The Palimpsest

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THE PURPOSE OF THIS MAGAZINE

THE PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH
Superintendent

THE MEANING OF PALIMPSESTS

In early times palimpsests were parchments or other materials from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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THE PALIMPSEST

EDITED BY JOHN ELY BRIGGS

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The Case of Ralph

Slavery is one of the oldest of human institutions. Among the ancient Assyrians, Persians, and Hebrews slaves were more numerous than free men, while in Greece and Rome property in man was regarded as essential to social welfare. In America, negro slaves were introduced at Jamestown before the arrival of the Mayflower at Plymouth, and during the colonial period the importation of slaves from Africa constituted an important part of foreign commerce. By the dawn of the nineteenth century, civilization in its westward course had reached the banks of the Mississippi and negro slavery was about to be extended into the vast expanse of the Louisiana Purchase. Thus the region that is Iowa became involved in the issues of slavery. It is indeed significant that the first case decided by the Iowa Territorial Supreme Court should have dealt with human freedom.

In the year of 1834 a slave owner named Montgomery living in Missouri made a written contract with his slave, Ralph, in which he agreed that Ralph should become free in consideration of the payment of five hundred and fifty dollars. That he might be able to earn the purchase money, Ralph obtained permission to leave Missouri and to seek employment in a more remunerative region. He had heard that a fortune awaited anyone with a strong back and a willing spirit in the lead mines of Dubuque, Iowa. It was reported that the ore yielded "about 80 per cent of lead", and if a miner were so fortunate as to discover a productive vein, accessible from a hillside, he could form a drift and very conveniently convey the ore out in wheelbarrows at a trifling expense. This, Ralph thought, was his opportunity, and accordingly he made his way to Dubuque, where he worked industriously at mining for nearly five years. But in all that time he neither discovered "a productive vein" nor accumulated any money or other resources with which to pay Montgomery for his freedom.

Dubuque was "a typical mining town" in the thirties. The population included a heterogeneous group of Spanish, French, Irish, Germans, and a few negroes. Almost without exception they were miners, and men of the roughest sort. Their amusements consisted chiefly of gambling and in drinking "the most villainous whisky". It was not uncommon for a miner to work only until he had accumu-

lated sufficient funds for a "spree" and then, "until cleaned out at keeno" or some other game, to alternate between being "drunk enough to howl and fight" and "too drunk to do either". Acts of extreme violence were rare because a semblance of government enforced certain rules with "inflexible impartiality", but lesser crimes, including robbing and even kidnapping, were not uncommon.

Among the rogues who came to Dubuque during these early years were two Virginians, who learned of Ralph's contract with Montgomery and resolved to capitalize upon the young negro's unfortunate situation. They wrote to Montgomery offering to capture Ralph and return him to Missouri for one hundred dollars. Although Montgomery probably had not previously intended to interfere with Ralph's freedom, he seems to have welcomed this offer and contracted for Ralph's recovery.

Meanwhile the Territory of Iowa had been organized. The rules of conduct which had been only rudely enforced by the miners themselves had been superseded by more formal law, and regular courts had been established. Prominent among the statutes enacted by the First Legislative Assembly of Iowa was an "Act to regulate Blacks and Mulattoes" passed in January, 1839. This law provided that if any person claiming a negro as a slave should make satisfactory proof before a judge of the district court or justice of the peace that the person claimed was his property, the magistrate should

thereupon order the sheriff or constable to arrest the fugitive and deliver him to the claimant. Moreover, the provisions in various acts of Congress relating to the rendition of fugitive slaves were applicable in Iowa and enforceable in the Territorial courts.

Relying upon these laws the kidnappers proceeded to make affidavit before a magistrate in Dubuque, alleging that Ralph was the property of Montgomery of Missouri, and the sheriff, George W. Cummins, was ordered to deliver the negro to them. Ralph was found working on a mineral lot west of town. He was arrested and given into the custody of the Virginians who loaded him into a wagon. Avoiding the town of Dubuque for fear of interference, they took their captive to Bellevue, a little farther down the river, intending to convey him thence by steamboat to Missouri.

Fortunately for Ralph, however, the seizure was observed by Alexander Butterworth, who chanced to be plowing in an adjoining field. Butterworth immediately went to the residence of Thomas S. Wilson, judge of the Territorial district court and also one of the Associate Justices of the Supreme Court of the Territory and procured from him a writ of habeas corpus for the benefit of the captive. Acting upon the authority of this writ the sheriff pursued the kidnappers, overtook them at Bellevue and returned with them and the negro to the district court at Dubuque.

When the case came before Judge Wilson, he recognized the importance of the question involved and suggested that the suit be transferred to the Supreme Court of the Territory, which had not yet begun to function as a judicial organ. Accordingly, the Ralph case was the first to be presented and came before that tribunal for adjudication at the July term in 1839.

The rights of Ralph were presented by David Rorer of Burlington, one of the most popular and able attorneys in the Territory. Mr. Rorer contended that Ralph, being a resident of the Territory of Wisconsin prior to the organization of the Territory of Iowa and also a resident of Iowa Territory at the time of the passage of the act of Congress creating the Territory, became free by the operation of that law. He asserted that the Organic Act was especially designed to cover such cases in that it expressly extended to the inhabitants of Iowa the benefits of the Ordinance of 1787 under which the Iowa country had previously been governed. Thus the inhabitants of the Old Northwest Territory, and by application the residents of the Iowa country, were guaranteed the rights of habeas corpus and trial by jury, while slavery was forever excluded.

Irrespective of the provisions of the Organic Act or the Ordinance of 1787, Mr. Rorer argued, Ralph had become free as soon as he had come to live in Iowa with the consent of his master, by virtue of the provisions of the Missouri Compromise, which pro-

hibited slavery in the territory north of the parallel of 36° 30′, except in the State of Missouri. In support of this proposition, the attorney cited an English case in which the court decided that a slave owner had no right to take a former slave, free by virtue of having lived in a free country, to any region where by the aid of human law he might be reduced again to slavery. Such action was held to be repugnant to reason and the principles of natural law.

