

JOHNSTON Historical SOCIETY

(Station) P.O. Box 109, Johnston, IA 50131-0109

President Mary Jane Paez
Secy-Treas. Ray Schliehs

NEWSLETTER

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January Meeting

Wednesday, January 29, 1998

Time: 5:00 p.m.

Place: Crown Point Meeting Room

Program:

Potluck and Planning

Bring: A potluck dish to share, your own table service. We will have our meal at 5:00 P .M.

Guests-- friends, family are welcome!!

November Meeting Report

President Mary Jane Paez called the meeting to order, and introduced Johnston School Superintendent Richard Sundblad, who spoke in response to a request from the JSHS for possible joint projects exploring Johnston area history.

Dr. Sundblad expressed interest on his part in such projects, and specifically mentioned the possibility of including material on Johnston history in the traditional 5th grade unit on Iowa . He requested that the JSHS present to his 5th grade teachers two possible topics for class presentation.

The suggestion that a journalism class help with the publishing of the Johnston History now being revised and enlarged was introduced.

Dr. Sundblad addressed the JSHS's concern for the location of possible property for a JSHS "home" by assuring the group that he will present this concern and request to the school board's Physical Environment Committee.

During the business meeting which followed, Treasurer Ray Schleihs reported balance of \$441.26. It costs approximately \$68.00 per issue to produce and mail the Newsletter. Minutes were approved.

Bob Otto has resigned from the Board of Directors. His replacement will be elected at the annual meeting in April. Those now on the Board of Directors: Irene Aulich, and Judy Bogaard.

The Johnston (Station) Historical Society is an IRS code 501 (c) (3) organization

Membership

Chair Ferne Michael has been actively soliciting new members, and JSHS is glad to welcome the following to membership:

Don & Virginia McGinn, Johnston
Philip Murray, Johnston
Margaret Beck, Panora
Sam and Roberta Dings, Johnston
Dennis Elwell, Ankeny
Howard & Carol Hunt, Anchorage,
AK

Joann M. Johnson, Des Moines
Chris Kinsey, Polk City
Waneta Major, Phoenix, AZ
Patricia G. Motika, Papillion, NE
Geraldine Ottens, Broadville, IL
Esther & Herbert Peitzman, Johnston
Garland & Marlys Seibert, Ankeny
Richard & Joan Sundblad, Urbandale
Bill Winters, Des Moines.
Audrey V. Archer, Broomfield, CO
Emma Jeanne Armstrong, Lakewood,
CA

In addition to these new members, 57 households have renewed membership for 1998 .

AND

It's time for renewal

!

Check the number & letter after your name on the address label. If your membership is paid up for 1998, there will be a 98 S or 98 F, or higher (99 or 00) on the label. You're all paid up!! A "97" indicates that you need to send \$5 for single, \$6 for family membership to the JSHS, Post Office Box 109, Johnston, Iowa 50131. The JSHS thanks you!

N.W. 58th Street..... or Merle Hay Road??

In 1959 Polk County Supervisors undertook to re-zone the county, and in the process, made an effort to make uniform and standardize the street names and house numbers.. They hired an out-of-state consultant to make recommendations. One of these was that "Merle Hay Road" be re-named "N.W. 58th Street."

"Merle Hay Road" was named for the first Iowan, Merle Hay, who lost his life in France in W.W. I, and the name was especially appropriate, as the road led to Camp Dodge, which was an induction center during that war. In addition, a stone monument to Merle Hay was erected along that road just north of Des Moines. (This was later moved a few feet father east, in the same location).

The news about the re-naming upset local resident Esther Peitzman, who lived on Merle Hay Road, and who heard about the plans in the early 1960's. She felt that once a landmark was dedicated, as Merle Hay Road was, to honor a person or event, that it should not be changed.

She called the State Historical Society, where someone suggested she contact George Mills, at that time a reporter for the Des Moines Register, and a noted local historian. Esther gave Mr. Mills her point of view, and the next morning's paper announced "Johnston Woman Protests Road Renaming".

Esther was somewhat dismayed by the publicity, but not deterred. She recruited Melba Sorenson, who also lived (and still does) on Merle Hay Road, and along with others, they circulated petitions protesting the change. Not only local residents were unhappy with the prospect of the new name, but businesses in Des Moines were also willing to sign the petitions.

