

sight! I told those fellows particularly to put up every thing! What can we do about it?" Mr. Ober remarked, very innocently, that his brother Harry, (who, by the way, was something of a typo as well as a silversmith,) he thought could make a few, and that if they had a pound, they could get along for the present. Mr. Pollard forthwith proceeded to consult with Harry, and ascertain the cost of making a pound of italic spaces! He found Harry, and in a very short time returned to the *Gazette* office, bearing a box of number one *Cuba sixes!* and from that time forward, there was no complaint in the *Gazette* office on account of *italic spaces!*

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### THE SOUTHERN BOUNDARY OF IOWA.

BY CHARLES NEGUS.

Soon after the organizing of the territorial government of Iowa, there arose a dispute between Missouri and Iowa, about the jurisdiction of the State and territorial authorities over a tract of country in the southern part of Iowa, which Missouri claimed as being within the boundary of that State, as defined by Congress.

The act of Congress passed March 6th, 1820, authorizing the Territory of Missouri to form a State government, provided that (if the State should ratify the boundaries,) the State of Missouri "should consist of all the territory within the following boundaries, to-wit: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees north latitude; thence west along that parallel of latitude, to the St. Francois river; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of thirty-six degrees and thirty minutes; thence west along the same to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence from the point aforesaid, north

along the west meridian line to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making said line to correspond with the Indian boundary line, &c.; thence east from the point of intersection last aforesaid, along the said parallel of latitude to the middle of the channel of the main fork of the said river Des Moines; thence down and along the middle of the main channel of the said river Des Moines to the mouth of the same, where it empties into the Mississippi, &c.

These boundaries as defined by Congress, were adopted by Missouri through the convention which formed the State constitution.

The northern boundary of the State which was defined as "the parallel of latitude which passes through the rapids of the river Des Moines," though it might have been well understood at the time, was vague and uncertain, and subsequently gave grounds for an open dispute.

In the treaties made with the Sacs and Foxes and the Iowa Indians on the 4th of August, 1824, for the purchase of a portion of their lands, it is set forth that they sold to the United States all their lands "within the limits of the State of Missouri, which are situated, lying and being between the Mississippi and the Missouri rivers, and a line running from the Missouri at the entrance of the Kansas river, north one hundred miles to the north-west corner of the State of Missouri, and thence east to the Mississippi. The line as defined in this treaty, commencing at the mouth of the Kansas river, thence running one hundred miles due north, and thence east till it strikes the Des Moines river, had been run in 1816, by John C. Sullivan, and duly marked by blazing trees, driving stakes, and erecting mounds.

But in a period of between twenty and thirty years, those marks had become so obliterated that they were not easily to be found, and the rapids of the river Des Moines was so uncertain a place that it was hard for those settling the country at the time Iowa was first opened for white settlement, to designate where the northern boundary of Missouri was located.

There being several rapids in the Des Moines river, and one of considerable fall near Keosauqua, in Van Buren county, (a fall in eighty rods of twenty-one inches,) the Missourians claimed that the latter were the rapids referred to in the act of Congress, authorizing Missouri to form a State constitution, and which were mentioned in their constitution as a point in defining their boundaries. And in 1837, the authorities of Missouri, without the co-operation or consent of the United States, or of the territory of Iowa, (then Wisconsin,) appointed commissioners to run and mark the northern boundary.

The commissioners so appointed, instead of commencing to run the line upon the parallel of latitude which passes through the rapids of the river Des Moines in the Mississippi, proceeded to search for rapids in the Des Moines river itself, from which to commence. They finally fixed upon the ripples in the great bend in the Des Moines river, in Van Buren county, which they assumed to be the rapids of the Des Moines river, named in the act of Congress of 1820, and in the constitution of Missouri, notwithstanding those ripples had never been known as "the rapids of the river Des Moines."

From this point the commissioners proceeded to run and mark a line, which the authorities of that State claimed was the northern boundary, while the early history of the west showed, and it was subsequently decided by the Supreme Court of the United States, that the "rapids of the river Des Moines were in the Mississippi river."

Gen. Pike, who first explored the upper Mississippi after the acquisition of the Louisiana purchase by the United States, in his journal kept while ascending the river in 1805, says he "arrived at the foot of the rapids Des Moines, at seven o'clock," and thus goes on to give an account of the difficulties he had in getting over those rapids with his boat on his way up the Mississippi river. And after passing the rapids, in writing to Gen. Wilkinson, he dates his letter, "Head of the rapids Des Moines."

