

THE DEVELOPMENT OF TRANS-MISSISSIPPI POLITICAL GEOGRAPHY

I

THE LOUISIANA PURCHASE

The history of the political geography of the region west of the Mississippi River as a part of the United States does not commence until the year 1803. A map of the United States before the purchase of Louisiana would show only seventeen States and two Territories¹— all east of the great river; to-day there are twenty-six States east of the Mississippi and twenty-two west of that river, and the area to the west is almost three-fourths of the total area of the United States.²

In 1803 probably few persons imagined that more than a small part of the Trans-Mississippi area would be organized into Territories and States, but during the next century changes occurred with such rapidity that map makers were kept busy adding new Territories, States, and acquisitions of territory. The portion of the United States west of the Louisiana Purchase was acquired within half a century. This included Texas by annexation; the Oregon country by right of early exploration, treaty, and settlement; the vast amorphous territory obtained as a result of the Mexican War; and the Gadsden Purchase. By the year 1912 all of the present forty-eight States were in the Union.

Before this vast western area was acquired by the United States, it was possessed by France and Spain. Spain by right of discovery and by the Papal Bull of Demarcation

¹ *Statistical Abstract of the United States*, 1919, No. 42, pp. 1, 2.

² *Statistical Abstract of the United States*, 1919, No. 42, pp. 1, 2. The total area of the United States is 3,026,789 square miles while the area of the 22 States west of the Mississippi River is 2,145,313 square miles.

claimed all south of the Arkansas River between the Sabine River and the Rocky Mountains, and all west of the Rocky Mountains along the entire coast.³ In 1682 La Salle claimed for his king all the country drained by the Mississippi River and its tributaries, and named this territory Louisiana.⁴ Thus Louisiana extended from the Alleghenies to the Rocky Mountains and the entire length of the Mississippi.

At the close of the French and Indian wars, France had lost that part of Louisiana east of the Mississippi, and the name Louisiana henceforth refers only to the territory between the Mississippi River and the Rocky Mountains. In 1762 France ceded this territory to Spain to compensate her ally for the loss of the Florida peninsula. By the secret treaty of San Ildefonso, on October 1, 1800, Napoleon induced Spain to transfer Louisiana back to France and he promised not to sell the territory thus acquired to any nation but Spain. The province of Louisiana was to have "the same extension that it now has in the possession of Spain, and that it had when France owned it".⁵ Finding Louisiana useless to him after the failure in San Domingo and wishing to build up the United States as a rival to England, Napoleon sold the entire province to the United States for sixty million francs in cash and the assumption by the latter of the claims of Americans against France amounting to twenty million francs.⁶

The boundaries were somewhat indefinite.⁷ President

³ Johnson's *A Century of Expansion*, p. 3.

⁴ Parkman's *La Salle and the Discovery of the Great West*, pp. 286-289; Bond's *Historical Sketch of "Louisiana" and the Louisiana Purchase*, p. 4.

⁵ Robertson's *Louisiana Under the Rule of Spain, France, and the United States, 1785-1807*, Vol. II, p. 171. A part of the treaty is quoted in a letter from the French commissioner to the Spanish commissioner.

⁶ Adams's *History of the United States of America*, Vol. II, p. 42.

⁷ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 3-7.

Jefferson felt that the "unquestioned bounds" of Louisiana were "the Iberville and Mississippi, on the east, the Mexicana [Sabine] or the Highlands east of it, on the west; then from the head of the Mexicana gaining the highlands which include the waters of the Mississippi, and following those highlands round the head springs of the western waters of the Mississippi to its source where we join the English or perhaps the Lake of the Woods". At the same time he asserted: "We have some pretensions to extend the western territory of Louisiana to the Rio Norte, or Bravo; and still stronger the eastern boundary to the Rio Perdido between the rivers Mobile and Pensacola."⁸

Hence by this treaty of purchase the United States came into possession of the largest and most valuable extent of territory that was ever obtained by any nation purely through purchase. Robert Livingston said: "The treaty . . . will change vast solitudes into a flourishing country. To-day the United States take their place among the Powers of the first rank. . . . The instrument we have signed will . . . prepare centuries of happiness for innumerable generations of the human race."⁹ Frederick J. Turner expresses his idea of the value of the purchase in these words: "The acquisition of these regions laid the physical foundation for our national greatness, furnished the base from which to extend our power to the Pacific Ocean, and gave us a dominating strategic position in reference to Spanish America."¹⁰

⁸ *Jefferson's Writings* (Ford's Edition), Vol. VIII, p. 263; *American State Papers, Foreign Relations*, Vol. II, p. 576; Marshall's *A History of the Western Boundary of the Louisiana Purchase in the University of California Publications in History*, Vol. II, p. 10.

⁹ *House Executive Documents*, 57th Congress, 2nd Session, Doc. No. 431, p. 291.

¹⁰ Turner's *The Diplomatic Contest for the Mississippi Valley in The Atlantic Monthly*, Vol. XCIII, p. 676.

Spain of course was determined to restrict Louisiana to the narrowest bounds possible.¹¹ Since Spain and the United States had opposing views as to the boundaries between their possessions, there were many proposals and counter proposals during the negotiation of the treaty of 1819.¹² As finally concluded on February 22, 1819, the dividing line followed the western bank of the Sabine River to the thirty-second degree of latitude, thence by a line due north to the Red River, westward along the Red River to the hundredth meridian, then by a line due north to the Arkansas River, then along the southern bank of the Arkansas to latitude forty-two degrees north, and along that parallel of latitude to the Pacific Ocean.¹³ In 1828 Mexico, which had then won its independence from Spain, recognized by treaty the validity of the boundaries fixed in 1819.¹⁴

Thus in 1803 the United States came into possession of the territory called Louisiana. After the treaty with Spain Louisiana included all the territory between the Rocky Mountains and the line of 1819 as far east as the Mississippi River, and south of the British possessions as far as the Gulf of Mexico. Spain claimed the land south and west of Louisiana.

II

THE FIRST FOUR STATES WEST OF THE MISSISSIPPI RIVER

The treaty concluded with France on April 30, 1803, provided that the inhabitants of the ceded territory were to

¹¹ Donaldson's *The Public Domain*, pp. 108, 109.

¹² Marshall's *A History of the Western Boundary of the Louisiana Purchase* in the *University of California Publications in History*, Vol. II, Chs. I-III.

¹³ *United States Statutes at Large*, Vol. VIII, pp. 254, 256.

¹⁴ *United States Statutes at Large*, Vol. VIII, p. 374.

“be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States”.¹⁵ On October 31, 1803, the President was authorized by an act of Congress to take possession of the territory,¹⁶ and on March 26, 1804, Congress organized Louisiana into two Territories. The Territory of Orleans constituted all that portion of the country ceded by France to the United States south of the thirty-third degree of north latitude.¹⁷ The remainder of the province of Louisiana was called the District of Louisiana and its government was placed in the hands of the officers of Indiana Territory.¹⁸

On September 29, 1804, two days before the act of March, 1804, was to take effect, a petition was drawn up in St. Louis remonstrating against the annexation of upper Louisiana to Indiana Territory.¹⁹ The signers claimed that if the Louisiana Purchase had not been divided it would have had sufficient population to be admitted as a State, and that if Congress could divide Louisiana once, it could be sub-divided indefinitely whenever the population of any sub-division became sufficient to form a State. The delegates objected to being under the government of another Territory and to the fact that the seat of government was at Vincennes, many miles away over impassable roads. Then, too, the laws of Indiana Territory were different — slavery existed in Louisiana and was prohibited in the

¹⁵ Gayarre's *History of Louisiana*, Vol. III, p. 641.

¹⁶ *United States Statutes at Large*, Vol. II, p. 245.

¹⁷ *United States Statutes at Large*, Vol. II, p. 283.

¹⁸ *United States Statutes at Large*, Vol. II, p. 287.

¹⁹ *American State Papers, Miscellaneous*, Vol. I, pp. 400-404. This petition was presented to Congress on January 4, 1805.

Northwest Territory. Two months after the petition was presented to Congress — on March 3, 1805 — the District of Louisiana was given officials of its own.²⁰

Spanish diplomacy aimed at retaining the territory between the Mississippi and the Perdido rivers.²¹ On the other hand the United States refused to accept such a boundary and on February 24, 1804, Congress passed an act which provided for laying and collecting duties in this territory east of the Mississippi River, usually known as West Florida.²² In September, 1810, the people of West Florida brought about the next step toward the annexation of that district to the United States. Their representatives in a convention drew up a declaration of independence, since there was no longer "any hope of protection from the mother country".²³

A month later the president of the West Florida convention addressed a communication to the Secretary of State praying for the annexation of West Florida to the United States.²⁴ The people wished to have their district admitted immediately "into the Union as an independent State, or as a Territory of the United States, with permission to establish" their "own form of government, or to be united with one of the neighboring Territories, or as a part of one of them, in such manner as to form a State." If they were to be annexed to some other political division they preferred the "Island of Orleans". In consequence of these events President James Madison issued a proclamation on October

²⁰ *United States Statutes at Large*, Vol. II, p. 331.

²¹ Bond's *Historical Sketch of "Louisiana" and the Louisiana Purchase*, pp. 10, 11.

²² *United States Statutes at Large*, Vol. II, p. 252.

²³ *Annals of Congress*, 11th Congress, 3rd Session, p. 1254; Gayarre's *History of Louisiana*, Vol. IV, pp. 231-233.

²⁴ *Annals of Congress*, 11th Congress, 3rd Session, p. 1252; Gayarre's *History of Louisiana*, Vol. IV, pp. 233-236.

27, 1810, "that possession should be taken of said Territory, in the name and behalf of the United States."²⁵ On the same day the Secretary of State sent instructions to William C. Claiborne, Governor of the Territory of Orleans, that the West Florida district was to be considered as a part of the Territory of Orleans.²⁶

In January, 1811, a bill enabling the Territory of Orleans to form a constitution preparatory to admission into the Union was considered in Congress,²⁷ and on February 20th it was approved by the President. A convention assembled in New Orleans completed a constitution on January 28, 1812,²⁸ and in March the House of Representatives at Washington discussed a bill for the admission of Louisiana into the Union as a State, and for the annexation of part of West Florida to the new State. The Senate disagreed and the bill passed without the annexation clause.²⁹

By this act, approved by the President on April 8, 1812, Louisiana was given the following boundaries: "beginning at the mouth of the river Sabine; thence, by a line to be drawn along the middle of the said river, including all islands to the thirty-second degree north latitude; thence, due north, to the northernmost part of the thirty-third degree of north latitude; thence, along the said parallel of latitude, to the river Mississippi; thence, down the said river, to the river Iberville; and from thence, along the middle of the said river, and lakes Maurepas and Ponchar-

²⁵ Gayarre's *History of Louisiana*, Vol. IV, pp. 235-238; *Annals of Congress*, 11th Congress, 3rd Session, pp. 1257, 1258.

²⁶ *Annals of Congress*, 11th Congress, 3rd Session, p. 1256.

²⁷ *Annals of Congress*, 11th Congress, 3rd Session, pp. 518-542.

²⁸ Gayarre's *History of Louisiana*, Vol. IV, pp. 268-275; *Annals of Congress*, 11th Congress, 3rd Session, pp. 1326-1328.

²⁹ *United States Statutes at Large*, Vol. II, p. 701; *Annals of Congress*, 12th Congress, 2nd Session, pp. 1225, 1226.

train, to the Gulf of Mexico; thence, bounded by the said gulf, to the place of beginning, including all islands within three leagues of the coast''.

It was, however, a matter of only a few days before the present boundaries were secured. By an act approved by the President on April 14, 1812, the limits of Louisiana were extended to include the area bounded by the Pearl River on the east and by the thirty-first degree of north latitude on the north.³⁰ Thus Louisiana obtained her present boundaries, and had the honor of being the first State erected out of the great expanse of land west of the Mississippi River. On June 4, 1812, the name Missouri was given to the District of Louisiana.³¹

By 1817 petitions began to be circulated by the inhabitants of Missouri asking for statehood. One of these advanced the arguments that the boundaries of Missouri should be the latitudes forty degrees and thirty-six degrees thirty minutes on the north and south, the Mississippi River on the east, and the Osage boundary on the west.³² Two-thirds of this memorial was taken up with the subject of boundaries and the reasons for the selected boundaries were given as follows:

The southern limit will be an extension of the line that divides Virginia and North Carolina, Tennessee and Kentucky. The northern will correspond nearly with the north limit of the territory of Illinois and with the Indiana boundary line, near the mouth of the River Des Moines. A front of three and a half degrees upon the Mississippi will be left to the South to form a territory of Arkansas, with the River Arkansas traversing its centre. A front of three & a half degrees more, upon a medium depth of 200 miles,

³⁰ *United States Statutes at Large*, Vol. II, pp. 702, 708, 709.

