

THE BOUNDARIES OF IOWA

Ever since States were first organized the question of boundaries has played a large part in their history and the desire to change the boundaries has always been a fruitful cause of conflict. It seems to be inherent in the nature of people to wish the enlargement of their boundaries and to resent any attempt to curtail them.

The history of the United States well illustrates the important part which boundaries play. In colonial times there were quarrels between the colonies, and since the organization of the United States serious disputes have from time to time arisen between the States and between States and Territories, at times even involving military operations. One of the most notorious of the inter-state boundary disputes was that between Delaware and Pennsylvania. This difference originated during early colonial times and was not settled until about 1893.¹ Another famous boundary dispute was that between the State of Ohio and the Territory of Michigan during the years 1835-1837, the climax of which was reached in "The Toledo War". This quarrel is of special interest to Iowans because Robert Lucas, the first Governor of the Territory of Iowa, was at that time the Governor of Ohio.² Numerous other cases of boundary disputes might be cited.

Iowa has had her full share of boundary troubles. For about a decade a controversy raged between the Territory

¹ Pickard's *State Boundary Disputes* in the *Iowa Historical Record*, Vol. XII, pp. 513-515.

² Parish's *Robert Lucas*, pp. 126-149; Pickard's *State Boundary Disputes* in the *Iowa Historical Record*, Vol. XII, pp. 532-536.

and later State of Iowa and the State of Missouri. This quarrel nearly produced an armed conflict in 1839, and before its settlement it had become a subject of discussion in Governors' papers, in the legislative bodies of Iowa and Missouri, in the newspapers, in the reports of national officials, in the halls of Congress, and finally in the Supreme Court of the United States. The desire of the people of Iowa to secure what many regarded as the "natural boundaries" delayed the entrance of Iowa into the Union almost two years.

THE TERRITORIAL BOUNDARIES

When the United States in 1803 purchased the Province of Louisiana from France, it secured an area of uncertain extent, but which, beyond question, included all of the present State of Iowa. By the act of March 26, 1804, Congress created the District of Louisiana including all of the newly acquired territory except the Territory of Orleans, which later became the State of Louisiana. By an act of March 3, 1805, the name of the District of Louisiana was changed by Congress to the Territory of Louisiana. This name was employed until June 4, 1812, when the Territory of Missouri was set up and the Territory of Louisiana was reorganized. The region which later became Iowa was included in the Territory of Missouri until Missouri was admitted into the Union as a State in 1821. From 1821 to 1834, the region of Iowa, in common with all of the old Territory of Missouri not included in the new State, was without a constitutional status.

But when the Territory of Michigan was organized, on June 28, 1834, the Iowa country was a part of the vast area attached to it "for the purpose of temporary government". Less than two years later, by an act of April 20, 1836, the original Territory of Wisconsin was established and in its

borders was included the region of Iowa.³ The rapid influx of population led Congress to establish, by act of June 12, 1838, the Territory of Iowa. The new act stated:

From and after the third of July next, all that part of the present Territory of Wisconsin which lies west of the Mississippi river, and west of a line drawn due north from the head waters or sources of the Mississippi to the Territorial line, shall, for the purposes of temporary government, be and constitute a separate Territorial Government by the name of Iowa.⁴

This meant that the Territory of Iowa included the present State of Iowa, the western part of the present State of Minnesota, and that part of the present States of North and South Dakota east of the White Earth and Missouri rivers.⁵

In the description of the eastern boundary of the Territory of Iowa a technical error was made in that the middle of the Mississippi was not mentioned. This was corrected by an act of Congress approved on March 3, 1839, which declared: "the middle or centre of the main channel of the river Mississippi shall be deemed, and is hereby declared, to be the eastern boundary line of the Territory of Iowa, so far or to such extent as the said Territory is bounded eastwardly by or upon said river".⁶

THE MISSOURI-IOWA BOUNDARY DISPUTE

Congress, in the act creating the Territory of Iowa, made no attempt to define definitely the southern boundary of the

³ Shambaugh's *Maps Illustrative of the Boundary History of Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. II, pp. 369-372. Maps illustrating the boundary history of Iowa are found on pp. 377-380.

⁴ *United States Statutes at Large*, Vol. V, p. 235.

⁵ Shambaugh's *Maps Illustrative of the Boundary History of Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. II, pp. 371, 372, 378.

⁶ *The Congressional Globe*, 1838-1839, pp. 107, 179, 220; *United States Statutes at Large*, Vol. V, p. 357.

Territory, concerning which a serious dispute was soon to arise. In order to understand the dispute it is necessary to trace the history of this boundary. On November 10, 1808, a treaty had been made between the United States and the Great and Little Osage Indians whereby these Indians gave up all their lands north of the Missouri River. Article seven of the treaty further provided:

And it is mutually agreed by the contracting parties, that the boundary lines hereby established, shall be run and marked at the expense of the United States, as soon as circumstances or their convenience will permit; and the Great and Little Osage promise to depute two chiefs from each of their respective nations, to accompany the commissioner, or commissioners who may be appointed on the part of the United States, to settle and adjust the said boundary line.⁷

It was not until 1816 that General William Rector, the Surveyor General of Illinois and Missouri, appointed Colonel John C. Sullivan to survey this Indian boundary line. Sullivan, together with Pierre Chouteau, Sr., one of the Indian commissioners, met the Osage representatives on the Missouri River, and then proceeded to run and mark the boundary. The line was begun on the Missouri River opposite the mouth of the Kansas River and was then run one hundred miles north. From this point the line was run, as supposed, due east to the Des Moines River. Due to failure to make proper corrections for the variation of the compass needle, the line bent to the north to the extent of about four miles at the east end.⁸

⁷ *United States Statutes at Large*, Vol. VII, pp. 107-111.

⁸ An account of the southern Iowa boundary prior to 1839 is found in the report of Albert Miller Lea contained in the *Iowa Historical Record*, Vol. II, pp. 193-207. A more complete account with accompanying documents and maps is found in a twenty-four page report in the *Executive Documents*, 25th Congress, 3rd Session, Document No. 128. A condensation of this information may be found in Parish's *Robert Lucas*, pp. 229-239, and in Pelzer's

By an act of March 6, 1820, Congress authorized the people of the Territory of Missouri to form a Constitution and State government. In this act it was specified that the boundaries on the north and west, north of the Missouri River, should begin on: "a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river, thence, from the point aforesaid north, along the 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 mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river". In July, 1820, the Missouri Constitutional Convention adopted this section of the enabling act as a part of the State Constitution.⁹

At the time of the Missouri convention little was known of the geography of the region through which the northern boundary ran. Little attention seems to have been paid to the question of the northern boundary at that time, and the Sullivan line of 1816 was accepted for years as the northern boundary of Missouri. This boundary was recognized in treaties with the Sac and Fox Indians in 1824; with the Iowa Indians in 1825; and again with the Sacs and Foxes in 1832. Missouri recognized the line as late as 1836 in the act of her legislature organizing Clark County. No objec-

Augustus Caesar Dodge, pp. 77-81. The Osage Indian boundary line is discussed in Thomas's *Some Historical Lines in Missouri* in the *Missouri Historical Review*, Vol. III, pp. 215-218.

⁹ *United States Statutes at Large*, Vol. III, p. 545; Parish's *Robert Lucas*, pp. 230, 231.

tion was made to the exercise of jurisdiction by the Territory of Michigan or by the Territory of Wisconsin down to the Sullivan line. Furthermore the maps published in the period from 1820 to 1840 showed the Sullivan line to be the northern boundary of Missouri. The public lands, both in the Salt River and the St. Louis districts, were surveyed up to the Sullivan line and bounded by it, with the result that irregular fractions of sections were made. Later, when a land district was created in what became the Territory of Iowa, its southern boundary was established as the northern boundary of Missouri. The surveys in this district were also made to bind on the Sullivan line which was regarded as the northern boundary of Missouri.¹⁰

While the Sullivan line was thus accepted as the northern boundary of Missouri, there came to be increasing dissatisfaction with it on the part of that State. As early as February 19, 1829, a memorial of the Missouri legislature to Congress asked that the boundary be altered, but no action was taken.¹¹ Again, in 1831, the legislature of Missouri memorialized Congress, referring to the indefiniteness of the boundary. This memorial was disapproved by Governor John Miller, on January 15, 1831, who called attention to the fact that the Sullivan line had been run. However, he expressed himself in favor of a resurvey of the northern and western boundary lines.¹² On July 14, 1832, in response to a petition of citizens of Missouri, the Com-

¹⁰ *Reports of Committees*, 27th Congress, 2nd Session, Vol. IV, Document No. 791, pp. 7-10; *Appendix to the Congressional Globe*, 1841-1842, pp. 943-945; *Reports of Committees*, 27th Congress, 3rd Session, Vol. I, Document No. 86, p. 9.

¹¹ *Senate Documents*, 20th Congress, 2nd Session, Vol. II, Document No. 88, pp. 1, 2.

¹² Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. I, pp. 187-189; *Reports of Committees*, 27th Congress, 2nd Session, Vol. IV, Document No. 791, pp. 4, 5.

mittee on the Territories recommended to the national House of Representatives that the northern boundary of Missouri should be extended westward to the Missouri River, but no mention was made of any other part of the northern boundary.¹³

At first the chief reason for the desire of the people of Missouri to extend their northern boundary seems to have been a desire to secure control of the region in the angle between the Des Moines and Mississippi rivers which came to be known as the "Half-breed Tract". This tract was created by the Sac and Fox treaty of August 4, 1824.¹⁴ In his third biennial address, on November 20, 1832, Governor John Miller of Missouri pointed out not only the desirability of extending the western boundary of the State to the Missouri River, but added:

An extension of our Northern boundary from its intersection with the Des Moines, eastwardly, on a straight line to the Mississippi, so as to include that portion of territory lying between the Mississippi and the Des Moines rivers, is also an object of importance and concern to the citizens of this State. This tract of country is less in extent than that lying on the West, but its acquisition, besides contributing to the form and compactness of our Territory, is highly desirable on account of the fertility of the soil, and the many facilities it would otherwise afford.¹⁵

That this proposition met with little favor in Congress is evidenced by an unfavorable report of the House Committee on the Territories, on April 6, 1838, dealing with a memorial of the Missouri legislature on the subject. The Committee reported that they were "unable to discover any

¹³ *Reports of Committees*, 22nd Congress, 1st Session, Vol. V, Document No. 512, p. 1.

¹⁴ This treaty is contained in *United States Statutes at Large*, Vol. VII, pp. 229, 230.

¹⁵ Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. I, pp. 170, 171.

substantial reasons in favor of the cession", that they had no evidence that the citizens of the area desired it, and, furthermore, that such a cession would violate section eight of the act of March 6, 1820, by extending slave territory.¹⁶

Until 1834 land speculators were excluded from the "Half-breed Tract" but by an act of June 30th of that year, Congress authorized the half-breeds to sell their lands.¹⁷ This was followed by an inrush of speculators who were eager to acquire the rich lands of the area. Naturally these speculators desired to have the "Half-breed Tract" enlarged in order that more land might be available. Since the northern boundary of the tract was a continuation of the northern boundary of Missouri, the fixing of the Missouri boundary farther north would have meant the corresponding enlargement of the "Half-breed Tract".

In view of the evidence already cited showing Missouri's interest prior to 1834 in the extension of her northern boundary, it would be unfair to conclude that speculators were entirely to blame for the attempt of Missouri to establish her boundary about thirteen miles north of the Sullivan line. On July 20, 1842, when the matter was being debated in Congress, John C. Edwards, who was upholding Missouri's claims, read a letter¹⁸ written on January 10, 1841, by Edward Bates, a survivor of the Missouri Convention of 1820, to Beverly Allen, in which Bates said:

It is amazing to me that there should be a serious difference of opinion on that subject. That difference is of recent growth, and I think it probably had its origin, not in the exercise of any real judgment upon the north boundary of Missouri, but in the desire

¹⁶ *Reports of Committees*, 25th Congress, 2nd Session, Vol. III, Document No. 768, pp. 1, 2.

¹⁷ *United States Statutes at Large*, Vol. IV, p. 740.

¹⁸ *Executive Documents*, 27th Congress, 2nd Session, Vol. II, Document No. 48, pp. 5, 6; *Iowa Capitol Reporter*, October 8, 1842; *The Congressional Globe*, 1841-1842, pp. 770, 771.

of the early settlers of Iowa to contract the limits of the half-breed country.

A. C. Dodge, the Iowa Delegate in the House of Representatives, replied to Edwards in a lengthy speech delivered the same day. In dealing with the charge made in the Bates letter, he replied rather heatedly:

The remarks of Mr. Bates respecting the origin of our boundary difficulty with Missouri, and the desire of the early inhabitants of Iowa to contract the limits of the half-breed tract, by encroaching upon those of his State, are as gratuitous as they are unfounded in fact. But, sir, as Mr. Bates has seen fit to drag this matter into the controversy, I will now say that which I should not have said before—that, in my opinion, the converse of Mr. Bates's proposition is true; and that, but for the speculators in St. Louis, New York, and elsewhere, (of whom I think it more than likely Mr. Bates is one,) who have purchased these half-breed lands, we should never have heard a word said about extending the boundary of Missouri.¹⁹

While land speculators may have played a part in creating a desire on the part of Missouri to extend its boundary to the north, another factor must also be taken into consideration. Some of the land north of the Sullivan line was heavily wooded with "bee-trees" the possession of which was greatly desired by those engaged in the bee industry.²⁰ To the Missourians it was worth an effort to secure possession of this valuable land.

¹⁹ *Iowa Capitol Reporter*, October 8, 1842; *Appendix to the Congressional Globe*, 1841-1842, pp. 943-945. The contention that land speculators were responsible for the agitation over the northern Missouri boundary question is maintained in Foster's *Origin of Our Missouri War (1839) in a Land Grab* in the *Annals of Iowa* (First Series), Vol. XI, pp. 444-447, 540-545.

²⁰ Because of the presence of the "bee-trees" in the disputed area the border trouble between Iowa and Missouri which reached a climax in 1839 has been referred to as "The Honey War".—Sabin's *The Making of Iowa*, pp. 203, 204; Eriksson's *The Honey War* in *The Palimpsest*, Vol. V, pp. 339-350; *History of Lewis, Clark, Knox and Scotland Counties, Missouri* (The Goodspeed Publishing Co., 1887), pp. 367-369.

