

Missouri Vs. Iowa

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Court : US Supreme Court

Decided On : 1850

Appeal No. : 51 U.S. 1

Appellant : Missouri

Respondent : Iowa

Judgement :

Missouri v. Iowa - 51 U.S. 1 (1850)

U.S. Supreme Court Missouri v. Iowa, 51 U.S. 10 How. 1 1 (1850)

Missouri v. Iowa

51 U.S. (10 How.) 1

ORIGINAL

SYLLABUS

The report of the commissioners appointed by this Court in [48 U. S. 7](#) How. 660, to run and mark the line dividing the States of Missouri and Iowa adopted and confirmed, and the boundary line finally established.

The commissioners appointed by this Court to run and mark the boundary line between said states, according to our decree of the December term, 1848, having performed that duty and reported to the Court at this term the manner in which said work had been performed, and it appearing that two surveyors had been employed by said commissioners to aid them in doing the work in the field, and that other assistants had been employed, and that various expenses had been incurred in running and marking said line, now, in order that the parties to said controversy may be informed of the amount of means necessary to be provided to pay for said services, and also for other costs and charges incident to the suit, it is ordered that the clerk of this Court do examine witnesses, and resort to other evidence for the purpose of ascertaining what is the proper compensation to be allowed to said commissioners and the surveyors they employed, and also what compensation is due to the Hon. Robert W. Wells for such services as he may have performed as commissioner before he resigned. And said clerk will also ascertain the amount of expenses, of every description, incurred by said commissioners, besides the compensation to themselves and said surveyors, together with the costs and charges incurred in this Court in carrying on the

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controversy here. All of which he will include in a detailed account, and report the same to this Court at an early day, for its final action thereon.

And in taking said account, the report of said commissioners will be taken as *prima facie* true.

Said clerk will also ascertain and report the amount of moneys already advanced to said commissioners by the States of Missouri and Iowa respectively, and the manner in which said moneys have been expended.

12 December, 1850.

And now, on this third day of January, A.D. 1851, this cause came on for further order and decree therein, when it appeared to the Court that at the December term, 1848, thereof, Henry B. Hendershott and Joseph C. Brown were appointed

commissioners to run and mark the line in controversy between the States of Missouri and Iowa, and the said Brown having died, the Hon. Robert W. Wells was appointed in room and stead of said Brown by THE CHIEF JUSTICE of this Court, in vacation. And said Wells having resigned his appointment, William G. Minor was appointed commissioner in room and stead of said Wells, by this Court, at its last December term of 1849, and at which term the time for running and marking said line was extended to this present term of December, 1850, for the reasons stated in the report of said Wells and Hendershott, made to the last term, and which is hereinafter embodied. And the present commissioners, Henry B. Hendershott and William G. Minor, have made their report in the premises to this term; and which report is as follows:

" TO THE HONORABLE THE SUPREME COURT OF THE UNITED STATES"

"The undersigned, appointed commissioners by this Honorable Court, in the above cases, to establish the boundary line between the aforesaid states, respectively report that, for the purpose of arranging the operations in the field so as to combine economy with speed, we met in the City of St. Louis, in March last, and there, after consulting experienced surveyors as to the time that might be consumed in running the line, the probable amount of expense to be incurred, the necessary force to be employed, and the proper outfit, we determined a plan of operations and agreed to meet at the supposed site of Sullivan's 'northwest corner,' between the 1st and 20th of April last. While in St. Louis, we obtained from Major M. L. Clark, Surveyor General of the States of Missouri and Illinois, a copy of the field notes of the survey made by John C.

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Sullivan, in the year 1816, of a line beginning on the east bank of the Missouri River, opposite the middle of the mouth of the Kansas River, and extending north one hundred miles, where he made a corner, and also of the line run by him in an easterly course to the Des Moines River. We were also furnished by Major Clark with several charts, diagrams, and copies of surveys which had at various times been made of portions of Sullivan's line and which were of much service in the

prosecution of the work."