When Esther, Melba, and others presented their petitions to the Board of Supervisors, they were met with a compromise-- put "N.W. 58th St." in big lettering at the top of the sign, and "Merle Hay Road", perhaps in parenthesis, and in small letters, underneath.

This was not good enough for the protesters; they persisted. Esther says that the publicity went far and wide; she received many letters-- one from the mother of Merle Hay. And the story was followed in army publications overseas-- she also received a letter from Japan!

Eventually the Board of Supervisors gave in, and the road kept its dedicated name, though on county maps it is called N.W. 58th Street. (The city of Des Moines, of course, still had a Merle Hay Road.)

A number of Johnston street names did "disappear" at this time-- among them Fruitland Drive, Brennan Drive, Harlan Drive, Johnston Road, Dewey Road, Hunt Road Otto Road. If readers can come up with other street names which were changed at this time, they are invited to write in and tell us.



The Great Des Moines River Land Controversy

When the early settlers in the Johnston area -- the Hunts, the Murrays, the Kinseys, the Lawsons, the Ringers, the McClains, Betzes -- and others came to Iowa, they were not, technically "Homesteaders", for they purchased their land. *(See below for "Homesteaders"). In fact, many of them did not even purchase their land from the U.S. Government, but from the State of Iowa.

These "land patents", as they were called, came under a grant from the U.S. government to the Territory (later the State) of Iowa, in 1846, and it was known as the "Des Moines River Land Grant".

On the following page, reproduced, is an original of the land patent issued to John McClain in May of 1853. His purchase of 40 acres, probably at \$1.50 per acre, was from the State of Iowa, under this grant.

The U.S. Government, under the terms of this grant, gave to the Territory (and later the State) of Iowa for "the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Forks (so called), in said Territory, one equal moiety in alternate sections, of the public lands remaining unsold..." "in a strip five miles in width on each side of said river to be selected within said territory.....".

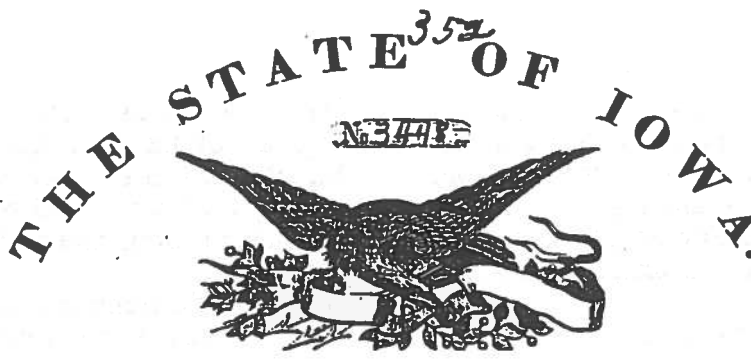
What this long and convoluted proclamation meant was that in each township along the river, and within 5 miles of the river, a part of the proceeds of the sale of odd-numbered sections (one square mile), by legal description, i.e., 3,5, 7, etc., would go to the state to construct locks and dams on the river, to deepen and clear it to permit, especially, commercial traffic.

We can see, from McClain's patent, that his 40 acres in section 23 (an odd number), township 80, were purchased from the Des Moines River Land Grant office in Ottumwa on June 1, 1854.

Examination of another local real estate abstract of title going back to this period reveals that William Koger, who bought land in section 6 (even number) of township 79 in 1849, received his patent from the United States Government. It would have been from a different land office.

The history of this land grant is the story of a "bizarre conflict", to quote from Leonard F. Ralston, who researched this through many twists and turns, and whose article "Iowa Railroads and the Des Moines River Improvement Land Grant of 1846" is found in the April 1958 issue of The Iowa Journal of History, Wm. J. Peterson, Ed.