Whatever may have been the influence of land speculators and "bee-trees" in bringing on the boundary dispute between Iowa and Missouri, it was inevitable that, with the settlement of the region between Missouri and what is now the State of Iowa, the definition of the northern boundary of Missouri in the Constitution of that State and in the act of March 6, 1820, should be questioned. The chief questions were raised in regard to the location of the "rapids of the river Des Moines" and as to what line should "correspond with the Indian boundary line".

At first the United States made no attempt to settle the question. On April 8, 1834, the Senate Committee on Indian Affairs recommended the appointment of a commissioner to determine the northern boundary line of Missouri, but no action was taken.²¹ Congress did, however, by act of June 7, 1836, extend the western boundary of Missouri to the Missouri River.²² In 1837, Missouri took the initiative and her legislature passed "an act to survey and mark the northern boundary of the state". On February 4, 1837, Governor Lilburn W. Boggs named Joseph C. Brown, Daniel M. Boone, and Stephen Cooper as the commissioners to carry the act into effect.

An invitation was extended to the Federal government to appoint commissioners to act with those of Missouri. No reply was received to this communication, so Brown and his fellows proceeded to the discharge of their duties. Their work was completed on October 19, 1837, and a report, with a map of the survey, was filed with the Secretary of State of Missouri at Jefferson.²³

²¹ *Senate Documents*, 23rd Congress, 1st Session, Vol. III, Document No. 263, pp. 1, 2.

²² *United States Statutes at Large*, Vol. V, p. 34.

²³ Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. I, pp. 358, 359, 405.

The Brown Commission disregarded the "rapids of the river Des Moines" in the Mississippi above the mouth of the Des Moines River and sought for rapids in the Des Moines River itself. About sixty-three miles from the mouth of that river, at what was known as the "Great Bend", rapids were found which Brown assumed to be those mentioned in the description of the northern Missouri boundary. From this point, the latitude of which was forty degrees, forty-four minutes and six seconds north, the line was surveyed west to the Missouri River, a distance of two hundred and three miles. The distance between this line and the Sullivan line was about nine miles at the eastern end and about thirteen miles at the western end. The area between the two lines was about 2616 square miles and was estimated to contain 1500 inhabitants.²⁴ A convention of delegates representing the inhabitants of the Territory of Wisconsin assembled at Burlington, on November 6, 1837, sent a memorial to Congress asking the national government to survey the boundary "according to the spirit and intention of the act defining the boundary lines of the State of Missouri", but nothing was done until after the creation of the Territory of Iowa.²⁵ On June 18, 1838, six days after the act was passed creating the Territory, Congress authorized the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked. The sum of four thousand dollars was appropriated for the work. A commissioner on the part of the United States was to be appointed and the State of Missouri and the Territory of Iowa were each to be invited to appoint a commissioner.²⁶

²⁴ *Executive Documents*, 25th Congress, 3rd Session, Vol. IV, Document No. 128, pp. 5-7.

²⁵ Parish's *Robert Lucas*, p. 235.

²⁶ *United States Statutes at Large*, Vol. V, pp. 248, 249.

Albert Miller Lea was appointed as the United States commissioner. After receiving his instructions on August 14, 1838, he proceeded to St. Louis to await the appointment of the commissioners on the part of Iowa and Missouri.²⁷ Some preliminary correspondence was carried on by William B. Conway, the Secretary and Acting Governor of the Territory until the arrival of Governor Robert Lucas and on September 1, 1838, Lucas announced the appointment of Dr. James Davis as the Iowa commissioner. This fact he immediately communicated to Governor Lilburn W. Boggs of Missouri, to Secretary of State John Forsyth, and to Lea.²⁸

Governor Boggs of Missouri informed Lea that he had no authority to appoint a commissioner and asked that the survey be postponed until after the legislature should meet. "In reply", said Lea, "I informed his excellency that I would confine my operations to the ascertainment of facts necessary to be known before the line could be properly established; and with this arrangement he expressed himself satisfied." As it developed, no commissioner was appointed on the part of Missouri.²⁹

On September 21, 1838, Lea left St. Louis and met Dr. Davis at Van Buren on the Great Bend of the Des Moines River. After agreeing on a plan of operations, they proceeded to investigate the various lines that might be the northern boundary of Missouri. In his report to James

²⁷ *Executive Documents*, 25th Congress, 3rd Session, Vol. IV, Document No. 128, pp. 2, 3, 11-15.

²⁸ Shambaugh's *Executive Journal of Iowa 1838-1841*, pp. 8-13, 16, 17, 20-23; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 91, 118, 119.

²⁹ *Executive Documents*, 25th Congress, 3rd Session, Vol. IV, Document No. 128, pp. 2, 3; *Senate Documents*, 26th Congress, 1st Session, Vol. IV, Document No. 138, pp. 2, 3. In a letter addressed to Secretary of State, John Forsyth, July 28, 1838, Governor Boggs declined to appoint a commissioner to accompany Lea.

Whitcomb, the Commissioner of the General Land Office, under date of Baltimore, Maryland, January 19, 1839, Lea described his work in detail. He then stated that there were four lines, "any one of which may be taken as that intended by the act of 6th March, 1820". The lines enumerated were:

1. That the old Indian boundary, or line No. 1, extended west to the Missouri River.
2. The parallel of latitude passing through the old northwest corner of the Indian boundary.
3. The parallel of latitude passing through the Des Moines rapids in the Mississippi river.
4. The parallel of latitude passing through the rapids in the Des Moines river at the Great Bend.³⁰

After discussing each of these lines, Lea reported as follows:

1. That the old Indian boundary, or line No. 1, extended west to the Missouri river, is the equitable and proper and northern boundary of the State of Missouri; but that the terms of the law do not allow the commissioner to adopt that line.
2. That the parallel of latitude passing through the old northwest corner of the Indian boundary, or line No. 2, is neither legally nor equitably the northern boundary of Missouri.
3. That lines Nos. 3 and 4, or the parallels of latitude passing through the respective rapids, *both* fulfil the requirements of the law. I am not, however, prepared to say which of these lines should have the preference.

In accordance with your request that I should recommend such further action as I might deem necessary in the premises, I have the honor, respectfully, to suggest that Congress, during the present session, be requested to declare, by resolution or otherwise, which of the several lines here presented, shall be deemed the southern boundary of the Territory of Iowa. The act of 18th June, 1838, requires that the survey of the line shall be approved by Congress before it be deemed definitive; and it might very prob-

³⁰ *Executive Documents*, 25th Congress, 3rd Session, Vol. IV, Document No. 128, pp. 5-7.

ably happen that the line surveyed under the direction of the commissioner might not be approved by Congress. With the information now before them, Congress can as well decide where the line should be, before the actual survey, as afterwards.³¹

Dr. James Davis, the Iowa commissioner, also made a voluminous report to Governor Lucas under date of La Fayette, Iowa, January 10, 1839. In this report he took a very positive stand in favor of the boundary claimed by Iowa, saying:

Disregarding the fact, which is of no little importance, that, until within a few years, Missouri has never claimed the extension of her northern boundary, the documentary evidence hereunto annexed must convince the most skeptical on this point of the fallacy of her claim, and of the validity of the claim of Iowa.

Much of the evidence which Davis presented in favor of accepting the Sullivan line as the boundary was similar to that presented by Lea in his report. In explanation of Missouri's desire to extend the boundary northward he said that this claim was put forward simultaneously with the purchase of half-breed lands by speculators, many of whom were Missourians. These speculators, he asserted, wished to extend the northern boundary of Missouri in order to enlarge the Half-breed Tract.³²

Before Congress could have acted on the reports of Lea and Davis, even had it desired to do so, Missouri took the matter into its own hands, and on December 15, 1838, the Missouri legislature passed "An Act explanatory of an act to organize Clark County", the most important provision of which declared:

³¹ *Executive Documents*, 25th Congress, 3rd Session, Vol. IV, Document No. 128, pp. 7-10.

³² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 123; Shambaugh's *Executive Journal of Iowa 1838-1841*, p. 103; *Executive Documents*, 27th Congress, 2nd Session, Vol. III, Document No. 141, pp. 17-37.

All that portion of Territory bounded on the west by the range between ranges nine and ten, west: on the south by the old Indian boundary line which passes through Township sixty seven, on the north East by the Des Moines river and on the north by the true boundary of the State of Missouri, is hereby declared to be a part of Clark County in this State.³³

In order that there might be no doubt as to what was meant by "the true boundary" the legislature of Missouri, on February 16, 1839, passed "An Act defining the Northern Boundary line of the State" in which it was stated:

The line as run and marked out by the Commissioners appointed by this State, from the rapids of the river Des Moines to the Missouri river in the year 1837, be, and the same is hereby declared the northern line of this State.³⁴

By this act Missouri officially claimed the "Brown line" as the true northern boundary of the State. It was inevitable that this action on the part of Missouri should soon be followed by clashes between the authorities of that State and of the Territory of Iowa. The officials of Clark County, Missouri, immediately began to assess taxes in the region south of the "Brown line", which had hitherto been regarded as a part of Van Buren County, Territory of Iowa. Naturally these actions were objected to by the people of Van Buren County and on July 8, 1839, the commissioners of that county addressed a letter to Governor Lucas in which they complained that the Missouri "Authorities have against the will and wishes of the *people*, as-

³³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 122; *Senate Documents*, 26th Congress, 1st Session, Vol. I, Document No. 4, p. 4.

³⁴ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 122, 123; *Senate Documents*, 26th Congress, 1st Session, Vol. I, Document No. 4, p. 4. The official and legal aspects of the Iowa-Missouri dispute are presented in Landers's *The Southern Boundary of Iowa* in the *Annals of Iowa* (Third Series), Vol. I, pp. 641-651.

sessed their property and endeavored to ascertain their views in relation to Slavery, and further ordered that they should not pay the Collector of this County whose duty requires that it should soon be accomplished". They recalled the "firmness of purpose" of Lucas when, as Governor of Ohio, he had earlier been involved in a boundary dispute with the Territory of Michigan. This gave them "reason to expect your earnest attention on this unfortunate occurrence".³⁵

This was a sufficient challenge to the militant Lucas and on July 29, 1839, he issued a proclamation in which he stated that Section Twelve of the Organic Act³⁶ of Congress creating the Territory of Iowa declared in "full force and effect" the "act to prevent the exercise of a foreign jurisdiction within the limits of the Territory". This act provided for the punishment of persons who should "exercise or attempt to exercise any official functions, or shall officiate in any office or situation within any part of the present jurisdiction of this Territory, or within the limits of any of the counties therein, as at this time organized by virtue of any commission or authority not derived from this Territory or under the laws of this Territory, or under the government of the United States".

The Governor called on all officials of the first judicial district of Iowa Territory and of the counties bordering on Missouri to be vigilant in protecting the inhabitants of the Territory and to arrest and bring to trial violators of the law which he had quoted. Under no circumstances were

³⁵ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 123, 124; *Senate Documents*, 26th Congress, 1st Session, Vol. I, Document No. 4, p. 3.

³⁶ This act had originally been passed by the Legislative Council of the Territory of Michigan and had been approved on February 12, 1835. It had been inherited successively by the Territories of Wisconsin and Iowa.—Parish's *Robert Lucas*, pp. 239, 240.

the Iowans to be the aggressors, nor were they to act without the aid of civil process duly obtained. He expressed the hope that the Missouri authorities would not persist in their actions since the boundary question was before Congress. But if they did continue their course of action he declared: "there is but one path of duty pointed out to us — and that is, to maintain the jurisdiction of the United States over the full extent of this Territory, as it was transferred to us by the United States at its organization, and to resist by the potent arm of the civil authority, every encroachment, upon our jurisdiction, until the boundary lines be definitely settled by Congress, or altered by the authority of the United States."³⁷

The citizens of Clark County, Missouri, read the proclamation with indignation, and on August 17, 1839, they held a meeting at Waterloo, their county seat. They passed resolutions of protest and pledged themselves to support "unsullied" the State's dignity and honor.³⁸

The Lucas proclamation also aroused the ire of Governor Lilburn W. Boggs of Missouri who issued a counter proclamation on August 23, 1839, ordering the civil and military authorities "of the Counties of this State, adjoining the northern boundary, as the same has been declared and established by the legislature of Missouri", to enforce the laws of Missouri in the region in dispute. In case of resistance by three or more persons the officials were directed to call to their aid "either the power of the County, or a sufficient number of the militia or other persons in arms to disperse said assembly, arrest the offenders and maintain the authority of the Laws".

³⁷ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 217-222; *Senate Documents*, 26th Congress, 1st Session, Vol. I, Document No. 4, pp. 3-5.

³⁸ Parish's *Robert Lucas*, p. 241.

The officers were further directed "so to conduct themselves as to create no unnecessary excitement, and to use their utmost efforts, consistent with the requisitions of the laws of this State, to suppress any needless collision and to maintain an amicable feeling with the citizens of this State, and of the United States residing within the territory of Iowa, and in every respect in the discharge of their official functions to conform strictly and literally to the laws of this State." For himself, Governor Boggs expressed regret that the existing state of affairs had come to pass.³⁹

The proclamation of Governor Boggs called forth another from Governor Lucas on September 25, 1839. In this lengthy paper Lucas entered into a detailed examination of the boundary dispute, and appealed "to the calm tribunal of public opinion to determine whether it is not the State of Missouri that is attempting an encroachment upon the Territory of the United States, rather than the United States, through their Territorial authorities, upon the rights of that State."⁴⁰

Lucas claimed that the Sullivan line was the true boundary and cited evidence in proof.⁴¹ He emphatically denied the right of Missouri to exercise any authority, such as in the collection of taxes, north of that line. Only Congress had the authority to change the boundary of the Territory of Iowa. He said further:

We shall view all acts that may be done by the authorities of Missouri, or by individuals under pretense of authority derived

³⁹ Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. I, pp. 421-426; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 124-129; *Senate Documents*, 26th Congress, 1st Session, Vol. I, Document No. 4, pp. 6-8.

⁴⁰ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 223-225.

⁴¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 225-232.

from that State (north of said line,) as having been done without any authority, and in violation of the laws of the Territory and those of the United States, and subject to be prosecuted accordingly.⁴²

He ridiculed the pretensions of friendliness on the part of Governor Boggs, and asserted that Missouri was the aggressor in the matter. He declared:

And if the friendly feelings between the citizens of Missouri and those of the United States residing in the Territory of Iowa should be forever severed, and instead of friends and brothers, we should be compelled, by the intrusions of Missouri upon our rights, to view them henceforth as aliens in feeling and enemies in practice, and thereby be induced to withdraw our confidence from the citizens and authorities of that State, and bestow it upon our neighbors on the east of the Mississippi, with whom our institutions, habits, and and commercial interests are ultimately connected, such a state of things, will be the natural results, of the Missouri policy.⁴³

As it was the duty of the Territorial officials "to maintain the jurisdiction of the United States over all the Territory acknowledged at the time of its organization until other boundaries are fixed by Congress", Governor Lucas called upon the United States District Attorney and Marshal and the sheriff of Van Buren County to "exercise vigilant promptness in causing the laws of the Territory to be enforced within the said county of Van Buren; and that all offenders against the same be promptly prosecuted, arrested and brought before the proper judicial tribunals within the Territory, to be dealt with as the law directs."