Even if it had been admitted that Ralph was a fugitive slave, the arguments of his attorney were calculated to convince the court that he could not legally be returned to his former master. But Mr. Rorer claimed that Ralph was not a fugitive — that he could not be considered as either coming into or remaining in the Territory in violation of the law. He had come to Iowa not as a fugitive from service but by the voluntary consent of his former owner. Montgomery by permitting his slave to go to a territory where slavery was prohibited "virtually manumitted such slave". The very act of his contracting presupposed a state of freedom on the part of the slave. If Montgomery had any right of action, it was for the collection of the money Ralph had agreed to pay.

On behalf of Montgomery the case was argued by John V. Berry of Dubuque and another attorney. They contended that Ralph, having failed to perform his part of the contract by paying the price of his freedom, was to be regarded as still in slavery, hence

a fugitive slave and subject to the provisions of the fugitive slave law. They denied that slavery was prohibited in the Territory of Iowa, because the Missouri Compromise was not intended to take direct effect but should be construed as authorizing the local legislatures to pass laws prohibiting slavery within the described limits. But even if the Missouri Compromise were intended to operate without further legislation, they argued, it did not work a forfeiture of slave property and would in this case do no more than require Montgomery to remove his property out of the Territory.

It might be pointed out that although the Missouri Compromise did not, in express terms, declare a forfeiture of slave property, it did, in effect, declare that such property could not exist in certain places. In the words of Justice Charles Mason, "Property, in the slave, cannot exist without the existence of slavery: the prohibition of the latter annihilates the former, and, this being destroyed, he becomes free."

The presentation of the case by both sides was accompanied with ingenious arguments, cunningly devised to captivate the interest and secure the sympathy of the newly organized court. Judge Mason in rendering the decision prefaced his remarks with a frank acknowledgment that the case had not come before the tribunal in the ordinary way, and that it was, "perhaps, not strictly regular" for the court to entertain jurisdiction at all. He realized, however, that the case involved an important question, "which

may ere long, if unsettled, become an exciting one". Accordingly, he said, "we concluded to listen to the argument, and make a decision in the case without intending it as a precedent for future practice in this Court."

After reviewing the facts and circumstances of the case, the judge stated the unanimous opinion of the court that Montgomery, in granting Ralph the privilege of entering a free Territory, thereby gave him freedom and could not again take him into a slave State. Slavery did not and could not exist in Iowa, and if a slave with his master's consent became a resident of a free State or Territory he could not be regarded thereafter as a fugitive slave, nor could the master under such circumstances exercise any right of ownership over him. When the master applied to the courts for the purpose of controlling as property that which the laws declared should not be property, the Judge thought it was incumbent upon the court to refuse coöperation. Ralph was therefore discharged and allowed to go free.

In rendering its first decision the Supreme Court of the Territory of Iowa established an enviable reputation for dealing judiciously with a fundamental issue. Few cases since have involved more important matters or presented more clearly the question of human rights. Moreover, the Ralph case is of particular interest because of its striking similarity with the famous Dred Scott case decided by the Supreme Court of the United States in 1856.

Dred Scott like Ralph had been a slave in Missouri. He had been taken by John Emerson, his master, to places in Illinois where slavery was prohibited by the Ordinance of 1787 and by the State Constitution, and to a place in Minnesota where slavery was excluded by the Missouri Compromise. Scott returned with his master to Missouri without protest, but after several years brought suit for his freedom in the State courts against his master's widow on the ground of former residence in free territory. In 1852 the Supreme Court of Missouri decided against Scott. The case was then taken into the Federal courts and was eventually carried to the Supreme Court of the United States. Chief Justice Roger B. Taney expressed the view that no negro could possibly be a citizen in the constitutional sense, whatever action a State might take with regard to him, for the Constitution was not intended to apply to any but the white race. The negroes, he said, were considered at the time of the adoption of the Constitution "so far inferior, that they had no rights which the white man was bound to respect". Hence Dred Scott could not sue in the United States courts as a citizen of Missouri.

Having denied Scott's right to sue, the Chief Justice was bound in logic to dismiss the case, but instead of doing so he took up the question of the slave's freedom, as affected by his residence in Minnesota and Illinois, and rendered an opinion in which he declared that Scott was not entitled to free-

dom. Justice John McLean and Justice Benjamin R. Curtis each rendered dissenting opinions, but despite the able argument of these men the ideas of the Chief Justice prevailed and Scott was denied his freedom.

Throughout the two cases of Scott and Ralph there are striking parallels and contrasts. Except that Scott was actually taken back into slavery after having lived in a free State while Ralph denied the right of his former master to take him back into a slave State, the facts are much the same. The personnel of the two courts also presents striking similarities as well as radical differences. Chief Justice Taney was a Jacksonian Democrat, an advocate of State rights, and a pro-slavery man, while the judges in the Ralph case, likewise all members of the Democratic party, were, in contrast with Judge Taney, opposed to slavery on principle. The points of law presented to these two groups of judges were almost identical yet the Ralph case does not seem to have been considered in the Dred Scott decision which was directly contradictory. Scott died before the final settlement of his case, but had he lived he would have remained a slave.

Although the Dred Scott case presented one of the outstanding issues of the slavery period, its decision has been criticized as political rather than judicial. The Ralph case, on the contrary, ranks high as a judicial decision, and the decisive recognition of fundamental human rights is a tribute to the wisdom

and foresight of the Justices of the Iowa court. For two decades before the Civil War the decision in the Ralph case pointed the way to justice and freedom. No longer a mooted question, the decision now stands in the archives of Iowa history as a bright page in the struggle against slavery.

