language, clothing, art, religion and system of kinship networks.[86] The Lumbee of the southeastern United States are a racially mixed people whose history may well have begun with marriages between white settlers and Indian women. Over time, they developed their own distinct culture but continued to intermix with other races frequently, producing a group of people

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[84] Brenda Macdougall, Carolyn Podruchny, and Nicole St-Onge, "Introduction: Cultural Mobility and the Contours of Difference," in *Contours of a People: Metis Family, Mobility, and History*, ed. Brenda Macdougall, Carolyn Podruchny, and Nicole St-Onge (Norman: University of Oklahoma Press, 2012), 3.

[85] Michael Legassick, *The Politics of a South African Frontier: The Griqua, the Sothotswana and the Missionaries, 1780-1840* (Basel: Basel Afrika Bibloraphien, 2010), 95.

[86] Michael Hogue, *Metis and the Medicine Line: Creating a Border and Dividing a People* (Chapel Hill: University of North Carolina Press, 2015), 3, 9.

with complex, mixed-race heritages.[87] In modern-day Alaska, Creoles—mixed-race people with a Russian and Indigenous heritage that emerged from common-law unions, prostitution, and rape—became an important source of labor in the Russian fur trade.[88] Racial mixing is a common worldwide phenomenon and the American West was no exception.

The frequency of racial intermixing stems partly from Indian ideas about community. Most Indians did not view race as the necessary prerequisite of belonging. For instance, up until the early 1800s, the Cherokee of the southeastern United States believed that a person's identity derived from matrilineal kinship and a willingness to accept certain key aspects of Cherokee culture. A child's "blood" was determined by his mother. If the mother was a member of the Cherokee, then so was the child. Based on this conception of blood, half-breeds didn't really exist.[89] People were either Cherokee or they weren't. Native American societies in general did not define themselves using the same rigid racial classifications as Americans would use in the mid to late 1800s. The Sauk and Meskwaki themselves were part of a large, mid-1600s westward movement of Indians that involved extensive racial mixing. As Indian nations like the Sauk and Meskwaki fled from war and disease further east and made their way into the Great Lakes Region, they often intermingled, mixing and creating new ethnic and racial groups.

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[87] Melinda Maynor Lowerey, *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation* (Chapel Hill: University of North Carolina, 2010), 6-11.

[88] David J. Blumlo, "The Creoles of Russian America: Laborers in the Borderlands," in *Contours of a People: Metis Family, Mobility, and History*, ed. Brenda Macdougall, Carolyn Podruchny, and Nicole St-Onge (Norman: University of Oklahoma Press, 2012), 373-374.

[89] Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkley: University of California Press, 2002), 25-26, 31.

It was during this time that the Sauk and Meskwaki intermingled and became allied but still separate nations.[90] Sauk and Meskwaki history did not create a rigid conception of race.

Indian identity has always been fluid. Additionally, white identity was not as rigid as many have supposed. French fur traders and Indian women often found marriages jointly beneficial. For Indian women, it provided a way out of the often harsh, polygamous marriages common among their own cultures and for fur traders it often proved a savvy business decision. To the Great Lakes Indians, trade, like the rest of their culture, was usually kinship-based, so it behooved a trader to establish kinship ties with the Indians with whom he desired to conduct business.[91] The result was mixed-race people everywhere. However, classifying mixed-race people of Iowa remains difficult. Did the half-breeds really constitute their own racial or cultural group? Was the Half-Breed Tract created for a racial class of people? I argue that the answer to both questions is no.

The Half-Breed Tract was not created to provide a home for a class of mixed-race people at all. It was originally intended for specific individuals—the thirty-eight people referenced by John Johnson or a similar number of specific people. They were the French fur traders, American soldiers, and other settlers who had made their home in the Confluence before 1824. They often had Indian wives and half-breed children, making

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[90] Richard White, *The Middle Ground*, 4-14.

[91] Susan Sleeper-Smith, *Indian Women and French Men: Rethinking Cultural Encounter in the Western Great Lakes* (Amherst: University of Massachusetts Press, 2001), 19, 23.

their families mixed-race. John Johnson, Maurice Blondeau, and the Sauk and Meskwaki chiefs who signed the Treaty of 1824 did not intend the tract to be a home for all half-breeds, just those related to these early settlers. This was in keeping with other Indian treaties like the 1816 treaty with the Chickasaw and the 1828 treaty with the Potowatami that gave land to specific half-breed families. The difference is that the Treaty of 1824 did not name any specific recipients, simply giving it to the half-breeds. Johnson's letter to Galland clearly indicates that the tract was originally intended for a specific group of people and the Sauk and Meskwaki chiefs' letter to John Clark backs this up. The list attached by the Sauk and Meskwaki chiefs has not survived, but it suggests that the treaty was supposed to cover a very precise group of people. There was never a "half-breed race" in Iowa.

Part of the reason for the confusion over the meaning of the term "half-breed" was the shifting ideas about race in American society at the time. The treaty's vague wording was used against the backdrop of changing attitudes on race in the nineteenth century. Beginning around the time of the Half-Breed Tract's creation, racial boundaries were becoming more and more fixed. The concept of race was changing, and government officials were now evaluating complex border societies based on new, rigid racial categories. As the fur trade petered out, blood quantum and racial heritage became more and more crucial to society. The fluid Confluence was dying.[92] Michael Hogue, an expert on the Metis who has written extensively about the government's application of

[92] Michael Hogue, *Metis and the Medicine Line*, 8.

laws based on nineteenth-century American conceptions of race to parts of the country that had long held very different views, writes:

> When viewed through the lens of clear-cut racial or ethnic markers, those early borderland settlements were a confusing place. Mobility and intermixing between members of different tribes or branches of those tribes were defining features of life in the nineteenth-century borderlands. For government officials, this mobility and intermixing presented a recurring set of problems as they attempted to sort indigenous borderland peoples into discrete groupings. . .”[93]

The term “half-breed” as it was used in the early 1820s described a class of frontiersmen who had settled on the Confluence and had likely married Indian women. It was not the rigid class based on blood quantum that would emerge later. As blood quantum became more and more crucial in the second half of the nineteenth century, the definition of half-breed changed.[94] The term had once been more fluid and could easily be adapted to the unique situation of the Mississippi-Des Moines Confluence, but it soon encompassed people with mixed-race heritages, not just the specific people Johnson and Blondeau envisioned. More and more people of mixed-race heritage believed they belonged on the Half-Breed Tract, and, based on the racial ideas emerging in the mid-1800s, their claims held water. After all, they were part of the redefined *race* of half-

[93] Michael Hogue, “The Montana Metis and the Shifting Boundaries of Belonging,” in *Contours of a People: Metis Family, Mobility, and History*, ed. Brenda Macdougall, Carolyn Podruchny, and Nicole St-Onge (Norman: University of Oklahoma Press, 2012), 319.

[94] Circe Sturm, *Blood Politics*, 53.

breeds. Where half-breeds had once denoted residents of the cultural confluence in the American West, it now applied to a race of people with a specific type of ethnic heritage.

The Half-Breed Tract was originally intended for a small group of residents of both the geographical Des Moines-Mississippi Confluence and the cultural confluence of the American West. The changing racial attitudes of the time and the vague, unspecific wording of the Treaty of 1824 led to a confused, convoluted situation in which any and all people of mixed-race Sauk or Meskwaki and white heritage could claim a share in the tract.

The difficulty of creating a specified territory for specified people out of the Mississippi-Des Moines Confluence points to a deeper reality in the American West. Settlers were not always easy to define based on race, nationality, or culture defined. They were a group of indeterminates with complicated and intersecting societal attachments. Thus, it was not possible to simply give the Confluence to "the half-breeds belonging to the [Sauk] and [Meskwaki] nations." This group was shifting and unfixed. The residents of the Half-Breed Tract had arrived there from varying backgrounds, in most cases had settled their land illegally, and had married Indian women, adding to their indeterminate status. The complete inability of the government to define concisely the residents of the Confluence shows the American West for what it was: a confusing place without the rigid boundaries of race and nationality. Richard White's middle ground, as helpful and pioneering as it is, sometimes fails to capture this reality. The west was not just a place where Indian and white societies exchanged with one another on middle ground, although this frequently occurred. It was also a place often detached from either

culture, filled with people who defined themselves not by national loyalty but by a more local set of relationships and obligations. In this sense, the Confluence much more closely reflects Anne Hyde's conception of the American West. The west was often a cultural borderland, unincorporated by Indian nations or the centralized American state, inhabited by people who defied description based on rigid western qualifications.

Rather than pointing to the formation of new cultures in the American West, the lack of cohesiveness among the area's residents reflect the transience of identity among many early inhabitants of the American West. The half-breeds were really a group of white settlers who had arrived on the land as illegal squatters and married Indian women or mixed culturally with their neighbors. The Treaty of 1824 provided them with a reservation and classified them as half-breeds. They were, in a manner of speaking, almost Indian. This is despite the fact that many of them had no Indian blood. John Johnson, a white American, somehow was classified as almost Indian. This reflects a peculiarity in Indian identity. Unlike black identity, Indian identity had always been a bit transient in American history. Half-breeds who lived among the Indians could be qualified as Indians while those that adopted white ways could be classified as white. Indian identity was malleable.[95]

The "white fathers" like John W. Johnson took advantage of the flexibility of Indianness, voluntarily classifying themselves as half-breeds in order to obtain valuable land in the Des Moines-Mississippi Confluence. In the long run, this was probably a poor

[95] Patrick Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," 866-905.

decision. As Cheryl Harris has skillfully pointed out, whiteness came with certain perks including land ownership.[96] The half-breeds were quickly overrun by white squatters. These squatters were not really so different from the half-breeds, but they boasted an unadulterated white identity and superior numbers. They are the subject of the next chapter.

[96] Cheryl Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (June 1993): 1713.

CHAPTER 2

SQUATTERS, FRONTIER JUSTICE, AND THE AMERICAN PERIPHERY

In 1834, Theophilus Bullard, a millright from Morgan County, Illinois, moved to the Mississippi-Des Moines Confluence with his family, including a young son, James. The elder Bullard had fought in the Black Hawk War that opened up the land west of the Mississippi—modern-day eastern Iowa—for settlement.[97] After the Black Hawk war ended in 1832, settlers streamed into the newly acquired "Black Hawk Purchase."[98] Joining the influx of settlers, Bullard moved into Burlington two years after the war ended and soon settled in Jefferson township in Lee County, located in the Des Moines-Mississippi Confluence. A Lee County biographical review says that Bullard purchased his land from its previous owner and settled down with his family. His son, James Bullard, eventually became a farmer in Lee County as well, owning "a beautiful house, located on 300-acre farm of fertile Mississippi bottom lands." The Bullards were thoroughly American. One of their ancestors, also named James Bullard, fought in the War of 1812, and were a part of the western movement of Americans so crucial in the minds of men like Thomas Jefferson and James Madison.[99] They eventually became a very successful family in the Confluence region. Deed records from the 1840s and 1850s

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[97] *Biographical Review of Lee County, Iowa* (Chicago: Hobart Publishing Company, 1905), 360; Roger L. Nichols, *Black Hawk and the Warrior's Path*, 143.