³¹ *United States Statutes at Large*, Vol. II, p. 743.

³² Shoemaker's *Missouri's Struggle for Statehood*, Appendix I, pp. 321-323. For the Osage boundary see *American State Papers, Indian Affairs*, Vol. I, p. 763.

with the Missouri River in the centre, will form the State of Missouri.

They will make the Missouri river the *centre*, and not the *boundary* of the state.

The memorialists, fearing that Congress might select the Missouri River as the natural boundary for the State, deprecated "the idea of making the *civil* divisions of the states to correspond with the *natural* divisions of the country. Such divisions will promote that tendency to separate, which it is the policy of the Union to counteract."³³

The year 1818 brought forth another memorial which asked for a far greater extent of territory than the former request and embraced an even larger domain than the present area. It included all the territory within the present State of Missouri except the northwestern corner, a large portion of the northeastern part of the State of Arkansas, and parts of Oklahoma and Kansas. These limits, it was said, were desired for the following reasons:

The districts of country that are fertile and susceptible of settlement are small, and are detached and separated from each other at great distances by immense plains and barren tracts, which must for ages remain waste and uninhabited. These distant frontier settlements, thus insulated, must ever be weak and powerless in themselves, and can only become important and respectable by being united; and one of the great objects your memorialists have in view is the formation of an effectual barrier for the future against Indian incursions, by pushing forward and fostering a strong settlement on the little river Platte to the west, and on the Des Moines to the north.³⁴

The request for the country on the west was based on a desire for a large State and for that fertile land which would soon be settled by the westward pushing pioneers.

³³ Shoemaker's *Missouri's Struggle for Statehood*, Appendix I, p. 322.

³⁴ *American State Papers, Miscellaneous*, Vol. II, p. 557.

Besides, the boundary selected would have given a straight line for the western limit.³⁵

Before Missouri acquired statehood, however, the Territory of Arkansas was created, including all that part of the Territory of Missouri which lay south of a line beginning on the Mississippi River at thirty-six degrees north latitude, running west to the river St. Francis, thence up the same to the parallel of thirty-six degrees thirty minutes north latitude, and thence west to the western territorial boundary line.³⁶ Even after the northern boundary of Arkansas was thus established, there was still considerable discussion about the southern boundary of Missouri. This is indicated by a petition presented to Congress in 1819 which requested that the proposed State of Missouri be given the Missouri River for its northern limit and for a southern line the parallel of thirty-six degrees and thirty minutes north latitude to its intersection with the White River, and down that river to the mouth of the Big Black River, thence east to the Mississippi River.³⁷

At this time the famous discussion with respect to slavery in Missouri was taking place in Congress, resulting in the well-known Missouri Compromise. The boundaries as fixed in the act of March 6, 1820, included the northern Arkansas line for Missouri's southern boundary to a point where the parallel of thirty-six degrees and thirty minutes is "intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the

³⁵ The reason for the irregular southern boundary is not known, but Floyd C. Shoemaker advances the theory that it was the work of influential landowners and politicians of southeastern Missouri who wanted an issue for arousing sectional rivalry to secure advantages for themselves. A petition from the Arkansas country indicates that it did not favor such a dividing line.—Shoemaker's *Missouri's Struggle for Statehood*, pp. 45-55.

³⁶ *United States Statutes at Large*, Vol. III, pp. 493, 494.

³⁷ *Annals of Congress*, 16th Congress, 1st Session, p. 43.

Missouri river, thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down and along the middle of the main channel of the said river Des Moines, to the branch of the same, where it empties into the Mississippi river", and down the Mississippi to the place of beginning.³⁸

On March 2, 1821, the President approved the act which admitted Missouri into the Union, with the above mentioned boundaries. In 1836 the western limit was extended to the Missouri River,³⁹ thereby fixing the boundary as it is at present.

With the admission of Missouri into the Union, the northern boundary of the Territory of Arkansas was definitely fixed, the southern boundary corresponding to the northern boundary of the State of Louisiana. There were, however, several changes in the western and southwestern boundaries before the Territory of Arkansas received the present area of the State.

The western boundary as fixed by statute in 1819 was the "western territorial boundary"—the western boundary line of Missouri Territory.⁴⁰ This western limit was the same as that of the old District of Louisiana⁴¹ which of course was the western boundary of the Louisiana⁴² Pur-

³⁸ *United States Statutes at Large*, Vol. III, p. 545.

³⁹ *United States Statutes at Large*, Vol. V, p. 34.

⁴⁰ *United States Statutes at Large*, Vol. III, p. 493.

⁴¹ *United States Statutes at Large*, Vol. III, p. 743.

⁴² *United States Statutes at Large*, Vol. III, p. 283.

chase. Thus the western boundary of the Territory of Arkansas was the western boundary of the Louisiana Purchase as defined in 1819,⁴³ eight days before the act making Arkansas a Territory. This statutory boundary included in the Territory of Arkansas almost the whole of the present State of Oklahoma.

On the other hand the civil jurisdiction of the Territorial governors and legislators was confined to that part of the Territory to which the Indian rights of occupation had been extinguished.⁴⁴ On November 10, 1808, a treaty was concluded with the Osages, whereby they ceded all their territory north of the Arkansas River and between the Mississippi River and a line running south from Fort Clark on the Missouri to the Arkansas River.⁴⁵ This was extended a little farther west in 1818.⁴⁶ Tracts in western Arkansas were ceded by the government to the Cherokees and Choctaws by treaties,⁴⁷ which further limited the civil jurisdiction of Arkansas Territorial officials. Settlers found west of the Choctaw line were asked to leave, and in consequence there were emphatic protests against the action of the government in ceding the territory to the Indians. In 1823 Congress provided for a modification of the treaty made with the Choctaws in 1820 by drawing the line between them and the western boundary of the Territory of Arkansas due south from the southwestern corner of the State of Missouri to the Red River. This was the first indication that the Territory of Arkansas was to be perma-

⁴³ *United States Statutes at Large*, Vol. VIII, pp. 254, 256.

⁴⁴ For a discussion of the Indian boundary lines in Arkansas see Reynolds's *The Western Boundary of Arkansas* in the *Publications of the Arkansas Historical Association*, Vol. II, pp. 211-236.

⁴⁵ *American State Papers, Indian Affairs*, Vol. I, pp. 763, 1808.

⁴⁶ *American State Papers, Indian Affairs*, Vol. II, p. 167.

⁴⁷ *American State Papers, Indian Affairs*, Vol. II, pp. 187, 224.

nently reduced in size. Nothing resulted from the act through failure of the letter of instructions to reach the commissioners who were to negotiate the treaty.⁴⁸

The people of Arkansas, becoming aroused, sent a memorial to Congress petitioning that the line be fixed so far west as to include all of Miller and Crawford counties and their inhabitants.⁴⁹ Perhaps in response to this petition, a bill was passed in 1824 which fixed the line so as to include these counties. The revised boundaries began "at a point forty miles west of the south-west corner of the state of Missouri", and ran "south to the right bank of the Red River, and thence down the river, and with the Mexican boundary, to the line of the state of Louisiana".⁵⁰

The Choctaws protested that this act was a violation of their treaty rights, and on January 20, 1825, John C. Calhoun, Secretary of State, concluded a new treaty with them whereby they ceded to the United States all their lands "east of a line beginning on the Arkansas, one hundred paces east of Fort Smith, and running thence, due south, to Red River".⁵¹ Henry W. Conway, delegate from Arkansas, protested, but Secretary Calhoun replied that if the terms were not accepted the old Choctaw line of 1820 would stand and the government would be compelled to remove all white settlers found west of that line.⁵²

By a treaty made in 1828 the Cherokees ceded to the United States all claims to lands in Arkansas as now bounded, and the Choctaws were reassured by another declaration of their boundary as agreed upon in the treaty

⁴⁸ Reynolds's *The Western Boundary of Arkansas in the Publications of the Arkansas Historical Association*, Vol. II, pp. 220, 221.

⁴⁹ *American State Papers, Indian Affairs*, Vol. II, p. 556.

⁵⁰ *United States Statutes at Large*, Vol. IV, p. 40.

⁵¹ *United States Statutes at Large*, Vol. VII, p. 234; *American State Papers, Indian Affairs*, Vol. II, pp. 547, 548.

⁵² *American State Papers, Indian Affairs*, Vol. II, pp. 557, 558.

of 1825. The western boundary thus defined was a line commencing on the Red River at a point where the eastern Choctaw line — as described above — struck the Red River, and then due north with the said line to the Arkansas River, thence by a line to the southwest corner of Missouri.⁵³

The Indian treaties of 1825 and 1828⁵⁴ cut off a strip about forty miles wide, and set aside the act of Congress of 1824. Senator Thomas H. Benton objected to this change because it reduced Arkansas to a weak State, while the Mexican and Indian border conditions required a strong frontier Territory. He said it was also unconstitutional, because an Indian treaty was not one of international interests, and was, therefore, not superior to a statute, and furthermore the fixing and altering of Territorial boundaries was not a proper subject for a treaty.⁵⁵ This line, however, remained the permanent western boundary for Arkansas, except for a small strip of land which Arkansas received by a law passed on February 10, 1905, two years before the admission of the State of Oklahoma. This addition lies west of Fort Smith between the mouths of Poteau and Mill creeks.⁵⁶

Another phase of the western boundary question was the line at the southwest corner between Arkansas and Mexico, later Texas. The boundary line between the possessions of Spain and the United States as defined in the treaty of 1819 had never been surveyed. After a series of negotiations with Mexico and Texas, a treaty was concluded in 1838 which provided for the surveying of the line from the mouth

⁵³ *United States Statutes at Large*, Vol. VII, p. 311.

⁵⁴ Reaffirmed 1830 and 1855.—Reynolds's *The Western Boundary of Arkansas* in the *Publications of the Arkansas Historical Association*, Vol. II, pp. 222, 224, 225, 227; *United States Statutes at Large*, Vol. VII, p. 333, Vol. XI, p. 611.

⁵⁵ Benton's *Thirty Years' View*, Vol. I, p. 107.

⁵⁶ *United States Statutes at Large*, Vol. XXXIII, pp. 714, 715.

of the Sabine to the Red River, according to the treaty of 1828 with Mexico.⁵⁷ The survey, completed in 1841, was in favor of Texas.⁵⁸

In 1836, the Territory of Arkansas was admitted into the Union as the third State west of the Mississippi River. According to the act of admission, Arkansas was bounded on the north by the parallel of thirty-six degrees north latitude to the Saint Francis River, thence up the middle of the main channel of said river to the parallel of thirty-six degrees and thirty minutes, thence west to the southwest corner of the State of Missouri; on the west by the lines described in the first article of the treaty between the United States and the Cherokee nation of Indians on May 26, 1828,⁵⁹ to the Red River; on the south by the Mexican boundary line⁶⁰ and the northern boundary of Louisiana; and on the east by the Mississippi River.⁶¹

A fourth State was not formed for about a decade, but a map at the close of that period shows several organized Territories, in addition to the four States. With the creation of each, a corresponding boundary rearrangement had taken place. When the State of Missouri was cut out of what was termed Missouri Territory, the United States made no arrangement for the territory that remained to the north. This condition prevailed until 1834 when part of the region west of the Mississippi River was attached to and made part of the Territory of Michigan for the purpose of temporary government.⁶² This addition to Michigan

⁵⁷ *United States Statutes at Large*, Vol. VIII, p. 511.

⁵⁸ Reynolds's *The Western Boundary of Arkansas* in the *Publications of the Arkansas Historical Association*, Vol. II, pp. 235, 236.

⁵⁹ *United States Statutes at Large*, Vol. V, p. 51.

⁶⁰ *United States Statutes at Large*, Vol. V, p. 51, Vol. VIII, pp. 254, 256.

⁶¹ *United States Statutes at Large*, Vol. V, p. 51.

⁶² *United States Statutes at Large*, Vol. IV, p. 701.