While the Governor regarded the civil authority as sufficient "to protect the rights of the citizens of the United States", should the marshal require a *posse comitatus* of

⁴² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 232-234.

⁴³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 234-237.

armed men to aid him "in the service or execution of civil process", he had at his command the whole armed force of the Territory, and the sheriff could call on the "whole power of his county".⁴⁴

In concluding his proclamation, Lucas exhorted the people of Van Buren County "to be calm and discreet in all your acts. Look up to the civil authorities of the United States for protection. Should you even be threatened with extermination by the all powerful arms of Missouri, be not dismayed. You are neither slaves that you should pay tribute to a foreign government, nor passive members of a defenceless community, that you should be taxed without your consent. You occupy the exalted station of free and independent citizens of the United States. You purchased the lands on which you reside from the United States as lying within the Territory of Iowa. You have settled on them as such. You owe no allegiance to any other government, and have therefore a right to claim from the government of the United States the protection of all your rights and privileges, which protection will be extended to you through the civil authority, in the first place."

Should this prove insufficient, evidence would be submitted by the Governor to the President, and "should the President of the United States authorize us to repel force by force, should our Territory be invaded, it will be promptly done, regardless of the boasted prowess and superior numbers of the Missouri militia."⁴⁵

On October 3, 1839, Governor Lucas wrote to Secretary of State John Forsyth, enclosing documents to show the progress of the controversy between Missouri and the Ter-

⁴⁴ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 238, 239.

⁴⁵ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 240, 241.

ritory of Iowa. Lucas said that he felt it was his duty to report as "this subject is causing some excitement in the West". He was of the opinion that nothing had happened to call for the interposition of the President, but he invited suggestions and advice.⁴⁶

After that events began to move more rapidly. On October 17, 1839, Henry Heffleman, the sheriff of Van Buren County, wrote to Governor Lucas that three days before, the sheriff of Clark County had appeared in Van Buren County to collect taxes. Failing to collect from several individuals the Missouri sheriff had threatened to sell their property to the amount of their tax. Heffleman reported that officers were collecting at Waterloo a force of several hundred men on October 21st "for the purpose of taking Property or money of our citizens for taxes".⁴⁷

Governor Lucas replied to Heffleman's letter two days later, sending him a volume of Iowa laws defining the duties of a sheriff. He stated that he had no special instructions to give other than those contained in his proclamations.⁴⁸

On October 24, 1839, Heffleman reported to Lucas that, at the request of citizens of Clark County, Missouri, an attempt was being made to arbitrate the difficulty. A delegation of seven citizens of Clark County met a similar delegation from Van Buren County, and at this meeting six propositions were submitted by the Missourians. These propositions, which Heffleman enclosed with his letter,

⁴⁶ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 129, 130; Shambaugh's *Executive Journal of Iowa 1838-1841*, pp. 162, 163.

⁴⁷ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 130, 131; *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 3-5.

⁴⁸ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 131, 132; *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 3, 4.

provided for a mutual suspension of hostilities and for the exercise of concurrent jurisdiction in the disputed area until Congress should render a final decision in regard to the boundary. They provided further that the remainder of the taxes in the disputed area should be collected by the sheriff of Van Buren County, but that half of the amount collected should be deposited with the Clark County Court. Each county was to give bond guaranteeing that all such deposits would be paid to the party in whose favor Congress should decide the boundary question.⁴⁹

To these proposals the Van Buren County delegation replied that they could not sanction a concurrent jurisdiction nor would they sanction absolute jurisdiction on the part of Clark County unless Congress should grant the disputed territory to Missouri. They expressed a willingness to suspend all collection of taxes until March 1, 1840, unless Congress should sooner decide the boundary question. In reply the Clark County delegation stated that they were not authorized to yield jurisdiction over the territory, a jurisdiction which they claimed they had exercised prior to the organization of the Territory of Iowa.⁵⁰

On October 30, 1839, a meeting of the citizens of Van Buren County was held at Keosauqua, at which resolutions were passed approving the conduct of the Van Buren delegates on October 24th. At a similar meeting of citizens of Clark County, held at Waterloo, on November 1, 1839, the action of the Clark County delegation was upheld and the Clark County authorities were urged to proceed immediately with the collection of taxes in the disputed territory

⁴⁹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 132-134; *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 4, 6, 7.

⁵⁰ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 134, 135; *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 7, 8.

and "to exercise the unlimited jurisdiction that the constitution and laws of our state guarantees to us."⁵¹

Meanwhile, on October 26, 1839, Governor Lucas, together with Judges Charles Mason and Joseph Williams, addressed a letter to Francis Gehon, the United States Marshal, expressing the opinion that his presence on the border was necessary.⁵² On the same day, Lucas wrote to Sheriff Heffleman. He referred to the letter to Gehon and stated that the latter would take charge when he arrived. The Governor expressed confidence that the sheriff would perform his duty "with facility."⁵³ Three days later, Governor Lucas ordered V. P. Van Antwerp, the Adjutant General of the Iowa militia, to go to Van Buren County to advise the officials there.⁵⁴

Reports now began to come from the border that trouble was brewing. On November 2, 1839, two citizens of Van Buren County, Abner Kneeland, and Isaac N. Lewis, who had visited Waterloo, reported that three divisions of Missouri troops had been ordered out to aid if necessary the sheriff of Clark County in collecting taxes. A similar report was brought back by a citizen named Joseph Davidson.⁵⁵ Two days later General V. P. Van Antwerp reported to Governor Lucas that a bad feeling had been aroused between the citizens of Van Buren and Clark

⁵¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 137-139; *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, p. 8.

⁵² *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, p. 9.

⁵³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 135, 136; *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, p. 5.

⁵⁴ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 136, 137.

⁵⁵ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 139, 140.

counties.⁵⁶ In his second annual message, dated November 5, 1839, Governor Lucas referred to the developments on the border which had "caused an excitement of feeling that may ultimately lead to the effusion of blood."⁵⁷

This tense situation continued until the nineteenth of November when Sheriff Uriah S. Gregory of Clark County took the action that had been awaited for several weeks. On that day he entered the disputed territory for the purpose of collecting taxes. Sheriff Heffleman of Van Buren County was informed of his presence, pursued him, and arrested him on the 20th. A court of inquiry was held the next day and Gregory was held for trial at the next term of the district court. As he refused to give bail he was held under guard by Heffleman as there was no jail in Van Buren County. On November 22nd, Heffleman reported these facts to Governor Lucas and asked for instructions.⁵⁸

Governor Lucas wrote to Sheriff Heffleman the next day:

You are entitled to the approbation of every citizen of Iowa, for the prompt discharge of duty in arresting the sheriff of Clark County, Missouri, for violation of the laws within the legitimate boundary of our Territory.

The Governor said that a bill would be presented to the Legislative Assembly to permit the removal of prisoners to any part of the Territory,⁵⁹ so that the sheriff of Clark County then under arrest might be taken out of Van Buren County.

On November 25, 1839, the bill referred to by the Gov-

⁵⁶ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 10-12.

⁵⁷ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 118-121.

⁵⁸ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, p. 14.

⁵⁹ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 14, 15.

ernor was introduced into the Territorial House of Representatives, passed by that body under a suspension of the rules, adopted likewise by the Council, and became a law the next day.⁶⁰ Under the authority of this act, the arrested sheriff was removed to Bloomington (now Muscatine) where the nearest jail was located, and which was also at a safe distance from the border. Gregory, however, was never confined in jail but was boarded at the inn kept by Josiah Parvin until his release about two months later.⁶¹

The news of the arrest of Sheriff Gregory occasioned great excitement in Missouri. Public meetings were held in Clark, Lewis, and Marion counties at which resolutions were adopted asking that the laws of Missouri be enforced against the Iowa authorities "at all hazards". A special session of the Clark County Court was convened at Waterloo on November 23, 1839, with Judges John Taylor and Jesse McDaniel present. It was ordered by the Court that General O. H. Allen of the Second Brigade, Fourteenth Division, and Major General David Willock, commanding the Fourteenth Division of the Missouri militia, should muster their forces to aid the Clark County officials to maintain their jurisdiction in the disputed territory and in "demanding reparation from the Territory of Iowa for the misconduct of its officers and citizens" in arresting Sheriff Gregory.⁶²

Confirmation of the reports that Missouri was preparing for military operations soon reached Governor Lucas. On

⁶⁰ *Journal of the House of Representatives, 1839-1840*, pp. 61, 62; *Journal of the Council, 1839-1840*, pp. 41, 42; *Laws of the Territory of Iowa, 1839-1840*, pp. 3, 4.

⁶¹ Negus's *The Southern Boundary of Iowa* in the *Annals of Iowa* (First Series), Vol. IV, p. 747; Parish's *Robert Lucas*, p. 246; Shambaugh's *Executive Journal of Iowa 1838-1841*, p. 170.

⁶² *History of Lewis, Clark, Knox and Scotland Counties, Missouri* (The Goodspeed Publishing Co., 1887), p. 368.

December 2, 1839, William Wilson, who was engaged in the transport business between Tally, Missouri, and Fort Madison, Iowa, wrote that his wagons had been stopped at Francisville, Missouri, by armed men acting on orders from General Allen. A search had been made for ammunition and a roll of lead had been seized, for which a receipt had been given. Wilson also reported that the passage of mail to Iowa was being obstructed, with the result that Fort Madison had received no mail for a week.⁶³

On the fourth of December United States Deputy Marshal G. A. Hendry reported to Lucas that armed Missourians were operating in the southern part of Van Buren County. The Deputy Marshal submitted further reports to Lucas on December 6th and December 11th.⁶⁴ Hendry received his latest information concerning the hostile intentions of the Missourians from Stephen Whicher, a lawyer, who had been sent across the border to learn the exact state of affairs. In his report to Hendry submitted on December 10, 1839, Whicher confirmed the previous reports that Missouri had actually called out a militia force.⁶⁵

There was a real basis for the reports which came to Iowa from south of the boundary line. General David Willock, in accordance with orders received from Governor Boggs, called for 2200 men from the Fourteenth Division. By the 7th of December, General O. H. Allen had a regiment of Lewis County militia on the way to the border, without tents or blankets, and with an imperfect supply of guns and ammunition. A battalion was also gathered in

⁶³ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, p. 15.

⁶⁴ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 16, 17; letter from G. A. Hendry to Robert Lucas, dated Farmington, December 11, 1839. The original of this letter is in the State Department, Washington, D. C., File No. 956.

⁶⁵ Parish's *Robert Lucas*, p. 250.

Clark County, two contingents of two hundred men each were called from Marion County, and a company was secured from Shelby County. About six hundred men reached the camp near Waterloo before the "war" ended.⁶⁶

Meanwhile there was much activity on the Iowa side of the border. On December 6, 1839, Charles Weston, the United States Attorney for the Territory of Iowa, wrote to Deputy Marshal Hendry giving his legal opinion as to the course to be pursued. It was his opinion that until Congress settled the boundary question, the Sullivan line must be accepted. Furthermore it was the duty of the United States Marshal to arrest persons violating the law of the Territory of Iowa and if he were opposed by too powerful a force, he should call on the Governor for sufficient militia to help him execute the laws. Mr. Weston also stated that it was the duty of the Marshal to resist, until the President of the United States should interpose, any attempt on the part of Missouri to wrest territory from Iowa.⁶⁷

Fortified by this opinion which was given at his request, Governor Lucas on the same day addressed a letter to Major Generals J. B. Brown, J. E. Fletcher, and Warner Lewis, commanders respectively of the First, Second, and Third Divisions of Iowa militia. He commanded them to furnish as efficiently and as promptly as possible such forces as the United States Marshal might require to enable him to enforce the laws of the United States within the limits of the Territory of Iowa and he emphasized the fact that these forces were to be subordinate to the Marshal.⁶⁸

⁶⁶ *History of Lewis, Clark, Knox and Scotland Counties, Missouri* (The Goodspeed Publishing Co., 1887), pp. 369-377.

⁶⁷ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, pp. 17, 18.

⁶⁸ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 35, p. 19; Parish's *Robert Lucas*, pp. 247, 248.

Governor Lucas sent a copy of these orders to the United States Marshal and left to his discretion the matter of calling out the militia to serve as a *posse comitatus*. The Marshal immediately made requisitions for troops, and, after experiencing considerable difficulty in securing volunteers, the militia began to march toward the border.⁶⁹ In all there was mustered an "army" consisting of four general officers, nine general staff officers, forty field officers, eighty-three company officers and 1100 non-commissioned men, organized roughly into thirty-two companies.⁷⁰

The men, who were thus called out to brave the inclement December weather and the hostile Missourians, were a motley aggregation. Equipment was lacking—the uniforms, such as there were, were of many varieties, while the arms consisted of any kind of weapons that could be secured. Yet this body of troops numbered among its officers such men as A. C. Dodge, Jesse B. Brown, James W. Grimes, and S. C. Hastings. From three to five hundred of the Iowa militia reached Farmington, in Van Buren County, and the others were on the way when the "war" ended.⁷¹

It was the plan of the Missourians to send a tax gatherer again into the disputed territory. If he were interfered with there would be a fight, but it was their intention to make the Iowans force the fighting. But while these plans were being formulated by those who wished a fight, the more peacefully inclined on both sides were busy seeking

⁶⁹ Parish's *Robert Lucas*, pp. 248, 249.

⁷⁰ These were the figures reported by Lieutenant D. Ruggles, on December 30, 1840. Ruggles had been sent to muster the Iowa militia who had been called out in December, 1839, in order that Congress might have information relative to the claim of the militia to pay for their services.—*Senate Documents*, 32nd Congress, 1st Session, Vol. IV, Document No. 24, pp. 2, 3.

