

## A STUDY IN BORDER CONFRONTATION: THE IOWA-MISSOURI BOUNDARY DISPUTE

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Disputes over boundaries have plagued mankind for centuries. Although borders are often only imaginary lines of latitude or longitude, quarrels over their location have often led to open warfare, as the world has witnessed more than once during this 20th century. Perhaps, then, it is not unusual to find in the history of the territorial growth of the United States a number of border confrontations—when politicians were ready to cast off their dignity and pioneer farmers quick to toss aside their farm tools in order to threaten their neighbors with words or with guns. Patriotic fervor for new-found home states or territories led American settlers to scowl across disputed tracts of land at other equally patriotic pioneers.

Fortunately, the disputes sometimes would involve more bluster than bullets. Such was the case in the argument over the boundary between Iowa and Missouri which came to a climax 130 years ago. Proclamations, resolutions and newspaper articles contained most of the blows struck in this "border war," in which no blood was shed. But the conflict could have been decided much differently, for in December 1839, militia forces both of the State of Missouri and the young Territory of Iowa came near to actual battle. As events unfolded, the dispute was settled peacefully, but not finally until some years after the call to arms. From the disputed border area the focus of the squabble eventually shifted to the halls of Congress and finally to the chambers of the U. S. Supreme Court before a judicial decree settled the issue.

The carelessness of a government surveyor in 1816 when marking the boundaries designated in the 1808 Osage Indian treaty was, perhaps, the remote cause of the long-argued

border case, which became so complicated that another surveyor in 1838 suggested four different lines which conceivably could be considered as the boundary between Missouri and Iowa. Abetting the 1816 survey error was the wording in the Missouri Constitution of 1820 and the Missouri statehood authorization act passed by Congress earlier that year in which the rapids of a river formed a key element in the boundary—as events transpired the question arose whether the rapids were in the Mississippi River or the Des Moines River.

Thus an inaccurate survey and imprecise language were key background elements leading to the dispute over what amounted to a tract of 2,616 miles. As viewed in the last third of the 20th Century, this was no small piece of land. Yet it was not an object of warfare in the late 1830s. Averaging 13 to 14 miles in width for 185 to 190 miles, it included a portion of each county in the southern tier of present Iowa other than Page and Fremont in the west.

The Osage Indian treaty of 1808, in which the seed of the controversy was contained, stated that the tribe ceded to the United States all its lands north of the Missouri River and provided that two Indians should accompany the surveyor who was to mark the boundaries. It was not until 1816, however, that Gen. William Rector, surveyor-general of Illinois and Missouri, appointed John C. Sullivan to mark the northern boundary of the tract. Sullivan began on the Missouri River opposite the mouth of the Kansas River and ran a line due north for 100 miles and planted a corner post, then he ran a line due east—as he supposed—to the Des Moines River. But as discovered in a survey 22 years later, the “general course of this line is north of east, amounting at the east end to two and a half degrees.” The error, it was reported, arose “from want of proper care in making corrections for the variation of the needle.”<sup>1</sup>

This deviation, however, was not known in 1820 when Congress passed the act authorizing the people of Missouri

<sup>1</sup> Lea, Albert M., “Iowa and Missouri Boundary,” *Iowa Historical Record*, Vol. II, 194. Iowa City, Iowa: State Historical Society, January 1886.

to form a state constitution and government. The Constitution of Missouri, framed during a convention that met in the summer of 1820 at St. Louis, contained almost the exact wording of the enabling act to describe the boundaries. It designated the boundaries on the north and west by a line beginning on the Missouri River on a meridian running through the mouth of the Kansas River, thence:

North, along the said meridian-line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line correspond with the Indian boundary-line; 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 channel of the main fork of the said river Des Moines to the mouth of the same, where it empties into the Mississippi River.<sup>2</sup>

Missouri was admitted into the Union in 1821 with these borders. While the description of the northern boundary was ambiguous, no one seemed to notice. Little or no attention was paid to the constitutional provision, and the old Indian boundary line, or Sullivan's line, for years continued to be regarded as Missouri's northern boundary. As the U. S. Supreme Court noted many years later, there were a total of 15 Indian treaties referring to the Osage boundary of 1816, each of which recognized that boundary as the Missouri state line.

It wasn't until 1833, after the Black Hawk War and Treaty, that settlers began to locate near the junction of the Mississippi and Des Moines Rivers and that some concern arose over the exact location of the Missouri line. The country north of Missouri was without a local constitutional status at that point. In 1834 it became a part of the Territory of Michigan, and then in 1836 when Michigan entered the Union, the Territory of Wisconsin was created to include the land west of the Mississippi River and north of Missouri. The Organic Act of the Territory of Wisconsin provided that it should extend as far south as the northern boundary of Missouri. On June 7 of the same year (1836) Congress passed

<sup>2</sup> Poore, Gen. Perley (ed.), *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States*, 1104-05. Washington, D.C.: Government Printing Office, 1878.

an act that extended to the State of Missouri jurisdiction of all the lands between the state and the Missouri River, once Indian title to the land was "extinguished."

This set the stage for Missouri, in December of 1836, to authorize the governor to appoint commissioners to survey the northern boundary line from those "rapids of the river Des Moines" west through the old northwest corner of the state and on to the new Missouri River boundary farther west. Both the Territory of Wisconsin and the U. S. Government were asked to cooperate in the survey, but neither responded. Thus, Missouri proceeded alone to survey the border in 1837, with Joseph C. Brown named to do the task.

In 1816, Sullivan had marked the Indian boundary by "blazing trees, driving stakes, and erecting mounds," but in a period of 21 years the marks had become so obliterated they were not easily to be found.<sup>3</sup> Apparently Brown assumed that the term "rapids of the river Des Moines" referred to the Des Moines River and he began a search in that river for rapids. He concluded that the only obstruction worthy of the name was at the Great Bend of the Des Moines River about 63 miles above the mouth. From this point he began his survey, running a line due west to the Missouri River. A line was established which was considerably north of Sullivan's and which would extend the Missouri state border into an area that had been under the jurisdiction of the Territory of Wisconsin. When the Wisconsin Territory residents who lived west of the Mississippi River became aware of the Brown survey line, they responded.