Territory was bounded on the east by the Mississippi River; on the south by the State of Missouri and a line drawn west from the northwest corner of that State to the Missouri River;⁶³ on the southwest and west by the Missouri River and the White Earth River; and on the north by the northern boundary of the United States.⁶⁴ Michigan Territory thus included the whole area of the present States of Michigan, Wisconsin, Iowa, Minnesota, and parts of North and South Dakota.

Since Michigan Territory with these boundaries covered a very large area, Congress created another Territory in 1836, which it called Wisconsin Territory. It was bounded by a line drawn through the middle of Lake Michigan, Green Bay, the Menomonee River, Lake of the Desert, Montreal River, thence by a direct line across Lake Superior to the boundary of the United States, then by the former boundaries of the Territory of Michigan as described above to the northern boundary of Illinois, and along said boundary to Lake Michigan.⁶⁵ Wisconsin Territory thus included all the area of the old Michigan Territory except the area in the present State of Michigan.

On June 12, 1838, the Territory of Wisconsin was in turn divided and the separate Territorial government of Iowa was established. While Michigan Territory had jurisdiction west of the Mississippi River, that part of the Territory west of the river was divided into two counties, Dubuque County and Des Moines County. These two counties were joined for judicial purposes to Iowa County, east of the Mississippi, and they were referred to as the Iowa⁶⁶

⁶³ Missouri did not receive her present western boundary until 1837.— *United States Statutes at Large*, Vol. V, p. 34.

⁶⁴ *United States Statutes at Large*, Vol. IV, p. 701.

⁶⁵ *United States Statutes at Large*, Vol. V, pp. 10, 11.

⁶⁶ Sabin's *The Making of Iowa*, pp. 20, 21; Shambaugh's *History of the Constitutions of Iowa*, p. 96.

District. At the time Michigan Territory was divided this area became Wisconsin Territory and when a separate organization was asked for by the people of western Wisconsin,⁶⁷ Congress established Iowa Territory giving it the name suggested by the former Iowa District. This new Territory lay entirely west of the Mississippi River and a line extending from the headwaters of that river to the United States boundary line. To the west its boundary was the White Earth and Missouri rivers.⁶⁸

The new Territory inherited a dispute with Missouri over their common boundary. A few days after the creation of Iowa Territory, Congress authorized the President of the United States to appoint a commissioner to ascertain the southern boundary of Iowa.⁶⁹ In January of the next year the commissioner presented his report setting forth the various possible lines and the historical events of the dispute⁷⁰ which were briefly as follows.

A treaty with the Osage Indians in 1808 established an Indian boundary line to the north of the Missouri River.⁷¹ This line was run and marked in 1816 by J. C. Sullivan, a surveyor. It began on the Missouri River opposite the mouth of the Kansas River, thence one hundred miles north, and according to the field notes due east about one hundred and fifty miles to the Des Moines River. But due to an error in making corrections for the variation of the needle, the general course of the line was subsequently found to run north of east to about two and a half degrees at the east end.

⁶⁷ Shambaugh's *History of the Constitutions of Iowa*, pp. 87-90.

⁶⁸ *United States Statutes at Large*, Vol. V, p. 235.

⁶⁹ *United States Statutes at Large*, Vol. V, p. 248.

⁷⁰ Parish's *Robert Lucas*, pp. 236-238; *Iowa Historical Record*, Vol. II, pp. 193-206.

⁷¹ *American State Papers, Indian Affairs*, Vol. I, p. 763.

The enabling act for Missouri adopted on March 6, 1820, required that the boundary line "correspond with the Indian boundary line",⁷² and the State of Missouri exercised its jurisdiction to the Sullivan line, which was the only Indian boundary line that had been run. Michigan, Wisconsin, and Iowa Territories in turn exercised jurisdiction as far south as this same line. Later Missouri claimed some territory north of this, claiming that the provision in the enabling act meant that the boundary line should be the parallel of latitude passing through the rapids of the River Des Moines, instead of the Des Moines rapids in the Mississippi. The commissioner, therefore, presented four lines, each one of which corresponded to some description in the act of 1820: (1) the old Indian boundary, or Sullivan's line extended west to the Missouri River; (2) the parallel of latitude passing through the northwest corner of the Indian boundary; (3) the parallel of latitude passing through the Des Moines rapids in the Mississippi River; (4) the parallel of latitude passing through the rapids in the Des Moines River at the Great Bend.

In commenting upon these boundaries, Albert M. Lea, the commissioner, decided that the first was the equitable and proper boundary, but not the legal one according to the law of 1820; that the second was neither equitable nor legal; and that the third and fourth both fulfilled the conditions of the law.⁷³ The Governor of Missouri claimed the fourth as the legal boundary, while Iowa insisted on the third line, and the militia was called out on both sides. Finally Congress authorized Missouri and Iowa to commence a suit in the Supreme Court to settle the question.⁷⁴

⁷² *United States Statutes at Large*, Vol. III, p. 545.

⁷³ *Senate Executive Documents*, 26th Congress, 1st Session, Vol. I, No. 4; Parish's *Robert Lucas*, pp. 227-238.

⁷⁴ *United States Statutes at Large*, Vol. IX, p. 52.

The Supreme Court held that the proper boundary was the old Indian line as run by Sullivan in 1816, because the United States had made treaties referring to the line, had recognized it in 1820 as the northern boundary of Missouri, and Missouri herself had recognized this line for many years. The Court found no rapids in the Des Moines River such as those referred to, and therefore Missouri's claim to this northern line could not be upheld. On the other hand since it was uncertain whether the rapids in the Mississippi were the ones meant, Iowa's claim to a line as far south as that could not be upheld. For the portion of territory added in 1837 lying west of Sullivan's line, a line prolonged due west from Sullivan's northwest corner on a parallel of latitude to the middle of the Missouri River was fixed as the true northern boundary.⁷⁵ Almost a half century later — 1896 — the matter was again referred to the Supreme Court, because many of the posts marking the boundary had been destroyed.⁷⁶ The same boundary as defined in the former decree was confirmed by the court.⁷⁷

In 1840 and 1842 the question of statehood was voted down in Iowa, but in 1844 the citizens there signified that they wished a convention for the purpose of drawing up a constitution. This constitution of 1844 fixed the eastern, western, and southern boundaries practically as they now are, but the northern boundary was to be a line connecting the mouth of the Big Sioux (Calumet) River, with the sharp bend in the Minnesota (St. Peter's) River.⁷⁸

⁷⁵ Scott's *Judicial Settlement of Controversies between States of the American Union: Cases Decided in the Supreme Court of the United States*, Vol. II, pp. 874-938; *Iowa Historical Record*, Vol. II, pp. 266-271.

⁷⁶ Larzelere's *The Iowa-Missouri Disputed Boundary in The Mississippi Valley Historical Review*, Vol. III, p. 84.

⁷⁷ Scott's *Judicial Settlement of Controversies between States of the American Union: Cases Decided in the Supreme Court of the United States*, Vol. II, pp. 1173-1176, 1246-1263.

⁷⁸ Sabin's *The Making of Iowa*, pp. 26, 27; Shambaugh's *History of the Constitutions of Iowa*, pp. 235, 241.

In March, 1845, however, Congress not only rejected the proposed limits, but offered a new western boundary that would have made Iowa about two-thirds as wide from east to west as it is now, but would have extended it over forty miles farther north into Minnesota.⁷⁹ A warm discussion ensued. Some of the settlers were in favor of accepting the new boundaries, claiming that the western portion was so uninhabitable that it would prove a burden, and that if the proposals of Congress were not accepted, Iowa would be given nothing. The opponents of the congressional boundaries, however, demonstrated to the voters that the nation was ever spreading westward, and so convinced them of the importance of holding the western area that the amended constitution was defeated in 1845.

In May, 1846, another Territorial convention, after due deliberation, selected the boundary limits that Iowa now has — bounded on the south by the northern boundary of Missouri, on the west by the Missouri and Big Sioux rivers, on the north by the parallel of forty-three degrees and thirty minutes, and on the east by the Mississippi River. Congress approved these limits,⁸⁰ and Iowa was admitted as a State in December, 1846.⁸¹ No arrangement was made for the government of the remaining portion of Iowa Territory until the act of 1849 which created the Territory of Minnesota.

III

THE EXPANSION OF THE UNITED STATES

1845-1848

Before the Louisiana Purchase had been fully organized into States and Territories, other regions west of the Mis-

⁷⁹ *United States Statutes at Large*, Vol. V, p. 742.

⁸⁰ *United States Statutes at Large*, Vol. IX, p. 52.

⁸¹ *United States Statutes at Large*, Vol. IX, p. 117.

Mississippi River were added to the United States. The Texas country was the first of these extensive additions. From the seventeenth century until the United States Supreme Court made its decision concerning Greer County, Oklahoma, in 1896, the limits of Texas have been unsettled.

This region was the home of the Tejas Indians and in 1690 a mission was planted there by the Spaniards.⁸² In 1727 the weak colony was formed into a province with uncertain boundaries under the name of Texas.⁸³ At the time of the purchase of Louisiana in 1803, President Jefferson made some pretensions to include Texas in the territory,⁸⁴ but the line of 1819, fixed after negotiations with Spain, left it under Spanish control.⁸⁵

In 1821 when Mexico gained her independence from Spain, she succeeded to the possession of Texas, and in 1828 a treaty was made with Mexico recognizing the boundaries of 1819.⁸⁶ Previous to this treaty several unsuccessful attempts were made to purchase Texas,⁸⁷ and under Jackson's administration renewed efforts to accomplish this were also fruitless.⁸⁸

The Mexican government inaugurated a more liberal policy toward immigration than had the Spanish officials; and, as a result, large numbers of Anglo-Americans came into Texas and became the dominant element. Unable to endure

⁸² Garrison's *Westward Extension*, p. 98.

⁸³ Garrison's *Texas*, p. 7.

⁸⁴ *Jefferson's Writings* (Ford's Edition), Vol. VIII, p. 262.

⁸⁵ For the Louisiana-Texas boundary see Cox's *The Louisiana-Texas Frontier in The Southwestern Historical Quarterly*, Vol. XVII, pp. 1-42, 140-187.

⁸⁶ *United States Statutes at Large*, Vol. VIII, pp. 372-375.

⁸⁷ Manning's *Early Diplomatic Relations between the United States and Mexico*, pp. 306-348; Manning's *Texas and the Boundary Issue, 1822-1829*, in *The Southwestern Historical Quarterly*, Vol. XVII, pp. 217-261.

⁸⁸ Manning's *Early Diplomatic Relations between the United States and Mexico*, pp. 334-344.

Mexican methods of government, they revolted from Mexican control in 1836 and while Santa Anna was a prisoner, the newly organized Texan government exacted from the Mexicans the agreement that the Rio Grande River should be the western boundary of Texas.⁸⁹ Although Mexico repudiated this treaty of 1836, the Texan Congress in December defined the western boundary as extending from the mouth of the Rio Grande to its source.⁹⁰

Soon afterwards the Texans sought annexation to the United States, but the effort failed because of the opposition from the anti-slavery element in this country. Since Texas was so great a prize, however, and might also become an instrument of European powers, the Texan republic did not long remain independent. In 1843 it again made overtures for annexation to this country and although the Senate failed to ratify the treaty of 1844, the declaration of the voters in the presidential election of 1844 for the annexation of Texas⁹¹ led to a joint resolution of the two houses of Congress, passed on March 1, 1845, which authorized annexation.

According to the resolution all disputes over boundaries that might arise with other governments in forming the State of Texas were to be subject to adjustment by the United States government. Additional States not to exceed four in number might be formed from the territory of Texas by its consent.⁹² Thus the vast area of the State of Texas was added to our possessions west of the Mississippi, with its northern and eastern boundaries determined by the line of 1819, but with its western boundary in dispute with Mexico. On December 29, 1845, Texas was admitted into

⁸⁹ For a text of the treaty see *Niles' Register*, Vol. LXIX, p. 98.

⁹⁰ Garrison's *Texas*, p. 243.

⁹¹ Garrison's *Westward Extension*, pp. 114, 119, 120, 121, 145, 146.

⁹² *United States Statutes at Large*, Vol. V. p. 797.

the Union as the fifth State west of the Mississippi River.⁹³

The next year definite boundaries were given to the possessions of the United States in the Oregon country. Summarized briefly the grounds for our claim to Oregon were as follows: (1) the treaty of 1819 whereby the Spanish title was ceded to us; (2) the discovery and exploration of the Columbia River; (3) the Lewis and Clark expedition; (4) the permanent settlement by Americans at Astoria; and (5) the Louisiana Purchase which gave us whatever title France might have to Oregon.⁹⁴ Russia and England, however, as well as the United States laid claim to this region.

