

BOUNDARY HISTORY OF THE COUNTIES OF IOWA

In another paper where the writer has described historically the formation of counties in Iowa the subject of boundaries was treated in a general way.¹ It is the object of this paper to trace the boundary history of each county separately. The discussion centers, in each case, about the establishment of the county and any alterations made or proposed in its boundaries. In addition to this it has seemed wise to note the older counties from which each new county was carved either in whole or in part (See Map II.) and also to indicate the Indian land cessions² and reservations to which the territory of each county had belonged. (See Map I.)

It is well known to students of Iowa history that the territory included within the limits of the present State of Iowa belonged to the Territory of Michigan from 1834 to 1836, and to the Territory of Wisconsin from 1836 to 1838; also that the period of the Territory of Iowa dates from 1838 to 1846, and the period of Statehood from the later date to the present time. It has not seemed necessary in the following paper to note which of the foregoing periods the history of each county has spanned. When the date of establishment has been given it is comparatively easy for the reader to determine this matter for himself. Since the first counties were established in Iowa in 1834, it has seemed even less necessary to enumerate the different territorial and foreign jurisdictions of which the territory of the present State formed a part prior to that date.

¹ See article entitled *History of the Establishment of Counties in Iowa* in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

² A list of Indian land cessions in Iowa accompanies the above mentioned article.

It was customary to attach newly created counties to older ones, at first merely for revenue purposes, later for judicial, revenue, and election purposes. No mention has been made of these attachments in this paper on the ground that such a record belongs more properly to the history of the organization of the counties — a subject to be treated in another paper.

Following the treatment of the ninety-nine existing counties of Iowa will be found some mention of counties which have been blotted out, temporary counties, and proposed counties.³

Frequent reference will be necessary to the series of maps⁴ which accompanies the writer's former paper, which appeared in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

I. THE EXISTING NINETY-NINE COUNTIES

Adair.—The boundaries of Adair County were defined by an act of the legislature of the State of Iowa, approved⁵ on January 15, 1851.⁶ As established at this time they have been permanent.

The western part of the county was carved from the original County of Pottawatamie.⁷ The northern tier of townships had formerly been within the borders of the original County of Keokuk. (See Map II.) The northwest corner had been included within both of these counties.⁸

³ See below p. 116.

⁴ See the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, pp. 441-456.

⁵ Wherever in this paper a date is given for the establishment of a county it is to be understood, in case of no explanation, to be the date when the act creating the county was approved by the Governor.

⁶ *Laws of Iowa, 1850-1851*, p. 27.

⁷ This is the spelling of the act creating the county.

⁸ In this paper the original County of Des Moines is not extended across the

The territory in Adair County was not all acquired from the Indians at the same time. The eastern part was ceded by the Sacs and Foxes in the treaty dated October 11, 1842. The western part, after having been once acquired from various tribes by the terms of the treaty of July 15, 1830, was given as a reservation to the Pottawattamie nation on September 26, 1833. It was finally ceded by these Indians in a treaty dated June 5 and 17, 1846. (See Map I.)

Adams.—Like Adair, Adams County was created by the act of January 15, 1851.⁹ Its boundaries received at this time have never been altered. It was carved entirely from the original County of Pottawatamie. (See Map II.)

The territory included within the limits of Adams County was first ceded to the United States government by the terms of the treaty of July 15, 1830. This cession was made by several Indian tribes which held rival claims to the same region. By treaty September 26, 1833, Adams County became part of a reservation given to the Pottawattamie nation. This reservation was ceded back to the government by the terms of a treaty signed on June 5 and 17, 1846. (See Map I.)

Allamakee.—Allamakee County, in the northeast corner of the State, was created by an act of the legislature of the State of Iowa approved on February 20, 1847.¹⁰ Its boundaries as first defined have remained permanent. The territory included within the new county had been so recently acquired from the Indians¹¹ that it had not yet been

State of Iowa but is limited to the southern part of the Black Hawk Purchase. (See Map II.) If the larger dimensions were given to this early county, it could be said that the three southern tiers of present counties were carved from its original territory.

⁹ *Laws of Iowa*, 1850-1851, p. 27.

¹⁰ *Laws of Iowa*, 1846-1847, p. 81.

¹¹ October 13, 1846.

surveyed by the United States government. The treaty of cession had not yet been ratified by the United States Senate, nor the Indians removed from the purchase.¹² Because of these facts the act authorized the county commissioners of Clayton to have the boundaries of the new county surveyed and marked off, the lines so established to be recognized until the government survey should be completed. Clayton County was to be reimbursed by Allamakee for the expense incurred.

The southeast corner of the county had been within the limits of the original County of Dubuque. (See Map II.) The same area had, since the act of December 21, 1837, been a part of Clayton County.¹³ The remainder was carved from the territory of the original County of Fayette also created in 1837. (See Map II.)

The southeastern part of Allamakee County — the same area as mentioned above — was part of the Sac and Fox cession of September 21, 1832, known as the Black Hawk Purchase. The northwest corner was ceded by various Sioux tribes on July 15, 1830. On the same date the remainder of the county was acquired from the Sac and Fox tribes. (See Map I.) These last two cessions constituted what was called the "Neutral Strip" or "Neutral Ground" of which the most of Allamakee formed a part. The eastern part of the "Neutral Strip" was given by the United States government as a reservation to the Winnebagoes on September 15, 1832. As a result it was again ceded to the United States — this time by the Winnebagoes in the treaty of October 13, 1846. All of the present area of Allamakee, except the southeastern corner, formed part of the Winnebago reservation of 1832 and hence of the cession of 1846.

¹² See section 3 of the act.

¹³ See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

Appanoose.—Established by an act of the legislature of the Territory of Iowa, approved on February 17, 1843,¹⁴ Appanoose County received its permanent boundaries the day it was established. The territory of the county was entirely within the limits of the Sac and Fox cession of October 11, 1842, and probably all of it lay east of the line which divided that cession into two parts. (See Map I.)

Audubon.—The boundaries of Audubon County were first defined by an act of the legislature of the State of Iowa approved on January 15, 1851.¹⁵ As established at this time the county was one-fourth larger than at present, including one range of townships which now belongs to Guthrie County.¹⁶ On February 5, 1851,¹⁷ there was approved an act redefining the boundaries of Guthrie County by extending its western boundary one range farther west. The effect of this act was to reduce Audubon County to its present size, although Audubon was not mentioned in the law. The change was legal, however, since one section of the law repealed all acts or parts of acts conflicting with it. The boundaries received in this way by Audubon County have remained permanent.

The territory within the present limits of Audubon County was formerly part of the original County of Keokuk. (See Map II.) All except the northeast corner was later within the bounds of the original County of Pottawatomie.

The northeastern part of Audubon was included within the limits of the Sac and Fox cession of October 11, 1842. The bulk of the territory of the county was ceded to the

¹⁴ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

¹⁵ *Laws of Iowa*, 1850-1851, p. 27.

¹⁶ See Maps XI and XII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

¹⁷ *Laws of Iowa*, 1850-1851, p. 194.

United States government by various Indian tribes as early as July 15, 1830. The same area was included within a reservation given to the Pottawattamie nation by treaty of September 26, 1833, and finally ceded to the United States by the later treaty of June 5 and 17, 1846. (See Map I.)

Benton.—As first established Benton County was created by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.¹⁸ In its main purport this law was one subdividing the original County of Dubuque. In reality, however, two-thirds of the Sac and Fox cession of October 21, 1837, was also made use of in establishing the new counties named in the act. But even this was not all. Four of the counties, namely Benton, Buchanan, Fayette and Keokuk, included vast areas to which the Indian titles were not yet extinguished. This makes the act of December, 1837, peculiar in character since, as a rule, lands were not included in established counties until the Indian titles were extinguished.

The boundaries of Benton County as given in the law just mentioned were as follows: "All the country lying west of the county of Linn and between the line dividing townships eighty-one and eighty-two north, and the line dividing townships eighty-six and eighty-seven, extended to the western boundary of the territory". The boundaries of Linn County had been defined in the preceding section of the same act, its western boundary being placed on the line between ranges eight and nine west. The "western boundary of the territory" which was to limit Benton County on the west, referred to the western boundary of the Territory of Wisconsin which at this time was the Missouri and White Earth rivers. Benton County, therefore, extended from Linn County across the present State of Iowa to its western border. (See Map II.) As thus constituted it included

¹⁸ *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*

within its borders the territory of Benton, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford, and Monona counties, together with the southern tier of townships in the counties of Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, and Grundy, as these counties exist today. (See Map II.) At the time Benton County was established, the Indian titles had been extinguished to only a part of the territory of the present county of that name.

The original Benton was one of the temporary counties several of which were established in Iowa in the early days. Its boundaries were redefined and the county reduced in size by an act of the legislature of the Territory of Iowa approved on February 17, 1843.¹⁹ It was undoubtedly the intention of the framers of this act to give to Benton County its present boundaries, but in attempting to do this an error was made. The boundaries given to the reduced county in section nine of the act read as follows: "beginning at the northwest corner of Linn county, thence west to range (13) thirteen west; thence south on said line to the corner of townships (81) eighty-one and (82) eighty-two of range (13) thirteen and (14) fourteen west; thence east to southwest corner of Linn county; thence north to the place of beginning." According to this description the northern boundary of the new County of Benton was to begin at the northwest corner of Linn County and run "thence west to range (13) thirteen west". This can only mean that the line in question reached to the north and south line which divides ranges twelve and thirteen west. The western boundary line was then described as running from this point south to the corner of townships eighty-one and eighty-two of ranges "(13) thirteen and (14) fourteen west". In other words the western boundary line was to run straight south and yet arrive at a point one township

¹⁹ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

farther west than its starting point. This was clearly impossible and herein lies the error. The eastern boundary of Tama County was also affected. The line between Benton and Tama remained defective until corrected by an act of the General Assembly of Iowa approved on March 22, 1858.²⁰ By this law the boundary in question was redefined and declared plainly to be the line between ranges twelve and thirteen west of the fifth principal meridian. From this time on the boundaries of Benton County have remained unaltered.

The territory of the present county of Benton formerly belonged to the Sac and Fox Indians, but it was not all acquired from them at the same time. A narrow, triangular strip in the eastern part of the county, probably four or five miles wide at the northern border and tapering to a point near the southern border, was part of the cession of October 21, 1837. The remainder of the county, about eleven-twelfths of its area, represents the cession of October 11, 1842. (See Map I.)

Black Hawk.—This county was created by an act of the legislature of the Territory of Iowa approved on February 17, 1843.²¹ Located just west of Buchanan County, its boundaries were described in section eleven of the law as follows: "beginning at the northwest corner of Buchanan county, thence west to range fifteen west; thence south to the corner of townships (86) eighty-six and (87) eighty-seven, of range (14) fourteen and (15) fifteen west; thence east to the southwest corner of Buchanan county, thence north to the place of beginning". From this description it is seen that the boundaries of Black Hawk County were defined in reference to those of Buchanan. The latter county had been established by the act of December 21, 1837, its

²⁰ *Laws of Iowa*, 1858, p. 240.

²¹ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

boundaries reaching clear across the State of Iowa and even into South Dakota. (See Map II.) Those boundaries had never been altered, consequently the act which described the boundaries of Black Hawk County as just quoted, was seriously in error. The northwest and southwest corners of Buchanan were not at all where the act assumed them to be. The intention of the framers of the act was, no doubt, to give to these two counties the boundaries usually accredited to them on county maps of Iowa. Surrounding counties of necessity give them this shape. The boundaries of Black Hawk have never been redefined. Left defective by the act establishing them they remain defective today.²²

Black Hawk County, as pictured on ordinary maps, was carved from the original County of Buchanan. (See Map II.) Its territory was acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. (See Map I.)

Boone.—Boone County was carved from the territory of the original County of Benton (See Map II.) by an act approved on January 13, 1846.²³ Its boundaries as defined in this law have never been altered. An attempt to modify them slightly in 1880 by throwing the town of Sheldahl into Story County proved unsuccessful. (For a fuller account of this attempt see Polk and Story counties below.) The territory included within the limits of Boone County was acquired from the Sac and Fox Indians by the treaty of October 11, 1842. (See Map I.)

Bremer.—Created by the act of January 15, 1851,²⁴ the boundaries given to Bremer County at that time have never since been altered. Its territory had for a time been part

²² See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²³ *Laws of the Territory of Iowa, 1845-1846*, p. 73.

²⁴ *Laws of Iowa, 1850-1851*, p. 27.

of the original County of Fayette. (See Map II.) The southern part of the county (about half) had been acquired from the Sac and Fox Indians by the treaty of October 11, 1842. (See Map I.) The northern portion was first ceded by the same tribes on July 15, 1830. It was included within the region called the "Neutral Strip". By a treaty signed on September 15, 1832, all that part of the "Neutral Strip" which lay east of the Red Cedar River was ceded as a reservation to the Winnebagoes. This included most of the northern half of Bremer County. (See Map I.) This same area was ceded back by the Winnebagoes to the United States in the treaty of October 13, 1846.

Buchanan.—The original County of Buchanan was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.²⁵ Its boundaries were described in section five of the act just mentioned as including "All the country lying west of the county of Delaware and between the line dividing townships eighty-six and eighty-seven, and the line dividing townships ninety and ninety-one north, extended to the western boundary of the territory". The boundaries of Delaware had been defined in the preceding section of the act, which placed the western line of that county on the line between ranges six and seven west. The "western boundary of the territory" can refer only to the western limit of the Territory of Wisconsin, the legislature of which passed the act just quoted. The western limit of the Territory of Wisconsin was the Missouri and White Earth rivers. The new County of Buchanan extended therefore from the western line of Delaware County clear across the State of Iowa and even into the State of South Dakota. (See Map II.) As thus constituted Buchanan County included all of the territory of

²⁵ *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*

the present counties of Buchanan and Black Hawk; all except the southern tier of townships in the counties of Grundy, Hardin, Hamilton, Webster, Calhoun, Sac, Ida and Woodbury, together with the southern tier of townships in each of the counties of Plymouth, Cherokee, Buena Vista, Pocahontas, Wright, Franklin, and Butler. The original County of Buchanan was not only one of the largest ever established, either wholly or partially, within the limits of Iowa, but it was also peculiar in its character. In the formation of counties in Iowa the rule has nearly always been to include only those territories to which the Indian title had already been extinguished. The law of 1837 made exceptions to this rule in establishing the counties of Fayette, Benton, Keokuk, and Buchanan.²⁶ In the case of the latter county the Indian title had been extinguished, at the time of its formation, only from a relatively small part of its territory.

As first established, Buchanan may be called one of the temporary counties of Iowa. It was reduced in size, indirectly and imperfectly, by an act of the legislature of the Territory of Iowa approved on February 17, 1843.²⁷ This act created nine new counties and altered the boundaries of three old ones, of which Buchanan County was one. Among the new counties named in the act was Black Hawk, in defining the boundaries of which a serious error was made.²⁸ The law assumed that the western boundary of Buchanan County was the line dividing ranges ten and eleven west and then proceeded to define the boundaries of Black Hawk County in terms of those of Buchanan, the intention being to locate the former immediately west of the latter. In point of fact, however, the original boundaries

²⁶ See Maps III and IV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁷ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

²⁸ See above p. 11.

of Buchanan County had never been altered. The western boundary of the county was still the Missouri River, and the attempt to describe the boundaries of Black Hawk as "beginning at the northwest corner of Buchanan County, thence west to range fifteen west", etc., was an attempt to do the impossible. Such a county cannot be drawn upon a map. The intention of the framers of the act, however, seems perfectly clear. The two counties were to have the boundaries given them on all county maps of Iowa today. That the law did not really give to these counties the boundaries usually attributed to them is equally clear. Their boundaries were defined in a defective manner, and, not having been altered by statute, remain defective today.²⁹ Buchanan County was mentioned only indirectly in the act of 1843. Nothing at all was said about the remainder of the original County of Buchanan, which lay west of the new County of Black Hawk. Technically, the territory west of Black Hawk remained part of Buchanan County until divided up among other counties by later laws.

Assuming Buchanan County to have the boundaries generally attributed to it upon our maps, its territory represents three separate cessions of Indian lands. The eastern part was within the limits of the Sac and Fox cession of September 21, 1832, commonly called the Black Hawk Purchase; the central part belonged to the Sac and Fox cession of October 21, 1837; while the western part was ceded by the same Indians on October 11, 1842. (See Map I.) That portion within the limits of the Black Hawk Purchase was later a part of the original County of Dubuque. (See Map II.)

Buena Vista.—The boundaries of Buena Vista County have not been altered since the county was established by

²⁹ See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS. Compare also the text of pp. 434-435 in the same reference.

an act of the legislature of the State of Iowa approved on January 15, 1851.³⁰ The southern tier of townships — in other words, the southern fourth of the county — had been formerly within the limits of the original County of Buchanan. The remainder of Buena Vista was part of the original County of Fayette during the existence of that county. (See Map II.) The territory of the entire county was acquired by the United States government by the terms of the treaty of July 15, 1830, when all claims to western Iowa were surrendered by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris and the Santee Sioux. (See Map I.)

Butler.—Butler County was one of the fifty new counties established by the act of January 15, 1851.³¹ Its boundaries as defined at this time have never been altered. The southern tier of townships was part of the original County of Buchanan while the remainder had been within the limits of the original County of Fayette. (See Map II.)

The territory of Butler County represents two Indian land cessions. The southern third of the county was included within the limits of the Sac and Fox cession of October 11, 1842. The northern portion had been ceded by the same tribes on July 15, 1830, the cession of that date forming part of the so-called "Neutral Strip". (See Map I.) The famous "Neutral Line" passed close to the northwest corner of Butler County.

Calhoun.—Created under the name of Fox County, Calhoun was established by an act of the legislature of the State of Iowa, approved on January 15, 1851.³² Its boundaries as described in this act have remained permanent. The name was changed to Calhoun by an act of January

³⁰ *Laws of Iowa, 1850-1851, p. 27.*

³¹ *Laws of Iowa, 1850-1851, p. 27.*

³² *Laws of Iowa, 1850-1851, p. 27.*

12, 1853.³³ The southern fourth of the territory of Calhoun County had been within the limits of the original County of Benton. (See Map II.) The bulk of the county, however, had been part of the original County of Buchanan.

Nearly all of the area of Calhoun County fell within the limits of the cession made on October 11, 1842, by the Sac and Fox Indians. The northwest corner had been acquired from various tribes by a treaty signed on July 15, 1830. (See Map I.)

Carroll.—This county, like those just described, was established by the important act of January 15, 1851.³⁴ Its boundaries have never since been altered. The entire county comes within the limits of the original County of Benton established by the act of December 21, 1837. The southwestern corner was later included within the territory of the original County of Pottawatamie created on February 24, 1847. (See Map II.)

The relation of Carroll County to the Indian land cessions is rather complex. The larger part of its territory was acquired from the Sac and Fox tribes by the treaty of October 11, 1842. (See Map I.) All that part of the county not acquired at this time had been ceded by various tribes on July 15, 1830. The southwest corner had also been included in the reservation given by the United States government to the Pottawattamie nation in the treaty dated September 26, 1833. The latter area was ceded a second time to the United States — this time by the Pottawattamies — on June 5 and 17, 1846.

Cass.—Cass County was erected by the act of January 15, 1851.³⁵ Its boundaries were defined as follows: “Be-

³³ *Laws of Iowa, 1852-1853, p. 28.*

³⁴ *Laws of Iowa, 1850-1851, p. 27.*

³⁵ *Laws of Iowa, 1850-1851, p. 27.*

ginning at the north-west corner of township 77 north of range No. 33 west, thence west on the township line dividing townships 78 and 77, to the north-west corner of township 77 north of range 37 west, thence south on the range line between ranges 37 and 38, to the south-west corner of township 74 north of range 38 west, thence east on the township line between townships 73 and 74, to the south-west corner of township 74 north of range 33 west, thence north to the place of beginning." This definition of boundaries contains an error. It concerns the location of the southwest corner of the county and affects both the western and southern boundaries. In the above quotation we read "thence south on the range line between ranges 37 and 38, to the south-west corner to township 74 north of range 38 west". It is clearly impossible to follow south on the line indicated and arrive at the "southwest corner of township 74 north of range 38 west". The law should have read *north of range 37 west*. This error has never been corrected. The boundaries of Cass County were defective as first defined, and, since they have never been altered, remain defective today.³⁶ It is absolutely impossible to draw Cass County on a map according to the boundaries given it in the act quoted above. The counties round about it, however, give it shape, and give it, indeed, the boundaries which the framers of the act no doubt meant it to receive.

The territory which county maps of Iowa accredit to Cass County was ceded to the United States by various tribes on July 15, 1830. It was also part of that area given as a reservation to the Pottawattamie nation by the treaty of September 26, 1833. The whole region was receded to the United States by the terms of a treaty dated June 5 and 17, 1846. (See Map I.) Cass County was also included within

³⁶ See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

the limits of the original County of Pottawatamie created in 1847. (See Map II.)

Cedar.—Cedar County was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.³⁷ Like its neighbors it was carved from the territory of the original County of Dubuque. (See Map II.) Its boundaries first received have remained permanent.

The territory of Cedar County was probably entirely within the limits of the Black Hawk Purchase made of the Sac and Fox Indians by the terms of the treaty of cession made on September 21, 1832. (See Map I.) It is possible, however, that the eastern angle of the Sac and Fox cession of October 21, 1837, was within the limits of Cedar County, in which case, a small portion of its area would have been included within the limits of the second cession.

Cerro Gordo.—Located in the northern part of the State, Cerro Gordo County was established by an act of the legislature of the State of Iowa approved on January 15, 1851.³⁸ The boundaries first given to the county have remained permanent.

The territory of Cerro Gordo was within the limits of the original County of Fayette created in 1837. (See Map II.) Most of the county was ceded by the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Sioux in a treaty dated July 15, 1830. It is possible that the southeastern corner of the county was within the limits of the cession made by the Sac and Fox Indians on the same date. These two cessions made up the so-called "Neutral Ground". The boundary line between the two cessions was very close to the southeastern corner of the county. The

³⁷ *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*

³⁸ *Laws of Iowa, 1850-1851, p. 27.*

northwestern portion of Cerro Gordo was acquired from the various tribes of the Sioux by the terms of a treaty dated July 23 and August 5, 1851. (See Map I.) This was after the establishment of the county.

Cherokee.—The story of the boundaries of Cherokee County is a very brief one. Created by the important act of January 15, 1851,³⁹ its boundaries have never been altered. The territory included within the limits of Cherokee County was acquired by the United States government by means of a treaty dated July 15, 1830. On this date many different tribes ceded whatever claims they had to western Iowa. (See Map I.) The southern tier of townships in Cherokee — comprising one-fourth of the county — was for a time within the limits of the original County of Buchanan. The remaining three-fourths of the county was included within the borders of the original County of Fayette. Both of these counties, established in 1837, were only temporary jurisdictions. (See Map II.)

Chickasaw.—The County of Chickasaw was created by the act of January 15, 1851.⁴⁰ Its original boundaries extended one-half of a township farther north than its present boundaries. This reduction in the size of Chickasaw was made by an act approved on January 24, 1855.⁴¹ Since the latter date its boundaries have remained permanent.

Chickasaw County was within the limits of the famous "Neutral Ground", the northern half of which, including the northern half of the county, was ceded by four bands of the Sioux in a treaty dated July 15, 1830. The remainder of the "Strip", including the southern half of the present county was ceded by the Sac and Fox tribes on the same

³⁹ *Laws of Iowa, 1850-1851, p. 27.*

⁴⁰ *Laws of Iowa, 1850-1851, p. 27.*

⁴¹ *Laws of Iowa, 1854-1855, p. 185.*

date. The eastern part of the "Neutral Ground" was granted by a treaty of September 15, 1832, to the Winnebago Indians as a reservation. Most of Chickasaw County was included. (See Map I.) This reservation was ceded back to the United States by a treaty dated October 13, 1846. The territory of the entire county falls within the limits of the original County of Fayette created in 1837. (See Map II.)

