

THOMAS H. NAPIER

A PIONEER of considerable distinction and influence during a critical period of the county and town, was Thomas H. Napier, a Virginian, who came here in April, 1846, and made a claim near Four Mile Creek, in what is now Grant Township. He experienced the vicissitudes and vexations common to all settlers in those days, the most important of which was the want of lumber for house building and facilities for procuring food supplies. Mills were fifty to seventy-five miles away, and wheat made into flour at but few. Corn meal was the staple. Often the family meal box was empty. Swollen rivers and impossible wagoning necessitated pounding corn at the home, or sometimes the small boy would be given a carpenter's plane, and, inverting it, by passing the ear over it he could "jint" enough to serve the family needs. It was a little "scratchy," they used to say, but was relished better than the "angel" cake of to-day.

Napier, with some experience in building, having helped to quarry and furnish the stone for the first Capitol of the state, at Iowa City, concluded to utilize Four Mile Creek, a small stream with swift current and considerable fall. He therefore constructed a dam and built a small mill of rude construction for sawing lumber and grinding grain, which was of immense value to the settlers. Wheat was sometimes ground, but there was no bolting machine, and the flour was coarse. The farmers' wives, however, were equal to the emergency. Fastening a coarse cloth over the open side of a box, and sifting the flour, they secured what greatly improved the quality of their bread.

In April, 1847, the Township of Four Mile was set off from Des Moines Township, and at the first election therein, Napier was elected Justice of the Peace.

The township derived its name from the small, tortuous stream which flowed through it. The township has since then been so

decimated by carving other townships from it that it has practically lost the creek entirely. The Fort having been established some time before the county was settled, travel from the East to The Fort, and the trail crossed this creek, very near where the Rock Island railroad now crosses it, about four miles east, and travelers and teamsters reaching it knew they were within four miles of The Fort. There, the first bridge in the county was built. The creek is very serpentine, the railroad crossing it four times between Des Moines and Altoona.

At the second session of the District Court, Napier was chosen on the Grand Jury. There was a large docket of criminal cases, but no indictments were found, and all of the defendants were discharged.

At the August election, in 1840, he was elected Sheriff, and served two years.

In 1854, having become a resident of The Fort, he was elected County Judge, the most important office in the gift of the people, for, as the law then was, the County Judge was the executive officer of the county, had full control of all county affairs, levied taxes, built roads and bridges, organized and laid out townships. He was a law unto himself, and from his decisions there was no appeal. Napier was a man of good executive capacity and business qualifications, and had the confidence of the people.

In 1855, Doctor Cole having resigned as County Agent for the sale of intoxicating liquors, under the Prohibitory Law then in force, the Judge had considerable difficulty in finding a suitable place to keep the "critter," as the county must furnish the supply, which could be sold only by the County Agent, for "medical, mechanical, and sacramental purposes only." "Hod" Bush convinced the Judge that he had a safe, convenient place to keep it, and thereupon the Judge ordered that "Hod" be paid three hundred and twenty-five dollars for his building. There were no side or back doors in it, nor annexes. The *spiritus frumenti* was put into it, and "Hod" was appointed agent to dispose of it, "according to the law made and provided." An inspection of his record indicates a remarkable amount of sickness and the frequent recurrence of the names of purchasers, and that the disorders were of the

intermittent form; also an increasing demand for stimulants for mechanical industries. One day, a fellow came in from the country, who wanted a gallon of whiskey. On being told the requirements of the law, and that some lawful reason must be given for the sale, he hesitated and studied for several minutes, when he said: "Well, I guess you may put it down for mechanical purposes; I'm going to raise a barn to-morrow." He got the whiskey.

In 1857, the Judge began to agitate the question of a new Court House, the first house, a nondescript affair 24x30, having become too small for the increasing business of the court. He had enlarged ideas and wanted a building commensurate with the Capital of the State of Iowa. It was to be 66x102 feet, fifty feet high, with a tower twenty-seven and one-half feet, the walls and floors of brick, and have eight cisterns. The cost was to be about sixty thousand dollars. The people were astonished, and, while admiring his public-spiritedness, denounced the project as extravagant and chimerical. The bitter feud between the East and West sides engendered in the fight over the location of the State House, was still hot, and the East Side vigorously and vehemently opposed the scheme, the West Siders saying it was because the East Siders wanted the building on their side.

A mass meeting was called one day on the West Side, at which the East Siders, turned out, prepared for a fight, among whom was Judge M. D. McHenry, who was to champion the East Siders against General Crocker, who spoke for the West Side. Napier went to McHenry and said to him: "Judge, you are from Kentucky; I am from Virginia; you know what that means." The Judge took the hint.

But Napier, who was strong in his determination, went on, and in 1858 made a contract with Isaac Cooper to build the house for sixty-three thousand three hundred dollars, and work was at once begun. During the first year, the first story was reared, when the funds ran out, the taxes received being insufficient. The Judge ordered an election to vote on the proposition to issue bonds to the amount of thirty thousand dollars to complete the building. Then there was another outbreak of opposition, but the election carried by a vote of one thousand and seventeen to seven hundred and

ninety. The bonds were issued and quickly sold, and work proceeded, very slowly, being obstructed by delay in getting material. Not many months elapsed, and the proceeds of the bond sale were exhausted. To issue more bonds was preposterous—the Judge knew that.