In 1818 a treaty had been ratified by the governments of the United States and Great Britain providing for the line of forty-nine degrees north latitude as the northern limit of the Louisiana Purchase and that "any country that may be claimed by either party on the northwest coast of America, westward of the Stony [Rocky] Mountains" should be free and open to the subjects of both nations for a period of ten years.⁹⁵ This gave Americans and Englishmen equal rights to trade and settle in any part of the Oregon country, but neither could have absolute control over any part of it, until the questions of ownership and boundaries were settled. In 1827 the convention of 1818 was renewed for an indefinite period, giving either party the liberty, after October 20, 1828, of abrogating the agreement on giving twelve months' notice.⁹⁶ In 1824 Russia had agreed that her boundary should not extend south of fifty-four degrees and forty minutes.⁹⁷

⁹³ *United States Statutes at Large*, Vol. IX, p. 108.

⁹⁴ Johnson's *A Century of Expansion*, pp. 185, 186.

⁹⁵ *United States Statutes at Large*, Vol. VIII, p. 249.

⁹⁶ *United States Statutes at Large*, Vol. VIII, p. 360; Schafer's *A History of the Pacific Northwest*, pp. 92, 93.

⁹⁷ *United States Statutes at Large*, Vol. VIII, p. 304.

It was soon evident, however, that a definite boundary line separating the claims of the United States and Great Britain must be determined upon. Petitions from the Oregon colony asked Congress to extend the protection of the United States over it,⁹⁸ and in 1843 a meeting at Cham-poeg adopted a code of laws for a temporary government which was to exist until the United States extended its jurisdiction over the colonists.⁹⁹ In 1845, the legislature elected under this extralegal government sent a memorial to Congress citing their grievances and praying for a Territorial government and for adequate military and naval protection.¹⁰⁰

The "reoccupation" of Oregon, however, was another political issue of the campaign in 1844 and, under the administration of President James K. Polk whose party had demanded it, the question was definitely decided by a treaty concluded with Great Britain on June 15, 1846. This treaty provided for the continuation westward of the forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of this channel and of Fuca's Straits to the Pacific Ocean.¹⁰¹

The next great step in the expansion of the United States was preceded by a war. Immediately after the annexation of Texas, Mexico severed diplomatic relations with the United States. In September, 1845, President Polk sent John Slidell on his futile mission to Mexico to purchase a portion of California and that part of what is now New

⁹⁸ *The Congressional Globe*, 29th Congress, 1st Session, pp. 12, 53; Schafer's *A History of the Pacific Northwest*, pp. 158-162.

⁹⁹ Schafer's *A History of the Pacific Northwest*, pp. 161, 162; Bancroft's *History of Oregon*, Vol. I, pp. 303, 304; Bancroft's *History of the Northwest Coast*, Vol. II, pp. 133, 698.

¹⁰⁰ *The Congressional Globe*, 29th Congress, 1st Session, p. 24.

¹⁰¹ *United States Statutes at Large*, Vol. IX, p. 869.

Mexico claimed by Texas, and to endeavor to get Mexico to accept the Rio Grande for the Texas boundary instead of the Nueces River.¹⁰² In January, 1846, came the well-known order from Washington that General Zachary Taylor advance to the Rio Grande—the disputed district. This was followed on May 13, 1846, by the declaration of war with Mexico.¹⁰³

The treaty of Guadalupe Hidalgo concluded with Mexico on February 2, 1848, provided that the boundary line should follow the Rio Grande to the southern boundary of New Mexico, thence westward and northward along that line to the first branch of the Gila River, along that river to the Rio Colorado, and thence along the division line between Upper and Lower California to the Pacific Ocean.¹⁰⁴ The Gadsden Purchase of 1853, which will be noted later, completed the stages of expansion west of the Mississippi River.

IV

THE ORGANIZATION OF OREGON, MINNESOTA, AND THE MEXICAN CESSION OF 1848-1850

All the vast area added to the United States between 1845 and 1848, with the exception of Texas, was unorganized and there was no governmental arrangement for it except the temporary governments in California and Oregon. Provision for the government of this territory was delayed by the dispute over the slavery question.

After the Whitman massacre in Oregon the need for the protection of the settlers there was so clearly evident that

¹⁰² Garrison's *Westward Extension*, Ch. XIV; Rives's *The United States and Mexico, 1821-1848*, Vol. II, pp. 53-80.

¹⁰³ *The Congressional Globe*, 29th Congress, 1st Session, pp. 795, 817; *United States Statutes at Large*, Vol. IX, p. 9.

¹⁰⁴ *United States Statutes at Large*, Vol. IX, pp. 922, 926.

a bill to organize Oregon Territory passed Congress on August 14, 1848, in spite of the bitter opposition of the pro-slavery element. The Territory of Oregon, according to the statute, included all that part of the territory of the United States west of the summit of the Rocky Mountains and north of the forty-second degree of north latitude.¹⁰⁵ A glance at the map for the year 1848 will show that only a comparatively small portion of the territory west of the Mississippi was organized: there was Oregon Territory in the northwest, the State of Texas in the south, and the four States of Louisiana, Arkansas, Missouri, and Iowa bordering on the Mississippi River.

When Iowa Territory became a State in 1846 there was no provision for the remaining area north of the State of Iowa until 1849. Before the Territory of Wisconsin became a State in 1848, it was proposed by a convention that all of the remaining part of the Northwest Territory should be included in the new State. Some suggested the Rum River as the dividing line, while the St. Croix settlers advocated the Chippewa River, thus giving the new State of Wisconsin and the remaining portion of Iowa Territory equal areas. There were objections to the Rum River as the boundary line, however, because the Territory which was to be organized west of Wisconsin would not have a single point on the Mississippi River below the limit of steamboat navigation.¹⁰⁶

On May 29, 1848, Wisconsin was admitted as a State, but the land between the St. Croix and the Mississippi rivers¹⁰⁷

¹⁰⁵ Bancroft's *History of Oregon*, Vol. I, Ch. XXIII; Schafer's *A History of the Pacific Northwest*, p. 186; *United States Statutes at Large*, Vol. IX, p. 323.

¹⁰⁶ Winchell's *Minnesota's Eastern, Southern and Western Boundaries* in the *Collections of the Minnesota Historical Society*, Vol. X, Pt. II, pp. 678-687.

¹⁰⁷ *United States Statutes at Large*, Vol. IX, pp. 56, 233; Folwell's *A History of Minnesota*, Vol. I, p. 236.

was left unorganized politically. In March of the next year, the requests of settlers for the organization of a new Territory were granted by the creation of the Territory of Minnesota. The new Territory included the above mentioned delta in the eastern part and extended west to the Missouri and White Earth rivers, south to the State of Iowa, and north to the international boundary line.¹⁰⁸

The famous compromise measures of January, 1850, provided for the organization of the amorphous area obtained from Mexico in 1848. Before the passage of these acts California, because of the chaotic conditions caused by the great influx of population in 1849, had taken steps to form a State government. Laws were needed to regulate the mining problems and for the suppression of the alarming increase of crime. In September, 1849, a convention met to form a State out of the unorganized territory.¹⁰⁹ After considerable discussion the eastern boundary was fixed on the meridian of one hundred and twenty degrees from the Oregon line to the parallel of thirty-nine degrees north latitude, running thence in a straight line southeasterly to the intersection of the Colorado River with the parallel of thirty-five degrees, and thence down the middle of the river's channel to the boundary established between the United States and Mexico. Some of the delegates wanted a boundary farther east, but there were objections to this on the grounds that so large a free State might be unacceptable to the slavery members of Congress. After the constitution was ratified by the people, a delegation was sent to Washington to urge that the State of California be immediately admitted.¹¹⁰ Henry Clay effected his compromise and Cali-

¹⁰⁸ *United States Statutes at Large*, Vol. IX, p. 403.

¹⁰⁹ Bancroft's *History of California*, Vol. VI, Chs. XII, XIII.

¹¹⁰ Guinn's *How California Escaped State Division* in the *Publications of the Historical Society of Southern California*, Vol. VI, p. 226; Bancroft's *History of California*, Vol. VI, pp. 291, 296, 305, 342.

ifornia was admitted to the Union on September 9, 1850.¹¹¹ The statute did not specify any boundaries.

Texas was much reduced in size by one of the compromise measures. The law provided that the boundary on the north should commence at the point at which the meridian of one hundred degrees west from Greenwich intersected the parallel of thirty-six degrees and thirty minutes north latitude and should run from this point due west to the meridian of one hundred and three degrees west from Greenwich, thence due south to the thirty-second degree of north latitude, along this parallel of thirty-two degrees north latitude to the Rio Bravo del Norte,¹¹² and thence with the channel of this river to the Gulf of Mexico. Texas ceded to the United States all claims to the territory exterior to these limits. This included the panhandle to the north and the region between the Rio Grande and the meridian of one hundred and three degrees. In compensation for the district between the Rio Grande and the meridian of one hundred and three degrees the United States assumed the debt of Texas.¹¹³

New Mexico had also become impatient while waiting for action by Congress. Contrary to the advice of the President, Senator Thomas H. Benton counselled the inhabitants there to meet in a convention and provide for a simple form of government. A convention was therefore held on October 10, 1848, and a petition was sent to Congress asking for Territorial civil government and protesting against dismemberment in favor of Texas. A later convention, in 1850, framed a constitution for the State of

¹¹¹ *United States Statutes at Large*, Vol. IX, p. 452.

¹¹² The Rio Grande River.

¹¹³ *United States Statutes at Large*, Vol. IX, p. 446, Vol. XI, p. 310. Recently the citizens of west Texas threatened to organize a State.—*Columbus Evening Dispatch*, April 2, 1921.

New Mexico and fixed the meridians of one hundred degrees and one hundred and eleven degrees as the eastern and western boundaries. By order of the Military Governor this constitution was submitted to the people but after it had been adopted the Governor insisted that the State government had no legal existence until New Mexico should be admitted into the Union by the Congress of the United States.¹¹⁴

By an act of Congress, New Mexico was divided at the parallel of thirty-seven degrees north latitude. The northern half was designated the Territory of Utah and the southern part the Territory of New Mexico. The latter was bounded on the south by the Mexican boundary to the Rio Grande, thence it followed the Rio Grande to the parallel of thirty-two degrees north latitude and east on that parallel to the meridian of one hundred and three degrees; on the east by that meridian north to the parallel of thirty-eight degrees north latitude; on the north by that parallel to the summit of the Sierra Madre, thence south to the parallel of thirty-seven degrees north latitude and along that line to the boundary line of California, by which New Mexico was bounded on the west.¹¹⁵

Like the other portions of the Mexican cession, the area which later received the title of the Territory of Utah had a provisional government first. The Mormons under Brigham Young wanted an independent State government rather than a Territorial government under the Federal authorities. Early in 1849 a convention of the inhabitants living east of the Sierra Nevada Mountains was held at

¹¹⁴ *The Congressional Globe*, 31st Congress, 1st Session, Pt. II, p. 1808; Bancroft's *History of Arizona and New Mexico*, pp. 447, 448; Prince's *A Concise History of New Mexico*, p. 186; Bancroft's *History of Texas*, Vol. II, pp. 400, 401; Twitchell's *The Leading Facts of New Mexican History*, Vol. II, pp. 267, 268, 271, 272.

¹¹⁵ *United States Statutes at Large*, Vol. IX, pp. 447, 453, Vol. XI, p. 793.

Salt Lake City. The outcome was a provisional government organized under the name of the State of Deseret. An immense tract of land was claimed for this State. Starting at the intersection of the thirty-third degree of north latitude with the one hundred and eighth degree of longitude the boundary line was to run down to the Mexican border, then west along the border of Lower California to the Pacific Ocean, up the coast to one hundred and eighteen degrees and thirty minutes west longitude, north to the dividing ridge of the Sierra Nevadas, and along their summit to the divide between the Columbia River and the Salt Lake Basin, and thence south along the dividing range of mountains that separate the waters flowing into the Gulf of Mexico from the waters flowing into the Gulf of California to the place of beginning.¹¹⁶ The general assembly sent a memorial to Congress in July setting forth the failure of that body to provide any form of government for them, and asking for the admission of the State of Deseret into the Union.¹¹⁷

The same year the Californians framed a government for themselves, and an effort was made to secure the temporary amalgamation of California and Deseret, because the people of the latter had not excluded slavery by their constitution. Besides, Utah had an insufficient population for a State and its people were perhaps afraid that California would be admitted first with boundaries that would cut them off from the coast. This combined State was to include all the territory obtained from Mexico exclusive of Texas. In 1851 it was to be dissolved and the inhabitants were to be allowed to determine to which State they pre-

¹¹⁶ Bancroft's *History of Utah*, pp. 440, 441.

