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The Southern Boundary

At the time the Territory of Iowa was created, the Black Hawk Purchase had been open to settlement for five years. Many pioneers had crossed the Mississippi River and staked out claims. The Des Moines Valley was particularly attractive. On both sides of the river settlers had pushed farther and farther inland. By May, 1838, the population of Van Buren County exceeded three thousand. Across the border in Missouri the progress of settlement was almost as rapid.

With the influx of permanent white population, the precise location of the boundary between Missouri and Iowa became imperative. Settlers wanted to know with certainty what political jurisdiction they were living under, particularly those who were opposed to slavery. The old adage that "good fences make good neighbors" is equally applicable to political boundaries. Where disputes are common, animosities arise. Everybody assumed that the old Indian cession boundary surveyed in 1816 divided Iowa from Missouri, but this line was not clearly marked.

As the lower part of the Des Moines Valley became better known, certain discrepancies in

various descriptions of the northern boundary of Missouri became apparent. Intended to be identical, different designations were found to be ambiguous and contradictory. Recognizing this problem the State of Missouri appointed Joseph C. Brown to make an accurate survey of the line and extend it to the Missouri River.

Brown faced a dilemma. The original survey was made in 1816 when John C. Sullivan located a point one hundred miles north of the mouth of the Kansas River and thence ran a line east to the Des Moines River. He supposed that he followed a parallel of latitude but, "from want of proper care in making corrections for the variation of the [magnetic] needle", his line veered to the north about four miles where it intersected the Des Moines River. Here then were two boundaries — the parallel which was intended, and the actual line surveyed.

When Missouri was admitted into the Union in 1820 the northern boundary was described as the parallel of latitude "which passes through the rapids of the river Des Moines", corresponding to the Sullivan line. The surveyor's error had not yet been discovered. Furthermore a new element of confusion was introduced. Where and what were the "rapids of the river Des Moines"? Surveyor Brown had the task of solving this riddle.

Instead of starting at the old "northwest corner" of Missouri a hundred miles north of the mouth of the Kansas River, Brown sought the Des Moines rapids. Not until he had gone sixty-three miles up the Des Moines River to the Great Bend did he find any obstruction worthy of being called rapids even in low water. A rise of three feet obliterated the riffle entirely. Certainly, so negligible a landmark was poor tether upon which to hang a State boundary line. Nevertheless, Brown decided this must be the "rapids of the river Des Moines", construing *of* to mean *in*, and proceeded to run his line due west to the Missouri River about thirteen and three-fifths miles north of the old "northwest corner".

The problem was complicated by the formidable rapids in the Mississippi River extending for eleven miles north of the mouth of the Des Moines River, well known by rivermen and settlers alike for many years as the Des Moines Rapids. These were the only rapids associated with the Des Moines River which would have been marked on early maps or which would have been known in 1820 to the Congressmen who described the northern boundary of Missouri as passing through the "rapids of the River Des Moines". Surveyor Brown seems to have ignored this interpretation of the phrase. He completed his investigation in

1837 and his report was accepted by the State of Missouri.

As soon as the settlers in the disputed area heard that they were to be transferred to Missouri by an engineer's interpretation of a geographical ambiguity, they were very indignant. Indeed, the citizens throughout the southern part of the Black Hawk Purchase were filled with rage. At a convention of delegates from the settled portion of Wisconsin Territory west of the Mississippi River assembled in Burlington on November 6, 1837, Congress was asked to have the boundary surveyed "according to the spirit and intention of the act defining the boundary lines of the State of Missouri." Thus the controversy stood when the Territory of Iowa was created on June 12, 1838.

Six days later Congress passed an act authorizing the President to cause the southern boundary of the Territory to be ascertained and marked. The sum of \$4000 was appropriated to pay the expenses of locating the true line "in pursuance of the provisions of the act of March 6, 1820," authorizing the people of Missouri to form a constitution and State government. Three commissioners, representing respectively the United States, Iowa, and Missouri, were to make the new survey. President Van Buren appointed Albert M. Lea as commissioner for the United States and

Governor Lucas selected Dr. James Davis for Iowa, but the Governor of Missouri failed to appoint a commissioner. And so Lea and Davis began the work alone late in September.

Having determined "to make a full examination of all the localities concerned," Lea procured "instruments and equipage" after much delay, and proceeded to ascertain the exact latitude of the head of the Des Moines Rapids in the Mississippi River. Next he located the point at which Sullivan's line touched the Des Moines River. Following this he met Davis by appointment, "at the town of Van Buren, in the Great Bend of the Des Moines river," where he explained the details of all the preliminary work he had done. Dr. Davis approved and they went on to examine Brown's survey to test "its accuracy by astronomical observations".