Also in his map of the upper Mississippi, Pike lays down the "rapids Des Moines," as being in the Mississippi river, a short distance above the mouth of the Des Moines river. And before the United States acquired possession of this territory, in 1799, Zenon Tendeau, acting as Lieut. Governor of upper Louisiana, in one of his official acts says: "It is permitted to Mr. Lewis (Fesson) Honore, to establish himself at the head of the rapids of the river Des Moines."

Upon this grant, Honore made an actual settlement and improvement immediately upon the banks of the Mississippi river, at the head of the Des Moines rapids in that river, some eighteen or twenty miles above the mouth of that river.

These, with other references, go to show that at an early day the rapids in the Mississippi opposite the southern extremity of Iowa, were known as "the rapids of the river Des Moines," but the authorities of Missouri claimed, and contended for many years, that the rapids referred to by Congress, and in their constitution, were in the Des Moines river, and near Keosauqua.

The northern boundary of that State, as long as there were no settlements there, was a matter of little consequence to her citizens, and there was no one to dispute their claims till after the Black-Hawk purchase, which was made in 1832.

The territory of Wisconsin, in organizing the county of Van Buren, made her southern boundary extend to the southern line, and the same boundaries were claimed by Iowa as soon as she assumed a territorial government. The territorial government of Iowa went into operation on the 4th day of July, 1838, and at that time the boundaries between Missouri and Iowa had not been settled, and there was a strip of country about ten miles wide which both governments claimed. The county of Van Buren as organized by the legislature of Wisconsin, before Iowa assumed a territorial government, embraced within her boundary a portion of this disputed tract of land.

The county court of Clark county in levying the taxes for that county, enrolled the settlers on this disputed tract, as be-

ing citizens of Missouri, and belonging to that county, and having placed their names on the tax list ordered Uriah S. Gregory, the sheriff of that county, to collect the taxes.

The collector of Clark county went on the disputed tract to collect the taxes but the tax-payers refused to pay, and the officer undertook to collect the taxes by levying upon their property, but while endeavoring to collect the taxes in that way, some of the citizens of Van Buren county sued out a warrant from a magistrate and placed it in the hands of Henry Heffleman, the sheriff of Van Buren county, who arrested the Missouri officer, and there being no jail suitable for retaining prisoners nearer than Muscatine, he was taken to that county and there lodged in jail.

This act aroused the citizens of Clark county, and an application was made to Gov. Boggs for the military power of Missouri to aid the civil officers in maintaining their authority, and to enforce the law of Missouri over the disputed tract. Gov. Boggs dispatched Gen. Allen with a thousand men to the place of contention.

Gov. Lucas was as determined and fixed in his purpose to maintain the rights of Iowa as the authorities of Missouri were to exact theirs, and for this purpose ordered Maj. Gen. J. B. Brown to call out the militia and march with his forces to Van Buren county to protect the citizens.

At this time the militia of Iowa were poorly organized, but Gen. Brown gave orders to his subordinates to beat up for recruits, and the citizens were not backward in enrolling themselves by voluntary enlistment, and in a short time about five hundred men with arms were assembled in Van Buren county, and others were on their way, amounting in all to about twelve hundred men, and the gathering of military forces had all the appearance of a fierce and bloody civil war. But before there was any collision between the two forces, Gen. Brown, from his officers, selected Gen. A. C. Dodge of Burlington, Gen. Churchman of Dubuque, and Dr. Clark of Ft. Madison, as an embassy to the enemy, to try to negotiate a peace.

On arriving at Waterloo, the county seat of Clark county, they found that the County Court of that county had rescinded the order to the sheriff to collect the taxes on the disputed tract, and had sent a special delegation to wait on Gov. Lucas and the legislature of Iowa, then assembled at Burlington, for the purpose of making some amicable adjustment of the difficulties, and that Gen. Allen with his forces had withdrawn from the contest.

Upon receiving this information the embassy returned to their headquarters and the Iowa forces were disbanded, and permitted to return to their homes.