Clarke.—As originally created by an act of the legislature of the Territory of Iowa approved on January 13, 1846,⁴² the County of Clarke was one-fourth larger than at present. Its eastern boundary was one range, and its western two ranges, farther west than now.⁴³

By an act of the legislature of the State of Iowa approved on December 27, 1848,⁴⁴ the boundaries of Clarke County were redefined, and the county reduced in size and shifted eastward. Its boundaries have not been altered since. In the printed laws the name of the county is spelled "Clark" in the act of December 27, 1848. This is an error as reference to the original manuscript of the act proves.⁴⁵

Clarke County is within the limits of the Sac and Fox cession of October 11, 1842. It was west of the line of division. (See Map I.) Its soil was to be vacated by October 11, 1842.

Clay.—This county was one of the fifty established by the important act of January 15, 1851.⁴⁶ Its boundaries as

⁴² *Laws of the Territory of Iowa, 1845-1846, p. 73.*

⁴³ See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

⁴⁴ *Laws of Iowa, 1848-1849, p. 32.*

⁴⁵ See volume for 1848-1849 of the original manuscript acts of the legislature of the State of Iowa in the office of the Secretary of State, Des Moines.

⁴⁶ *Laws of Iowa, 1850-1851, p. 27.*

originally defined have never since been altered. The territory of Clay County was acquired by the United States government by the terms of a treaty signed on July 15, 1830. On this day several Indian tribes yielded their claims to western Iowa. (See Map I.) Clay County falls within the limits of the original County of Fayette established in 1837. (See Map II.)

Clayton.—This county was carved from the original County of Dubuque by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.⁴⁷ It was the first named among fourteen counties established at this time, and was given the following boundaries: “beginning at the point on the Mississippi River, where the fifth principal meridian intersects the same; thence running south on the said meridian line, to the line dividing townships ninety and ninety-one north; thence west, along said line to the line dividing ranges six and seven west; thence north, along the said line to the neutral ground; thence along the southern boundary of the said neutral ground to the Mississippi river; thence down the middle of the main channel of the said river to the place of beginning”.

The size of Clayton County as first established was about the same that it is today. Its eastern and southern boundaries have never been altered, with the exception that the eastern boundary does not extend so far north today as then. The southern half, or thereabouts, of the western boundary also remains the same. The boundary which differed most from that of today was the northern or, more especially, the northwestern. This line was described as “the southern boundary of the said neutral ground to the Mississippi river”. The so-called “neutral ground” had been ceded to the United States government, partly by the

⁴⁷ *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*

Sacs and Foxes, and partly by various tribes of the Sioux, in the treaties of July 15, 1830. The southern boundary of this strip was a line twenty miles to the southward of the neutral line described in the treaty of August 19, 1825. The southern boundary of the neutral ground, which was also the northwestern and northern boundary of Clayton County was not a straight line but a broken one. It was surveyed by James Craig in 1833.⁴⁸

As first established⁴⁹ the County of Clayton remained unchanged for nearly ten years. In the meantime the Territory of Iowa was established, to be in turn superseded by the State of Iowa. The act altering the boundaries of Clayton County was passed by the first General Assembly of the State and approved on February 3, 1847.⁵⁰ In this law only the northern and western boundaries of the county were redefined, its other boundaries remaining as they were. By the changes made at this time a little territory was lost in the northeast and about the same gained in the northwestern part of the county.⁵¹ The boundaries received by Clayton County in the act of February 3, 1847, have remained permanent.

Nearly all of the present area of Clayton County was acquired from the Sac and Fox Indians, as part of the Black Hawk Purchase, in the treaty of September 21, 1832. (See Map I.) The same area was later within the jurisdiction of the original County of Dubuque. (See Map II.) The northwest corner of the county was within the limits of the Sac and Fox cession of July 15, 1830, and conse-

⁴⁸ *18th Annual Report of the Bureau of American Ethnology, 1896-1897, Part II, p. 727.*

⁴⁹ See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

⁵⁰ *Laws of Iowa, 1846-1847, p. 37.*

⁵¹ See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

quently of the "Neutral Ground" of which this cession made up the southern half. The same northwestern corner of Clayton, together with all that part of the "Neutral Ground" east of the Cedar River, was granted as a reservation to the Winnebago Indians, by treaty on September 15, 1832. This reservation was ceded back to the United States by a treaty dated October 13, 1846. (See Map I.) It was in consequence of this cession that the legislators of the State of Iowa were free to add the northwestern corner of Clayton County to that jurisdiction.

Clinton.—This county was carved from the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.⁵² The boundaries received at this time have remained permanent. Clinton is one of the few counties of the State which have two river boundaries.

The territory of Clinton County was acquired from the Sac and Fox Indians by the cession of September 21, 1832, known familiarly as the Black Hawk Purchase. (See Map I.)

Crawford.—Crawford County was established by the act of January 15, 1851.⁵³ As its boundaries were first defined the county was not as large as at present, its western boundary being located one township farther east than now.⁵⁴ On April 2, 1862, there was approved an act⁵⁵ of the State legislature which provided a general method for the alteration of county boundaries. Provision was made that in case two or more counties desired to change their boundary lines they were to petition their respective boards

⁵² *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*

⁵³ *Laws of Iowa, 1850-1851, p. 27.*

⁵⁴ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

⁵⁵ *Laws of Iowa, 1862, p. 93.*

of supervisors to that effect. Such petitions must be signed by more than one-half of the legal voters of each county. Upon receipt of such requests the supervisors were to order a special election upon the proposed changes, which, to carry, must be favored by a majority of the votes cast in each county concerned. In 1865 Crawford and Monona counties, basing their action upon the provisions of this law, altered their common boundary line, moving it one township farther west. This had the effect of increasing Crawford County one-fourth in size. Since 1865 the boundaries of the county have not been altered.

The territory of Crawford County was first ceded by various Indian tribes to the United States by a treaty signed July 15, 1830. The southern part of this cession was given by the United States as a reservation to the Pottawattamie nation on September 26, 1833. The same was ceded a second time on June 5 and 17, 1846. The southeastern corner of Crawford was part of the Pottawattamie reservation and cession, (See Map I), and in 1847 it came also within the limits of the original County of Pottawattamie. The entire county had at an earlier date formed a part of the territory of the original County of Benton. (See Map II.)

Dallas.—The boundary history of Dallas County is rather complicated. Created by the act of January 13, 1846,⁵⁶ its boundaries have undergone many changes. As first established the county was the same size it is today, but it was located one range farther east than now.⁵⁷ The first description of the boundaries of Dallas County contained no errors; that is, the boundaries assigned to the county were definite.

⁵⁶ *Laws of the Territory of Iowa, 1845-1846*, p. 73.

⁵⁷ See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

By an act approved on January 17, 1846,⁵⁸ the boundaries of Jasper, Polk, and Dallas counties were redefined. The act of the thirteenth had contained serious errors relative to Jasper County. The act of the seventeenth was supplementary to that of four days earlier. The eastern and western boundaries of Dallas County were each moved one range farther west,⁵⁹ giving to the county its present boundaries, indeed, although these were not to be permanent.

Five years later the act of January 15, 1851,⁶⁰ established the new County of Guthrie just west of Dallas defining its boundaries in such a way as to allow it to overlap the western range of townships belonging to Dallas.⁶¹ This was probably an error on the part of the framers of the law, as will be shown later. But, if an error was made, it was in the location of the county and not in the description of boundaries, that is to say, the boundaries given to Guthrie County were definite and can be drawn on a map. Although Dallas County was not named in the act, that was not necessary to legally transfer the townships in question to Guthrie. In spite, however, of the fact that this transfer was legal, it is still probable that an error was made by the framers of the act of January 15, 1851, in the location of Guthrie County, that is, in making it overlap Dallas. At any rate, twenty-one days later, there was approved an act⁶² supplementary to the one under discussion, by the terms of which the boundaries of Guthrie were defined in such a way that the county was shifted one range farther

⁵⁸ *Laws of the Territory of Iowa, 1845-1846*, p. 75.

⁵⁹ See Map IX in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

⁶⁰ *Laws of Iowa, 1850-1851*, p. 27.

⁶¹ See Map XI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

⁶² *Laws of Iowa, 1850-1851*, p. 194.

west.⁶³ That range of townships which had belonged to Dallas County prior to the act of January 15, 1851, and which was given by that law to Guthrie County, was now by the act of February 5, 1851, left outside of the limits of the latter. This territory now reverted to Dallas County, since the act of February 5 contained a section repealing all conflicting acts or parts of acts. Without such a repealing clause the townships in question would not have reverted, now, to Dallas. The only act affected by this repealing clause was the act of January 15, 1851, and this only in the section dealing with Guthrie County.⁶⁴ With the repeal of this section, which it will be remembered gave to Guthrie the disputed townships, we are thrown back upon the conditions previously existing. Prior to 1851, at least since the act of January 17, 1846, the range of townships in question had belonged to Dallas County. This leaves no doubt that they reverted to that county after the passage of the act of February 5, 1851. It is interesting, however, to note that on January 19, 1853, there was approved an act⁶⁵ by which the boundaries of Dallas were redefined, but not altered, if the argument made above is correct. The very passage of this act, however, shows that its framers had doubts as to just what territories were included within the limits of Dallas County. It is certain that the boundaries of Dallas have been permanent since January 19, 1853, if not since February 5, 1851, as the writer contends.

The territory included in Dallas County was wholly within the limits of the Sac and Fox cession of October 11, 1842. (See Map I.) It also formed part of the original County of Keokuk established in 1837. (See Map II.)

⁶³ See Map XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

⁶⁴ Section 17.

⁶⁵ *Laws of Iowa, 1852-1853*, p. 65.

Davis.—This county on the southern border of Iowa was established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.⁶⁶ In the definition of its boundaries an error was made, the word "northwest" occurring where northeast was meant. The effect of this mistake was to leave the county without a complete boundary on the northeast.⁶⁷ This error was corrected by a law to organize Davis County which was approved on February 15, 1844,⁶⁸ and which redefined the boundaries of the county in such a manner that they have remained permanent.

The southeast corner was for a time part of the original County of Des Moines (See Map II.) and later part of the original County of Van Buren. The remainder never formed part of any other county unless we interpret the original County of Des Moines as extending to the Missouri River.⁶⁹

Davis County represents three cessions of Indian land. The southeast corner was part of the cession of September 21, 1832, commonly referred to as the Black Hawk Purchase. (See Map I.) A small portion of territory next on the north and west represents the cession of October 21, 1837, while the bulk of the territory of the county was acquired through the treaty of October 11, 1842. All three cessions were made by the Sac and Fox Indians.

Decatur.—This county was the last of twelve created by the act of the legislature of the Territory of Iowa approved on January 13, 1846.⁷⁰ Its boundaries as first defined have remained permanent.

⁶⁶ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

⁶⁷ See Map VII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

⁶⁸ *Laws of the Territory of Iowa*, 1843-1844, p. 137.

⁶⁹ See below p. 29.

⁷⁰ *Laws of the Territory of Iowa*, 1845-1846, p. 73.

The land included within the limits of the county was ceded to the United States government by the Sac and Fox Indians in a treaty dated October 11, 1842. Decatur was west of the line by which this cession was divided into two parts and therefore did not have to be vacated by the Indians until three years after the date of cession.

Delaware.—The boundary history of Delaware County is brief. The county was carved from the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.⁷¹ The boundaries received at this time have never been altered but have remained permanent.⁷²

The territory of Delaware County was acquired from the Sac and Fox Indians by the cession of September 21, 1832, known familiarly as the Black Hawk Purchase. (See Map I.)

Des Moines.—This county, one of the two first established within the borders of the present State of Iowa, was created by an act of the Legislative Council of the Territory of Michigan approved on September 6, 1834.⁷³ Dubuque County was established by the same act, and since it was named first in the law, has that much claim to be the oldest county in the State. Demoiné County (for such is the spelling of the name to be found in the organic act) must be content to be called the second oldest.

The original County of Demoiné was only a temporary jurisdiction. Its exact shape and size may reasonably be called in question, because of an apparent error which crept into the organic act. Both of the original counties of Du-

⁷¹ *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

⁷² See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

⁷³ *Laws of the Territory of Michigan*, Vol. III, p. 1326.

buque and Demoine were carved from an area which had only recently been attached to the Territory of Michigan. The intention of the framers of the act undoubtedly was to limit the new counties to that part of this newly acquired region "to which the Indian title has [had] been extinguished", that is, to the Black Hawk Purchase, the northern part of which was to become the County of Dubuque and the southern part the County of Demoine. Section one of the act, which created Dubuque County, definitely limits it to territories "to which the Indian title has [had] been extinguished". Section two by which Demoine County was established reads as follows: "All that part of the district aforesaid, which was attached as aforesaid to the Territory of Michigan, and which is situated south of the said line to be drawn west from the lower end of Rock Island, shall constitute a County, and be called Demoine." The phrase which in section one had limited Dubuque County to territory to which the Indian title had been extinguished is here omitted, whether by design or by accident may never be known. Curiously enough the line of division between the two new counties was extended, in section one of the act, "west from the lower end of Rock Island *to the Missouri river*". (The italics are mine.) According to the actual wording of section two, Demoine County was extended westward to the Missouri River. For several reasons this seems to have been an error. (1) No reason appears why Demoine County should have been defined differently from Dubuque County. (2) It was customary not to erect into counties territory still under the control of the Indians. Throughout the whole history of the formation of Iowa counties this rule was almost invariably followed. (3) Demoine County was subdivided by an act approved on December 7, 1836. This law bore the title "An Act divid-

ing the county of Des Moines⁷⁴ into several new counties".⁷⁵ The territory erected into new counties at this time comprised only the southern part of the Black Hawk Purchase—it did not extend westward to the Missouri. This last fact, taken in connection with the wording of the title of the law, would seem to prove that the extension of the original County of Demoine westward to the Missouri was an error on the part of the act of September 6, 1834, at least such appears to be the view of the framers of the act of December 7, 1836. These facts have convinced the writer that it was never intended to extend Demoine County westward across the State, that the original idea was to limit it to the southern part of the Black Hawk Purchase. The county is thus drawn on Map II.

Even with these limits the original County of Demoine was one of the largest ever established within the present boundaries of Iowa. It should be noted, however, that as first created Demoine County did not include Keokuk's Reserve, a strip comprising four hundred square miles on the Iowa River. This reservation was made in Chief Keokuk's favor at the time of the Black Hawk Purchase, September 21, 1832. It was ceded to the United States by treaty on September 28, 1836, and was for all practical purposes made a part of Demoine County which may be said to have been increased in size to this extent at this time. Most early maps show Demoine County as including the Keokuk Reserve. It is so drawn on Map II accompanying this paper. In this shape Demoine County included all the territory in the present counties of Louisa, Des Moines, Lee and Henry; most of the territory of Van Buren County; and part of that of Davis, Jefferson, Washington, Johnson, and Muscatine. (See Map II.)

⁷⁴ The original spelling of the name of the county (Demoine) is ignored in this act.

⁷⁵ *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

Dubuque and Demoine were the only counties created in Iowa during the period of the Territory of Michigan. On July 4, 1836, they became part of the Territory of Wisconsin.⁷⁶ During the two years of the Wisconsin period each was subdivided into smaller counties. The act subdividing Demoine County, as already mentioned, was approved on December 7, 1836. It went into effect on the same day. By the terms of this act the original County of Demoine (plus most of the Keokuk Reserve) was divided into several new counties, one of which retained the name of Des Moines although the modern spelling of the name was adopted. The boundaries given to the county at this time were peculiar owing to the fact that the United States government survey of these lands was not yet completed. The new limits of Des Moines County were defined in section three of the act as follows: "beginning on the Mississippi river, at the north-east corner of Lee; thence up said river to a point fifteen miles above the town of Burlington, on the bank of said river; thence on a westerly direction to a point on the dividing ridge between the Iowa river and Flint creek, being twenty miles on a due west line from the Mississippi river; thence a southerly direction, so as to intersect the northern boundary line of the county of Lee, at a point twenty miles on a straight line from the Mississippi river; thence east with the northerly line of the said county of Lee to the beginning". These boundaries gave to the county an irregular shape. It is difficult to draw the county on a map, although the writer attempted to do so in connection with a former paper.⁷⁷ Reference to the maps indicated (especially to Map VI) shows the northern boundary of Des Moines County as defined in the act of December 7,

⁷⁶ *U. S. Statutes at Large*, Vol. V, p. 10.

⁷⁷ See Maps II and VI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

1836, just quoted, to run east and west, and to be located some six miles to the south of the northern boundary of the present county of the same name, while the western boundary runs from northeast to southwest and the southern from northwest to southeast along the Skunk River. As thus drawn the Des Moines County of the act of December 7, 1836, included the southeastern corner of the present county of Henry, and a little territory in the northern part of the present county of Lee. On the other hand, a larger area in the northern part of the present County of Des Moines belonged then to Louisa County. As established by the act of 1836 Des Moines County was probably a trifle smaller than now.

The boundaries just described were temporary because the act defining them was temporary.⁷⁸ Soon after the survey of the region was completed, a new act was passed by the legislature of the Territory of Wisconsin redefining the boundaries of Des Moines County and its neighbors. This act was approved on January 18, 1838.⁷⁹ The new boundaries generally followed township lines. The northern boundary of Des Moines County now became the line dividing townships seventy-two and seventy-three north; the western boundary became the line separating ranges four and five west; while the southern boundary was established on the line dividing townships sixty-eight and sixty-nine north except in its eastern part where the Skunk River served to form the boundary.⁸⁰ As thus bounded the county probably gained a little in size, for while it lost territory on the west to Henry and Lee it gained more in the

⁷⁸ See section 11 of the act.

⁷⁹ *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

⁸⁰ Maps V and VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS show these boundaries correctly but a slight error occurs in Map VII.

north from Louisa County. It also undoubtedly gained a little on the south from Lee.

On July 4, 1838, the act of Congress creating the Territory of Iowa went into effect. Des Moines County was given its present boundaries by an act of the legislature of the new Territory, approved on January 23, 1839.⁸¹ This law which was entitled "An Act to establish the boundaries of Lee county" made the Skunk River the boundary line between Lee and Des Moines counties. The change thus made in the boundaries of Des Moines County was indirect, that county not having been named in the act in direct connection with the new boundary. By this change Des Moines County was reduced somewhat in size, for although it gained a little territory (situated south of Henry County) from Lee County it lost much more territory south of the Skunk River to Lee. With this change the boundaries of Des Moines County became permanent.

Most of the present County of Des Moines, and possibly all of it, was formerly part of the Black Hawk Purchase of 1832. It is probable that a small area in the northern part of the county was within the limits of Keokuk's Reserve. (See Map I.)

Dickinson.—This county was formed by the act of January 15, 1851.⁸² Its boundaries received at this time have never been altered. It is one of the smallest counties in Iowa, containing only 408 square miles. That section⁸³ in the act of January 15, 1851, which sought to establish Dickinson County was unconstitutional. The Constitution of 1846 was then in force. Section two of article eleven of this document reads as follows: "No new county shall be laid off hereafter, nor old county reduced to less contents

⁸¹ *Laws of the Territory of Iowa, 1838-1839, p. 94.*

⁸² *Laws of Iowa, 1850-1851, p. 27.*

⁸³ Section 48.

than four hundred and thirty-two square miles." Dickinson County was established in 1851 and given only 408 square miles of territory. This was clearly unconstitutional. The county continued in this condition until 1857. Osceola, Emmet, Winnebago, and Worth possessed the same status.

In 1857 the new State Constitution was ratified and went into force. Section two of article eleven of this, our present Constitution, reads: "No new county shall be hereafter created containing less than four hundred and thirty-two square miles; nor shall the territory of any organized county be reduced below that area; except the county of Worth, and the counties west of it along the northern border of this State, may be organized without additional territory." Thus the Constitution of 1857 recognizes the unconstitutionality of the five counties above mentioned from 1851 to 1857, and then proceeds to authorize their organization. (None of them had been organized during the period of their illegal status.) This action rendered Dickinson County a constitutional jurisdiction as soon as it was organized.

The territory of Dickinson was for several years a part of the original County of Fayette created in 1837. (See Map II.) Most of it was within the limits of the cession made on July 15, 1830, upon which date all the Indian tribes having any claims to the territories of western Iowa surrendered those claims. The northeastern corner of Dickinson County was undoubtedly part of the cession made on July 23 and August 5, 1851, by the four bands of the Santee Sioux. (See Map I.) This much of the county was still Indian territory when the county itself was established by act of January 15, 1851.

Dubuque.—Dubuque County was one of the two first counties established within the limits of the present State

of Iowa. Indeed, it may be called the first, since it was named before Des Moines County in the organic act by which both were created. This act was one passed by the Legislative Council of the Territory of Michigan, approved on September 6, 1834, and in effect from October 1 of the same year. It was entitled "An Act to lay off and organize counties west of the Mississippi River."⁸⁴ Section one of this law which describes the limits of Dubuque County reads as follows: "Be it enacted by the Legislative Council of the Territory of Michigan. That all of that district of country which was attached to the Territory of Michigan, by the act of Congress entitled 'An Act to attach the Territory of the United States west of the Mississippi River, and north of the State of Missouri to the Territory of Michigan,' approved June 28th, 1834, and to which the Indian title has been extinguished, which is situated to the north of [a] line to be drawn due west from the lower end of Rock Island to [the] Missouri river, shall constitute a county to be called Dubuque."

The wording of the act is cumbersome. The "Territory of the United States west of the Mississippi River and north of the State of Missouri to which the Indian title had been extinguished" was the strip purchased by the United States government from the Sac and Fox Indians on September 21, 1832. This strip was variously referred to as the "Iowa District," the "Black Hawk Purchase," and "Scott's Purchase"; more commonly, however called the "Black Hawk Purchase". By the terms of the organic act, above quoted, Dubuque County was made to comprise all that part of the Black Hawk Purchase which lay to the north of a line to be drawn due west from the lower end of Rock Island. The county did not extend to the northern boundary of the present State of Iowa be-

⁸⁴ *Laws of the Territory of Michigan*, Vol. III, p. 1326.

cause the Black Hawk Purchase had not done so. Keokuk's Reserve cut off the southwest corner of the county. Dubuque County did not extend westward to the Missouri River and thus include all of the northern half of Iowa as some writers claim.⁸⁵ The evident extension of the line of division between Dubuque and Des Moines counties westward to the Missouri is not sufficient ground upon which to base the claim that Dubuque County extended clear across the State. The county was large enough as it was. Its size and shape may be seen on Map II. In its original form Dubuque County included all of the territory of the present counties of Dubuque, Jackson, Clinton, Cedar, Jones, and Delaware; most of the territory of Clayton and Scott counties; and part of that of Allamakee, Fayette, Buchanan, Linn, Johnson, and Muscatine.

Dubuque and Des Moines were the only counties created in Iowa during the period of the Territory of Michigan. On July 4, 1836, they became part of the Territory of Wisconsin.⁸⁶ During the two years of the Wisconsin period each was subdivided into smaller counties. The act subdividing Dubuque County was approved on December 21, 1837.⁸⁷ Just two months prior to this date the Sac and Fox Indians had made their second cession of land within the present State of Iowa to the United States government. It comprised a triangular strip of 1,500,000 acres lying immediately west of the Black Hawk Purchase. (See Map I.) The act of December 21, 1837, created new counties out of the northern part (about two thirds) of this new cession as well as out of the original County of Dubuque.⁸⁸

⁸⁵ See Gue's *History of Iowa*, Vol. III, p. 343.

⁸⁶ *U. S. Statutes at Large*, Vol. V, p. 10.