[98] Albert M. Lea, *The Book that Gave Iowa its Name: A Reprint* (Iowa City: Athens Press, 1935), 7-8, accessed August 30, 2018, https://babel.hathitrust.org/cgi/pt?id=mdp.39015019947988;view=1up;seq=9.

[99] *Biographical Review of Lee County, Iowa*, 136, 360.

show several land purchases by various members of the Bullard family.[100] At first glance, their story appears to fit the mold of the heroic settler. In reality, their status was much more complicated. In the summer of 1851, after the Bullards had lived in Jefferson Township for sixteen years, a man declared that Bullard's land actually belonged to him. This newcomer had previously rented some land from Bullard and lived in a house on Bullard's property but now declared he had the legal "decree title" to it. The historical record does not tell us the name of the man or whether the land he camped on was Theophilus Bullard's or James Bullard's. However, an 1851 *Burlington Hawk-Eye* article says the land belonged to "Mr. Bullard." This would seem to indicate that it belonged to Theophilus since he was older and more likely to be specified as "Mr."

Whatever the case, a stranger settled on one of the Bullards' land claiming to own it. According to this troublemaker, the land was not actually a part of the Black Hawk Purchase. It had been granted to the Half-Breeds, a group of mixed race relatives of the Sauk and Meskwaki, by the federal government. In the view of Bullard and his neighbors, such a title could not be valid. Bullard lived on the land. He had purchased it from the person who lived there before him. Bullard's neighbors were indignant. On a Monday night, "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. The same *Burlington Hawk-Eye* article points to similar violence in the

[100] "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.

surrounding area: "This is only the beginning of trouble on the Half Breed Tract. On Thursday smoke was seen from Fort Madison, coming from the direction of another doomed house. The titles to that property are far from being secured."[101]

As discussed in the previous chapter, land ownership in the Des Moines-Mississippi Confluence was a convoluted mess. Bullard's claim was not nearly as clear as he believed. Conflicts between those with a title to the land based on the Half-Breed Tract (usually referred to as the "decree title" since it was based Decree of Partition in 1841 that reaffirmed the treaty between Congress and the Sauk and Meskwaki Nations in 1824) regularly came into conflict with those claiming a "squatter title"—a title based simply in their residence on the land. The Bullard episode is just one illustration of this conflict, but it reveals a few important things. First, squatters felt very strongly about their title to the land. They were more than willing to defend it with violence. Bullard and his neighbors forcibly expelled his antagonist. Second, squatters often acted cooperatively. Newspaper accounts reported 150 squatters coming to Bullard's aid. This number may have been exaggerated, but it is safe to say that his neighbors came to his aid in masse. Third, the squatters did not resort to regular legal means to solve their problems. Rather than going to the army or congress or the courts, they utilized their own brand of frontier justice. They determined that Bullard's antagonist's actions were unjust and punished him for it. Resorting to frontier justice was likely a wise decision since the

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

courts favored the legal rights of decree title holders. It also shows that the squatters had a sort of adversarial relationship with the United States government.

This chapter tells the story of conflict between squatters, land speculators, and half-breeds over land ownership on the Des Moines-Mississippi Confluence in the 1800s. It places this story in historical context and presents some broader conclusions about the nature of squatter settlement and westward expansion in the nineteenth century American West.

Paul W. Gates described western settlement prior to the Homestead Act in three phases. First came fur traders, then squatters, then land speculators. While this model is oversimplified, it can help explain what occurred in the Confluence. The first white arrivals in the area were fur traders and a few early settlers in related trades who often did some farming as well. Accompanying these settlers were the soldiers stationed at Fort Madison as early as 1808, some of whom chose to stay in the area after their service. These settlers intermarried with women from the Sauk and Meskwaki nations and successfully received legal title to the Confluence through the creation of the Half-Breed Tract. Of course, these settlers were squatters when they first arrived. Unless they lived in Fort Madison or, like Louis Honori, on a Spanish land grant, all settlers in the early 1800s were squatters. However, it can be useful to classify these settlers separately because they arrived first, mixed with the indigenous people, and obtained legal title to their land in 1824. It was for these settlers that the Half-Breed Tract was intended. Following almost immediately on their heels were the squatters. The squatters arrived in the Confluence much as the half-breeds a few years earlier. They claimed the land as theirs simply

because they lived on it. However, the earlier settlers of the tract objected because they had obtained "decree title" to their land. A third group of people played a huge role in the conflict over land in the region: land speculators. Some of the least analyzed but most crucial actors in westward expansion, land speculators were investors. According to Gates, "Until the modern corporation came to be the dominant factor in American economic life, the principle opportunity for investment was in real estate. All persons seeking land for investment rather than for a farm home have been called land speculators, and the term, loose as it may be, has an important position in our terminology."[102] The government sold land in the west at very low prices, at least initially hoping to make land available to average Americans. Speculators seized on the opportunity, buying up chunks of western land—in some cases enormous estates covering hundreds of thousands of acres—and then resold them to settlers at higher prices. Speculators quickly swooped into the Half-Breed Tract buying up chunks of land from half-breeds. The combined influence of half-breeds, squatters, and land speculators, made land ownership a tangled mess in the Confluence and resulted in numerous legal and extralegal conflicts.

The dizzying conflict over land in the Confluence was particularly fierce but was just one example of continual conflict between squatters and speculators during westward expansion. Settlers' drive for westward expansion has often exceeded their government's

[102] Paul W. Gates, *Landlords and Tenants on the Prairie Frontier* (Ithaca, N.Y.: Cornell University Press, 1973), 49-50.

eagerness to open land for settlement.[103] 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 1784. 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 farm land 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.[104] The Ordinance of 1785 declared that western lands would have to be surveyed, divided into townships six miles

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[103] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, 62-63; Walter L. Hixon, *American Settler Colonialism: A History*, 56.

[104] Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1970*, 2nd ed. (Lincoln: University of Nebraska Press, 1976), 4-7.

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.[105] Surveyors were 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. 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 dollars per acre. This was well out of the reach of the poor Americans Jefferson had envisioned becoming the backbone of society.[106] What's more, the land was sold at auctions. This naturally favored buyers with more money in their pockets. Thus, speculators regularly outbid poor settlers. Surveying was also a slow process, failing to open the expanse of American land in the west quickly enough to satisfy land-hungry settlers.[107] Poor Americans 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. This wasn't really new. As mentioned earlier, squatters had been settling outside of government bounds since the early days of British colonization.

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

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[105] Robert Middlekauff, *The Glorious Cause*, 609-610.

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

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

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 their or develop the land. Land agents would watch over the land and often pay taxes for the absentee owner.[108]

Issues between speculators who often owned large amounts of western land 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 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—a phrase referring to some semblance of legal claim to the land—for any improvements they made to the land before moving them off the property. 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. Many other states like Vermont, Tennessee, and Ohio instituted occupancy laws.[109] State governments actively sought to protect squatters, seeing them as

[108] Paul W. Gates, *Landlords and Tenants on the Prairie Frontier*, 52-53.
[109] Paul W. Gates, *Landlords and Tenants on the Prairie Frontier*, 20-45.

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. The Act was repeatedly renewed.[110]

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.

Riding this national sentiment, squatters poured into the Des-Moines Mississippi Confluence. The U.S. victory in the short-lived Black Hawk War in 1832 obtained eastern Iowa from the Sauk and Meskwaki Nations. Squatters assumed that this land would eventually be surveyed and they would eventually receive preemption rights. They poured into the Black Hawk Purchase or Iowa territory. Approximately 20,242 people lived in Iowa before the first federally authorized land sale occurred in 1838. All of these settlers—except for the half-breeds on the tract who had been given land in 1824—were, by definition, squatters.

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

Squatters who arrived on the Black Hawk Purchase acted with little fear of the government. An 1807 federal law declared that squatters could be forcibly removed by local marshals. The president was authorized to order a local marshal to move squatters. An 1833 law made this act specifically applicable to Iowa.[111] No one cared. Writing in 1836, Lieutenant Albert Lea, an early observer of the Black Hawk Purchase, described the nature of squatter society:

> 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. 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 world.[112]

Clearly biased toward squatters, Lea describes an almost utopian society in nineteenth century Iowa. Early squatters worked together to build a community. They also had little fear of being kicked off their land once it was surveyed. In Lea's words, "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."[113] Improvements to the land were seen as rock solid claim to ownership and squatters were confident the government would honor that when it surveyed the land.

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[111] Roscoe L. Lokken, Iowa Public Land Disposal (Iowa City: State Historical Society of Iowa, 1942), 66-68.

[112] Albert M. Lea, *The Book that Gave Iowa its Name: A Reprint*, 14.

[113] Albert M. Lea, *The Book that Gave Iowa its Name: A Reprint*, 19.

The Des Moines-Mississippi Confluence was not part of the Black Hawk Purchase. It had entered American hands back in 1824. However, most squatters probably did not realize this or were completely confident in their preemption rights and poured into this region as well. Some squatters arrived on the tract even before the Black Hawk War, but it is likely that this influx only increased in 1833, when squatters were filling up the rest of eastern Iowa.

Squatters had their own methods of acquiring land. 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 usually used paces to measure out a 320-acre claim. If he couldn't find any to his liking, he could purchase an improved claim from another squatter.[114] Squatters often settled in unsurveyed land, improved their claim, and sold it before the surveyor ever made it to the region. John Mack Faragher, one of the only historians to do in-depth research on a squatter community, determined that squatters in Illinois were often frequent movers.[115] Some squatters lived out their entire lives, moving from farm to farm, without ever legally owning the land they resided on.[116]

In order to protect their claims in the absence of any legal right to them, squatters often formed claims associations. Over one hundred claims associations were founded in Iowa. Despite operating outside of the law, these clubs had constitutions, secretaries, ran notices in local newspapers, and were effective in protecting squatters' claims.[117] An

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[114] Roscoe L. Lokken, *Iowa Public Land Disposal*, 68-69.
[115] John Mack Faragher, *Sugar Creek: Life on the Illinois Prairie*, 50-51.
[116] John Mack Faragher, *Sugar Creek: Life on the Illinois Prairie*, 5.
[117] Roy M. Robbins, *Our Landed Heritage: The Public Domain*, 67.

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.[118] Squatters registered their title with the claims association and then helped each other protect their titles. Other settlers who tried to encroach on the squatter's extralegal title were labeled "claims jumpers" and dealt with. 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.' The association had to take action a second time before the matter was finally settled. Crawford later tried to secure legal redress, but since 'it was almost impossible to find a judge, lawyer, or juror in Iowa who was not a claim-holder, his effort was not crowned with much success.