Through October and well into November the commissioners were busily engaged in locating precisely the determining points upon which the controversy hung. Much sickness in the surveying party, however, and "the unusually early beginning of rigorous winter" prevented the verification of the whole length of Brown's line. Neither was the exact latitude of the old "northwest corner" determined, though Lea "devoted four weeks to that object alone."

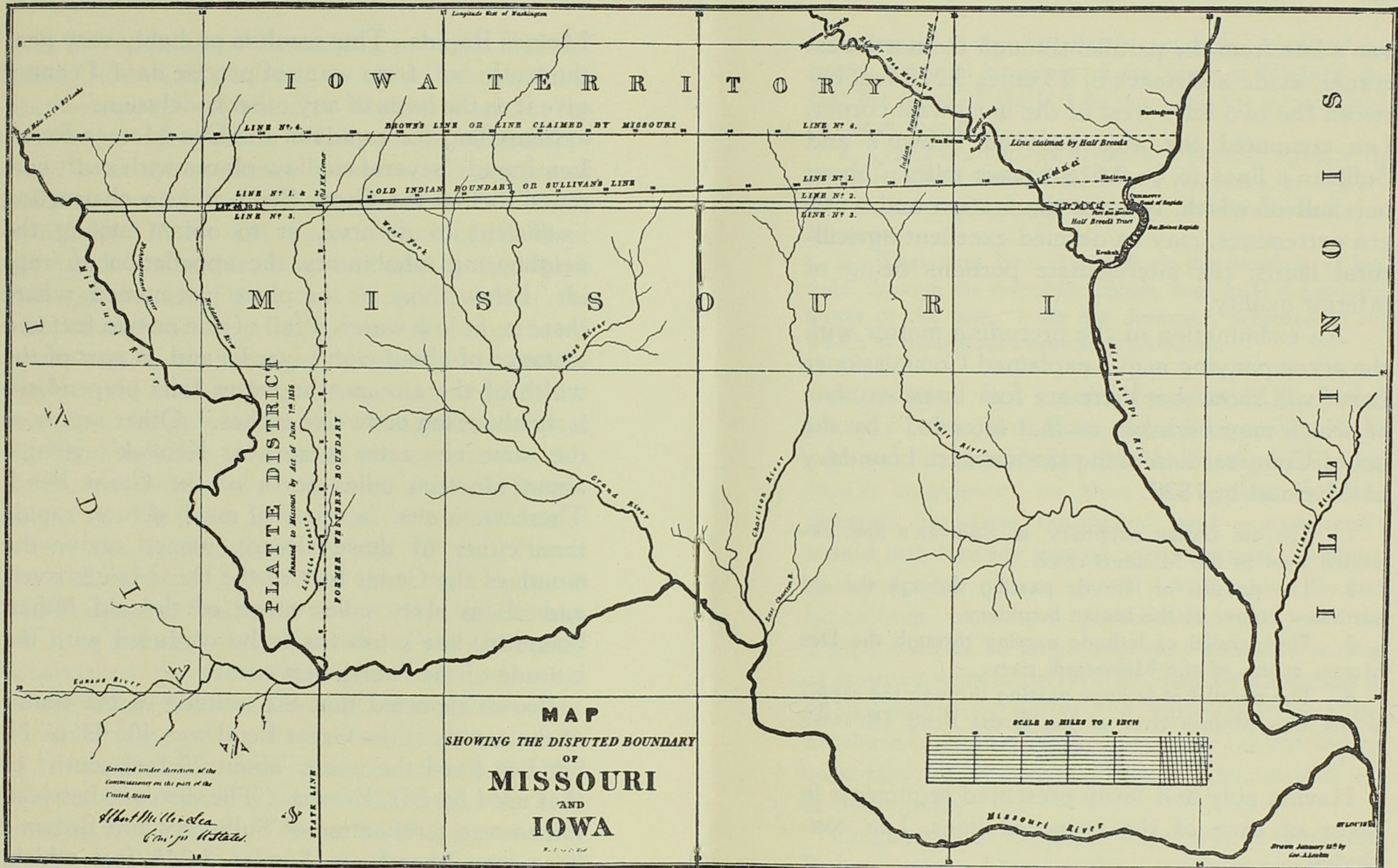
In his report to the Commissioner of the General Land Office, Lea declared that the "head or most northern point" of the Des Moines Rapids, "as seen from the western shore of the Mississippi river, is at the southeast corner of the square of old Fort Des Moines [Montrose], and its latitude is $40^{\circ} 30' 53''$ N. On the east bank of the river the rapids are visible about one mile farther north than on the west side; but the point where the main channel of the river becomes first obstructed by the rapids, is a few yards south of that of which the latitude has just been given, and which is assumed as the proper head of the rapids, as far as the boundary-line question is concerned.