Having obtained his freedom, Ralph continued to reside at Dubuque and work in the lead mines. Eventually, it is reported, his labors were rewarded by the discovery of "a rich lode". This would have enabled him to fulfill the terms of his contract with Montgomery, but being free from this obligation he found other ways of using his wealth. Too long in the environment of the mining camp to resist the temptation to gamble, he lost his mine in a game of chance. Though he died in poverty and the location of his grave is unknown, Ralph could not have wished for a monument more enduring than the first decision of the Supreme Court of Iowa.

J. A. Swisher

The Tama Indians

As the summer of 1845 merged into autumn there was great excitement and activity around the Indian agency at the forks of the Raccoon and Des Moines rivers and at Fort Des Moines near-by where a detachment of soldiers was quartered. Government annuities were being distributed to the Sac and Fox Indians amid the usual scenes of drunkenness, and the traders were reaping a rich harvest as the Indians settled their accounts.

This occasion — usually one of joy to the Indians — was saddened for them, however, by the knowledge that this was a farewell gift. Before the annuities were again distributed, they would be many miles away from their beloved Iowa. According to a treaty signed by their chiefs in 1842 these Indians were to surrender their rights to all land in Iowa by October 11, 1845. In return they were to receive certain additional annuities and new lands across the Missouri River in what is now the State of Kansas.

There was some fear that the Sacs and Foxes would refuse to go peaceably, for they had signed the treaty very unwillingly and were reluctant to leave the prairies and streams of Iowa; but even before the date set Keokuk and his band of Sacs took up the march to the southwest. Gradually the

other bands of red men with their families, dogs, and horses trailed slowly across the prairie, crossed the Missouri River, and took up their abode on the reservation provided for them by the government. Close on their heels came the white settlers with their wagons, plows, and oxen, and log cabins were built beside the streams where the wickiups had stood.

But while the white settlements prospered in Iowa, the exiled Sacs and Foxes in Kansas were homesick. The climate was unhealthful, especially for their children, and the new reservation was an unsatisfactory substitute for the flower-decked, grassy prairies and the tree-bordered streams of Iowa. Before long hunting parties were trickling back across the prairies and squaws and children sometimes accompanied them. The lesson of the Black Hawk War had taught them the futility of defying the white men, but some of the Indians lingered, asking only for the privilege of living on the lands not used by the whites.

There appears to have been little or no opposition to the presence of these few Indians on the part of the Iowans. Indeed, the homesick red men received considerable assistance from their white neighbors, and in January, 1856, the General Assembly of Iowa passed a law permitting the Indians then residing in Tama County to remain in the State and urging the United States government to pay them their share of the annuities stipulated in the treaties. The

sheriff was ordered to take a census of the Indians then in Tama County and it was specifically stated that the privileges granted by the law applied only to those on his list. No report of the enumeration, however, has been found.

The Indian Office at Washington, however, was more hard-hearted than the Iowa legislators, and refused to pay any annuities to the truant Indians unless they returned to their appointed reservation in Kansas. This the little group of red men — chiefly Foxes — steadfastly refused to do, preferring to eke out a precarious existence in Iowa by hunting, fishing, and begging. Their number varied as little groups came and went. During the winter of 1856-1857 eight wickiups were reported on the Iowa River and four on the Cedar, sheltering some eighty of the natives.

The Indians had not been back in Iowa long before they began to realize that if they were to remain here they must secure some land for a permanent home, for the settlers were rapidly taking possession of the wild land and the Indians would soon have no place to hunt or even to pitch their wickiups. They had learned that white men secured the right to tracts of land by certain legal formalities and the payment of money. Just how this was done was not entirely clear to them and, besides, they had no money, for the government was not paying them their share of the tribal annuities.

In the fall of 1856, however, some of their influ-

CHIEF PUSHETONIKWA

A MESKWAKI MOTHER AND CHILD

ential men came back from Kansas with about $700 which they had saved from their government allowance. At the prices for land then prevailing this was sufficient to buy at least a small tract of the beloved soil of Iowa and the Indians began a search for a new home. But here they met a new obstacle. They were living in the tribal relation and desired that the property belong to the group rather than to the individuals. To remove this difficulty Governor James W. Grimes consented to act as trustee, and on July 13, 1857, five Indians, on behalf of those then in Iowa, secured their first eighty acres. This was in Tama County and the price was one thousand dollars. The deed was made out to James W. Grimes, Governor of the State of Iowa, and his successors in office in trust for the five Indians and their heirs.

The good news was carried back to Kansas where the proposal to allot the tribal lands to individual Indians was causing dissension. Gradually other Indians made their way back to the new home in Iowa. The Indian Office, however, was slow to approve this new step of the Indians and it was not until 1866 that the government at Washington recognized the needs of the Iowa band and appointed Leander Clark special agent at a salary of $1500 a year. He began his work on July 1, 1866, and a year later Congress provided that the Sac and Fox Indians in Tama County be paid their pro-rata share of the $51,000 a year due to the combined tribes. The census taken for the distribution of this money

showed two hundred and sixty-four Indians in the band, and the amount received at the first payment was a little over $5500. Two thousand dollars was set aside for the purchase of an additional eighty acres of land. Their personal property, according to Mr. Clark, consisted of some three hundred ponies with an average valuation of about forty dollars a head.

Since that time other purchases of land have been made until these Meskwakis, as they prefer to be called, now own nearly four thousand acres along the Iowa River in Tama County. This has been purchased under the white man's law for varying sums, the total exceeding $85,000, though its present valuation is, of course, much greater.

The Governor of Iowa was usually made trustee in these purchases, though the name of Leander Clark, the agent, appears on three deeds. To simplify the transaction of business relating to these Indians, however, a change was later made. On February 14, 1896, the Iowa legislature authorized the transfer of the trusteeship over the Indians' lands to the Secretary of the Interior and this was approved by Congress on June 10th, but the actual transfer of the deeds was not completed until 1908.