Nearer to Davenport, a claims jumper refused to leave and threatened the claims association members' who tried to make him with a gun. They responded by hitching a team of oxen to his cabin. He quickly realized that his plight was hopeless, and they forced him to swim across the Mississippi back to Illinois.[119]

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

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

Sometimes, local politicians or law enforcement agents openly supported the squatters. Sheriff Hawkins Taylor recalled in 1870 that, as the local official placed in charge of some land auctions, he made sure the land was sold at the minimum prices to the squatters living on them, not to speculators. Remembering an auction in Butler County, he mentioned that speculators were everywhere. He described them like an invasive species. He intended to sell land only to squatters in the auction. John Judy, a squatter living on land that was to come up for auction, did not have the money to purchase it, even at the minimum price, so Taylor decided to pass over his piece of land and sell it to Judy later, when he had acquired the necessary funds. A "Virginian" auctioned off Judy's parcel to a speculator or land agent without Taylor's knowledge. Taylor claims that "within five minutes 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 important local citizen talked the land agent into voiding his actions and he promptly slipped out of town to avoid being beaten or killed.[120]

A claims association or something very similar to one existed in the Half-Breed Tract. In June 1847, the *Keokuk Register* ran a notice for the local "union association." It called for a settlers' meeting" and implored every union member to be there.[121] With this information in mind, the settler's actions on Bullard's property in 1851 make much more sense. The squatters of the Half-Breed Tract were committed to protecting each other's titles. Describing the early settlers of Iowa, Albert Lea said:

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[120] Hawkins Taylor, "Squatters and Speculators at the First Land Sales."
[121] Carl Knoepfler, "The Half-Breed Problem," 207.

> The people of this whole District have entered into an agreement to support each other in their claims against any unjust action of the Government, or any attempt at improper speculation by capitalists at a distance. And those who know the potency of such leagues, will feel perfectly assured, that whatever is protected by this one, will be safe from molestation.[122]

Although their titles were extralegal, squatters protected it through their own frontier associations and their own brand of frontier justice. The squatters in the Half-Breed Tract were especially active in defending their land.

In 1830, Iowa squatters were granted preemption rights along with the rest of the country. By the late-1830s, Congress had further acted to protect squatters, permitting those who had settled on a piece of land before February 22, 1838 two years in which to buy up to 160 acres of their claim for $1.25 per acre before anyone else would be allowed to purchase the land.[123] Over the next several years, the federal government continued to pass laws that generally protected squatters. None of these laws applied to the Half-Breed Tract, however. Because this land has been given to the half-breeds in a treaty antedating preemption legislation, the squatters living there were not granted preemption rights. Speculators had taken full advantage of the situation, purchasing shares in the tract from anyone who claimed to be a half-breed. According to B.L. Wick, "During the year 1833, a meeting of the half-breeds was held at Farmers Trading Post, to prepare a petition to congress requesting the passage of an act authorizing the half-breeds to sell and dispose of the land holdings granted them by the treaty of 1824." In June of 1834, congress

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[122] Albert M. Lea, *The Book that Gave Iowa its Name: A Reprint*, 20.
[123] Roscoe L. Lokken, *Iowa Public Land Disposal*, 84.

responded, passing a bill that gave mixed-race people full ownership of the land.[124] Isaac Galland purchased some half-shares from mixed-race people as early as 1829.[125] After the mixed-race owners of the tract obtained the right to sell it, "a period of wild land speculation and squatter settlement" ensued. Half-Breeds still did not own individual plots of the land that they could sell. Meanwhile Squatters were living on the land that was supposed to belong to half-breeds under the Treaty of 1824. Nonetheless, speculators would purchase mixed-race people's shares in the tract.[126] A half-breeds' 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."[127]

In some cases, half-breeds made good money from selling their shares. Ash-Lam-Mu made three hundred dollars for an indeterminate amount of land. Considering that the government was selling Public Land for a minimum price of $1.25 per acre, he could have taken his profits and purchased a 160 acre plot somewhere else and still had money to spare. In other cases, the whole process swiftly descended into dishonesty and

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[124] B.L. Wick, "The Struggle for the Half-Breed Tract," 19-20.
[125] Isaac Galland, "Dr. Galland's Account of the Half-Breed Tract," 461.
[126]Carl Knoepfler, "The Half-Breed Problem" 68-72.
[127] "Jeremiah Smith, Jr. Papers Box 1: Correspondence, 1838-1847, Miscellaneous documents, 1837-1849,".Sm61, State Historical Society of Iowa, Iowa City.

cheating. Mixed-race people sometimes sold their shares at outrageously low prices, perhaps because they felt as if they had no other option. They didn't know what plot of land was theirs 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 in 1918 that some shares were sold for as little as a pony.[128] Mixed-race people also took advantage of the confusion. They sometimes sold their share more than once, and mixed-race people who had little or no Sauk or Meskwaki blood sometimes claimed relation and sold their fictitious shares.[129]

The legal battles over the tract will be discussed in the next chapter, but it is worth noting that, in 1841, the Iowa Territorial Supreme Court ruled that the decree title—the one granting the land to the half-breeds—was legally binding.[130] This left the squatters with no real legal ground to stand on. It didn't matter. The squatters believed in the legitimacy of their title and they used cooperative measures to protect it. On one occasion, Hugh T. Reid, a speculator, was chased out of Keokuk and into Illinois. Shareholders in the New York Land Company, a corporation that speculated in land on the Half-Breed Tract, feared to travel openly in the tract. [131]

As the authority of Congress and the courts became a more present and powerful reality in southeastern Iowa, the squatters continued their tradition of cooperative

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[128] B.L. Wick, "The Struggle for the Half-Breed Tract," 19-20.
[129] Carl Knoepfler, "The Half-Breed Problem," 68.
[130]Carl Knoepfler, "The Half-Breed Problem" 108.
[131] Carl Knoepfler, "The Half-Breed Problem," 206.

resistance through more formal means. While not altogether abandoning physical violence, they began to assert themselves in the courts and the state government.

Local and state governments have a history of being more supportive of squatter rights than the federal government. Kentucky created occupancy rights and continued to enforce them even when the Supreme Court struck them down as unconstitutional. It is important to remember that most of the people living in the Confluence were squatters and that a large percentage of the early population of Iowa were squatters. Many were sympathetic to the plight of the squatters on the Half-Breed Tract. After all, the rest of Iowa squatters had received preemption rights, why shouldn't they? Beginning around 1842, a distinct political party begin to form in the Iowa territorial legislature based on the rights of squatters on the Half-Breed Tract. 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. The party was formed around local issues, mainly to protect the squatter title to the Half-Breed Tract. In the first state elections in Iowa in 1846, the Possum Party swept Lee County—essentially encompassing the territory of the Half-Breed Tract.[132] 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

[132] Carl Knoepfler, "The Half-Breed Problem," 238-254.

support of the squatter title, defeated candidates from the Democratic and Whig parties by a large margin in Lee County.[133] 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 Whig, was elected Speaker of the House in Iowa.[134]

Even before the Possum Party formed, state politics had begun to move to protect squatters on the Half-Breed Tract. 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 on the 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 voided by the Decree of Partition in 1841 that officially endorsed the Treaty of 1824, essentially making it obsolete. 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

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

[134] Carl Knoepfler, "The Half-Breed Problem" 238-254.

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.[135]

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.[136] Democrats held twelve of the nineteen senate seats and nineteen of the thirty-nine seats in the House of Representatives. The Possum Democrats 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 Whig candidate, Jonathan McCarty. McCarty received

[135] Carl Knoepfler, "The Half-Breed Problem," 209-217.
[136] Jack T. Johnson, "The First State Election," 269.

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 Democrats Rueben Conlee and Josiah Clifton voted with the Democrats to adjourn.[137] Although small in number, 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.[138]

The Possum Party's brief but influential existence further displays squatters' spirit of cooperation. The squatters successfully leveraged Democratic support of their goals, showing determination and political acumen. The squatters were determined not to be forced off their land and they fought the decree title through ever adapting means. They used claims associations, physical violence, and political organization to protect their extralegal land title. The next chapter will explore their fight in the courts.

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

[138] Carl Knoepfler, "The Half-Breed Problem," 255-260.

Squatters are some of the least analyzed, most influential actors in American expansion. Before the Homestead Act, squatters were consistently involved in settling the frontier. They defied the law, settled on land that wasn't theirs, and often found ways to secure legal title for themselves. Most squatters eventually achieved legal title through occupancy rights and preemption legislation. The squatters of the Half-Breed Tract are different. Preemption legislation did not apply to them since they had settled on land the federal government had already promised to others. Nonetheless, through mutual cooperation the squatters managed to stay on their land, defying the central government, the half-breeds the land was intended for, and wealthy speculators who had purchased much of the land.

The squatters occupied a curious place in the American colonial enterprise. They were undoubtedly Americans and colonizers, but they had an oftentimes adversarial relationship with both the federal government and the powerful eastern land speculators. Squatters essentially stepped outside of the prescribed legal means of American settler colonialism and formed their own system based on cooperation and their right to the land. They defied the law by settling on land that had not been surveyed or auctioned. They formed extralegal claims associations that provided a system for registering and delineating their land claims. They enforced their own brand of justice, cooperatively driving "claims jumpers" off the land. Later, as it became necessary, they formed their own political party and stepped into the more centralized system of American politics.

James C. Scott has written extensively about state formation. He argues persuasively that the ancient world typically featured a few nation states with a relatively

small amount of land that it effectively controls. Beyond the borders of the state was the periphery, a vast expanse of land that the state had little to no control over. Using the Karen and Miao of Southeast Asia as examples, Scott unconventionally asserts that people throughout history have often fled the centralized part of the state and moved to the periphery, preferring to keep the state at arms' length.[139]

Although Scott used his model primarily to describe ancient states, he also posited that colonists journey to the New World was a means of escaping the highly centralized governments of Europe.[140] In *The Art of Not Being Governed*, Scott pointed out that the *Pays D'en Haut* or Great Lakes Region that Walter White describes in *The Middle Ground* was a peripheral zone where indigenous people fled to distance themselves from the expanding British colonies and later United States.[141]

Another aspect of Scott's ideas is the domestication of the periphery. Centralized states desire to construct society in a manner conducive to taxation and record keeping. Unregulated peripheries do not fit the bill. Scott calls these peripheries illegible or undomesticated. The state seeks to make society legible through things like sedentary agriculture, clearly delineated property boundaries, surnames and much more.[142] Another way to describe this process is incorporation. Philip J. Deloria defines incorporation as

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[139] James C. Scott, *The Art of Not Being Governed: An Anarchist History of Southeast Asia* (New Haven, CT: Yale University Press, 2009), 140-142, 180-182.

