26th Congress, 1st Session. Rep. No. 2. Ho. of Reps.

BOUNDARY OF MISSOURI AND IOWA.

[To accompany H. R. bill No. 11.]

February 4, 1840.

Mr. G. Davis, from the Committee on the Territories, to which the subject had been referred, submitted the following

REPORT:

The committee, to which were referred the messages of the President and the accompanying documents in relation to the disputed boundary between the State of Missouri and the Territory of Iowa, have had the matter under consideration, and beg leave to report:

The point in debate between the authorities of the State and Territory, which involves the whole difficulty, is the location of the northern boundary line of Missouri. The act for the admission of that State into the Union was passed in 1820; and as Iowa was erected into a Territory long subsequently, if there is any conflict between their organic acts, the rights of Missouri would be paramount. But the southern boundary of Iowa calls for the northern boundary line of Missouri: so that the ascertainment of the latter necessarily demonstrates the former.

In 1808, a treaty was made between the Osages and our Government, by which that tribe ceded all their lands situated north of the Missouri river. The Iowa and confederated Sac and Fox tribes had some claim to the same country or a portion of it, and there was no known divisional lines between their respective interests nor indeed any definite boundary to the cession of the Osages. As emigration pressed westward it was thought necessary by some of the Government agents, in 1816, that the country to which the Osages had transferred their title should be definitively ascertained by survey; and their authority to have it executed not being full, Captain John Sullivan, a deputy surveyor operating in that district, made a survey of it, under the instructions of General William Rector, surveyor of the public lands in the Illinois and Missouri Territories. This was done in the presence of the Indian agent on the part of the United States, and the chiefs of the nation acting for the Osages. So far as the boundary then agreed upon by the parties, bears upon the point in controversy, it defined the western boundary line of the cession as running on a meridian line, passing through the mouth of the Kanzas river where it empties into the Missouri river north, one hundred miles, and thence east to the river Des Moines. The latitude of this northern line has been recently ascertained to be about 40° 35′ north.

As introductory to the erection of Missouri into a State, petitions were numerously signed by her citizens, in which they set forth that they "live within that part of the Territory of Missouri which lies between the lati-

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tudes of 36° 30′ and 40° north, and between the Mississippi river to the east, and the Osage boundary line to the west." They ask to "be admitted into the Union of the States within these limits;" and, among other considerations to enforce their petition, they state "the boundaries, as solicited, will include all the country to the north and west to which the Indian title has been extinguished." And in the close they thus expostulate: "Your petitioners hope that their voice may have some weight in the division of their own country and in the formation of their State boundaries; and that statesmen, ignorant of its localities, may not undertake to cut up their country with fanciful divisions, which may look handsome on paper, but must be ruinous in effect." Most of her principal men, including those who had filled the principal offices in the Territory, and those who had been intimately connected with the contiguous tribes of Indians, including Captain John Sullivan himself, were among the petitioners. In March, 1820, the State of Missouri was received into the Union; and the second section of the law passed for that purpose provides, "that the said State shall consist of the Territory included within the following boundary, to wit: Beginning in the middle of the Mississippi, on the parallel of 36° of north latitude; thence west, along that parallel of latitude, to the St. Francois river; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of 36° 30′; thence west, along the same to a point where the said parallel is intersected by a meridian, passing through the middle of the mouth of the Kanzas 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 passing 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 main fork of the 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; thence down and following the course of the Mississippi, in the middle of the main channel thereof, to the beginning." This boundary was accepted and ratified by the State of Missouri.