After a "large and respectable meeting" of Des Moines County residents on Sept. 16, 1837, a number of resolutions were passed, including one which read:

That we view with extreme solicitude and regret, the efforts of a portion of the people of Missouri to obtain an extension of their northern boundary line, and deem it the duty of all our fellow-citizens west of the river, to take prompt measures to prevent the same, as an infringement upon our Territorial rights.<sup>4</sup>

And on Nov. 6, 1837, a convention of delegates met in

<sup>3</sup> Negus, Charles, "The Southern Boundary of Iowa," *Annals of Iowa*, Vol. IV (First Series), 744, October 1866.

<sup>4</sup> *Iowa News*. Dubuque, Iowa: Sept. 30, 1837.

Burlington to draw up a memorial to Congress. "Much excitement," they said, "already prevails among the inhabitants situated in the border counties of the State and Territory" due to the new boundary that had been surveyed. It was feared, the delegates warned, that unless Congress took speedy action on the matter, "difficulties of a serious nature will arise." The territorial delegates made an argument that was to be repeated many times in the future—that when Missouri drew up its constitution and became a state, there were no rapids on the Des Moines River that could fit the "rapids of the river Des Moines" terminology of the Missouri Constitution. They said that between the mouth of the river and the Raccoon Forks, a distance of 200 miles, "fifty places can with as much propriety be designated as the one selected by the commissioner of the State of Missouri."<sup>5</sup>

A day after the meeting of the delegates in Burlington, Henry Dodge, governor of Wisconsin Territory, delivered a message stating that it was well understood by the members of the convention who formed the Missouri Constitution that the "rapids of the river Des Moines" were "the rapids of the Mississippi, near the mouth of that river, known in 1820, as the *Des Moines river rapids*, or *the rapids of the river Des Moines*." Dodge warned that it would "certainly be an unpleasant thing" for the constituted authorities of the territory to collide with those of Missouri, but that "so far, however, as it rests with me no encroachments on the rights of our citizens will be permitted, without resistance."<sup>6</sup>

Thus it did not take long for the territorial residents or their governor to warm to the border issue.

Whether or not Brown was motivated by any intentions of adding land to Missouri when he took up his surveying work in 1837, the contested region consisted of "rich agricultural land," and it was "natural that the Missourians should covet the rich land north of the Sullivan line;" the movement of the boundary northward would give Missouri land speculators "a larger area for their activities."<sup>7</sup> There

<sup>5</sup> *Ibid.*, Nov. 25, 1837.

<sup>6</sup> *Ibid.*, Nov. 15, 1837.

<sup>7</sup> Eriksson, Erik McKinley, "The Honey War," *Palimpsest*, Vol. V, 340, September 1924.

were also political implications. With the influx of permanent white settlement, the precise location of the boundary line was important: for several reasons settlers wanted to know what political jurisdiction they were living under, "particularly those who were opposed to slavery."<sup>8</sup>

By 1838, the number of persons living in Iowa reached 22,859, and on June 12, 1838, the Territory of Iowa was created. Six days later Congress passed another act authorizing President Van Buren to ascertain and mark the territory's southern boundary. The President and the governors of Iowa Territory and Missouri were each to appoint a commissioner for that purpose. Van Buren appointed Albert Miller Lea as the U.S. Commissioner; and Robert Lucas, first Iowa territorial governor, appointed Dr. James Davis. But Lilburn W. Boggs, Missouri governor, pleaded for delay. On July 28, 1838 he wrote U. S. Secretary of State John Forsyth urging delay of the survey until "early in November next," noting that the Legislature "will doubtless take some early action on the subject."<sup>9</sup>

In the end, only Davis and Lea made surveys; no one from Missouri was appointed. Both submitted their reports in January 1839—Davis to Lucas and Lea to the General Land Office. Lea presented a detailed history of the boundary question and came to the conclusion that there were four lines, "any of which may be taken as that intended" by the act of Congress authorizing the Territory of Missouri to form a constitution and state government. These were, wrote Lea:

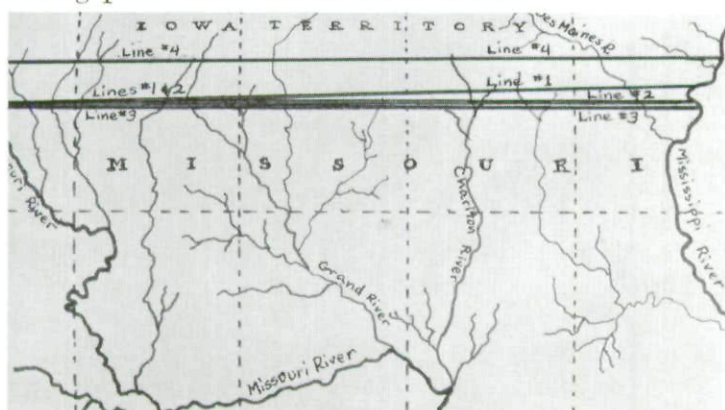
1. The old Indian boundary, or Sullivan's line, extended west to the Missouri River.
2. The parallel of latitude passing through the old northwest corner of the Indian boundary.
3. The parallel of latitude passing through the Des Moines rapids in the Mississippi river.
4. The parallel of latitude passing through the rapids in the Des Moines river at the Great Bend.<sup>10</sup>

<sup>8</sup> Wilson, Ben Hur, "The Southern Boundary," *Palimpsest*, Vol. XIX, 413. Iowa City, Iowa: State Historical Society, October 1938.

<sup>9</sup> *House Documents*, Second Session, 27th Congress, Vol. III, 3-4. Doc. No. 141, 1841-42.

<sup>10</sup> Lea, *op. cit.*, 200.