"The surveyors severally appointed by us were William Dewey, Esq., of Iowa, and Robert Walker, Esq., of Missouri. Both these gentlemen had been connected with the public works of their respective states and enjoy a high professional reputation."

"According to our agreement, we left our respective homes on the 10th of April last, and soon after reaching the point of meeting, in view of increased prices of transportation, provisions &c., caused by the immense emigration through Southern Iowa and Northern Missouri to California, we altered our plan of work and reduced our force."

"No precise trace of the 'old northwest corner' remained -- the witness trees to it were on the margin of a vast prairie, and had apparently been destroyed by fire years ago. Consequently its exact position could not be ascertained. Yet from the running of many experimental lines, diligently examining the evidences before us, together with the reports of the surveyors, we became satisfied of its proper position, and accordingly established it."

"Its latitude taken resulted as follows:"

" 4034'40" N."

"At the corner so determined we planted a large, solid cast-iron pillar, weighing between fifteen and sixteen hundred pounds, four feet six inches long, squaring twelve inches at its base and eight inches at its top. This pillar was deeply and legibly marked with the words strongly cast into the iron 'Missouri' on its south side, 'Iowa,' on its north side, and 'state Line' on the east."

"From the monument so planted at the 'northwest corner' aforesaid, in the said latitude, the survey of the line was commenced, running due west on said parallel of latitude to the Missouri River, as directed by this Honorable Court, and at its terminus, as near the bank of said Missouri River as the perishable nature of the soil would admit, we planted a monument similar in figure, weight, dimension, and

inscription to the one planted at the 'northwest corner,' the words 'state Line' facing the east. "

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"Unexpected delays, arising from a condition of the weather which prevented the surveyors from making reliable astronomical observations, together with the fact that, to a great extent, in the vicinity of said line there were no roads, and the settlements distant and sparse, compelling us to open a track for the transportation of the monuments and baggage of the corps, and also to construct necessary bridges and grade fords, greatly retarded the work."

"Returning to the 'northwest corner,' the survey of the line was commenced, extending eastwardly from said 'corner' to the Des Moines River, as run and marked by said Sullivan, in 1816, from said corner to said river. On this line, by close examination, we discovered abundant blazes and many witness trees, which enabled us to find and re-mark the said line, as directed by this Honorable Court."

"The survey of this portion of the line, more than one hundred and fifty miles in length, was commenced on the 13th day of August, and finished on the 18th of September."

"Near the bank of the Des Moines River where the line terminated, we planted a cast-iron pillar, similar in weight, figure, dimensions, and inscriptions to those planted at the 'northwest corner,' and near the bank of the Missouri River, the words 'state Line' facing the west."

"Solid pillars of cast-iron, weighing each between three and four hundred pounds, and minutely described as to figure and inscriptions in the report heretofore made to this Honorable Court by Messrs. Wells and Hendershott, commissioners, we caused to be planted at every ten miles, in the due west line extending from said 'northwest corner' to the Missouri River, and also at every ten miles in the line extending east from the 'northwest corner' aforesaid to the Des Moines River."

"No iron monument was planted at mile 150 in the line running east, because between it and the point where the large one is planted on the bank of the Des Moines River there existed but a small fraction of ten miles, being only fifty-one chains."

"For a fuller account of the said survey we respectively refer to the report of the surveyors made to us, marked A, and to the following exhibits herewith transmitted:"

"Field notes of said survey, accompanied by a map of the line (marked B)."

"Tabular statement of the costs and charges incurred in said survey (marked C)."

"All or which is most respectfully submitted."