⁸⁷ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

⁸⁸ See Map III, July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

It seems best to denominate the original County of Dubuque a temporary county and to say that it was reduced in size by the act of December 21, 1837. The only alternative is to declare that there is no more connection between the two counties of Dubuque than between the original county of that name and any other named in the act of December 21, 1837, which was carved from it. The view that the second County of Dubuque is to be looked upon as the continuation of the first may be defended by a reference to the act just mentioned. In section four (the section establishing Delaware County) we read—"All the country lying within the following limits, to-wit: . . . shall be, and the same is hereby constituted a separate county to be called Delaware." This is practically the formula used for all the counties named in the act with the exception of Dubuque which is not "constituted a separate county" but merely has its new and reduced boundaries defined.⁸⁹ In a later section the sheriff of Dubuque County is authorized to collect all taxes assessed by and due the original county of the same name.⁹⁰

The boundaries received by Dubuque County on December 21, 1837, have remained permanent. As may be inferred from the foregoing discussion, the territory of the present county was within the Black Hawk Purchase of September 21, 1832. (See Map I.)

Emmet.—Like Dickinson County Emmet was created by the act of January 15, 1851,⁹¹ with an area of four hundred and eight square miles which was less than the Constitution allowed.⁹² The county was clearly unconstitutional but it

⁸⁹ See section 3 of the act.

⁹⁰ Section 9.

⁹¹ *Laws of Iowa, 1850-1851*, p. 27.

⁹² Compare the discussion of Dickinson County, above p. 33. Everything said above about the unconstitutionality of Dickinson County applies with equal force to Emmet.

was not organized until after the Constitution of 1857 had made legal its organization in spite of its small area.⁹³

Emmet County is within the limits of the original County of Fayette established in 1837. (See Map II.) Most of the territory of Emmet was ceded to the United States government by the Sioux Indians according to the terms of two treaties signed July 23 and August 5, 1851. (See Map I.) The southwest corner of the county was acquired by an earlier treaty dated July 15, 1830, upon which date a number of tribes ceded all their claims to western Iowa.

Fayette.—As first established Fayette County was only a temporary jurisdiction similar in character to the original counties of Benton, Buchanan, and Keokuk. It was created by an act of the legislature of the Territory of Wisconsin, approved on December 21, 1837.⁹⁴ The character of this act has been discussed above.⁹⁵ The extent and boundaries of Fayette County as described in section two of the law were as follows: "The whole of the country lying west of the Mississippi and north of the southern boundary of the county of Clayton, extending westward to the western boundary of Wisconsin Territory and not included within the proper limits of the said county of Clayton, as hereinbefore described, shall for temporary purposes be attached to, and in all respects be considered a part of the county of Clayton, and be called Fayette."

There can be no doubt, although this wording is peculiar, that it was the intention of the framers of the act of December 21, 1837, to create a temporary county to be called Fayette and to attach the same to Clayton County for those purposes for which new counties were at this time frequent-

⁹³ See Constitution of Iowa, 1857, Article XI, section 2.

⁹⁴ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

⁹⁵ See above p. 8.

ly attached to older ones, namely for judicial purposes. The wording of the title of the act and a comparison of the phraseology of section two with other sections bear out this view.

Clayton County had been bounded in section one of the act. Its size, as established at this time, was nearly the same as at present, although its shape was slightly different.⁹⁶ The "western boundary of Wisconsin Territory" was the Missouri and White Earth rivers; the northern boundary was the Canadian border. The new County of Fayette extended to these boundaries on the west and north. It covered roughly the eastern two-thirds of the Dakotas and the western half of Minnesota in addition to the northern fourth of Iowa.⁹⁷ Its area was upwards of 140,000 square miles,⁹⁸ making it one of the largest, if not the largest, county ever established within the limits of the United States. The Indian titles had been extinguished in only the southeastern corner of the county.

In its temporary form Fayette County included, in Iowa, all the territory of the present counties of Lyon, Sioux, Osceola, O'Brien, Dickinson, Clay, Emmet, Palo Alto, Kosuth, Winnebago, Hancock, Worth, Cerro Gordo, Mitchell, Floyd, Howard, Chickasaw, Winneshiek, Humboldt, Bremer, and Fayette; most of that of Plymouth, Cherokee, Buena Vista, Pocahontas, Wright, Franklin, Butler, and Allamakee; and a corner of Clayton. (See Map II.)

The boundaries of Fayette County were defined as they now exist by an act of the first General Assembly of the State of Iowa approved on February 3, 1847.⁹⁹ In reduc-

⁹⁶ See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

⁹⁷ See Map IV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

⁹⁸ Gue's *History of Iowa*, Vol. III, p. 344.

⁹⁹ *Laws of Iowa, 1846-1847*, p. 37.

ing the county to its present size the act of 1847 says nothing about the vast territory which formerly belonged to it.

The territory included within the present boundaries of Fayette County was acquired through several cessions by the Indians. (See Map I.) The southeastern part was included within the limits of the Black Hawk Purchase of September 21, 1832. A triangular strip in the southern part of the county, a little west of the center, was part of the Sac and Fox cession of October 21, 1837. The southwestern corner was acquired from the same tribes in the cession of October 11, 1842. The northern part, about one-half of the county, was from the cession made by the Winnebagoes on October 13, 1846. This latter area had been granted as a reservation to the Winnebagoes on September 15, 1832, before which time it had formed a part of the famous "Neutral Ground," the southern part of which, including the northern half of the present county, had first been acquired from the Sacs and Foxes through the cession of January 15, 1830.

The only part of Fayette County which was ever part of another Iowa county is the southeastern part. The same area, which was just spoken of as having formed a part of the Black Hawk Purchase, became a little later part of the original County of Dubuque.

Floyd.—The County of Floyd was erected, with forty-nine others, by an act of the legislature of the State of Iowa approved on January 15, 1851.¹⁰⁰ Its boundaries received at this time extended one-half of a township farther north than they do at present.¹⁰¹ They were reduced to their present limits by an act approved on January 24, 1855.¹⁰²

¹⁰⁰ *Laws of Iowa, 1850-1851, p. 27.*

¹⁰¹ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁰² *Laws of Iowa, 1854-1855, p. 185.*

The territory of Floyd County was first ceded to the United States by two treaties signed on July 15, 1830, the southeastern part being ceded by the Sac and Fox Indians, the balance by the four bands of Santee Sioux. (See Map I.) The whole county came within the limits of the so-called "Neutral Ground." All that part of the strip which lay east of the eastern branch of the Cedar River was given as a reservation by the United States government to the Winnebagoes by a treaty signed on September 15, 1832. The northeastern part of Floyd County was included in this reservation which was ceded back to the United States by the treaty of October 13, 1846. All of Floyd County came within the limits of the original County of Fayette created in 1837. (See Map II.)

Franklin.—Franklin County was established by an act of the State legislature approved on January 15, 1851.¹⁰³ Its boundaries have never been altered since first defined. The territory within the borders of Franklin had formerly belonged to the original counties of Fayette and Buchanan, both of which were established in 1837. The southern fourth of the county belonged to Buchanan; the northern three-fourths to Fayette. (See Map II.)

Most of the area of Franklin County was ceded by the Sac and Fox Indians to the United States by a treaty signed July 15, 1830. The northwest corner was ceded at the same time by the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Sioux. These two cessions made up the famous "Neutral Ground," within which all of Franklin County except the southeastern corner came. This corner was acquired from the Sac and Fox Indians on October 11, 1842, part of it lying east and part of it west of the line of division by which this cession was divided into two parts. (See Map I.)

¹⁰³ *Laws of Iowa, 1850-1851, p. 27.*

Fremont.—The county in the southwest corner of the State was, together with the three lying east of it, established by an act of the State legislature approved on February 24, 1847.¹⁰⁴ The boundaries received by Fremont County at this time have never been altered.

On the same day that Fremont and the three counties just east of it were created, an act¹⁰⁵ was approved establishing the temporary County of Pottawatamie out of the Pottawattamie cession of 1846. The effect of this act is difficult to determine since Fremont, Page, Taylor, and part of Ringgold County had been within the limits of this cession. (See Map I.) It is hardly probable that the authors of these two acts of the same date meant to put any territory into two counties at the same time, yet, since there is no way of determining which of the two laws was approved last, this is exactly what they seem to have done.¹⁰⁶ It is possible, however, that it was not meant to include the territory of Fremont and its neighbors within the limits of the original Pottawatamie County. When the latter was reduced to its present size by the act of January 15, 1851, no mention was made in the act of the counties of Fremont, Page, etc. This would seem to imply that there was no real overlapping of boundaries, or, if such a condition did exist, there were good reasons for ignoring it.

The territory within the present limits of Fremont County was first acquired by the United States on July 15, 1830, upon which date all those tribes¹⁰⁷ having any claims to the soil of western Iowa surrendered the same to the government. A large area in the southwestern part of the

¹⁰⁴ *Laws of Iowa, 1846-1847*, p. 114.

¹⁰⁵ *Laws of Iowa, 1846-1847*, p. 115.

¹⁰⁶ See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁰⁷ July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 439.

State was granted as a reservation to the Pottawattamie nation on September 26, 1833, and ceded back by them on June 5 and 17, 1846. Pottawatamie County of 1847 was to be coextensive with this cession. The present area of Fremont County was included within the limits of the Pottawattamie reservation and cession and apparently of the county. (See Map I.)

Greene.—The boundaries of Greene County have never been changed since the county was originally created by the act of January 15, 1851.¹⁰⁸ Its territory was acquired from the Sac and Fox Indians by the cession of October 11, 1842. (See Map I.) Greene County comes within the limits of the original County of Benton established in 1837. (See Map II.)

Grundy.—Grundy County was established by the act of January 15, 1851,¹⁰⁹ its boundaries being defined thus: "Beginning at the north-west corner of township 89 north, range 14 west, thence west on the line dividing townships 89 and 90, to the north-west corner of township 89, range 18 west, thence south on the line dividing ranges 18 and 19 to the south-west corner of township 86 north, range 18 west, thence east on the line between townships 85 and 86 to the southwest corner of township 86 north, range 16 west, thence north to the north-east corner of said township, thence east to the south-west corner of township 87 north, range 14, thence north on the line dividing ranges 14 and 15, to the place of beginning." These boundaries contain an error. The phrase "thence north to the north-east corner of said township" should have read, thence north to the *northwest* corner. This is not merely a printer's error;

¹⁰⁸ *Laws of Iowa, 1850-1851, p. 27.*

¹⁰⁹ *Laws of Iowa, 1850-1851, p. 27.*

the word "north-east" may be found in the original manuscript copy of the act.¹¹⁰ The error just mentioned makes it impossible to draw the southern boundary of Grundy County on a map. Tama County, however, gives it the shape which the authors of the act of 1851 undoubtedly meant to give it.¹¹¹ The boundaries of Grundy County were, therefore, defective, as originally established. Since they have never been redefined or amended, they remain defective today.¹¹²

The southern tier of townships of Grundy County comes within the limits of the original County of Benton created in 1837. All of the remainder formed a part of the original County of Buchanan established at the same time. (See Map II.) The territory included within the boundaries of Grundy County was formerly claimed by the Sac and Fox Indians. It was ceded by them to the United States by the treaty of October 11, 1842. (See Map I.)

Guthrie.—As originally established by the act of January 15, 1851,¹¹³ Guthrie County possessed the same area which it possesses today but the county was located one range farther east than now. That is to say, the eastern and western boundaries were each placed one range farther east than now.¹¹⁴ Dallas County located immediately east of Guthrie had been created by the act of January 13, 1846. The boundaries given to Guthrie County by the act of 1851

¹¹⁰ See volume for 1850-1851 of the original manuscript acts of the legislature of the State of Iowa in the office of the Secretary of State, Des Moines, Iowa.

¹¹¹ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹¹² See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹¹³ *Laws of Iowa, 1850-1851*, p. 27.

¹¹⁴ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

overlapped those of Dallas. It is impossible to say, definitely, that an error was made in having the boundaries of the newer county overlap those of the older, but at least this was an unusual occurrence. In a case of this kind the later law prevails, and it must be said that a part of the territory of Dallas was legally transferred to Guthrie by the law of 1851. In spite of all this it seems probable that the boundaries of Guthrie County were not made to overlap those of Dallas intentionally, because on February 5, only twenty-one days later, an act¹¹⁵ supplementary to that of January 15, 1851, was approved which redefined the boundaries of Guthrie County in such a way as to shift its location one range westward.¹¹⁶ All acts or parts of acts to the contrary being repealed by section two of the law, the territory recently taken from Dallas County now reverted to that jurisdiction.¹¹⁷

In shifting Guthrie County to the westward, the act of February 5, 1851, did not diminish it in size. As a result it now overlapped the boundaries of Audubon County located just west; in other words, Audubon lost a range of townships to Guthrie, since the later law, as mentioned above, repealed that much of the earlier law conflicting with it. The boundaries of Guthrie County have not been altered since February 5, 1851.

All of the territory of Guthrie comes within the limits of the original County of Keokuk established in 1837. The southwest corner was also included in 1847 in the original County of Pottawatamie. (See Map II.) The bulk of the territory of Guthrie was acquired from the Sacs and Foxes by the cession of October 11, 1842. The southwestern por-

¹¹⁵ *Laws of Iowa, 1850-1851*, p. 194.

¹¹⁶ See Map XII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

¹¹⁷ See above p. 25.

tion first came into the possession of the United States through the treaty of July 15, 1830, upon which date all the Indian tribes¹¹⁸ having any claims to western Iowa surrendered the same to the government. (See Map I.) On September 26, 1833, the southern part of this cession was given as a reservation to the Pottawattamie Nation. The southwestern part of Guthrie County was included in this reservation which, in turn, was ceded back to the United States by the treaty of June 5 and 17, 1846. (See Map I.)

Hamilton.—Created by an act approved on December 22, 1856,¹¹⁹ Hamilton County received its present boundaries on that date. The northwestern part of the county was ceded to the United States by the Sac and Fox Indians according to a treaty signed on July 15, 1830. This cession made up part of the well known "Neutral Ground." The remainder of the county was acquired from the same tribes by treaty of October 11, 1842. (See Map I.)

The territory comprised within the limits of Hamilton County had belonged at different times to several older counties before 1856. By an act approved on December 21, 1837, its southern tier of townships was included within the limits of the original County of Benton, while the remainder became a part of the original County of Buchanan. (See Map II.) This condition of affairs lasted until the act approved on February 17, 1843, became a law. By the act of January 15, 1851, the territory included within the present limits of Hamilton was erected into the County of Risley.¹²⁰ The name of Risley was changed to Webster by an act approved on January 12, 1853, and which went into

¹¹⁸ See the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 439.

¹¹⁹ *Laws of Iowa*, 1856-1857, p. 11.

¹²⁰ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

force on January 22, of the same year. On this latter date another act was approved creating a county of Webster by uniting Risley and Yell.¹²¹ When Hamilton County was established in 1856 it was carved out of the County of Webster.¹²²

Hancock.—This county was established and given its permanent boundaries by the act of January 15, 1851.¹²³ The southern part of its territory had been acquired from the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux by a treaty signed July 15, 1830. This cession comprised part of the so-called "Neutral Ground". The northern part of the county was ceded by the same bands according to the terms of two treaties signed, one on July 23 and one on August 5, 1851. (See Map I.) The entire county came within the limits of the original County of Fayette established in 1837 and in existence about ten years. (See Map II.)

Hardin.—The County of Hardin was created by the important act of January 15, 1851.¹²⁴ Its boundaries have never been altered since. The southern tier of townships formed a part of the original County of Benton established in 1837. The remaining three-fourths of the county came within the limits of the original County of Buchanan established at the same time. This condition of affairs lasted until the act approved on February 17, 1843, went into effect. (See Map II.)

The territory of Hardin was mostly acquired from the Sacs and Foxes by the treaty of October 11, 1842, the larger

¹²¹ See Map XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹²² See Map XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹²³ *Laws of Iowa, 1850-1851, p. 27.*

¹²⁴ *Laws of Iowa, 1850-1851, p. 27.*

part being west of the line of division. The northwest corner probably came within the limits of the Sac and Fox cession of July 15, 1830, which formed the south half of the famous "Neutral Ground". (See Map I.)

Harrison.—Established by an act of legislature of the State of Iowa approved on January 15, 1851,¹²⁵ the boundaries of this county have never been altered.

The whole of Harrison County was acquired by the United States according to the terms of a treaty signed on July 15, 1830, upon which date numerous tribes of Indians¹²⁶ ceded all their claims to western Iowa. (See Map I.) The southeastern portion was part of a reservation given to the Pottawattamie nation by a treaty signed on September 26, 1833. The same area was ceded back to the government several years later by a treaty bearing the dates June 5 and 17, 1846. This cession was erected into the temporary County of Pottawatamie by an act approved on February 24, 1847. The southern part of Harrison was included in this temporary county until 1851. (See Map II.)

Henry.—Henry County, as its boundaries were first defined, was carved from the original County of Des Moines by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.¹²⁷ At this time Des Moines County was divided up into seven new counties. Since the lands of southeastern Iowa had not yet been surveyed, the boundaries of the newly created counties did not follow township lines, as in most later acts of similar character, but were described in rather unusual language. The boundaries of Henry County as described in section four of the

¹²⁵ *Laws of Iowa*, 1850-1851, p. 27.

¹²⁶ See the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*, p. 439.

¹²⁷ *Laws of the Territory of Wisconsin*, 1836-1838, p. 76.

act above mentioned were as follows: "beginning at the south-west corner of Des Moines; thence north-west with the line of the said county of Van Buren to the Indian boundary line; thence north with the said boundary line twenty-four miles; thence south-east to the north-west corner of the county of Des Moines; thence south with the west line of the county of Des Moines to the beginning".

The boundaries of Van Buren and Des Moines counties herein mentioned had been described in sections two and three of the same act. The "Indian boundary line" was the western line of the Black Hawk Purchase of 1832. Given the boundaries of Van Buren and Des Moines counties and the western line of the Black Hawk Purchase, it is not difficult to draw on a map Henry County with limits described above. As defined, probably none of its boundaries ran north and south, or east and west. It might seem, at first thought, that the eastern boundary ran due north and south, but reference to the western boundary of Des Moines County as defined in section three of the same act would cast a doubt upon this supposition, while an attempt to draw the latter upon a map would prove conclusively that the line in question did not run north and south, but from northeast to southwest. The whole county lay on a bias. Its southeastern corner was probably in the northern part of Lee County, its southwestern corner almost on the line between Van Buren and Jefferson counties, its northern or northwestern corner in the southern part of Washington County, and its northeastern corner in the northwestern part of the present County of Des Moines.¹²⁸

In size, the original County of Henry was about one-fourth larger than the present county of the same name. As first established its boundaries were retained only a lit-

¹²⁸ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

tle over a year, having been altered by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838.¹²⁹ The new boundaries were defined in terms of the United States Survey which had, in the meantime, been completed for this section of Iowa. In other words, the boundaries of Henry County now ran north and south or east and west. The new county was about the same size as the old. Territory was gained from Louisa, Des Moines, and Lee counties. Other territory was lost to Slaughter, Des Moines, Lee, and Van Buren. The chief gain made was in the northeast from Louisa County; the chief loss was suffered on the west where a strip of territory comprising approximately one-fifth of the original county was left for a time outside the limits of any county. Later it became part of Jefferson County.¹³⁰

On July 4, 1838, the Territory of Iowa came into existence. Henry County was reduced in size and given its present boundaries by an act of the legislature of the new Territory, approved on January 21, 1839.¹³¹ By the terms of this act which was entitled, "An Act to divide the County of *Henry*, and establish the County of *Jefferson*", the three western townships of Henry County were cut off, and, together with other territory west of them, were erected into a new county named Jefferson.

The present area of Henry County was entirely within the limits of the Sac and Fox cession of September 21, 1832, known as the Black Hawk Purchase. (See Map I.) The northeast corner of the county came up close to the line of Keokuk's Reserve. Later, Henry County was part of the original County of Demoine. (See Map II.) Still

¹²⁹ *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

¹³⁰ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹³¹ *Laws of the Territory of Iowa, 1838-1839*, p. 92.

later its northeast corner was part of the original County of Louisa; its southeast corner part of Des Moines County; and possibly its southwest corner was part of the original County of Lee.¹³²

Howard.—As originally established by the act of January 15, 1851,¹³³ Howard County was somewhat smaller than now. Its southern boundary was moved one-half of a township farther south by an act approved on January 24, 1855.¹³⁴ With this change the boundaries of Howard County became permanent.¹³⁵

From 1837 to 1847 the territory of the present county was within the limits of the original County of Fayette. (See Map II.) The southern portion of the county — a little more than half — was first ceded to the United States by the four bands of the Santee Sioux in a treaty signed July 15, 1830. (See Map I.) Since this cession made up the northern part of the famous "Neutral Ground," the southern part of Howard County was included in the latter. The same area was also within the limits of the reservation, comprising the eastern part of the "Neutral Strip," which was given to the Winnebagoes September 15, 1832, and ceded back by those Indians to the United States in the treaty dated October 13, 1846. The northern part of Howard was not acquired from the Indians until 1851 when the four bands of Santee Sioux ceded their claims to northern Iowa in two treaties signed respectively on July 23 and August 5 of that year. (See Map I.)

Humboldt.—Of the ninety-nine existing counties in Iowa, Humboldt, established by an act of the legislature ap-

¹³² See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹³³ *Laws of Iowa*, 1850-1851, p. 27.

¹³⁴ *Laws of Iowa*, 1854-1855, p. 185.

¹³⁵ See Maps XI, XIII and XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

proved on January 28, 1857,¹³⁶ is the youngest. It was carved out of the older counties of Kossuth and Webster and is not to be confused with *Humbolt* a county created by the act of January 15, 1851, and blotted out by an act approved on January 24, 1855. Neither is it to be considered as a continuation of *Humbolt* because the latter ceased to exist two years before the present county was established.¹³⁷ The only connection between the two counties is found in the name. It seems that the framers of the present county desired to perpetuate it, for the two names were really the same, that is to say, each county was named for the great German scientist, although his name was misspelled when applied to the first county.

When *Humbolt* County was blotted out in 1855 its territory was divided evenly between Kossuth and Webster counties, the northern half going to the former, the southern half to the latter.¹³⁸ When Humboldt County was established in 1857 it was given two tiers of townships from Kossuth County and one from Webster. It was smaller than *Humbolt* County had been, in that it did not contain the southern tier of townships included in the earlier county.¹³⁹ That this territory was omitted by mistake seems to be proven by the fact that at the next session the legislature passed an act¹⁴⁰ explanatory of the law of January 28, 1857. The preamble of this explanatory act declared that the act of January 28, 1857, had originally created Humboldt County of a larger size, that is, four townships square, or the size of *Humbolt* County, and

¹³⁶ *Laws of Iowa, 1856-1857*, p. 199.

¹³⁷ See discussion of Humboldt County below p. 120.

¹³⁸ See Maps XII and XIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹³⁹ See Map XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁴⁰ This act was approved on March 11, 1858. See *Laws of Iowa, 1858*, p. 49.

further that a mistake had been made when the act was printed, whereby township 90, ranges 27, 28, 29, and 30 west, had been unintentionally omitted, and also that the original of the bill had been lost. These explanations seemed to satisfy the legislature for it passed the bill to which they were prefixed. This act of March 11, 1858, construed that of January 28, 1857, in such a way as to include township 90, ranges 27, 28, 29, and 30 west, in Humboldt County. It even went farther and defined the boundaries of the county anew in such a way as clearly to include the territory in dispute.¹⁴¹ It would have been better if this clause of the act had been omitted as will be explained later.

The present Constitution of Iowa was declared in force on September 3, 1857, or between the passage of the two laws just discussed. It contained a provision¹⁴² to the effect that in the future all laws proposing the alteration of county boundaries should be submitted to a vote of the people of the counties concerned and must be approved by them before going into effect. Now the explanatory act of March 11, 1858, had not been submitted to the people of Humboldt and Webster counties for ratification. Consequently the Supreme Court of the State, in a decision handed down on December 4, 1860, in a case which had been appealed from the District Court of Webster County, declared the act unconstitutional.¹⁴³ The court held that the act was not truly and simply an amendment of the act of January 28, 1857, but that it was an independent act and as such was invalid because it had never been submitted to the people for ratification. Undoubtedly the presence in

¹⁴¹ See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁴² See Article III, section 30 of the Constitution.