The fourth line, the one surveyed by Brown, running due west from the Great Bend of the Des Moines River would pass 13 miles north of the old northwest corner of Missouri. A line drawn west from the third line, on the other hand, would pass about a mile and a half south of the northwest corner. Lying within these two lines were the first two, both starting at the same point on the west but Sullivan's line running slightly in an oblique direction so its eastern terminus on the Des Moines River was about four miles north of its starting point at the old northwest corner.



prepared by Vicki Carver

#### Disputed Boundary Lines

Lea noted that the Indian boundary or Sullivan's line was called for in a number of Indian treaties, "and in like manner is the same line marked in all maps in common use in the country." But he also pointed out that the line could not fulfill the requirements of the Congressional law, since Sullivan's line was oblique and the law called for a parallel of latitude. Thus, said Lea, Sullivan's line could not "be deemed the *legal* boundary" of Missouri, although its long use as such "and the various interests which have grown up under that use, may render it proper to establish it as such by future legislation." Lea continued that the latitude passing through the old northwest corner of Missouri was "neither legally nor equitably the northern boundary" of that state. Thus, he said, if neither of the first two lines was the true boundary, the question would be reduced to determining what the

phrase "rapids of the river Des Moines" really meant. Lea noted that the rapids in the Mississippi—which the Iowans argued were the ones meant by the law—had long been known among the French as "Les rapides de la riviere Des Moines;" the use of the definite article, "the rapids, etc.," he wrote, "seems to imply some rapids well known as distinguished by that name; which is evidently not the case in regard to any rapids in the Des Moines."

However, said Lea, the parallel of latitudes passing through the Des Moines rapids in the Mississippi River and through the rapids in the Des Moines River at the Big Bend "both fulfill the requirements of the law." The commissioner added, however, that he was not prepared to say "which of these lines should have the preference," and suggested Congress declare which line should be the true Missouri boundary.<sup>11</sup>

Davis, appointed by Lucas to conduct the survey, rather predictably supported the Iowa claim and had this to say about the argument over the interpretation of where the rapids were:

Whenever, by common consent, a word or phrase is used to convey or express a particular idea, such is its actual meaning. It matters not if the rapids in question have been denominated the rapids of the north pole.<sup>12</sup>

But on Feb. 16, 1839, Missouri showed it wasn't willing to wait for Congress to declare what the state boundary was. The Missouri Legislature passed an act declaring that the jurisdiction of the state extended to the line surveyed by Brown in 1837. That action escalated the dispute and set the stage for the square-off late in the year which almost brought Iowans and Missourians to war. In the aftermath of the law, officers of Clark County, Mo., immediately south of Van Buren County, Iowa, began to assess and attempt to collect taxes in the area north of Sullivan's line and south of Brown's line, and the effort met with immediate resistance from residents of the area who considered themselves residents of the Territory of Iowa, not of the State of Missouri. Lucas, early

<sup>11</sup> *Ibid.*, 201-06.

<sup>12</sup> *House Documents, op cit.*, 25.



in July, received a letter from the commissioners of Van Buren County stating that Missouri authorities had "assessed their property" and had "endeavored to ascertain their views in relation to slavery."<sup>13</sup> That brought an immediate response from Lucas in the form of proclamation on July 29. Lucas, it is interesting to note, had been governor of the State of Ohio during its "border war" with the Territory of Michigan. Lucas once massed the Ohio State militia on the border to face Michigan territorial militia. Now his role was reversed, but Lucas took a firm stand for the rights of the inhabitants of the Territory of Iowa—urging, however, that civil rather than military authorities deal with the situation. He called on the U. S. district attorney and other peace officers in the territorial counties bordering on Missouri "to be vigilant, in protecting the inhabitants of the Territory, in all their rights." Lucas urged, also, that officers and citizens be circumspect in all their actions, and under no circumstances to permit themselves to become the aggressors. . . ." He proclaimed:

Should we . . . be disappointed in our expectations, as to the pacific disposition of the public authorities of Missouri, and they attempt to enforce an exercise of Jurisdiction within any part of the present organized boundaries of our Territory, there is but one path of duty pointed out to us — and that is, to maintain the jurisdiction of the United States over the full extent of this Territory, as it was transferred to us by the United States at its organization, and to resist by the potent arm of the civil authority, every encroachment, upon our jurisdiction, until the boundary line be diffinitely [sic] settled by Congress, or altered by authority of the United States.<sup>14</sup>

Across the line in Missouri, Lucas' proclamation was read with great indignation, and on Aug. 17, 1838 the citizens of Clark County, Mo., just south of the disputed area, passed protesting resolutions and solemnly pledged themselves to aid in the support their state.

Missouri's governor, Boggs, was also aroused by the Lucas proclamation and issued one of his own in answer on Aug. 23, 1839. He called on civil and military officers of

<sup>13</sup> Parish, John C., *Robert Lucas*, 239. Iowa City, Iowa: State Historical Society, 1907.

<sup>14</sup> Shambaugh, Benjamin F. (ed.), *The Executive Journal of Iowa as kept by Governor Robert Lucas from July 17, 1838 to June 18, 1841*, 134-35. Iowa City, Iowa: State Historical Society, 1906.

Missouri to faithfully execute the laws and ordered the officers of the militia to hold themselves in readiness to render assistance. He closed by expressing his personal regret at the state of affairs.<sup>15</sup>

This only brought a counter-proclamation from Lucas on September 25. Stressing the fact that many Indian treaties and maps referred to Sullivan's line as the Missouri northern boundary, the Iowa governor made it clear that he believed the border dispute wasn't a matter between the State of Missouri and the Territory of Iowa, but between Missouri and the United States. Lucas wrote:

Should the authorities of Missouri . . . march with an armed force as indicated in the Proclamation of the governor of Missouri, and invade our Territory, they may ultimately find to their regret, that it is not the infant Terr[*i*]t[*o*]ry of Iowa that they are warring ag[*ai*]nst but that by such overt act they have levied war against the United Stat[*e*]s and by invading the terr[*i*]tory of the United States with an armed force they have subjected themselves to all the consequences of such acts of temerity—<sup>16</sup>

Tension on both sides was building as attempts to exercise jurisdiction continued to bring about irritation. About mid-October 1839, Henry Heffleman, sheriff of Van Buren County, wrote Lucas that the sheriff of Clark County, Mo., had appeared in Van Buren County to try to collect taxes. Upon being refused payment the Missouri sheriff reported back to authorities at the Clark County seat of Waterloo, "whereupon a force of several hundred men was being collected" to march across the border "for the purpose of taking the property of those refusing to pay taxes."<sup>17</sup>

On October 24, the *Hawk-Eye and Iowa Patriot*, a Burlington newspaper, told its readers that "We are looking forward with considerable anxiety for news from Van Buren County." The newspaper said that "according to the threat" of the Clark County sheriff, "it was apprehended that he would appear on Monday last with an armed force to compel the citizens of Van Buren Co. to pay taxes to Missouri." In fact, the paper continued "we learn by a gentleman who came

<sup>15</sup> Parish, *op. cit.*, 241.