"HENRY B. HENDERSHOTT, *Comm'r &c.; Iowa* "

"W. G. MINOR, *Commissioner, Mo.* "

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And the report of the surveyors employed by the commissioners, and above referred to as part of said commissioners' report is in the words and figures following:

"Keokuk, September 30, 1850"

" *MESSRS. HENDERSHOTT AND MINOR, Commissioners of the Boundary Survey* "

"Gentlemen -- Having been appointed by you, on the part of the States of Iowa and Missouri severally, to locate and survey the boundary between those states under the decree of the Supreme Court of the United States, we met according to your appointment, on 28 April last, near the supposed site of the old northwest corner, for the purpose of commencing operations in the field."

"We proceeded to search for the old corner, which was to be the basis of our future operations. Having a certified copy of Sullivan's field notes, from the Surveyor General's office at St. Louis, we knew that the corner had been originally located in timber, and designated by two witness trees. Aided by a view of the topography of the locality -- as indicated in the notes, and especially by the manner in which Sullivan's north line crossed the Platte River near its terminus -- we were able to determine the locality of the corner approximately, and an inspection of the ground satisfied us that every evidence of its exact position had long since disappeared. Time, and the fires that annually spread over the prairies, had destroyed the witness trees and every trace of both lines near the corner."

"This point, known familiarly as the 'old northwest corner,' was the termination of the line surveyed by Sullivan in 1816 from the mouth of the Kansas River north one hundred miles, and was the point at which he turned east, in running to the Des Moines River, his miles being numbered north from the Kansas and east beginning again at the corner."

"Having no direct evidence of the exact site of the required point, it became necessary to find determinate points in the two lines as near the corner as possible. Prolonging the lines severally from such points, their intersection would be the point to be assumed as the corner, and if Sullivan's measurement were correct, would be the precise spot where he established it."

"Near the supposed locality of the 99th mile corner on the north line, we found a decayed tree and a stump which correspond in course, distance, and description with the witness trees to that corner, and cutting into the tree we saw what we supposed to be the remains of an old blaze, upon which was preserved a part, apparently, of the letter M. This supposition

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was verified by measuring south two miles to a point, which we found to be Sullivan's 97th mile corner from one witness tree, which was perfectly sound. The marks upon it, two or three inches beneath the bark, were plain and legible."

"On the east line we found the witness tree to the 3d mile corner. The wood upon which the marks had been described was decayed, but their reversed impression appeared upon the new growth which covered the old blaze, and which was cut out in a solid block."

"Prolonging the lines three miles each from the points thus determined, their intersection was assumed as the required corner, and at that point was planted the monument specified in the decree. By measurement made from the surveyed lines, we found the corner to be in the northeast quarter of section 35, township 67 north, range 33 west. Its exact position with reference to those lines can be seen in the diagram in the field notes."

"The latitude of the corner, determined by a series of observations taken on the ground, we found to be 40°34'40" north. While employed upon these observations, we were delayed by unfavorable weather, and it was not till 24 May that we were in readiness to commence the survey of the west line from the corner to the Missouri River."

"This portion of the boundary, being required to be a parallel of latitude, was run with Burt's solar compass, the use of which requires the longitude of the place of observation to be at least approximately known. Not having the requisite means of ascertaining the longitude of the corner, we calculated it from maps to be about 9430' west from Greenwich, which was sufficiently accurate for the purpose. The instrument used being an untried one, some delay was experienced in its adjustment. To insure accuracy in the work, a telescope was attached to it."

"The principles upon which this line was run involve a mathematical investigation, which will be found in Note A, accompanying this report, but the mode of running it will be briefly described here. Each successive mile was prolonged in the plane of the prime vertical passing through its beginning. The direction indicated by the instrument stationed at the beginning of a mile is in the plane of the prime vertical passing through that point, and that direction was continued through the mile by means of fore and back sights. At the end of the mile, an offset north was made to compensate for the sphericity of the earth. This offset, it will be seen by the note,

is 6.855 inches for one mile. The instrument being moved at the end of the mile the proper distance north, and a new direction

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given and continued as before, the parallel passing through the initial point was continued throughout the line. In some instances, however, it became convenient, whenever the nature of the ground admitted of it, instead of offsetting, to continue the same direction through several miles. It will be seen by the note that the offsets increase as the squares of the distances, being for one mile 6.855 inches, for two miles, four times that distance, &c.;"

"Thus it appears that the offsets rapidly increase with the distance run, and that, by continuing the direction of the prime vertical from the corner to the terminus, the southing would have been over 2,000 feet."

