

CLAIM ASSOCIATIONS AND PIONEER DEMOCRACY IN EARLY MINNESOTA¹

Back of the glamour of public affairs the American people have had no more insistent and vital concern than that for land titles. Under normal circumstances the pioneer held to the accepted principles of property rights, but whenever new conditions — not of his own making — faced him, he did not hesitate to deviate from the law of the past. As the line of settlement moved rapidly westward the government fell behind in the process of stabilizing titles according to the accepted formula of Indian cession, survey, sale, and registration of deed. During the interval between actual settlement and governmental registration the question of land titles constantly agitated the minds of the frontiersmen.

While preëmption laws affecting different regions had already been passed, in 1841 the government gave general recognition to validity of the squatter's claim by passing a comprehensive preëmption bill. In spite of this, whenever there was no convenient machinery for determining who was the rightful preëmptor the land title remained unsettled. Since blazed trees, stakes, and such markers were the squatter's only record until his claim was filed, since he was often quite indifferent about registering his claim at all, and since his frequent absence for considerable periods of time invited claim-jumping, his title was never secure.

To meet this situation the pioneer devised the land claim association.² This was generally a formal organization having

¹ Read at the annual meeting of the Minnesota Historical Society at St. Paul on January 9, 1928. *Ed.*

² While the topic of the land claim association has not been exhaustively treated, the significance of this organization has been recognized in a number of general treatments of the westward movement and land development. Frederick J. Turner and Frederick Merk, in their *List*

a constitution and by-laws and meeting with more or less regularity. In Iowa such associations seem to have been quite common; in Minnesota — less predominantly agricultural — they were apparently not so numerous. At least three existed along the Mississippi River — one at Brownsville in Houston County, and two near the present site of Winona at Wabasha Prairie and Rollingstone. Four were clustered about the Twin Cities — one at Mendota, one east of Fort Snelling within what are now the city limits of St. Paul, one practically in the heart of the present Minneapolis, and one near Lake Calhoun. There was an association in Nicollet County and one in Benton County. This list of nine associations may possibly be extended.

Although the fact and the form of the claim association may be readily ascertained from the relevant documents that have been preserved, the subtle processes that produced these associations must be reconstructed from scanty and widely scattered references of all kinds, nowhere more frequently discovered than in the current newspapers. Like the *obiter dicta* of a court's decision, these more or less incidental comments sometimes assume an importance quite equal to that of the formal pronouncements of an authoritative assembly.

In spite of the scarcity of materials it is possible even now to trace the development of the Military Reserve Claim Association with a fair degree of confidence. While the term "military reserve" refers properly to the Fort Snelling reservation as defined by the survey of 1839, including land north

of References on the History of the West, 72 (Cambridge, Massachusetts, 1922), cite a number of items under the heading "Squatters and Land Claims Associations." The Iowa associations have been studied quite thoroughly by Benjamin Shambaugh in two works, the *History of the Constitutions of Iowa*, 30-65 (Des Moines, 1902) and the *Constitution and Records of the Claim Association of Johnson County, Iowa* (Iowa City, 1894). Dr. Shambaugh has also written a general treatment of "Frontier Land Clubs or Claim Associations," which is published in the American Historical Association, *Annual Report*, 1900, vol. 1, p. 67-84.

of the Minnesota River to Nine Mile Creek and west to Lake Calhoun, the claim association was concerned with the part of the reserve that lay east of the Mississippi, extending about as far as Seven Corners in St. Paul and limited on the north by a line drawn directly west from Seven Corners to the river.

In order to get a proper perspective for the Military Reserve Claim Association we should go back to 1847, when the government surveys were extended into the section between the Mississippi and the St. Croix rivers, a region that had recently been ceded by the Indians to the government. The St. Paul squatters had about ninety acres of their settlement surveyed and went in the summer of 1848 to St. Croix Falls, where the land was to be offered for sale. Since they had visions of speculators who would outbid them, they asked Henry H. Sibley to bid in all the land for them. On the testimony of Sibley, as well as of others, the house was virtually packed by the settlers, and even if a speculator had got within speaking distance of the auctioneer he might have been knocked down by one of many ready clubs. If any speculators were present, they were most discreet.³ There seems to have been no formal organization, and yet this was association strategy. Some of the men who were at St. Croix Falls employed the same strategy at a later time, but as members of an association.