<sup>16</sup> Shambaugh, *op. cit.*, 150-51.

<sup>17</sup> *Hawk-Eye and Iowa Patriot*. Burlington, Iowa: Oct. 31, 1839.

through Clark County on Friday or Saturday last, that the militia of Clark and Lewis Counties, Missouri were ordered out." But, too, said the Burlington paper, the militia of Van Buren County "have been drilling for the last week, and are in a state of preparedness to meet their belligerent neighbors."

On the same day the above article appeared, Heffleman wrote Lucas about an attempt to arbitrate matters on the border. A delegation of seven from Clark County met a delegation of the same number from Van Buren County to submit a set of propositions concerning an end to military preparations and the exercise of concurrent jurisdiction, in civil matters, by officers of the two counties until the question was settled. But the Van Buren delegates refused the concurrent jurisdiction, and the meeting ended in failure, with the result that the Missouri authorities were instructed to collect taxes in the disputed area. On October 26, Lucas and two Supreme Court judges for the territory, Charles Mason and Joseph Williams, sent a letter to the U. S. marshal for the Iowa Territory, Francis Gehon, informing him of the situation and urging his presence on the border and attention to the affairs. Things had gotten to such a state that by the end of October there was a rumor in Burlington "that the Missourians have burnt a house in Van Buren County, and that 2 children perished in the flames."<sup>18</sup>

During the following month the situation reached crisis proportions. It has been somewhat popularized that the climax was reached in mid-November when a Missourian supposedly cut down three "bee trees" in the disputed area. According to Erik McKinley Eriksson, in an article in the September 1924 *Palimpsest*, the collection of honey stored in hollow trees by swarms of wild bees was an attraction of the disputed tract, and the destruction of the bee trees was "the most irritating" of the acts along the border which had engendered ill feeling.

The incident, Eriksson wrote, "occasioned great excitement in Iowa for it seemed to be an act of wanton malice."

<sup>18</sup> Eriksson, *op. cit.*, 345.

An Iowa constable, he said, "sought to arrest the offender, but the miscreant succeeded in crossing the line to Missouri and safety."

But more likely the event that actually brought matters to a head came on Nov. 20, 1839, when Heffleman of Van Buren County arrested Uriah S. Gregory, the sheriff of Clark County, while Gregory was attempting to collect taxes north of the Sullivan line. Heffleman, commended by Lucas for the arrest of the Clark County sheriff, took Gregory to Burlington where Gregory met with the Iowa governor. Lucas advised Gregory to "enter into recognizance" and return home, assuring the sheriff that if he should be convicted, Lucas as executive would feel disposed to remit the penalty. Gregory, however, refused, and Heffleman then moved the prisoner (who never was put into confinement) to Bloomington, somewhat farther removed from the disputed area.

In the wake of the arrest of Gregory, a special session of the Clark County Court was held on November 23, and orders were issued to Gens. David Willock and O. H. Allen to muster the militia under their command in order to assist the civil authorities in maintaining their jurisdiction over the disputed area.

Although there are conflicting accounts on the number of men raised, by late November and early December of 1839 a substantial Missouri militia force was being gathered. According to Eriksson, in response to the summons of Willock, more than 2,000 Missourians began to gather for the threatened war, and by December 7, Allen "had the Lewis County regiment on the march toward the seat of war without tents or blankets and imperfectly supplied with arms and ammunition." Charles Negus, in his 1866 article in the *Annals of Iowa*, wrote that the arrest of Gregory resulted in Boggs' dispatching Allen "with a thousand men to the place of contention." Henry and Edwin L. Sabin, in their 1900 work *The Making of Iowa*, also wrote that when the militia face-off came, there were a thousand Missourians on hand under the command of Allen. An emissary sent by Lucas counted about 500 men in Waterloo, Mo., on Dec. 10, 1839.

At any rate, the Missouri militia buildup was certainly a matter of concern for the Iowa territorial governor. Not only was the state raising troops—there also were reports that Missouri authorities were harassing Iowans. Lucas was informed in a letter written on November 30 by a William Willson, who was heading a train of wagons from Tully, Mo., to Fort Madison, Iowa, that he had been halted at St. Francisville, Mo., by a “company of armed men.” Willson complained in the letter, which was printed in the *Hawk-Eye and Iowa Patriot*, that the armed group, under the command of a certain “Capt. Levering, who said he acted under orders from a certain Gen. Allen,” refused to let him pass until a search of the wagon train for ammunition was made. The men took from Willson “a roll of lead” and gave him a receipt, Willson related. He added that the postmaster at St. Francisville informed him that he had received orders from Allen “to prevent the mail from passing into the Territory of Iowa.” Since the postmaster was “not feeling disposed” to obey Allen’s orders, “an armed force was kept at the Post Office, to prevent any mail from being sent into the Territory.” The *Hawk-Eye*, commenting in its December 5 issue, said of the incident, “We have never been called on to record a grosser violation of the rights of citizenship.” If such actions continue, the newspaper editorialized, “then it is time some adequate remedy be employed” to check the Missourians “in their mad career.”

Word of such incidents and the gathering of the Missouri forces prompted Lucas to ask Charles Weston, the U. S. attorney for the Territory of Iowa, to give his official opinion on the matter. Weston, in his report of Dec. 6, 1839, said that until Congress decided the issue of the disputed tract, it was the duty of the U. S. marshal for the territory to enforce the rights of the citizens in the area, although the militia force should be in aid of and subordinate to civil authority. In pursuance of the opinion, Lucas on the same day sent orders to J. B. Brown, Jonathan Fletcher and Warner Lewis, majors general of the three divisions of Iowa militia, to take measures to furnish the marshal such forces as he might from time to time require. Lucas then sent a copy of the orders to the marshal and left the matter of using the

militia as a *posse comitatus* "entirely in his charge." On receipt of the governor's letter, the marshal made requisitions for troops, and preparations were soon made for a body of armed men to march to the front in order to aid the civil officers in supporting the jurisdiction of the United States.