Because the Indians occupy this land in common and the trusteeship is vested in the Secretary of the Interior, this tract is commonly called the Tama Indian Reservation; though, strictly speaking, it is not a reservation at all, for it was not set apart from the

public domain for the Indians by the government, but was purchased by them from private owners.

When the State of Iowa authorized the transfer of the trusteeship over the Indians' land to the Secretary of the Interior the right of eminent domain, taxation, and judicial administration was retained, but the land owned by the Indians was exempted from certain taxes, such as those for schools and poor relief, thereby reducing the Indians' tax bill from $554 in 1896 to $286 in 1897. Their property is listed for taxation by the regular assessors.

The specific mention of taxation was probably included in this law because there seems to have been more than the usual reluctance on the part of these Indians to the payment of taxes during the earlier years of their ownership of the land. Coming from a government reservation where there had been no taxes, the Indians found it difficult to understand why they must pay money to the State of Iowa, and for a time they refused to do so. The agent reported in 1882 that their land had been sold for taxes and the period of redemption was soon to expire. This delinquency, however, was partly due to a lack of funds. The government was withholding their annuities because the Indians refused to furnish the names of the individual members of their families. When this was settled and the annuities paid, the Indians paid their taxes.

Within the group, the Indians retain an informal government of their own. From 1859 until 1881

Maminwanika was the head chief recognized by the Indians, though he had been deposed from his chieftainship in Kansas because of his refusal to accept the allotment of certain lands. Maminwanika was an advocate of peace with the whites but he steadfastly opposed the adoption of white men's customs, dress, or education. It was under his direction that the Indians in Iowa refused for several years to give the names of the members of their families for the annuity rolls.

At his death on July 3, 1881, there seem to have been several aspirants for the position of head chief. Among the influential leaders were Mätawikwa, the war chief, and Pushetonikwa, a nephew of the old chief, Poweshiek. Pushetonikwa, however, soon acquired a position of influence among the Meskwakis and retained this position of supremacy until his death on November 6, 1919. In 1900 Congress granted him an allotment or pension of five hundred dollars a year for the remainder of his life. This grant was in accordance with a provision in the treaty of 1842 that the Sac and Fox chiefs should receive annually the sum of five hundred dollars each. Pushetonikwa is the only chief of the Indians who returned to Iowa who has been so recognized.

The old chief was buried on a hill overlooking the Iowa River. The body was placed in a sitting posture in a shallow grave, facing north, though the Indians usually place their dead with their faces toward the west. And so the spirit of the dead chief

HOME OF CHIEF MÄTAWIKWA

A DOMESTIC SCENE IN MESKWAKIA

broods over the reservation, where no successor has yet been selected to take his place.

Since 1867 the Indian Office has tried to educate the Meskwakis according to the white man's standards, but with only indifferent success. A boarding school, costing $35,000, was opened near the reservation in 1899 and in 1900 Congress appropriated $14,025 for this school, but many of the Indians flatly refused to permit their children to attend, even refusing for a time to receive their annuities because they had been told that the payment of this money gave the government the right to compel the children to attend the school. One old chief declared: "You may come and kill us, but we will not give you our children." A decision of the United States District Court at Dubuque, that these Indian children could not be compelled to attend the government school, practically ended its usefulness as a training school and in 1912 the building was remodelled to serve as a sanatorium for tubercular Indians.

Two day schools are now maintained at government expense with free lunches for the children, but the Meskwakis have never favored the education of their children according to the white man's standards. Instruction in these schools is in English and during the year 1923-1924 there was an average attendance of thirty at the two schools. A Presbyterian missionary furnishes such religious instruction as the Indians will permit.

Under the law passed by Congress in June, 1924,

conferring citizenship upon all Indians within the United States, these Indians became voters and seventy-seven of them cast their ballots at the election in November, 1924. For whom they voted is, of course, not recorded. It would be interesting to know what interest in persons or in public affairs led these red men, who have resisted the white man's civilization, to struggle with the baffling Australian ballot or the complicated voting machine.

Nearly all of the Indian families now have frame houses, though the native wickiups may still be seen, and the Meskwaki housewife has a few pieces of furniture like those in the modest homes of her white neighbors. Their clothing is usually the kind worn by white people, but selected and modified to suit the Indian taste. Ten possess automobiles. It is doubtful whether the "fire wagons" will prove as deadly to the red men as the "fire water", though they may prove equally expensive.

According to the report submitted to the Indian Office on June 30, 1925, there were three hundred and sixty-three Indians living on the so-called Tama reservation. Their thirty-six hundred acres of land, which they farm to some extent, was valued at $364,450, and a balance of $187,165 still remained to their credit in the United States treasury, their total wealth being listed at $623,941. Each member of the group receives forty-four dollars a year from the government in semi-annual installments.

Thus it happens that the tourist travelling west-

ward on the Lincoln Highway from Tama, Iowa, finds red men dwelling in peace among the white. Occasionally the members of the tribe hold a sort of powwow at which the costumes, dances, games, and some of the ceremonies of the Indians are presented, but the boy or girl who peers about in fascinated horror for the historic tomahawk or listens for the blood-curdling war whoop will be disappointed. The groves along the Iowa River reveal only peaceful scenes of every-day existence. The sounds heard are guttural conversation of the men either in English or in their native tongue, the higher tones of the women as they gossip with each other, the voices of the children, and the barking of the dogs. It is a cramped existence and sometimes hard, compared with the old free life when they hunted and fished over Iowa — like that of an eagle sitting dejectedly in a cage — but to these Indians Iowa is home.