⁷¹ Parish's *Robert Lucas*, pp. 249, 250; *History of Lewis, Clark, Knox and Scotland Counties, Missouri* (The Goodspeed Publishing Co., 1887), p. 370; *The History of Des Moines County Iowa* (Western Historical Co., 1879), p. 440.

means to avoid hostilities. On December 4, 1839, the Clark County Court appointed a committee to confer with the Iowa Legislative Assembly to "procure, if possible, an amicable adjustment of the difficulties now existing and that all hostile operations may cease on both sides, and that the mutual friendly relations heretofore existing may be re-established." This committee was composed of Robert P. Mitchell, Abraham Wayland, William McDaniel, Rev. Andrew Broaddus, and Mays Johnson.⁷²

Another step toward peace was taken when a mass meeting was held at Palmyra, Marion County, Missouri, on the ninth of December. At this meeting resolutions were adopted expressing regret at the existing excitement and calling for a suspension of hostilities until the dispute could be settled by Congress or the United States Supreme Court. A committee was sent to Clark County to urge the use of peaceable methods.⁷³

The Clark County committee reached Burlington, the seat of the government of the Territory of Iowa, on Saturday, December 7, 1839. As the Legislative Assembly had adjourned until the following Monday, the committee appeared before a meeting of citizens and presented resolutions providing for the mutual suspension of civil jurisdiction, equal jurisdiction in criminal cases in the disputed territory, and the suspension of hostilities. As no authority was vested in the meeting no action was taken.⁷⁴

On Monday the proposals of the Clark County delegates were presented to the two houses of the Iowa Legislative Assembly. The House of Representatives drew up a pre-

⁷² *History of Lewis, Clark, Knox and Scotland Counties, Missouri* (The Goodspeed Publishing Co., 1887), pp. 370, 371.

⁷³ *History of Lewis, Clark, Knox and Scotland Counties, Missouri* (The Goodspeed Publishing Co., 1887), pp. 371, 372.

⁷⁴ Parish's *Robert Lucas*, pp. 250, 251.

amble and four resolutions which were concurred in by the Council on the same day. Friendly feelings were professed towards the Missourians and the danger of a military collision was deprecated. While the Iowa legislators could not accept the Clark County propositions, the resolutions requested Governor Boggs of Missouri to suspend hostilities until July 1, 1840, with a view to having the boundary difficulty settled by Congress before that time. Governor Lucas was asked to suspend all military operations until the decision of Governor Boggs should be made known. Committees of three from each of the houses were to be appointed to submit the resolutions to the civil and military authorities of Missouri.⁷⁵

The Iowa committee sent to Clark County consisted of William Patterson, J. D. Payne, and L. B. Hughes. They arrived at Waterloo on December 12, 1839, and presented the resolutions before a special session of the Clark County Court. Speeches were then made by William Patterson, representing the Iowans, and by Thomas L. Anderson and William McDaniel, representing the Missourians. All the speakers insisted that they did not want war and bloodshed. The Court then issued an order to Generals Willock and Allen informing them that the militia was no longer needed to help enforce the Missouri laws. This was followed by the disbandment of the Missouri troops and the "war" was over so far as that State was concerned.⁷⁶

Meanwhile, the military forces gathered by United States Deputy Marshal Hendry on the Iowa side of the border were in a state of indecision. On the instructions of Hendry, General J. B. Brown sent a delegation to Waterloo

⁷⁵ *Journal of the House of Representatives, 1839-1840*, pp. 102, 103; *Journal of the Council, 1839-1840*, pp. 70, 71.

⁷⁶ *History of Lewis, Clark, Knox and Scotland Counties, Missouri* (The Goodspeed Publishing Co., 1887), pp. 372-376.

to attempt a peaceful settlement of the difficulty. When this committee, consisting of A. C. Dodge, James Churchman, and J. A. Clark arrived at the county seat of Clark County they found that the Missouri troops had disbanded. When this news was conveyed to the Iowa camp, the troops immediately set out for their homes. Amid great enthusiasm and wild carousing, the "war" came to an end.⁷⁷

Though open fighting was averted, the question of the location of the boundary remained as far as ever from settlement. Governor Lucas, however, objected to the "Preamble and Resolutions relative to the difficulty between the Territory of Iowa and the State of Missouri" and on December 16, 1839, he sent a veto message to the House of Representatives. In this message he insisted that the controversy was "between the State of Missouri and the general government" and stated that he could not approve of resolutions which would conflict with his obligation to enforce the laws of the United States. Lucas stated that he had written to the President for instructions. This message did not alter the opinion of the members of the Legislative Assembly for the "Preamble and Resolutions" were passed over the Governor's veto in the House of Representatives the day the message was received and in the Council three days later.⁷⁸

Nor did Governor Boggs approve of the "Preamble and Resolutions" which had been agreed to by the Iowa Legislative Assembly and the Clark County Court. In a special

⁷⁷ Parish's *Robert Lucas*, pp. 252-254; *Executive Documents*, 27th Congress, 2nd Session, Vol. III, Document No. 141, pp. 11, 12.

⁷⁸ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 171-174; Shambaugh's *Executive Journal of Iowa 1838-1841* pp. 166-170; *Journal of the House of Representatives*, 1839-1840, pp. 110, 111; *Journal of the Council*, 1839-1840, pp. 76, 80. Lucas's letters of December 9, and December 13, 1839, to Secretary of State John Forsyth are contained in Shambaugh's *Executive Journal of Iowa 1838-1841*, pp. 164-166, 216-225.

proclamation issued on December 24, 1839, the Missouri Governor dissented from the resolutions in strong terms. In spite of the "general wish that this unpleasant difficulty should be terminated", he did not feel authorized to concede the right of Congress to settle the boundary question. "The General Government", he said, "has no right to take from the State of Missouri one inch of its declared limits".⁷⁹

In spite of the attitude of the two Governors the excitement subsided. Sheriff Gregory was released about the beginning of 1840 on his own recognizance to appear for trial in April. He was never forced to stand trial, however, for the charges against him were dismissed.⁸⁰ A letter addressed by the Missouri delegation in Congress to Governor Boggs recommending great "forbearance" in relation to the boundary difficulty may have been an influence in securing a subsidence of the excitement.⁸¹

Growing out of the "boundary war" was the attempt to secure pay for the Iowa militia who had been called out. On January 17, 1840, the Legislative Assembly of the Territory of Iowa sent a memorial to Congress praying that \$30,000 be appropriated to pay the Iowa militia for their services.⁸² Nothing was done at that time but at the next session of Congress, a report adverse to the claims of Iowa was made by Secretary of War J. R. Poinsett to the House of Representatives. This report showed that the militia had been inspected by Lieutenant D. Ruggles on December

⁷⁹ Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. I, pp. 427-431.

⁸⁰ Shambaugh's *Executive Journal of Iowa 1838-1841*, pp. 170-172; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 147.

⁸¹ A letter from L. F. Linn to John Forsyth dated Senate Chamber, January 22, 1840. The original of this letter is in the State Department, Washington, D. C., File No. 948.

⁸² The original of this memorial is in the State Department, Washington, D. C., File No. 951.

30, 1840. Ruggles reported that the militia had not been organized after the model of the United States Army as required by law, and that the appointment of the general officers by the Governor of the Territory was unauthorized. Due to these irregularities it was recommended that the requested appropriation for the payment of the territorial militia be refused.⁸³

A. C. Dodge, the Iowa Delegate in the House of Representatives, persisted in his attempts to secure an appropriation for the Iowa militia. On June 1, 1844, a bill providing for their payment was passed by the national House of Representatives but no action was taken on it in the Senate. When another bill was before the House on June 9, 1846, Representative James A. Black of South Carolina, while opposing pay for the militia, favored the paying of \$3484 to the farmers who had furnished subsistence for the troops. The action of the House, however, was unfavorable and no payment was ever received by any of the Iowans concerned in the "war" of 1839.⁸⁴

Repeated attempts were also made to have Congress settle the whole question of the southern boundary of the Territory of Iowa. On December 6, 1839, a memorial to Congress was passed by the Iowa Legislative Assembly which, in part, read as follows:

In order to evade the evils of a civil war between brethren of the same blood and tongue, we urge upon your honorable bodies the necessity of the speedy settlement of a question involving so deep an interest, and while we would ask your immediate action

⁸³ *Senate Documents*, 32nd Congress, 1st Session, Vol. IV, Document No. 24, pp. 1-3. An intimate account of the inspection by Lieutenant Ruggles is contained in Hebard's *The Border War Between Iowa and Missouri, on the Boundary Question* in the *Annals of Iowa* (Third Series), Vol. I, pp. 651-657.

⁸⁴ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 280-283, 349-351; *Executive Documents*, 27th Congress, 2nd Session, Vol. II, Document No. 84, pp. 1, 2; *Congressional Globe*, 1841-1842, pp. 768, 771, 1843-1844, pp. 454, 636, 1844-1845, pp. 268, 269, 273, 1845-1846, p. 949.

on this subject, we would throw ourselves upon your sense of justice to protect us from the evils forced upon us.⁸⁵

When this memorial was presented to the United States Senate on January 9, 1840, it called forth some remarks from Senator Lewis F. Linn of Missouri. He took the position that it was beyond the power of Congress to fix the boundaries of Missouri. All that could be done was to make the southern boundary of the Territory of Iowa conform to the line claimed by Missouri. On the following day the Senate received a letter from the Iowa Delegate, W. W. Chapman, answering Linn, and expressing the hope that Congress would not extend the boundary of Missouri.⁸⁶ In the House of Representatives a bill was reported to establish the Sullivan line as the boundary but no action was taken.⁸⁷

In the 1841-1842 session of Congress it seemed for a time that Iowa's claim to the Sullivan line would be recognized by Congress. Both the supporters of Iowa and those of Missouri put forth their best efforts in the debates on the floor of the House and all the available documentary evidence was called for and carefully examined. On May 26, 1842, the House Committee on the Territories, of which Garrett Davis of Kentucky was chairman, reported a bill to establish the Sullivan line as the boundary between Missouri and the Territory of Iowa. The twelve page report accompanying this bill was a most able exposition of the claims of Iowa.

⁸⁵ *Senate Documents*, 26th Congress, 1st Session, Vol. II, Document No. 53, pp. 1, 2. This memorial was passed by the Iowa Council on November 29, and by the Iowa House of Representatives on December 3, 1839. Each house suspended its rules to allow three readings on one day.—*Journal of the Council*, 1839-1840, p. 52; *Journal of the House of Representatives*, 1839-1840, pp. 80, 81.

⁸⁶ *Congressional Globe*, 1839-1840, pp. 110-112.

⁸⁷ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 147, 148.

The claim of Missouri, that the rapids referred to in the act of March 6, 1820, and in the State Constitution were in the Des Moines River, was effectively dealt with. A report of Captain Guion of the Topographical Bureau, who had investigated the Des Moines River in 1840, was quoted. This report showed that there were twelve different "rapids" or "ripples" in the Des Moines River within two hundred and twenty miles from its mouth. From this fact the Davis report made the following observation:

A parallel of latitude, passing through the lowest rapids in this stream, would intersect the "Des Moines rapids of the Mississippi." On what ground and with what propriety does Missouri contend that the *rapids* at the Great Bend are to give position to her northern line? They are not the first, by three, in ascending the river, and are not equal in fall to some half dozen others.⁸⁸

On July 20, 1842, the Davis bill was taken up by the House on the motion of Delegate A. C. Dodge. The debate on the subject was opened by Representative John C. Edwards of Missouri. While he held that it was "a case peculiarly for the decision of the courts" he proceeded to present Missouri's claims to the "Brown line" as the northern boundary of the State. He presented the testimony of survivors of the Missouri Constitutional Convention of 1820 to prove that the members of that body had regarded the "rapids" mentioned in the enabling act and in the Constitution itself as being located in the Des Moines River. At the conclusion of his speech Edwards offered an amendment to the Davis bill designed to make the line claimed by Missouri the southern boundary of Iowa. This amendment was rejected.⁸⁹

⁸⁸ *Reports of Committees, 27th Congress, 2nd Session, Vol. IV, Report No. 791, pp. 1-12.*

⁸⁹ *Congressional Globe, 1841-1842, pp. 770, 771.* The information in regard to the opinion of members of the Missouri Constitutional Convention, as presented by Representative Edwards, had been secured by Beverly Allen of the

The Iowa Delegate, A. C. Dodge, replied to Edwards in a long speech on the same day. He presented a convincing array of evidence to prove that the "rapids of the River Des Moines" had from early times been the name applied to the rapids in the Mississippi River and that it was these rapids that were meant in the description of Missouri's boundary. The arguments of Dodge were so convincing that the Davis bill was passed by the House on August 8, 1842, but as there was no one to sponsor it in the Senate it failed of passage there.⁹⁰

At the next session of Congress, on January 21, 1843, Representative John Pope of Kentucky submitted a report from the Committee on the Territories on the Iowa-Missouri boundary. In form it was identical with the Davis report submitted by the same committee the year before.⁹¹ The *Congressional Globe* contains no record of the question being brought up in either house during this session.

By 1843 the inhabitants of the Territory of Iowa were beginning to consider seriously the question of admission to the Union. This made them anxious to have the boundary question settled, for, as Governor John Chambers pointed

City of Jefferson. On December 21, 1840, he had written to the twenty survivors asking each to state what had been regarded as the meaning of the "rapids of the river Des Moines" and what line it was that was to be made to "correspond with the Indian boundary line." Ten replies had been received, by the time Edwards made his speech, stating that the members of the Convention had regarded the "rapids" as being located in the Des Moines River. There was no agreement on the second question but most of the replies indicated that the members thought that it was the western boundary of the State that was to correspond to the Indian boundary line. Letters indicating the opinion of these and others may be found in *Executive Documents*, 25th Congress, 3rd Session, Vol. IV, Document No. 128, pp. 20-22; *Executive Documents*, 27th Congress, 2nd Session, Vol. II, Document No. 48, pp. 1-11, 27th Congress, 3rd Session, Vol. IV, Document No. 138, pp. 1, 2.

⁹⁰ Pelzer's *Augustus Caesar Dodge*, pp. 85-89; *Appendix to the Congressional Globe*, 1841-1842, pp. 943-945.

⁹¹ *Reports of Committees*, 27th Congress, 3rd Session, Vol. I, Document No. 86, pp. 1-11.

out in his third annual message dated December 4, 1843, the fixing of the boundary by Congress would prevent any delay in securing admission to the Union because Iowa assumed a boundary that Congress would not concede.⁹²

In the 1843-1844 session of Congress a bill was finally passed providing for the settlement of the disputed boundary, without serious objection in either house. The bill, which became a law on June 17, 1844, provided for a commissioner to be appointed by the Governor of the Territory of Iowa, a second by Missouri, and a third, from a neutral State, by these two. These commissioners were to appoint surveyors "to ascertain, survey, and mark out the northern boundary line of the State of Missouri". The act was not to be effective unless Missouri's legislature assented to its provisions and "agreed to abide by the award of said commissioners, or any two of them, as final and conclusive".⁹³

Governor Meredith M. Marmaduke of Missouri, in his first biennial message, on November 18, 1844, recommended that the legislature pass an act "agreeing to the establishment of the line in the manner indicated by the act of Congress."⁹⁴ Such a bill was passed by the Missouri legislature, but on January 13, 1845, it was vetoed by John C. Edwards, the new Governor, who in the national House of Representatives had consistently opposed attempts to have Congress settle the boundary question. Edwards took the ground that it was contrary to the Missouri Constitution to agree to the proposals of Congress. He also expressed fear that the third commissioner could not be trusted to favor Missouri's claims. Finally, he pointed out that as Iowa was

⁹² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 271.