¹¹⁷ Bancroft's *History of Utah*, pp. 440, 444; Linn's *The Story of the Mormons*, pp. 429, 430; Cannon and Knapp's *Brigham Young and His Mormon Empire*, Ch. XXI; *The Congressional Globe*, 31st Congress, 1st Session, Pt. I, pp. 86, 94, 211.

ferred to belong. A memorial in favor of this plan was presented to California but the government there condemned the proposition because the two communities were too far apart.¹¹⁸

On September 9, 1850, the act for the organization of the Territory of Utah was signed. The boundaries of the State of Deseret had been reduced so that Utah was bounded on the west by the State of California, on the north by the Territory of Oregon, on the east by the summit of the Rocky Mountains, and on the south by the parallel of thirty-seven degrees north latitude.¹¹⁹

V

BOUNDARY CHANGES IN THE FIFTIES

In the Territory of Oregon events were taking place which led to the division of the Territory and the formation of the Territory of Washington. The settlers in the northern counties felt themselves poorly represented in the Oregon legislature, which they claimed had little interest in the welfare of Puget Sound. The first definite movement made in the direction of a new Territory was on the Fourth of July, 1851, when the Americans near Puget Sound met at Olympia to celebrate. J. B. Chapman, the orator of the occasion, referred in his speech to the "future state of Columbia". This was followed by a convention at Cowlitz Landing on the twenty-ninth of August of representatives from all the election precincts north of the Columbia River for the purpose of appealing to Congress for a division of the Territory. Congress, however, took little notice of the memorial.¹²⁰

¹¹⁸ Bancroft's *History of Utah*, pp. 446, 447; Bancroft's *History of California*, Vol. VI, pp. 325, 326.

¹¹⁹ *United States Statutes at Large*, Vol. IX, p. 453.

¹²⁰ Bancroft's *History of Washington, Idaho, and Montana*, pp. 31-51; Meany's *History of the State of Washington*, pp. 155, 156; Schafer's *A His-*

As a means to the desired end, "The Columbian", a weekly newspaper, was established at Olympia in September, 1852. In October a convention at Monticello framed another petition to Congress asking for a separate Territory to be called Columbia, to be bounded on the south and east by the Columbia River. The delegates argued that the area of Oregon was too large to be embraced within the limits of one State; that those portions of the undivided Territory lying north and south of the Columbia River must, from their geographical positions, become rivals in commerce; that the southern portion, having the greatest number of votes, controlled the legislature, and therefore the disposition of the congressional appropriations; that the seat of government was too far distant from them; and that northern Oregon possessed great natural resources, and an already large population, which would be greatly increased as a separate Territory. Since the northern and southern portions had diverse commercial interests and were at such a great distance from each other, the Oregon legislature was in favor of the organization of a separate Territory. Some contended, however, that Oregon should include Puget Sound and all the country west of the Cascade Mountains, while the country east of that range should form a new Territory.¹²¹

The bill for the organization of the Territory of Columbia was under consideration in February, 1853.¹²² According to a memorial the new Territory was to embrace all that part of Oregon Territory lying north of the Columbia River and west of its great northern branch, but during the

tory of the Pacific Northwest, pp. 211, 212; *The Congressional Globe*, 32nd Congress, 1st Session, p. 597.

¹²¹ Baneroft's *History of Washington, Idaho, and Montana*, pp. 51-53, 59, 60; Meany's *History of the State of Washington*, p. 156.

¹²² Meany's *History of the State of Washington*, p. 157.

consideration the southern boundary was changed to run along the Columbia River to its intersection with the parallel of forty-six degrees north latitude, near Fort Walla Walla, and thence with the said parallel to the summit of the Rocky Mountains. The change in the boundaries increased the area. R. H. Stanton of Kentucky said that as we already had a Territory [District] of Columbia, and no State bearing the name of the "Father of his Country", he would like to see the name of the new Territory changed to Washington. This change was agreed to and the Territory of Washington was created on March 2, 1853.¹²³

About this time Senator Stephen A. Douglas was trying to secure the passage of his Kansas-Nebraska Bill which would repeal the Missouri Compromise. The unorganized territory west of Missouri and Iowa had become more important after the rapid settlement of the Oregon country and the organization of this Indian territory was necessary to make an open road from the northern States to the Pacific.

Beginning with one in 1844 by Senator Douglas, many bills were introduced to organize a Territory of Nebraska.¹²⁴ In December, 1853, Senator Dodge introduced such a bill but Douglas, who was chairman of the Committee on Territories, amended it to provide for two Territories instead of one and included the popular sovereignty feature. The southern boundary was also changed from thirty-six degrees and thirty minutes to thirty-seven degrees north latitude. This change was made in order that the Cherokee nation would not be divided.¹²⁵ With these

¹²³ *The Congressional Globe*, 32nd Congress, 2nd Session, pp. 541, 542; *United States Statutes at Large*, Vol. X, pp. 172-179.

¹²⁴ For a summary of these bills see Gittinger's *The Separation of Nebraska and Kansas from the Indian Territory* in *The Mississippi Valley Historical Review*, Vol. III, pp. 442-461.

¹²⁵ *The Congressional Globe*, 33rd Congress, 1st Session, pp. 221, 222.

provisions the bill was signed by the President on May 30, 1854.

The statute provided boundaries which gave the Territory of Nebraska an enormous area. It was bounded on the south by the parallel of forty degrees north latitude, on the west by the summit of the Rocky Mountains, on the north by the parallel of forty-nine degrees, and on the east by the Territory of Minnesota.¹²⁶ This Territory included the area of the present Montana and parts of Wyoming, North and South Dakota, Nebraska, and Colorado.

The Territory of Kansas was considerably smaller, and included only the present State of Kansas and a part of Colorado. It was bounded by the parallel of thirty-seven degrees north latitude, the north and eastern boundary of New Mexico, the summit of the Rocky Mountains, the parallel of forty degrees, and the western boundary of Missouri.¹²⁷

The territory included in the Gadsden Purchase was incorporated in the Territory of New Mexico.¹²⁸ This changed the southern limit of New Mexico to a boundary which followed the Rio Grande from the former southern boundary to the parallel of thirty-one degrees and forty-seven minutes north latitude, thence due west one hundred miles, south to the parallel of thirty-one degrees and twenty minutes north latitude, along the said parallel of thirty-one degrees and twenty minutes to the one hundred and eleventh meridian of longitude west of Greenwich, thence in a straight line to a point in the Colorado River twenty English miles below the junction of the Gila and Colorado rivers, thence up the middle of the Colorado River until it

¹²⁶ *United States Statutes at Large*, Vol. X, p. 277.

¹²⁷ *United States Statutes at Large*, Vol. X, pp. 283, 284.

¹²⁸ *United States Statutes at Large*, Vol. X, p. 575.

intersected the boundary line fixed by Mexico and the United States between Upper and Lower California.¹²⁹

No further boundary changes took place until the reduction of the Territory of Minnesota in 1858 at the time of its admission as a State. In December, 1856, the Territorial delegate from Minnesota introduced a bill to authorize the people to form a constitution and a State government. The western boundary suggested in the bill was the Red River of the North and the Big Sioux River. In January, 1857, the chairman of the Committee on Territories reported a substitute line through Traverse and Big Stone lakes due south to the Iowa line, thereby reducing Minnesota to its present boundary. There was a little pleasantry about the formation of a sixth State, created in part out of the old Northwest Territory, while the Ordinance of 1787 had provided for only five.¹³⁰

The enabling act of Minnesota passed on February 26, 1857, providing that the new State should be bounded on the south by Iowa, on the east by Wisconsin and Michigan, on the north by the international boundary line, and on the west by the Red River of the North, the Boix des Sioux River, Lake Traverse, and Big Stone Lake, and a line due south to the northern boundary of Iowa.¹³¹ A few years later Senator Henry M. Rice proposed the extension of the jurisdiction of Minnesota to embrace the proposed Territory of Dakota and the portion of Nebraska lying north of latitude forty-three degrees. His proposal met with no support and no action was taken.¹³²

¹²⁹ *United States Statutes at Large*, Vol. X, p. 1032, Vol. XI, p. 793.

¹³⁰ Folwell's *Minnesota: The North Star State*, pp. 133-158; Winchell's *Minnesota's Eastern, Southern and Western Boundaries in the Collections of the Minnesota Historical Society*, Vol. X, Pt. II, pp. 685, 686.

¹³¹ *United States Statutes at Large*, Vol. XI, pp. 166, 285.

¹³² *Senate Miscellaneous Documents*, 36th Congress, 2nd Session, No. 11.

In the fifties there were also several attempts to divide California. In 1859 a bill setting off six southern counties for a separate Territorial government passed both houses of the State legislature and was approved by the Governor. The people concerned voted in favor of it, and the results were sent to Washington. Since Congress was involved in the secession question, however, the matter was not considered. In 1881 an effort was made to resurrect it. Los Angeles wanted to be the capital and to monopolize the offices, but the other counties could not see how they would be benefited and the division failed. As late as 1888 such a bill was introduced in Congress, but nothing came of it: the necessity for division no longer existed for the south with its increased population and wealth was able to hold its own against northern California.¹³³

The eighth State admitted to the Union out of the Trans-Mississippi region was Oregon in 1859. After the failure of several bills in Congress for this purpose, the legislature of Oregon Territory provided for a constitutional convention. The people ratified the State constitution framed by the delegates and the State government went into operation in July, 1858, although Oregon was not formally admitted to the Union until February 14, 1859.¹³⁴ The State of Oregon embraced an area considerably smaller than that of the Territory. The eastern boundary followed the Shoshone or Snake River to the mouth of the Owyhee River, thence due south to the parallel of forty-two degrees north latitude. The remaining portion of Oregon Territory was considered as a part of Washington Territory until 1863 when Idaho Territory was organized.¹³⁵

¹³³ Guinn's *How California Escaped State Division* in the *Publications of the Historical Society of Southern California*, Vol. VI, pp. 229, 230, 231.

¹³⁴ Schafer's *A History of the Pacific Northwest*, p. 218.

¹³⁵ *United States Statutes at Large*, Vol. XI, p. 383.

VI

BOUNDARY CHANGES IN THE SIXTIES

The decade of the sixties brought many changes in the western part of the United States. Kansas was admitted as a State in 1861 and the three new Territories of Nevada, Colorado, and Dakota appeared the same year. Two more Territories — Arizona and Idaho — were organized in 1863. These were followed in 1864 by the creation of the Territory of Montana and the admission of Nevada as a State. Nebraska became a State in 1867 and the Territory of Wyoming appeared in 1868. With the formation of these Territories and States went many boundary changes with their corresponding disputes, but for the most part the new States retained the boundaries they had as Territories.

The struggle for Kansas between the free State and slave State factions began in the fifties and because of the slavery question Kansas did not acquire statehood until 1861. Before this efforts had been made by the Territory of Nebraska to give up part of its Territory to the Territory of Kansas. In 1856, the Territorial legislature of Nebraska memorialized Congress to annex to Kansas Territory all that portion of Nebraska south of the Platte River, because the latter was a natural boundary line — difficult to ford, ferry, or bridge. Moreover it was thought that such a move would effectually prevent the establishment of slavery in either of the Territories. The bill was postponed, and in 1859 Congress was again memorialized to incorporate the country south of the Platte River into the proposed State of Kansas. The territory, however, was refused by the Kansas constitutional convention of 1859 because this part of Nebraska was Democratic, and if it were annexed it would make Kansas a Democratic State.