¹⁴³ *Duncombe vs. Prindle*, 12 Iowa 1.

the act of that clause (referred to above) which redefined the boundaries of Humboldt County was the basis upon which the court based its argument in declaring the law an independent act.

This decision left Humboldt County with the dimensions which the act of January 28, 1857, had given it, whether as printed this act expressed the real intentions of its framers or not. An interesting question arises as to the size of the county between March 11, 1858, the date of the explanatory act, and December 4, 1860, the date when the same was declared null and void. The lawyer will answer that since the act was invalid it could never have had any force, therefore Humboldt County was never larger than the act of January 28, 1857, made it. (At this time it comprised twelve square townships). Technically and legally this claim is correct. The historical student, however, cannot overlook the fact that the act of March 11, 1858, was on our statute books for nearly three years during which time it was observed, and that during this time Humboldt County *actually* contained sixteen square townships.¹⁴⁴ Since December 4, 1860, the boundaries of the county have not been altered.

The territory of Humboldt was within the limits of the original County of Fayette from 1837 to 1847. (See Map II.) The relation of the county to the various Indian land cessions is very complicated. (See Map I.) Most of the county was ceded to the United States by the several treaties of July 15, 1830. On this date the bulk of its territory was ceded by the four bands of the Santee Sioux and the southeastern portion by the Sacs and Foxes. These two cessions made up the "Neutral Ground" famous in the early history of Iowa. The so-called "neutral line" which

¹⁴⁴ See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

separated these two cessions had its western terminus in the Des Moines River in the southern part of the county. On July 15, 1830, also, the southwestern portion of Humboldt County was ceded by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and Santee Sioux. The west central part of the county was retained by the Indians until 1851 when by two treaties signed respectively on July 23 and August 5, 1851, it was surrendered to the government by four bands of the Santee Sioux.

Ida.—Ida County was established by an act of the legislature of the State of Iowa approved on January 15, 1851.¹⁴⁵ Its boundaries as established at this time have remained permanent. The territory of Ida County was acquired by the United States government on July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Sioux ceded all their claims to western Iowa. (See Map I.) From 1837 to 1843 the southern tier of townships in Ida County was within the limits of the original County of Benton; the remainder of the county forming part of the original County of Buchanan. (See Map II.)

Iowa.—The boundaries of Iowa County were established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.¹⁴⁶ The county was carved from the territories of the original County of Keokuk. (See Map II.) Its boundaries as first defined have remained permanent.

The territory within the limits of Iowa County represents two Indian land cessions both of which were made by the Sac and Fox tribes. The southeastern portion of the

¹⁴⁵ *Laws of Iowa, 1850-1851, p. 27.*

¹⁴⁶ *Revised Statutes of the Territory of Iowa, 1843, p. 131.*

county was part of the cession of October 21, 1837, the remainder was acquired by the treaty of October 11, 1842. (See Map I.)

Jackson.—This county was carved from the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.¹⁴⁷ The boundaries received at this time have remained permanent.

The territory embraced within the limits of Jackson County was part of the Black Hawk Purchase, as the Sac and Fox cession of September 21, 1832, was commonly called. (See Map I.)

Jasper.—This county was established by an act of the legislature of the Territory of Iowa approved on January 13, 1846.¹⁴⁸ Its boundaries as described at this time were as follows: "Beginning at the north-west corner of Poweshiek county, on the line dividing townships 81 and 82, north of range 17 west; thence west, to the north-west corner of township 81, north of range 20 west; thence east to the south-west corner of township 78, north of range 20 west; thence south, to the south-west corner of Poweshiek county; thence north to the place of beginning." This definition of boundaries is seriously defective. By two curious errors the western boundary of Jasper is made to run east instead of south, and its southern boundary south instead of east. It is impossible to represent such a county upon a map, were it not that its surrounding neighbors give it shape and permit us to see the size and location which the framers of the act of 1846 meant to give to Jasper County.¹⁴⁹ As thus represented Jasper was smaller by one-fifth

¹⁴⁷ *Laws of the Territory of Wisconsin, 1836-1838, p. 132.*

¹⁴⁸ *Laws of the Territory of Iowa, 1845-1846, p. 73.*

¹⁴⁹ See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

than at present, its western boundary being one range farther east than now. Otherwise the location of the county as first established was just the same as at present.

The errors pointed out above were made by the printers of the statutes, for a reference to the original manuscript copy of the act in question shows the boundaries correctly described there.¹⁵⁰ Four days after the approval of the act creating Jasper County a supplementary act was approved which sought to redefine the boundary lines of Jasper, Polk, and Dallas counties.¹⁵¹ Just why this act was passed cannot be said. No errors had been made in the original definition of the boundaries of Polk and Dallas counties. The errors in the printed laws relative to the boundaries of Jasper County had not yet been made, because the laws were not yet printed. The original of the act of January 13, 1846, must have been at the convenience of the framers of the act of January 17. The latter law could not have been passed, therefore, to remedy errors made in the earlier act. The real reason for the supplementary act of January 17 seems to come out of Polk County. Here a county-seat war was on. Additional territory was desired on the west and south in order to make Fort Des Moines more nearly the center of the county. But Polk County was not exactly north of Warren County; hence in redefining the boundaries of Dallas, Polk, and Jasper counties the first two were shifted each one range farther west while the western boundary of Jasper was moved one range in the same direction. These shifts brought Polk County directly north of Warren from which it gained one tier of townships. Fort Des Moines was now near the center of Polk and secured the county-seat. And so it may be said that the boundaries

¹⁵⁰ See volume for 1845-1846 of the original manuscript copies of the acts of the legislature of the Territory of Iowa, as kept on file in the office of the Secretary of State, Des Moines, Iowa.

¹⁵¹ *Laws of the Territory of Iowa, 1845-1846*, p. 75.

of Jasper County were redefined and the county enlarged by the act of January 17, 1846, merely to accommodate Polk County and more especially the boomers of Fort Des Moines. The boundaries of Jasper have not been altered since the date last mentioned.

The whole of Jasper County was within the limits of the original County of Keokuk established in 1837 and in existence until 1843. (See Map II.) The territory of Jasper was acquired from the Sacs and Foxes by the terms of the treaty of October 11, 1842. (See Map I.) The line of partition by which the cession was divided into two parts ran through the county. The western half was not to be vacated until October 11, 1845.

Jefferson.—The County of Jefferson was established by an act of the legislature of the Territory of Iowa approved on January 21, 1839.¹⁵² This law was entitled "An Act to divide the County of *Henry*, and establish the County of *Jefferson*." The boundaries of the new county were defined as follows: "beginning at the south-east corner of township number seventy-one north, range eight west, thence north with said line to the line dividing townships seventy-three and seventy-four, thence west with said line to the Indian boundary line, thence south with said line to the line dividing townships seventy and seventy-one, thence east with line to the place of beginning." "The Indian boundary line" herein mentioned was the western limit of the Sac and Fox cession of October 21, 1837. This line ran from near the southwestern corner of township seventy-one north, range eleven west, toward the northeast to such an extent that the northwest corner of Jefferson County was about five miles farther east than its southwest corner.¹⁵³

¹⁵² *Laws of the Territory of Iowa, 1838-1839*, p. 92.

¹⁵³ See Map VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

(See Map I.) This "Indian boundary line" had never been surveyed¹⁵⁴ but the northern half of the cession of October 21, 1837, had been, and so had the western boundaries of the Black Hawk Purchase.¹⁵⁵ In other words, three of the four boundaries of the cession of October 21, 1837, had been surveyed and the points between which the fourth boundary was to have been drawn were fixed. A straight line drawn between these two established points gives us, then, the missing boundary.

With this explanation, the four boundaries of Jefferson County as originally established become definite. The three eastern townships of the new county were taken from Henry. The remainder was Indian territory which had never before formed a part of any county. The act does not say, in so many words, that Henry was to be diminished in size although the title indicates the division of that county. The boundaries of Jefferson as first given have never been altered, that is, not directly or legally.

By an act of the legislature of the Territory of Iowa approved on February 17, 1843,¹⁵⁶ Wapello County was established just west of Jefferson. In this act the northern boundary of Wapello was described as beginning at the northwest corner of Jefferson County, on the line between ranges eleven and twelve west, from which point it was to extend westward. The southern boundary of Wapello was extended eastward to the southwest corner of Jefferson County, while its eastern boundary was made to run thence north on the line dividing ranges eleven and twelve to the place of beginning. These definitions of the boundaries of Wapello County assume the western boundary of Jefferson

¹⁵⁴ *18th Annual Report of the Bureau of American Ethnology*, 1896-97, Part 2, p. 767.

¹⁵⁵ *18th Annual Report of the Bureau of American Ethnology*, 1896-97, Part 2, p. 737.

¹⁵⁶ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

County to be on the line between ranges eleven and twelve west, while, in point of fact, it had never been altered since it had been established by the act of January 21, 1839, on the "Indian boundary line" mentioned above. The act of 1843 does not redefine the boundaries of Jefferson County, except by inference. At the same time, it is clear that the framers of the act meant to establish the eastern boundary of Wapello County on the line between ranges eleven and twelve, west. It is also true that they assumed this line to be the western boundary of Jefferson County, but since this was not the fact, it is not probable that a court would decree that the act of 1843 had altered the western boundary of Jefferson County. Technically, then, and legally, it may be said that the act of 1843 left a triangular strip of territory, between Jefferson and Wapello counties, outside of the limits of both.¹⁵⁷ The error in the boundary line between these two counties has never been corrected. The western boundary of Jefferson County may be called defective since it is technically not where it is supposed to be.

The eastern portion of the county (See Map I.) was part of the Sac and Fox cession of September 21, 1832, also called the Black Hawk Purchase. This same area was later included within the limits of the original County of Des Moines.¹⁵⁸ (See Map II.) The remainder of Jefferson County was acquired from the Sac and Fox Indians by the cession of October 21, 1837. The triangular strip between Jefferson and Wapello was part of the cession of October 11, 1842, made by the same tribes.

Johnson.—Johnson County was established by an act of the legislature of the Territory of Wisconsin approved on

¹⁵⁷ See Maps VII and XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁵⁸ This gives to Des Moines County the limits which the framers of the act establishing that county meant to give it. See above p. 29.

December 21, 1837.¹⁵⁹ As described in this act its eastern boundary was the line dividing ranges four and five west; its western boundary that dividing ranges eight and nine west. Its southern boundary was the line dividing townships seventy-six and seventy-seven north; its northern boundary that separating townships eighty-one and eighty-two north. These boundaries made the county four townships wide (from east to west) and five long (from north to south), or about three square townships larger than at present.

Some of the territory given to Johnson County by the act of December 21, 1837, had belonged to Cook and Musquitine counties¹⁶⁰ since their establishment by an act approved on December 7, 1836. Cook and Musquitine were not even mentioned in the act creating Johnson County. Their loss of territory to the latter may be called, therefore, indirect.

Johnson County was reduced in size, indirectly, by an act of the legislature of the Territory of Iowa approved on January 25, 1839, and entitled "An Act to establish the boundary lines of Washington county, and for other purposes".¹⁶¹ This law changed the name of Slaughter County to Washington County and enlarged the latter by adding to it seven new townships, three of which, namely townships six, seven, and eight west, range seventy-seven north, were taken from Johnson County without so much as mentioning the name of the latter in the act.

By an act of the legislature of the Territory of Iowa approved on June 5, 1845,¹⁶² the Iowa River was made the boundary line between Johnson and Washington counties

¹⁵⁹ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

¹⁶⁰ See Map III in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

¹⁶¹ *Laws of the Territory of Iowa, 1838-1839*, p. 100.

¹⁶² *Laws of the Territory of Iowa, 1845*, p. 66.

for some six or eight miles. By this alteration of boundaries Johnson County gained from Washington that part of township 77 north, range 6 west, which lay east of the Iowa River. With this change the boundaries of Johnson County became permanent.

The territory comprised within the limits of the present county was acquired from the Indians at three different dates. The eastern portion was part of cession of September 21, 1832, known as the Black Hawk Purchase. The southeast corner was included in the Keokuk Reservation ceded by treaty of September 28, 1836. The remainder of the county, probably three-fourths of it, was acquired through the cession of October 21, 1837. All of these cessions were made by the Sac and Fox Indians. (See Map I.)

The eastern part of Johnson County was formerly within the limits of the original County of Dubuque. For a somewhat shorter period, the southeastern portion was within the original County of Des Moines. (See Map II.) Later, this area belonged to Cook, a county no longer in existence, and Musquitine, as the name of the original County of Muscatine was spelled. The latter was differently located then than now.¹⁶³

Jones.—Like its neighbors Jones County was erected out of the territory of the original County of Dubuque (See Map II.) by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.¹⁶⁴ Its original boundaries received at this time have remained unaltered to the present time.

The territory of Jones County was part of the Black Hawk Purchase made from the Sac and Fox Indians by the terms of the treaty of September 21, 1832. (See Map I.)

¹⁶³ See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁶⁴ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

Keokuk.—Like Benton, Buchanan, and Fayette counties, Keokuk County was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.¹⁶⁵ Like them, too, it was in its original form only a temporary jurisdiction most of the territory of which was still owned by the Indians. Its boundaries were described in the above mentioned act as follows: "All the country lying west of the County of Johnson, and between the line dividing townships seventy-six and seventy-seven and the line dividing townships eighty-one and eighty-two north, extended to the western boundary of the territory, shall be, and the same is hereby constituted a separate county, to be called Keokuk." Johnson County had been located in the preceding section of the same act. "The western boundary of the territory" was none other than the western boundary of the Territory of Wisconsin, which was at this time the Missouri and White Earth rivers. The original County of Keokuk extended, therefore, from Johnson County on the east across the State of Iowa to the Missouri River. It was one of the largest counties ever created within the limits of the present State of Iowa. It included within its territory all of the present counties of Iowa, Poweshiek, Jasper, Polk, Dallas, Guthrie, Audubon, Shelby, and Harrison, together with the northern one-fourth of the counties of Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, and Keokuk, and the northwestern township of Washington County. (See Map II.)

The original County of Keokuk, as described above, lost one square township in area by an act of the legislature of the Territory of Iowa approved on January 25, 1839.¹⁶⁶ This law changed the name of Slaughter County to Washington and then enlarged the latter by extending its bound-

¹⁶⁵ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

¹⁶⁶ *Laws of the Territory of Iowa, 1838-1839*, p. 100.

aries one township farther north and one range farther west. These changes had the effect of giving one square township of the territory of Keokuk County to Washington. (See Map II.)¹⁶⁷

The boundaries of Keokuk were redefined and the county reduced in size by an act of the legislature of the Territory of Iowa approved on February 17, 1843.¹⁶⁸ The chief importance of this act centers in the fact that the location of the new county was shifted to the southward, indeed, only the northern tier of townships in the new county was also in the old. (See Map II.) The boundaries received in 1843 have remained permanent.

A triangular strip of territory in the eastern part of the county, six or seven miles wide on the south and tapering to a point on the north, was ceded to the United States by the Sac and Fox Indians in a treaty dated October 21, 1837. The remainder of the county was acquired from the same tribes by the treaty of October 11, 1842. (See Map I.)

Kossuth.—This, the largest county in Iowa, was first established by an act of the State legislature approved on January 15, 1851.¹⁶⁹ But as created at this time the county contained only 576 square miles. It was located between Palo Alto and Hancock counties and was of the same size. The northern part of the present county was a separate county called Bancroft. Just south was located the County of Humboldt equal in size to Kossuth.¹⁷⁰

The boundaries of Kossuth County were more than doubled by a law entitled "An act to extend the boundaries of Kossuth County, and to locate the seat of Justice thereof"

¹⁶⁷ Compare Maps V and VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁶⁸ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

¹⁶⁹ *Laws of Iowa*, 1850-1851, p. 27.

¹⁷⁰ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

which was approved on January 24, 1855.¹⁷¹ By the terms of this act the counties of Bancroft and Humbolt were blotted out. The territory of the former, together with the northern half of the latter, was added to Kossuth making that county overlarge.¹⁷²

These boundaries were decreased by an act approved on January 28, 1857,¹⁷³ which created the new County of Humboldt between Wright and Pocahontas. Kossuth County lost its two southernmost tiers of townships to Humboldt by this act and received thereby boundaries exactly equivalent to those of today.¹⁷⁴ These boundaries, however, were not to be permanent, for on May 13, 1870, there was approved an act¹⁷⁵ by the terms of which the northern part of Kossuth County was erected into a new county called Crocker.¹⁷⁶ This county, located immediately between Winnebago and Emmet contained only 408 square miles. This area being smaller than was allowed by the Constitution,¹⁷⁷ the Supreme Court of the State in a decision handed down on December 11, 1871, declared the act creating the county unconstitutional.¹⁷⁸ The effect of this decision was to restore the territory of Crocker County to Kossuth and to the latter the boundaries which the law of January 28, 1857, had given it. Since 1871 no alterations have been made in the boundaries of Kossuth County.

¹⁷¹ *Laws of Iowa*, 1854-1855, p. 210.

¹⁷² See Map XIII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

¹⁷³ *Laws of Iowa*, 1856-1857, p. 199.

¹⁷⁴ See Map XIV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

¹⁷⁵ *Laws of Iowa*, 1870, p. 239.

¹⁷⁶ See Map XV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

¹⁷⁷ See Article XI, section 2, of the Constitution.

¹⁷⁸ *Garfield vs. Brayton*, 33 Iowa 16.

The territory of the present county of Kossuth was included within the limits of the original County of Fayette established in 1837 and blotted out in 1847. (See Map II.) The southeastern portion of the county was ceded on July 15, 1830, to the United States by the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Santee Sioux. This cession made up part of a larger area known as the "Neutral Ground". The bulk of the county was ceded by the same bands of the Santee Sioux in two treaties signed respectively on July 23 and August 5, 1851. (See Map I.)

Lee.—Lee County, as its boundaries were first defined, was carved from the original County of Des Moines by an act of the legislature of the Territory of Wisconsin, approved on December 7, 1836, and in effect from the same day.¹⁷⁹ The boundaries received at this time by Lee County were described in peculiar language, for reasons explained above.¹⁸⁰ As contained in section one of the act subdividing Des Moines County they read as follows: "beginning at the most southern outlet of Skunk river, on the Mississippi; thence a northern direction passing through the grove on the head of the northern branch of Lost Creek, and thence to a point corresponding with the range line dividing range[s] seven and eight, and thence south with the said line to the Des Moines river; thence down the middle of the same to the Mississippi, and thence up the Mississippi to the place of beginning".

From this description it is easy to indicate on a map all of the boundaries of Lee County except the northern one. It is impossible to tell whether this boundary should be composed of two lines or of one. There is nothing in the foregoing definition to prevent drawing the boundary with

¹⁷⁹ *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

¹⁸⁰ See above p. 31.

one line only and it is so drawn on certain maps accompanying a former paper by the writer.¹⁸¹

As created by the act of December 7, 1836, Lee County was of almost the same size as the Lee County of today. The boundaries of 1836 were retained but little over a year, having been altered by an act of the legislature of the Territory of Wisconsin, approved on January 18, 1838.¹⁸² The United States Survey of the lands of southeastern Iowa having been completed in the meantime, the boundaries of Lee County were now defined in terms of that survey. The new boundaries differed from the old only on the north. The definition of the northern boundary as contained in the act of 1838 was as follows: "Beginning at the main channel of the Mississippi river, due east from the entrance of Skunk river into the same, thence up said river to where the township line dividing townships sixty-eight and sixty-nine north leaves said river; thence with said line to the range line between ranges four and five west; thence north with said line to the township line between ranges sixty-nine and seventy north; thence west, with said line, to the range line between ranges seven and eight west". It is thus seen that the northern boundary of Lee County was made to consist of three straight lines together with the Skunk river for some six or eight miles. It is difficult to say which was the larger, the new Lee, or the old. Map VI

¹⁸¹ See Maps II, III, VI, in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

The only map that the writer has seen which attempts to show the counties created by the act of December 7, 1836, is one in the manuscript department of the library of the State Historical Society of Wisconsin, at Madison, Wisconsin. This map shows the northern boundary of Lee County as composed of two lines, one running northwestward from the mouth of the Skunk River for about twelve miles, the other running westward from the northern end of the first to the western boundary of the county. Since the map contains other errors this, also, may be an error. Compare note 36 on page 386 of the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁸² *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

accompanying the writer's former paper, already mentioned, shows the two practically equal in size.¹⁸³ It is probable that the new Lee lost territory to both Henry and Des Moines counties and gained from both.

The third change in the boundaries of Lee County was made by an act passed by the legislature of Iowa, approved on January 23, 1839.¹⁸⁴ This law, although it bore the title of "An Act to establish the boundaries of Lee county" affected equally those of Des Moines County, since it made the Skunk River the boundary between the two. By this change Lee County was increased in size, gaining more territory south of the Skunk River from Des Moines County than it lost in return north of the river.¹⁸⁵ With this alteration the boundaries of Lee County became permanent.

The northern part of the territory of Lee County was formerly part of the Black Hawk Purchase made by treaty with the Sac and Fox Indians on September 21, 1832. The southern part of the county, that is, the part south of the northern boundary of Missouri extended eastward, was long known as the Half-breed Tract. This was because, upon the occasion of the cession by the Sac and Fox Indians of certain lands in Missouri to the United States government by the treaty of August 4, 1824, this particular strip of territory had been reserved for the use of the half-breeds of the Sac and Fox nation.¹⁸⁶

By an act of the legislature of the Territory of Iowa approved on February 15, 1844, it was proposed to erect the old Half-breed Tract into a new county to be called Madison. The act provided for the submission of the ques-

¹⁸³ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁸⁴ *Laws of the Territory of Iowa, 1838-1839*, p. 94.

¹⁸⁵ For a more complete discussion of this law see above p. 33.

¹⁸⁶ This tract was held in common by the half-breeds of the tribe until about 1834, when it was divided among them severally.

tion to the voters of Lee County, who, at an election held in the following April, voted down the proposition, and the new county was never established.¹⁸⁷

Linn.—Linn County was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.¹⁸⁸ The county was regular in shape but four townships larger than its neighbors on the north and east which were created at the same time. The boundaries received at this time have never been altered. The name of the county was spelled "Lynn" in the title of the organic act, although spelled Linn in the body of the same.

The eastern part of the County — a little over a third — had been since 1834 a part of the original County of Dubuque. (See Map II.) The territory embraced within the limits of Linn County represents two Indian land cessions. The eastern part was acquired from the Sac and Fox Indians by the treaty of September 21, 1832; the western part by treaty of October 21, 1837. The earlier cession was called the Black Hawk Purchase. (See Map I.)

Louisa.—The original county of this name was created by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.¹⁸⁹ It was one of several counties carved from the territory of Des Moines County. It is true that a large part of the original County of Louisa had formerly been within the limits of the Keokuk Reserve, but it has been argued above¹⁹⁰ that, although the original County of Des Moines did not include Keokuk's Reserve, the territory of the latter, for all practical purposes became part of Des Moines County upon its cession to the United

¹⁸⁷ See below p. 129.

¹⁸⁸ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

¹⁸⁹ *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

¹⁹⁰ See above p. 30.

States on September 28, 1836. The title of the act of December 7, 1836, creating Louisa and other counties, which reads "An Act dividing the county of Des Moines into several new counties" implies as much. Fully half of the territory which had been within the limits of Keokuk's Reserve, which lay on both sides of the Iowa River, was in Louisa County as first established.