The first consideration springing out of this boundary which presented itself to the committee is, that the United States was possessed of the sovereignty, not only of the territory comprehended by it, but of all the contiguous country on the south, west, and north; and, consequently, Congress had the power and the right to give what area, form, and boundary, it might choose to the new State. The boundary prescribed for her, so far as the courses of rivers were not adopted, is wholly upon meridians and parallels of latitude; and so tenaciously does this general congruity of figure pervade the whole boundary that, when the northern line is made to diverge east and to intersect the Mississippi river, by running down the middle of the Des Moines river to its mouth, it then calls to run a "due east course to the middle of the main channel of the Mississippi river." From this studied purpose of harmony of figure to the cardinal points, and the positive call that the northern boundary line, except the small portion of it formed by a river, should correspond with the parallel of latitude passing through the rapids of the river Des Moines; to give position to that line would seem, upon the first view, to involve no more difficulty than the ascertainment of those

rapids. But, upon a second reflection, it will occur to the mind that the solution of this problem is connected with an examination of the length and point of termination of the western boundary line. On recurring to that line, it is found that, in addition to the description of running on the meridian that passes through the middle of the mouth of the Kanzas river north until it intersects a parallel of latitude which passes through the rapids of the river Des Moines, it is also required "to correspond with the Indian boundary line."

The Des Moines rapids of the river Mississippi commence about fifteen miles above the mouth of the river Des Moines and extend eleven miles down the Mississippi. Their fall is upward of twenty-four feet, and they had had long and general notoriety from forming so great an obstruction to the navigation of that river. In ascending the Des Moines river, several rapids also are encountered: the first being in the great bend of that river, about nine miles north of the parallel of latitude, intersecting the head of the Des Moines rapids of the Mississippi, and are generally designated "the rapids of the Great bend." About nineteen miles farther north there is another rapids, until lately called "the Appanoosa," now "the Keokuck" rapids; and above the mouth of the Cedar fork of the river Des Moines, and about one degree north of the Indian boundary line, there are a succession of rapids, greater and more distinctive than either of the two before named as of this river. It has been ascertained, by calculation upon the basis of some surveys previously made, that the northern point of termination of the western Indian boundary line is one mile 2,719 feet north of the parallel passing the head of the Des Moines rapids of the Mississippi. This demonstration of the position of this important terminus is not perfectly satisfactory, especially as the computed difference between its parallel and that passing the head of the lastnamed rapids is so slight as, when connected with other facts and considerations, as strongly to persuade one that they were probably intended to be, for a series of years were thought to be, and possibly may be, in exactly the same parallel. But conceding that the relative position of the northwestern corner of the Indian boundary and the Des Moines falls of the Mississippi river is here accurately given, it follows, necessarily, that no parallel of latitude cutting any of the rapids that have been brought into view, would intersect with the northern termination of the western Indian boundary line. The question then arises, is there any thing in the calls and description of the western boundary line of the State of Missouri that conflicts with the requisition that her northern boundary line shall be the parallel of latitude passing through the rapids of the Des Moines river? The boundary of Missouri, as given in the law, does not assume that the Indian boundary line actually intersects that parallel; but, in defining the western line, it adopts a *particular meridian line*, and, in addition, requires this line of the State "to correspond with the Indian boundary line." In this line, as thus set forth, there are two descriptive points: the one, a correspondence with the Indian boundary line; the other, its intersection with the parallel of latitude passing through the rapids of the Des Moines river. The rule that, in giving construction to an instrument, if there be a sense which will allow to all its terms an important meaning, and harmonize each part with the others, that mode must prevail, here applies.

The *correspondence* between the western line of the State and the Indian boundary line is obtained in the *direction* of the former being controlled

by, and made identical with, the latter; the other descriptive call can be respected only by allowing the point of intersection of the given meridian line, with the parallel of latitude passing through the rapids of the river Des Moines, to determine whether the northwest corner of the State be north or south of the point of termination of the Indian boundary line. Independent of the force of the fact that the Indian boundary line is not recited to intersect this parallel, all the facts extrinsic the law, demonstrate that this construction conforms to the intention of the lawmakers. When the western line of the survey of the Osage cession reached its northern termination, the surveyor intended to run, as, until a short time since, it was supposed he had run, the northern line a due east course to the river Des Moines. If it had been the purpose of Congress to have made the western line of the State to terminate absolutely and certainly with the western Indian line, as the northern Indian line had been surveyed to run, and was believed by all to run, a due east course, and the northern State line was to be a parallel of latitude, it certainly would have adopted the parallel intersecting the northwest corner of the Indian boundary; and would have required a correspondence also between the northern State line and the Indian boundary line, as they both terminated on a common object, the river Des Moines. But this northern termination of the Indian boundary is a point in an artificial line in which there is no striking monument, except at the beginning. It is beyond question, that it is not on any well-known and permanent natural object; and whether, indeed, it is upon common timber or in a prairie, and merely imaginary, so far as there is evidence before this committee, is a matter of doubt. Certain it is, that its latitude was not then, and is not yet, accurately calculated. Congress did intend, and has actually given a certain and fixed position to the northern line of the State, by calling for a parallel of latitude passing through a rapids remarkable, attractive, and well known. The general design of regularity of figure is manifested throughout the whole boundary. Can it be believed that this pervading harmony was left liable to overthrow; and a parallel of latitude, cutting such an object as the Des Moines rapids, was designed to be controlled, or even left in conflict with such an obscure object as the northern point of termination of the Indian line, in the grave business of giving locality to the boundary of a great State?