Ruth A. Gallaher

The Boundaries of Iowa

From earliest times disputes over boundaries have been a leading cause of wars. Most people, probably, accept the present boundaries of Iowa without much thought as to their origin or history, yet at one time citizens of Iowa rushed to arms in a boundary dispute with Missouri. The existing boundaries of Iowa have been secured through the work of surveyors, by acts of Congress, by the action of constitutional conventions, and by decisions of the United States Supreme Court.

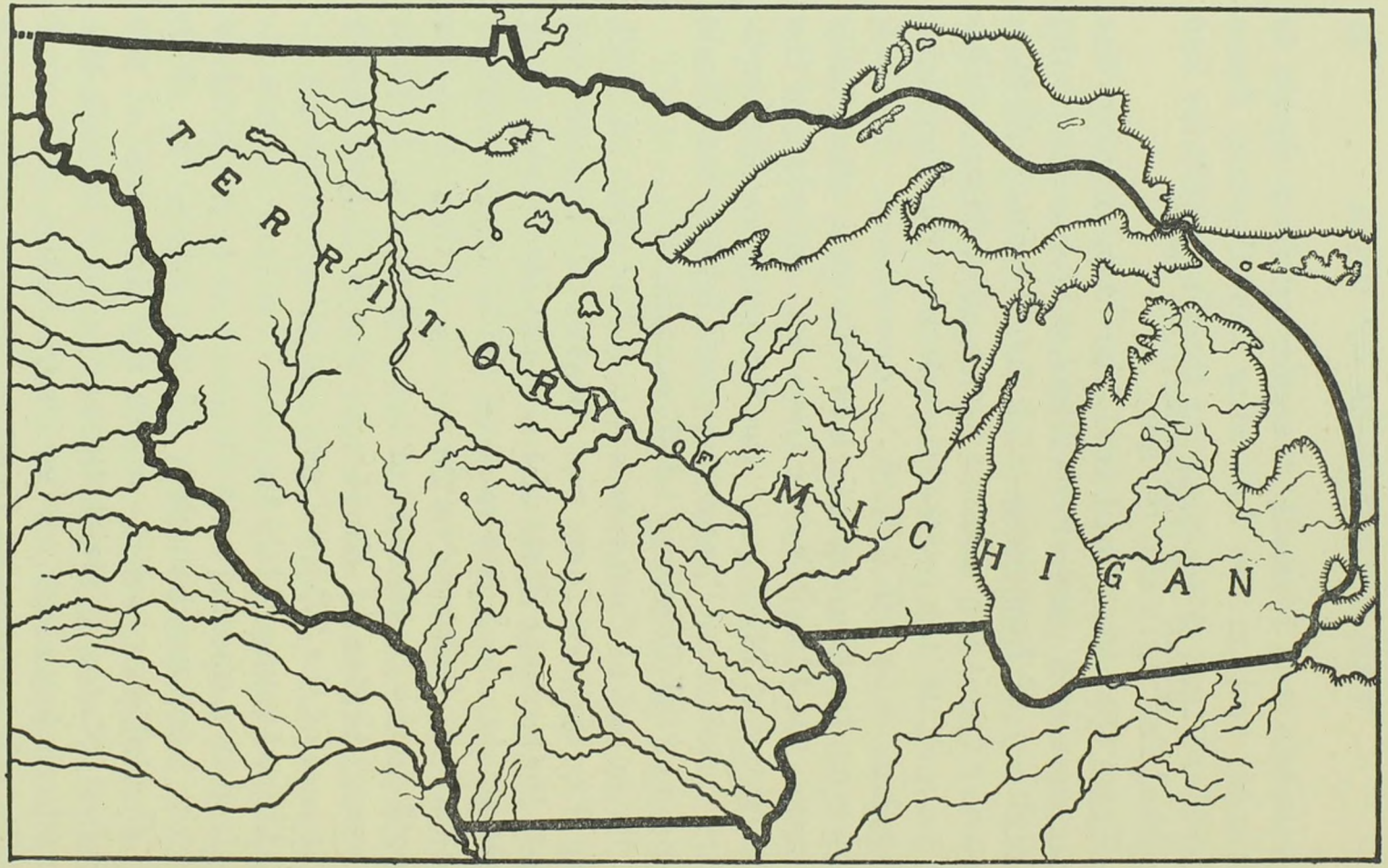
The territorial descent of Iowa formally began on April 9, 1682, when La Salle took possession of the "country of Louisiana" in the name of "the most high, mighty, invincible, and victorious Prince," Louis XIV, King of France. For eighty years the vast region which included the future State of Iowa remained under French dominion. But in 1762, to prevent Louisiana like Canada from falling into the hands of the British, the province was ceded to Spain, though the Spaniards did not take full possession until 1770. Thirty years later at the request of Napoleon, Spain retroceded Louisiana to France and in 1803, before the Spanish flag ceased to wave over Iowa, the whole tract was sold to the United States for less than five cents an acre. At St. Louis on the ninth of March, 1804, Upper

Louisiana was formally transferred from Spain to France, and on the following day Captain Amos Stoddard took possession for the United States and hoisted the Stars and Stripes.

From that time until 1821, the Iowa country was successively a part of the District of Louisiana, the Territory of Louisiana, and the Territory of Missouri. Then, for thirteen years after Missouri became a State, the northern portion of the Louisiana Purchase was left without a government. In 1834, however, the country north of Missouri which later became the Territory of Iowa was included in the Territory of Michigan "for the purpose of temporary government", and two years later it was made a part of the Territory of Wisconsin.

