

Giard and Dubuque

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GIARD AND DUBUQUE

Since the publication in the April ANNALS of the record underlying the title of the Basil Giard claim in Clayton county, some interest appears to have been awakened as to whether Giard was an earlier "settler" than Julien Dubuque. It is of more importance, it seems to us, that these men actually resided in Iowa and, respectively, were earlier in establishing a means of livelihood in a basic calling, than that one or the other was the earlier "settler."

When we go into the question of the time and character of their first appearance on Iowa soil, we have the view of them being merely two of probably scores of Canadian-Frenchmen who had often, if not long, been within our borders in more or less permanent character of residence.

Trappers, traders and voyageurs, who have adventures, seldom "settled" here or elsewhere. Like Dubuque and Giard, the type often established a species of domestic relation with Indian females but seldom carried a home with them from place to place. We are aware of none who brought help-meets with them, nor of this type of visitors taking to their native lands their Indian consorts. The calling of the trapper and fur trader was transient in character. Dubuque and Giard both appear to have held the same course as trapper and trader in business and domestic life that their compatriots took. Dubuque soon addressed himself to the mineral resources in addition to the fur trade and Giard entered what, in our region, is a more basic calling, agriculture. They passed beyond the transient occupancy as trappers, traders and voyageurs.

With the bare chronological comparison of the contact of these two men with Iowa soil, consideration may profitably be given to the respective conditions of occupancy and of their proof of right to title to Iowa lands. As the claim of one was confirmed and that of the other denied; as agriculture persisted and mining in

effect disappeared, interest in Giard's place as our first farmer, like Dubuque's as our first miner, is not diminished by one or the other having been first upon our soil. Both had prayed the Spanish authorities to grant them titles to their lands. Giard's was allowed, subject to Indian rights, upon the ground of his "possession, inhabiting and cultivating from 1796 to 1808." His prayer was supported by evidence of earlier occupancy. This title was confirmed by the authorities of the United States.

Dubuque based his prayer on a writing he had made in 1788, wherein he was allowed by the Indians to mine lead. His claim was supported by earlier residence. Spanish authority in 1796 allowed Dubuque's claim subject to rights of Todd, a trader. This writing was held by the United States authorities to have been in the nature of a lease, and not of a deed.

Whether Giard or Dubuque was earlier in reaching Iowa was of no interest to any one until in recent times and is of no importance now. Both lost all they owned. Their rights were pursued by strangers for the benefit of their creditors. Any student, however superficial, of the time, the processes of business and of industry of Giard and Dubuque, will pause but briefly to determine which came first upon the land of which one became the first landlord and farmer, and the other the first lessee and miner in the state of Iowa.

Had Giard's name, like Dubuque's, become attached to one of our most beautiful cities, peopled from earliest times with scholarly, energetic citizens not transient in residence nor aspirations, there would be little if any controversial interest over the point of time of their arrival.

The Dubuque and Giard claims like the claims of scores of other Frenchmen in Missouri, Arkansas, Louisiana and Florida occupied the time of the commission set up by Congress to consider them for twenty-five years. Many cases reached the United States Supreme Court. The talent of lawyers of the first rank was employed. The laws of France and Spain as well as of the United States upon occupancy and other elements entering into rights to title are dealt with. The treaties, royal decrees and grants, the common law of England, all were involved. In these claimants' cases the laws are set out and elucidated. Through this maze of matters one scarcely sees "settlers."

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