There has been some confusion in past accounts over whether Lucas actually "called out the militia," but it seems clear that he only ordered the three generals to be prepared to call out militia forces to aid the marshal as needed. One newspaper, *The Iowa Sun and Davenport & Rock-Island News*, said in its Dec. 18, 1839 issue that "Orders are said to be in town to call out 9000 men to go and fight Missouri, but we cannot learn who issued the order, or on what authority it was issued . . ." But the newspaper said it was convinced of one thing — "that the War Department never issued an order, commanding or even authorizing us to butcher our fellow citizens of Missouri."

If the editors of that northeastern paper were cool to the idea of a military struggle, so were a number of residents of the Territory of Iowa; in some quarters, however, the idea of a fight was met with apparent great enthusiasm. In many places there was little enthusiasm to volunteer, especially in the northern part of the territory, and Lewis wrote Lucas of the difficulty in getting enough recruits, although he reported the mustering of about 500 men, more than half of whom started on the march to the border. The problems encountered were the inclement December weather, the reluctance of men to leave their families, and the uncertainty of being paid; as well, some men questioned the authority of the marshal to force them to go or punish them for not going. Accounts vary, but apparently a force of several hundreds was gathered. According to Ericksson, the Iowa "army" consisted of about 1,200 men, including four generals, nine general staff officers, 40 field officers and 83 company officers. The militia force was organized into 32 companies, but he says only about 500 reached the camp at Farmington opposite Waterloo, Mo.

An economic factor may have encouraged those who did go. It was the slack season of the year, "and as usual money

was scarce, so the Iowa militiamen probably were activated more by the hope of remuneration from the government than by the patriotic appeal to defend their rights against the Missourian aggression."<sup>19</sup>

There must have been patriotism and excitement in some quarters, however, according to the account of Suel Foster, a veteran of the episode who had been living in Muscatine at the time. Writing in the July 1873 *Annals of Iowa*, Foster gave this account of the preparations:

Messengers were sent by the Governor in every direction, with orders to enroll the militia, bring them into line, and march immediately for the 'seat of war.' The drums rattled, the fifes whistled, and the bugles blowed,—'To arms, boys, to arms.'

Samuel Hedges, a colonel in the Iowa militia, was one of those reluctant about the whole affair, but who resignedly set about to do a soldier's duty. In the Dec. 18, 1839 issue of the *Iowa Sun*, Hedges issued a dichotomous sort of notice to the men of his regiment. He questioned who would pay for the militia's services, and stated:

I would then ask, are you prepared to furnish an out-fit for a winter campaign, in a cold climate at your own expense: to endure constant suffering without pay or the hope of it, and all this in a cause in which we are as likely to be wrong as right—as a citizen, I answer never, but as Colonel of the 1st Regiment 2d Brig. 2d Div. I say, be ready to march at a moment's warning.

When the troops eventually were mustered, Hedges probably was even more unhappy. J. M. D. Burrows, a pioneer merchant of Davenport who later gave an account of his service in the February 1943 *Palimpsest*, said that Hedges had "a sorry lot to drill!" The militiamen didn't have guns, and came with pitchforks, scythes, hoes and clubs. One man, said Burrows, even had a sheet iron sword, "six or seven feet long." Many were drunk, he said, "and all were noisy and disposed to make fun of our officers. The whole affair was taken lightly." Burrows went on to say:

We who remained were getting hungry and asked for rations. When we were informed that we would have to furnish our own blankets, whiskey, and hardtack, which the government would refund at some future day, we objected. We were willing to shed our blood for our beloved Territory and, if necessary, to kill a few hundred Missourians, but we were not going to do that and board ourselves besides.

<sup>19</sup> *Ibid.*, 346.

The Iowa soldiers came from Burlington, Bloomington, Davenport, Muscatine—even as far north as Dubuque. It was a motley crew, as this account of a review in Scott County indicates:

In the ranks were to be found men armed with blunderbuses, flintlocks, and quaint old ancestral swords that had probably adorned the wall for many generations. One private carried a plough coulter over his shoulder by means of a log chain, another had an old fashioned sausage stuffer for a weapon . . . Such men were 'weeded out' and dismissed.<sup>20</sup>

In addition to the reluctance with which some Iowans went to the supposed war ahead, some newspaper accounts were critical of the affair. *The Iowa Sun* carried in its Dec. 18, 1839 issue what was supposedly a letter to the newspaper in which the writer, signed "CAIO," complained that "Don Quixot's [sic] famed battle with the wind-mill was not more ridiculous than the present border war." The writer questioned whether the matter was so important it had to be settled immediately, and criticized the governors of the State of Missouri and Territory of Iowa: "To what strange infatuation is this conduct to be attributed? Are these men in their sober senses?"

The newspaper in the same issue printed a report from a newspaper called the *Missouri Republican* which said "We regret to see the obstinacy and pertinacity of the course pursued by Iowa. It certainly is a mistake, and can lead to no beneficial results to her." Both the report of the Missouri paper and an article in the *Sun* itself seemed pragmatic if not prophetic as far as the boundary dispute was concerned. Both suggested a court determination of the boundary line. The *Sun* said the question amounted to simply whether the "rapids of the River Des Moines" were in the Mississippi or Des Moines River. The U. S. Supreme Court, it said, is "probably the tribunal which must decide this question."

But the Iowa militiamen continued their march to battle amid new reports of incidents that inflamed opinion. An unsigned letter which was published in the Dec. 12, 1839 issue of the *Hawk-Eye and Iowa Patriot* and which had been

<sup>20</sup> *Ibid.*, 72.



written in Fort Madison on December 9 by a member of the Iowa militia, related that it was expected that the group was to march for the border the next day. The writer said that in Fort Madison he had met two citizens who had been passing through Clark County, Mo., and were confined "on suspicion of their being spies," but later discharged. The letter complained that "it is *not safe* for a citizen of Iowa to pass into the State of Missouri on his lawful business."

The same issue of the *Hawk-Eye* contained a story based on information reportedly received from a deputy marshal named Hendry. The story said that on December 3 or 4 a company of about 50 men, some of whom were armed, accompanied by the Clark County deputy sheriff, entered Van Buren County "and commenced plundering our citizens," taking "such moveable articles as they could carry away handily on horseback" plus some stock. The alleged grounds for this action, the story continued, was that of "collecting taxes under the authority of the state of Missouri." Hendry summoned a posse, the paper related, but the Missourians escaped. There were also reports, the story said, that a Missouri delegation was going to attempt to rescue the arrested sheriff of Clark County, Uriah Gregory. But the writer of the *Hawk-Eye* article discounted the likelihood of this.