In 1849 Governor Ramsey was authorized to negotiate for a cession of the Sioux lands. Soon the rumor was started that Fort Snelling would become insignificant or be removed entirely. In either case reserved lands would be offered for sale. Early in 1850 claims were staked out with shingles stuck in the snow. The next step was to call a meeting on March 2 at the Central House in St. Paul for the purpose of forming a claim association.⁴ An interesting account of this meeting, "perhaps the largest meeting that has been held in St. Paul," is given in the *Minnesota Chronicle and Register* of March

³ William W. Folwell, *History of Minnesota*, 1: 225 (St. Paul, 1921).

⁴ *Minnesota Pioneer* (St. Paul), February 20, 27, 1850.

9, 1850, in a communication signed "Caleb, 2d." It would appear that almost the entire body was opposed to the move on the ground, astonishing as it may seem, that it was being organized for the purpose of speculation. Although the bitterest opponents of this particular move were in favor of associations, there was no claim association formed at that meeting.

The Sioux cession of 1851 opened up lands for all who wanted them. John P. Owens, editor of the *Minnesotian*, who had opposed the formation of an association in 1850, early in 1852 began to plead for a confederation of associations, presumably to cover the whole southern part of the state.⁵ The reduction of the military reservation followed the Sioux cession. Unfortunately no provision was made for pre-emption rights and the claim holders faced the possibility of being outbid when the land should be offered for sale. This fact and the availability of lands in the Sioux cession for all settlers removed most of the earlier objections to an association. As a natural consequence of this change, the Military Reserve Claim Association was formed on March 26, 1853. At first democratic enthusiasm created an elaborate constitution for the detailed control of claims and titles; soon democratic lethargy chilled the ardor of the entire association. A new constitution and new membership lists failed to bring about the realization of early hopes.⁶

Early in July, 1854, the presidential proclamation advertising the sale of Minnesota lands, including those of the reserve, aroused the dormant association. The members vigorously prepared to guard their rights at the sale scheduled for September 11, 1854, at Stillwater. They appealed for support to the sister associations of the reserve, as well as to the one at Brownsville. On July 14 the Minneapolis or Hennepin

⁵ *Minnesotian* (St. Paul), January 24, 1852.

⁶ The manuscript constitution and minutes of the Military Reserve Claim Association are in the possession of the Minnesota Historical Society.

County association met and pledged assistance to the Military Reserve association at the sale. The Calhoun and the Mendota groups had already promised help.⁷ The plan adopted was to have members of the associations present at Stillwater *en masse* and to have at the sale a single bidder, William R. Marshall, representing the Military Reserve association. The plan worked. On Sunday, September 10, members of the Hennepin County Claim Association, numbering about two hundred and eighty persons, passed through St. Paul on their way to Stillwater. Members of the Military Reserve association were there as a matter of course. During the day enthusiasm was sustained by boisterous harangues punctuated with bugle calls and pistol shots. The peace of the night was disturbed by choice because of the excitement of the occasion, and by necessity because of the scarcity of sleeping quarters.⁸

The next morning members of the various associations represented, estimated at between two and four hundred, were ready for the sale. The Dakota and the Hennepin County associations were addressed by Henry H. Sibley and Isaac Atwater, both of whom gave encouragement to their plans.⁹ Speculators were supposed to be there also, and no doubt were, for any non-association member who would have dared to offer a bid on land claimed by a member would have been called a speculator. The land — 4,504 acres — was sold without any disturbance and every member claimant secured a title to his property. The technique was practically identical with that employed in 1848 when Sibley bid in the St. Paul land. The settlers intrusted their claims to their official bidder. Even the drenching rain that poured down upon them as they stood in the street did not lessen their determination to carry out their plan. After the crowd had dispersed some clubs were seen in the street, although there was no outward sign of excitement at the sale. It was the general belief that these

⁷ *St. Anthony Express*, July 15, 22, 1854.

⁸ *Pioneer*, September 11, 1854; *Minnesotian*, September 13, 1854.

⁹ *St. Anthony Express*, September 16, 1854.

clubs had been brought for a purpose. One bitter opponent of the speculator deplored the "great waste of timber."¹⁰

The only subsequent event calling for comment here was an investigation that followed the single complaint made by a man named Henderson, who seems not to have been an acquaintance of the association members and who was suspected by some of being a speculator.¹¹ The investigation revealed nothing officially startling. The claim association had been successful. Henceforth there was no need for such an association for the protection of titles.

