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MINNESOTA'S EASTERN, SOUTHERN AND WESTERN BOUNDARIES.*

BY ALEXANDER N. WINCHELL.

The present eastern boundary of Minnesota, in part, has a history beginning even earlier than that of the northern boundary. In 1763, at the end of that long struggle during which England passed many a mile post in her race for world empire, while France lost nearly as much as Britain gained,—that struggle called in America the French and Indian war,—the Mississippi river became an international boundary. The articles of the treaty of peace were drawn up and signed at Paris on February 10, 1763. The seventh article made the Mississippi from its source to about the 31st degree of north latitude the boundary between the English colonies on this continent and French Louisiana. The text of the article ran as follows:†

VII. In order to re-establish peace on solid and durable foundations, and to remove forever all subjects of dispute with regard to the limits of the British and French territories on the continent of America, that for the future, the confines between the dominions of his Britannick majesty, and those of his most Christian majesty in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the Lake Maurepas and Pontchartrain, to the sea; . . .

The boundary from the source of the river farther north, or west, or in any direction, was not given; it was evidently supposed that it would be of no importance for many centuries, at least.

*Read at the monthly meeting of the Executive Council, May 9, 1904. A previous paper by the same author, entitled "Minnesota's Northern Boundary," was published in these Minnesota Historical Society Collections, vol. viii, pp. 185-212, Dec., 1896.

†The text of this treaty is not readily found. It was published in the Gentleman's Magazine, vol. xxxiii, pp. 121-126, March, 1763.

This circumstance gave to the United States the opportunity, later, of extending Louisiana to the 49th parallel; in fact it admitted of indefinite extension northward and westward.

Through the skill of the American negotiators at Paris twenty years later, in 1783, the United States was made the successor of England over all the territory east of the Mississippi, and that river thus became the international boundary between the new-born republic and the territory of Louisiana, which had passed into the possession of Spain by the secret treaty of Fontainebleau on November 3, 1762, whereby France had already relinquished that great territory previous to the treaty of 1763. The second article of the treaty in 1783 (alike in its provisional and definitive texts) defined the western boundary of the United States as follows:*

and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude.

It was after another interval of twenty years that the next change came. In the midst of his victorious career, the first Napoleon had dictated the cession of Louisiana back to France, by the secret treaty of St. Ildefonso, October 1, 1800; but he realized that he could not hold it against England, and in 1803 he sold the whole territory to the United States. Upon the completion of this cession, on the 30th of April, 1803, the Mississippi permanently ceased to be an international boundary.

Within the Union, the Mississippi was, after 1783, the western boundary of the "Northwest Territory," and by the passage of the famous "Northwest Ordinance"[†] it was provided that this river should be the boundary of "the western State." The fifth article runs as follows:

Art. 5. There shall be formed in the said [i.e., the Northwest] territory, not less than three, nor more than five States; . . . the western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due

*Treaties and Conventions of the United States, pp. 371 and 377.

[†]Passed July 13, 1787, by the Congress of the Confederation. The text of this Ordinance is given in Executive Documents, 3rd session, 46th Congress, 1880-81, vol. xxv, Doc. 47, Part 4, pp. 153-156.

north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle States . . .

After a time there came a demand for organized government to establish law among the scattered settlers. Ohio had organized a territorial government in 1799; but the middle and western "States," authorized in the Ordinance of 1787, had little prospect of a sufficient population to warrant an established government. Congress solved the difficulty by uniting the latter under the name Indiana. The act was passed May 7, 1800, and its first section reads as follows:*

Section 1. Be it enacted, etc., That from and after the fourth day of July next, all that part of the territory of the United States, northwest of the Ohio river, which lies to the westward of a line beginning at the Ohio, opposite to the mouth of Kentucky river, and running thence to Fort Recovery, and thence north until it shall intersect the territorial line between the United States and Canada, shall, for the purposes of temporary government, constitute a separate territory, and be called the Indiana Territory.

After the short interval of nine years Indiana Territory had so many settlers as to be able to support two governments, according to the original plan, and the Territory of Illinois was established February 3, 1809, by the following enactment:†

Be it enacted, etc., That from and after the first day of March next, all that part of the Indiana territory which lies west of the Wabash river and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada, shall, for the purpose of temporary government constitute a separate territory, and be called Illinois.