"The latitude of the point where the old Indian boundary [Sullivan line] strikes the Des Moines river", Lea continued, "is $40^{\circ} 35' 43''$ N. Hence the difference of latitude of these two points is $4' 50''$, equal to 5 miles 2,919 feet. Unfortunately, we have not the precise latitude of the old northwest corner; but, from the results of recent surveys made on that line, and from data derived from Mr. Brown's survey, I have calculated that it is south of the point where Sullivan's line strikes the Des Moines river, by 4 miles and 27 feet. By subtracting this from the 5 miles 2,919 feet, we have 1 mile 2,892 feet for the distance that the old northwest corner is north of the head of the Des

Moines Rapids. This result is probably very near the truth, but, from want of precise data, I cannot give it as the basis of any other conclusion."

Searching for rapids in the Des Moines River, Lea found "several shallow places with swift currents" below the Great Bend, but no obstruction "sufficient to deserve, or to obtain among the neighboring inhabitants, the appellation of 'rapids,' below those at the place just named, where there is, at low water, a fall of one or two feet in a distance of about eighty yards; and, in part of the width of the stream, the water falls perpendicularly about ten or twelve inches." Other rapids of the same character were near Keokuk's village, about nineteen miles north of the Great Bend. There were also "a series of much greater rapids than either of those already named above the mouth of the Cedar fork of the Des Moines river, and about sixty miles north of the old Indian boundary-line", too far to be confused with the latitude of the "northwest corner".

Brown reported that the latitude of the center of the rapids at the Great Bend was $40^{\circ} 44' 6''$ N, but Lea fixed the point "about 20 feet south" of that used by Mr. Brown. "The distance between the eastern termination of Sullivan's and Brown's lines was, therefore, 9 miles 3,248 feet which, added to the 4 miles 27 feet divergence of Sulli-



van's line from the parallel through the northwest corner, made a distance of 13 miles 3,275 feet between the two lines west of the northwest corner. Lea computed the area between Brown's and Sullivan's lines to be 2,616 square miles, "about one half of which, lying at the eastern and western extremities, may be deemed excellent agricultural lands; the intermediate portions being of inferior quality."

"An examination of the preceding matter with the accompanying map," explained Commissioner Lea, "will show that there are four lines, any one of which may be taken as that intended" by the act of Congress describing the northern boundary of Missouri in 1820.

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

Having ably and fairly presented arguments in favor of each of the proposed lines, Lea concluded:

1. That the old Indian boundary, or line No. 1, ex-

tended west to the Missouri river, is the equitable and proper 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 or equitably the northern boundary of Missouri.

3. That lines Nos. 3 and 4, or the parallels of latitude, through the respective rapids, *both* fulfil the requirements of the law. I am not, however, prepared to say which of these lines have the preferences.

In closing his report, however, Lea rather adroitly remarked that, should line No. 1 be adopted, "it is probable that the State of Missouri would acquiesce; as that has generally been deemed her true boundary, and consequently would not derange any of her municipal divisions, or deprive her of any territory over which she has heretofore exercised jurisdiction; and as the 'Platte district,' a large and very valuable section of country, was added to the State by Congress in 1836, doubtless under the impression that the northern boundary of the State was the old Indian boundary, as represented upon all the maps in use in the country."

Commissioner Davis, in his report to Governor Lucas, reviewed the historical evidence bearing on the dispute. He also collected testimony from

early settlers, officials, and river men. All the information he could find clearly proved, in his opinion, that the rapids mentioned by Congress in 1820 were the Des Moines Rapids in the Mississippi. The recent effort to claim the rapids in the Des Moines River at the Great Bend as determining the boundary was, he believed, due to the cupidity of purchasers of land in the Half-breed Tract. This area would be greatly enlarged if the Brown line could be established. Davis concluded that Sullivan's line was the true, time-honored, and just boundary.

Although Lea suggested that Congress immediately designate which line should constitute the boundary, Missouri did not wait for such action. On February 16, 1839, the State legislature passed an act declaring that the jurisdiction of Missouri extended to the Brown line. This brought the controversy to a crisis which nearly ended in war. Finally, in 1848, the Supreme Court of the United States decided that the old Sullivan line was the true boundary between Iowa and Missouri.

BEN HUR WILSON