[140] James C. Scott, *Against the Grain: A Deep History of the Earliest States* (New Haven, CT: Yale University Press, 2017), 234, 220.

[141] James C. Scott, *The Art of Not Being Governed: An Anarchist History of Southeast Asia* (New Haven, CT: Yale University Press, 2009), 132.

[142] James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998).

"the linking of diverse social and economic units under rationalized control."[143] The American state was incorporating land by adapting it to a rationalized system of government control. In the American West, one major tool the government used to make the land and the people who lived there legible was the survey. The Northwest Ordinance of 1787 stipulated that the Old Northwest should be surveyed and divided into a grid system of six-square-mile townships that were further divided into thirty-six lots.[144] Scott calls things like townships "state fictions." The lines the surveyor established don't really exist. They are an imaginary addition to the landscape designed to make it more palpable to the centralized state.[145] Surveying made the land legible. Property lines could be recorded much more easily, and taxes were easier to implement. A quick assessment of the United States during the 1820s reveals that Scott's model is very applicable. The United States was a burgeoning, growing, centralized state. The recently acquired Louisiana Territory was an illegible periphery. The United States was actively using surveying and other forms of land incorporation to domesticate the expansive periphery.

Scott's ideas have been applied extensively to Native Americans. They often move further west and even on to arid landscapes to evade incorporation. Squatters can also be placed in Scott's model. In the Antebellum United States, poor Americans wanted land. The federal government, hoping to provide itself with a revenue stream, created a system for disposing of public lands that left affordable land out of reach or poor settlers. Demonstrating the same desire to keep the strong arm of the state at a distance that Scott

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[143] Philip J. Deloria, *Playing Indian* (New Haven, CT: Yale University, 1998), 99.
[144] Robert Middlekauff, *The Glorious Cause*, 610-611.
[145] James C. Scott, *Seeing Like a State*, 2, 24.

has pointed out in ancient societies, many poor Americans became squatters, moving to the periphery, where government control was largely a fiction, and settling on open land. Here, they formed cooperative bonds and developed community ties. When the land they were living on became more incorporated—it was surveyed, the federal government's power became more present, etc.—some squatters chose to move again and squat somewhere else while others chose to engage with the system, using their cooperative influence to keep their land.

Interestingly, squatters, working outside of the prescribed legal bounds of American expansion, did a lot of the grunt work of colonizing the United States' periphery. In *Sugar Creek,* John Mack Faragher asserts that "After the Revolution, American policymakers thrust American settlers to the front lines of an advancing continental empire by encouraging their de facto colonization of the Northwest." In this view, the United States encouraged squatter settlement because squatters effectively moved Indians aside. Settlers often fought Indians in militias or began to force them aside simply by building farms on Indian land.[146] Parts of Faragher's analysis are accurate. The squatters were extremely influential in pushing aside Indians and other interested parties. They were also very willing to use violence. The squatters of the Half-Breed Tract are an eminent example. The land had been given to the ambiguous "half-breeds" by the Treaty of 1824, but it ended up being incorporated into general American society. The experiences of squatters on the Half-Breed Tract complicates Faragher's analysis.

[146] John Mack Faragher, *Sugar Creek*, 26-27.

Faragher portrays squatters as agents of the metropole. This is hard to substantiate given that federal policy did not support squatter settlement and that the federal government was relatively slow to make accommodations for squatters, eventually doing so with preemption legislation and finally the Homestead Act. The actions of squatters on the Half-Breed Tract were never legal. It is therefore difficult to see them as the advance guard of government colonialism.

Lisa Ford has painted a more complete picture of squatters in *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia 1788-1836*. Writing of squatters who set up their farms on Cherokee land in Georgia, Ford said, "Squatters defied federal and treaty law by setting up farms on Indian land, but they played on federal sympathy to stay and harvest their crops year after year until a cession could be arranged. In short, they breached federal law, but anticipated the extension of state law, which they hoped would reward their illegitimate possession with legitimate title."[147] Squatters acted outside of government policy by improving land they had no legal right to. They were not agents of the government. However, they were also perfectly willing to use legal channels to obtain their land. This included forming political parties and fighting for preemption legislation. Squatters were certainly colonizers, but their methods were more complicated than has been depicted. In Scott's analyses, the periphery often provides a place for indigenous people to flee settler colonialism. Squatters used the periphery, a place of limited government oversight, as a ground for settler colonialism.

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[147] Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia 1788-1836* (Cambridge, MA: Harvard University Press, 2011), 92.

Outside of the reach of the strong arm of the state, they could push Indians aside and set up their own untaxed farming communities. Borderlands and peripheral regions often provided indigenous people with some sovereignty, but they could do the same for transient or extralegal settlers like the squatters in the Half-Breed Tract.[148]

The Half-Breed Tract was a complex borderland filled with indeterminate people. It was a confluence of cultures and peoples, just as it was a confluence of rivers. In their own way, the squatters were every bit as indeterminate as the half-breeds. They were Americans. They desired land, which Jefferson would have found a very American trait. However, their relationship with the American nation state was complicated at best and oftentimes adversarial. Like squatters elsewhere, those on the tract played a crucial role in settler colonialism. The peripheral borderlands they settled created a unique opportunity for colonizing. It didn't matter that the squatters settled on land that had already been given to half-breeds just as it didn't matter that squatters in Georgia settled on land that legally belonged to the Cherokee or squatters in Kentucky settled on land that belonged to absentee capitalists. The lack of government control allowed the squatters to brush aside frustrating things like legality and obtain the land they so desperately wanted. Borderlands like the Half-Breed Tract were perfect atmospheres for squatter settler colonialism.

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[148] John Ryan Fischer, *Cattle Colonialism: An Environmental History of the Conquest of California and Hawai'i* (Chapel Hill: University of North Carolina Press, 2015), 7.

CHAPTER 3

LITIGATION AND CONFUSION:

THE BREAKDOWNOF THE HALF-BREED TRACT

In 1843, Samuel Marsh, William Lee, and Edward Delevan, land speculators associated with 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. . ." within the Half-Breed Tract. The current residents of the land were the heirs of Thomas Reddick. As mentioned previously, this case was an example of the dizzyingly complex struggle over land in the tract. Marsh, Lee, and Delevan had purchased the land from a half-breed. They argued that, since the land had been given to the half-breeds in the Treaty of 1824, the half-breed they had purchased the land from had legal title. Reddick's heirs were simply squatters who had been occupying it.[149] The conflict seems to mirror the one over the Bullards' land in chapter two.

Actually, it was much more complicated. Reddick's heirs could trace their title back to Louis Honori. His land had been granted by the Spanish government in 1799, long before the creation of the Half-Breed Tract. Reddick had purchased the land from Joseph Robedeoux who had obtained the land from Honori.[150] Reddick's heirs argued this title superseded the title granted by the Half-Breed Tract. Further, Marsh, Lee and Delevan argued that, even if the Honori title was superior because it was older, a half-breed named Red Bird or Thomas Abbott had lived on the land before the Spanish

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[149] "*Marsh, Lee, and Delevan, Plainiffs in Error v. Thomas F. Reddick's Heirs*."
[150] *The Red Men of Iowa*, 407-409.

granted Honori the land.[151] Abbott's family still lived in the region decades later and he was generally considered one of the half-breeds included in the Treaty of 1824.[152] Marsh, Lee, and Delevan asserted that this meant the Half-Breed title or decree title should supersede even the Honori Title. The extraordinarily complex debates over title and land ownership point to the convoluted history of the tract. A hodgepodge of squatters, Indians, half-breeds, and speculators had all staked their claim to the land in one way or another. Sorting through these various claims was an extremely difficult and ultimately futile legal task.

It is just as significant that Hugh T. Reid, Marsh, Lee and Delevan's lawyer, placed great emphasis in his oral arguments on convincing the jury that a northern border of the reservation existed. This indicates that the jury—made up of Iowans—were unsure if the Half-Breed Tract existed or at least where its boundaries lay.[153] How is this possible? How could people living so near the tract be unsure of its parameters? It appears that, by the time of the trial in 1843, the Iowa Half-Breed Tract had already begun to fade into memory.

The legal battles over the Half-Breed Tract are many, complex, and difficult to understand. They are also somewhat misleading because the extralegal squatter title to the land eventually won out. Many times, the courts favored land speculators, but the squatters ultimately kept their land. This means that the court cases often did not

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[151] *The Red Men of Iowa,* 363-364.
[152] Carl Knoepfler, "The Half-Breed Problem," 161.
[153] "*Marsh, Lee, and Delevan, Plainiffs in Error v. Thomas F. Reddick's Heirs*."

determine who lived on the land. Legally speaking, they were often an exercise in futility. Nonetheless, they are a worthwhile historical source for a few reasons.

First, 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 one 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.

Second, the cases show the breakdown of the Half-Breed 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 or would not move the squatters off, they were able to defy the Treaty of 1824 and settle the land themselves. The court cases are the last gasp of the Half-Breed Tract. Land speculators and their lawyers furiously pushed the courts to recognize their legal title to the land. Purely legally speaking, their argument was strong and most higher courts upheld their title. Yet the squatters remained. That is essentially how the tract ceased to exist. The law continually supported the existence of a Half-Breed Tract in the Des Moines-Mississippi Confluence, but the reality on the ground was very different. Since the law went unenforced, it didn't really matter.

Third, there are not many sources available on the Half-Breed Tract. Both the squatters and the half-breeds left few written sources. The court cases provide pages upon pages of information on the tract and the people who lived there. This fact alone makes a study of the legal battles surrounding the tract worthwhile.

By the 1840s, the Des Moines-Mississippi Confluence was a muddled mess of people and corporations, all with their own claim to ownership. The Treaty of 1824 had declared that the half-breeds were to hold their land according to the same specifications as Indians held theirs.[154] This ensured that the half-breeds owned the land communally: Nobody owned a specific plot of land. Additionally, the federal government retained reversionary rights to the reservation. In other words, the half-breeds couldn't sell it. In 1834, some of the mixed-race individuals and families who believed they were entitled to land in the tract formally requested that the government permit them to sell their shares. Congress responded, giving the half-breeds full ownership of the tract and the ability to sell it. However, the bill still failed to identify who qualified for a share in the tract or partition the land into individual plots with individual owners to make sale possible. Since no one knew who actually qualified as a half-breed or who owned what land, chaos ensued. Expecting the land to soon be partitioned and put up for sale, land speculators began buying up mixed-race people's shares.[155] Meanwhile, squatters remained on the

[154] "Treaty with the Sauk and Foxes: August 4."
[155]Carl Knoepfler, "The Half-Breed Problem," 63-68.

land, belligerently asserting their own claim. [156] This resulted in numerous claims to the land and messy legal battles that extended at least until 1858.[157]

By the end of 1841, there were at least four separate claims to the Half-Breed Tract. 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. Once they had made their determinations, a public auction was to be held for those who wanted to sell their land. In 1839, the new territory of Iowa repealed the law. 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.[158] This lawsuit was, from the beginning, bizarre. Johnstone and Brigham 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?