After another interval of nine years the next change came. Illinois desired to become a state, and so the northern portion, mainly unoccupied, was cut off and added to the Territory of Michigan, previously created. This transfer of territory was authorized in section seven of the act passed April 18, 1818, enabling Illinois to form a State government and constitution, and is in the following terms:‡

Sec. 7. And be it further enacted, That all that part of the territory of the United States lying north of the state of Indiana, and which was

*United States Statues at Large, vol. ii, p. 58.

†Ibid., vol. ii, p. 514.

‡Ibid., vol. iii, p. 431.

included in the former Indiana territory, together with that part of the Illinois territory which is situated north of and not included within the boundaries prescribed by this act [viz. the boundaries of the State of Illinois], to the state thereby authorized to be formed, shall be, and hereby is, attached to, and made a part of the Michigan territory . . .

Matters rested thus for sixteen years, when it was considered wise to extend the benefits of organized government over the territory west of the Mississippi and north of the State of Missouri. This was accomplished by merely adding the whole vast area to the Territory of Michigan. In 1803 the Mississippi ceased to be an international boundary; in 1834, by the extension of Michigan as thus noted, its upper portion ceased to be a political boundary of any description. This condition continued, however, for less than four years. The act so enlarging Michigan Territory passed Congress on the 28th of June, 1834, in the following terms:*

Be it enacted, etc., That all that part of the territory of the United States bounded on the east by the Mississippi river, on the south by the state of Missouri, and a line drawn due west from the northwest corner of said state to the Missouri river; on the southwest and west by the Missouri river and the White Earth river, falling into the same; and on the north by the northern boundary of the United States, shall be, and hereby is, for the purpose of temporary government, attached to, and made a part of, the territory of Michigan . . .

This condition was unusually short-lived, because Michigan was already eager for admission. In less than two years certain territory was set apart to form the proposed state, and all the rest was included in the new Territory of Wisconsin. This act passed Congress on the 20th of April, 1836, though Michigan was not admitted until January 26, 1837.

The next change made the northern Mississippi again a boundary. The Territory of Iowa was created by the act of June 12, 1838, which divided the Territory of Wisconsin along the Mississippi river, and named the western part Iowa. The act provided:‡

That from and after the third day of July next, all that part of the present Territory of Wisconsin which lies west of the Mississippi river,

*Ibid., vol. iv., p. 701.

†Ibid., vol. v. pp. 10-16.

‡Ibid., vol. v, p. 235.

and west of a line drawn due north from the head waters or sources of the Mississippi to the Territorial line, shall, for the purposes of temporary government, be and constitute a separate Territorial government by the name of Iowa . . .

The logical result of a territory is a state, and Iowa soon sought the fulfillment of its destiny. Only seven years later, on March 3, 1845, an "enabling act" was passed, which defined the northern boundary in the following words:*

Sec. 2. And be it further enacted, That the following shall be the boundaries of the said State of Iowa, to wit: Beginning at the mouth of the Des Moines river, at the middle of the Mississippi, thence by the middle of the channel of that river to a parallel of latitude passing through the mouth of the Mankato, or Blue-Earth river, thence west along the said parallel of latitude to a point where it is intersected by a meridian line, seventeen degrees and thirty minutes west of the meridian of Washington city, thence due south . . .

The citizens of the new State, however, were not satisfied with the proposed boundaries, and refused to enter the Union on such terms. The constitutional convention asked for more extended territory northward, as well as favorable adjustment of the southern boundary; but Congress marked its disapproval of such proceedings by reducing, instead of enlarging, the northerly boundaries. The second enabling act was passed August 4, 1846, and described the northern boundary thus:†

Be it enacted, etc., That the following shall be, and they are hereby declared to be the boundaries of the State of Iowa, in lieu of those prescribed by the second section of the act of the third of March, eighteen hundred and forty-five . . . viz. . . . thence, up the main channel of the said Big Sioux River, according to said [Nicollet's] map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersect the middle of the main channel of the Mississippi River . . .

Minnesota's southern boundary, as thus described, was carefully surveyed and marked within six years after its acceptance by Iowa. The work was authorized March 3, 1849, and two appropriations of fifteen thousand dollars each were soon made.

*Ibid., vol. v, p. 742.

†Ibid., vol. ix, p. 52.

The survey was completed during the years 1849 to 1852 at a total cost of \$32,277.73.*

Although the work was done with the best instruments then known, an error of twenty-three chains, evidently due to carelessness, was discovered with a year.

Two days after the passage of Iowa's second enabling act, Congress passed the act for the admission of Wisconsin, August 6, 1846. As usual, there had been several embryo Wisconsin enabling acts before Congress, and the question of the north-western boundary of the new State provoked considerable discussion both in Congress and in the two constitutional conventions of Wisconsin.