Then Lawrence and Topeka both aspired to be the capital, and they feared that the addition of this territory would throw the center of population north of the Kansas River.¹³⁶

Consequently the boundaries of the State of Kansas remained as they were except for the western boundary: this was changed so that the Territory of Colorado might be formed. By the act of January 29, 1861, Kansas was bounded by the western boundary of the State of Missouri on the east, by the parallel of thirty-seven degrees on the south, by the twenty-fifth meridian of longitude west from Washington on the west, and on the north by the parallel of forty degrees north latitude.¹³⁷

It was about this time that the Jefferson Territory project developed. In November, 1858, a few miners then living in Denver attended a meeting to erect a new government for the Pike's Peak country. A delegate was elected and sent to Congress to ask for the setting apart of the Territory of Jefferson. A bill for this purpose was introduced in the House of Representatives by A. J. Stephens,¹³⁸ but slavery consideration forbade Territorial legislation and the Pike's Peak country was left without a legal government.

Feeling the imperative necessity for an immediate government, representatives of neighboring mining camps met in Denver, in April, 1859. They believed that the large population demanded more than a Territorial government and as a result a constitutional convention assembled in

¹³⁶ Martin's *Kansas-Nebraska Boundary Line* in the *Collections of the Nebraska State Historical Society*, Vol. XVI, pp. 115-131. This article also indicates the desire of Kansas City, Missouri, to be annexed to the State of Kansas in 1879.

¹³⁷ *United States Statutes at Large*, Vol. XII, pp. 126, 127.

¹³⁸ *The Congressional Globe*, 36th Congress, 1st Session, pp. 841, 871; Paxson's *The Territory of Colorado* in *The American Historical Review*, Vol. XII, pp. 56, 57.

Denver to frame a constitution for a new State to be called Jefferson. The boundaries of the prospective State embraced the area limited by the one hundred and second and the one hundred and tenth meridians, and the thirty-seventh and the forty-third parallels. This area included the present State of Colorado and large portions of Utah, Nebraska, and Wyoming.

Since the height of the gold boom was over, one faction advocated immediate statehood, while the other preferred Territorial government with the Federal treasury to meet the bills. A rather odd compromise was made by preparing the way for either development. A State constitution was drawn up, but a memorial to Congress was also framed asking for a Territorial government. The two propositions were then submitted to a popular vote on September 5, 1859, and the memorial was chosen instead of the constitution.

Pending the action of Congress, the advocates of immediate government held a mass meeting in Denver on September 24, 1859, which resulted in a convention held in October. In this convention the boundaries of April 15th were retained for the new Territory of Jefferson. Soon afterwards a Territorial legislature and executive staff were elected. This provisional government encountered many difficulties, partly due to the refusal of the people to pay taxes to an extralegal government, and partly due to the conflicting claims of the four Territories — Utah, New Mexico, Kansas, and Nebraska — in the territory claimed for Jefferson.¹³⁹

On February 20, 1860, Congress received from President Buchanan a message transmitting the petition from the Pike's Peak country.¹⁴⁰ Although bills for the erection of

¹³⁹ Paxson's *The Territory of Colorado* in *The American Historical Review*, Vol. XII, pp. 56-64.

¹⁴⁰ Richardson's *Messages and Papers of the Presidents*, Vol. V, pp. 580, 581; *The Congressional Globe*, 36th Congress, 1st Session, pp. 841, 871.

a new Territory were considered,¹⁴¹ nothing definite was done until after Kansas was admitted. By this time the pro-slavery opposition had largely disappeared. The new Territory, created by a law passed on February 28, 1861, was given the name Colorado. Idaho was at one time substituted for Colorado but the name of Colorado was finally decided upon on February 4th.¹⁴²

The act of February 28, 1861, creating the Territory of Colorado materially cut down the limits of the provisional government. Two degrees of latitude were taken from the north of the Territory and one degree of longitude from the west of it. The new Territory was bounded by the parallel of thirty-seven degrees north latitude on the south, by the meridian of thirty-two degrees west from Washington on the west, by the parallel of forty-one degrees on the north, and by the twenty-fifth meridian west from Washington on the east.¹⁴³ By the creation of the Territory of Colorado, the surrounding Territories were reduced in size. The Territory of New Mexico lost her northeastern panhandle; the Territory of Utah lost a considerable portion of her eastern territory; and Nebraska Territory gave up a strip in the southwest.

In March of the same year the Territory of Utah was further reduced by the organization of the Territory of Nevada. Beginning with 1851 there had been several attempts to erect a separate Territorial government in western Utah. In November, 1851, the few settlers of that region sent a petition to Congress asking for a Territorial government. Two years later the citizens of Carson Valley

¹⁴¹ *The Congressional Globe*, 36th Congress, 1st Session, pp. 2047, 2066, 36th Congress 2nd Session, pp. 639-644.

¹⁴² *The Congressional Globe*, 36th Congress, 2nd Session, pp. 639-644, 728, 729, 763, 764; Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 412, 413.

¹⁴³ *United States Statutes at Large*, Vol. XII, p. 172.

petitioned the legislature of California that their territory be annexed to that State for judicial purposes until Congress should otherwise provide. In 1856, a similar petition was made, and the California legislature asked Congress to make the one hundred and eighteenth meridian the eastern boundary of California but the request was not granted.¹⁴⁴

A little later the occupants of Carson Valley petitioned Congress for a Territorial government for the region bounded by the Goose Creek Mountains on the east, the Colorado River on the south, Oregon on the north, and the Sierra Nevada Mountains on the west. Another memorial framed in August stated that no law existed in western Utah except the theocratic rule exercised by the Mormon Church which was without reference to statutory regulation. These memorials were received favorably in Congress, but when another Governor was appointed for Utah Territory in place of Brigham Young the demand for the creation of another Territory was not so imperative.¹⁴⁵

In 1859 another effort for a separate governmental organization resulted in the framing of a constitution which was adopted by the people. The boundaries provided by this constitution commenced at a point on the Sierra Nevada Mountains where the parallel of forty-two degrees touches their summit, then followed the crest of the mountains south to the parallel of thirty-five degrees, thence east on that line to the Colorado River, thence up that stream to the mouth of the Rio Virgin, ascending the latter to its junction with the Muddy River and thence due north to the Oregon line.¹⁴⁶

Two years later, on March 2, 1861, a bill passed creating

¹⁴⁴ Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 69, 72-78; *The Congressional Globe*, 34th Congress, 1st Session, Pt. I, p. 1089.

¹⁴⁵ Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 82-84.

¹⁴⁶ Bancroft's *History of Nevada, Colorado, and Wyoming*, p. 150.

the Territory of Nevada, but the boundaries of the organic act included a smaller area than those suggested in 1859. As provided by this act, the Territory of Nevada was bounded on the east by the meridian of thirty-nine degrees west from Washington, on the south by the northern boundary of the Territory of New Mexico; on the west by the dividing ridge separating the waters of Carson Valley from those that flow into the Pacific Ocean, thence on said dividing ridge northwardly to the parallel of forty-one degrees north latitude, thence due north to the southern boundary line of the State of Oregon, and on the north by the parallel of forty-two degrees north latitude.¹⁴⁷ Several changes, which will be noted later, were to take place in the boundaries of Nevada before it reached its present extent.

The boundary between the State of California and Utah Territory had always been in dispute, since it had never been definitely surveyed. In 1856, the Mormon residents claimed Carson Valley as a part of Utah, while other settlers contended that they were residents of California. The California legislature sent several requests to Washington urging the appointment of a boundary commission but nothing was done until the year 1860, when Congress passed an act authorizing the appointment of such a commission.¹⁴⁸

The development of the Comstock mines gave additional importance to the subject. The California Governor in his message to the legislature in January, 1861, recommended that Congress be memorialized to extend the boundary of California to the one hundred and eighteenth degree of longitude. The legislature of California provided for the election of a commissioner to cooperate with the United States commissioner in determining the eastern limit of the

¹⁴⁷ *United States Statutes at Large*, Vol. XII, pp. 209, 210.

¹⁴⁸ Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 151-153; *United States Statutes at Large*, Vol. XII, p. 22.

State. Just previous to this the Territory of Nevada was organized with its indefinite boundary.¹⁴⁹ Since nothing had been accomplished toward determining the boundary, the Territorial government of Nevada sent two commissioners to California to request the assembly there to transfer to Nevada all that portion of their State lying east of the summits of the Sierra Nevada Mountains. Nothing came of the visit, however, beyond a conference.¹⁵⁰

With the increase of population it was important that the boundary between California and Nevada Territory be settled so that it might be decided which government had jurisdiction over the area in question. The Governor of California appointed a commissioner to confer with the authorities in Nevada upon the means of arriving at a solution of the dispute, but the commissioner was instructed not to consent to the summit boundary. This conference resulted in an agreement that a commissioner be appointed from California and another from Nevada to establish a permanent boundary. A line running through the eastern end of Honey Lake was to be regarded as the temporary boundary, together with a line running south from Lake Tahoe to "below Esmeralda" as previously determined by Nevada surveyors. In 1863 the joint commission proceeded to establish a permanent boundary line beginning at Lake Tahoe, running north to the Oregon boundary, and southeast to the New Mexican line. The work of the commission was accepted by both the California and Nevada legislatures and this put an end to their conflicting claims.¹⁵¹

On July 14, 1862, Congress had attempted to satisfy the

¹⁴⁹ *United States Statutes at Large*, Vol. XII, p. 209; Bancroft's *History of Nevada, Colorado, and Wyoming*, p. 153.

¹⁵⁰ Bancroft's *History of Nevada, Colorado, and Wyoming*, p. 154.

¹⁵¹ Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 154-157. In the seventies there was some agitation because of doubt as to the correctness of the boundary survey.

Territory of Nevada by adding a degree of longitude on the east to that Territory. By this act the eastern limit was extended to the meridian of thirty-eight degrees west from Washington.¹⁵²

On the same day — March 2, 1861 — that the Territory of Nevada was created, Congress passed an act for the organization of the Territory of Dakota. A bill for this purpose had been introduced in 1859 at the time of the Jefferson Territory project,¹⁵³ but like many other Territorial suggestions it was dropped because of the slavery debate.

The new Territory established by the act of March 2, 1861, included all that portion of Nebraska Territory north of a boundary which started at the point of intersection between the Big Sioux and Missouri rivers, thence up the Missouri River to the mouth of the Niobrara River, thence following that river to the mouth of the Keya Paha River, up that river to the parallel of forty-three degrees north latitude, and due west to the boundary of the Territory of Washington. These portions of Utah and Washington Territories between the parallels of forty-one and forty-three degrees of north latitude and east of the meridian of thirty-three degrees west from Washington were incorporated into the Territory of Nebraska.¹⁵⁴

In 1863 the Territory of Arizona appeared on the map in the southwestern part of the United States. A convention held in 1856 at Tucson had sent a memorial to Congress urging the organization of a separate Territory in the western part of the Territory of New Mexico, but the Committee on Territories reported against a Territorial organization because of the limited population. President Buchanan in

¹⁵² *United States Statutes at Large*, Vol. XII, p. 575.

¹⁵³ *The Congressional Globe*, 35th Congress, 2nd Session, pp. 69, 877.

¹⁵⁴ *United States Statutes at Large*, Vol. XII, pp. 239, 244.

his message of 1857 recommended a Territorial government and Senator William M. Gwin introduced a bill to organize such a government for the Gadsden Purchase under the name of Arizona. The Territorial legislature of New Mexico also passed resolutions in favor of the project, but it recommended a north and south boundary line on the meridian of one hundred and nine degrees.¹⁵⁵

Because of the political organization of Arizona by the Confederates and because of the discovery of gold in large quantities in that section, Congress passed a law on February 24, 1863, organizing the Territory of Arizona west of the meridian of one hundred and nine degrees longitude, in spite of the fact that the population was limited and was composed of many Mexicans and half-breeds. The line selected was the extension of the western boundary of Colorado Territory.¹⁵⁶

With the discovery of rich gold fields near the Clearwater and Salmon rivers, the eastern part of Washington Territory had developed rapidly and demanded a separate government. The Territorial legislature of Washington opposed this plan; but Congress, to which petitions appealed directly, regarded the matter more favorably and on March 3, 1863, an act organizing the Territory of Idaho was approved.¹⁵⁷ The new Territory was created out of portions of the Territories of Washington, Dakota, and Nebraska and included the area in the present States of Idaho, Montana, and Wyoming, except the southwestern corner of the latter. It was bounded on the west by the

¹⁵⁵ Bancroft's *History of Arizona and New Mexico*, pp. 504, 505; Richardson's *Messages and Papers of the Presidents*, Vol. V, p. 456; *The Congressional Globe*, 35th Congress, 1st Session, pp. 13, 62, 1531, 3042.

¹⁵⁶ *United States Statutes at Large*, Vol. XII, p. 664; Farish's *History of Arizona*, p. 1321.