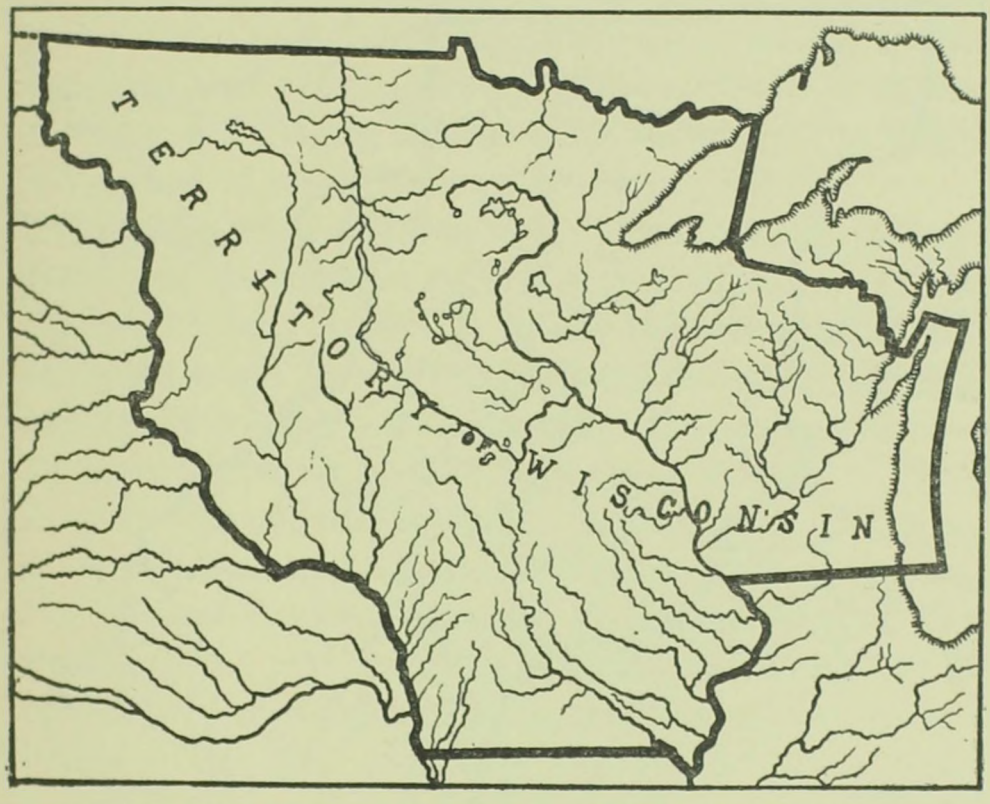
By an act of Congress approved on June 12, 1838, the Territory of Iowa was created. It included not only the present State of Iowa, but also that part of Minnesota which lies west of the Mississippi River and a line drawn from the source of that river due north to the Canadian border, and that part of the present States of North and South Dakota which lies east of the White Earth and Missouri rivers.

Almost immediately the new Territory became involved in a quarrel with Missouri as to the location of the northern boundary of that State. In 1816, J. C. Sullivan, acting under the direction of the United States District Surveyor, had located the northern boundary of the Osage Indian cession of 1808. He surveyed a line one hundred miles north



THE BOUNDARIES OF THE TERRITORY OF MICHIGAN

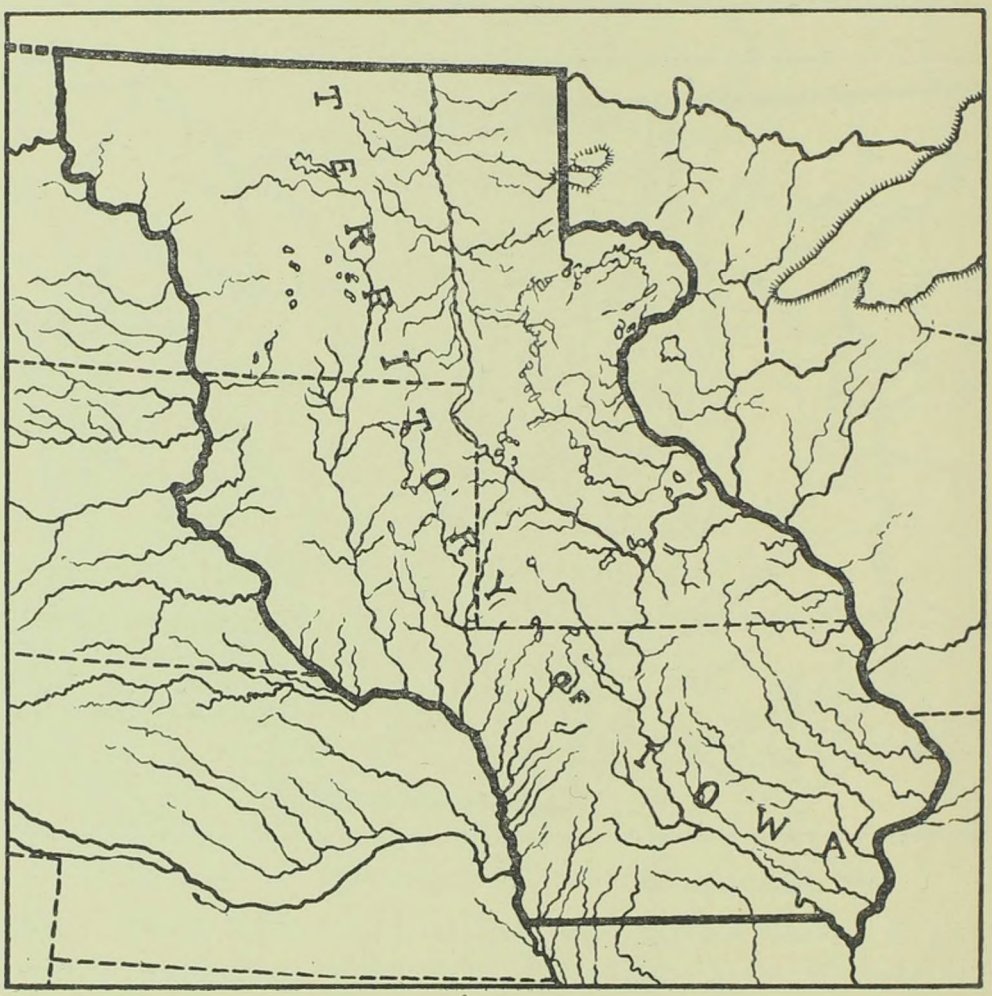
from the intersection of the Kansas and Missouri rivers to a point which came to be known as the "old north-west corner" of Missouri. From this place he ran the line due east, supposedly, but he did not calculate the deflection of the compass correctly and



THE BOUNDARIES OF THE TERRITORY OF WISCONSIN

as a result his line veered to the north about four miles before it reached the Des Moines River. When Missouri became a State in 1821, that part of the Sullivan line which extended westward from the "rapids of the river Des Moines" was accepted by Missouri and the national government as the northern boundary of the new State.