In the conventions several propositions had been made and earnestly advocated. One of these was to include all the remaining part of the "Northwest Territory" in the new State. This was urged by those who wished to give Wisconsin the largest scope possible, and also by those who believed that the Ordinance of 1787 made it compulsory to limit the entire Northwest Territory to five States. And it must be admitted that the final arrangement of States is contrary to the intention of the Ordinance, if not to its letter.

Another coterie of men would run the boundary to the Rum river and thence to lake Superior. This idea obtained sufficient support to be embodied in a memorial passed by the convention and sent to Congress. But the settlers in the St. Croix valley were vigorously opposed to the proposition, and they adopted a counter-memorial that will bear quotation. It must be remembered that "Minnesota Territory" was not yet established, though a bill for that purpose had been before Congress, and that it was then expected that the new Territory would not extend west of the Mississippi. The idea of the St. Croix settlers was, therefore, to give to the State (Wisconsin) and the Territory ("Minnesota") approximately equal areas; and so another boundary line was proposed, namely, the Chippewa river. The memorial addressed to Congress by the citizens of the proposed new Territory reads as follows:†

*Senate Documents, 1st Session, 33rd Congress, 1853-54, vol. iv, Doc. No. 10.

†Senate Miscellaneous Documents, 1st Session, 30th Congress, 1847-48, No. 98; referred to the Committee on Territories, March 23, 1848.

That they have learned with surprise and anxiety that the constitutional convention of Wisconsin have passed a resolution, urging upon your honorable bodies a change of the northern boundary of the State as fixed by Congress, so as to include a large portion of country lying north of that line, and in fact as far as the mouth of Rum river, a distance of nearly sixty miles above the St. Croix. Your petitioners, being intimately concerned in the decision of this question, beg leave respectfully to protest . . . for the following reasons, to wit:

First. Wisconsin, according to the bill for its admission, will make one of the largest states of the Union. Your memorialists believe that your honorable bodies are committed against the policy of admitting new States into the confederacy which have more than a reasonable extent of territory. This was the case with Iowa, from whose northern limit, as proposed by the convention of that State, more than a degree and a half of latitude were cut off by Congress.

Secondly. Your memorialists conceive it to be the intention of your honorable bodies so to divide the present Territory of Wisconsin as to form two states nearly equal in size, as well as other respects. A line drawn due south from Shagwamigan bay, on lake Superior, to the intersection of the main Chippewa river, and from thence down the middle of said stream to its debouchure into the Mississippi, would seem to your memorialists a very proper and equitable division; which, while it would secure to Wisconsin a portion of the lake Superior shore, would also afford to Minnesota some countervailing advantages.

But if the northern line should be changed as suggested by the convention, Minnesota would not have a single point on the Mississippi below the falls of St. Anthony, which is the limit of steamboat navigation. . . . [The Rum river empties] into the Mississippi nearly twenty miles above the falls. Besides this, the Chippewa and St. Croix valleys are closely connected in geographical position with the upper Mississippi, while they are widely separated from the settled parts of Wisconsin, not only by hundreds of miles of mostly waste and barren lands, which must remain uncultivated for ages, but equally so by a diversity of interests and character in the population. The seat of government in Wisconsin is nearly four hundred miles distant from the St. Croix. . . . The county of St. Croix contains more than four thousand souls. . . . [If that county should be incorporated with Wisconsin] the prospects of Minnesota would be forlorn indeed.

. . . Your memorialists, in conclusion, pray your honorable bodies to pass a law for the organization of the Territory of Minnesota, and for extending its limits to the line designated in this their memorial.

Three hundred and forty-six names follow, including Henry H. Sibley, Alexander R. MacLeod, W. A. Cheever, H. M. Rice, Alexander Faribault, William Henry Forbes, Franklin "Steeles," William R. Marshall, etc.

The result of the controversy was a compromise adopting a middle line along the St. Croix and St. Louis rivers. This boundary was first officially described in the enabling act for the State of Wisconsin, approved August 6, 1846, which provides:*

That the people of the Territory of Wisconsin be, and they are hereby, authorized to form a constitution and State government . . . with the following boundaries, to wit: . . . thence through the center of Lake Superior to the mouth of the St. Louis River; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the River St. Croix; thence down the main channel of said river to the Mississippi; thence down the center of the main channel of that river to the northwest corner of the State of Illinois; thence due east . . .

This is the first, and also, rather remarkably, the final description of Minnesota's eastern boundary.