At the time of the creation of the new county southeastern Iowa had not yet been surveyed. For this reason the boundaries of the counties named in the act were peculiar. Those of Louisa County were described as follows: "beginning at the Mississippi River, at the north-east corner of Des Moines; thence up said river twelve miles above the mouth of [the] Iowa; thence west to the Indian boundary line; thence with said boundary line, to the north-west corner of Henry and with the line of the same, to the north-west corner of the County of Des Moines; thence east with the line of the same county of Des Moines to the beginning". These boundaries made Louisa the largest county created by the act of December 7, 1836. The county had five boundary lines instead of the usual number of four. The one difficulty found in attempting to represent the original County of Louisa on a map lies in the location of the northeast corner. Given this point and the boundaries of Henry and Des Moines counties, which were named before Louisa in the act, and it is not difficult to draw Louisa on a map.¹⁹¹ As constituted at this time Louisa County was about twice as large as at present. It included besides practically all of the present county of the same name (excepting only a little territory in the north), the southeastern part of Washington County, the northeastern part of Henry, and the northern fourth of Des Moines.

¹⁹¹ See Map II in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

By an act of the legislature of the Territory of Wisconsin approved on January 18, 1838,¹⁹² the boundaries of Louisa County and its neighbors were redefined in terms of the United States Survey. The new Louisa was less than half as large as the old, lying along the Mississippi and Iowa rivers in the eastern part of the original county. Possibly a narrow strip on the north of the new county was not in the original County of Louisa, in which case it would now be gained from the original County of Musquitine. By the act of 1838 the original County of Louisa lost territory to Des Moines, Henry, and Slaughter (the predecessor of Washington) counties.¹⁹³ The Louisa County of 1838 differed in size from the present county only in that it lacked the three western townships of the latter. These were added by an act of the legislature of the Territory of Iowa approved on January 12, 1839.¹⁹⁴ With the addition of this area the boundaries of Louisa have remained unchanged to the present time.

The larger part of the area of the present County of Louisa was within the limits of the reservation given to Keokuk on September 21, 1832, at the time of the cession of the so-called Black Hawk Purchase by the Sacs and Foxes. The remainder of the county, comprising the northeast, southeast, and southwest corners, was within the limits of the above named purchase. The whole county had formerly been a part of the original County of Des Moines, while the three western townships once belonged to Slaughter County, and it is possible that a narrow strip on the north was once included within the borders of the original County of Musquitine.

¹⁹² *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

¹⁹³ See Map VI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

¹⁹⁴ *Laws of the Territory of Iowa, 1838-1839*, p. 89.

Lucas.—As first created by an act of the legislature of the Territory of Iowa approved on January 13, 1846,¹⁹⁵ the western boundary of Lucas County was located one township farther west than at present, making the county five townships long.¹⁹⁶ Clarke County, west of Lucas, was of the same size.

By an act of the legislature of the State of Iowa approved on December 27, 1848,¹⁹⁷ the boundaries of Lucas County were redefined and made permanent. The western tier of townships was given to Clarke County which lost other territory by the same act.

Lucas County was part of the Sac and Fox cession of October 11, 1842, lying west of the line which divided the cession into two parts. (See Map I.)

Lyon.—This county was established under the name of Buncombe County by an act of the legislature of the State of Iowa approved on January 15, 1851.¹⁹⁸ Its boundaries have never been altered. The name was changed to Lyon County by a very brief act approved on September 11, 1862.¹⁹⁹

The territory of the county was mostly acquired from the Indians known as the Santee Sioux by two treaties dated respectively July 23 and August 5, 1851. Certain small areas on the southern border of the county had been ceded in an earlier treaty dated July 15, 1830. (See Map I.) Lyon County comes within the limits of the original County of Fayette created in 1837 and in existence for ten years. (See Map II.)

¹⁹⁵ *Laws of the Territory of Iowa, 1845-1846*, p. 73.

¹⁹⁶ See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

¹⁹⁷ *Laws of Iowa, 1848-1849*, p. 32.

¹⁹⁸ *Laws of Iowa, 1850-1851*, p. 27.

¹⁹⁹ *Laws of Iowa, 1862 (extra session)*, p. 22.

Madison.—By an act approved on February 15, 1844,²⁰⁰ the legislature of the Territory of Iowa provided for the erection of the old Half-breed Tract, in Lee County, into a new county to be called Madison, subject to the decision of the voters of Lee. At an election held in April, 1844, the proposition failed to carry and the county was not established.

The present County of Madison was established two years later by an act of the legislature of the Territory of Iowa approved on January 13, 1846.²⁰¹ Its boundaries as defined in this act have remained permanent. Madison County's northern tier of townships had formerly been part of the original County of Keokuk. (See Map II.) The territory of Madison was ceded by the Sac and Fox Indians in a treaty dated October 11, 1842, the Indians having three years in which to vacate its soil. (See Map I.)

Mahaska.—This county was one of several created out of lands ceded to the United States government by the Sac and Fox Indians in the cession of October 11, 1842. (See Map I.) It was established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.²⁰² The boundaries received at this time have remained permanent. The northern tier of townships had formerly been a part of the original County of Keokuk. (See Map II.)

Marion.—As established by an act of the legislature of the Territory of Iowa approved on June 10, 1845,²⁰³ the boundaries of Marion County were described as follows: "Beginning at the northwest corner of Mahaska County, and running west on the Township line, dividing Town-

²⁰⁰ *Laws of the Territory of Iowa, 1843-1844, p. 142.*

²⁰¹ *Laws of the Territory of Iowa, 1845-1846, p. 73.*

²⁰² *Revised Statutes of the Territory of Iowa, 1843, p. 131.*

²⁰³ *Laws of the Territory of Iowa, 1845, p. 93.*

ships seventy-seven and seventy-eight north, to the northwest corner of Township seventy-seven, north of range twenty-one west; thence south to the south west corner of Township seventy-four north, of range twenty-one west; thence east along the line dividing Townships seventy-three and seventy-four north, to the south west corner of Mahaska county; thence north along the range line, dividing ranges sixteen and seventeen, to the place of beginning." This definition of boundaries contains an error. It was undoubtedly the intention of the framers of the act to have the eastern boundary of Marion County and the western boundary of Mahaska County coincide. To this end the northern boundary of Marion County was made to run westward from the northwest corner of Mahaska, and the southern boundary of Marion eastward to the southwest corner of Mahaska County. All that remained to define the eastern boundary of Marion was to connect these two points. It was in doing this that the error was made. The law reads "thence north along the range line, dividing ranges sixteen and seventeen, to the place of beginning." It should have read "ranges seventeen and eighteen." The line as actually described in the law does not connect the northeastern and southeastern corners of Marion County. In reality the eastern boundary of the county as here described cannot be drawn on a map.²⁰⁴

That the framers of the act of June 10, 1845, did not attempt to give part of the territory of Mahaska County to Marion is proven by the wording of an act approved on January 24, 1847.²⁰⁵ By this law the boundaries of Marion County were redefined in such a manner as to remove the error in the former act and to make the eastern boundary

²⁰⁴ See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁰⁵ *Laws of Iowa, 1846-1847*, p. 32.

of Marion coincide with the western boundary of Mahaska.²⁰⁶ These boundaries have remained permanent.

The territory of Marion County was acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. The line of partition by which this cession was divided into two parts ran through the county either at or near the center. (See Map I.) The northern fourth of the county came within the limits of the original County of Keokuk established in 1837 and in existence until 1843. (See Map II.)

Marshall.—This county was established by an act of the legislature of the Territory of Iowa approved on January 13, 1846.²⁰⁷ The boundaries received at this time have remained permanent.

The territory included within the limits of Marshall County was acquired from the Sac and Fox Indians in the treaty of October 11, 1842. The line of division ran through the county. (See Map I.) From 1837 to 1843 the territory of this county was a part of the original County of Benton which extended during this period westward to the Missouri River. (See Map II.)

Mills.—The boundaries of Mills County were defined by the important act of January 15, 1851,²⁰⁸ and have never since been altered. The county was carved from the territory of the original County of Pottawatamie established in 1847. (See Map II.) The territory included within the limits of Mills was first acquired from the Indians by the terms of the treaty of July 15, 1830, upon which date all those Indian tribes having any claims to the soil of western

²⁰⁶ See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁰⁷ *Laws of the Territory of Iowa, 1845-1846*, p. 73.

²⁰⁸ *Laws of Iowa, 1850-1851*, p. 27.

Iowa ceded the same to the United States. (See Map I.) The southern portion of this cession was given as a reservation to the Pottawattamie nation on September 26, 1833. The same area was ceded back to the government by the terms of a treaty dated June 5 and 17, 1846. The territory of Mills County was included within the limits of both the Pottawattamie reservation and cession.

Mitchell.—Mitchell County, as established by the act of January 15, 1851,²⁰⁹ lacked a half township of extending as far south as it extends today.²¹⁰ Otherwise the boundaries of the county were the same. By an act approved on January 24, 1855,²¹¹ one-half of the four northern townships of Floyd were detached from that county and added to the County of Mitchell.²¹² With this alteration the boundaries of the latter became permanent.

Mitchell County came within the limits of the original County of Fayette established in 1837 and in existence for ten years. (See Map II.) The southern portion of Mitchell County was acquired from the Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Santee Sioux by a treaty signed on July 15, 1830. Since this cession formed the northern part of so-called "Neutral Ground" it follows that the southern portion of the county was included within its area. All of the "Neutral Ground" lying east of the Red Cedar River was given as a reservation to the Winnebagoes on September 15, 1832. This reservation, which included the southeastern portion of Mitchell County, was again ceded to the United States by a treaty dated

²⁰⁹ *Laws of Iowa, 1850-1851, p. 27.*

²¹⁰ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²¹¹ *Laws of Iowa, 1854-1855, p. 185.*

²¹² See Maps XIII and XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

October 13, 1846. The remaining part of the territory of Mitchell was ceded by the four bands of the Santee Sioux, above mentioned, in two treaties signed one on July 23, and one on August 5, 1851. (See Map I.)

Monona.—Like most of the counties of western Iowa, Monona was established by the act of January 15, 1851.²¹³ As formed at this time the county was larger than at present, its eastern boundary being located one range farther east than it now is.²¹⁴

On April 2, 1862, there was approved a law which outlined a new method of altering county boundaries.²¹⁵ The act provided that in case the citizens of two or more counties desired a change of county boundary lines they might petition their respective boards of supervisors to that effect. Upon receipt of such petitions signed by more than one-half of the legal voters in each county, the supervisors thereof must order an election upon the changes desired in the petitions. Such an election must be held in each county concerned and the proposed changes must be ratified by a favorable majority in each before they could be made.

This law was employed in 1865 by Monona and Crawford counties to shift the boundary between them one range farther west.²¹⁶ By this change Monona County was decreased in size. Its boundaries have never since been altered.

The territory of Monona was ceded to the United States by the terms of a treaty dated July 15, 1830, upon which date all tribes having any claims to western Iowa yielded

²¹³ *Laws of Iowa*, 1850-1851, p. 27.

²¹⁴ See Map XI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

²¹⁵ *Laws of Iowa*, 1863, p. 93.

²¹⁶ See Map XV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

the same to the government. (See Map I.) The county came within the limits of the original County of Benton, established in 1837 and reduced in size in 1843. (See Map II.)

Monroe.—Originally called Kishkekosh after an Indian chief, this county was established by an act of the legislature of the Territory of Iowa approved on February 17, 1843.²¹⁷ The name of the county was changed to Monroe by an act approved on January 19, 1846.²¹⁸ The boundaries of the county have never since been altered, either directly or indirectly. The territory of Monroe was within the limits of the Sac and Fox cession of October 11, 1842, and lay just east of the line by which the cession was to be divided into two parts. (See Map I.)

Montgomery.—The boundaries of Montgomery County have never been altered since it was first established by an act of the legislature of the State of Iowa approved on January 15, 1851.²¹⁹ The county was carved from the territory of the original County of Pottawatamie itself created in 1847. (See Map II.) The soil of Montgomery County was ceded to the United States government by the terms of a treaty signed on July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the four bands of the Santee Sioux yielded up all their claims to western Iowa. (See Map I.) The county was included in the reservation given the Pottawattamie nation on September 26, 1833, and also in the cession made by the same tribes on June 5 and 17, 1846, upon which occasion they surrendered the reservation just mentioned to the United States.

²¹⁷ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

²¹⁸ *Laws of the Territory of Iowa*, 1845-1846, p. 108.

²¹⁹ *Laws of Iowa* 1850-1851, p. 27.

Muscatine.—The original County of Muscatine was established by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.²²⁰ In this act the name was spelled "Musquitine". The new county, together with several others named in the same act, was carved from the original County of Demoiné after the latter had been enlarged by the addition of Keokuk's Reserve.²²¹ The boundaries received by Musquitine County were described in peculiar phrases for reasons already explained.²²² As given in section six of the act subdividing Demoiné County they read as follows: "beginning on the Mississippi River, at the north-east corner of the county of Louisa; thence up said river twenty-five miles on a straight line; thence west to the Indian boundary line; thence with said boundary line south to the north-west corner of the county of Louisa; thence east with the line of said county of Louisa to the beginning".

The boundaries of Louisa County were defined in the preceding section of the same act. The "Indian boundary line" on the west was the western line of the Black Hawk Purchase, which did not run due north and south but north by 28 degrees east.²²³ The chief difficulty in representing the boundaries of Musquitine County on a map arises in connection with the eastern boundary, or, to be more specific, in connection with the location of the northeastern corner. This point was to be up the Mississippi River twenty-five miles "in a straight line" from the northeastern corner of Louisa. A straight line doesn't follow the river very closely just here because of a wide bend. There

²²⁰ *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

²²¹ See above p. 30.

²²² See above p. 70.

²²³ Abernethy on *Iowa under Territorial Governments and the Removal of the Indians*, in the *Annals of Iowa*, July, 1906, p. 431.

seems to be no alternative, however, in regard to the straight line. It extends up the river, not down, and follows it as closely as possible. The corner in question can be located, then, at the point, where a twenty-five mile line, used as a radius with the northeast corner of Louisa County as a center, intersects the Mississippi River. The only objection that can be made to such a procedure is that the point of intersection brings us nearly up to Rock Island which has the effect of almost crowding Cook²²⁴ County (the boundaries of which were described in the following section of the act) off the map.

As thus drawn Musquitine County was very long and relatively narrow.²²⁵ It contained about the same area as the present County of Muscatine, only a little over half of which was embraced within its borders. In its eastern part it included territory now belonging to Scott County. Its western part contained areas now belonging to Johnson, Washington, and Louisa counties.²²⁶

Since its first establishment the boundaries of Muscatine County have been altered twice. Its original form was retained less than a year. On December 21, 1837, an act²²⁷ of the legislature of the Territory of Wisconsin was approved by the terms of which the original County of Dubuque, together with some additional territory acquired from the Sac and Fox Indians by the treaty of October 21, 1837, was subdivided into new counties. In defining the boundaries of these new counties the framers of the act did not observe with care either the border-line between the original counties of Dubuque and Demoiné, or the boundary

²²⁴ See below p. 117.

²²⁵ See Map II in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²²⁶ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²²⁷ *Laws of the Territory of Wisconsin, 1836-1838*, p. 132.

lines of the counties established by the act of December 7, 1836. As a result of this negligence a part of the original County of Dubuque was not included within the limits of any of the newly created counties,²²⁸ while on the other hand, the new counties of Scott and Johnson were extended so far south that they encroached upon the domains of the existing counties of Cook and Musquitine. In this way, since the later law would, of course, supersede the earlier in so far as the two came into conflict, Musquitine County lost a little territory on the east to Scott County and a little on the northwest to Johnson, and was consequently materially changed in its shape.

The boundaries of Musquitine County retained this new form less than a month, for, by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838,²²⁹ they were redefined in terms of the United States Survey which had now been completed in this part of Iowa. The shape of the new county was altered materially, it being made shorter (from east to west) and wider (from north to south). By the change some territory on the west was lost to Slaughter (Washington) County. The spelling of the name was changed to Muscatine. The boundaries received in 1838 have remained permanent.

Nearly all of the territory within the present limits of the County of Muscatine was part of the Black Hawk Purchase of September 21, 1832. The southwest corner, which was not so included, fell within the boundaries of Keokuk's Reserve acquired by the United States on September 28, 1836. (See Map I.)

The northern part of the county (that part north of a line drawn due west from the lower end of Rock Island)

²²⁸ See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²²⁹ *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

was within the limits of the original County of Dubuque. The remainder belonged to the original County of Des Moines. (See Map II.) Later the northern part of this remainder belonged to the now extinct County of Cook.²³⁰

O'Brien.—The boundary history of this county is comparatively brief. Established by the act of January 15, 1851,²³¹ its boundaries have never since been altered. The territory of O'Brien County was practically all ceded to the United States by various Indian Tribes²³² in a treaty dated July 15, 1830. (See Map I.) It is possible that a small area in the northwestern part of the county was not ceded until 1851, in which year the four bands of Santee Sioux relinquished their claims to certain regions in northern and northwestern Iowa by treaties signed July 23, and August 5. (See Map I.) O'Brien's area was included within the limits of the original County of Fayette established in 1837 and reduced in size in 1847. (See Map II.)

Osceola.—This county was established by the important act of the legislature of the State of Iowa approved on January 15, 1851.²³³ The location and size of the county have never been altered. The area was 408 square miles. As first created, Osceola County was unconstitutional, because the Constitution of 1846, which was then in force, forbade the formation of any county with an area less than 432 square miles.²³⁴ The County of Osceola was not organized until after the present State Constitution was adopted in 1857. This document, although forbidding the organiza-

²³⁰ See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²³¹ *Laws of Iowa, 1850-1851, p. 27.*

²³² See the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 439.

²³³ *Laws of Iowa, 1850-1851, p. 27.*

²³⁴ See Article XI, section 2, of the Constitution of 1846.

tion of any old county, or the erection of any new county, with an area of less than 432 square miles, made an exception in favor of the organization of Worth County, and of the other counties on the northern border of the State west of Worth, the areas of which, according to the law creating them, were less than required by the Constitution.²³⁵ This clause in the fundamental law of the commonwealth may be said to have legalized the boundaries and even the existence of Osceola County.

The eastern part of the county was acquired by the United States according to the terms of an Indian treaty signed on July 15, 1830, upon which date all those tribes²³⁶ having any claims to the soil of western Iowa surrendered the same. (See Map I.) The western part of Osceola was ceded by the four bands of the Santee Sioux in two treaties signed respectively on July 23 and August 5, 1851. From 1837 to 1847 the territory of Osceola County was included within the original County of Fayette. (See Map II.)

Page.—Page County was created by an act of the legislature of the State of Iowa approved on February 24, 1847.²³⁷ Its boundaries have never since been altered. The territory of the county was first ceded to the United States by the terms of a treaty signed on July 15, 1830, upon which date all the Indian tribes having any claims to the soil of western Iowa relinquished the same to the government. (See Map I.) The southern part of this cession was given as a reservation to the Pottawattamie nation on September 26, 1833. This reservation was receded to the government by the terms of a treaty dated June 5 and 17, 1846. The soil of Page County was within the limits of the Pottawattamie reservation and cession. (See Map I.)

²³⁵ See Article XI, section 2, of the Constitution of 1857.

²³⁶ See above p. 55.

²³⁷ *Laws of Iowa, 1846-1847*, p. 114.

On the same day that Page County was created, an act²³⁸ was approved creating the temporary County of Pottawatamie coextensive with the cession of 1846. The effect of this act is difficult to determine. Page County was within the limits of the cession mentioned, and therefore seems to come within the limits of the temporary County of Pottawatamie. It is hardly probable that the framers of the two acts of February 24, 1847, meant to put any territory into two counties at the same time, yet, since there is no way of determining which of the two acts was approved last, this is exactly what they seem to have done.²³⁹ Fremont, Taylor, and part of Ringgold counties possessed the same status as Page since all four were established by the same act. (See Map II.) The temporary County of Pottawatamie ceased to exist in 1851 when its territories were divided up among many smaller counties. It is probable that the framers of the two acts of February 24, 1847, never intended that Pottawatamie County should include Page County which was established on the same day. However, of this point one cannot speak with certainty.

Palo Alto.—Established by the important act of the legislature of the State of Iowa approved on January 15, 1851,²⁴⁰ the boundaries of Palo Alto County have remained permanent. The territory of the county was included within the limits of the original County of Fayette which was established in 1837 and continued in existence until 1847. (See Map II.) Palo Alto represents two Indian land cessions. The western portion was ceded by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the

²³⁸ *Laws of Iowa, 1846-1847*, p. 115.

²³⁹ See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁴⁰ *Laws of Iowa, 1850-1851*, p. 27.

Santee Sioux in a treaty signed on July 15, 1830. The eastern portion was ceded by the four bands of the Santee Sioux, just mentioned, in two treaties dated July 23 and August 5, 1851. (See Map I.)

Plymouth.—Like most of the counties in western Iowa, Plymouth was established by an act of the legislature of Iowa, approved on January 15, 1851.²⁴¹ Its boundaries received at this time have never been altered. The territory included in Plymouth was ceded to the United States by various tribes.²⁴² The treaty of cession was dated July 15, 1830. (See Map I.) The southern tier of townships in Plymouth was for a few years included within the limits of the temporary County of Buchanan created in 1837. The remainder of the county belonged from 1837 to 1847 to the temporary County of Fayette. (See Map II.)

Pocahontas.—Pocahontas County received its present boundaries at the time it was established by the act of January 15, 1851.²⁴³ The southern fourth of the county was included within the bounds of the original County of Buchanan created in 1837 and in existence for six years. The northern three-fourths came within the limits of the original County of Fayette which was established in 1837 and blotted out in 1847. (See Map II.)

The territory of Pocahontas County represents several Indian land cessions. The larger part of its area was ceded by the treaty of July 15, 1830, upon which date all those tribes²⁴⁴ having any claims to the soil of western Iowa relinquished the same to the United States. (See Map I.) A small area in the southeastern corner of the county comes

²⁴¹ *Laws of Iowa, 1850-1851, p. 27.*

²⁴² See discussion of Palo Alto County.

²⁴³ *Laws of Iowa, 1850-1851, p. 27.*

²⁴⁴ See discussion of Palo Alto County.

within the limits of the Sac and Fox cession of October 11, 1842. The northeastern portion of the county, in general, was acquired from the four bands of Santee Sioux by treaties signed on July 23 and August 5, 1851. A very small area in the northeastern part of the county, east of the Des Moines River, had been ceded by the same Sioux bands on July 15, 1830. (See Map I.) This cession formed part of the famous "Neutral Ground".

Polk.—The boundary history of Polk County is very complicated. As first established by the act of January 13, 1846,²⁴⁵ the county was four townships square, containing 576 square miles as against 580+ today. It was located one range farther east than the present Polk County.²⁴⁶ Its boundaries were definite and there were no errors in the description of them.

On January 17, 1846, there was approved an act²⁴⁷ supplementary to the act of January 13 by the terms of which the boundaries of Jasper, Polk, and Dallas counties were redefined. The boundaries of Polk County were described in section two of this act as follows: "beginning at the north-east corner of township 81, north, of range 22 west; thence west, to the north-west corner of township 81, north of range 25 west; thence south to the south-west corner of township 77, north, of range 22 west; and thence north, to the place of beginning". This description contains a serious error, in that the entire southern boundary of the county was omitted. Nor is this merely a printer's error — the original manuscript copy of the act, presumably in the hand-writing of the author of the bill, contains the same

²⁴⁵ *Laws of the Territory of Iowa, 1845-1846, p. 73.*

²⁴⁶ See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁴⁷ *Laws of the Territory of Iowa, 1845-1846, p. 75.*

omission.²⁴⁸ It was intended by the act to move the western boundary of Jasper County one range farther west, to shift both Polk and Dallas counties one range farther west, and to extend the southern boundary of Polk one township farther south giving it one-fourth of the territory of Warren County.²⁴⁹ The reason for these changes did not grow out of errors in the act of January 13, 1846. It is true that that act contained errors in its description of the boundaries of Jasper County, but those errors could have been corrected without altering the location of the county. The real reason for the shifts in the location of the three counties made by the act of January 17th, arises out of Polk County itself. It seems that the boomers of Fort Des Moines were having a hard time in winning the county-seat for that place. The town was not near enough to the center of the county, being too far south and west. So the plan was conceived of shifting the county westward and extending it, at the same time, farther to the south. The legislature was manipulated and hence the act of January 17, 1846. Fort Des Moines was now near the center of the county and secured the county-seat.