Your committee do not believe that there is any discrepancy in the description of the western and northern lines of the State of Missouri, as set forth in the law admitting her into the Union. If it were otherwise, they are of opinion that the Des Moines rapids were so much more remarkable and permanent than the northern termination of the Indian boundary line; so much more apt to fix the attention of explorers and emigrants; and, in truth, so much more notorious than the locality of that termination, as to render it altogether certain that they were principally looked to by Congress in searching for, and adopting an object, from whence to abut the boundary of a member of this confederacy. This argument is strengthened to such a degree, by the reflection that the whole of that country was then a wilderness, uninhabited by the white man, except a very few settlements on the Mississippi river, that they would not hesitate, if it were necessary, to consider it as the paramount and controlling call.

The next task is, to identify the rapids of the Des Moines river, referred to in the boundary of Missouri. The mind is struck by the fact, that these rapids are not placed in the northern boundary line, but are introduced for

the purpose of fixing a parallel of latitude, upon which the western line should terminate; and when this parallel is thus located, the northern line is required to pursue it east "to the middle of the channel of the main fork of the river Des Moines." To form a judgment simply from the language used, these rapids might be either east or west of the northern State line, and possibly they might be cut by it, though this position is strongly assaulted by the fact that it does not call for them. It cannot be readily conceived that a rapids, of such note and importance, as to define a parallel of latitude, upon which one line of a great State was made to terminate, and along which another line was made to run and corner upon them, should yet not be called for in the description of this line. An object so well calculated to give the desired permanent notoriety to the boundary lines of a member of this confederacy, would doubtless have been introduced, in setting them forth in the charter of its existence. It is not a rapids, but "the rapids of the river Des Moines," that are called for; and as there are a succession of several in the river of that name, and at distant points from each other to have attained any certainty, those referred to must have been called and known as "the rapids of the river Des Moines." That name must have designated them, and by it, in connexion with other facts, is their identity now to be tested. In a memorial, addressed by the General Assembly of the State of Missouri to Congress, in 1831, praying, in part, the annexation to that State of the small tract of country lying in the forks of the rivers Mississippi and the Des Moines, is found this statement: "When this State government was formed, the whole country on the west and north was one continued wilderness, inhabited by none but savages, and but little known to the people, or the Government of the United States. Its geography was unwritten; and none of our citizens possessed an accurate knowledge of its localities, except a few adventurous hunters and Indian traders." The western boundary of the State, as given by the act of Congress of the 6th of March, 1820, and adopted by the constitution of Missouri, is a meridian line, passing through the middle of the mouth of the Kanzas river, where the same empties into the Missouri river, and extends from the parallel of latitude of 36° 30′ north "to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines." The part of this line, which lies north of the Missouri river, has never been surveyed and established, and consequently its precise position and extent are unknown. It is believed, however, that it extends about one hundred miles north from the Missouri river," &c. Further, "your memorialists represent, that the northern boundary of this State, as indicated by the act of Congress of 6th of March, 1820, and adopted by our constitution, is the parallel of latitude which passes through the rapids of the river Des Moines, extending on that line from the northwest corner of the State to the middle of the channel of the main fork of the said river Des Moines, thence down 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. This line is vague and indefinite. The country on the Des Moines is still unsettled, and comparatively unknown, although the flood of migration now pouring into this State is rapidly tending to that border. We are not informed of the exact local position of the rapids of the river Des Moines, nor whether those rapids are occasioned by a single obstruction of the stream, so as to indicate the precise position of the line, or are produced by a succession of shoals, extending like the rapids of the