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[156] 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," 68.

[157]Carl Knoepfler, "The Half-Breed Problem" 164.

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

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. Sheriff Hawkins Taylor of Lee County 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.[159] All of this was done without giving the squatters on the Half-Breed Tract or the half-breeds 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. Isaac Galland, a land speculator, claimed to have spent around $1,000 on half of a mixed-race person's share in 1829.[160] 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

[159] 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.

[160] Isaac Galland, "Dr. Galland's Account of the Half-Breed Tract," 460.

"duly advertised" auction, Reid purchased "sixteen one hundredths of an acre more or less" in Fort Madison from Hawkins and Melinda Taylor. Judging from its 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.[161] That was an exorbitant price for a house in those days—it was about half of what Reid payed 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. 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. 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

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

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.[162] 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.[163] 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—called the "Barrett Tax Title"—directly contradicted Reid's.

The government also assigned title to the tract to yet another party in 1841. 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 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.[164] 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 half-breed they had purchased their land from. For instance, Patrick Walsh claimed "one-

[162] Carl Knoepfler, "The Half-Breed Problem," 112-113.

[163] "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.

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

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."[165] The list of claimants goes on and on like this. Occasionally, a half-breed claimed land for him or herself, but, in general, claimants were land speculators claiming land "under" a half-breed. By 1841, the half-breeds 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 couldn't 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.

Land speculator is a very broad term. As mentioned previously, most land speculators were easterners who responded to newspaper ads or personal recommendations and invested their money with private land agents in the west or with corporations that bought up western land.[166] The New York Land Company, an investment group headed by Marsh, Lee, and Delevan, laid claim to huge chunks of the tract. Antoine Le Clare, another very successful midwestern land speculator, also claimed large amounts of Confluence land.[167] Speculators often had the benefit of skilled lawyers and capital, two things that squatters lacked. The New York Land Company was represented in court by Francis Scott Key, the famous author of the Star Spangled Banner and an excellent attorney.

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[165] Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840," 425.
[166] Paul W. Gates, *Landlords and Tenants on the Prairie Frontier*, 52-53.
[167] Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840," 424-460.

Many of the claimants did not submit their claims until on or near the deadline of May 8, 1841, but the Court quickly moved to partition the tract that same day.[168] On early Iowa historian claimed that Francis Scott Key wrote up the decree of partition for the Court.[169] They divided the tract in one hundred and one shares of just over one thousand acres a piece. Most of the shares were awarded to Marsh, Lee, and Delevan and Antoine Le Clare, with dozens of smaller owners obtaining some land as well. A couple of half-breeds were awarded title to a share of the land, but the winners were overwhelmingly speculators.[170] The owners determined by the decree of partition were said to hold "decree title" to the land. While their title would seem to have the most legal weight, it competed with Reid's judgement title and Barrett's tax title by the end of 1841.

In addition to the judgement title, Barret tax title, and decree title, the squatters still resolutely held on to their own claim to the land. The squatters' claim can be called the "squatter title." It had little legal weight, but it was formidable simply because the squatters refused to move. After 1841, a series of court battles pitted the owners of various titles against each other. The court battles ultimately reveal the role of the law in western expansion.

Sometime in the 1820s or 1830s, Benjamin S. Roberts, a member of the United States Dragoons, sold a share in the tract to agents of the Des Moines Land Company. It was understood that the Des Moines Land Company was the local subsidiary of the New

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[168] Carl Knoepfler, "The Half-Breed Problem," 108.
[169] B.L. Wick, "The Struggle for the Half-Breed Tract, 24.
[170] Charles Mason, "Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840," 456-459.

York Land Company. As payment for his share, Roberts was given bills of exchange. When they matured, Roberts tried to collect them, but they were refused. He sent them to New York, but Marsh, Lee, and Delevan of the New York Land Company refused to redeem the bills of exchange, saying that the Des Moines Company never existed. Roberts tried to bring the matter to court, but the New York Company settled with him before trial for $2,500. After 1841, Roberts changed his mind, taking the matter to court anyway and asking for an injunction to prevent the New York Company from selling land under the decree title. The Court ruled in the New York Company's favor, but the whole incident points to the shady nature of land speculation.[171]

Land agents in the frontier regions of the west used money oftentimes mailed to them by easterners to buy up land that others might be living on. Many Americans perceived land speculators as greedy corrupt outsiders who kept the courts and legislature in their pocket. Writing in the late 1840s, Isaac Galland, himself a part-time land speculator, vehemently denounced the New York Land Company. He believed that the Decree of Partition in 1841 had been a cooperative effort between the courts and the wealthy speculators to swindle owners out of their land.[172] Cases like Benjamin S. Roberts' give some credence to these ideas.

Meanwhile, Hugh T. Reid sought to take possession of the Half-Breed Tract, believing it all belonged to him. In October, 1844, he petitioned the District Court to have a man named Joseph Webster forcibly removed from the 160-acre plot of land he

[171] Carl Knoepfler, "The Half-Breed Problem," 121-126.
[172] Isaac Galland, "Dr. Galland's Account of the Half-Breed Tract," 455-456.

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 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 half-breed for $600. Mason overruled all this testimony as hearsay, rendering Webster's argument essentially void. The jury ruled in Reid's favor.[173] 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 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

[173] Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2736, 7-49, Iowa Territorial Papers, roll 9.

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.[174] 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 of people involved in the case before. Tensions ran high and the jury was unable to reach a verdict.[175] 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 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." [176] 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. It would be erroneous to believe that this compromise ended tensions between squatters and speculators, however. The violent struggle on the Bullard's property occurred fully seven years later and a later issue of the *Hawk Eye* makes it clear that conflicts between

[174] Carl Knoepfler, "The Half-Breed Problem," 140-143.
[175] Carl Knoepfler, "The Half-Breed Problem,"148-150.
[176] n.a., "Half Breed Tract" *Hawk Eye* (Burlington, IA), April 11, 1844.

squatters and speculators were still fierce in Keokuk in 1850.[177] 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.

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 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.[178] Unlike Reid's judgement title, the decree title 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 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.[179] Essentially, the New York Land Company had consolidated control of all major titles except for the squatter title. What's more, the

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[177] n.a., "Police Riot at Keokuk," *The Burlington Hawk Eye* (Burlington, IA), May 30, 1850.
[178] Carl Knoepfler, "The Half-Breed Problem," 156-164.
[179] Carl Knoepfler, "The Half-Breed Problem," 116-117.

courts had repeatedly backed up the decree title. The company appeared poised to assume control of its land in the Des Moines-Mississippi Confluence.

Except they didn't. 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."[180] 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 pervious 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 calls the "foreign speculators."

The Half-Breed Tract essentially ceased to exist by the 1860s. It had not really existed for a long time. It was filled with squatters and speculators within a few years

[180] Carl Knoepfler, "The Half-Breed Problem," 189.

after its creation. Nonetheless, it persisted as a legal fiction—an object of court cases—for decades.

The breakdown of the tract shows the limited control the federal government exerted over western expansion. As was discussed in chapter two, the federal government is often portrayed as the driving force behind western expansion and settler colonialism. In many cases, this was true. The United States consistently adopted expansion as a policy in the nineteenth century. However, settler colonialism often occurred outside of direct government control. Before the Homestead Act in 1862, squatter settlement was extremely prevalent in the American West. It was often supported by local and state governments, and eventually received tacit support from the federal government in the form of occupancy laws and eventually preemption, but they squatters were not acting within the federal government's plan. Settler colonialism often occurred outside of the American legal system. This is particularly true of the squatters on the Half-Breed Tract. The federal government set the land aside as a reservation for half-breeds and the courts consistently enforced this act. Of course, most of those entitled to land under the decree title in 1841 were wealthy, white land speculators, so it is impossible to portray the federal government as a benevolent defender of mixed-race people. Still, the federal government had created a reservation and the courts backed up the legality of claims to the land based on its status as a reservation. But it didn't matter. If nothing else, the string of court cases over the Half-Breed Tract show how little power the American legal system actually had over the goings on in the Confluence, even as late as 1858.

Taking full advantage of the Half-Breed Tract's location on the American periphery, squatters staked their claim to the land. Oftentimes, it was not these first squatters who contested the federal government later on, but men who purchased the land from other squatters. Squatters essentially built an extralegal settlement on the tract, ignored the government's admonitions to move off the land, and successfully retained their land. This clearly shows the extralegal nature of much of settler colonialism.

None of this is to say that the federal government did not have a role in settler colonialism. It did. It is, however, important to acknowledge the role that squatters and extralegal settlement played in settling the American West. Some theorists have tried to address the agency of settler colonizers. In *American Settler Colonialism: A History*, Walter L. Hixon worries that settler colonialism often sets up a false binary between colonizing people and the colonized. In reality, their relationship is much more complex. Settlers often cast off the metropole as well as the Indigenous People.[181] The squatters on the Half-Breed Tract are a great example. They ignored the federal government and the half-breeds. Of course, Hixon's analysis is not completely applicable since the half-breeds were not really indigenous people, but his basic idea that settler colonialism should not be constrained to a simple binary is useful. Lorenzo Veracini has developed a similar line of thought. In Veracini's model, colonized people, settlers, and the central state or metropole have a triangular relationship. Settlers are certainly linked to the metropole, but they often cast it off, choosing their own methods of settler colonialism.[182]

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[181] Walter L. Hixon, *American Settler Colonialism: A History*, 5, 56.
[182] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, 19.

Veracini's model is extremely helpful for conceptualizing many instances of settler colonialism and it moves beyond the simple binary understanding that is too common. However, a triangular relationship is still too simple to explain the sort of settler colonialism that occurred on the Half-Breed Tract. The Half-Breeds were really an earlier wave of colonizers who had mixed with the Sauk and Meskwaki and laid claim to the land in a similar manner to many Indigenous People who were placed on reservations. They therefore enjoyed a sort of triangular relationship with the Sauk and Meskwaki and federal government of their own. In fact, the half-breeds' settlement of the tract could be classified as settler colonialism in its own right, although this designation might not be appropriate given that they did not remove Indians from their land, choosing instead to mix with them. The point is that, while the triangular model of settler colonialism is useful, settlement of the Half-Breed Tract involved something more like a spider web, linking various actors together in a complex relationship.

No matter how complex this relationship was, the squatters ultimately succeeded in asserting a relatively simple relationship with the land: they lived on it so it was theirs. The Sauk and Meskwaki petitioned the president to remove them and the New York Land Company pushed in court to have them removed, but the squatters kept their title because settler colonialism in southeastern Iowa, like many other parts of the American West, occurred in spite of and not because of the central power structure.