By an act approved on January 28, 1847, the boundaries of Polk County were again defined.²⁵⁰ They were the same which the act of January 17, 1846, attempted to establish, indeed, the wording of the two acts is identical with the exception that the southern boundary, omitted in the earlier act, is now included. If any doubt existed as to the intention of the framers of the act of January 17, 1846, to give part of the territory of Warren County to Polk, that doubt

²⁴⁸ See volume for 1845-1846 of the original manuscript copies of the acts of the legislature of the Territory of Iowa, as kept on file in the office of the Secretary of State, Des Moines, Iowa.

²⁴⁹ See Map IX in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁵⁰ *Laws of Iowa, 1846-1847*, p. 33.

is removed by the law of January 28, 1847. Remembering that the law of January 17, 1846, which first sought to make this transfer, was imperfect, an interesting question relative to the status of the territory to be transferred arises. Did it belong, after this act went into force, to Polk County or to Warren? The letter of the law failed to transfer it; the intention of the framers undoubtedly was to make such transfer, and the courts would probably have decided, had a test case arisen, in favor of the intention of the framers.

The inhabitants of Warren County did not part willingly with a portion of their territory. Immediately after the transfer an agitation was begun for the return of the strip in question. This was accomplished by an act approved on January 14, 1853,²⁵¹ in which the boundaries of Warren County were defined anew in such a way as to take from Polk County and restore to Warren the four townships in question, except that in making the restitution that part of township 77 north, range 22 west, which lay north of the Des Moines River was reserved to Polk County.²⁵² This strip contains between four and five square miles of territory and brings the area of Polk County up to something more than 580 square miles.²⁵³ The boundaries of Polk have not been altered since the act of January 14, 1853, went into force. An attempt was made, however, to alter them slightly in 1880, but it did not carry. On the northern border of Polk County there was a small town called Sheldahl which was also partly in Boone and partly in Story County. By an act approved on March 7,²⁵⁴ the General

²⁵¹ *Laws of Iowa*, 1852-1853, p. 40.

²⁵² See Map XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁵³ *The Iowa Official Register*, 1907-8, gives the areas of Polk and Warren counties at 576 square miles each, while Polk has 580+ and Warren 571+. See *Iowa Official Register*, 1907-'8, p. 785.

²⁵⁴ *Laws of Iowa*, 1880, p. 191.

Assembly sought to throw this town into Story County. The effect of this would have been to slightly decrease the areas of Polk and Boone counties and to increase that of Story. The act, of course, was submitted to the voters of the three counties but was not ratified.

The territory of Polk was acquired from the Sac and Fox Indians by the cession of October 11, 1842. Lying west of the line of division it was not required to be vacated until three years later. (See Map I.) From 1837 to 1843 the soil of Polk County was included within the limits of the temporary County of Keokuk. (See Map II.)

Pottawattamie.—The present County of Pottawattamie was preceded by a temporary county of the same name²⁵⁵ established by an act of the State legislature approved on February 24, 1847.²⁵⁶ Like all of the other temporary counties of Iowa, the original County of Pottawatamie was of very large size. Its boundaries were described in the act just mentioned in a rather indefinite manner, the act declaring "That the country embraced within the limits of what is called the Pottawatamie purchase, on the waters of the Missouri river, in this State, [Iowa] be, and the same may be, temporarily organized into a county, by the name of Pottawatamie".

The "Pottawatamie purchase" here mentioned refers to the cession made by that nation on June 5 and 17, 1846,²⁵⁷ upon which dates the Pottawattamie tribes ceded back to the United States the reservation which the government had made over to them by the terms of a treaty signed at Chicago on September 26, 1833.²⁵⁸ This reservation con-

²⁵⁵ The name of the temporary county was spelled "Pottawatamie" in the act creating it. In this discussion the original spelling of all proper names will be retained.

²⁵⁶ *Laws of Iowa, 1846-1847*, p. 115.

²⁵⁷ *U. S. Statutes at Large*, Vol. IX, p. 853.

²⁵⁸ *U. S. Statutes at Large*, Vol. VII, p. 431.

tained 5,000,000 acres, as did also the cession of 1846 and the county of 1847, all three of which were, indeed, the same tract of land. The boundaries of this tract remain somewhat indefinite since they were never surveyed by the government. Especially is this true of the northern boundary. The writer has given a detailed description of the boundaries of the temporary County of Pottawatamie in a former paper.²⁵⁹ In this connection an attempt was made to illustrate the boundaries of the county upon the map of Iowa.²⁶⁰ (See also Map I accompanying this paper.) As thus drawn the temporary County of Pottawatamie included the territory of the present counties of Fremont, Page, Taylor, Mills, Montgomery, Adams, and Cass; most of Pottawatamie, Shelby, and Audubon; and parts of Ringgold, Union, Adair, Guthrie, Carroll, Crawford, and Harrison.

On the same day that the act authorizing the formation of the temporary County of Pottawatamie was approved, there was approved another act establishing the four counties of Fremont, Page, Taylor, and Ringgold.²⁶¹ The boundaries of Pottawatamie were made to overlap those of the four counties just named. (See Map II.) The effect of this is difficult to determine. There is no way to tell which act went into force first. It is hardly probable that the framers of these two acts meant to put the same territory into two different counties at the same time. The chances are that they intended Pottawatamie to include all of the cession of 1846 not comprised within the limits of Fremont, Page, Taylor, and Ringgold. The law authorizing the establishment of Pottawatamie was so worded as to make the very existence of the county depend upon its organization.

²⁵⁹ See article by the writer in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁶⁰ See Map X of the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁶¹ *Laws of Iowa, 1846-1847*, p. 114.

It seems to have been actually organized on September 21, 1848. The other four counties were permanent from the beginning, while Pottawattamie in its original form was never intended to be anything but a temporary jurisdiction.

The present County of Pottawattamie was formed by an act approved on January 15, 1851.²⁶² With the exception of the northwest corner, all its territories were included within the limits of the temporary county of the same name. The northern tier of townships was also part of the temporary County of Keokuk from 1837 to 1843. (See Map II.)

By an act approved on March 10, 1874,²⁶³ the General Assembly made an attempt to create a new county to be called Belknap²⁶⁴ out of the eastern part of Pottawattamie. The line separating ranges 41 and 42, west, was to be the dividing line between the two counties. Such a division would have given Belknap County an area of 432 square miles and left Pottawattamie 444, fulfilling the requirements of the Constitution as to size in both cases. The act required the submission of the question of establishing the new county to the voters of Pottawattamie. At the general election held on October 13, 1874, the proposition was voted down, the vote standing 1250 for, and 1558 against, the division. The proposed county of Belknap was, therefore, never established.

The legislature was reluctant to give up the attempt. By an act approved on March 17, 1876,²⁶⁵ the question of dividing Pottawattamie into two counties was again submitted. The new county was coextensive with the proposed County of Belknap. This time it was to be called Grimes. At the

²⁶² *Laws of Iowa, 1850-1851*, p. 27.

²⁶³ *Laws of Iowa, 1874 (Private, Local, and Temporary)*, p. 19.

²⁶⁴ See Map XV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

²⁶⁵ *Laws of Iowa, 1876*, p. 156.

general election held on November 7, 1876, the division was again voted down, 1848 voters favoring it and 2651 opposing. The second largest county in the State remained undivided.

Poweshiek.—Poweshiek County was carved out of the original County of Keokuk (See Map II.) by an act of the legislature of the Territory of Iowa, approved on February 17, 1843.²⁶⁶ The boundaries first received have remained permanent. The territory comprised within the limits of Poweshiek County was ceded by the Sac and Fox Indians to the United States government by the treaty of October 11, 1842. (See Map I.) The county lay in the eastern half of the cession which was vacated three years earlier than the western part.

Ringgold.—This county on the Missouri border was, together with the three counties lying west of it, established by an act of the legislature of the State of Iowa, approved on February 24, 1847.²⁶⁷ The boundaries given the county at this time have remained permanent.

On the same day that Ringgold was created, an act²⁶⁸ was approved creating the temporary County of Pottawattamie which was to be coextensive with the Pottawattamie cession of 1846. The effect of this act is difficult to determine since the western part of Ringgold County had been within the limits of this cession, as had also the counties of Taylor, Page, and Fremont. It is hardly probable that the framers of these acts meant to put any territory into two counties at the same time, yet, since there is no way of determining which of the two acts mentioned above was approved last, this is exactly what they seem to have done.²⁶⁹

²⁶⁶ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

²⁶⁷ *Laws of Iowa*, 1846-1847, p. 114.

²⁶⁸ *Laws of Iowa*, 1846-1847, p. 115.

²⁶⁹ See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

It is possible, however, that the territory of Fremont, Page, Taylor, and Ringgold counties was not meant to be included within the limits of the original County of Pottawattamie. When the latter was reduced to its present size by the act of January 15, 1851, the boundaries of Ringgold and its neighbors on the west were not redefined. This would seem to imply that the fact that the boundaries of the original County of Pottawattamie overlapped those of Ringgold was a matter of no consequence.

The eastern portion of Ringgold County was part of the Sac and Fox cession of October 11, 1842. (See Map I.) The western part was ceded to the United States by various tribes in the treaty of July 15, 1830. On September 26, 1833, it was included within the limits of a reservation given to the Pottawattamie Indians. The same area was ceded to the United States by the Pottawattamie nation in the treaty dated June 5 and 17, 1846.

Sac.—Sac County was given its permanent boundaries by the act of January 15, 1851.²⁷⁰ The southeastern portion of the county, about one-third of it, was acquired from the Sac and Fox Indians through the treaty of October 11, 1842. The rest of its territory had been acquired by the United States as early as 1830, in which year the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Sioux ceded all their claims to western Iowa in a treaty signed on July 15. (See Map I.)

From 1837 to 1843 the southern tier of townships of Sac County was included within the limits of the original County of Benton, the remainder being within the borders of the original County of Buchanan. (See Map II.)

Scott.—This county was established and given its per-

²⁷⁰ *Laws of Iowa, 1850-1851, p. 27.*

manent boundaries by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837.²⁷¹ Scott is one of the few counties of the State which has two river boundaries. All of that part of Scott County lying north of a line drawn due west from the lower end of Rock Island came from the territory of the original County of Dubuque. (See Map II.) That part lying south of the same line was appropriated to the new county from Cook and Musquitine, very little, however, coming from the latter.²⁷² The area acquired from Cook and Musquitine had formerly been part of the original County of Des Moines.

Scott County is sometimes called the successor of Cook.²⁷³ This is not accurate since the two counties existed side by side for over a month, while nine-tenths of the territory of Scott County came, not from Cook County, but rather from the original County of Dubuque.

The entire county was included within the limits of the Sac and Fox cession of September 21, 1832, often called the Black Hawk Purchase. (See Map I.)

Shelby.—The County of Shelby was established by an act of the State legislature of Iowa, approved on January 15, 1851.²⁷⁴ Its boundaries have never since been altered. The territory of the present county was acquired from the Indians by the terms of a treaty signed on July 15, 1830, upon which date all those tribes²⁷⁵ having any claims to the soil of western Iowa relinquished the same to the United States government. (See Map I.) All of the county except the northwest portion was ceded to the Pottawattamie nation as a part of the reservation granted those tribes on Sep-

²⁷¹ *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

²⁷² See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁷³ Gue's *History of Iowa*, Vol. I, p. 175, note.

²⁷⁴ *Laws of Iowa*, 1850-1851, p. 27.

²⁷⁵ For the names of these tribes see discussion of Sac County above.

tember 26, 1833. The same area was consequently within the limits of the Pottawattamie cession of June 5 and 17, 1846, and also of the original County of Pottawatamie created in 1847 and reduced in size in 1851. The reservation of 1833 and the cession of 1846 were coextensive in size and area with the temporary county shown in Map II. The territory of the entire county was included within the limits of the temporary County of Keokuk established in 1837 and reduced in size in 1843. (See Map II.)

Sioux.—Like half of the counties of Iowa, Sioux County was established by the important act of January 15, 1851.²⁷⁶ Its boundaries received at this time have remained permanent. The larger part of its territory was acquired by the United States government through the treaty of July 15, 1830, upon which date western Iowa was ceded by the Sacs and Foxes, Omahas, Iowas, Otoes, Missouriis, and the four bands of the Santee Sioux. (See Map I.) The northwestern portion, and possibly a little territory on the northern border of the county, was ceded by the four bands of Santee Sioux by two treaties dated respectively July 23 and August 5, 1851. All of the territory of Sioux County came within the limits of the original County of Fayette established in 1837 and in existence for ten years. (See Map II.)

Story.—This county was established by an act of the legislature of the Territory of Iowa, approved on January 13, 1846.²⁷⁷ The boundaries received at this time have never been altered, although an attempt was made to do so in 1880, when the legislature, by an act²⁷⁸ approved on March 27, sought to throw the unincorporated town of Sheldahl into Story County. Part of this town was in Boone County and part in Polk. The question of the transfer was

²⁷⁶ *Laws of Iowa, 1850-1851, p. 27.*

²⁷⁷ *Laws of the Territory of Iowa, 1845-1846, p. 73.*

²⁷⁸ *Laws of Iowa, 1880, p. 191.*

submitted to the voters of the three counties concerned, but the change was never made. Had the proposition carried the area of Story County would have been slightly increased. The county was carved from territory which formed part of the original County of Benton from 1837 to 1843. (See Map II.)

Story County lies within the limits of the Sac and Fox cession of October 11, 1842. It was west of the line of division, in the part vacated by the Indians on October 11, 1845. (See Map I.)

Tama.—Tama County was carved from the original County of Benton by an act of the legislature of the Territory of Iowa approved on February 17, 1843.²⁷⁹ The boundaries given to Tama County by this act were defined with reference to those of Benton County. The description began as follows: "beginning at the northwest corner of Benton County, thence west," etc., and closed thus: "thence east to the southwest corner of Benton County; thence north to the place of beginning". From this it is seen that the western boundary of Benton County was to be the eastern boundary of Tama. But in defining the western boundary of Benton County an error had been made, as already explained. (See Benton County.) It is really impossible to draw upon a map the western boundary of Benton County as described in the act of 1843.²⁸⁰ If this boundary was defective the eastern boundary of Tama County was likewise defective. This condition of affairs continued until 1858 when the State legislature, by an act²⁸¹ approved on March 22, redefined the boundary line between the two counties, definitely establishing it upon the line which separates

²⁷⁹ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

²⁸⁰ See Map VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁸¹ *Laws of Iowa*, 1858, p. 240.

ranges 12 and 13 west of the fifth principal meridian.²⁸² Since March 22, 1858, the boundaries of Tama County have remained unaltered.

The territory of the county was acquired from the Sac and Fox Indians through the treaty of October 11, 1842. (See Map I.) As hinted at above, the area of Tama was included within the limits of the original County of Benton from 1837 to 1843. (See Map II.)

Taylor.—The County of Taylor was established by an act of the legislature of the State of Iowa approved on February 24, 1847.²⁸³ Its boundaries received at this time have never been changed. The territory of Taylor County was first acquired by the government through the terms of a treaty signed on July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux ceded all their claims to the soil of western Iowa. (See Map I.) The southern part of this cession was given as a reservation to the Pottawattamie nation on September 26, 1833, and ceded back again to the government by the terms of a treaty dated June 5 and 17, 1846. The soil of Taylor County was within the limits of the reservation and also of the cession just mentioned. (See Map I.)

On the same day that the act creating Fremont, Page, Taylor, and Ringgold counties was approved, there was approved an act establishing the temporary County of Pottawatamie²⁸⁴ coextensive with the cession of 1846. The effect of this law seems to have been to make the boundaries of the temporary County of Pottawatamie overlap those of

²⁸² See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁸³ *Laws of Iowa, 1846-1847*, p. 114.

²⁸⁴ *Laws of Iowa, 1846-1847*, p. 115.

the four counties just named.²⁸⁵ The territory of Taylor County seems to have been within the limits of two counties at the same time, since there is no way to tell which law took precedence.²⁸⁶

The temporary County of Pottawatamie was reduced in size by the act of January 15, 1851. This law had nothing to say about the boundaries of Taylor County which, indeed, have never been altered directly since the county was established by the act of February 27, 1847.

Union.—Established by the act of January 15, 1851,²⁸⁷ the boundaries of Union County have never since been altered. The eastern portion of the territory of the new county had been acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. (See Map I.) The western portion comes within the limits of the cession of July 15, 1830,²⁸⁸ of the Pottawattamie reservation of September 26, 1833, and of the Pottawattamie cession of June 5 and 17, 1846.²⁸⁹ The same area was included within the boundaries of the temporary County of Pottawatamie from 1847 to 1851. (See Map II.)

Van Buren.—Van Buren County, as first established, was one of the counties carved from the original County of Des Moines by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836.²⁹⁰ Southeastern Iowa not yet having been surveyed, the boundaries of the new county did not follow township lines, as in later acts,

²⁸⁵ See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁸⁶ See also the discussions of Fremont, Page, and Ringgold Counties above.

²⁸⁷ *Laws of Iowa*, 1850-1851, p. 27.

²⁸⁸ For the tribes making this cession see discussion of Taylor County above.

²⁸⁹ See Map X in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁹⁰ *Laws of the Territory of Wisconsin*, 1836-1838, p. 76.

but were defined in the law as follows: "beginning at the northwest corner of Lee; thence south with the west line of said county to the river Des Moines; thence up the same to where the Missouri line strikes the same; thence west with the said Missouri line to the Indian boundary line; thence north with the said boundary line twenty-four miles; thence east to the beginning."

The chief difficulty in drawing these boundaries on a map lies in the location of the starting point. The boundaries of Lee County were probably the most obscure of those of any county named in this act. The perplexities which they present have been discussed above.²⁹¹ Given the starting point, the boundaries of Van Buren are easily traced, if the wording of the act is not taken too literally. The "Indian boundary line" on the west is, of course, the western line of the Black Hawk Purchase, which did not run due north but north by 28 degrees east.²⁹² Nor should it be understood from the definition that the northern boundary ran due east. It, without doubt, ran a little south of east.²⁹³

In size, Van Buren County as first established was probably a trifle smaller than it is today. Its original boundaries were retained but little over a year, since they were redefined by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838.²⁹⁴ The new boundaries followed the township lines of the United States Survey which had now been completed for this section of Iowa, in other words, the western boundary was made to run due north and south and the northern boundary due east and west giving to the county a regular shape.

²⁹¹ See above p. 66.

²⁹² Abernethy on *Iowa Under Territorial Governments and the Removal of the Indians* in the *Annals of Iowa*, July, 1906, p. 431.

²⁹³ See Map II in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

²⁹⁴ *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

By these changes Van Buren County gained territory in its northeastern and northwestern corners and lost territory in its southwestern corner. On the whole it must have gained more than it lost and, therefore, was increased a trifle in size.²⁹⁵ As a result of this redefinition of boundaries a part of the earlier county (the southwestern corner) was now left outside of the jurisdiction of any county whatsoever. The boundaries which Van Buren County received in the act of January 18, 1838, have never been altered.

Most of the territory of the present County of Van Buren was formerly part of the Black Hawk Purchase made from the Sac and Fox Indians by treaty on September 21, 1832. The northwestern corner was part of the cession made by the same tribes on October 21, 1837. (See Map I.) All except this northwestern part was also within the limits of the original County of Des Moines, (See Map II.) while the northeastern corner was part of Henry County from December 7, 1836, to January 18, 1838.²⁹⁶

Wapello.—Wapello was created by an act of the legislature of the Territory of Iowa, approved on February 17, 1843.²⁹⁷ Its boundaries were defined as follows: "beginning at the northwest corner of Jefferson county, (11) eleven and (12) twelve west, thence west on township line (73) seventy-three and (74) seventy-four to range line dividing ranges (15) fifteen and (16) sixteen; thence south on said line, to the northwest corner of Davis county; thence east, to the southwest corner of Jefferson county; thence north, on the range line dividing ranges (11) eleven and (12) twelve to the place of beginning". From this quotation it

²⁹⁵ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁹⁶ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

²⁹⁷ *Revised Statutes of the Territory of Iowa*, 1843, p. 131.

is seen that the boundaries of Wapello County were defined in reference to those of Jefferson County. The latter county had been established in 1839. Its western boundary was the western line of the Sac and Fox cession of October 21, 1837.²⁹⁸ This line ran, not from north to south, but from northeast to southwest. Since the boundaries of Jefferson County had never been altered in the meantime, this northeast and southwest line was still the western boundary of Jefferson in 1843 when Wapello was created. The eastern boundary of Wapello was, therefore, defective. "Beginning at the northeast corner of Jefferson County" would not be beginning on the line between ranges eleven and twelve, as the law implies. And, similarly, the eastern boundary could not run north, from the southwest corner of Jefferson County, on the line between ranges eleven and twelve. Even if it did, it would not arrive at "the place of beginning" mentioned above. It seems too much to imply that the peculiar wording of the definition of the boundaries of Wapello County as quoted above was enough to alter legally the location of the western boundary of Jefferson County. The boundaries of Wapello County have never been altered but remain defective today. Technically there exists a triangular strip of land between Wapello and Jefferson Counties which is included within neither.²⁹⁹

The framers of the act of 1843 undoubtedly meant to make the line between ranges eleven and twelve, west, the eastern boundary of Wapello. It is so shown on Map I. The territory of the county thus understood was a part of that acquired from the Sac and Fox Indians by the cession of October 11, 1842. (See Map I.)

²⁹⁸ See discussion of Jefferson County above p. 58.

²⁹⁹ See Maps VII and XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

Warren.—The County of Warren was first established by an act approved on January 13, 1846.³⁰⁰ Its boundaries were defined in the law as follows: “Beginning at the north-west corner of Marion county; thence west, along the line dividing townships 77 and 78, to the north-west corner of township 77, north of range 25 west; thence south to the south-west corner of township 71, north of range 25 west; thence east, to the south-west corner of Marion county; thence north, to the place of beginning.” This description of boundaries contains a serious error. The western boundary is extended so far south that when the southern boundary is run eastward it does not arrive at the southwest corner of Marion County. It is impossible to draw the county on a map as its boundaries are described above.³⁰¹ The error in the section just quoted is very simple. If the number 74 be substituted for the number 71, the boundaries will be correct. Possibly this is only a printer’s error. Reference to the original manuscript copy of the act does not, however, enable one to say just who is responsible for the error because the number to be found there could pass either as a 71 or a 74.³⁰² The context shows plainly that the number should have been interpreted as 74.

The boundaries which the act of January 13, 1846, gave or attempted to give to Warren County differed from the present boundaries of the county only in the northeast corner. The Des Moines River formed no part of the northern boundary then, but the line between townships 77 and 78 was extended clear to the northeast corner. In other words the county was intended to be four townships square. But

³⁰⁰ *Laws of the Territory of Iowa, 1845-1846, p. 73.*

³⁰¹ See Map VIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁰² See volume for 1845-1846 of the original manuscript copies of the acts of the General Assembly as kept on file in the office of the Secretary of State, Des Moines, Iowa.

it was not allowed to retain this size long, for, by an act approved on January 17, 1846,³⁰³ Polk County was moved one range westward and extended one township southward causing it to overlap one-fourth of the area of Warren County. The reasons for these changes in the boundaries of Polk County have been explained above.³⁰⁴ Here all that concerns us is to notice the loss of territory suffered by Warren County. It is interesting to note, however, that in attempting to extend the limits of Polk County a serious error was made in the definition of its boundaries. The southern boundary indeed, the one which should have overlapped Warren County, was omitted altogether. While some question might be raised as to the validity of the transfer of territory from Warren to Polk in the light of this error, no doubt remains as to the intentions of the framers of the act. All questions of doubt were set at rest by an act approved on January 28, 1847,³⁰⁵ by which the boundaries of Polk County were again defined and the error in the last law corrected. No changes were made in the boundaries of Polk, the act being merely a copy of that of January 17, 1846, with the missing boundary included.³⁰⁶

The understanding of the citizens of Warren County concerning the four townships transferred to Polk by the acts of 1846 and 1847, seems to have been that they were merely loaned in order to enable Fort Des Moines to get the county-seat. At any rate an agitation was begun at once to secure their return to the former county. This result was brought about by an act approved on January 14, 1853,³⁰⁷

³⁰³ *Laws of the Territory of Iowa, 1845-1846*, p. 75.