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That, whereas, the United States of America, by Act of Congress, approved August 8th, 1846, entitled "An act granting certain lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, in said Territory;" has granted to the State of Iowa "One equal moiety in alternate sections of the public lands remaining unsold, and not otherwise disposed of, encumbered or appropriated, in a strip five miles in width, on each side of said river: And, whereas Victor McClain of the County of Polk and State of Iowa has, on the 17 day of May 1853, purchased of the Register of the Des Moines River Land Office in Des Moines under the provisions of the several Acts of the General Assembly of the State of Iowa, the North East quarter of Section No. Twenty Three Township No. Eighty N. of Range No. Twenty West of the 5th Principal Meridian, containing Forty Acres, being a part of the grant aforesaid. And it appearing that the said Victor McClain

has made payment thereof in full, as required by law: **NOW, KNOW YE**, That in consideration of the premises, and in conformity with the several acts of the General Assembly of the State of Iowa, and of all acts in such cases made and provided, the State of Iowa hath given, and by these presents does give and grant unto the said Victor McClain his heirs and assigns, the land above described, to have and to hold the same, together with all the rights, privileges, immunities and appurtenances, of whatever nature thereunto belonging, unto the said Victor McClain

IN TESTIMONY WHEREOF, J. M. Chapman Governor of the State of Iowa, have caused the Great Seal of the State of Iowa to be hereunto affixed.

GIVEN UNDER MY HAND, at Des Moines, this 17th day of May in the year of our Lord, one thousand, eight hundred and forty four and of the State of Iowa the 15th

J. M. Chapman

Wm. McHenry Secretary of State

This is to Certify, that the foregoing DEED was received from the Governor, July 10 1853 and was recorded in Des Moines River Records, Book 9, Page 352 July 15 1853.

J. S. Parsons Register of the D. M. R. L. O.

Reproduction of the original "land patent" issued to John McClain of Polk County in May, 1853, for forty acres of land.

The problem began with two differing opinions, given in 1848, and 1849, one by the Department of the Treasury and the other by the Department of Interior, as to whether the land above the so-called Raccoon Fork was to be included in the grant to the state, or only that between the mouth (at the Mississippi) and the Raccoon.

This set the state interests, the federal government, the navigation interests, land speculators, not to mention the settlers, against one another in various combinations. (Land along the rivers was considered very desirable.) And to add to the mix, later on the railroads were included as beneficiaries of land to encourage their development.

Suffice it to say, there were many litigations, bills in congress, the state legislature, and even two decisions by the U.S. Supreme Court before all these land questions were settled. One can only wonder what turmoil some of our local settlers, who were, of course, above the Raccoon Fork, may have experienced. when their titles, given to them by the state, were thought to be not bona fide.

As for navigation on the Des Moines River, it never did go very far; only a few of the dams proposed were ever constructed, all in south-east Iowa. (See LeRoy Pratt's book "Discovering Historic Iowa", 1975, State Dept. of Public Instruction, for information about remnants of these structures.)

Some of the land now in the city of Johnston was involved in this litigation, between the state, the federal government, and the various navigation and railroad companies. If readers have access to abstracts of title which will take them back to the 1840's or 1850's, they may find some interesting reading about the history of this community.

*The Homestead Act, passed in 1862, granted 160 acres to any person who was willing to occupy and cultivate the land for 5 years. By 1890 only 1 out of 3 homesteaders managed to remain on the land long enough to get their deed. In Iowa, only 2.5% of land was granted through the Homestead Act.

Thirty-four percent was sold for cash, and 40% was given, by warrant upon discharge, for military service.

References: Ralston (see above), Pratt, (see above); Leland L. Sage, 1974, "A History of Iowa", ISU Press; Robert P. Swierenga, 1968, "Pioneers and Profits", ISU Press.

Thanks for help to: Ferne Michael, Leroy Pratt, Ray Schleih, David Sheridan. (SnD)



Cemetery Update

The article in the Des Moines Register (17 Dec. 1997) concerning the cemetery census led by Ferne Michael and Bob Thomas has raised local interest in the burials at the Valley View Cemetery.

Information has been received by members of the JSHS concerning burials, in that cemetery, of members of the Brandeis Department Store family.

In addition, efforts are in progress to locate relatives of the McClain and Cheetam families, also buried at Valley View.



Gold Star Museum Provides Storage

If you are storing Johnston-related memorabilia - photos, clippings, and especially school-related items such as old commencement programs from the 20's, 30' and 40's --the JSHS would appreciate receiving them-- or if you wish we will copy and return the originals.

The JSHS has been given the use of 2 4-drawer file cabinets at the Gold Star Museum at Camp Dodge, where any items we receive will have secure storage, and be available for use by the society.

Send any materials to P.O. Box 109, Johnston, Iowa, 50131, or contact Ray Schleih or Bob Thomas.