CONCLUSION

The Des Moines-Mississippi Confluence, though only 119,000 acres in size, was the location of a unique reservation and a center of racial and cultural mixing, heated conflict over land, and fiery legal battles between 1799 and 1860. Its history is confusing, muddled, and complicated, but some of the stories it has to tell communicate important truths about the American West.

The presence of a reservation called the "Half-Breed Tract" in the Confluence makes the racial complexity of the region obvious even without any further investigation. The existence of a class of half-breeds is, in itself, proof of the racial mixing and cultural complexity that writers like Richard White, Anne Hyde, and Susan Sleeper-Smith have pointed to in the American West. However, even the narrative of racial mixing is not ample to the task of describing the half-breeds of southeastern Iowa. The class of "half-breeds" referred to in the Treaty of 1824 was never an ethnic class of people in the modern sense. It was rather a small group of specific people, mostly white settlers, their Indian wives, and their mixed-race children. Over time, the meaning of the term changed, jeopardizing the landholdings of the first settlers of the Confluence.

The amorphous nature of the term "half-breed" is one of the most interesting components of the struggle over the Half-Breed Tract. In the 1800s, Americans conceptions of race were changing. Not only were the "Red" and "White" races becoming more clearly delineated, Americans' notions of whiteness were in flux. David Roediger has argued convincingly for the formation of a white working-class identity in

the 1840s, at precisely the time of the struggle over the tract.[183] The concept of race was in flux between 1820-1840, with the United States government and others trying to impose a policy of racialization. The absolute inability of the Federal Government to determine who a "counted" as a half-breed is proof of the failure of racialization. While it made sense on paper to confine people into categorical racial "boxes," it was impossible to carry out in places like the Des Moines-Mississippi Confluence. The reality on the ground was one of racial complexity and was not easily simplified.

Significantly, people have not stopped trying to fit people into racial categories since the 1800s. The concept of race was certainly in flux in the early to mid-nineteenth century, but the reality is that concept of race has always been in flux—it is, after all, primarily a social construction. Race and ethnicity are generally never as fixed as historians or anyone else would like to suppose. Writing of the border between Ukraine and Transylvania, Frederick Cooper points out that, while we are trained to think of the border as clearly demarcating two separate peoples, a more nuanced look at the people who live near it suggests that mixed marriages, mixed language, and other cultural mixing challenge the rigid way we conceive of race and nationality.[184] Yet we are still very quick to categorize, often accepting historical actors status as an "Indian," "half-breed," or something else without digging more deeply into the complexity of how they identified themselves and how others identified them. This is a problem that continues to

[183] David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1996).

[184] Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkley: University of California Press, 2005), 82.

this day, making it very difficult to analyze historical theatres as complex as the American West.

The best way to approach a racially complex region like the Des Moines-Mississippi Confluence is to recognize that most of the people who lived there before the mid-1800s were either racially or culturally indeterminate. As discussed in chapter one, the half-breeds defy easy classification. They aren't easily lumped in with whites, Native Americans, or some sort of hybrid race, as the term "half-breeds" implies. They are best thought of as racially indeterminate people. The squatters were also indeterminate. Although the squatters were not racially difficult to define, their somewhat adversarial relationship with the United States Government and their extralegal status places them outside the bounds of a typical definition of "American." This is not to say that squatters were people without any sort of nationality. There is little doubt that most of them would have self-identified as "Americans," but their extralegal lifestyle placed them in, at best, an ambiguous relationship with the centralized American state. The Half-Breed Tract was an extreme example of a phenomenon that occurred throughout the American West. Many of the residents of the peripheral regions of the United States were indeterminate, existing outside of typical racial or societal norms. Engaging with the history of the American West requires stepping outside of the typical, categorical way we approach historical actors and embracing the complexity of the age.

The Des Moines-Mississippi Confluence is an appropriate name for the region. Obviously, it is bounded on both sides by rivers, making it a geographical confluence. At the same time, the region was a confluence of indeterminate people with varying

backgrounds. The West is often conceptualized as a meeting place between two parties—the federal government, which often includes settlers, and Indian nations such as the Sauk and Meskwaki. However, the Confluence shows that interaction often occurred between a much more complicated group of historical actors. In the borderland between the United States and the Sauk and Meskwaki holdings to the west, a bevy of indeterminate people settled and squabbled over land. The Sauk and Meskwaki and the United States government often stepped into the conflict but typically as ineffective moderators, as in the case of the Sauk and Meskwaki chiefs' letter to the president or the frequent decisions of the American courts in favor of the land speculators.

Squatters role in settling the region is particularly interesting. As was common in the American West before 1862, the Confluence was settled largely by extralegal squatters. Operating outside of the bounds of American law, they claimed land, apparently set up a claims association, collectively defended their "property," and even formed their own political party. What's so remarkable about the squatters is not just the fact that they settled on the land without government permission, it's their success. Squatters on the tract and throughout the American West proved, in some case, extremely successful at incorporating the land after their own fashion and setting up their own communities. Squatters outside of the tract formed claims associations, obtained occupancy rights, preemption, and eventually legal title to their land. Squatters on the tract faced a more difficult road because they had not only settled on unsurveyed land but land that had already been given to someone else. Still, through organizations,

stubbornness, and the lack of federal authority, they were able to eventually obtain title to their land.

This has several implications for how we view the American West before the Homestead Act. Much of western settlement was performed by extralegal squatters who often had a complicated or even adversarial relationship with the federal government. These squatters thrived in the peripheral regions of the United States, where the arm of the federal government was too weak to force their compliance with the Land Ordinance of 1785. I have argued that these squatters might be best conceptualized within James C. Scott's model of the center and the periphery. The squatters, hoping to avoid government intervention or taxes, simply moved far from the central government and set up their farms on the periphery. Western settlement, then, could be an act of resistance against government policies perceived as unfair, like laws that made western land too expensive for poor Americans.

Significantly, the squatters also show that settler colonialism and land incorporation were not always achieved by centralized states, or, at least not within their legally prescribed plan. Squatters in the Half-Breed Tract, freed from the shackles of government intervention, were very successful at settler colonialism and land incorporation.

They successfully occupied land that belonged to the half-breeds, a form of settler colonialism and even developed their own system for incorporating the land through claims associations. The squatters on the Half-Breed Tract and elsewhere in eastern Iowa

demonstrated intelligence and organizational skills by developing a complex system of obtaining, claiming, and registering land. They also forced claims jumpers off using their own methods of frontier justice. The squatters were a highly functioning, extralegal group that effectively forced the half-breeds off their land and incorporated it by defining boundaries, etc. Squatters deserve a great deal more attention from American historians, particularly in regard to their unique role in settler colonialism and land incorporation.

Land speculators, largely ignored in the literature, were another major player in the Confluence. Speculators were mostly eastern men, seeking to make easy money off investments in the West. They were represented by land agents and corporations like the New York Land Company. Interestingly, the land speculators, unlike the half-breeds and squatters, were not indeterminate. The speculators represented the mainstream, capitalist tendencies of the American State. Many eastern investors were important men. Daniel Webster, Stephen A. Douglas, John Slidell, and numerous other eastern politicians invested in large swaths of western land.[185] The land agents and land companies that represented these easterners in the west wielded large reserves of capital and skilled lawyers like Francis Scott Key. It would seem inevitable that such speculator interests, grounded in American society and its laws, would have eventually triumphed over the extralegal squatter. But they didn't. The squatters, a group of poor settlers with no legal legs to stand on, somehow managed to keep their land in spite of the best efforts of a landed, wealthy class of speculators with some of the best lawyers in the country. They

[185] Paul W. Gates, *Landlords and Tenants on the Prairie Frontier* (Ithaca, N.Y.: Cornell University Press, 1973), 2-3, 171.

didn't achieve success through strong legal arguments, either. Instead, they stubbornly remained on their land and demonstrated how weak the federal government often was on the periphery. This may be one of the biggest lessons the Half-Breed Tract can teach us. Not only were settlers able to act outside of the limits of the American legal system by claiming land that wasn't theirs, they were able to, through solidarity and organization, push themselves into a favorable spot even after the region became more incorporated and less of a frontier.

The squatters' success in incorporating the Confluence after their own fashion and maintaining it against legal challenges shows just how much agency settlers were sometimes able to exercise in the American West. Laws were not always strong enough to corral extralegal settlers like the squatters. The sheer number of court cases surrounding the tract is telling because they had virtually no impact. Scholars need to rethink the role of settlers in settler colonialism and western expansion. Lorenzo Veracini's triangular model is helpful because it ascribes more agency to settlers, but, at least in the case of the Half-Breed Tract, settler colonialism was based on a much more complex relationship with more players, resembling a spider web.[186]

At the end of the day, the Des Moines-Mississippi Confluence and the Half-Breed Tract that briefly existed on it is only a 119,000-acre region in what is now southeastern Iowa. Today, the region is largely agricultural, with a few small towns and kind residents. It would be hard to argue that the region's story is pivotal to the American

[186] Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview*, 19.

West. However, it provides an excellent case study of the complexities of western expansion. Groups of racially and culturally indeterminate people without a strong connection to the centralized American state fought over the land. Eventually the region became more or less incorporated into the United States but on the squatter's terms. The actors involved in the struggle were complicated people, whose identity requires fleshing out. The half-breeds were not as simple as their name implied and the settlers were a complicated bunch. As a case study, the Confluence is useful because it presents some of the key players in many of the struggles over land in the American West before the Homestead Act: Indigenous People, squatters, land speculators, and the federal government while also mixing in the half-breeds for good measure. It would be foolish to say that a case study of the tract is most useful for it's stereotypical representation of western expansion, though. It is most worthwhile because it presents the stereotypical actors in all of the enormous complexity of western expansion, revealing how complex the struggle for land could be. If for no other reason, the Des Moines-Mississippi Confluence and Half-Breed Tract are a valuable case study because they reveal the complex, confusing nature of western expansion, disproving the often highly simplified notions that we hold.

The Confluence and tract are significant as more than a case study, however. They also provide valuable information that can help complicate the broad narratives of American West history that are so important to the discipline. As already mentioned, western expansion and land appropriation were much more complicated than the standard, "whites displace Indians" narrative we often hear. Second, historians need to

reconceptualize the role of squatters in American history. Third, historians need to question the authority actually held by the federal government in peripheral regions of the United States.

In chapter one, I referenced a monument to the old apple orchard that early settlers found in the Confluence. The orchard's existence suggested that region's history was longer and more complex than most people supposed. Ironically, the monument was submerged under Keokuk Lake when engineers rerouted the Mississippi. We must be careful not to submerge the complex history of the American West in the same way.

BIBLIOGRAPHY

Primary Sources:

Bickel, R.J. "'Rat Row' in Keokuk." *Annals of Iowa* 33, no. 6 (Fall 1956): 450-453.