Mississippi for many miles. And if, on examination, it should be found that the course of the Des Moines, like that of the Mississippi, is disturbed by different rapids, with long intervals of a smooth current between them, it may well be doubted which of the rapids shall indicate our northern boundary," &c. Against the force of these facts, it is preposterous to suppose that Congress, after acting with so much precision on all the other lines of Missouri, should leave the northern one dancing about between four or five unknown, nameless, and inconsiderable rapids, over a breadth of fifty miles of country, the extent of which was then unknown, when there was such a signal object, as the Des Moines rapids of the Mississippi, so near and just without the limits, that the inhabitants had petitioned Congress, should constitute its boundary. Nor is it less absurd to suppose, that these grave and enlightened law-givers would prescribe *a parallel of latitude* to run through any one of the four or five series of falls in the Des Moines river, and a point "about one hundred miles north of the river Kanzas." The first two rapids, in that river, have each but a fall of two feet in about eighty yards; and neither of them appear ever to have had the distinctive name of "the rapids of the river Des Moines." They were too inconsiderable, in the unsettled condition of the country, to have had *any name* given to them; and, from the number of them in that river, that appellative, unless with some other adjunct, could not have been conferred on either of them, without producing uncertainty and confusion. Another argument is, that the Indian title was extinguished to all the lands south of the Des Moines rapids of the Mississippi, and the old Indian line running west, while they had the possession of, and the title to, the whole of the country north. The memorial before referred to, adds: "And we consider it highly important that the line in question should be definitely and distinctly known before the white settlements, now rapidly spreading, shall reach the borders, and before the possibility of a conflict with the Indian tribes, which we have reason to apprehend, may be removed to that frontier," &c. The line contended for by Missouri, is a parallel of latitude cutting the falls in the great bend of the river Des Moines, and was, until 1832, as it now partly is, considerably in the Indian territory. The committee admit that the name of the rapids, called for in the boundary of that State, would indicate their situation to be in the river Des Moines; but they are constrained, from the foregoing facts and circumstances, to come to the conclusion that they are not to be looked for in that river. The question then recurs, where are they to be found?

The great rapids before referred to, as being of eleven miles in extent, having a fall of twenty-four feet and a fraction, and at low stages of water being so great an obstruction to the navigation of the Mississippi, terminate within four miles of the mouth of the river Des Moines. While Louisiana was owned by France, these rapids were called "les rapides de la riviere Des Moines." By that name they were generally known; and as early as 1799, are they so designated, in a grant of the Governor General of the Province to Lewis Honore, who then made an actual settlement at them, upon the land embraced by his grant. Persons claiming under him, mediately or immediately, have continued that possession up to the present time; and recently Congress admitted the validity of their right to the land, under said grant. At first there appears some unfitness in a rapids in the Mississippi, bearing the name of "the rapids of the river Des Moines"—that being the translation of the French name—but names are arbitrary,

and often whimsical; and when it is recollected that there are other rapids in the Mississippi river, and these approach so near to the mouth of the Des Moines, it will be conceded that, for distinction, there was no great absurdity in denominating them "les rapides de la riviere Des Moines." They could not have been called simply "the rapids of the Mississippi river," without being confounded with other rapids in that stream. Particular designation induced another appellation, which was obtained from the nearest great natural object. Similar considerations attached to another rapids, situate about one hundred and fifty miles higher up in the Mississippi river, the name "les rapides de la riviere de la Roche," which, being translated, is "the rapids of the river Rock," that stream disemboguing itself into the Mississippi a short distance below them.