³⁰⁴ See above p. 86.

³⁰⁵ *Laws of Iowa, 1846-1847*, p. 33.

³⁰⁶ See Map IX in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

³⁰⁷ *Laws of Iowa, 1852-1853*, p. 40.

wherein the boundaries of Warren County were redefined in such a way as to restore to that jurisdiction the four townships in question. In making the restitution, however, that part of township 77 north, range 22 west, which lay north of the Des Moines River was reserved to Polk. The boundaries received by Warren County through the act of January 14, 1853, have not been altered since.

The territory of Warren County was acquired from the Sac and Fox Indians by the terms of the treaty of October 11, 1842. (See Map I.) The northern tier of townships came within the limits of the original County of Keokuk established in 1837 and reduced in size in 1843. (See Map II.) These same townships, as we have already seen, belonged to Polk County from 1846 to 1853.

Washington.—Washington County was originally created as Slaughter³⁰⁸ County by an act of the legislature of the Territory of Wisconsin approved on January 18, 1838.³⁰⁹ This act was one redefining the boundary lines of those counties carved by the law of December 7, 1836, from the original County of Demoine. The two laws differed in that the earlier one included a county called Cook, which was omitted from the later act, while the latter included a county called Slaughter not mentioned in the former.

Slaughter County is not to be considered as a continuation of Cook County.³¹⁰ None of its territory came from the latter. Most of it, in fact, was received from the original counties of Louisa and Musquitine.³¹¹ Possibly the southwest corner had been within the limits of the original County of Henry. It is certain that the northwest corner

³⁰⁸ See Map V in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁰⁹ *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

³¹⁰ See below p. 117.

³¹¹ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

was new territory. All except this part had been within the limits of the original County of Des Moines at an earlier date.

As first established Slaughter County included townships 74, 75, and 76 north of ranges 5, 6, 7, and 8, west. The three easternmost townships, those in range five, are now part of Louisa County. The remaining nine townships are part of Washington County today.³¹²

The original County of Slaughter was reduced in size by an act of the legislature of the Territory of Iowa approved on January 12, 1839.³¹³ This act, the title of which referred only to Louisa County, redefined the boundaries of that county in such a way as to include within them the three easternmost townships of Slaughter County, although the latter was not mentioned in the act. This loss of territory left Slaughter County only three townships, or eighteen miles, square in size—the smallest county ever included within the limits of Iowa. In this reduced form it remained in existence only thirteen days, for on January 25, 1839, there was approved an act³¹⁴ of the legislature of the Territory of Iowa which changed the name of Slaughter County to Washington and then enlarged the latter by extending its limits one township farther north and one range farther west. By these changes the county gained seven townships and received practically its present territory.

One more change had to be made, however, before the boundaries of Washington County were to become permanent. This change was made by an act of the legislature of the Territory of Iowa approved on June 5, 1845,³¹⁵ by

³¹² See Map VII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³¹³ *Laws of the Territory of Iowa, 1838-1839*, p. 89.

³¹⁴ *Laws of the Territory of Iowa, 1838-1839*, p. 100.

³¹⁵ *Laws of the Territory of Iowa, 1845*, p. 66.

the terms of which the Iowa River was made the boundary line between the two counties for some six or eight miles. Washington County lost to Johnson that part of township seventy-seven north, range six west, which lay east of the Iowa River. Since 1845 the boundaries of Washington County have not been altered.

The territory included within the present limits of Washington County was acquired from the Indians in three separate treaties. All of it was ceded by the Sac and Fox Indians. Nearly half of the county (the southeastern portion) belonged to the Black Hawk Purchase of September 21, 1832. The northeastern corner was part of the Keokuk Reserve ceded to the United States government September 28, 1836. The western and northwestern portions were acquired by treaty of October 21, 1837. (See Map I.)

The eastern portion of the county also belonged, for a time, to the original County of Des Moines. (See Map II.) Certain portions were included a little later within the limits of Cook, Musquitine, Louisa, and Henry counties as established by the act of January 18, 1838.³¹⁶

Wayne.—Wayne County was created by an act of the legislature of the Territory of Iowa approved on January 13, 1846.³¹⁷ The boundaries received at this time have never been altered.

The territory of Wayne County was entirely within the limits of that cession of land made to the United States government by the Sac and Fox Indians in the treaty of October 11, 1842. It probably lay entirely west of the line by which the cession was divided into two parts. (See Map I.)

³¹⁶ See Map VI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³¹⁷ *Laws of the Territory of Iowa, 1845-1846, p. 73.*

Webster.—Webster County did not receive its present boundaries until 1857 or possibly not until 1860. The county was not created by the important act of January 15, 1851, by which most of the counties of northwestern Iowa were established. This act created on the present site of Webster the County of Yell. Just north of Yell was Humbolt (not the present County of Humboldt) which included the northern tier of townships in the present County of Webster. Fox County was located west of Yell and Risley east.³¹⁸ North of Humbolt was Kossuth, then only four townships square, and north of Kossuth there was established the County of Bancroft, equal in size to Emmet and Winnebago. The counties just mentioned were destined to undergo a large number of boundary changes before the present conditions were established.

On January 12, 1853, there was approved an act,³¹⁹ relative to the attachment and organization of counties, the fourth section of which changed the name of Risley County to Webster. The act provided that it should take effect upon publication in the *Capital Reporter* and in the *Iowa Republican*. A certificate signed by the Secretary of State accompanies the law to the effect that it was published in the *Capital Reporter* on January 19, 1853, and in the *Iowa Republican* on January 22, 1853. It went into effect, therefore, on the latter date. It should be remembered at this point that the County of Risley had been just south of Wright and that it was coextensive in size and location with the present County of Hamilton.

On the same day upon which the act changing the name of Risley County to Webster went into force another act bearing the title of "An Act to create the county of Web-

³¹⁸ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³¹⁹ *Laws of Iowa, 1852-1853, p. 28.*

ster" was approved.³²⁰ This law, which was very brief, provided for the union of Yell and Risley counties into a new county to be called Webster. The act was to go into force upon publication in the *Iowa Star*. No accompanying word from the Secretary of State tells when the act was so published. A diligent search through the files of the *Iowa Star* fails to reveal the date of publication. The writer is practically certain that the law was not printed in that paper at all. In default of such publication the act must have gone into force upon the first of July following.³²¹ From this it is evident that the act of January 12 went into force before the act of January 22 did. It follows, then, that when the latter act went into force there was no Risley County to be united to Yell in creating a new county to be called Webster, indeed, there was a County of Webster already in existence. It is difficult to say just what is the solution of this puzzle. It seems that certain legislators wished to get rid of the names Risley and Yell, and that they wanted to honor Webster by naming a county for him, but that they could not get together in the matter of their bills. In spite of the fact that the law changing the name of Risley County to Webster went into effect before the law providing for the union of Risley and Yell could possibly have done so, later sessions of the legislature looked upon Webster County as the product of the second law, and, therefore, containing the territory of both the former counties of Risley and Yell.³²²

This large county was increased in size by an act approved on January 24, 1855, by the terms of which the counties of Bancroft and Humbolt were blotted out.³²³ The ter-

³²⁰ *Laws of Iowa*, 1852-1853, p. 87.

³²¹ *Code of Iowa*, 1851, Chapter 3, section 22.

³²² See Map XII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³²³ *Laws of Iowa*, 1854-1855, p. 210.

ritory of Bancroft was given to Kossuth County while that of Humboldt was divided evenly between Kossuth and Webster counties, the latter gaining eight square townships by the transfer.³²⁴ This law proves that the legislature looked upon Webster County as formed by the union of the former counties of Yell and Risley, because that part of Humboldt County which was now added to Webster was contiguous to that part of Webster which had formerly been within the limits of Yell. Had Webster County been looked upon simply as Risley with the name changed then the act of January 24, 1855, could not have added to Webster half of the territory of Humboldt.

By an act approved on December 22, 1856,³²⁵ that part of Webster County which lay east of the line dividing ranges twenty-six and twenty-seven west, was erected into a new county to be called Hamilton.³²⁶ By this act Webster County lost two-fifths of its territory, but it was soon to lose more, for about a month later, by an act approved on January 28, 1857,³²⁷ during the same session, the legislature created the new County of Humboldt between Wright and Pocahontas. The new jurisdiction contained only twelve square townships, eight of which it received from Kossuth County and four from Webster. By this law Webster County was reduced to the size which it possesses today. The new County of Humboldt was four square townships smaller than Wright and Pocahontas. It was also smaller than its predecessor Humboldt established in 1851 upon the same site. This was probably a mistake. At any rate at the next session the legislature passed an act, approved on March

³²⁴ See Map XIII in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³²⁵ *Laws of Iowa, 1856-1857*, p. 11.

³²⁶ See Map XIV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³²⁷ *Laws of Iowa, 1856-1857*, p. 199.

11, 1858,³²⁸ which was meant to be explanatory of the act of January 28, 1857. The new law after claiming that Humboldt County had suffered a loss of territory through the printing of the act by which it was established, and also that the original of the bill had been lost, proceeded to construe the act of January 28, 1857, in such a way as to make Humboldt County include township 90, ranges 27, 28, 29, and 30 west. Furthermore, the act defined the boundaries of the county anew in such a way as clearly to include the territory in dispute.³²⁹ This amendatory law was not submitted to the people for ratification as the Constitution of Iowa³³⁰ which went into force on September 3, 1857, had required of all future laws which might have for their purpose the alteration of county boundaries. Consequently when a case calling in question the legality of the act of March 11, 1858, was appealed from the District Court of Webster County to the Supreme Court of Iowa, the latter, in a decision handed down on December 4, 1860, declared the statute null and void.³³¹ The court held that the act did not relate back to the statute of which it claimed to be amendatory, and that as an independent act it was invalid because it had never been submitted to the people of the counties concerned for ratification. As a result of this decision Webster County regained the four townships, which technically it had never lost, and its boundaries became permanent, that is, they have not since been altered.

In addition to the above it should be noted that the southern tier of townships in the present county came within the limits of the original County of Benton from 1837 to 1843,

³²⁸ *Laws of Iowa*, 1858, p. 49.

³²⁹ See Map XV in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

³³⁰ See Article III, section 30.

³³¹ *Duncombe vs. Prindle*, 12 Iowa 1.

the remainder of the county falling, during the same period, within the jurisdiction of the original County of Buchanan. (See Map II.)

The territory of Webster represents three Indian land cessions. The northwestern corner of the county was ceded on July 15, 1830, upon which date all those tribes³³² having any claim to the soil of western Iowa relinquished the same to the United States. The northeastern portion of the county was acquired from the Sacs and Foxes by the terms of a treaty signed on the same date. This cession formed part of the so-called "Neutral Ground". The bulk of the soil of Webster County was acquired from the Sacs and Foxes by the cession of October 11, 1842. (See Map I.)

Winnebago.—Winnebago County was created by an act approved on January 15, 1851.³³³ Its boundaries have never been changed. As established, the county contained only 408 square miles and was, therefore, unconstitutional since the Constitution of 1846³³⁴ forbade the erection of new counties with areas of less than 432 square miles. Worth, Bancroft, Emmet, Dickinson, and Osceola counties created by the same act, and of the same size, possessed a similar status. However, none of these counties had been organized when the new State Constitution of 1857 went into force. This document repeated the provision of the Constitution of 1846 which forbade the erection of new counties, or the organization of old ones, with an area of less than 432 square miles. At the same time it made an exception in favor of the organization of Winnebago and the other counties mentioned above, whose area according to the act creating them was less than required

³³² See below p. 114.

³³³ *Laws of Iowa, 1850-1851*, p. 27.

³³⁴ See Article XI, section 2, of Constitution of 1846.

by the Constitution.³³⁵ In this way both the organization and the existence of Winnebago County were made legal.

The territory of the county was ceded to the United States by the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux according to the terms of two treaties signed July 23 and August 5, 1851. (See Map I.) Thus it is seen that the soil of Winnebago, on the date of the erection of the county, had not yet been acquired from its Indian owners. During the ten years from 1837 to 1847 the area of Winnebago was included within the limits of the original and temporary County of Fayette. (See Map II.)

Winneshiek.—This county was carved from the original County of Fayette (See Map II.) by an act³³⁶ of the first General Assembly of the State of Iowa. Its boundaries as defined in this law have never been altered. The territory included within the new county had been so recently acquired from the Indians³³⁷ that it had not yet been surveyed by the United States government. The treaty of cession had not yet been ratified by the United States Senate or the Indians removed from the land.³³⁸ Because of these facts the county commissioners of Clayton County were authorized in the act to have the boundaries of the new county surveyed and marked off, the boundaries so established to be recognized until the government survey should have been completed. Clayton County was to be reimbursed by Winneshiek for the expense incurred.

The territory of Winneshiek County represents several Indian land cessions. The southeastern portion was ac-

³³⁵ See Article XI, section 2, of Constitution of 1857.

³³⁶ Approved on February 20, 1847. See *Laws of Iowa, 1846-1847*, p. 81.

³³⁷ By treaty of October 13, 1846.

³³⁸ See section 3 of the act.

quired from the Sacs and Foxes by the treaty of July 15, 1830. (See Map I.) The remainder of the county, except the northwest corner, was acquired from various tribes of the Sioux by a treaty of the same date. These two cessions constituted the so-called "Neutral Strip" or "Ground" of which most of Winneshiek County formed a part. The eastern part of the "Neutral Strip" was given as a reservation by the United States government to the Winnebagoes on September 15, 1832. It was ceded back to the government by the same Indians in a treaty signed on October 13, 1846. The county of Winneshiek, with the exception of a small area in the northwest, formed a part both of the reservation of 1832 and of the cession of 1846. The northwest corner of the county was not ceded until 1851 when it was acquired from the four bands of Santee Sioux by a treaty dated July 23rd and August 5th. (See Map I.)

Woodbury.—Woodbury County was created under the name of Wahkaw by an act of the State legislature of Iowa approved on January 15, 1851.³³⁹ Its boundaries as defined in this act were described as follows: "Beginning at the north-west corner of township 89 north of range 41 west; thence west to the middle of the main channel of the big Sioux river; thence down in the middle of the main channel of the said big Sioux river to the middle of the main channel of the Missouri river; thence down the middle of the main channel of the Missouri river to the intersection of township line between townships 85 and 86; thence east on the line between townships 85 and 86 to the southwest corner of township 81 north, range 41 west; thence north on the line dividing ranges 41 and 42 to the place of beginning." These boundaries are quoted because they contain an error in connection with the location

³³⁹ *Laws of Iowa, 1850-1851, p. 27.*

of the southeastern corner of the county. Where the act seeks to have the southern boundary of the county run "east on the line between townships 85 and 86 to the southwest corner of township 81 north, range 41 west" it attempts the impossible. The line should have run, of course, to the southwest corner of township 86, range 41 west. "The south-west corner of township 81 north, range 41 west," is in the northeastern part of Harrison County.

As defined above it is impossible to draw the boundaries of the county on a map. Surrounding counties, however, gave to Wahkaw its shape on the map of Iowa.³⁴⁰ The name of the county was changed to Woodbury by an act approved on January 12, 1853,³⁴¹ but its boundaries have never been corrected and remain defective today.³⁴²

The soil of Woodbury County was acquired from the Indians through the treaty of July 15, 1830, upon which date the Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux ceded to the United States all their claims to western Iowa. (See Map I.) The southernmost tier of townships of Woodbury County was within the limits of the original County of Benton from 1837 to 1843. During the same period the territory comprising the remainder of Woodbury belonged to the original County of Buchanan. (See Map II.) The soil of Woodbury County never came within the limits of the temporary County of Pottawatamie.

Worth.—Created by the act of January 15, 1851,³⁴³

³⁴⁰ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁴¹ *Laws of Iowa*, 1852-1853, p. 28.

³⁴² See Map XVI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁴³ *Laws of Iowa*, 1850-1851, p. 27.

Worth County was at first an illegal jurisdiction because it contained only 408 square miles of territory while the State Constitution required a minimum area of 432 square miles.³⁴⁴ The counties of Winnebago, Bancroft, Emmet, Dickinson, and Osceola, created by the same act were also undersized. None of them were organized before 1857, in which year the new Constitution of Iowa went into effect. This document not only forbade the establishment of any new county, but even the organization of any old one, with an area of less than 432 square miles.³⁴⁵ At the same time the Constitution made an exception in favor of the organization of Worth and the other counties west of it in the same tier, the areas of which, according to the act of 1851, were less than 432 square miles each. In this way the county of Worth was given a legal status. Otherwise its boundaries have never been altered since it was first established.

The territory of Worth County was ceded to the United States by the Medewakanton, Wapekuta, Wahpeton, and Sisseton bands of the Santee Sioux in two treaties dated respectively on July 23 and August 5, 1851. (See Map I.) It was also included from 1837 to 1847 within the limits of the original County of Fayette. (See Map II.)

Wright.—The boundaries of Wright County were defined and the county created by the important act of January 15, 1851.³⁴⁶ Its boundaries have never been altered.

The territory of Wright County represents two Indian land cessions both of which were made by treaties dated July 15, 1830. The southern part of the county was ceded by the Sacs and Foxes; the northern part by the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Santee Sioux. (See Map I.) These two cessions comprised

³⁴⁴ See Article XI, section 2, of the Constitution of Iowa, 1846.

³⁴⁵ See Article XI, section 2, of the Constitution of Iowa, 1857.

³⁴⁶ *Laws of Iowa, 1850-1851*, p. 27.

the well-known district called the "Neutral Ground". The southern tier of townships of Wright County came within the limits of the original County of Buchanan from 1837 to 1843. The remainder formed a part of the original County of Fayette created in 1837 and in existence until 1847. (See Map II.)

II. COUNTIES BLOTTED OUT

In addition to the ninety-nine counties to be found in Iowa today, there are several others which need to be discussed in order to make our treatment of the boundary history of Iowa counties complete. A group of six counties formerly in existence have long since been blotted out. Seven existing counties were created in temporary form and fall into a class by themselves. Three others were proposed by the legislature but never really came into existence.

In the following group are discussed those counties which have been blotted out.

Bancroft.—The County of Bancroft was established by the act of January 15, 1851.³⁴⁷ It was located between Emmet and Winnebago counties, comprising the northern part of the present County of Kossuth.³⁴⁸ In size it contained only 408 square miles and was, therefore, like several other counties in the same tier, an illegal jurisdiction since the Constitution then in force forbade the erection of any new county with an area of less than 432 square miles.³⁴⁹

On January 24, 1855, there was approved a law entitled "An Act to extend the boundaries of Kossuth county, and to locate the Seat of Justice thereof".³⁵⁰ The effect of this

³⁴⁷ *Laws of Iowa, 1850-1851, p. 27.*

³⁴⁸ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁴⁹ See Article XI, section 2, of the Constitution of Iowa, 1846.

³⁵⁰ *Laws of Iowa, 1854-1855, p. 210.*

law was to blot out the two counties of Bancroft and Humbolt. The territory of the former was given to Kossuth County. Thus the county of Bancroft perished after a brief existence of four years during which time it possessed an illegal status. The county was never organized. In 1870 the same territory was erected into a new county called Crocker which continued in existence only a year and a half.³⁵¹

Cook.—This is the name of a former Iowa county no longer in existence. It was established by an act of the legislature of the Territory of Wisconsin approved on December 7, 1836,³⁵² by the terms of which the original County of Demoiné, enlarged by the addition of Keokuk's Reserve, was divided into seven new counties, of which Cook was one. The boundaries of these new counties were described in peculiar language for reasons explained elsewhere.³⁵³ The limits of Cook County were defined in section seven of the act as follows: "beginning on the Mississippi River, at the north-east corner of the county of Musquitine; thence up said river to the south-east corner of the county of Du Buque; thence with the line of the said county of Du Buque to the Indian boundary line; thence with said line south, to the north-west corner of the county of Musquitine; thence east with the said line of the said county of Musquitine to the beginning".

The county herein described turned out to be one of the most peculiar ever established in Iowa. Although fifty miles in length it was less than five miles in width.³⁵⁴ No doubt the framers of the law were mistaken in distances.

³⁵¹ See Crocker County below.

³⁵² *Laws of the Territory of Wisconsin, 1836-1838*, p. 76.

³⁵³ See above p. 70.

³⁵⁴ See Map II in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

Surely they thought it must be farther from the northeast corner of Musquitine to the southeast corner of Dubuque County than it really was, yet there is no doubt that the dimensions given above are substantially correct.³⁵⁵

A map in the manuscript department of the Library of the State Historical Society of Wisconsin³⁵⁶ gives to Cook County a triangular shape by extending the northern boundary of the county northwestward from Rock Island to the angle in the western boundary of Dubuque County. This is easily shown to be an error. The northern boundary of Cook County is made by the words of the act just quoted to coincide with the southern boundary of Dubuque County, which, in turn, had been defined in the act of September 6, 1834³⁵⁷ as a line running directly west from Rock Island in the Mississippi River. The northern line of Cook County could not, therefore, run northwestward.

On December 21, 1837, an act of the legislature of the Territory of Wisconsin subdividing the original County of Dubuque into smaller counties was approved.³⁵⁸ By the terms of this act the new counties of Johnson and Scott were allowed to overlap the territories of Cook County.³⁵⁹ A later law, of course, supersedes an earlier one dealing with the same matters, hence these transfers of territory from Cook County to Johnson and Scott must be looked upon as legal, although they may be called indirect, since Cook County was not named in the act. One cannot tell from the mere reading of the act that Cook County lost any

³⁵⁵ Compare Hull's *Historical and Comparative Census of Iowa*, 1836-1880, p. 391.

³⁵⁶ For a fuller description of this map see the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS, p. 386, note 36.

³⁵⁷ *Laws of the Territory of Michigan*, Vol. III, p. 1326.

³⁵⁸ *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

³⁵⁹ See Map III in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

territory at all. This fact appears only when the attempt is made to trace the boundaries of the newly created counties on a map. The territory which Cook County lost to Scott lay east of the range line dividing ranges one and two, east, while that lost to Johnson County lay west of the line dividing ranges four and five, west.

After these two losses of territory Cook County continued in existence less than a month. On January 18, 1838, there was approved an act³⁶⁰ of the legislature of the Territory of Wisconsin which defined anew, this time in terms of the United States Survey, the boundaries of the counties carved from the original County of Des Moines by the act of December 7, 1836. By the terms of this act of 1838, Cook County in its mutilated form was blotted out, its remaining territories all going to the new County of Muscatine. It is incorrect to say, as some have said,³⁶¹ that Cook County was blotted out by the act of December 21, 1837. That act merely diminished its size.

The act of January 18, 1838, created a new county called Slaughter. This must not be looked upon as Cook County renamed since it contained no part whatever of the territory of Cook. It is not accurate to say, either, that Cook County afterward became Scott County,³⁶² because the two counties existed side by side for a month, while five-sixths of the territory of Cook was given, by the acts which blotted it off the map, not to Scott County, but to Muscatine and Johnson counties.

Cook County, as originally created, was carved almost entirely from the Black Hawk Purchase of September 21, 1832, its western end coming within the limits of the Keo-

³⁶⁰ *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.