The land of the Hennepin County association was to have been sold at Minneapolis on September 18, 1854, a week after the Stillwater sale. All hoped that the precedent established there would discourage speculators, but since maps and instructions did not arrive in time, no sale was held. The opening of the Minneapolis land office was deferred until October 9, 1854, and the sale did not occur until late in 1855.¹²

Notices of Hennepin County association activities seem not to be available after September, 1854. Four causes are discernible. First, reflection on violence as the possible outcome of the Stillwater procedure sobered the members. It may be that religious feeling also contributed toward the elimination of intimidation and force, as Dr. Folwell suggests.¹³ Second, strenuous agitation in favor of preëmption rights finally secured the passage of a bill in 1855. Preëmption titles could henceforth be registered in a legal way. Third, the land office was more acceptable and more successful than the association as a board of arbitration for disputed cases. The *St. Anthony Express* referred repeatedly to the great number of cases being settled in this legal way, to the satisfaction of the landowners. Edward Murphy, himself a member of the executive commit-

¹⁰ *Minnesotian*, September 13, 1854.

¹¹ *St. Anthony Express*, December 23, 1854.

¹² *St. Anthony Express*, September 23, October 14, 1854; November 3, 1855; *Minnesota Republican* (St. Anthony), October 25, 1855.

¹³ *History of Minnesota*, 2: 431.

tee of the Hennepin County association at one time, submitted his dispute to the land office — the last of the military reserve contests to be decided. After the decision of the secretary of the interior at Washington, he was permitted to file his entry on December 4, 1856.¹⁴ Fourth, Minneapolis was growing rapidly in 1854 and 1855. It could not grow if its land were to be held at a dollar and a quarter an acre. Speculation, as the farmer viewed it, was necessary.

These influences soon weakened the claim association and when the land was offered for sale late in October, 1855, the members who a year before had pledged each other protection were present without fear of what they called "speculation." In the issue of November 3, 1855, the *St. Anthony Express* reported that the sale was very quiet. It rejoiced at the high prices paid for unclaimed land — higher than any hitherto paid in that part of the country — but the editor seemed to remember his own fervid advocacy of concerted action on the part of the associations a year earlier, for he added that the lands "were of such a character, that they would not soon have been taken by actual settlers."¹⁵

From the foregoing statements it can be seen that claim associations arose out of concrete problems connected with the securing of land titles and ceased to exist when the titles were legally stabilized. This is presumably true of all of them, though local conditions were responsible for more or less significant variations.

The Wabasha Prairie Protection Club was formed on May 8, 1852, because as "Elder" Edward Ely recorded, "The sudden and unexpected arrival of so many strangers has alarmed the claimants here in regard to the safety of their claims."¹⁶ While not unlike others in organization, this as-

¹⁴ *St. Anthony Express*, December 6, 1856.

¹⁵ See also *Minnesota Republican*, October 25, 1855.

¹⁶ "Leaves from the Notes of an Old Settler," in *Winona Daily Republican*, May 8, 1867. A statement that these "Notes" are quoted from "Mr. Ely's Journal" is included in the introduction to the first installment, published in the *Republican* for May 4, 1867.

sociation differed from those located on the military reserve in its relationship to the community. Though organized to protect titles, it came to be a club in which group interests of varied types were discussed. For instance, the local post office was arranged for and the postmaster selected through the land club. Topics for discussion went far beyond the limits implied in the name of the organization. The claim association was practically expanded into a New England town meeting.

At Rollingstone a different tendency was manifested. There the Western Farm and Village Association tried in 1852 to develop a large colony around Minnesota City. According to Ely it had been organized "in the rooms of the Society in Grand street, New York."¹⁷ Its colonization plans were primary. Owens visited the colony and classed it with the Wabasha Prairie Protection Club because of its work in guarding claim titles.¹⁸ In fact, it had a special committee on claims. Ely tells of what he considered "almost the only serious difficulty that arose among the colony about claims." A young lady, Miss Amidon, made a claim on the South Rollingstone, about halfway between Minnesota City and Stockton. Later, she left and went east, placing her claim in the care of the association. In her absence a settler living near by decided that he preferred her claim. He moved over, cut logs, and prepared to build a cabin. The committee on claims visited him and pointed out that his action was in violation of the laws of the association. The claim-jumper would not yield, even though the committee offered to help him build the cabin on his original claim. One night an informal committee paid his log pile a visit, and in the morning he discovered that he had twice as many logs, but they were only one-half the original length. On the occasion of the next visit the regular committee had little difficulty in persuading him to move and in fulfillment of the original offer it helped him build on his

¹⁷ *Winona Republican*, May 20, 1867.