⁹³ *Congressional Globe*, 1843-1844, pp. 669, 690, 693; *United States Statutes at Large*, Vol. V, p. 677.

⁹⁴ Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. II, pp. 7, 8.

seeking admission into the Union, Congress would soon be forced to make a decision in regard to the boundary. If this was not satisfactory, recourse could be had to the courts.⁹⁵

The action of Governor Edwards of Missouri in blocking a settlement of the boundary question was unfortunate. Population had been moving westward along the border and as a result new disputes were bound to arise between the authorities of Iowa and Missouri. Early in 1845 trouble developed in Davis County, Iowa, which had been newly organized. Across the border was Adair County which had been organized by the Missouri legislature to include the present Schuyler County, Missouri, and also that part of Davis County, Iowa, between the Sullivan and Brown lines. On this area, which came to be called the "Dispute", the authorities of both Missouri and the Territory of Iowa attempted to exercise jurisdiction, and as a result many minor collisions occurred.

A more serious situation was created on March 9, 1845, when Preston Mullinax, the sheriff of Adair County entered the "Dispute" and arrested one Frederick Atchison who had been indicted during the previous November by the Adair Circuit Court for an assault with intent to kill. "A multitude of persons" rescued the prisoner and took the Adair County sheriff and his aids before a justice of the peace who held them under bail for trial in the next term of the District Court in Davis County. Mullinax was indicted for exercising his authority within the Iowa boundary without legal authority, while Deputy Sheriff William P. Linder was held for "kidnapping and falsely imprisoning" a citizen of Iowa. At the trial in the District Court Linder was sentenced to pay a fine and serve ten days in jail. The trial of Mullinax was continued until the next term, and as he

⁹⁵ Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. II, pp. 131-137.

refused to be released on his own recognizance, he was ordered to be committed to jail. At this juncture, Governor John Chambers intervened. He pardoned Linder and remitted his fine, and he also pardoned Mullinax of the offence for which he had been indicted and ordered his release.⁹⁶

Soon after the arrest of Mullinax and Linder, Adair County was divided and the territory adjoining Davis County, Iowa, was reorganized to form Schuyler County, Missouri. It was not long until trouble developed between these adjoining counties. The sheriff of Schuyler County was Jonathan Riggs while Samuel Riggs was the sheriff of Davis County. Both had their residence within the disputed area. First Jonathan Riggs, the sheriff of Schuyler County, was arrested by Sheriff Samuel Riggs on a charge of illegally exercising his authority in Iowa territory. He refused to give bail and was confined in jail for twenty days until he decided to give bail for his appearance in the District Court.

About the first of January, 1846, the sheriff of Schuyler County arrested Sheriff Samuel Riggs on a charge of exercising his authority in Missouri in an illegal manner. Governor James Clarke of Iowa, on January 9, 1846, sent a special message to the Legislative Assembly asking that he be authorized to employ counsel to defend the sheriff of Davis County, the expense to be borne by the Territorial government. This authority was granted and David Rorer, an attorney of Burlington, was appointed as special attorney for Samuel Riggs. Likewise the expense incurred by Jonathan Riggs in his defence was borne by the State of

⁹⁶ Negus's *The Southern Boundary of Iowa* in the *Annals of Iowa* (First Series), Vol. IV, pp. 752, 753; Horn's *History of Davis County, Iowa*, in the *Annals of Iowa* (First Series), Vol. II, pp. 304-307; Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. II, pp. 162, 173, 174; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 280-283.

Missouri. Neither sheriff came to trial, postponements being made in the hope that the boundary question would be settled. After the boundary line was settled the indictments were *nolle prossed*.⁹⁷

The troubles in Davis County emphasized the necessity of settling the boundary dispute between Iowa and Missouri. Since Missouri had refused to accept the method of settlement proposed by Congress in the act of June 17, 1844, those interested in the matter came to consider a court settlement as the best solution of the difficulty. As early as November 10, 1841, Governor Thomas Reynolds of Missouri had written to Governor John Chambers of Iowa Territory proposing that the authorities of Missouri and Iowa agree on a case and submit it to the Supreme Court of the United States for adjudication. Governor Chambers had replied that since the Organic Act specifically reserved to Congress the power to alter the Territorial boundaries, the Governor could make no agreement in the matter. Chambers doubted whether the Supreme Court could constitutionally take jurisdiction of a controversy between a State and a Territory subject to the legislation of Congress.⁹⁸

Though the matter of a court settlement was occasionally referred to in the debates in Congress it was not until 1845 that attention was focused on the matter by the developments in Davis County. In his special message to the Missouri legislature on March 21, 1845, relative to the trouble between Adair County, Missouri, and Davis County, Iowa, Governor Edwards presented a long exposition of Mis-

⁹⁷ Negus's *The Southern Boundary of Iowa* in the *Annals of Iowa* (First Series), Vol. IV, p. 753, Vol. V, pp. 786, 787; Horn's *History of Davis County, Iowa*, in the *Annals of Iowa* (First Series), Vol. II, pp. 307, 308; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 352-355; *Journal of the Senate, 1846-1847*, pp. 321-323.

⁹⁸ Parish's *John Chambers*, p. 130; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 258-261.

souri's claim to the Brown line as the northern boundary of Missouri. In order that doubt might be removed Edwards said: "it may be well for the two states [*sic*] to make up and submit an agreed case to the courts, if in this way the matter can be settled. It is the interest of both States to adjust the matter peaceably, if it can be done, and speedily, and such is the wish of Missouri and no doubt of Iowa too."⁹⁹

The suggestion of Edwards was in harmony with the views of Governor Chambers of Iowa. On April 19, 1845, the latter wrote to Governor Edwards, informing him of the pardon of Linder and Mullinax, the Adair County officials. In this letter, Chambers stated that Iowa Territory was helpless in the matter of settling the boundary, but he suggested that the Missouri authorities apply to Congress "for permission to litigate the subject of boundary either with the territorial government or directly with that of the United States."¹⁰⁰ In his fourth annual message on May 5, 1845, Chambers called the attention of the Legislative Assembly to this letter and recommended that that body "take the lead in applying to Congress to make provision for an immediate legal adjustment of the controversy."¹⁰¹

Governor James Clarke, in his first annual message, on December 3, 1845, took a similar stand and recommended that the Legislative Assembly memorialize Congress to pass a law that would enable the Territory of Iowa to go into the

⁹⁹ Leopard and Shoemaker's *The Messages and Proclamations of the Governors of the State of Missouri*, Vol. II, pp. 62, 162-174. It was the supposition of the Missourians that Iowa would be admitted to the Union in 1845, but the refusal to ratify the Constitution with the boundaries imposed by Congress resulted in the failure of Iowa to qualify as a party to the suit.

¹⁰⁰ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 286-288.

¹⁰¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 281, 282.

Supreme Court as one of the parties in an agreed case. In accordance with this recommendation, the Legislative Assembly on January 17, 1846, addressed a memorial to Congress. This document stated that the Missouri legislature had, on March 25, 1845, authorized the Governor of that State to agree with the Governor of Iowa on a case to secure a Supreme Court decision settling the disputed boundary. A law was asked authorizing the Governor of Iowa to accept the proposition of Missouri.¹⁰²

In response to this memorial, Congress, in an act of August 4, 1846, defining the boundaries of Iowa, inserted a section authorizing the boundary dispute to be referred to the Supreme Court.¹⁰³ Already preliminaries for the arrangement of an "agreed" case had been conducted by Attorney David Rorer on behalf of Iowa, acting on instructions from Governor Clarke.¹⁰⁴ When the people of Iowa ratified the Constitution of 1846 the matter was delayed until the new State Government could adopt a course of action. In his second annual message, December 2, 1846, Governor Clarke recommended "that all legislative provision necessary to the commencement and termination of such a suit be made."¹⁰⁵

The First General Assembly of Iowa acted on this recommendation and on January 16, 1847, passed an act authorizing the Governor of Iowa to agree with the State of Missouri for the commencement of a suit to be taken before the national Supreme Court in order to secure a final settlement of the boundary question. The Governor was further

¹⁰² Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 322, 323; *Executive Documents*, 29th Congress, 1st Session, Vol. IV, Document No. 126, pp. 1, 2.

¹⁰³ *United States Statutes at Large*, Vol. IX, pp. 52, 53.

¹⁰⁴ *Journal of the Senate*, 1846-1847, pp. 322-326.

¹⁰⁵ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 346.

authorized to employ counsel and otherwise safeguard the rights of Iowa. Governor Ansel Briggs thereupon appointed Charles Mason of Burlington as counsel on behalf of the State. On the second Monday in June, 1847, the counsel for Iowa and Missouri met and agreed to "institute an amicable suit."¹⁰⁶

On December 10, 1847, Missouri filed her original bill in the Supreme Court charging that Iowa had deprived her of her rightful boundary and praying that the territory claimed by Missouri be restored to her. Iowa denied Missouri's right to the territory in question, and filed a cross-bill charging Missouri with attempting to encroach on Iowa territory. The arguments for Iowa were presented by Charles Mason who was assisted by Thomas Ewing, while James S. Green and H. R. Gamble upheld Missouri's case. The decision of the Court was delivered by Judge John Catron on February 13, 1849. The Court held that the Indian boundary line was the true boundary since it had been recognized by treaties made with the Indians, by the acts of the General Land Office, and by congressional legislation, and since there were no rapids in the Des Moines River conspicuous enough to justify Missouri's claim. The Court also ordered the Indian boundary line to be resurveyed and marked. The expense of this work, as well as all costs growing out of the suit, were to be paid equally by Iowa and Missouri. The Court appointed Joseph C. Brown of Missouri and Henry B. Hendershot of Iowa as the commissioners to find and remark the Sullivan line.¹⁰⁷

¹⁰⁶ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 398.

¹⁰⁷ The arguments of both sides as well as the decree of the Court are found in 7 Howard 660-681. The decree of the Court may also be found in the *Iowa Historical Record*, Vol. II, pp. 266-271. Mason's report of his conduct of the suit, made to Governor Briggs on August 30, 1850, is found in the *Journal of the House of Representatives*, 1850-1851, pp. 19-23.

Brown died and Robert W. Wells, who was appointed as his successor, resigned so William G. Minor was appointed as the Missouri commissioner. These commissioners submitted their report to the Supreme Court at the December term, 1850. Their report was accompanied by a detailed surveyors' report showing in detail how the boundary line had been run and marked. The report stated that after considerable difficulty the "old northwest corner" had been located and marked with a solid cast-iron pillar, four and one-half feet long, twelve inches square at the base and eight inches square at the top and weighing about fifteen hundred pounds. From this point the boundary had been run west along the parallel of forty degrees, thirty-four minutes and forty seconds to the Missouri River. Then the old Sullivan line was relocated and marked between the "old northwest corner" and the Des Moines River. On the line west from the corner, iron monuments, weighing between three hundred and four hundred pounds, were placed every ten miles. On the old Sullivan line iron monuments were also placed every ten miles, and in addition wooden mile posts were erected on this line.

The commissioners reported that the whole expense of the survey was \$10,929.08. As each of the States had advanced \$2,000.00 the Court ordered them to pay the commissioners the balance due, each State paying one-half. With the acceptance of this report and the issuance of this decree on January 3, 1851, by the Supreme Court, the famous Iowa-Missouri boundary dispute came to an end.¹⁰⁸

¹⁰⁸ The complete report of the survey with the final decree of the Supreme Court appears in 10 Howard 1-54. A brief, partial report of H. B. Hendershot to Governor Ansel Briggs, dated October 23, 1850, is found in the *Journal of the House of Representatives, 1850-1851*, pp. 23, 24. Governor Briggs, in order to advance the \$2000 on the part of Iowa, had borrowed this sum on his personal note, from the State School Fund.—Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 400, 401.

Only one little episode remains to be mentioned in connection with the Iowa-Missouri dispute. Years after the line had been marked by Hendershot and Minor, the boundary, for a five mile strip between the fiftieth and fifty-fifth mile posts, became obliterated and the markers destroyed. A dispute arose between the authorities of Missouri and Iowa as to jurisdiction in the region. As a result the matter was again brought before the United States Supreme Court on December 17, 1895, and on February 3, 1896, Chief Justice Melville W. Fuller announced the decree of the Court. It was stated that the proper boundary was the Hendershot and Minor line, which was ordered to be re-surveyed and permanently marked in the region in dispute. Three commissioners, James Harding of Missouri, Peter Dey of Iowa, and Dwight C. Morgan of Illinois, were appointed to find and remark the boundary in the region west of Lineville, Iowa.¹⁰⁹

In the report of the commissioners, it was shown that work was commenced on April 9, 1896. The line in dispute was carefully relocated, the iron monuments at the fortieth, fiftieth, and sixtieth miles were reset, and at each intervening mile there was set a durable granite monument.¹¹⁰ Thus all cause for controversy was done away with in this, the only dispute that has arisen in regard to the Iowa-Missouri boundary since the Supreme Court settlement of 1851.

THE CONSTITUTIONAL BOUNDARIES

It was not long after the organization of the Territory of Iowa that thought began to be given to the time when Iowa would be admitted to the Union as a State. Governor

¹⁰⁹ The report of this case is found in 160 United States 688-692.

¹¹⁰ The Report of the commissioners is contained in the *Iowa Historical Record*, Vol. XIII, pp. 14-27.