"At the western terminus of the line, the observations for latitude were repeated. Having established that point, we returned to the northwest corner and commenced retracing Sullivan's east line on 13 August."

"It is thirty-four years since this line was run, and every vestige of the mounds and pits established in the prairie has disappeared. Much of the country through which it passes consists of brushy barrens, or high rolling prairies, dotted with detached groves, or covered with a thin growth of dwarf timber. Much of this description of timber has been destroyed by fire, forming in some instances prairie and in others brushy barrens, destitute of trees, while in some places an entirely new growth of young timber, principally hickory, has sprung up. In all such cases, the witness trees and other marks mentioned in Sullivan's field notes were gone, and thus it occurred that we frequently were several miles without finding any traces of the line. But in heavy bodies of timber no difficulty was experienced in discovering evidences of the precise location of the line, not only by blazes, but by line and witness trees, many of which are sound, and the marks in good preservation. The general topography of the country, and especially the crossings of the streams, greatly facilitated us in following the line, and in some instances, when confirmed

by the old blazes, enabled us to establish it with sufficient certainty. In the absence of any traces of the line between two known points, distant from each other more than one mile, we assumed the line to be straight between such points, and established our posts accordingly. This was done by running a random line from the last found corner, in a direction as near that pursued by Sullivan as we could determine, until another point was found, and then correcting back. No notice, however, is taken of these random lines in the field notes, which relates to the true line only."

"We soon satisfied ourselves that the line run by Sullivan

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was not only not a due east line, but that it was not straight. That more or less northing should have been made in the old line was to have been expected from the fact that Sullivan ran the whole line with one variation of the needle, and that variation too great. This would account for the fact that the northing increases as he progressed east. But there are great irregularities in the course of the line, for which it is difficult to find a cause. Sudden deviations amounting to from one to three degrees frequently occur, and it rarely happens that any two consecutive miles pursue the same direction."

"A resurvey of the line between the 91st and 134th miles was made in the year 1845, and we found the witness trees on that part of the line defaced, and others substituted. We succeeded, however, in identifying Sullivan's trees, and we destroyed the marks of that survey as far as they related to the old line. In all instances where a corner on Sullivan's line is mentioned in our field notes, one or both witness trees were found to identify it and we did not always think it necessary to repeat the fact in the notes."

"Accompanying this report are the field notes and map of the boundary, the former of which are sufficiently explained in the note prefixed to them."

"On the west line the monuments every ten miles were deemed sufficient. On the east line mile posts are established, marked, and witnessed as described in the

field notes."

"It will be perceived that the measurement of this line as run by us exceeds that of Sullivan by 11 $\frac{80}{100}$ chains, and that this increase, although gradual, is not regular. Some portions of the old line agree very nearly with our measurement, while others differ materially, and the greatest gain is generally made in brushy and broken land."

"For the convenience of estimating distances, and that the true length of the line might be indicated by the mile posts, they were established by our measurement, taking care in every instance to note the distance of the posts set by us from the corresponding corners in the old line whenever found. The different courses being extended from one known point to another, the line was not altered at those points, being made to pass through them, but only its length corrected."

"The length of the entire line is 211 miles and 32 $\frac{80}{100}$ chains, embracing 41'7'.29 of longitude. The length of a second of longitude is calculated in Note C, and the longitude of any point of the line being known, that of any other point can be deduced."