Lucas, in the meantime, was trying to find out exactly what was happening in the border area and to keep U. S. authorities informed. He sent a lawyer, Stephen Whicher, to the border to learn what he could of the Missourians' movements. Whicher reported that he left Burlington on December 6 and reached Waterloo, Mo., on Dec. 9, 1839, finding that "the town seemed a military camp and the streets a place for military parade." He said he had learned from reports of "citizens" that Boggs had ordered 10,000 men—undoubtedly an exaggerated figure—from 16 counties lying north of the Missouri River to be mustered in Waterloo. Not too many had arrived yet, however. Whicher reported that on December 10 he counted 498 men in columns under Allen's command.

Whicher later met with Allen and several other officers about the situation, and was struck by the unexpected decorum and lack of excitement among the officers of this army.<sup>21</sup>

After receiving Whicher's report, Lucas on Dec. 13, 1839 wrote John Forsyth, U. S. secretary of state, informing him that a previous Lucas report, in which it was stated that Missouri was "embodying an armed force, to take possession of the district of country claimed by her," was confirmed by the report of Whicher. Lucas stated, "We are still acting on the defensive and will continue to do so," but noted that Missouri's "menaces cannot intimidate us, or drive us from a faithful discharge of our duty to the United States."<sup>22</sup>

While all the rumors were flying, the Iowa Legislative Assembly was meeting in Burlington, and on December 6 a resolution was proposed that the Assembly adjourn "in order to assist our citizens in maintaining peace or aiding them in the defense of their rights." This did not pass, however, and the Legislature remained in session. On the next day, December 7, a Saturday, a delegation of five persons appointed by the Clark County Court arrived at Burlington with a copy of "certain provisions" intended to be presented to the General Assembly, but, since the Assembly had adjourned until Monday, the delegation exhibited its plans before a meeting of citizens of various parts of Iowa Territory. The Missouri delegation suggested that both Missouri and Iowa suspend all jurisdiction over the disputed tract except in criminal cases "until such time as the dispute in question may be settled by a competent tribunal," and that both parties agree to withhold any military operations in the area. Good feelings apparently pervaded the meeting as the Iowa citizens, in turn, passed a resolution stating that "we seriously deprecate the idea of a hostile meeting with our brethren of Missouri," and they added that they would use "all honorable and legal exertions to adjust all cause of difficulty before us."<sup>23</sup>

<sup>21</sup> *Hawk-Eye and Iowa Patriot*. Burlington, Iowa: Dec. 19, 1839.

<sup>22</sup> Shambaugh, *op. cit.*, 164-66.

<sup>23</sup> *The Iowa Sun and Davenport & Rock-Island News*. Davenport, Iowa: Dec. 18, 1839.

The meeting, however, carried no legal authority, and it ended merely in the proposal of the resolutions as a means of settling the dispute. But the incident did show that there were those on both sides who wanted to avert bloodshed. While the Iowa House of Representatives, when it met the following Monday, did not go along with the propositions of the Clark County delegates, it did pass resolutions asking Missouri's governor, Boggs, to authorize a suspension of hostilities until July 1, 1840, and asking Lucas to suspend all military operations until the decision of Boggs was known. Lucas, however, on December 13, vetoed the House resolutions, objecting to the preamble which spoke of difficulties existing between the State of Missouri and the Territory of Iowa. Lucas again emphasized the matter was one between the State of Missouri and the United States, and he asserted that he believed most Missouri citizens were "opposed to the rash proceedings of the authorities of that state, in these intrusions upon the citizens of the United States residing within the organized limits of this Territory."<sup>24</sup>

The House resolutions, however, probably helped serve to quiet matters on the border.

Meanwhile, Hendry was gathering his territorial militia at Farmington. Before proceeding to military measures, he sent a group to Waterloo in hopes of securing a peaceful settlement. Included were Augustus Caesar Dodge, who held the position of brigadier general in the militia, and Maj. J. A. Clark and James Churchman. Arriving at Waterloo they met with the happy but surprising information that the Missouri army, in obedience to an order of the Clark County Court, had been disbanded. The Iowans were assured that no further attempt would be made to enforce jurisdiction in the disputed tract until the general government had arrived at a decision.<sup>25</sup> They returned to Farmington and the pioneer army that had gathered there was disbanded. War had been averted.

When some of the Missouri soldiers were informed, while they were marching toward Clark County, that the war was

<sup>24</sup> Shambaugh, *op. cit.*, 167-68.

<sup>25</sup> Pelzer, Louis, *Augustus Caesar Dodge*, 81-82. Iowa City, Iowa: State Historical Society, 1908.

ended and their services not needed, they were scarcely overjoyed; before going home they decided to demonstrate their opinion of the whole affair. Believing Boggs and Lucas were responsible for the trouble, they halved a haunch of venison and labeled one part "Gov. Lucas of Iowa" and the other "Gov. Boggs of Missouri." Both halves then were "hung up and riddled with bullets, after which they were taken down and buried with mock military honors."<sup>26</sup>

Foster, of the Muscatine dragoons, relates that his group, while halted and camped for the evening after the second day of march to the front, was met by an Iowa group "who bore the sad news that Peace was declared." The dragoons, he said, then reloaded and headed for Burlington where, it was obvious, didn't feel unhappy for long that the war was over, but rather took part in a night to be long remembered. Wrote Foster: "I believe I never saw a wilder set of men and greater carousal than there was that night in the city of Burlington."<sup>27</sup>

The *Hawk-Eye and Iowa Patriot*, when it learned hostilities had ceased, also rejoiced in this ornate prose in its Dec. 19, 1839 issue:

The olive branch of peace has been brought to us from the border. War is averted from our peaceful Territory and our citizens may again resume the harmless tools they had thrown aside to grasp the unerring rifle and the deadly brand.<sup>28</sup>

The *Hawk-Eye* asserted that if "blood had once been shed there is no determining where the matter would end." The paper said rather righteously that "Missouri has acted a generous part.—She found herself in error and has been noble enough to come forward and acknowledge it by a withdrawal of her troops from our Territory . . ." In another part of the same issue of the newspaper, the *Hawk-Eye* editors related that they had never witnessed "such an outburst of true patriotic feeling" in Burlington since Iowa had become a territory as when the troops from Muscatine paraded through the streets in a scene that was "truly imposing and will not

<sup>26</sup> Eriksson, *op. cit.*, 349.