Work was suspended until another source of revenue could be found. The Judge was hauled before the County Commissioners to explain matters, public meetings were held at which the Judge was excoriated in the highest style of vituperative art. Cooper got disgruntled and threw up the job. Napier also lost his job. Judge J. H. McClelland, Napier's successor, got out of the dilemma by getting an Act passed by the Legislature authorizing the sale of the swamp lands of the county, the proceeds thereof to be used in completing the Court House.

The Board of Supervisors, who succeeded the County Judge, under a change in the law, in 1860, took up the work, and by them and their successors it was carried to completion in 1864. The bonds, principal and interest, were not paid until 1872, when the cost had reached eighty-five thousand dollars.

During the first decade of the settlement of the county, the people were clamorous for better transportation facilities. The hauling of merchandise from Keokuk and the sending of live-stock on foot to market, was onerous, tedious, and expensive. The passage of steamboats up and down the river was limited to favorable and uncertain conditions. Public attention was turned to railroads as the only means of relief. Mass meetings were held, the newspaper columns were filled with the subject to the exclusion of all else, and public sentiment was kept at fever heat. Congress was petitioned for relief, but with sluggardly effect. In response thereto, the state was gridironed with proposed railroads.

In 1847, the Chicago and Galena Road had reached Freeport, in Illinois, but the great West being deemed of more importance than Galena, the route was diverted to the Mississippi River, the objective point being Lyons. A road was then projected from that place, via Maquoketa, to Des Moines, and called the Central Air Line. Of all the various projects, this seemed the most promising, and Polk County voted, three hundred and sixty-six to one hundred

and sixty-two, to issue bonds in the sum of two hundred and fifty thousand dollars to aid in building the road. Other counties also voted and issued bonds, but hard times came on and the project never got beyond the stage of expectation.

Soon after, the Mississippi and Missouri Road was projected from Davenport to some point on the Missouri River, the route to be determined by the aid given. Several counties along a supposed probable route voted for and issued bonds to the company. Mahaska County put up two hundred thousand dollars. Polk County was vigorously importuned to transfer the bonds issued to the Air Line Road to the Mississippi and Missouri, and finally yielded, with a majority vote of two hundred and twenty-nine. The bonds were prepared and great preparations were made for the road. A right-of-way through the town was reserved where Locust Street now is, much to the disgust of the young folks, as from Twelfth to Fifteenth Street was an open common, and a favorite place for ball games—and for cows. Manifest Destiny stuck out at every point. Judge Napier, however, refused to sign the bonds. He was too shrewd to give something for nothing. He would wait until the road reached the county, for which he was lambasted on all sides. At the next election, this contumacy cost him his job, but time vindicated his judgment. The road reached Marengo, when the company became bankrupt, the road was sold to the Chicago and Rock Island, and completed to Des Moines in 1868. The city and the county thus escaped the long and vexatious litigation that followed against counties which issued bonds to the defunct Mississippi and Missouri Company, and nearly bankrupted them. The Federal Courts held the bonds were negotiable, and having passed to third persons, innocent purchasers, however unjust and unconscionable it might be, they must be paid, and for many years the Supervisors of such counties would be hauled before the court here and ordered to go home and levy the tax to pay for a road that was never built, or go to jail.

Most of the members of the Bar who practiced here in the Federal Court at that time have passed away, and of them the man who, with all the ability of a skilled lawyer, prosecuted the cases to final judgment. Both he and his partner gained great wealth out

of the transaction, and the latter, because thereof, was entrusted with the funds of estates, which he embezzled, and for which he is now in the penitentiary at Anamosa, a most righteous judgment, many people will say.

In 1857, the East Siders had become so embittered against the West Siders, growing out of the State House location fight, that the township had become like a house divided against itself, and could not be endured. To placate the East Siders, Judge Napier set off all that part of Des Moines Township east of Des Moines River for election, revenue and judicial purposes, "to be known and hailed as Lee Township." Whether or not, in the selection of the name, he expressed his Democratic proclivities and pride of birth, he never made known.

At the close of his service as County Judge, in 1859, he was elected Justice of the Peace, an office he filled for some time, with great satisfaction to the public.

In 1866, he gave authority to build the first bridge over Des Moines River, at Walnut Street. It was of wood, and the Howe truss pattern. It was opened as a toll bridge October Twenty-third.

The Judge was of large physique, active, energetic, had a well-balanced mind, strong determination, and integrity never questioned. It was a common expression, "He is a mighty smart man." He came into an office in which was vested control of affairs vitally important to the county and town during the formative period, when local interests and factional contentions often aroused public sentiment even to the vituperative stage, yet, though often severely criticised, he kept his determination to the end. The passage of time proved the wisdom of his judgment and the value of his service as a promoter of the growth and prosperity of the county and town. He died in 1894, aged eighty-five years.

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