However this may be, it is established beyond reasonable doubt, that these rapids were named by the French while they owned the country; and retained the same name after the cession to the United States, translated into our language, which, for convenience probably, has been abbreviated into "the Des Moines rapids." As there are no other rapids which bore that name, at the time Missouri was constituted a State, the individuality and identity of "the rapids of the river Des Moines," which, in the boundary of that State, are made so important a call, must be conceded to be satisfactorily established *in them.*

The next question for solution is, what point of these rapids of eleven miles in length is to be cut by this parallel of latitude? If a parallel, passing through the northwest corner of the Indian boundary, would cut those rapids at any point, such a coincidence would prevail upon your committee to recognise that as the proper intersection of them. But the latitude of this corner not then being known, nor yet exactly ascertained, (though in all probability north of the head of the rapids,) *they* must be considered not only the paramount, but the sole bearing point, in giving locality to the northern line of the State. Indeed, it would seem that Congress having decided to place this line upon the parallel of latitude, passing through an object so remarkable and so permanent as these rapids, the total uncertainty whether this parallel would pass north or south of the northwest corner of the Indian boundary, produced its exclusion as a bearing point in this line. The Indian line that called to run east from that corner was but obscurely marked, and was placed rather by reputation and conjecture, than by the usual evidences of demarked boundary. Its exact locality has continued to be a subject of debate, perplexity, and doubt, from the period it was run up to the present moment; and as there was no great natural object in its course, upon which its oscillation could be fixed, and the few mutable monuments of it that were in existence might be soon forgotten or removed, Congress would not hazard to transmute *it* into the boundary line of an important State. An objection of still more weight was, it did not reach the great object which Congress had determined should control this line, the Des Moines rapids; and whether its continuance would strike them, was, from its shadowy character, and the then almost total ignorance of the country and its localities, wholly a matter of doubt. The uncertain, the artificial, and the evanescent, was rejected, and the notorious, the fixed, the natural, and the permanent, was adopted—a boundary line, as stable and enduring as the Des Moines rapids of the Mississippi, and as certain as the operations of science, was prescribed.

But it is to be determined where this parallel of latitude shall sever these rapids. It is the judgment of law, as well as the dictate of common sense, that, when a line calls to corner on several objects, its exact location shall be the medium point between *all the objects*. The conclusion is no less sound that, where a line calls to cut an object of such extent as to make a material difference between various intersections of it, the centre must be adopted. Then, the true northern line of Missouri is the parallel of latitude, passing through the middle of these rapids. This parallel had not then been run and demarked. The northern Indian line had been surveyed four years before Missouri was admitted, and it called to run, and was supposed to run, a due east course. The parallel required in the boundary of Missouri was known to be in the same direction, and their position believed to be nearly identical. As a subject of general conversation, in the formation of Indian treaties,—in the legislation of Missouri and of Congress,—it often became necessary to place the northern line of Missouri. As the true line was imaginary, and had never been traced, or rendered sensible and tangible, and the Indian line had a reputation running through some years, and was placed with sufficient precision for those purposes, it was natural and easy that they should come to be confounded. The consequence was, the Indian line was adopted as the State line, and they generally came to be considered and denominated one and the same. The committee have examined numerous maps and atlases, as well of Missouri alone, as of the United States collectively, published at various times from 1820 up to the past year; and in all, without an exception, her northern line is placed in a position to correspond with the Indian line, while the great bend of the Des Moines river is represented considerably to the north, and in none but the most recent maps, *with any rapids*. If the line of the State did actually call for, and was intended to intersect the rapids in that bend, it is inconceivable that all the numerous charts of this line, as well as the uniform traditions of the country, should have placed it at such a uniform distance from them.

The Sac and Fox tribes of Indians appear to have set up some claim to the lands situated on the north side of the Missouri river, which the Osages had ceded to the United States; and in the year 1824 a treaty was made with those tribes, by which they transferred to our Government all right or claim that they have to any lands in that State. This treaty describes the cession as lying "between the Mississippi and Missouri rivers and a line running from the Missouri, at the entrance of the Kanzas river, north one hundred miles to the northwest corner of the State of Missouri, and from thence east to the Mississippi." The Iowas, also, had some claim to the same country, and in 1825 they made a treaty with our Government, in which they ceded their right to all lands within the State of Missouri, and by a boundary set forth in the precise terms used in the treaty with the Sacs and Foxes. In the year 1830, the Sacs and Foxes and some other tribes made another treaty of cession with the United States, in which the lands transferred are bounded, in part, thus: "thence down said Missouri to the Missouri State line, above the mouth of the Kanzas; thence along said line to the northwest corner of the said State," &c. In 1832, General Scott and others, on the part of the United States, negotiated a treaty with the confederated tribes of the Sacs and Foxes, by which they ceded a district of country, bounded to commence at the point where "their northern boundary line struck the Mississippi; thence up said boundary line, to a point fifty miles from the Mississippi, measured on said line; thence, in a right