<sup>27</sup> Foster, Suel, "Origin of the Missouri War (1839) in a Land Grab," *Annals of Iowa*, Vol. XI (First Series), 544, July 1873.

<sup>28</sup> *House Documents*, *op. cit.*, 10.

soon be forgotten." The Muscatine soldiers, before they departed for home on December 17, the *Hawk-Eye* said, adopted a resolution thanking the people of Burlington for their hospitality and hailing the "honorable adjustment" of the border difficulty.

Two days later the *Iowa Territorial Gazette and Burlington Advertiser*, in somewhat of a self-praising note, stated that the border war, "as was predicted, has been a bloodless one." The paper praised the "alacrity," however, with which the call of the marshal for assistance was met by the people of Iowa.

And as John C. Parish put it in his biography *Robert Lucas*, the gay enthusiasm of the homecoming and the wild carousing of some of the troops in "no way proves that their valor would have been any the less in case of actual conflict."

The *Iowa Sun*, on the contrary, didn't seem to share the patriotic fervor of the *Hawk-Eye* or put the blame for the dispute so squarely on Missouri. The paper complained on Christmas Day 1839 that "short and insignificant as this war has been, it will cost the people of the Territory about \$100,000," and the *Sun* sharply criticized Lucas, saying all this was because "our Executive could not tell whether the rapids of the Des Moines river were in the river Des Moines or in the Mississippi river a few miles above its mouth."

The *Sun* may have been a bit hasty, however, in its assessment of how much the "war" would cost Iowa. According to Negus, in the *Annals'* article already cited, the expenses of Iowa in calling out the militia were \$13,000, which the Territorial Legislature tried to get Congress to pay, but which was never authorized. Negus noted that some persons contributed substantial amounts of money toward the territorial war preparations effort, including one Samuel C. Reed of Van Buren County who gave provisions to the troops worth nearly \$200. But 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."

While the withdrawal of the troops took the situation out of the crisis stage, the question of the border was far from settled. The danger of hostilities for the present was past—even though Boggs of Missouri did not sanction the action of the Clark County Court in moving to halt hostilities. Boggs expressed his ideas in a proclamation on Dec. 28, 1839, asserting that “the general government has no right to take from the State of Missouri one inch of its declared limits,” and expressing his dissent from the resolutions seeking peace which he indicated he understood were passed by both the Iowa Legislative Assembly and the Clark County Court of his state. He ordered that no suspension “of civil or military functions” be allowed.<sup>28</sup> Lucas, on Feb. 12, 1840, in effect corrected Boggs. In a letter to Secretary of State Forsyth, the Iowa governor noted that he had vetoed the legislative action and that constitutional authorities of Iowa had never transmitted any such resolutions to Boggs. While the Missouri governor still was not reconciled to the idea of the present solution, pressure from members of the Missouri delegation in Congress may have kept him on a peaceful path. He was sent a letter from the delegation “recommending great forbearance and moderation in relation to the existing boundary difficulties.”<sup>29</sup>

The border remained relatively quiet. By Feb. 12, 1840, Lucas was able to report in a letter to Forsyth that, subsequent to the turning back of the troops, “every thing has appeared tranquil upon the borders, and I trust will continue so, until a final quietus, is put to the matter in dispute, by Congress—.” And on Nov. 3, 1840, Lucas reported to the Iowa Council and House of Representatives that:

The excitement produced by the intrusions upon the rights of the citizens of Iowa; by the authoriti[e]s of Missouri, near the boundary line, has subsided.— The prosecution commenced under the laws of the Territory, against a sheriff of Missouri, has been dismissed, and no further attempts have been made, by the authoriti[e]s of that state, to exercise jurisdiction north of Sullivan’s line.<sup>30</sup>

<sup>29</sup> *Ibid.*

<sup>30</sup> Pelzer, *op. cit.*, 89.

Perhaps it was the display of force by Iowa that helped calm the Missourians' warlike intentions. And it may have been that any conflict, Missourians recognized, could indeed be one between the United States and Missouri rather than between the Territory of Iowa and Missouri. This factor in itself may have led to a search for a peaceful resolution of matters. The pacificatory resolutions of the Iowa House also played a part, and perhaps in the final analysis, it was common sense that prevailed to prevent actual warfare. As Lucas had hoped, the boundary question did go before Congress. But the problem was not quickly resolved. Session after session passed without settlement of the issue.

The boundary question initially was referred to the Committee on Territories chaired by Garrett Davis of Kentucky. William Chapman, the first delegate to Congress from the Territory of Iowa, became pitted against the Missouri representatives. Chapman had investigated the border question thoroughly and his plea for the territory resulted in the committee's reporting in favor of Iowa, that is, that the "rapids of the river Des Moines" meant those in the Mississippi River. But the Missouri delegation now attempted to lure Chapman to their view of the boundary dispute by indicating that if he saw things their way they would support early statehood for Iowa Territory. The overtures were rejected, and next it was Augustus Caesar Dodge who came to Congress to guard and plea the claims of the Territory of Iowa.

During Dodge's first term ending in March 1841, no progress was made, and Congress was too absorbed in other matters in the summer session to legislate on boundaries. But, relates Louis Pelzer, Dodge then made his move to force attention to the issue. Dodge was able to get before the House all the documents on file in the State Department and all the correspondence between the Department and Missouri on the subject. The House referred the documents to Davis' committee, and a bill was introduced May 26, 1842, proposing to adopt Sullivan's line as the division between Missouri and the Territory of Iowa. John C. Edwards of Missouri argued against the measure, claiming the members

of the Constitutional Convention of Missouri in 1820 had in mind the rapids of the Des Moines River as the point through which the state's northern boundary ran. But Dodge countered with the long-contended Iowa point of view that the "rapids of the river Des Moines" had long been the name conferred on rapids in the Mississippi River and that at the time of the formation of the Constitution of Missouri many of the members of the convention were not aware of any rapids in the Des Moines River. Dodge quoted Pierre Chouteau, Jr., a member of the convention that framed the Missouri Constitution and a longtime trader on the Upper Mississippi, as saying he never had heard of any rapids in the Des Moines River "until a few years past." Dodge condemned the role of speculators in the whole affair, calling the cupidity of these land sharks the mainspring by which Missouri authorities were induced "to attempt an extension of their boundary beyond the good old Indian line." He termed Iowa's rival as "gigantic, avaricious, grasping Missouri," at that time the largest state in the Union and the last one in Dodge's opinion which, under these circumstances, should claim more territory.