¹⁵⁷ Bancroft's *History of Washington, Idaho, and Montana*, pp. 234-263, 393.

eastern boundary of Oregon, then by the Snake River to the mouth of Clear Water River, thence due north to the parallel of forty-nine degrees north latitude; on the north by the forty-ninth parallel; on the east by the meridian of twenty-seven degrees west of Washington; and on the south by the northern boundary of the Territory of Colorado to the meridian of thirty-three degrees west of Washington, thence north to the parallel of forty-two degrees and thence west to the eastern boundary of the State of Oregon.¹⁵⁸

In October, 1864, the Territory of Nevada became a State and her eastern boundary was extended to the meridian of thirty-eight degrees west from Washington. In her constitution Nevada intimated her desire for an additional degree of longitude on her eastern border and this was granted by Congress in 1866 together with a portion of Arizona Territory north of the Colorado River.¹⁵⁹ There were objections made to the latter territory, because it was considered worthless, but the legislature formally accepted the extension in January, 1867. Not yet satisfied, the new State in 1871 made a request that the southern part of Idaho be added to it and again memorialized the California assembly for a portion of eastern California. Neither of these efforts met with approval.¹⁶⁰

In May, 1864, the Territory of Montana was organized out of the northeastern part of the Territory of Idaho and the portion of the Territory of Idaho included in most of present Wyoming was temporarily reattached to the Territory of Dakota. According to the act of May 26, 1864, Montana Territory was limited on the south by the parallel of forty-five degrees north latitude to the meridian of thirty-four degrees west of Washington, thence due south

¹⁵⁸ *United States Statutes at Large*, Vol. XII, pp. 808, 809.

¹⁵⁹ *United States Statutes at Large*, Vol. XIII, pp. 30, 749, Vol. XIV, p. 43.

¹⁶⁰ Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 155, 156.

along said meridian to its intersection with the parallel of forty-four degrees and thirty minutes north latitude, and due west along the said parallel to the crest of the Rocky Mountains; on the west by the crests of the Rocky and Bitter Root mountains and thence north along the meridian of thirty-nine degrees west of Washington; on the north by the boundary line of Canada; and on the east by the meridian of twenty-seven degrees west of Washington.¹⁶¹

Much dissatisfaction was felt by the inhabitants of this region concerning the manner in which it had been partitioned off into Territories. The people of the Idaho panhandle felt their isolation and want of a community of interest with the southern counties of Idaho Territory. This feeling was emphasized when the capital was removed from Lewiston to Boise City soon after the creation of Montana Territory. The people in the north desired the reannexation of the northern part of Idaho Territory to Washington Territory; the latter was equally desirous of recovering its lost territory. The Idaho legislature of 1865-1866 sent a memorial to Congress asking that the portion of the Territory lying south of the Salmon River Mountains might dissolve connection with the panhandle and receive instead as much of Utah as lay north of the parallel of forty-one degrees and thirty minutes, while the western portion of Montana, the northern part of Idaho, and the eastern part of Washington should constitute the Territory of Columbia. A convention assembled in 1866 at Helena, however, prepared a memorial to Congress requesting that this measure be not adopted and, upon reflection, southern Idaho also decided against division.¹⁶²

¹⁶¹ *United States Statutes at Large*, Vol. XIII, p. 85, Vol. XVIII, p. 464; Bancroft's *History of Washington, Idaho, and Montana*, pp. 642, 643.

¹⁶² Bancroft's *History of Washington, Idaho, and Montana*, pp. 464, 475, 649.

Idaho also protested against another proposition to annex part of southern Idaho to Nevada, made by the legislature of Nevada about 1869, and it was rejected by Congress. About a year later a few of the citizens of northern Utah petitioned to have that portion of Utah north of the parallel of forty-one degrees — a continuation of the northern boundary of Colorado — annexed to Idaho because they were out of sympathy with the Mormons. When the boundary line between Idaho and Utah was surveyed in 1871 it was found that several large settlements which had previously paid taxes in Utah were over the line in Idaho.¹⁶³

At the same time there was another example of this general feeling of dissatisfaction with the boundaries in the northwest. Many of the citizens of Oregon felt that the Snake River should be the northern as well as the eastern boundary of their State. The Territory of Washington, however, was positive that it would never give up this district which included the Walla Walla Valley.¹⁶⁴

In 1873 the proposition to reunite northern Idaho to Washington was revived and many different suggestions for new boundaries were proposed. A constitution, framed by a convention in 1878 in Washington Territory, provided for a State which would have included all of Idaho north of the parallel of forty-five degrees north latitude. Washington Territory, however, did not acquire statehood until 1889 and then her boundaries remained unchanged.¹⁶⁵

None of these suggestions for the redivision of the northwest have ever been carried out, but the movement for the

¹⁶³ Bancroft's *History of Washington, Idaho, and Montana*, pp. 476, 477.

¹⁶⁴ *The Congressional Globe*, 41st Congress, 3rd Session, p. 966; Bancroft's *History of Washington, Idaho, and Montana*, p. 476.

¹⁶⁵ Meany's *History of the State of Washington*, pp. 266, 267.

secession of northern Idaho has continued down to the present.¹⁶⁶

When the Territory of Idaho was created in 1863, the boundaries of the Nebraska Territory were reduced almost to those that the State of Nebraska has to-day. In February, 1867, Nebraska was admitted with the limits that it had had since 1863. The boundaries, as stated in the enabling act of 1864, limited Nebraska on the south by the fortieth degree of north latitude to the twenty-fifth degree of longitude west from Washington, then north to the forty-first degree of north latitude and due west on that parallel; on the west by the twenty-seventh degree of longitude west from Washington; on the north by the forty-third degree of north latitude to the Keya Paha River, thence down that river to its junction with the Niobrara River, and following the latter to its junction with the Missouri River; and on the east by the Missouri River.¹⁶⁷ A slight change in the northern boundary line, which will be noted later, was made in 1882 giving the State of Nebraska the boundaries that it now possesses.

In 1864 most of present Wyoming had been reattached to the Territory of Dakota,¹⁶⁸ but it was given no local government. With the spread of population into that section, a need for government and law to take the place of the vigilance committees was felt. After receiving a memorial from Dakota asking for the organization of a new Territory in southwestern Dakota and a petition signed by the agent

¹⁶⁶ In 1907 there was a movement to create a State of Lincoln which would have embraced portions of Washington, Idaho, and Oregon.—Meany's *History of the State of Washington*, p. 267. On February 16, 1921, a resolution was introduced in the senate of the Idaho legislature, virtually asking permission for ten counties of Idaho to secede from the State.—*Colorado Evening Dispatch*, February 16, 1921.

¹⁶⁷ *United States Statutes at Large*, Vol. XIII, p. 47, Vol. XIV, p. 391.

¹⁶⁸ *United States Statutes at Large*, Vol. XIII, p. 92.

for the people of Wyoming, Congress organized the Territory of Wyoming in 1868.¹⁶⁹

The new Territory was bounded by the twenty-seventh meridian of longitude west from Washington on the east, by the thirty-fourth meridian of longitude west from Washington on the west, and by the parallel of forty-one degrees north latitude on the south.¹⁷⁰ This western boundary took in the northeast corner of the Territory of Utah and a portion of southwestern Idaho.

VII

BOUNDARY CHANGES, 1870-1912

At the close of the decade ending in 1870 there were eleven States and ten Territories west of the Mississippi River and before the close of the nineteenth century eight of the ten Territories attained statehood, and in addition the Territory of Oklahoma appeared on the map.

The first of these Territories to acquire statehood was Colorado. On March 21, 1864, Congress had passed an enabling act for the Territory of Colorado. The boundaries fixed by this act limited Colorado on the south by the thirty-seventh degree of north latitude; on the west by the thirty-second degree of longitude west from Washington; on the north by the forty-first degree of north latitude; and on the east by the twenty-fifth degree of longitude west from Washington.¹⁷¹ The people in the Territory voted against accepting statehood under this act, partly because of an empty treasury. Several times in the next decade Congress considered bills to admit Colorado. Some of them passed Congress but were vetoed by the President on the ground

¹⁶⁹ Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 739, 740; Coutant's *The History of Wyoming*, Vol. I, pp. 621, 624.

¹⁷⁰ *United States Statutes at Large*, Vol. XV, p. 178.

¹⁷¹ *United States Statutes at Large*, Vol. XIII, pp. 32-35.

that the population was not large enough to justify statehood.¹⁷² Finally in 1875 Congress passed an enabling act which resulted in the admission of Colorado on August 1, 1876, by proclamation of President U. S. Grant.¹⁷³ The boundaries remained as they were.¹⁷⁴

The next boundary change did not take place until 1882 when Nebraska was extended to include all that part of the Territory of Dakota lying south of the forty-third parallel of north latitude, east of the Keya Paha River, and west of the main channel of the Missouri River.¹⁷⁵ In 1879 a bill for this purpose was introduced in the Senate by Alvin Saunders, Senator from Nebraska, who said that the object of the bill was to straighten the line between Dakota and Nebraska. The line was not well defined because the Niobrara River changed its channel frequently. The bill passed the Senate but it had not been reported back from the committee in the House to which it was referred when the Forty-sixth Congress adjourned. In the first session of the Forty-seventh Congress, the bill passed both houses and was approved on March 28, 1882.¹⁷⁶

The year 1889 brought the admission of four more Territories into the Union as States. On February of that year

¹⁷² Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 430, 431, 432; Richardson's *Messages and Papers of the Presidents*, Vol. VI, pp. 413, 483-489.

¹⁷³ *United States Statutes at Large*, Vol. XVIII, Pt. 3, pp. 474-476, Vol. XIX, p. 665.

¹⁷⁴ There was a dispute between New Mexico and Colorado about 1868 because their common boundary line was not clearly defined, but the boundary remained unchanged.—Bancroft's *History of Nevada, Colorado, and Wyoming*, pp. 498-500.

¹⁷⁵ *United States Statutes at Large*, Vol. XXII, pp. 35, 36.

¹⁷⁶ Watkins's *Nebraska Territorial Acquisition in Collections of the Nebraska State Historical Society*, Vol. XVII, pp. 53-87; *The Congressional Record*, 47th Congress, 1st Session, Pt. I, pp. 745, 746, 861, Pt. II, p. 2007; *United States Statutes at Large*, Vol. XXII, pp. 35, 36.

Congress passed an enabling act for the Territories of Montana, Washington, and Dakota. This act provided for the division of the Territory of Dakota on the line of the seventh standard parallel produced due west to the western boundary. On November 2nd of the same year the two Dakotas were admitted into the Union. On November 8th and 11th respectively Montana and Washington were also proclaimed States.¹⁷⁷

The area included in the present State of Oklahoma did not receive its political beginning until 1890. This region was known as the Indian country or Indian Territory, the latter name denoting especially the section of the Indian country that had been set aside for the eastern Indians.¹⁷⁸ In the act of June 30, 1834, relating to the management of Indian affairs, all the territory of the United States west of the Mississippi that was not included within the limits of a State or organized Territory was declared to be Indian country.¹⁷⁹ With the admission of successive States out of the Louisiana Purchase area the limits of the Indian country were gradually reduced until, as a result of the organization of the Territories of Nebraska and Kansas, the Indian Territory was confined to the area south of the thirty-seventh parallel.

In the same year — 1854 — Robert W. Johnson, Senator from Arkansas, introduced a bill for the organization of the country west of Arkansas. The bill provided for the organization of three Territories, Chahlahkee, Muscogee, and Chahta. As soon as the consent of the Indians could be secured, the three Territories were to be united into one

¹⁷⁷ *United States Statutes at Large*, Vol. XXV, p. 676, Vol. XXVI, pp. 1548-1553.

¹⁷⁸ Gittinger's *The Formation of the State of Oklahoma*, p. 70, in the *University of California Publications in History*, Vol. VI.