line, to the nearest point on the Red Cedar of the Iowa, forty miles from the Mississippi river; thence, in a right line, to a point on the northern boundary line of the State of Missouri, fifty miles measured on said boundary from the Mississippi river; thence, by the lastmentioned boundary, to the Mississippi river, and by the western shore of said river to the beginning." The line of Missouri called for in said treaty is on the old Indian line. If it had been a line on a parallel of latitude, cutting the rapids in the Des Moines river at the great bend, it would have left unceded the strip of land between that parallel and the old Indian line, when the procurement of the title to all the land on the Mississippi river held by those tribes was the main object of that treaty.

These different Indian treaties, came under the review and scrutiny of the Senators from that State twice; first, in their ratification—the second time, in passing appropriations to carry them into execution. Before her Representatives they were *once* necessarily submitted to the same ordeal. They tend strongly to assume, if not positively to declare for her, a *different northern line* than what she now contends to be the true one. Her Representatives in both Houses were too attentive and astute in the performance of their official duties, and too loyal to their State, not to have had exposed errors menacing so seriously the integrity of her territory, if errors they had been.

In the year 1818, Congress passed a law for the establishment of additional land offices in the State of Missouri, in which it is declared, "all the lands within the following boundaries shall form a district for the land office established by law at St. Louis: beginning on the Mississippi river, where the north line of township thirty-four north intersects the same; thence, up and with the Mississippi river, to the mouth of the Des Moines river; thence, up and with the Des Moines river, to the north Indian boundary line; thence west with the said boundary," &c. In 1824, after Missouri became a State, Congress passed a law to establish an additional land office in the State of Missouri, which enacts, "that so much of the public lands of the United States, included in the present district of St. Louis, as lies within the following boundaries, to wit: beginning on the Mississippi river between townships numbered forty-eight and forty-nine, thence west to the range line between ranges ten and eleven; thence north to the township line between townships numbered fifty-two and fifty-three; thence west to the range line between ranges thirteen and fourteen; thence north to the northern boundary line of the State of Missouri; thence east with the State line to the river Des Moines; thence with the river Des Moines and the State line to the river Mississippi, &c., shall be formed into a new land district, to be called the district of Salt river," &c. The same gentleman represented Missouri as Delegate and Representative respectively, when these two laws were passed, and was probably the draughtsman of both. In the first, the Indian line is adopted as the northern boundary of the St. Louis district; in the second, (the Territory having been erected into a State in the meantime,) this district is divided, and the new district calls for the State line as its northern boundary. As by this law, so much of the public lands of the United States as was comprehended by the boundary therein given, was stricken from the St. Louis land district, and was constituted a separate one, both of which had a common northern boundary, the *Indian line* of the former is necessarily and emphatically recognised as the *State line* in the latter. In both, as also in the law admitting Missouri into the

Union, Congress was scrupulous not to infringe upon the rights of the neighboring tribes, in passing the Indian boundary; and in all these interesting transactions, the sovereignty and interests of that State were represented in this House, by the same able, faithful, and vigilant sentinel. On consulting the General Land Office, we find that all the surveys of the public lands in that region, were made to conform to this Indian boundary, and the legislation of Congress in making it the divisional line between different districts. The surveyors in the St. Louis and Salt river districts, operated up to the Indian boundary line on the south, and in no instance passed it with either sectional or range lines, although the survey of fractions, in irregular forms, was the consequence.