³⁶¹ Hull's *Historical and Comparative Census of Iowa, 1836-1880*, p. 391, and Gue's *History of Iowa*, Vol. III, p. 335.

³⁶² Gue's *History of Iowa*, Vol. I, p. 175 note.

kuk Reserve, ceded on September 28, 1836. As mentioned above, Cook County comprised part of the territory of the original County of Demoine.

Crocker.—The now extinct County of Crocker was erected in the northern part of the present County of Kossuth³⁶³ by an act approved on May 13, 1870.³⁶⁴ Its territory was coextensive with that of the earlier County of Bancroft.³⁶⁵ The organic act provided for the first election, which was held on August 10, 1870. At this time county officers were chosen and the county duly organized. The town of Greenwood was selected as the county-seat. But the new jurisdiction was not to be long-lived. The Constitution of 1857 required that every new county should have an area of at least 432 square miles,³⁶⁶ while that of Crocker County was only 408. The county was clearly illegal. The matter was not long getting into the courts. Soon a case was appealed from the court of a Justice of the Peace in Crocker County to the Circuit Court of Emmet County, whence in turn it was appealed to the Supreme Court of Iowa. The constitutionality of the act creating Crocker County was involved. The Supreme Court, reversing the decision of the lower court, handed down its decision on December 11, 1871, to the effect that the law was invalid.³⁶⁷ Crocker County, after a brief career of eighteen months, ceased to exist, its territory reverting to Kossuth County.

Humbolt.—This county is not to be confused with the present County of Humboldt.³⁶⁸ The two names do not re-

³⁶³ See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁶⁴ *Laws of Iowa*, 1870, p. 239.

³⁶⁵ See Bancroft County above.

³⁶⁶ See Article XI, section 2, of the Constitution.

³⁶⁷ *Garfield vs. Brayton*, 33 Iowa 16.

³⁶⁸ See Humboldt County above.

fer to the same county. Neither was Humboldt the successor of Humbolt in the same sense in which Muscatine was the successor of Musquitine, or Des Moines a continuation of Demoine. A period of two years separates Humboldt County from Humbolt and they must therefore be considered as two distinct counties.

Humbolt County, the earlier of the two, was established by the important act of the State legislature approved on January 15, 1851.³⁶⁹ It was four townships square in size and contained 576 square miles. Located just south of Kosuth County, it included the territory of the present County of Humboldt as well as the northern tier of townships belonging to the present County of Webster.³⁷⁰ Humbolt County continued on the map for four years, (longer than any other county now extinct except Bancroft which had exactly the same lease of life.) Both were blotted out by an act approved on January 24, 1855.³⁷¹ By this law the northern half of the territory of Humbolt was given to Kosuth County; the southern half to Webster.³⁷²

Risley.—Risley County was established by an act of the legislature of the State of Iowa approved on January 15, 1851.³⁷³ The new county contained 576 square miles, being four townships square. It was located just south of Wright County³⁷⁴ and comprised the territory of the present County of Hamilton.

The name of Risley was changed to Webster by an act

³⁶⁹ *Laws of Iowa*, 1851, p. 27.

³⁷⁰ See Map XI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

³⁷¹ *Laws of Iowa*, 1854-1855, p. 210.

³⁷² See Map XIII in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

³⁷³ *Laws of Iowa*, 1850-1851, p. 27.

³⁷⁴ See Map XI in the July, 1908, number of *THE IOWA JOURNAL OF HISTORY AND POLITICS*.

approved on January 12, 1853,³⁷⁵ and which went into force on January 22, 1853. On the latter date there was also approved a law entitled "An Act to create the county of Webster".³⁷⁶ This was to be done by uniting the counties of Yell and Risley. The act of January 22 was to go into effect upon publication in the *Iowa Star*. The writer has carefully gone through the files of this paper but has failed to find the act published there at all. It must have gone into effect, therefore, on the first of the following July,³⁷⁷ upon which date there was no Risley County in existence to be united with Yell. These facts would seem practically to nullify the act. The intention of the Fourth General Assembly which passed both of these acts probably was to have the second act supersede the first, and in reality to give to the new County of Webster the territories of both Yell and Risley. Later sessions of the legislature gave this interpretation to the matter in spite of the difficulties in the way of doing it pointed out above.

Even though the territory of Risley County was joined to that of Yell by the act of January 22, we cannot get around the fact that the name of Risley was changed to Webster by the act of January 12 (which went into force on January 22). It may be said, therefore, that the County of Risley was in existence almost exactly two years.³⁷⁸

Yell.—The boundary history of Yell County has been covered practically by the discussion just given of Risley County. Created by the same act of January 15, 1851,³⁷⁹ Yell County was located just west of Risley and south of

³⁷⁵ *Laws of Iowa*, 1852-1853, p. 28.

³⁷⁶ *Laws of Iowa*, 1852-1853, p. 87.

³⁷⁷ *Code of Iowa*, 1851, Chapter 3, section 22.

³⁷⁸ See also the discussion of Webster County above.

³⁷⁹ *Laws of Iowa*, 1850-1851, p. 27.

Kossuth.³⁸⁰ It was four townships square and contained 576 square miles. It comprised all of the present County of Webster except its northern tier of townships.

Yell County was blotted out by an act approved on January 22, 1853,³⁸¹ which probably went into force on the first of the following July. This act united Yell to Risley in creating the new County of Webster. Certain problems raised by this law have been discussed above.³⁸² Facts just given show that the now extinct County of Yell was in existence practically two years and a half.

III. TEMPORARY COUNTIES

Seven of the ninety-nine counties of Iowa were of extraordinary size when first created. All of them had peculiar characteristics. Most of them included territory to which the Indian title had not yet been extinguished. In four cases no attempt at organization was made in the counties as first established. In every case the counties were soon reduced in size, that is to say, were divided up into new counties to one of which the old name was given. In no case was the continuity of the existence of a county broken. For these reasons it seems fitting to denominate these counties — temporary counties, the name being applied to the seven counties which follow while they were of unusual size and possessed a peculiar character. (See Map II.)

Benton.—The temporary County of Benton was erected by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837. It extended from the County of Linn westward to the Missouri. (See Map II.) It included all of the territory of nine present day counties,

³⁸⁰ See Map XI in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁸¹ *Laws of Iowa, 1852-1853*, p. 87.

³⁸² See the discussions of Risley and Webster counties above.

together with part of that of eight others. Practically all of its soil was still owned by the Indians.

The temporary County of Benton ceased to exist with the passage of an act of the legislature of the Territory of Iowa approved on February 17, 1843. By this law the present counties of Benton and Tama were carved out of the temporary County of Benton. Nothing was said about the remainder of its territories. As a temporary county Benton had an existence of a little over five years.³⁸³

Buchanan.—Buchanan County, as a temporary jurisdiction, was also created by the act of December 21, 1837. Located just north of Benton County, it reached from the western boundary of Delaware to the Missouri River, including within its limits all of two and parts of fifteen other present day counties, as well as a small area in South Dakota. (See Map II.)

The temporary County of Buchanan was reduced in size by the act of February 17, 1843, by the terms of which, indirectly at least, the present county of that name, together with Black Hawk, was carved from its territory. Nothing more is heard of the temporary county most of which reverted to the Indians. The life of the temporary County of Buchanan was of the same length as that of Benton.³⁸⁴

Demoiné.—The temporary County of Demoiné was one of the first two counties established in Iowa. It was erected by an act of the Legislative Council of the Territory of Michigan approved on September 6, 1834. It comprised, or was meant to comprise, that part of the Black Hawk Purchase located south of the parallel of Rock Island. (See Map II.) Keokuk's Reservation may be considered as having been added to Demoiné County upon its cession by

³⁸³ For a fuller account see Benton County above.

³⁸⁴ For a fuller account see Buchanan County above.

treaty of September 28, 1836. Thus enlarged, the county included all of four, and portions of seven other counties, now existing in Iowa. The life of Demoine County as a temporary jurisdiction ceased with the passage of the act of December 7, 1836. Its career was brief, scarcely over two years. The reduced county was given the name Des Moines.³⁸⁵

Dubuque.—As an over-large and, therefore, temporary jurisdiction, Dubuque³⁸⁶ County was established during the period of the Territory of Michigan by the act of September 6, 1834, the same act by which the temporary County of Demoine was erected. It comprised that part of the Black Hawk Purchase lying north of the parallel of Rock Island, which made it about twice the size of Demoine County. Fourteen of the present counties of Iowa were included in whole, or in part, within its borders — seven of them entirely so. (See Map II.)

The temporary County of Dubuque was blotted out by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837. Its term of existence had covered three and one-fourth years.³⁸⁷

Fayette.—The temporary County of Fayette was established by an act of the legislature of the Territory of Wisconsin approved on December 21, 1837. This was the largest of all the temporary counties of Iowa, indeed, it was not limited to the one State but included a large portion of Minnesota and of the two Dakotas.³⁸⁸ Its area has been estimated at upwards of 140,000 square miles,³⁸⁹ only a

³⁸⁵ For a fuller account see Des Moines County, above.

³⁸⁶ Writers frequently spell the name of the temporary county "Du Buque." It was not so spelled in the act creating the county.

³⁸⁷ For a fuller account see Dubuque County above.

³⁸⁸ See Map IV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁸⁹ Gue's *History of Iowa*, Vol. III, p. 344.

small part of which had been acquired, as yet, from the Indians. The territory of thirty present day counties was included in whole or in part within its borders. (See Map II.)

The largest of the temporary counties of Iowa also had the longest period of existence. It had endured ten years when, by the act of February 5, 1847, it may be said to have been discontinued. By this act their present dimensions were given to Fayette and Clayton counties, the latter receiving a small area from the temporary County of Fayette. Fifteen days later another act was approved carving the new counties of Winneshiek and Allamakee out of the territory of the original County of Fayette. Nothing more is heard of the temporary county after the County of Fayette was given its present boundaries.³⁹⁰

Keokuk.—The County of Keokuk was established as a temporary jurisdiction by the act of December 21, 1837, at the same time that the temporary counties of Benton, Buchanan, and Fayette were created. It extended from the western border of Johnson County to the Missouri River, and included within its boundaries all of nine and parts of nine other present day counties of Iowa. Most of its soil was still Indian territory. (See Map II.)

The temporary County of Keokuk ceased to exist with the passage of the act of February 17, 1843. This law carved from its territory the present counties of Iowa and Poweshiek, and gave portions of it also to the counties of Mahaska and Keokuk. The County of Washington had received one square township from the original County of Keokuk by the act of January 25, 1839. The temporary County of Keokuk was in existence a little over five years.³⁹¹

³⁹⁰ For a fuller account see Fayette County above.

³⁹¹ For a fuller account see Keokuk County above.

Pottawatamie.—The temporary County of Pottawatamie³⁹² was erected in the southwestern part of the State by the act of February 27, 1847. Its territory was coextensive with that of the Pottawattamie reservation of September 26, 1833, and the Pottawattamie cession of June 5 and 17, 1846. It contained 5,000,000 acres, comprising all or part of the area of fifteen counties of today. (See Map II.)

The original County of Pottawatamie continued in existence scarcely four years when by the act of January 15, 1851, it was reduced in size, all of its extra territory going to form numerous new counties named in that act.³⁹³

IV. PROPOSED COUNTIES

In the history of the formation of Iowa counties there are three which fall into a class by themselves, in that they were only proposed by the legislature and never really established. The legislature did its part in each case, but the people, when called upon to respond, voted down each proposition.

Some might place the County of Crocker in this same group, but the writer has chosen rather to consider it as having been actually established before being blotted out by the Supreme Court. Its establishment had progressed beyond the stage of organization, while the very existence of the counties named below depended upon a favorable vote of the people which was not secured.

Belknap.—The Fifteenth General Assembly by an elaborate act approved on March 10, 1874, made an attempt to establish a new county to be called Belknap in the eastern part of Pottawattamie. The line separating ranges 41 and 42 west, was to divide the two counties. If one were to extend the line which separates Harrison from Shelby County

³⁹² The name is so spelled in the organic act.

³⁹³ For a fuller account see Pottawattamie County above.

southward across Pottawattamie it would indicate the line of division between the proposed counties of Belknap and Pottawattamie.³⁹⁴ This arrangement gave the former county 432 square miles and the latter 444, in either case the constitutional requirement as to size being fulfilled.

But the Constitution of 1857 contains a second requirement relative to county boundaries, namely, the provision that any statute, which has for its purpose the alteration of the boundaries of any county, must be submitted to the voters of the counties concerned, at some general election, and be ratified by a majority of those voting before the same can become a law.³⁹⁵ In obedience to this provision of the Constitution, the act of March 10, 1874, was submitted to the people of Pottawattamie County for their decision. At the general election held on October 13, 1874, the proposition was rejected by a vote of 1250 for and 1558, or a majority of 308, against.³⁹⁶ The proposed County of Belknap was therefore never established.

Grimes.—The story of the proposed County of Grimes is very similar to that of Belknap. The General Assembly seems not to have been satisfied by the rejection of its proposition to establish the latter county and, on March 17, 1876, submitted what was practically the same law again to the voters of Pottawattamie County. This time, however, the new county was to be called Grimes. Its size and location were identical with those of the proposed County of Belknap. Again the question was submitted to the voters of Pottawattamie County and again at the general election of November 7, 1876, the proposition was voted down, 1848 votes being recorded for and 2651 against it.³⁹⁶

³⁹⁴ See Map XV in the July, 1908, number of THE IOWA JOURNAL OF HISTORY AND POLITICS.

³⁹⁵ Article III, section 30, of the Constitution of Iowa.

³⁹⁶ The writer is indebted for these facts to Mr. W. C. Cheyne, Auditor of Pottawattamie County.

Madison.—In 1844 by an act³⁹⁷ approved on February 15 of that year the legislature of the Territory of Iowa made an attempt to create out of the southern portion of Lee County a new county to be called Madison, the boundaries of which were to coincide with those of the old Half-breed Tract. All of the boundaries of this tract were described in detail in section one of the law except the northern boundary which was mentioned as commonly known but was not defined. The tract in question had been reserved for the use of the half-breeds of the Sac and Fox nation by the treaty of August 4, 1824, in which document the northern boundary of the tract was practically described as being the northern boundary of Missouri extended eastward to its intersection with the Mississippi River.³⁹⁸

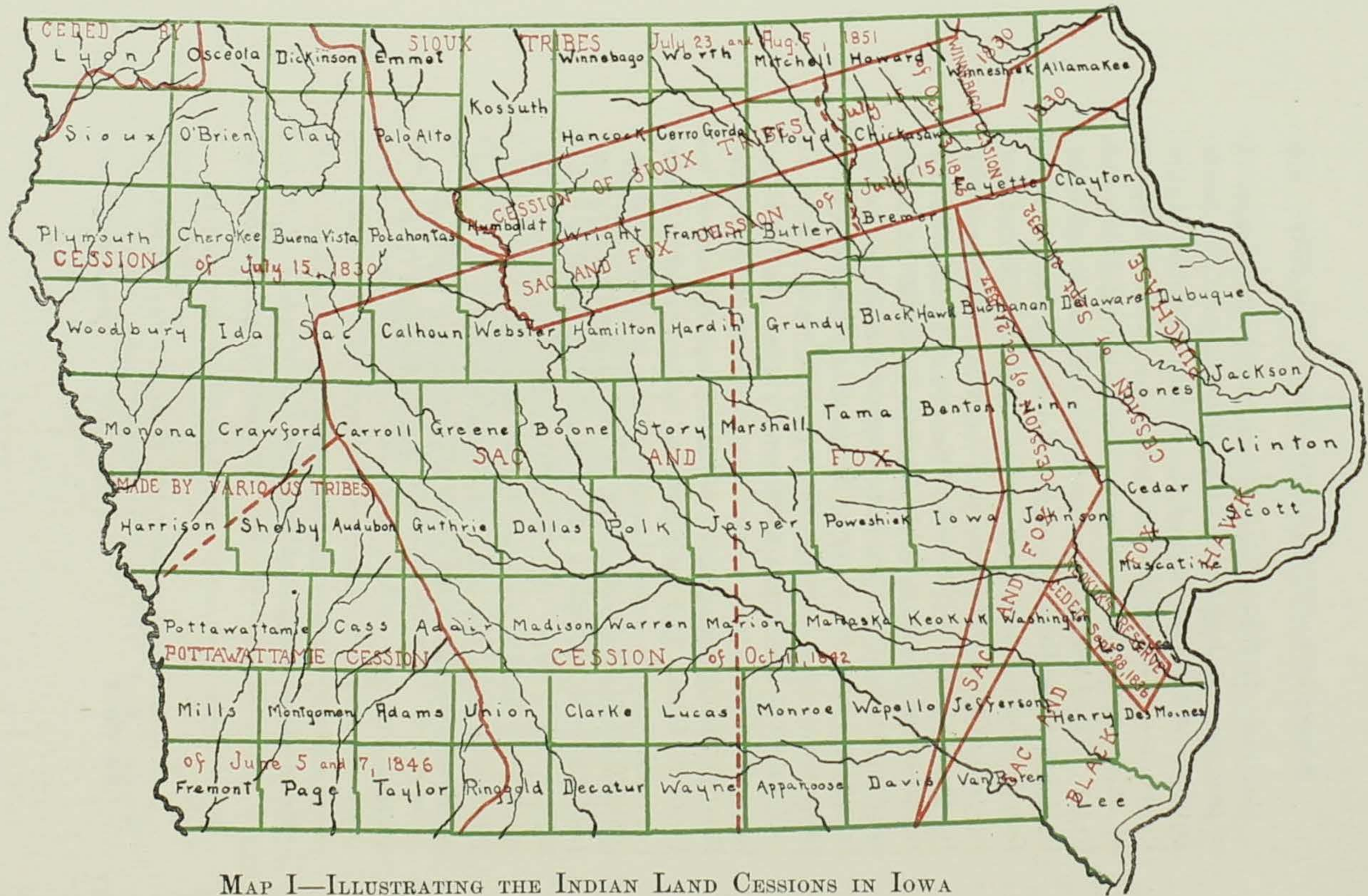
The area of Lee County is 490 square miles. Such a division as indicated above, or indeed any division of Lee, would have produced two counties smaller than any now to be found in Iowa. The act proposing the new county made provision (not, however, because of any constitutional requirement) for the submission of the question of dividing Lee County to the voters of the same at the election to be held in April, 1844. At this election the proposition was voted down and the proposed county was never established. Two years later the name Madison was given to a new county established in the south central part of the State.

FRANK HARMON GARVER

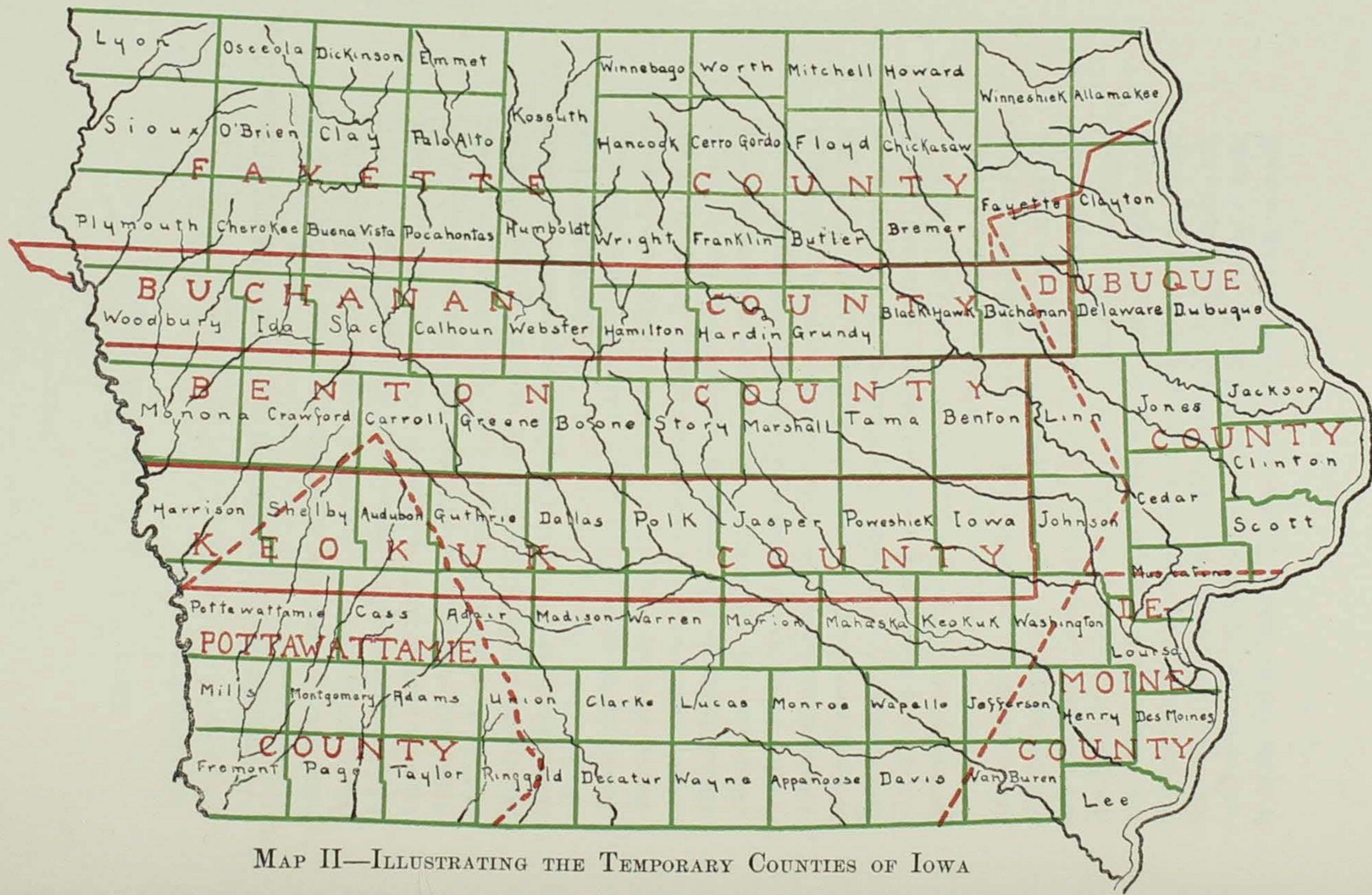
MORNINGSIDE COLLEGE
SIOUX CITY, IOWA

³⁹⁷ *Laws of the Territory of Iowa, 1843-1844*, p. 142.

³⁹⁸ *U. S. Statutes at Large*, Vol. VII, p. 229.



MAP I—ILLUSTRATING THE INDIAN LAND CESSIONS IN IOWA



MAP II—ILLUSTRATING THE TEMPORARY COUNTIES OF IOWA

THE LEGISLATIVE REFERENCE MOVEMENT

During the past decade two pronounced movements have characterized American Democracy. In the first place, there has been a determined effort to bring government and administration nearer to the people. This is true at least of the forms if not of the substance of our political institutions. The most conspicuous result of this movement has been the provisions for nominations by direct primaries, while the initiative and referendum are other illustrations of the same tendency.

In the second place, the growing complexity of our social, political, and industrial life has made imperative the organization of expert boards, bureaus, and commissions in order to collect and systematize those facts without which intelligent and rational legislation is impossible. In the popular mind the tendency of late has been to magnify the importance of the former movement and underestimate the necessity of the latter. Both, under present conditions, seem to be essential in the evolution of American Democracy and should, therefore, be wisely directed toward the accomplishment of their common purpose, which is the realization of efficient popular government.

The establishment of expert boards and commissions has not been confined to any single phase of our political life nor to any particular unit of government. Indeed, the movement has become quite general in city, state, and nation. The existence of tax commissions in a number of our States is a convincing argument for expert knowledge in the difficult field of Public Finance. Any well informed man who is without bias will admit that genuine fiscal reform in any American Commonwealth is impossible without