For several years no question was raised as to the ambiguous description of the northern boundary of Missouri, but as population moved into the region along the border and the rich character of the coun-



THE BOUNDARIES OF THE TERRITORY OF IOWA

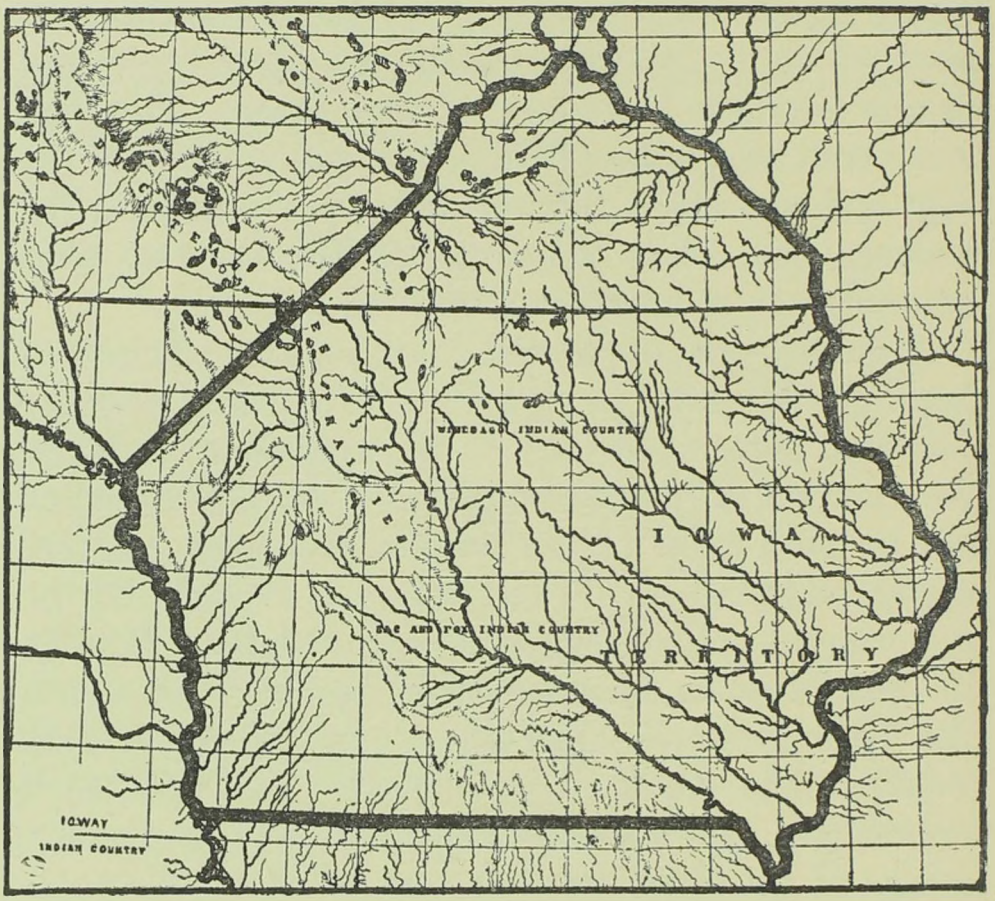
try was revealed, the Missourians, coveting the land, began to question the location of the boundary. In 1837, the State of Missouri sent J. C. Brown to make a new survey. Instead of accepting the Des Moines

Rapids in the Mississippi River as the "rapids of the river Des Moines", Brown ascended the Des Moines River to the Great Bend where he found a small rapids. From this point he ran a line due west, which the Missouri legislature officially claimed as the northern boundary of that State. This line was about nine miles north of the Sullivan line at the east end and about thirteen miles north of it at the western end, while the area between the two lines amounted to more than 2600 square miles.

Trouble soon developed between the officials of Iowa and Missouri in regard to jurisdiction over the disputed zone, especially in the collection of taxes. At one time, in December, 1839, the militia was called out on both sides of the border, and open warfare appeared imminent. The crisis was averted but the dispute was not settled until a decade later. Finally, in 1849, after an "agreed case" had been arranged, the United States Supreme Court ruled that the Sullivan line was the true boundary and ordered it resurveyed and marked. The erection of iron monuments at ten-mile intervals and wooden mile-posts between was completed in 1851.