The country ceded to the United States, in the treaty of 1832, by the Sacs and Foxes, including a portion of the slip now in controversy, was afterward, by an act of Congress, attached to Michigan. When Wisconsin was erected into a Territory, this same cession became a part of her, and was subjected to her jurisdiction, actively exercised. As the domestic institutions of these Territories, in one grave point, were so essentially variant from those of Missouri, it cannot be believed that an important portion of her territory could have been so lightly incorporated with them, or without the most earnest protests of her representatives, both in the Senate and the House. If there had been a reasonable doubt as to the proprietary right, Congress would have paused for its solution, and would not, by its acts, have hastened the troubles that we are now invoked to compose. In 1838, Iowa became a Territory, and she has a line of counties covering the country in dispute; in which, indeed, there is one of her county seats. Through all these mutations, the lands respectively, north and south of this *Indian Missouri* line, have been attached to different land districts, and surveyed by different officers, at distant periods of time, on the one side, being surveyed, advertised, and sold as situate in Missouri, on the other, as of Iowa.

But Missouri herself, in her legislation, so late as the year 1836, has taken the position that the Indian boundary is her northern line. In a law to organize the county of Clark, "all that territory attached to the county of Lewis, and lying within the following boundary, to wit: beginning at the northeast corner of the county of Lewis, in the Mississippi river, thence west, with the north boundary line of the county of Lewis, to the corner of sections eighteen and nineteen, on the range line between ranges nine and ten, in township sixty-three; thence north, with the range line, between ranges nine and ten, until the same strikes the north boundary line of the State; thence east, with the said north boundary line of the State, to the middle of the main channel of the Des Moines river," &c. When this county was erected, the public lands had been surveyed up to this Indian boundary line, on the south, and consequently there were ranged lines running up to it in the State of Missouri; but, on the Iowa side, there were no range lines, the public lands lying upon it to the north, not being surveyed until 1838. When this law of Missouri gave boundary to the county of Lewis, by running "north with the range line, between ranges nine and ten, until the same strikes the north boundary line of the State; thence east, with the said northern boundary line of the State," &c., it meant, it could not possibly have meant any other line than "the old Indian boundary," long since merged into the State line.

It is true that the legislature of that State, about two months afterward, passed a law to attach that portion of the disputed territory which lies along the county of Clark to it. But the former law had appropriated to this county all the territory up to the State line; as this slip is only six miles in width, and if Missouri had thought she had a demonstrable title to it, she would certainly have incorporated it with Clark upon the organization of that county. The terms of the last law are sufficient of themselves to discredit her claim. Its title is "An act to attach territory to the county of Clark;" and it proceeds to provide, "the territory herein described shall be attached to Clark county for civil and military purposes; beginning on the western line of Clark county, on the dividing ridge, between North Fabius and Wyaconda rivers; thence running along the dividing ridge, between said rivers, in a northwestern direction, until it strikes the extreme northern line of the State, (as it may be established,)" &c.

Your committee are aware that, by the admission of Missouri into the Union, she was invested with the qualified sovereignty to all the territory included within the boundary given in the law of Congress, and that this charter is immutable, except by her consent; and by it, are her rights in this controversy to be decided. They have not adverted to the solemn acts of the Executive and the Senate in making treaties, to those of Congress in voting money to carry those treaties into effect, and to authorize the mode of surveying the public lands in Missouri and Iowa, and to those of the State herself in defining and appropriating her rights, as of the least potency to control or modify her boundary. They have brought these high and official acts into review, simply to illustrate a matter of fact—what position is given to her northern line in the organic law by which she was constituted a State. In prosecuting this inquiry, they have come to the conclusion, that, if this line was run as it is described, it would take from her the strip of territory, between a parallel of latitude, intersecting the centre of the Des Moines rapids of the Mississippi and the old Indian line. But, as the latter line, so soon after the organization of the State, was adopted for the State line, became to be generally so regarded by those interested in it, and by the whole country, and so many municipal regulations have been made to conform to it as the true line, they have resolved to recommend its adoption. To effect this, they herewith report a bill; with a clause also providing for the running and marking of said line, as surveyed by Captain John Sullivan in the year 1816.