Campbell, Isaac R. "Recollections of the Early Settlement of Lee Co." *Annals of Iowa* 1867, no. 3 (1867): 883-895.

Cartographic Records (Part 1). Iowa Territorial Papers. Microcopy No. 325. Roll No. 31. University of Northern Iowa. In F.616.T4.

"From New York." *Weekly Davenport Democrat*. March 31, 1858.

Fulton, A.R. *The Red Men of Iowa: Being a History of the Various Aboriginal Tribes*. Des Moines: Mills & Company, Publishers, 1882.

Galland, Isaac. "Dr. Galland's Account of the Half-Breed Tract." *The Annals of Iowa* 10, no. 6 (1912): 450-466.

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

"Grimes and Starr." *Hawk-Eye* (Burlington). December 21, 1843.

"Half Breed Cases." *Burlington Hawk-Eye*. June 19, 1851.

"Half Breed Disturbances—Speak of Civil War." *Burlington Hawk-Eye*. June 5, 1851.

"Half Breed Tract." *Hawk-Eye* (Burlington). December 21, 1843.

"Half Breed Tract." *Hawk-Eye* (Burlington). April 11, 1844.

Harlan, Edgar R. "A Map of the Half Breed Tract." *The Annals of Iowa* 14, no. 6 (1924): 422-423.

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

Joseph Webster v. Hugh T. Reid. Iowa Territorial Papers Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851. State Historical Society of Iowa in Des Moines. Microfilm. F 621.T4, roll 9, case #2736.

Knoepfler, Carl. “The Half Breed Problem.” Master’s thesis, the University of Iowa, ca. 1913.

Lea, Albert M. *The Book that Gave Iowa its Name: A Reprint*. Iowa City: Athens Press, 1935.

“Lee County Deed Record Lands." Lee County, IA County Records. Microfilm, roll 3.

"Lee County Land and Town Lot Deeds Index volumes 1-3." Lee County, IA County Records, Roll 1. Microfilm

Letters Sent by the Office of Indian Affairs, 1824-1881, Iowa Territorial Papers volumes 24-33. University of Northern Iowa library, Cedar Falls, IA. Microfilm.

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, case #2568. Iowa Territorial Papers, Roll 9. Microfilm.

Mason, Charles. “Decree in Partition of the Half Breed Tract in Lee County, Iowa, 1840.” *The Annals of Iowa* 14, no. 6 (1924): 424-460.

“Police Riot at Keokuk.” *Burlington Hawk-Eye*. May 30, 1850.

Records of the U.S. Gov't Sup. Court Cases, Opinions, & Mandates 1843-1851, case #2736. Iowa Territorial Papers, roll 9. Microfilm.

“Supreme Court—Important Decisions.” *Burlington Hawk-Eye*. June 14, 1849.

Taylor, Hawkins. “Squatters and Speculators at the First Land Sales.” *The Annals of Iowa* 1870 no. 3.

Treaty with the Chickasaw: 1816. Taken from *The Avalon Project*. Accessed March 29, 2018. http://avalon.law.yale.edu/19th_century/nt004.asp.

Treaty of the Greenville 1795, taken from The Avalon Project. Accessed March 29, 2018. http://avalon.law.yale.edu/18th_century/greenvil.asp.

Treaty with the Powatami, 1828. Taken from *The Avalon Project*. Accessed March 29, 2018. http://avalon.law.yale.edu/19th_century/pot1828.asp.

"Treaty with the Sauk and Foxes: August 4, 1824." *First People*. Accessed February 15, 2018. http://www.firstpeople.us/FP-Html-Treaties/TreatyWithTheSaukAndFoxes1824.html.

Treaty with the Wyandot, etc., :1789. Taken from *The Avalon Project*. Accessed March 29, 2018, http://avalon.law.yale.edu/18th_century/wya1789.asp.

Untitled Bill of Sale. Jeremiah Smith, Jr. Papers Box 1: Correspondence, 1838-1847, Miscellaneous documents, 1837-1849. Microfilm.

Wick, B.L. "The Struggle for the Half-Breed Tract." *The Annals of Iowa* 7, no. 1 (1905): 16-29.

Secondary Sources:

Biographical Review of Lee County, Iowa. Chicago: Hobart Publishing Company, 1905.

Chang, David A. "Borderlands in a World at Sea: Concow Indians, Native Hawaiians, and South Chinese in Indigenous, Global, and National Spaces." *Journal of American History* 98, no. 2 (2011): 384-403.

Clark, Dan Elbert. "History of Senatorial Elections in Iowa: A Study in American Politics." Ph.D. diss, University of Iowa, 1910.

Deloria, Philip J. *Playing Indian*. New Haven, CT: Yale University Press, 1998.

Faragher, John Mack. *Sugar Creek: Life on the Illinois Prairie*. New Haven, CT: Yale University Press, 1986.

Fischer, John Ryan. *Cattle Colonialism: An Environmental History of the Conquest of California and Hawai'i*. Chapel Hill: University of North Carolina Press, 2015.

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

Gates, Paul W. *Landlords and Tenants on the Prairie Frontier*. Ithaca, N.Y.: Cornell University Press, 1973.

Goldstein, Aloysha, ed. *Formations of United States Colonialism*. Durham: Duke University Press, 2014.

Harris, Cheryl I. “Whiteness as Property.” *Harvard Law Review* 106, no. 8 (1993): 1707-1791.

Hixon, Walter L. *American Settler Colonialism: A History.* New York: Palmgrave Macmillan, 2014.

Hogue, Michael. *Metis and the Medicine Line: Creating a Border and Dividing a People*. Chapel Hill: University of North Carolina Press, 2015.

Horne, Gerald *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean*. New York: Monthly Review Press, 2018.

Hyde, Anne F. *Empires, Nations, and Families: A New History of the American West, 1800-1860*. New York: Harper Collins Publishers, 2011.

Jennings, Francis. *The Creation of America: Through Revolution to Empire*. New York: Cambridge University Press, 2000.

Johnson, Jack T. “The First State Election.” *The Palimpsest* 27 (1946).

Johnson, Paul E. *A Shopkeeper's Millenium: Society and Revivals in Rochester, New York, 1815 1837*. New York: Hill and Wang, 2004.

Legassick, Michael. *The Politics of a South African Frontier: The Griqua, the Sothotswana and the Missionaries, 1780-1840*. Basel: Basel Afrika Bibloraphien, 2010.

Lokken, Roscoe L. *Iowa Public Land Disposal*. Iowa City: State Historical Society of Iowa, 1942, 69.

Lowerey, Melinda Maynor. *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation*. Chapel Hill: University of North Carolina, 2010.

Meyer, Melissa L. *The White Earth Tragedy: Ethnicity and Dispossession at a Minnesota Anishinaabe Reservation, 1889-1920.* Lincoln, NE: University of Nebraska Press, 1994.

Macdougall, Brenda, Carolyn Podruchny, and Nicole St-Onge, eds. *Contours of a People: Metis Family, Mobility, and History*. Norman: University of Oklahoma Press, 2012.

Middlekauff, Robert. *The Glorious Cause: The American Revolution 1763-1789*. New York: Oxford University Press, 2005.

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

Nichols, Roger L. *Black Hawk and the Warrior's Path*. Wheeling, IL: Harlan Davidson, Inc., 1992.

Prucha, Francis Paul. *The Great Father: The United States Government and the American Indians*. 2 vols. Lincoln, NE: University of Nebraska Press, 1984.

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

Saranillio, Dean Itsuji. "Settler Colonialism." In *Native Studies Keywords*, edited by Stephanie Nohelani Teves, et al, 284-300. Tucson: University of Arizona Press, 2015.

Schwieder, Dorothy. *Iowa: The Middle Land*. Iowa City: University of Iowa Press, 1996.

Scott, James C. *Against the Grain: A Deep History of the Earliest States*. New Haven, CT: Yale University Press, 2017.

Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven, CT: Yale University Press, 1998.

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

Sturm, Circe. *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma*. Berkley: University of California Press, 2002.

Teves, Stephanie Nohelani et al. "Colonialism." In *Native Studies Keywords*, edited by Stephanie Nohelani Teves, et al, 271-284. Tucson: University of Arizona Press, 2015. Accessed February 28, 2018. Rod Library online database.

Veracini, Lorenzo. *Settler Colonialism: A Theoretical Overview*. New York: Palgrave Macmillan, 2010.

White, Richard. *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*. New York: Cambridge University Press, 1991.

Wilson, James. *The Earth Shall Weep: A History of Native America*. New York: Grove Press, 1998.

Wishart, David J. *An Unspeakable Sadness: The Dispossession of the Nebraska Indians*. Lincoln: University of Nebraska Press, 1994.

Wolfe, Patrick. "After the Frontier: Separation and Absorption in American Indian Policy." *Settler Colonial Studies* 1, no. 1 (2011): 2011.

Wolfe, Patrick. "Land, Labor, and Difference: Elementary Structures of Race." *The American Historical Review* 106, no. 3 (2001): 866-905.

Wolfe, Patrick. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8, no. 4 (2006): 387-409.

APPENDIX: MAPS

Figure 1: Iowa's Rivers

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.