¹⁸ *Minnesotian*, June 12, 1852.

own claim a six-sided cabin made out of the short logs. This was standing fifteen years later, a rebuke to the cupidity of the trespasser and a monument to the diplomacy of the committee.¹⁹

One might gain the impression from the stated ideals and from the mutual aid sometimes rendered that the claim associations were free from the impulses of the speculator. It is really quite difficult, however, to separate the speculators from the pioneer settlers themselves. Speculation was probably the object of some who proposed the formation of the Military Reserve Claim Association in 1850. James M. Goodhue of the *Pioneer* was reported to have proposed the purchase of the land at a dollar and a quarter an acre and its sale at private sale prices at a later time. The profit was to be distributed to the members of the association. On account of restricted membership and control of sales such a scheme might readily be viewed as speculation. The Hennepin County association was not unaware of the advantages of controlled sales for making profits and took steps to secure them. "Recognizing the fact that with such abundant water power an industrial town would likely spring up, the settlers organized an association for self protection," according to one writer.²⁰ The sale of claimed land in October, 1855, at the regular price and of unclaimed land at higher prices suggests the approach of a "boom" in Minneapolis real estate.

Forces other than speculation were at work within to disrupt the ideal operations of the claim association. When unregulated by established law the assumption of power sometimes led to violence and discredited the motives of the originators. Even when violence was not present the associations were sometimes thought of as "part of the established common law of the west," and as designed to supersede the civil law

¹⁹ *Winona Republican*, June 24, 1867.

²⁰ *Minnesota Chronicle and Register* (St. Paul), March 9, 1850; Frank C. Coolbaugh, "Reminiscences of the Early Days of Minnesota, 1851 to 1861," in *Minnesota Historical Collections*, 15: 487.

because of its cumbersomeness.²¹ The *Winona Argus* condemned land association tactics in the administration of justice on the ground that they were "unfit for a civilized community" and led to injustice.²²

Perhaps in time of crisis the associations represented a fairly unified point of view, but one can read between the lines and discover that the real enemy was indifference to the program of joint action. This explains better than anything else the change that took place in the organization of the Military Reserve Claim Association. "Gross outrages . . . committed against the rights and property of worthy and peaceable citizens" spurred the Dakota County settlers in the late winter of 1855 to revive their association, which had been allowed to lapse through indifference.²³ A similar experience befell the Nicollet County association. "After its first meeting a want of interest in its proceedings, and confidence in its efficiency to afford the protection held out by its constitution . . . manifested itself among the members, and it soon fell into disrepute, and existed only in name."²⁴

That these associations passed through so many vicissitudes is not really to be wondered at. They were characterized by the common traits of humanity. They were made up of human beings. They crumbled from internal weakness as well as from other causes. Elder Ely's ironical comments on claim making are worthy of inclusion here. "It's said 'there are tricks in every trade but ours' — Claim making was a peculiar science, and could only be learned by a residence in a claim country. First, when you measure a claim you must look out that there are 320 acres instead of 160, which the law allows. You must claim for yourself and some brother, father, cousin, or friend, that you expect will come soon, so

²¹ *St. Peter's Courier*, April 26, 1855.

²² Quoted in the *St. Croix Union* (Stillwater), June 9, 1855.

²³ *Pioneer*, March 15, 1855.

²⁴ *St. Peter's Courier*, April 26, 1855.

as to be your neighbor. You must claim so that you can sell a claim and have one or more left." ²⁵

Out of such a background the claim association came, stayed but a short time, and disappeared. It left little imprint on our institutional life. In fact, it got its form from already existing institutions. As an exercise in democratic control it was often valuable in cultivating discipline. Judged by the standards of time and place, its excesses were probably not more evident than those of more regularly established organizations. It reflects in particular the pioneer's resourcefulness in meeting conditions for which there was no existing formula.

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²⁵ *Winona Republican*, June 11, 1867.



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