Col. McDaniels and Dr. Wayland, the representatives of Clark county, came to Burlington and waited upon Gov. Lucas, who not evincing much disposition to adjust matters, they then went before the legislature, which body after hearing their proposition, passed a set of resolutions, with a preamble expressing their views. In the preamble they set forth the difficulties then existing between Iowa and Missouri, and that Iowa under any circumstances, deprecated any military collision between the forces of the State of Missouri and the Territory of Iowa, and reciprocated the kind feelings evinced by the delegation from the County Court of Clark county. And *resolved*, "That the officers now on the part of Missouri be respectfully requested to suspend all further military operations on the part of said State, until these resolutions can be submitted to his Excellency Gov. Boggs. That his Excellency Gov. Boggs be requested to authorize a suspension of hostilities on the part of the State of Missouri, until the first day of July next, with a view of having the unfortunate difficulties now existing between the State of Missouri and the Territory of Iowa, adjusted by the act of Congress.

"That his Excellency the Governor of Iowa be requested to suspend all further military operations until the decisions of his Excellency Governor Boggs may be obtained relative to the proposition herein contained.

"That the Governor be requested forthwith to forward a copy of these resolutions to the Governor of Missouri, one to

the County Court of Clark county, and copies to the officers in command on the disputed grounds, to be by them presented to the officers of the Missouri forces."

These proceedings on the part of the legislature had a tendency to quiet things for the time. The sheriff of Clark county, was however, indicted at the next term of the court in Van Buren county for his attempts to collect taxes in the disputed tract, but the prosecuting attorney entered a *nolle prosequi*, and he was discharged from custody.

On the 10th of November 1841, Thomas Reynolds, Governor of Missouri, who was the successor of Gov. Boggs, addressed a letter to John Chambers, who was at that time Governor of Iowa, in which he informed him that the legislature of Missouri at their last session passed an act directing the Governor of Missouri to bring a suit on behalf of Uriah S. Gregory, the late collector of Clark county, against Henry Heffleman, the sheriff of Van Buren county, for the purpose of having the question of boundary between Iowa and Missouri finally adjusted in the Supreme Court of the United States.

As Heffleman and others who arrested Gregory resided in Iowa, such a suit would have to be commenced in Iowa. Gov. Reynolds wished to know if suit was thus commenced, whether the authorities of Iowa would consent to make such an agreed case on the record as would insure a decision of the Supreme Court of the United States on the question of boundary.

To this Gov. Chambers replied, that this question as it appeared to him, was one over which the territorial authorities of Iowa had no control; for "by an express reservation in the laws organizing the Territory of Iowa, the boundary remained subject to the future control of Congress." And Gov. Chambers also expressed his doubts "whether under the constitution of the United States, the Supreme Court even upon an agreed case, and by consent of parties, would take jurisdiction of an alleged controversy between one of the States and a territory, remaining subject to the laws of Congress." But

he assured Gov. Reynolds, that he would lay his communication before the next legislature of the Territory, and if that body should differ from the views he had entertained upon the subject, their decisions should immediately be made known to him. But it seems that the legislature concurred with the views of Gov. Chambers, for there were no steps taken to comply with the request of Missouri, as made by Gov. Reynolds.

The expenses of Iowa in calling out the militia to maintain her rights and enforce the laws on the disputed tract, were upwards of thirteen thousand dollars. Some of those expenses were borne by individuals whose circumstances were such that they could not well afford to lose the amount justly due them. Congress was memorialized by the territorial legislature, to make an appropriation to meet these expenses, and on two occasions a bill was passed through the House providing for their payment, but both bills failed to pass the Senate.

Samuel C. Reed of Van Buren county, who lived near where the troops were rendezvoused to defend and maintain the rights of Iowa against the intrusion of Missouri, having furnished to them provisions to the amount of nearly two hundred dollars, being a man in limited circumstances, and having waited several years with a hope of getting something from the General Government, and not succeeding, petitioned the territorial legislature to allow and make an appropriation for the payment of his claim.

Reed was regarded as a patriotic and generous man, and he did all he could to sustain the rights of Iowa in her troubles with Missouri, and having met with misfortunes and being much reduced in his circumstances, his appeal to the legislature elicited their sympathy, and they passed a bill allowing his claims, with six per cent interest, and made an appropriation for paying it; but this did not meet with the approbation of Gov. Clark, who at that time was Governor of the Territory, and he returned the bill with his veto. His objections were, that the legislature should make no dis-

crimination among those who aided the authorities in the troubles with Missouri; if the territory undertook to pay one they should pay all. That if Iowa should assume these debts the United States which was in duty bound to pay them, would not. That Iowa was soon to become a State, when she would have a representation and vote in both branches of Congress, and then in all probability would be able to get an appropriation to defray those expenses. But for one cause or another, neither Reed nor any of the others who furnished means or rendered services in the war with Missouri, got pay for that which was justly their due.