The map is platted from the field notes on a scale of half an inch to the mile, and is only intended to represent the general

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features in the topography of the line. The scale upon which it is made is much too small to show the angles in the east line, to do which would require it to be extended to a length that would render it inconvenient. All the purposes for which it can be used will be attained by its present form.

"WM. DEWEY"

"Surveyor on the part of Iowa"

"R. WALKER"

" *Surveyor on the part of Missouri* "

[Remainder of p. 9 through first half of p. 45 omitted as not suitable for digital presentation -- see printed volume.]

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And the report of the Hon. Robert W. Wells and Henry B. Hendershott, which is above referred to, and which was made to the last term of this Court, is as follows:

" *TO THE HONORABLE THE SUPREME COURT OF THE UNITED STATES*"

"The undersigned, appointed by this Honorable Court commissioners in the above cases to establish the boundary line between the States of Missouri and Iowa, respectively report that upon being furnished with copies of the decree, they, in compliance therewith, addressed letters to the chief magistrates of those states, through their secretaries of state, respectfully requesting the cooperation and assistance of the state authorities in the performance of the duties imposed on the commissioners by said decree, and they received assurances in answer to their letters of all the aid and assistance within their power."

"The Governor of the State of Missouri consented to consider an appropriation of two thousand dollars made by the general

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assembly for the purpose of conducting the suits, as applicable to the establishment of the boundary by the commissioners, and agreed to place that sum at their disposal for that object."

"The Governor of the State of Iowa entertained the opinion, it is understood, that no appropriation had been made by the legislature of that state applicable to the survey of the boundary, but endeavored to obtain the necessary funds from other sources, and, as the undersigned are advised, obtained them. But the commissioners were not informed of this until about 23 October last -- then too late

to procure the necessary assistants, fit out an expedition, travel to the place of commencing operations and complete the work in the field, before the weather would, in all probability, become too inclement in the vast and high prairies through which the line will pass. As the grass in the prairies is burned in October, there would also be some difficulty, after that, in procuring provender for the teams necessary for the transportation of the baggage, provisions, and monuments."

"For these reasons, and others with which it is unnecessary to trouble the court, the commissioners resolved not to attempt the work in the field until the opening of the spring."

"The commissioners have procured all the monuments necessary for the line. Three are of the size and description directed in the decree. Nineteen other cast-iron monuments, six of which are four feet long, eight inches square at the base, and five inches square at the top, to be placed at intervals of thirty miles; and thirteen of which are seven inches square at the base, and four inches square at the top, and four feet long. These nineteen monuments each have the word 'Missouri' on one side, and 'Iowa' on the opposite side, and the word 'Boundary' on the other opposite sides, strongly cast into the metal. All the monuments are cast solid; and will weigh about 13,000 pounds, and cost three cents per pound."

"A drawing of the largest sized monument is annexed. [See page [51 U. S. 47](#) .] The others are similar in form, except as hereinbefore mentioned."

"All of which is most respectfully submitted."

"H. B. HENDERSHOTT"

"R. W. WELLS"

"November, 1849 "

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image:a

And said reports not having been excepted to by either of the parties, they are therefore respectively confirmed and adopted by this Court. From said reports it appears that the old northwest corner of the Indian boundary line, made by John C. Sullivan in the year 1816 and referred to in our former decree, is found to be at forty degrees thirty-four minutes and forty seconds of north latitude, and at about ninety-four degrees thirty minutes of west longitude from Greenwich; that at said "northwest corner" was planted a large cast-iron monument, weighing between fifteen and sixteen hundred pounds, four feet six inches long, squaring twelve inches at its base, and eight inches at its top. This monument is deeply and legibly marked with the words strongly cast into the iron "Missouri" on its south side, and "Iowa" on its north side, and "state Line" on the east.

And this Court doth adjudge and decree that said monument doth mark and witness the true northwest corner of the Indian boundary lines as run by John C. Sullivan, in 1816. And the precise corner is hereby established and declared to be in the center of the top of said monument.