Meanwhile Iowa had become a State. In 1844 the first constitutional convention adopted the so-called Lucas boundaries, which had been suggested by Governor Robert Lucas as early as 1839. These boundaries were the same as at present except that the northern boundary was to be a line beginning at the mouth of the Big Sioux River and running directly

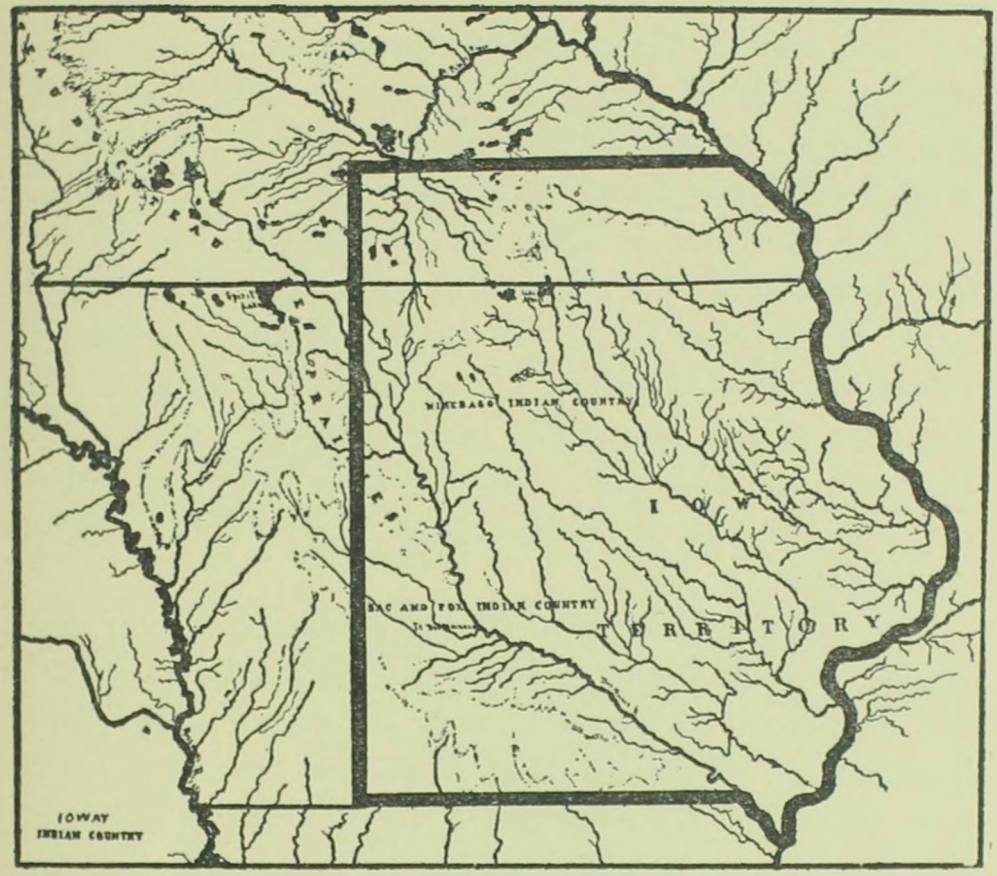
to the intersection of the Watonwan and St. Peters (now Minnesota) rivers, thence down the middle of the St. Peters River to the Mississippi River.



THE LUCAS BOUNDARIES

Congress, however, was unwilling to accept the boundaries defined in the Constitution of 1844 and substituted the Nicollet boundaries in the enabling act of March 3, 1845. These lines, recommended by J. N. Nicollet, who had spent several years in examining the topography of the Mississippi Valley, would have excluded the rich slope of the Missouri Valley, for the western boundary was to be the

meridian of 17° 30′ west longitude, roughly corresponding to the ridge, known as the "Hills of the Prairie", which divided the waters flowing into the



THE NICOLLET BOUNDARIES

Missouri and Mississippi rivers. The northern boundary was to be the St. Peters River.

The people of Iowa refused to accept the Nicollet boundaries and twice rejected the Constitution of 1844 on that account. Subsequently the constitutional convention of 1846 proposed the present boundaries and Congress accepted the compromise. As defined in the Constitution of 1846, and also in the

Constitution of 1857, Iowa is bounded on the south by the northern boundary of Missouri, on the west by the middle of the main channel of the Missouri and Big Sioux rivers, on the north by the parallel of 43° 30′, and on the east by the middle of the main channel of the Mississippi River. In 1852 the northern boundary was surveyed and marked with iron stakes one mile apart, most of which are now gone.

Since the final definition of the boundaries in the Constitution of 1857, there has been little uncertainty as to the border lines. In 1896 a dispute arose between the authorities of Missouri and Iowa over the location of the boundary near Lineville, where the markers had been removed. But the Supreme Court ordered the line to be remarked and so the question was settled.

The erratic character of the Missouri River has caused trouble between Iowa and Nebraska. In 1892 the Supreme Court decided, in an original suit brought by Nebraska, that when the Missouri cut a new channel "by avulsion" the boundary between the two States should remain in the middle of the old channel. But the well-established rule which the court followed has proved very inconvenient. Tracts of land amounting to about 15,000 acres are now separated by the river from the State to which they legally belong. Instead of making war, however, Iowa and Nebraska have established a joint commission to adjust local jurisdiction to suit the inexorable whims of the Missouri River.

Erik McKinley Eriksson

Comment by the Editor

LINES

I wonder who first thought of a line. Perhaps the idea began in contemplation of the horizon, for the horizon is a visible line though without substance. Every line, like the horizon, is without end, for it either forms a circle or extends through space to infinity. A line is only a mental concept: the sky does not really meet the earth.

There is something paradoxical about lines. Being without substance or dimension, they are used to mark limits. The world is immeshed in imaginary lines — parallels, meridians, political boundaries — all devised to indicate parts, yet demonstrating the reality of the whole. People are divided into groups by fictitious lines, the transgression of which is penalized. He who lives across the road can not vote in our precinct; the jurisdiction of a nation extends to a line three miles beyond the shore; a slave once won his freedom by moving from Missouri to Iowa. Boundary lines are really artificial, transient makeshifts — badges of human incapacity to distinguish between temporary differences and ultimate unity. The time may come when a realization of the brotherhood of man will convert national bounds into human bonds.

People yearn for continuity, yet in their thoughts they seek conclusions, finality. Thinking of the end of the world they hope for life eternal. Is it because the mind is finite, whereas the soul is of the essence of time and space? The spirit within gropes endlessly, like a river flowing. Maybe life itself is a line, endless and without substance, denoting unity, eternity, immortality.

J. E. B.

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