Robert Lucas, in his second annual message, on November 5, 1839, called the attention of the Legislative Assembly to this matter and proceeded to suggest what he regarded as the "most natural and suitable boundaries" for the State. The boundaries which were suggested at this time have come to be called the *Lucas Boundaries* and were defined as follows:

Beginning in the middle of the main channel of the Mississippi river at a point east of the middle of the main channel of the Des Moines river where it empties into the Mississippi river; thence up the Mississippi river, following the middle of the main channel of the same to the mouth of the St. Peters [now Minnesota] river; thence up the St. Peters river following the middle of the main channel of the same to the mouth of Blue Earth river; thence up the Blue Earth river, following the middle of the main channel of the same to the most westerly course of said river; thence on a direct line to the source of Cactus river, an east branch of Calumet or Sioux river, thence down said river, following the middle of the main channel thereof to the middle of the main channel of the Missouri river; thence down the Missouri river following the middle of the main channel thereof to a point west of the line that may be established by Congress under the act approved June 18th, 1838, entitled, "An Act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked;" thence east with said line to the middle of the main channel in the Des Moines river; thence downward along the middle of the main channel of the Des Moines river to the place of beginning.¹¹¹

Though a few members of the Legislative Assembly favored seeking statehood, the majority were opposed, and no further action was taken in the session of 1839-1840. In 1840 and again in 1842 the proposition to hold a constitutional convention was overwhelmingly defeated when sub-

¹¹¹ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 95-97. A map, drawn by Bertha M. H. Shambaugh, showing the *Lucas Boundaries*, is found in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. II, p. 379.

mitted to a vote of the people.¹¹² But with the rapidly increasing population it was impossible to avoid the question long. Governor John Chambers officially brought the matter up again in his third annual message, submitted on December 4, 1843. He recommended to the Legislative Assembly that steps be taken to secure the admission of Iowa to the Union, and he especially urged that Congress be asked to fix the boundaries of the proposed State. In regard to this matter he said:

The establishment of a boundary for us by Congress, will prevent the intervention of any difficulty or delay in our admission into the Union, which might result from our assuming limits which that body might not be disposed to concede to us.¹¹³

In accordance with the Governor's recommendation the question of a constitutional convention was again submitted to the people of the Territory in April, 1844, and this time the proposition carried. In the Constitution drawn up by the Convention which met in the Old Stone Capitol at Iowa City, from October 7 to November 1, 1844, the provision relating to the boundaries of the proposed State proved to be the most important. More than any other thing it was the boundary question that defeated the Constitution of 1844. Congress had not designated the boundaries and the Convention adopted boundaries, evidently without much thought concerning the will of Congress.¹¹⁴

On the afternoon of October 11, 1844, the Standing Committee on State Boundaries made its report to the Convention. The boundaries recommended were essentially the *Lucas Boundaries* proposed in 1839. As Mr. Lucas, the

¹¹² Shambaugh's *History of the Constitutions of Iowa*, pp. 145-170.

¹¹³ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 271.

¹¹⁴ Shambaugh's *History of the Constitutions of Iowa*, pp. 170-174, 176, 227, 234, 235.

former Governor, was a member of the committee it was quite natural that his influence should be apparent in the report. There was, however, an important difference in defining the southern boundary of the proposed State. According to the committee's report the boundary on the south was to be the Des Moines River to the Sullivan line, thence along this line to the "old northwest corner", and then due west to the Missouri River. According to the proposals of Lucas in 1839 the southern boundary of Iowa between the Des Moines and Missouri rivers was to be a line "that may be established by Congress".¹¹⁵

In the debate which followed the submission of the report, James H. Gower of Cedar County moved an amendment that would make the forty-fifth parallel the northern boundary of Iowa. Lucas opposed this amendment "because it would take in a large range of broken and comparatively valueless country, which has no natural connection with us, bringing within the State more than 120,000 square miles." The amendment was defeated, but an amendment proposed by J. C. Hall of Henry County to fix the northern boundary at forty-two degrees and thirty minutes north was adopted.¹¹⁶

When the debate on the boundaries was resumed on the next day in Committee of the Whole, the chief attention was given to the southern boundary. James Clarke of Des Moines County moved to substitute the words "Northern boundary of the State of Missouri" for "Old Indian Boundary line, or line run by John C. Sullivan in the year 1816". In support of his motion Clarke said that he wished to

¹¹⁵ Shambaugh's *History of the Constitutions of Iowa*, p. 235; Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 9, 20, 22; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 96.

¹¹⁶ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 22-24.

avoid forcing Congress to make a decision as to the location of the southern boundary of Iowa. Such a decision might be made hurriedly and be adverse to Iowa. Lucas opposed the motion on the ground that it meant a surrender to Missouri and would allow that State to choose any line she pleased for her northern boundary. After a heated debate participated in by several other delegates, Clarke's motion was defeated.¹¹⁷

At this time amendments were agreed to by which the northern boundary of Iowa was to be a line running directly from the mouth of the Calumet or Sioux River to the Mississippi River at the point where it was intersected by the parallel of forty-five degrees and thirty minutes north. On October 26, 1844, the select committee to which the boundary question had been referred submitted a report in which the northern boundary was again changed. An unsuccessful attempt was made by Edward Langworthy of Dubuque County to amend the report so as to fix the northern boundary on the forty-fifth parallel and the western boundary on the ninety-sixth parallel of longitude and the Missouri River. It was Langworthy's desire to include within the territory of Iowa the Falls of St. Anthony in the Mississippi River in order to secure the water power. On October 28, 1844, the report of the Committee on State Boundaries was ordered to be engrossed for a third reading.¹¹⁸

The boundaries of Iowa, as finally included in the Constitution of 1844, were described as follows:

Beginning in the middle of the main channel of the Mississippi

¹¹⁷ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 26, 29-33, 182-188.

¹¹⁸ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 33, 135-137; Shambaugh's *History of the Constitutions of Iowa*, pp. 237-239.

river opposite the mouth of the Des Moines river; thence up the said river Des Moines in the middle of the main channel thereof, to a point where it is intersected by the Old Indian Boundary line, or line run by John C. Sullivan in the year 1816; thence westwardly along said line to the "Old North-west corner of Missouri;" thence due west to the middle of the main channel of the Missouri river; thence up in the middle of the main channel of the river last mentioned to the mouth of the Sioux or Calumet river; thence in a direct line to the middle of the main channel of the St. Peters river, where the Wantonwan river (according to Nicollet's map) enters the same; thence down the middle of the main channel of said river to the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said river, to the place of beginning.¹¹⁹

The completed Constitution was submitted to Congress when it met in December, 1844. In the Senate it was referred to the Committee on the Judiciary on December 9th, and in the House, after its presentation by Delegate A. C. Dodge, it was referred to the Committee on the Territories. On January 7, 1845, A. V. Brown, for the House Committee on the Territories, presented a bill providing for the admission of Iowa and Florida into the Union. This bill passed the House of Representatives on February 13, the Senate on March 1, and was signed by President John Tyler on March 3, 1845.¹²⁰

The bill as finally passed was very different from the one reported to the House by the Committee on the Territories. In the Committee's bill, the boundaries as proposed by the Iowa Constitutional Convention were retained,¹²¹ but when the bill for the admission of Iowa and Florida, taken up in

¹¹⁹ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 150.

¹²⁰ Shambaugh's *History of the Constitutions of Iowa*, pp. 242-244. This act of March 3, 1845, may be found in the *United States Statutes at Large*, Vol. V, pp. 742, 743.

¹²¹ Shambaugh's *History of the Constitutions of Iowa*, p. 246.

Committee of the Whole on the State of the Union, on February 10, 1845, was finally reported the section defining the boundaries of Iowa had been changed beyond recognition.

When the bill came up in the Committee of the Whole, an attempt was made to amend the section dealing with the boundaries of Iowa by defining the boundary between Iowa and Missouri. A. V. Brown, the chairman of the Committee on the Territories, was opposed to the amendment for he wished to keep the Iowa-Missouri controversy out of the discussion.¹²²

Representative Alexander Duncan thereupon moved an amendment to the amendment, part of which provided entirely new boundaries for Iowa except on the east. This part of the amendment read:

This admission of the State of Iowa is upon the express condition that the said State shall consist of, and have jurisdiction over, the territory included within the following boundaries — to wit: beginning in the middle of the St. Peter's river, at the junction of the Watonwaer or Blue Earth river; with the said river St. Peter running thence due east to the boundary line of the Territory of Wisconsin, in the middle of the Mississippi river; thence down the middle of the last named river with the boundary line of the Territory of Wisconsin and State of Illinois to the northeast corner of the State of Missouri, in said river Mississippi; thence westwardly with the boundary line of said State of Missouri to a point due south from the place of beginning; thence due north to the place of beginning in said St. Peter's river.

In support of the boundaries defined in his amendment, Duncan contended that they were the boundaries of nature and that if they were adopted there would be enough terri-

¹²² *Congressional Globe*, 1844-1845, pp. 268, 269. On January 27, 1845, the Missouri legislature had sent a memorial to Congress asking that the northern boundary of Missouri be designated the southern boundary of Iowa. This memorial is found in *Senate Documents*, 28th Congress, 2nd Session, Vol. VII, Document No. 110, pp. 1, 2.

tory left to form two more States. He exhibited the map of Nicollet in support of his proposals.¹²³

The boundaries proposed by Duncan were substantially those recommended by J. N. Nicollet who spent the years 1836-1840 in exploring the upper Mississippi basin. In his report to J. J. Abert, Chief of the Corps of Topographical Engineers, Nicollet outlined a plan for the creation of five new States including Iowa. The boundaries which he suggested for Iowa would have made a State in which nearly all of the streams flowed in the same direction, and this, he argued, "together with the similarity of climate, soil, resources, and avenues to market, are well calculated to give the inhabitants of this State a homogeneity of character and interest highly conducive to their well-being, both morally and politically."¹²⁴

Representative Brown in supporting the boundaries in the bill which he had reported, said that various boundaries had been considered by his committee. They had concluded that the boundaries asked for by the people of Iowa "who were there, who had settled the country, and whose voice should be listened to in the matter" were the best.¹²⁵

On February 11, 1845, debate on the Iowa-Florida bill was continued. Representative Samuel F. Vinton of Ohio was the leading supporter of the Duncan amendment. It was his desire to see small States created west of the Mississippi River since the creation of large States would curtail the power of the West in the Senate of the United States. After further debate and discussion the Duncan amendment was

¹²³ *Congressional Globe*, 1844-1845, p. 269.

¹²⁴ Nicollet's complete report with his accompanying map is contained in *Senate Documents*, 28th Congress, 2nd Session, Vol. II, Document No. 52, pp. 1-170. A map depicting the *Nicollet Boundaries*, drawn by Bertha M. H. Shambaugh, is found in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. II, p. 380.

¹²⁵ *Congressional Globe*, 1844-1845, p. 269.

carried. Then, by common consent, after a long conversation participated in by Dodge, Brown, Vinton and others, another amendment proposed by Duncan was adopted. This amendment defined the western boundary of Iowa as a "meridian line running equi-distant from the seventeenth and eighteenth degrees of longitude west from Washington".¹²⁶

When the bill as amended by the Committee of the Whole came before the House for final action on February 13, 1845, it was passed by a vote of 145 to 46. Little attention seems to have been paid to the Iowa boundary question in the Senate. On February 14, 1845, the House bill providing for the admission of Iowa and Florida was presented in the Senate and was referred to the Judiciary Committee which, ten days later, reported the bill back to the Senate without amendment. On March 1st the bill was debated and passed by a vote of 36 to 9. In the debate the boundary question was alluded to only incidentally by Senator John M. Berrien of Georgia who stated that the boundary difficulties between Iowa and Missouri had been "obviated by provisions inserted in the bill."¹²⁷

After Congress had expressed its will in regard to the boundaries of Iowa, it remained to be seen what action the people of the Territory would take toward the Constitution with the *Nicollet Boundaries* substituted for the *Lucas Boundaries*. Discussions of the Constitution had been going on while the matter was before Congress and it was evident that the *Lucas Boundaries* were acceptable to both Democrats and Whigs. But when the news reached Iowa that Congress had imposed the *Nicollet Boundaries* as a

¹²⁶ *Congressional Globe*, 1844-1845, pp. 273, 274; Shambaugh's *History of the Constitutions of Iowa*, pp. 248-251; Pelzer's *Augustus Caesar Dodge*, pp. 115, 116.

¹²⁷ *Congressional Globe*, 1844-1845, pp. 282-287, 332, 377-383.

condition of statehood, many Democrats joined with the Whigs who were opposed to the Constitution.¹²⁸

Though the Iowa Delegate, A. C. Dodge, had supported the boundaries established by the Iowa Convention during the discussion in Congress, immediately after the bill containing the *Nicollet Boundaries* became a law, he endeavored to influence his constituents to accept the new boundaries. On March 4, 1845, he addressed a long letter to the people of Iowa in which he pointed out that Congress, in designating the northern boundary of Missouri as the southern boundary of Iowa had left the dispute with Missouri as before — that Congress intended to leave the Iowa-Missouri controversy to the Supreme Court.

Dodge showed that in spite of the curtailment of the western and northern boundaries, Iowa would still contain about 44,000 square miles which was larger than the area of Indiana, Kentucky, North Carolina, Ohio, Pennsylvania, or Tennessee. The western boundary cut out from Iowa the "barren and sterile" dividing ridge called the "Hills of the Prairie" which divided the waters flowing into the Mississippi and Missouri rivers. Quotation was made from Nicollet's report and the reasons for the action of Congress in adopting the *Nicollet Boundaries* were explained. He concluded, "forming my opinion from extensive inquiry and observation, I must in all candor inform you that, whatever your decision on the first Monday of April next may be, we will not be able hereafter under any circumstances, to obtain *one square mile more* for our new State than is contained within the boundaries adopted by the act of Congress admitting Iowa into the Union."¹²⁹

¹²⁸ Pelzer's *Augustus Caesar Dodge*, p. 118; Shambaugh's *History of the Constitutions of Iowa*, pp. 265-268.

¹²⁹ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 231-235.

The Democratic newspaper at Iowa City, the *Iowa Capitol Reporter*, supported Dodge in his efforts to secure the acceptance of the *Nicollet Boundaries*. It showed the disadvantage of having a population in the rich Missouri and Mississippi valleys divided by a barren ridge. It would be better to have two States formed from these areas, asserted the editorial writer, each with its own interests. The futility of expecting greater boundaries was also pointed out.¹³⁰

That many Democrats in Iowa were not convinced that the *Nicollet Boundaries* were the best that could be secured was evidenced by the result of the election held on April 7, 1845, when the Constitution was defeated by a vote of 7019 to 6023.¹³¹

After this rejection of the Constitution its friends began to clamor for its resubmission to the people. They claimed that the conditions imposed by Congress had confused the minds of the people, so they wished to give an opportunity to vote on the Constitution as it came from the Convention, free from all conditions. Governor John Chambers, in his message to the Legislative Assembly on May 5, 1845, recommended that another convention be called. The Assembly, however, favored the resubmission of the Constitution of 1844 and a bill for that purpose was passed. This was vetoed by the Governor but was passed over his veto and the election ordered for the first Monday in August, 1845.¹³²

The passage of this bill through the Legislative Assembly

¹³⁰ *Iowa Capitol Reporter*, March 15, 29, 1845. These editorials are also reprinted in Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 228-231.