The bill to set Sullivan's line as the boundary passed the House on Aug. 8, 1842, and was sent to the Senate. There, no longer having "the fostering care of Mr. Davis or Augustus Caesar Dodge the measure languished and died under the watchful eyes of the Missouri senators."<sup>30</sup> Nearly two more years passed with Congress doing nothing to settle the controversy.

Finally on June 17, 1844, Congress passed a law providing for settlement of the boundary by three commissioners, one to be appointed by the governor of Iowa Territory, "to act in conjunction with such commissioner as may be appointed by the State of Missouri" and a third person to be selected by the first two. The report of any two of the three commissioners was to be "final and conclusive;" the act was not to go into effect, however, until the Missouri Legislature assented. The Legislature of Missouri indeed assented, but the Missouri governor, now John C. Edwards, vetoed the bill, and it failed



to become law. Edwards' objection seemed to be that the issue involved legal rights, and should be adjudicated by a judicial tribunal.<sup>31</sup> The controversy, it seemed, was as far from over as ever.

The next steps came when the Missouri Legislature on March 25, 1845 passed an act seeking a Supreme Court decision on the matter, and on Jan. 17, 1846 the Iowa House of Representatives and Council asked the same. On Aug. 4, 1846—a day after the people of Iowa Territory approved the Constitution for the State of Iowa—Congress passed an act referring the boundary issue to the Supreme Court since the Missouri and Iowa lawmakers both agreed to “the commencement and speedy determination of such suit as may be necessary to procure a final decision . . . upon the true location.”<sup>32</sup> A few months later, on Dec. 28, 1846, Iowa was brought into the Union as a state. There had been a question of jurisdiction when Iowa bore territorial status, but now with statehood, the way was cleared for Supreme Court action.

As the legal arguments commenced, the location of the “rapids of the river Des Moines” was again questioned. Counsel for Missouri argued that the “obvious import of these words is rapids *of* and *in* the River Des Moines itself” and that “the evidence establishes the fact, that there are rapids in the River Des Moines.” Missouri claimed that the parallel of latitude passing through the rapids at the “Big Bend” of the River Des Moines at the latitude 40 degrees, 44 minutes, 6 seconds north “is the true boundary” of the State of Missouri, as established by her constitution. But Iowa argued that the parallel passing through the rapids of the Mississippi was the proper boundary. As it finally came out, the court rejected both claims and adopted the “old Indian boundary-line” as the dividing point, and decreed it be run and marked by commissioners.<sup>33</sup>

John Catron, an associate justice, delivered the court's opinion. He cited the “15 Indian treaties referring to the Osage boundary of 1816, as run by Sullivan, each of which recognizes

<sup>31</sup> Negus, *op. cit.*, 788.

<sup>32</sup> *United States Statutes at Large*, Vol. IX, 52-53.

<sup>33</sup> *Missouri v. Iowa*, 7 Howard 660, 663-64. U. S., 1849.

that boundary as the Missouri State line." Catron said also that since the treaties were drawn by authority of the United States, "they must be taken as recognition, on the part of the general government, that the Missouri boundary and the old Indian boundary are identical." From the time Missouri became a state until that day, the judge stated, "Sullivan's line has been recognized by the United States as the true northern boundary of Missouri." The decree adopting the boundary and calling for the line to be run and marked was issued Feb. 13, 1849, with the final decree, after the commissioners had done their work, issued Jan. 3, 1851.

The commissioners who did the work, H. B. Hendershott of Iowa and W. G. Minor of Missouri, "by close examination" were able to find "abundant blazes, and many witness trees" of the old survey done decades ago by Sullivan. And with their line surveyed and designated as the true and proper boundary, the long and vexed dispute was over.

In conclusion, it might be said that if there were "right" and "wrong" parties in the whole boundary affair, Iowa—at least morally speaking—would seem to have the main claim to the right. The evidence seems clear that Missouri forced the issue and took steps—such as attempting to collect taxes and impeding mail delivery in the disputed area—that led to the near conflict-of-arms. It seems rather obvious that the intent, if not the wording, of the original act of Congress to set up Missouri's borders (the wording which was copied in the Missouri Constitution) was that the line should pass through the rapids in the Mississippi River. Congress must take some share of the blame, because even if that body intended the line of parallel running through the Mississippi rapids to be the boundary, the line would have been close to (but not precisely the same as) the Indian boundary line.

It is difficult to say whether the 1837 survey by Joseph C. Brown, commissioned by the State of Missouri, was intended, initially, to result in a line that would increase the state's territory. Perhaps it was, as several authors suggested, a scheme backed by speculators; perhaps Brown, in following what he thought was the letter of the law and Missouri Constitution, had no idea he was precipitating a serious border incident in tracing the line as he did.

Missouri, it would seem, should not have pressed the issue of collecting taxes in the disputed area in the face of the valid question of legal jurisdiction. It was this action which precipitated the call to arms, and although both Lucas of Iowa and Boggs of Missouri have been criticized for being too hawkish in the dispute, it would seem that Lucas had little choice but to attempt to protect the rights of the citizens living in the territory of which he was the executive. He did not, it seems, welcome the conflict, but was staunchly ready to stand up for the rights of the United States when trouble began.

Enthusiasm for the claims of the two parties, as has been shown, was spotty. Some citizens were quite ready to take up arms to "defend" their homeland; others opposed the hostilities; others joined the militia mostly with the hope of adventure or monetary gain.

And although some of the settlers who came to join the militia in late 1839 took the whole affair lightly, the border confrontation was serious and went far beyond any joke. Isolated in itself, the affair is a complex, often amusing story. But in a broader context, the Iowa-Missouri dispute stands as one of many boundary squabbles that have erupted since words such as "sovereignty" and "nation" came into vogue and brought a crystallization of human opinion on the lines separating different peoples.

It is only fortunate that the Iowa-Missouri quarrel—unlike many others over boundaries—did not result in the loss of lives over nebulous questions of land and what often is called "honor."

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