Said reports further show that from the monument a line was run due west on a parallel of latitude to the eastern bank of the Missouri River, which line appears, by the field notes accompanying the reports, to be sixty miles and sixty-one chains in length. And it further appears by the reports and field notes that the commissioners caused to be planted cast-iron pillars in the line running west from the old northwest corner, at intervals of ten miles apart, with the word "Boundary" cast in the iron, on the east side and on the west side of said pillars and the word "Iowa" facing on the north, and the word "Missouri" facing on the south. That in running west, one such pillar was planted at the end of ten miles from the old northwest corner, another at the end of twenty miles, a third at the end of thirty miles, a fourth at the end of forty miles, and a fifth at the end of fifty miles. And at the end of sixty miles was planted a monument similar to that erected at the old northwest corner, marked "Missouri" on its south side, "Iowa" on its north side, and "state Line" on the east. This monument stands sixty-one chains east of the

eastern bank of the Missouri River, on firm ground, the bottom lands beyond being soft and subject to overflow, for which reason the monument was planted so far east of the river. From this last monument the line runs due west on a parallel of latitude, through a cottonwood-tree thirty inches in diameter, notched on the east and west sides, and marked with the letter "I." on the north, and the letter "M." on the south. And on

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the bank of the Missouri River, sixty-one chains west of the iron monument last planted, a wooden post is set in the ground, with two cottonwood pointers -- one of ten inches diameter standing S. 67 E. 6 links; and the other at N. 21 W. 12 links from the wooden post. And said line having been run and marked according to our former decree, it is therefore now adjudged and decreed that the true and proper boundary line between the States of Missouri and Iowa, extending west from the center of the monument standing at Sullivan's old northwest corner, runs through the center of the five iron pillars and the monument near the Missouri River and through the cottonwood tree above described, and through the center of the wooden post planted by the commissioners on the eastern bank of the river, and then due west on a parallel of latitude to the middle of the Missouri River.

And it further appears from the report of said commissioners that, pursuant to our former decree, they had ascertained and re-marked Sullivan's line, as run and marked by him in 1816, extending eastwardly from the old "northwest corner," above described and established. Sullivan's line, as run and marked in 1816, from said corner east to the Des Moines River, was found not to be a due east, but that more or less northing should have been made in the old line. Nor is it a straight line, as sudden deviations amounting to from one to three degrees frequently occur, and it rarely happens that any two consecutive miles pursue the same direction. It also appears that if the whole line was reduced throughout to a straight line, its southing would be about two degrees from a due east line.

The length of this line is one hundred and fifty miles fifty-one chains and eighty links from the old northwest corner to the western bank of the Des Moines River.

At the end of each intermediate space of ten miles, on tracing Sullivan's line from the old northwest corner eastwardly, cast-iron pillars were planted of a similar description to those erected in the western part of the line between the old northwest corner and the monument near the Missouri River. These pillars were planted in Sullivan's line as found at the particular point, but as the line was bending in the ten-mile spaces between the pillars, it was found necessary to erect wooden posts at the termination of each mile in order to mark the line with more accuracy. In the prairies, the mile posts are marked with the letters "B.L." facing the east, the letter "I." facing the north, and the letter "M." facing the south, and the number of the mile is marked on the west face of the post. Where timber

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exists, the number of the mile is marked on witness trees or pointers with the letter appropriate to each state, there being one tree marked on each side of the line, whenever it was possible so to do. The foot of each witness tree is marked with the letters B. L.

In all cases where posts are set in mounds, the pit is invariably nine links west, to designate it from other surveys.

At the end of the one hundred and fiftieth mile, no iron pillar was planted, because at fifty-one chains west of this point, the Des Moines River was reached, and there, according to our former decree, a large monument was planted, of similar description to that placed at the old northwest corner, with the words "state line" facing the west, the word "Missouri" facing the south, and the word "Iowa" facing the north.