For the purpose of ascertaining and defining the southern boundary of Iowa, Congress on the 18th of June 1838, passed an act in which it was provided that the President should cause to be surveyed and distinctly marked, the southern boundary line of Iowa; and for that purpose he was required to appoint a commissioner on the part of the United States, who with the necessary surveyors, was to act in conjunction with a commissioner to be appointed by the State of Missouri, and one to be appointed by the Governor of Iowa, in "running, marking, and ascertaining" the boundary line; and it was made the duty of the commissioner who was to be appointed by the President, to prepare three plats of this survey, one of which was to be returned to the Secretary of State of the United States, one to the office of the Secretary of State of Missouri, and one to the Secretary of the Territory of Iowa.

And it was also provided that if the commissioner on the part of Missouri or of Iowa should fail to attend, or if either or both the State of Missouri or the Governor of Iowa should fail to appoint, then the commissioner of the United States by himself, or such commissioner as did attend, should proceed to run the boundary line between Missouri and Iowa. But the line so run and marked, was not to be fully established until the survey should be submitted to, and the boundary thus ascertained and marked, be approved of and ratified by Congress.

In pursuance of this act, the President appointed Major A. M. Lee as commissioner on the part of the United States, and Dr. James Davis was appointed for Iowa, but Missouri failed to make any appointment.

Major Lee in company with Dr. Davis, proceeded to make the survey as required by Congress, and made their report to the Secretary of the Territory of Iowa, on the 15th of January 1839, about the time the difficulty was taking place on the disputed tract in Van Buren county. But it seems that the line surveyed by Lee and Davis was never approved of by Congress, and consequently did not become the boundary between Missouri and Iowa.

Soon after the troubles in Van Buren county, the legislature of Iowa passed a law, that if any person should exercise any official function within the jurisdiction of the Territory, or within the limits of any of the counties therein, by virtue of any commission or authority not received from the Territory or government of the United States, every person so offending should be fined not exceeding one thousand dollars, or be imprisoned not exceeding five years. That if any person residing within the limits of the Territory, should accept of any office or trust from any State or authority other than the United States or the Territory of Iowa, every person so offending, should be fined not exceeding one thousand dollars, or imprisonment not exceeding five years.

Soon after the organization of the county of Davis, this law was called into requisition. The county of Adair, as it was then organized, embraced within its boundaries a portion of what now composes Davis county.

The sheriff of Adair county, Preston Mullinix, and his deputy Wm. P. Linder, were indicted in Davis county. The sheriff for exercising his office within the boundaries of Iowa without legal authority and contrary to the statutes, and the deputy for an assault and battery, and kidnapping and falsely imprisoning one Frederick Acheson, a citizen of Iowa, which acts were done on the disputed tract.

Mullinix and Linder were both arrested, and held under bail to answer to the indictment at the next term of the court. At the next term of the court they both appeared, and Linder went to trial, "which resulted in his conviction, and a sentence of a fine and ten days imprisonment in the penitentiary." The trial of Mullinix, the Sheriff, was continued until the next term of the court; and he was required to enter into a recognizance (without security) for his appearance, which he refused to do, and the court ordered him to be committed to prison.

As soon as these transactions were made known to Gov. Chambers, he pardoned Linder and remitted his fine, and also pardoned Mullinix for the offence with which he stood committed, and ordered him to be discharged from prison.

After the arrest of Mullinix and Linder, the county of Adair was divided, and the territory adjoining Davis county was embraced within the limits of Schuyler county.

[Concluded in next number.]

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## THE ORIGIN AND INTERPRETATION OF THE NAMES OF THE RIVERS AND STREAMS OF CLAYTON COUNTY.

BY ELIPHALET PRICE.

[Continued from page 711.]

We now approach "*Plumb Creek*," the last and the most southern of all the streams flowing into the Mississippi from the County of Clayton. This stream received its name from John Plumb, who, in 1836, purchased out the claimants to an extensive tract of timber land, through which it flows, and commenced the building of a saw-mill, which he soon after abandoned, owing to an insufficiency of water in the stream. We had some acquaintance with Mr. Plumb, and as we knew him to be the originator of the great idea of a Pacific Railroad, we will venture, as an expression of respect for his memory, to briefly speak of him here in connection with that great idea. Mr. Plumb was born in Wales, in the kingdom

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