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Indiana Vs. Kentucky

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Court : US Supreme Court

Decided On : 1897

Appeal No. : 167 U.S. 270

Appellant : Indiana

Respondent : Kentucky

Judgement :

Indiana v. Kentucky - 167 U.S. 270 (1897)
U.S. Supreme Court Indiana v. Kentucky, 167 U.S. 270 (1897)

Indiana v. Kentucky

No. 2. Original

Final decree announced May 24, 1897

167 U.S. 270

ORIGINAL

SYLLABUS

The report of the commissioners for permanently marking the boundary line established between the States of Indiana and Kentucky by the decree of May 18, 1896, 163 U. S. 163 U.S. 520, is approved by this Court.

MR. CHIEF JUSTICE FULLER announced the decree of the Court.

This cause coming on to be heard on the report of Amos Stickney, Gustavus V. Menzies, and Gaston M. Alves, commissioners, hereinbefore appointed to ascertain and run the boundary line between the States of Kentucky and Indiana, and continued by the decree of this Court herein entered May 18, 1896, for the purpose of permanently marking said line as set forth in their then report, which was approved by this Court on that date, and to make report thereon to this Court, which report now made is as follows:

"To the Honorable Melville V. Fuller, Chief Justice of the Supreme Court of the United States:"

"The undersigned commissioners, appointed by this honorable Court in the above-entitled cause, respectfully report that, pursuant to the order made in said cause at the October Term, 1895, continuing the commission for the purpose therein stated, they gave notice for bids for the stone monuments and iron posts and setting of the same to mark the boundary line as established by the order of this Court. The commission met at the custom house in the City of Evansville, Indiana, on the

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9th day of April, 1897, and received and opened the bids for the above-named material and work. The casting of the iron posts was let to the Heilman Machine Works, of Evansville, Indiana, for the sum of one hundred and twenty dollars ($120.00), it being the lowest and best bidder; the making and setting in place of the three stone monuments was let to F. J. Scholz & Son, of Evansville, Indiana, for the sum of two hundred and forty-five dollars ($245.00), said firm being the lowest and best bidder; the setting of the sixteen iron posts was let to Eb. Cross, of Evansville, Indiana, for the sum of one hundred and ninety-seven dollars ($197.00), he being the lowest and best bidder. That contracts were made with

each of said parties, and bonds taken for the honest and faithful performance of the contracts. That on the 7th day of May, 1897, after the engineer in charge of the work had reported that the monuments had been erected, and posts placed in position, in conformity to the order of the court, and the location on the established line of each monument and post had been verified by accurate observations and measurements, the commission, accompanied by the engineer, visited the line, and by observations and measurements satisfied themselves of the accuracy of locations, and that the work of making and placing the boundary marks had been well done, and in accordance with the order of the court."

"We herewith attach as a part of this report the report of the engineer in charge of the works. Also a statement of expenses incurred and compensation of the commissioners since making the former report, which we recommend be adjudged as cost equally against the parties to the suit. We further recommend that, upon the confirmation of this report, a certified copy of the same be sent to the Governor of the State of Indiana, and one to the Governor of the Commonwealth of Kentucky."

"Your commissioners therefore pray that this report be confirmed, and they be discharged."

"Amos Stickney"

"Gustavus v. Menzies,"

"Gaston M. Alves,"

" *Commissioners* "

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" *To the Honorable Commissioners on the Indiana and* "

" *Kentucky Boundary Line at Green River Island:* "

"Gentlemen: In accordance with your instructions, I made plans and detailed drawings for stone and iron monuments, to permanently mark the line between the States of Indiana and Kentucky at Green River Island, to replace the cedar posts as placed on it during the winter of 1896. Upon your approval of the plans and letting the contracts for the monuments, I proceeded to verify the line and angles to satisfy myself that no post had been moved. On the completion of the monuments, I superintended the work of setting them."

"The three monuments of stone are of sawed Green River limestone, 18 inches in cross-section and 6 feet in length. At the starting point on the section line between sections 14 and 15, town 7 south, range 10 west, the monument has the word 'Initial' on the side next section 14, on the north side the word 'Indiana,' and on the south side the word 'Kentucky,' cut horizontally in the stone near the top, in Egyptian letters."

"Near the midway distance along the line, and near the line between sections 8 and 9, the second stone monument is set. with the word 'Indiana' cut on the northerly side, and the word 'Kentucky' cut on the southerly side, similar to the first monument."

"At the terminal point going down the Ohio River, the third stone monument is placed. The word 'Indiana' is cut on the northeasterly side, the word 'Kentucky' on the southwesterly side, and the word 'Terminal' on the northwesterly side, in the same style as the first monument."

"For each of these monuments there was an excavation made six feet square and four feet deep, in the bottom of which one foot in thickness of concrete was placed and well rammed. On this, the stone was placed on end, and filled around with concrete, well rammed to the surface of the ground, leaving three feet of the stone above the ground."

"At each of the 16 intermediate angles, iron monuments were placed. These are of cast iron, round, six inches in cross-section, the top closed and a square pedestal cast on the lower end, the casting being three-quarters of an inch thick. The

word 'Indiana' on the one side and the word 'Kentucky' on the other were cast in raised letters, the words reading downward."

"An excavation was made for each of these three feet square and three and one-half feet deep, and six inches of concrete well rammed in the bottom, on which the post was set, and filled around with concrete to the surface of the ground, leaving three feet above ground. In four places where silt had accumulated rapidly on account of a depression in the ground, the excavation was made more shallow, but in each case the concrete bed is three and one-half feet in depth, and the earth banked around it to protect the concrete."

"Great care was taken in having centers cut in each monument, and placing them on the exact angle point on the line as originally located."

"Every monument was set and completed under my own personal supervision."

"Respectfully submitted,"

"C.C. Genung, *C.E.* "

"Evansville, Ind. May 5th, 1897."

" *Statement of Expenses Incurred and Compensation of the Commissioners Since Making Former Report.* "

C. C. Genung, Civil Engineer.-- Services of himself

and assistants, making plans, specifications, writing

contracts, verifying lines, angles, and points on

boundary line, laying out and superintending work,

expenses of teams for self and commissioners

at various times for supervising and inspecting work . . $195.50

Keller Printing Company, for

printing and typewriting 12.50

Heilman Machine Works, 16 iron posts 120.00

F.J. Scholz & Son, 3 stone monuments, placed 245.00

Eb. Cross, placing 16 iron posts in concrete 97.00

Expenses of Lt. Col. Amos Stickney, Commissioner . $ 34.50

Services as member of commission 100.00

------- 134.50

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Expenses of Gustavus V. Menzies, commissioner. . . 10.00

Services as member of commission 100.00

------- 110.00

Expenses of Gaston M. Alves, commissioner. 7.50

Services as member of commission 100.00

107.50

Total $1,122.00

It is ordered, adjudged, and decreed that their said report this day filed be, and the same is hereby, affirmed.

It is further ordered, adjudged, and decreed that the compensation of the commissioners and expenses attendant upon the discharge of their duties in permanently marking said line as directed by the decree of May 18, 1896, be, and the same are hereby, allowed at the sum of $1,122, in accordance with their report, and that said charges and expenses and the costs of this suit to be taxed be equally divided between the parties hereto.

And it is further ordered, adjudged, and decreed that the clerk of this Court do forthwith transmit to the chief magistrates of the States of Kentucky and Indiana copies of this decree, duly authenticated, under the seal of this Court.

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