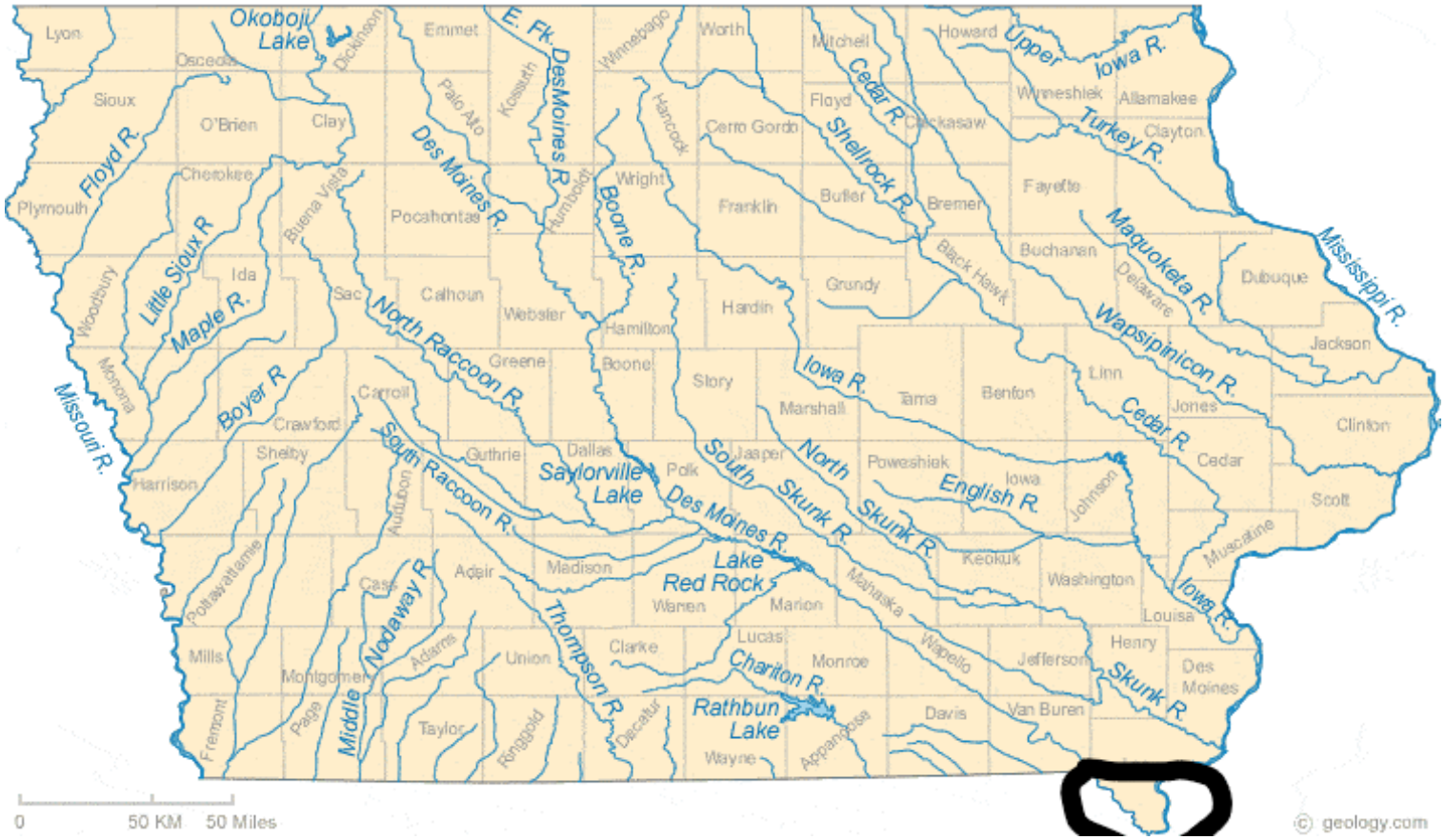


Figure 2: A map of the Half-Breed Tract in 1839.

From Cartographic Records (Part 1), Iowa Territorial Papers, Microcopy No. 325, roll no. 31. University of Northern Iowa, F.616.T4.

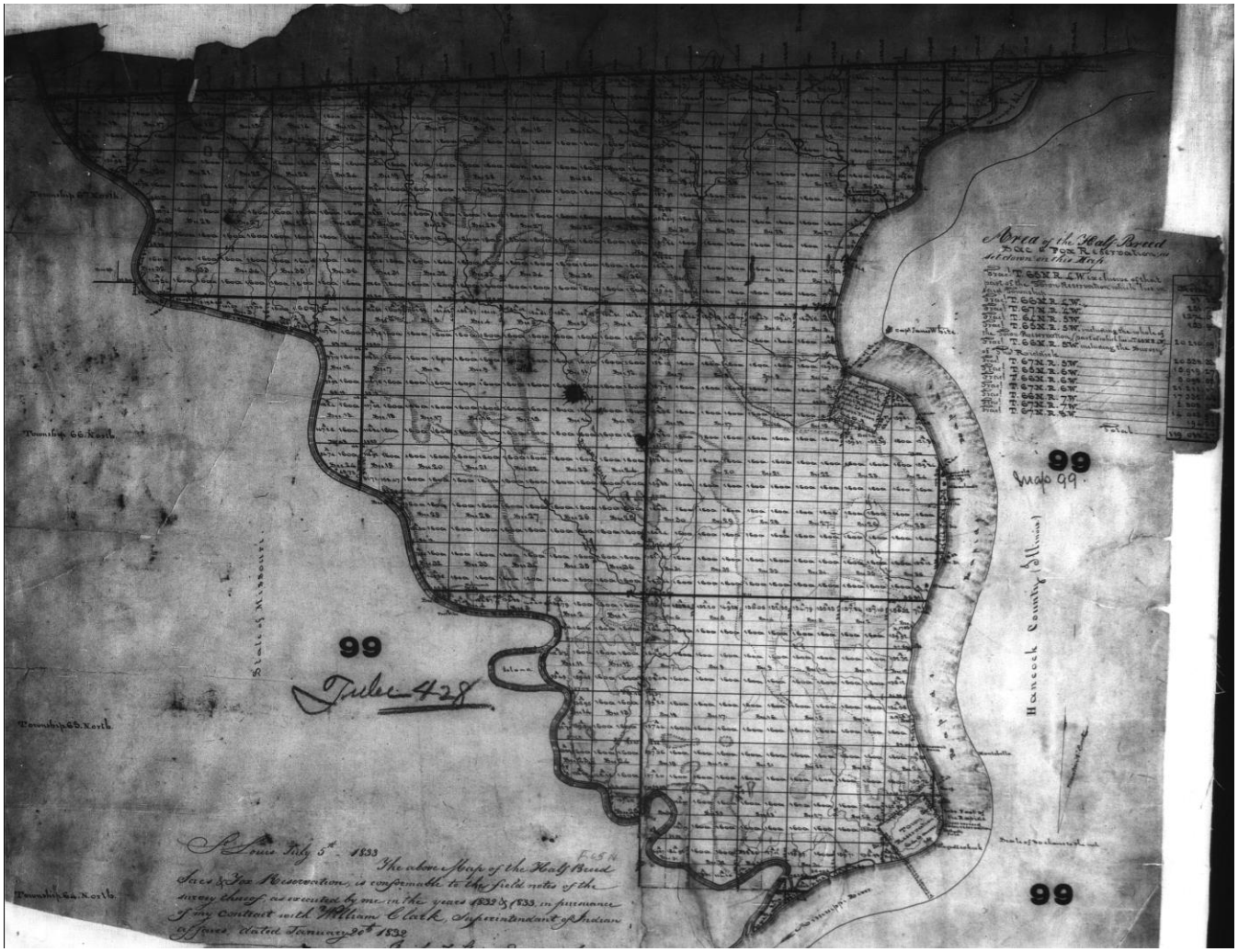


Figure 3: "A Map of the portion of Indian Country Lying East and West of the Mississippi River to the Forty Sixth Degree of North Latitude from Personal Observations Made in the Autumn of 1835 and Recent Authentic Documents."

This map shows Indian holdings in what is now Iowa in 1835. You can see the Half-Breed Tract in the bottom right corner. From Cartographic Records (Part 1), Iowa Territorial Papers, Microcopy No. 325, roll no. 31. University of Northern Iowa, F.616.T4.

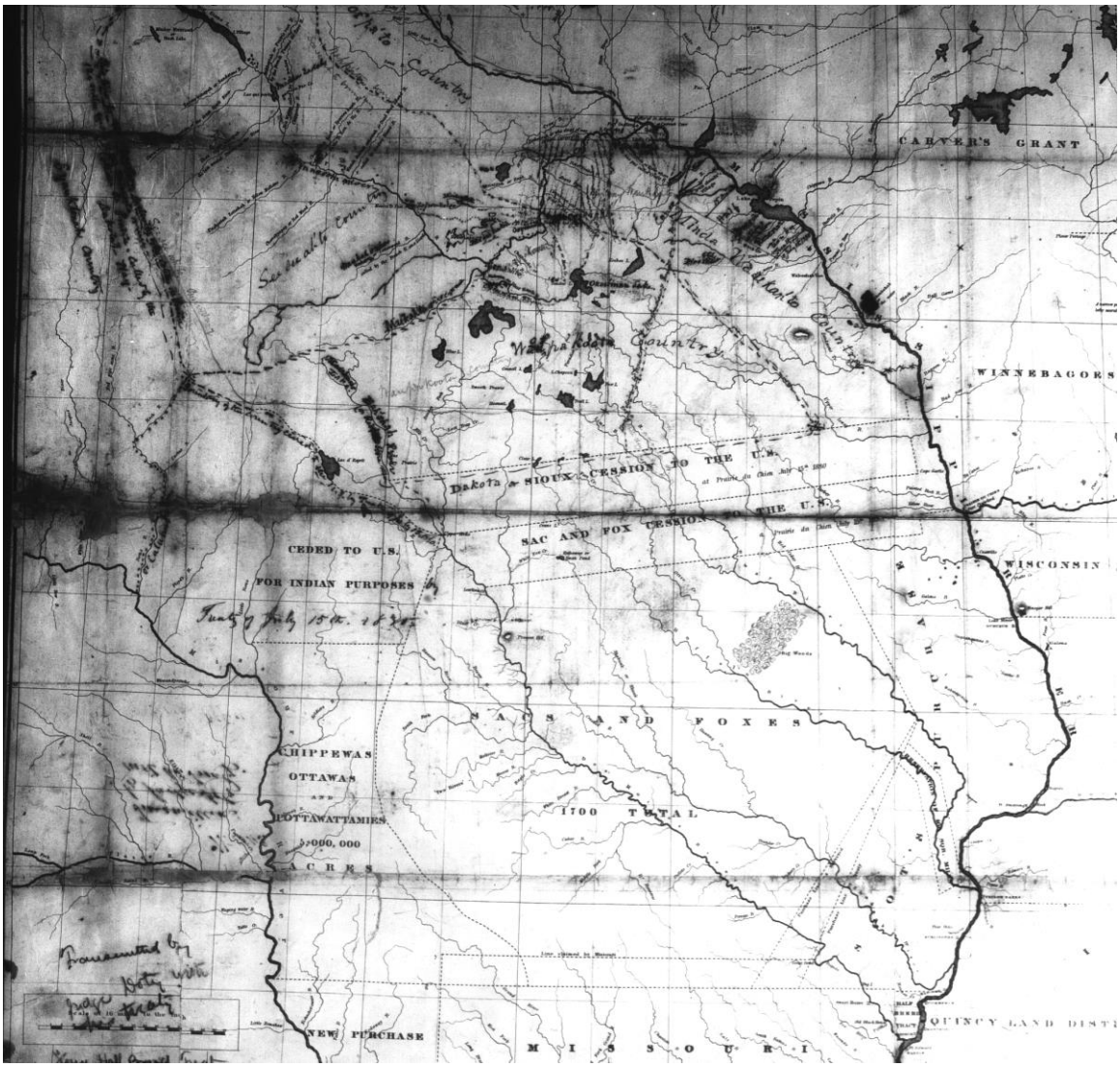


Figure 4: Lee County as it appears today

From *Farm and Home Plat & Directory: Lee County, 2006* (Farm and Home Publishers, LTD, 2006), 36-37, University of Northern Iowa Special Collections, Map Ref.G1433.L4F37.