And the re-marking of Sullivan's line as above set forth, partly with wooden posts at the termination of each mile, having been submitted to the counsel of the parties, it was by them deemed sufficient, because the public surveys of the lands of the United States are to be governed and closed on said line as run by the commissioners, and therefore private titles will be established on both sides, the state line being the dividing boundary of such private rights. And in these views of

the counsel the court concurs. It is therefore adjudged and decreed, that Sullivan's line is established to run through the wooden mile posts and the cast-iron pillars planted ten miles apart on said line, and that the true and proper dividing line between the States of Missouri and Iowa, east of the monument erected at the "old northwest corner," begins at the center of said monument and runs eastwardly, southing about two degrees of a true east line, through the center of each wooden post and iron pillar, to the center of the monument erected on the bank of the Des Moines River. And it is further adjudged and decreed that a straight line from one mile post to another, and from a mile post to a pillar, and from the last mile post to the monument on the bank of the Des Moines River, is the true and proper line, and that such straight line shall conclude all other marks. And it is further adjudged and decreed that a line extended north eighty-seven degrees thirty-eight minutes east, from the center of the monument erected on the bank of the Des Moines River to the middle of said river, is the true and proper boundary line between the States of Missouri and Iowa west of said monument.

And this Court having had submitted to its consideration what amount of compensation should be allowed to the different commissioners, and to the surveyors employed by them, for services performed in running and marking the line in controversy,

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and also the amount of expenses incurred in performing the duties imposed on said commissioners by our former decree, and these matters having been referred to the clerk of the court to ascertain the proper compensation and charges, and he having reported thereon, and also on other costs and charges incident to the suit; and said report not being excepted to, is in all things confirmed, and which report is in the words and figures following, to-wit:

" *TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE*"

" *SUPREME COURT OF THE UNITED STATES*"

"Pursuant to an order of this Honorable Court made the 12th instant, in the case of the State of Missouri and the State of Iowa, now pending on bill and cross-bill, the undersigned, after a careful examination of witnesses and all the sources of information within his reach, respectfully reports:"

"1. That the \$8 *per diem*, which the commissioners agreed to pay each of the surveyors in the field, is a fair and reasonable compensation for their labors."

"2. That \$10 per day to each of the three commissioners while engaged in this duty is a fair and reasonable compensation for their services, and that a further *per diem* of \$2 to each of the two commissioners engaged in the field would be a reasonable and proper allowance on account of their personal expenses."

"3. That the statement of the expenditures by the commissioners, and of their purchases, appears to be very moderate and reasonable."

"4. That the whole expense of the survey amounted to \$10,880.41."

"5. That each of the said states advanced \$2,000."

"6. That the commissioners realized from sales of camp furniture \$13.15."

"7. That the instruments purchased by the commissioners for the survey which cost \$247.22 have been retained by them for safekeeping, subject to the order of this Court."

"8. That the fees now due to the clerk of this Court, and up to this term, by both parties in this case, amount to \$48.67."

"Lastly. That in a detailed account, stated upon the preceding basis and hereto appended, each of the said states is charged with \$3,457.96 1/2, being a moiety of the balance \$6,867.26 due on the survey, and a moiety of the fees 48.67 now due the clerk of this Court."

"All of which is respectfully submitted by"

"WM. THOS. CARROLL"

" Clerk of Supreme Court U.S. "

"17 December, 1850 "

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*The States of Missouri and Iowa, in Account with the
Adjustment of the Boundary Line between them*

Dr.