¹³¹ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 177-180; Pelzer's *Augustus Caesar Dodge*, p. 119.

¹³² Shambaugh's *History of the Constitutions of Iowa*, pp. 271-278; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 278-280, 296-302; Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 180-182.

provoked some heated debate. On May 21, 1845, Shepherd Leffler, who had been President of the Convention of 1844, made a long speech before the Council in favor of the bill. He attributed the defeat of the Constitution to the boundaries imposed by Congress. While the congressional boundaries would make "a handsome little State, on a small scale, with dry lines", he would never accept it. He deplored the loss of rich areas on the Missouri River and on the upper Mississippi and St. Peter's rivers. Instead of becoming "one of the largest and most powerful States of the Confederacy" Iowa would be reduced "to the condition of a fifteenth rate State". The only course to pursue, he contended, was to submit the Constitution to the people again, with the boundaries proposed by the Convention. In answer to the objection that even if the constitution were ratified, Congress would not accept those boundaries, he pointed out that the new Congress might not sustain the decision of its predecessor. "At all events", he said, "the old boundaries are worth another application to Congress."¹³³

On May 31, 1845, Speaker James M. Morgan of the House left the chair to speak in favor of the bill. His most significant statements were as follows:

The people of the Territory should contend for the extended boundaries because without them there would remain but few inducements to go into a state organization, whilst with them there would be every motive to take that step. Those boundaries form of themselves several hundred miles of steamboat navigation, and embrace within their limits some 60,000 square miles of the best farming lands in the world, together with inexhaustible mineral resources and all imaginable facilities for manufacturing purposes Let us treat this question, then, in a spirit of patriotism commensurate with its importance to us and to poster-

¹³³ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 250-253.

ity. Let us raise our thoughts and shape our acts above the party expedients of the day The people of this Territory have a right to demand the extended boundaries, because they made their settlements here, with a view to obtaining them.

Morgan contended that because of political considerations and from a sense of justice "arising from a sober second thought" Congress would admit Iowa with the Convention boundaries.¹³⁴ Representative David S. Wilson, on the same day, also made a long speech in defence of the right of the Assembly to resubmit the Constitution to the people. With "a proper spirit", he said, "which if I mistake not pervades the bosoms of the people, we will demand our original boundaries, and submit to nothing less."¹³⁵

A. C. Dodge, who had been renominated by the Democrats for the office of Delegate to Congress, received much criticism because, in his letter of March 4, 1845, he had urged the people of Iowa to accept the *Nicollet Boundaries*. He was charged by the Whigs with being a blunderer and "a deserter of the people's cause". Though defended by his friends, Dodge felt it necessary to answer the charges. On June 23, 1845, he issued an address to the people of Iowa in which he stated that he had urged the acceptance of the boundaries imposed by Congress because it was his honest conviction that no better ones could be secured. He pledged himself, if reëlected to go to Washington to work for the boundaries desired by the people of Iowa whose "popular feeling has been so clearly and emphatically expressed".¹³⁶

¹³⁴ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 283-294.

¹³⁵ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 294-313.

¹³⁶ Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 254-259; Pelzer's *Augustus Caesar Dodge*, pp. 119-121; Shambaugh's *History of the Constitutions of Iowa*, pp. 280, 281.

In the election held in August, 1845, the Constitution of 1844 was again defeated, though by a majority much less than in April, 1845. In explaining this second defeat the *Iowa Capitol Reporter* declared the main cause was "the pertinacious and wilful misrepresentations of the whig press relative to the boundaries". The Whigs, it was claimed, had deceived many into thinking that to vote in favor of the Constitution was to vote in favor of the boundaries imposed by Congress.¹³⁷

Before the next meeting of the Legislative Assembly, a new Democratic Governor, James Clarke, had been appointed. In his first annual message, on December 3, 1845, he referred to the rejection of the Constitution of 1844 as "greatly to be deplored." He said there could be no doubt that "misrepresentation and mystification had much to do in effecting it". The Governor had no recommendation to make but expressed a willingness to coöperate in securing Iowa's "speedy incorporation into the Union as a State".¹³⁸

The Legislative Assembly was confident that the people of Iowa desired to be organized as a State, so, by an act of January 17, 1846, it authorized the election of thirty-two delegates to a Constitutional Convention. The election took place in April and the Convention assembled at Iowa City on May 4, 1846.¹³⁹

On the first day of the Convention a Standing Committee on Boundaries and Bill of Rights was appointed, and on the following morning this committee submitted a report. The

¹³⁷ Shambaugh's *Documentary Material Relating to the History of Iowa*, pp. 182-184; *Iowa Capitol Reporter*, August 27, 1845. This editorial is reprinted in Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 260-263.

¹³⁸ Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 319.

¹³⁹ Shambaugh's *History of the Constitutions of Iowa*, pp. 289-294.

boundaries recommended in this report were the middle of the Mississippi River on the east, the parallel of forty-three degrees and thirty minutes on the north, the middle of the Big Sioux or Calumet and the Missouri rivers on the west, and the northern boundary of Missouri on the south.¹⁴⁰

The advocates of the larger State boundaries were unwilling to accept the proposed compromise boundaries. On May 7, 1846, David Olmsted offered an amendment to the Article on Preamble and Boundaries which amounted to a substitution of the boundaries of the Constitution of 1844 for those reported to the Convention. This amendment was adopted on the following day, but on May 14th William Steele presented a motion requiring the Committee on Revision to amend the Article so as to again make forty-three degrees and thirty minutes the northern boundary of Iowa.¹⁴¹ This designation finally prevailed and in the completed Constitution of 1846, the boundaries of Iowa were described as follows:

Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri, as established by the constitution of that State, adopted June 12th, 1820, crosses the said middle of the main channel of the said Des Moines river; thence westwardly, along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line, intersect the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river, to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollett's

¹⁴⁰ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, pp. 27, 28.

¹⁴¹ *Journal of the Convention for the Formation of a Constitution for the State of Iowa*, 1846, pp. 31, 32, 34, 39, 40, 48, 49, 56, 87, 88, 101, 102.

map; thence up the main channel of the said Big Sioux river, according to said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east, along said parallel of forty-three degrees and thirty minutes, until said parallel intersect[s] the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said Mississippi river, to the place of beginning.¹⁴²

Meanwhile the question of the Iowa boundaries was before Congress for action. True to his pledge that, if returned to Congress as the Iowa Delegate, he would endeavor to secure the boundaries that the people wanted, and in accordance with instructions from the Iowa Legislative Assembly, A. C. Dodge, on December 19, 1845, introduced a bill to repeal so much of the act of March 3, 1845, as related to the Iowa boundaries and to define new boundaries. This bill was referred to the House Committee on the Territories.¹⁴³

It was not until March 27, 1846, that Stephen A. Douglas, the chairman of the committee, reported "an amendatory bill" to establish the boundaries of Iowa. This bill was a compromise between the *Lucas Boundaries* as described in the Constitution of 1844 and the *Nicollet Boundaries* as defined by the act of Congress, March 3, 1845, for it proposed to make the Missouri and Big Sioux rivers the western boundary and the parallel of forty-three degrees and thirty minutes north latitude the northern boundary.¹⁴⁴

By the time the bill was brought up for debate in the national House of Representatives, the Iowa Constitutional Convention of 1846 had met and had adopted forty-three

¹⁴² Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 190, 191; Shambaugh's *History of the Constitutions of Iowa*, pp. 314-317.

¹⁴³ *Congressional Globe*, 1845-1846, p. 86; Pelzer's *Augustus Caesar Dodge*, p. 122.

¹⁴⁴ *Congressional Globe*, 1845-1846, pp. 562, 938; Pelzer's *Augustus Caesar Dodge*, pp. 122, 123.

degrees and thirty minutes as the northern boundary line of the proposed State. On June 8, 1846, the bill came up for discussion in the Committee of the Whole on the State of the Union. Representative Julius Rockwell of Massachusetts moved an amendment to strike out the words "forty-three degrees and thirty minutes" and to insert in their place "forty-two degrees". In support of the amendment he referred to a memorial from inhabitants of the northern part of the Territory of Iowa asking that the northern boundary be fixed at forty-two degrees so that they would not be included in the State of Iowa.¹⁴⁵

Stephen A. Douglas then took the floor in support of the boundaries which his committee had proposed in the bill which he had submitted. He stated that he had previously favored the curtailment of Iowa's boundaries but he had become convinced that the boundaries prescribed by the act of March 3, 1845, were "unnatural" and "inconvenient" and left the remainder of the territory in the worst shape possible for the formation of future States. The Missouri River, he was satisfied, should be the western boundary of the State, and in the north the committee had curtailed the boundary of the State to "less than the people had asked for, and less than their Delegate had desired". Furthermore he pointed out that the people of Iowa had rejected the boundaries established by the preceding Congress. The Iowa Convention had adopted the compromise boundaries

¹⁴⁵ *Congressional Globe*, 1845-1846, p. 938. The memorial came from a group in Dubuque and Dubuque County who prayed for the establishment of a new Territory between the forty-second parallel and the northern boundary of the United States. A delegation had even been sent to Washington to lobby in favor of the forty-second parallel as the northern boundary of Iowa. This was a radical change in attitude, for in the Convention of 1845 the Dubuque delegates had been most active in attempting to fix the northern boundary on the forty-fifth parallel.—*Iowa Capitol Reporter*, May 6, 1846; Shambaugh's *History of the Constitutions of Iowa*, pp. 281-283. The editorial of the *Iowa Capitol Reporter* is reprinted in Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 267-269.

supported by Douglas, and, if these were changed, Iowa would have to hold a new Convention. As for the memorial from Dubuque, Douglas said that it was inspired by the wish "either for such an arrangement as should cause Dubuque to be the largest town in a little State, or else to make it the central town of a large State."

Douglas did not consider that the people of Iowa were unreasonable in their requests, for the area they asked for was less than that of Illinois, Michigan, or Missouri. Furthermore, the boundaries as defined in the bill were natural boundaries. On the east would be the Mississippi River, on the west the Missouri River, while on the north was the ridge dividing the valley of St. Peter's River from the valley of the Des Moines River.¹⁴⁶

Representative George Rathbun of New York, in a lengthy speech, contended that the interests of the whole country and not those of the people of Iowa alone should be considered. He insisted that the balance of power between the North and the South should be maintained, and this would not result if large States were formed in the North and small ones in the South. He alluded to the act annexing Texas which allowed her "to form in process of time four or five States". The Iowa Constitution of 1844, he claimed, had not been rejected because of objections to the boundaries prescribed by Congress but because of objections to the Constitution itself. Rathbun favored retaining the boundaries set in 1845, but if this could not be done, he was of the opinion that about forty thousand square miles would be enough because there "was no limit to its [Iowa's] fertility and its capacity for sustaining human life".¹⁴⁷

A. C. Dodge, the Delegate from Iowa, then took the floor

¹⁴⁶ *Congressional Globe*, 1845-1846, p. 938.

¹⁴⁷ *Congressional Globe*, 1845-1846, pp. 938, 939.

and delivered a most forceful speech. He opened by expressing regret that Rathbun "has again appealed to those sectional prejudices and passions which were so successfully invoked at the last session of Congress to effect a reduction in the boundaries of the proposed State of Iowa." Dodge asserted that if the boundaries proposed by Congress in 1845 had been voted on separately by the people of Iowa, not five hundred votes would have been cast in favor of them. Had it not been for the action of Congress the Constitution would have been adopted by "an overwhelming majority". He knew what the people of Iowa thought for he had lately "undergone the popular ordeal upon this question".

Though he had endeavored to secure the boundaries desired by the people of Iowa, the Committee on the Territories had reduced them on the north so that the total area of the State would be about fifty-one thousand square miles, which was less than the area of the States of Virginia, Georgia, Michigan, Illinois, Florida, or Missouri. He quoted letters from Enos Lowe, President of the Iowa Constitutional Convention of 1846, showing that the Convention had met the advances of the Committee on the Territories by adopting the parallel of forty-three degrees and thirty minutes as the northern boundary of Iowa. Dodge expressed the hope that Congress would be willing to meet the advances of Iowa "in that spirit of compromise which lies at the foundation of all our institutions."¹⁴⁸

At this point in the debate Rockwell withdrew his amendment to make the northern boundary of Iowa the forty-second parallel. He was satisfied that the resulting area of about twenty-four thousand square miles would be too small.¹⁴⁹

¹⁴⁸ *Appendix to the Congressional Globe*, 1845-1846, pp. 668, 669.

¹⁴⁹ *Congressional Globe*, 1845-1846, p. 939.

Representative Samuel F. Vinton of Ohio next took the floor and proceeded to make extended remarks in favor of an amendment which he proposed, whereby the northern boundary of Iowa would be forty-three degrees north latitude. The matter, he said, should be treated as a question of national policy. The creation of large States was "obviously and inevitably destroying the ultimate power, weight, and influence of the West in this Government." He looked to the West as a conservative force in case any attempt should be made to disrupt the Union. Ultimately the great mass of population would be in the West, so Vinton favored small States there so as to provide the proper political power.¹⁵⁰

Representative Douglas spoke briefly against Vinton's amendment, and then Dodge, obviously excited, again took the floor. Exclaiming that he would be "faithless to a generous and confiding constituency" if he did not oppose the amendment, Dodge proceeded to expose Vinton's persistence in opposing large boundaries for Iowa. He sarcastically referred to the fact that Vinton stood with two easterners, Rockwell of Massachusetts and Rathbun of New York, in opposing the wishes of the people of Iowa. He pointed out that Vinton was inconsistent in trying to secure for Ohio a boundary extension and then opposing large boundaries for Iowa. He concluded:

Mr. Chairman, I trust that the act for our admission is not again to be shackled with conditions. I admonish the majority of this House that if the amendment of the gentleman from Ohio is to prevail, they might as well pass an act for our perpetual exclusion from the Union. Sir, the people of Iowa will never acquiesce in it.¹⁵¹

¹⁵⁰ *Congressional Globe*, 1845-1846, pp. 939, 940.

¹⁵¹ *Congressional Globe*, 1845-1846, pp. 940, 941; *Appendix to the Congressional Globe*, 1845-1846, p. 669.