¹⁷⁹ *United States Statutes at Large*, Vol. IV, p. 735.

which was to be admitted into the Union as the State of Neosho.¹⁸⁰

One of the Territories included the country enclosed by the meridians of one hundred degrees and one hundred and three degrees, and the parallels of thirty-six degrees and thirty minutes, and thirty-seven degrees. This part of the present Oklahoma lay beyond the Louisiana Purchase and became a part of the United States at the time of the annexation of Texas and the war with Mexico. In 1850 the northern boundary of the slave State of Texas was moved back to the line of thirty-six degrees and thirty minutes because of the Missouri Compromise. At the same time the one hundred and third meridian was made the eastern boundary of New Mexico. Johnson's bill which was reported favorably by the Senate Committee on Territories was the first attempt to attach this unorganized strip afterwards known as "No Man's Land" to the Indian Territory.¹⁸¹

In 1865 Senator James Harlan of Iowa introduced a bill to consolidate the Indian tribes and establish civil government in a Territory which had the boundaries of the present State of Oklahoma. The bill passed the Senate but before it could receive consideration in the House that session of Congress ended.¹⁸² Numerous bills for the establishment of a Territory continued to be introduced, but the Indians opposed Territorial organization because they believed that it would be a scheme to deprive them of their lands. On the

¹⁸⁰ Gittinger's *The Formation of the State of Oklahoma*, pp. 46-48, in the *University of California Publications in History*, Vol. VI; *The Congressional Globe*, 33rd Congress, 1st Session, p. 449. The spelling of Chahlahkee is also given Chelokee and Chahtakee.

¹⁸¹ *The Congressional Globe*, 33rd Congress, 1st Session, p. 1986. Gittinger's *The Formation of the State of Oklahoma*, pp. 48, 49, in the *University of California Publications in History*, Vol. VI.

¹⁸² Gittinger's *The Formation of the State of Oklahoma*, pp. 71, 72, in the *University of California Publications in History*, Vol. VI; *The Congressional Globe*, 38th Congress, 2nd Session, pp. 915, 1021-1024, 1303-1306, 1420.

other hand popular interest demanded the opening of the Indian Territory to occupation by the whites: persistent efforts were made by settlers to invade the unassigned lands.¹⁸³ Legal white settlement, however, was not authorized until 1887 when the Dawes Act was passed, providing that after the lands had been allotted in severalty to the Indians the undivided surplus might be bought by the United States and sold to the settlers.¹⁸⁴

There were numerous petitions for the organization of Oklahoma about this time. On February 8, 1888, a convention was held at Kansas City which claimed to represent the people of all the States bordering on the Indian Territory. The memorial prepared there asserted that the Indian Territory lay "in the center of Southwestern civilization, an obstacle to trade development and an injury to every State which borders upon it."¹⁸⁵

Finally, after many delays, the Territory of Oklahoma was created in 1890. It included, however, only the western part of Indian Territory and "No Man's Land". The portion of Indian Territory included in Oklahoma Territory was bounded as follows:

"Commencing at a point where the ninety-eighth meridian crosses the Red River, thence by said meridian to the point where it crosses the Canadian River, thence along said river to the west line of the Seminole country, thence along said line to the north fork of the Canadian River, thence down said river to the west line of the Creek country, thence along said line to the northwest corner of the Creek country, thence along the north line of the Creek country, to

¹⁸³ Gittinger's *The Formation of the State of Oklahoma*, pp. 79-114, in the *University of California Publications in History*, Vol. VI.

¹⁸⁴ *United States Statutes at Large*, Vol. XXIV, pp. 388-391.

¹⁸⁵ Gittinger's *The Formation of the State of Oklahoma*, p. 146, in the *University of California Publications in History*, Vol. VI; *The Congressional Record*, 59th Congress, 1st Session, p. 1382.

the ninety-sixth meridian, thence northward by said meridian to the southern boundary line of Kansas, thence west along said line to the Arkansas River, thence down said river to the north line of the land occupied by the Ponca tribe of Indians from which point the line runs so as to include all the lands occupied by the Ponca, Tonkawa, Otoe, and Missouri, and the Pawnee tribes of Indians until it strikes the south line of the Cherokee outlet which it follows westward to the east line of the State of Texas, thence by the boundary line of the State of Texas to the point of beginning".¹⁸⁶

Any other lands within the Indian Territory were to become a part of the Territory of Oklahoma whenever the Indian tribe owning such lands gave its consent. The government immediately started negotiations with the Indians for the opening of more lands for settlement.¹⁸⁷

On July 3, 1890, Idaho was admitted as a State with the boundaries which it had had from the time of the creation of the Wyoming Territory in 1868. It was limited on the northeast by the Bitter Root Mountains and the continental divide; on the east by the meridian of thirty-four degrees of longitude west from Washington; on the south by the parallel of forty-two degrees north latitude; on the west by the meridian drawn through and to the mouth of the Owyhee River, thence down the Snake River to the Clearwater River, and thence by the meridian passing through the Clearwater River; and on the north by the British possessions.¹⁸⁸

On the same date that Idaho ratified its constitution Wyoming did likewise and on July 10, 1890, Wyoming was

¹⁸⁶ *United States Statutes at Large*, Vol. XXVI, pp. 81, 82.

¹⁸⁷ Gittinger's *The Formation of the State of Oklahoma*, pp. 160-167, in the *University of California Publications in History*, Vol. VI.

¹⁸⁸ *United States Statutes at Large*, Vol. XXVI, p. 215.

admitted as a State with the boundaries which were given to it when it was organized as a Territory.¹⁸⁹

In 1896 Utah was also admitted into the Union without a change in her boundaries. There has been no boundary modification for Utah since 1868 when the northeastern corner was included in the Territory of Wyoming. The enabling act was passed on July 16, 1894, but the actual admission by proclamation did not take place until January 4, 1896.¹⁹⁰

No other States were organized before the twentieth century. There were, however, several controversies concerning uncertain boundaries that were brought before the United States Supreme Court. For example, in 1892, because of marked changes in the channel of the Missouri River, Nebraska and Iowa claimed jurisdiction over the same tract of land. The Supreme Court determined a boundary which was accepted by both States.¹⁹¹

The same year there was a controversy between the United States and the State of Texas as to the ownership of what is now Greer County, Oklahoma, which lay between the North and South Fork of the Red River. It was not certain which branch was designated by the treaty of 1819, nor which meridian should be accepted — the true one hundredth meridian or the one hundredth meridian located on the Melish map referred to in the treaty. In 1896 the Supreme Court decided that Greer County was not properly included within Texas but was subject to the jurisdiction of the United States. When Oklahoma Territory was established in 1890, it had been provided that Greer County

¹⁸⁹ *United States Statutes at Large*, Vol. XXVI, p. 222.

¹⁹⁰ *United States Statutes at Large*, Vol. XXVIII, p. 107, Vol. XXIX, p. 876.

¹⁹¹ *Scott's Judicial Settlement of Controversies between States of the American Union: Cases Decided in the Supreme Court of the United States*, Vol. II, pp. 1094-1101, 1118-1120.

should not be included until the title to the same had been adjudicated and determined to be in the United States.¹⁹² As a result of this decision in 1896 Texas lost a valuable county to Oklahoma.

In 1905 the United States Supreme Court settled another controversy due to the shifting of the bed of the Missouri River. This decision applied to Missouri and Nebraska.¹⁹³ A similar case concerning the Columbia River between Washington and Oregon was brought up in 1908 but the Supreme Court, after giving its opinion concerning the correct boundary, decided that such a controversy should be adjusted by a boundary commission. In the same year the Supreme Court gave a decision in regard to the shifting portion of the Missouri River between Missouri and Kansas.¹⁹⁴ These cases decided in the United States Supreme Court show how easily boundary controversies may arise from time to time.

Soon after the establishment of Oklahoma Territory, there began the introduction of bills for the admission of that Territory to statehood. Some of the bills provided for the admission of Oklahoma alone, while others provided for joint statehood for Oklahoma and Indian Territory. Most of the people of the two Territories probably favored joint statehood, for one State government was considered less expensive than two and separately the Territories were very small in comparison with the nearby western States.

¹⁹² Scott's *Judicial Settlement of Controversies between States of the American Union: Cases Decided in the Supreme Court of the United States*, Vol. II, pp. 1101-1118, 1176-1234; Gittinger's *The Formation of the State of Oklahoma*, p. 167, in the *University of California Publications in History*, Vol. VI.

¹⁹³ Scott's *Judicial Settlement of Controversies between States of the American Union: Cases Decided in the Supreme Court of the United States*, Vol. II, pp. 1403-1413.

¹⁹⁴ Scott's *Judicial Settlement of Controversies between States of the American Union: Cases Decided in the Supreme Court of the United States*, Vol. II, pp. 1600-1619.

On the other hand their union would bring together two unlike sections. The Indians felt that their political strength would be greater in a separate State than in a joint State. The executives of four of the tribes called a constitutional convention in 1905 and a constitution was adopted for a proposed State of Sequoyah. The constitution was ratified at the polls but before the plan could receive a hearing, Congress had practically agreed upon the union of Oklahoma and Indian Territory.¹⁹⁵

Seven bills for the admission of the two Territories as one State were introduced in the first session of the Fifty-ninth Congress. Finally an enabling act was passed and approved by the President on June 16, 1906. It not only provided for the admission of Oklahoma and the Indian Territory as one State, but it also provided for the admission of the Territories of Arizona and New Mexico as the State of Arizona. The union of the two latter Territories, however, was to take place only after the consent of their electors was obtained at separate general elections. On November 16, 1907, Oklahoma was admitted by the proclamation of President Roosevelt.¹⁹⁶

In the election held on November 6, 1906, to determine the attitude of the people of New Mexico and Arizona toward joint statehood, New Mexico voted for union and statehood; while Arizona voted against the proposition, because the two Territories were racially different and were separated by mountains and deserts. Then, too, since the population of Arizona was less than that of New Mexico there was perhaps fear lest future policies would be dictated by New

¹⁹⁵ Gittinger's *The Formation of the State of Oklahoma*, pp. 196-210, in the *University of California Publications in History*, Vol. VI.

¹⁹⁶ *United States Statutes at Large*, Vol. XXXIV, Pt. I, pp. 267, 278, Vol. XXXV, Pt. II, pp. 2160, 2161.

Mexico. When the Senate learned of the overwhelming opposition it deferred action.¹⁹⁷

In 1910 a bill providing for the organization of separate State governments in New Mexico and Arizona passed Congress and was signed by President Taft on June 20th.¹⁹⁸ A joint resolution to admit the two Territories into the Union passed Congress on August 21, 1911, and in 1912 presidential proclamations declared their admission as States.¹⁹⁹ Their boundaries remained unchanged.

With the admission of New Mexico and Arizona all of the country west of the Mississippi River had been organized into States. The territory had been acquired gradually and successive Territories and States had been created spreading at first from the Mississippi River westward, then along the Pacific Ocean, finally filling in the great interior. In a little over a century after the first acquisition, a vast area of unorganized territory had been organized into twenty-two States. There have been many boundary changes in these States and possibly more of them will take place in the future.

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¹⁹⁷ Farlow's *Arizona's Admission to Statehood* in *Annual Publications of the Historical Society of Southern California*, Vol. IX, pp. 137, 142.

¹⁹⁸ *United States Statutes at Large*, Vol. XXXVI, Pt. I, pp. 557-579.

¹⁹⁹ *United States Statutes at Large*, Vol. XXXVII, Pt. I, p. 39, Pt. II, pp. 1723, 1728.

APPENDIX

SUMMARY OF THE TERRITORIES AND STATES WEST OF THE
MISSISSIPPI²⁰⁰

<i>States</i>	<i>Organized as a Territory</i>	<i>Admitted as a State</i>
Arizona	February 24, 1863	February 14, 1912
Arkansas	March 2, 1819	June 15, 1836
California		September 9, 1850
Colorado	February 28, 1861	August 1, 1876
Idaho	March 3, 1863	July 3, 1890
Iowa	June 12, 1838	December 28, 1846
Kansas	May 30, 1854	January 29, 1861
Louisiana	March 26, 1804	April 8, 1812
Minnesota	March 3, 1849	May 11, 1858
Missouri	June 4, 1812	August 10, 1821
Montana	May 26, 1864	November 8, 1889
Nebraska	May 30, 1854	February 9, 1867
Nevada	March 2, 1861	October 31, 1864
New Mexico	September 9, 1850	January 6, 1912
North Dakota	March 2, 1861	November 2, 1889
Oklahoma	May 2, 1890	November 16, 1907
Oregon	August 14, 1848	February 14, 1859
South Dakota	March 2, 1861	November 2, 1889
Texas		December 29, 1845
Utah	September 9, 1850	January 4, 1896
Washington	March 2, 1853	November 11, 1889
Wyoming	July 25, 1868	July 10, 1890

²⁰⁰ The dates given for the admission of the States are those of the final action by the Federal government. In some cases this is the approval of the act of Congress; in others it is the proclamation by the President.