To 22 cast-iron monuments \$ 386.95

" Freight, transportation, and expenses on same. . . 246.40

" Camp furniture, provisions, expenses in going

to and returning from the line, and upon the

line, postages, stationery, hire of horses,

expenses in going to and returning from Iowa

City, Jefferson City, and St. Louis. 826.92

" Wages to hands in the field. 1,718.92

" Wm. Dewey, surveyor, for 184 days at \$ 8

per day. 1,472.00

" Robt. Walker, surveyor, for 183 days, at \$ 8

per day. 1,464.00

" Robert W. Wells, commissioner, for 15 days,

at \$ 10 per day. 150.00

" William G. Minor, commissioner, for 177 days,
at \$ 12 per day. 2,124.00

" Henry B. Hendershott, commissioner, for 187
days, at \$ 12 per day. 2,244.00

" Sextant, barometer and thermometer, solar
compass, and other instruments necessary
for the survey 247.22

" Fees now due the clerk in the case pending
in Supreme Court U.S. 48.67

\$10,929.08

Contra Cr.

By Cash received from State of Missouri. \$ 2,000.00

" Cash received from State of Iowa. 2,000.00

" Proceeds from sale of camp equipage 13.15

" Balance, of which \$ 3,457.96 1/2 is

due by the State of Missouri, and

\$ 3,457.96 1/2 is due by the State

of Iowa 6,915.93

\$10,929.08

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And it appearing to the Court here, that there will be due to the clerk of this Court, for the duties devolved on him by this decree, and for the services performed by him at this term, the further sum of sixty-three dollars and sixty cents, in addition to the forty-eight dollars and sixty-seven cents stated in his report to be now due him, and it also appearing to the court, that the said clerk should be allowed, for marking his report, for carrying on the correspondence incident to this cause and paying

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the expense thereof, and also in consideration of any future service to be performed by him in the progress of this cause, the further sum of fifty dollars; it is thereupon ordered and decreed that said commissioners Hendershott and Minor, do pay to the clerk of this Court, in full discharge of all costs and charges that have now accrued or that may hereafter accrue for any service done or to be performed by the said clerk, in the progress of this cause, the sum of \$162.27 out of the first moneys received by them under this decree.

And it appearing that certain advances had been made by the States of Missouri and Iowa, respectively, to the commissioners, and said advances having been credited, it now appears that the State of Missouri is bound to pay the further sum of \$3,514.76 1/2; and that the State of Iowa is bound to pay the further sum of \$3,514.76 1/2 of the charges and costs of the controversy.

And it is ordered and decreed, that the State of Missouri pay over the said sum of \$3,514.76 1/2, and that the State of Iowa pay over the said sum of \$3,514.76 1/2, to the commissioners, Henry B. Hendershott and William G. Minor, in final and full discharge of their portions, respectively, of said costs and charges.

And it is further ordered and adjudged, that said commissioners receive the several sums of money, and distribute and pay over the same to those entitled

thereto, according to the report of the clerk of this Court.

And it also appearing that certain instruments purchased by the said commissioners are retained by them, subject to the order of this Court, it is further ordered that the commissioners dispose of the said instruments at such times and places, and on such terms, as to them may seem most advantageous for the interests of the parties to this suit; and that they pay the proceeds of the sales into the treasuries of the said States of Missouri and Iowa, respectively, that is to say, one-half of the proceeds into each Treasury, and take receipts from the proper officers for the moneys paid.

And it is further ordered, that said commissioners, Hendershott and Minor, report to the next term of this Court the manner in which they have executed the duties hereby imposed upon them, and to which end this cause is kept open.

And it is ordered, that the Clerk of this Court do forthwith transmit to his Excellency, the Governor of the State of Iowa, a copy of this decree including the reports of the commissioners, surveyors, and clerk, together with a copy of the field notes of said surveyors, duly authenticated under the seal of this Court.

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And it is further ordered, that a similar copy in all respects be by said clerk forwarded to his Excellency, the Governor of the State of Missouri.

And it is further ordered, that the clerk forward a copy to each of said commissioners, Hendershott and Minor, of the order referring the matter of costs and charges, the clerk's report thereon, and so much of the foregoing decree as respects the costs and charges, for the guidance of said commissioners in the performance of their duties in this respect.