Vinton's amendment was defeated by a vote of sixty-eight to fifty-four. After this action an amendment proposed by Representative James B. Bowlin was adopted by the Committee of the Whole which provided for the description of the boundaries "in the precise terms or language used in the constitution formed by the convention of Iowa."¹⁵² On June 9, 1846, the bill came up in the House for final action. Again Vinton attempted to secure an amendment fixing the northern boundary at forty-three degrees north latitude, but this time his attempt was defeated by a vote of ninety-one to sixty-three. Immediately thereafter the bill was read a third time and passed.¹⁵³

On June 11, 1846, this House bill was presented in the Senate and referred to the Committee on the Territories. It was read a third time and passed on August 1, 1846, and three days later was signed by the President. Besides defining boundaries for the State of Iowa, the act authorized the submission of the Iowa-Missouri boundary dispute to the national Supreme Court for final settlement.¹⁵⁴

In Iowa the boundaries of the Committee on the Territories¹⁵⁵ met with a favorable reception. The chief objec-

¹⁵² *Congressional Globe*, 1845-1846, p. 941.

¹⁵³ *Congressional Globe*, 1845-1846, pp. 948, 949.

¹⁵⁴ *Congressional Globe*, 1845-1846, pp. 958, 1174; *United States Statutes at Large*, Vol. IX, pp. 52, 53. The Missouri Convention, meeting at the City of Jefferson, Missouri, in January, 1846, for the purpose of amending the Constitution of that State, had sent a memorial to Congress setting forth the claims of Missouri to the Brown line as the northern boundary of Missouri, and asking Congress to designate this line as the southern boundary of Iowa before admitting her as a State. Instead of this Congress passed the matter on to the Supreme Court. This memorial is found in *Executive Documents*, 29th Congress, 1st Session, Vol. IV, Document No. 104, pp. 1-7.

¹⁵⁵ This term is employed because no one individual can be credited with proposing the present boundaries of Iowa. Credit must go to the whole Committee on the Territories of the House of Representatives. The term seems to have been first employed by Benj. F. Shambaugh in his article, *The Boundaries of Iowa* in the *Annals of Iowa* (Third Series), Vol. IV, p. 71.

tion made to the boundaries prescribed was on the ground that they "were fixed with a view to the removal of the seat of government to the Raccoon Forks."¹⁵⁶ In spite of the opposition the Constitution was approved by the people of Iowa on August 3, 1846. On December 15th this Constitution was presented in the national House of Representatives and on December 28, 1846, a law was enacted admitting Iowa into the Union.¹⁵⁷ Thus Iowa became a State with her boundaries defined as they are at the present time. It remained only for the Supreme Court to decide what the southern boundary should be, and then it was necessary to survey that line as well as the northern boundary of the new State.

There was some delay after the admission of Iowa to the Union, in having the northern boundary of the State surveyed. Finally, on March 3, 1849, an act was passed by Congress ordering that the Surveyor General of Wisconsin and Iowa should "cause the northern boundary line of the State of Iowa to be run and marked, and suitable monuments placed thereon".¹⁵⁸

Instructions were prepared by the Commissioner of the General Land Office and the survey was to have been undertaken in the summer of 1849. This was prevented, however, by the prevalence of Asiatic cholera. All that was done was to determine the point of intersection of the parallel of forty-three degrees and thirty minutes with the Mississippi River. This work was performed by Captain Thomas J.

¹⁵⁶ This assertion was made by the Whig leader, William Penn Clarke, of Iowa City in an address on July 20, 1846. This address is contained in Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 347-365.

¹⁵⁷ Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 213-215; *Congressional Globe*, 1846-1847, pp. 33, 53, 61, 79, 80; *United States Statutes at Large*, Vol. IX, p. 117.

¹⁵⁸ *United States Statutes at Large*, Vol. IX, p. 410.

Lee of the Topographical Bureau who was especially detailed for that purpose.¹⁵⁹

Nothing was done during the two following seasons, the work being first postponed because Congress had failed to appropriate money for the work, and then it was delayed while a treaty was being negotiated with the Sioux Indians, and finally rainy weather held up the work.¹⁶⁰

The Secretary of the Interior, A. H. H. Stuart, became impatient with the delays and early in 1852, requested the Commissioner of the General Land Office to issue instructions for the survey.¹⁶¹ There was further delay while steps were taken to secure an additional \$15,000 to supplement a \$15,000 appropriation made by Congress on September 20, 1850, to cover the cost of the survey. In support of the request for additional funds, the Commissioner of the General Land Office said:

That boundary, throughout every half mile of it, will be connected and identified with the corner boundaries of the townships, sections, and quarter sections of the public surveys, and be made the great practical base for starting the surveys on the north of it, and whereon will close all those from its south, and elongated at some future day beyond the Big Sioux, which now forms its western terminus. That line will also be made the base wherefrom to project the public surveys northwest of it, and to the eastern spurs of the Rocky mountains. To determine it, therefore, according to the most exact methods, is an important object for all future time.¹⁶²

¹⁵⁹ *Executive Documents*, 31st Congress, 1st Session, Vol. II, Pt. II, Document No. 1, p. 235, Vol. III, Pt. II, Document No. 5, p. 31.

¹⁶⁰ *Executive Documents*, 31st Congress, 1st Session, Vol. II, Pt. II, Document No. 1, pp. 235, 247, 32nd Congress, 1st Session, Vol. III, Pt. III, Document No. 1, p. 15.

¹⁶¹ Letter from A. H. H. Stuart to Justin Butterfield, dated Interior Department, February 2, 1852. The original of this letter is in the Interior Department, at Washington, D. C., File No. 256.

¹⁶² *Executive Documents*, 32nd Congress, 1st Session, Vol. VI, Document No. 66, pp. 1-4.

During the spring and summer of 1852 the work of surveying and marking the northern boundary of Iowa was finally accomplished. The surveying party left Dubuque, Iowa, on April 1st of that year. For about three weeks the weather was unfavorable, but thereafter, according to the report of Surveyor General George B. Sargent, it was "remarkably favorable both for astronomical and surveying operations." As a result the line, which was two hundred and sixty-eight miles, sixty-five chains and eighty-six links long, was surveyed and marked and the surveying party was back in Dubuque by September 6, 1852. When the Big Sioux River was reached four members of the party were sent down the stream to the Missouri River on a raft. Though the distance from the northern boundary to the mouth of the Sioux River was only about sixty miles in a direct line, the party estimated that the windings of the river increased the distance to about two hundred and sixty miles. This trip occupied fourteen days.¹⁶³

In the survey of the northern boundary of Iowa, every precaution was taken to insure accuracy. The measurements were made by two sets of chainmen who checked each other. In spite of the precautions an error of twenty-three chains¹⁶⁴ was discovered within a year when land surveys to the north were undertaken. The Commissioner of the General Land Office was at a loss to explain this but said the error could be rectified without a resurvey.¹⁶⁵

The total cost of surveying and marking the northern border of Iowa was \$35,347.38. At the initial point of the

¹⁶³ *Executive Documents*, 32nd Congress, 2nd Session, Vol. I, Pt. I, Document No. 1, pp. 120-122.

¹⁶⁴ A surveyor's chain is sixty-six feet in length.

¹⁶⁵ *Executive Documents*, 33rd Congress, 1st Session, Vol. IV, Document No. 10, pp. 1-3; Winchell's *Minnesota's Eastern, Southern and Western Boundaries* in the *Collections of the Minnesota Historical Society*, Vol. X, Pt. II, pp. 680-682.

boundary, near the Mississippi River, an iron monument was placed.¹⁶⁶ The rest of the line was marked with iron stakes placed at the section corners. These have disappeared and the boundary line is practically obliterated. The present condition of the northern boundary is indicated by the following extract of a letter from Ellison Orr, President of the Allamakee County Historical and Archeological Society, dated Waukon, Iowa, June 26, 1924:

The commission that established and surveyed the boundary line between Iowa and Minnesota marked the section corners with iron posts.

I have never seen but one of these posts and that was a number of years ago. The one which I saw was a solid iron bar with about one foot projecting above the ground.

From my experience as a surveyor I would not expect to now find many of these posts remaining in place.

In the language of the surveyor, except where they happened to stand in little frequented places, they are probably mostly "lost".

On many roads, following north and south section lines, that I have traveled, there are now no iron posts where these roads cross the boundary line. They have probably been pulled out in working the roads, or possibly been driven deep into the ground and might still be found by digging

The trouble in preserving monuments of this sort is that there are so many persons that have no knowledge of why they were placed there nor of the importance of not disturbing them.

In a supplementary letter dated July 9, 1924, Mr. Orr quotes Harvey Miner, for many years the county surveyor of Allamakee County, to the effect that the boundary posts were standing in 1881. Mr. Orr reports:

¹⁶⁶ *Executive Documents*, 33rd Congress, 1st Session, Vol. IV, Document No. 10, pp. 3-14. In a letter to the writer under date of Rock Rapids, Iowa, July 7, 1924, R. H. Fuller, county engineer of Lyon County, reports that there is also an iron monument at the northwest corner of Iowa, marked with the names of Iowa, Minnesota, and South Dakota. The fact that the name of South Dakota appears on it would indicate that it was placed there long after the survey of 1852.

These posts were set only at the section corners,—not at the quarter corners; were four inches square; projected above the ground the regulation distance for section posts; and were set with the corners north and south and east and west.

They were witnessed, where there were trees, by from one to four witness trees marked in the prescribed manner. Where there were no trees they were set in mounds with pits north, east, west and south.

Since Iowa was admitted to the Union in 1846 no change has been made in the constitutional definition of the State boundaries, though at least one attempt has been made to make such a change. On July 15, 1856, the Iowa General Assembly adopted a joint resolution praying that the northern boundary of Iowa be extended westward to the Missouri River, on the ground that the "Missouri river is the most natural and appropriate western boundary of the State of Iowa." In the national House of Representatives the Iowa memorial was referred to the Committee on Public Lands the chairman of which was James Thorington of Iowa. On August 14, 1856, this committee returned a favorable report but no further action seems to have been taken by Congress. On January 8, 1857, the Iowa legislature sent another memorial to Congress on the subject, but there is no record that any action was taken on it. Had favorable action been taken on the Iowa memorials, it would have meant that the present South Dakota counties of Union, Clay, Yankton, Bon Homme, Lincoln, Turner, Hutchinson, Douglas and Charles Mix would have appeared on the maps as "Little Iowa" or the "panhandle of Iowa", designations that were used in the fifties.¹⁶⁷

In 1857, Iowa held a Convention which drew up the pres-

¹⁶⁷ *Senate Miscellaneous Documents*, 34th Congress, 1st Session, Vol. I, Document No. 69, p. 1; *Reports of Committees*, 34th Congress, 1st Session, Vol. III, Document No. 347, pp. 1, 2; *Little Iowa in the South Dakota Historical Collections*, Vol. IX, pp. 376-379.

ent Constitution of Iowa. In the debates of this Convention the subject of boundaries occupied little time. On the tenth day of the Convention, January 30, 1857, the report of the Standing Committee on the Preamble and the Bill of Rights was considered in Committee of the Whole. The boundaries reported were identical with those defined in the Constitution of 1846. On February 2, 1857, the "Little Iowa" question came up and an unsuccessful attempt was made to insert a provision in the constitutional description of the State boundaries allowing the enlargement of the boundaries of the State "by consent of Congress and the State." The matter was referred to the Committee on Miscellaneous Subjects, which, on February 23, 1857, reported a section reading: "The boundaries of the State may be enlarged with the consent of Congress and the General Assembly." This provision is contained in the present Constitution of Iowa as Section 4 of Article XI.¹⁶⁸

The settlement of the southern boundary dispute by the Supreme Court in 1849 and 1851 has disposed of needless controversy between Iowa and Missouri. No question has arisen over the eastern boundary, while the careful survey of the northern boundary has resulted in satisfaction in that quarter. But on that part of the western boundary which is formed by the Missouri River there has been endless litigation resulting from the changing course of the river. While most of the disputes have involved the ownership of land, the question of the boundary between Iowa and Nebraska has also arisen.

In the hope of settling definitely this question of the western boundary, an original suit was brought in the national Supreme Court by the State of Nebraska against the State of Iowa, the case being argued on January 29, 1892.

¹⁶⁸ *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 98, 99, 141-143, Vol. II, pp. 648, 800, 1091, 1092.

On February 29, 1892, the decision of the Court was handed down by Associate Justice David J. Brewer. After citing many authorities it was ruled that the boundary between Iowa and Nebraska is a "varying line" when the Missouri River changes position gradually by wearing away either or both banks. In such cases the boundary varies with the changes in the location of the middle of the main channel. But when the river suddenly changes its course by cutting a new channel, the Court ruled:

This does not come within the law of accretion, but of that of avulsion. By this selection of a new channel the boundary was not changed, and it remained as it was prior to the avulsion, the centre line of the old channel; and that, unless the waters of the river returned to their former bed, became a fixed and unvarying boundary, no matter what might be the changes of the river in its new channel.¹⁶⁹

This decision settled for a time the boundary difficulties between Iowa and Nebraska, but the fickle Missouri River has refused to be bound by the Supreme Court decree. In the past thirty-five years the river has changed its course so often that it has proved impossible to apply the court decision in all cases, since it is difficult to determine whether the channel of the river has changed by "the law of accretion" or "that of avulsion". Where it has been possible to apply the decision awkward situations have resulted. For instance, East Omaha is legally in Iowa — in fact it is included in the corporation of Council Bluffs — yet it is located on the west side of the river in close proximity to Omaha, with which city its interests are much more closely united than with Council Bluffs. Altogether there are about 15,000 acres of land in dispute.¹⁷⁰

In an attempt to work out a basis of settlement, commis-

¹⁶⁹ 143 United States 359-370.

¹⁷⁰ *Des Moines Register*, December 22, 1925.

sions representing the two States were appointed late in 1925. The Iowa commissioners, appointed by Governor John Hammill, were C. W. Crowley of Des Moines and W. A. Groneweg of Council Bluffs. After holding sessions with the Nebraska commissioners during the year following their appointment, the Iowa commissioners submitted a report to the Governor on December 31, 1926. This report indicated that no agreement had been reached by the commissioners regarding definite recommendations. Evidently the Iowans were unwilling to agree to a modification of the boundary as established by the Supreme Court in the vicinity of Council Bluffs — a modification which the Nebraska commissioners were very anxious to secure.¹⁷¹ Inability to agree on this point has apparently left the whole dispute between the two States as far from settlement as ever.

ERIK MCKINLEY ERIKSSON

COE COLLEGE
CEDAR RAPIDS IOWA

¹⁷¹ *Cedar Rapids Republican*, January 2, 1927.