The convention which framed the constitution of Wisconsin, in the winter of 1847-48, incorporated in it a proposal for a different boundary between that State and Minnesota. After accepting the boundary chosen by Congress, the convention proposed a line, considerably outside of the other, which it should replace if Congress consented. The proposed boundary was described as follows:†

Leaving the aforesaid boundary line at the first rapids of the Saint Louis River; thence in a direct line, bearing southwesterly to the mouth of the Iskodewabo or Rum River, where the same empties into the Mississippi River; thence down the main channel of the said Mississippi River, as described in the aforesaid boundary.

Upon the admission of Wisconsin to the Union as a State, May 29, 1848, a peculiar condition resulted in the St. Croix valley. Not only had a territory been cut in two, but a fully organized county had been divided, leaving much the larger part, including the county seat, outside the new state. After considerable discussion some of the leading men proposed a convention, which was held on the twenty-sixth of August, 1848. It was the action of this body which decided the name of the new Territory. But, having a complete county organization, the next step was a Territorial government, and that was soon obtained. It was claimed that the admission of the State of Wisconsin did not abolish the

*U. S. Statutes at Large, vol. ix, p. 56.

†Charters and Constitutions of the United States, Part II, p. 2030.

Territory of Wisconsin, and so the governor of the Territory was summoned from Madison, Wis., and an election was held, on October 30, 1848, at which Henry H. Sibley was elected delegate to Congress. After some difficulty, Mr. Sibley secured his seat in Congress, January 15, 1849.

This situation of affairs hastened somewhat the passage of the act creating Minnesota Territory. It bears date of March 3, 1849, and provides the following boundaries:*

Be it enacted, etc., That from and after the passage of this act, all that part of the territory of the United States which lies within the following limits, to wit: Beginning in the Mississippi River at a point where the line of forty-three degrees and thirty minutes of north latitude crosses the same, thence running due west on said line, which is the northern boundary of the State of Iowa, to the northwest corner of the said State of Iowa, thence southerly along the western boundary of said State to the point where said boundary strikes the Missouri River, thence up the middle of the main channel of the Missouri River to the mouth of the White-earth River, thence up the middle of the main channel of the White-earth River, to the boundary line between the possessions of the United States and Great Britain; thence east and south of east along the boundary line between the possessions of the United States and Great Britain to Lake Superior; thence in a straight line to the northernmost point of the State of Wisconsin in Lake Superior; thence along the western boundary line of said State of Wisconsin to the Mississippi River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, erected into a temporary government by the name of the Territory of Minnesota. . . .

The next, and last, change came in 1857 when the enabling act was passed for the admission of Minnesota to the Union. December 24, 1856, the delegate from the Territory of Minnesota introduced a bill to authorize the people of that territory to form a constitution and state government. The bill limited the proposed state on the west by the Red river of the North and the Big Sioux river. It was referred to the Committee on Territories, of which Mr. Grow, of Pennsylvania, was chairman. January 31, 1857, the chairman reported a substitute, which differed from the original bill in no essential respect except in regard to the western boundary. The change there consisted in adopting a line through Traverse and Big Stone lakes, and due south from the latter to the Iowa line. The altered boundary thus cut off a nar-

*U. S. Statutes at Large, vol. ix, p. 403.

row strip of territory estimated by Mr. Grow to contain between five and six hundred square miles. Today the strip contains such towns as Sioux Falls, Watertown, and Brookings. The substitute had a stormy voyage through Congress, especially in the Senate, but finally completed the trip on February 25, 1857.

Before its passage in the Senate, Senator Jones, of Iowa, at the instance of citizens of Minnesota then in Washington, offered an amendment permitting the people of Minnesota to decide by vote whether the state should have the boundaries specified in the bill or should embrace only that portion of the Territory lying south of the forty-sixth parallel. The idea met with but little favor and was speedily rejected. It was brought forward, probably, because northern Minnesota was considered mainly a wilderness, and of little value to the settled southern half, while it might require lavish expenditure to defend the northern frontier against foreign enemies.

The enabling act, as finally passed and approved February 26, 1857, defined the boundaries of Minnesota as follows:*

Be it enacted, etc., That the inhabitants of that portion of the Territory of Minnesota which is embraced within the following limits, to wit: Beginning at the point in the centre of the main channel of the Red River of the North, where the boundary line between the United States and the British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux River; thence [up] the main channel of said river to Lake Travers; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake; thence through its centre to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi River; thence up the main channel of said river, and following the boundary line of the State of Wisconsin, until the same intersects the Saint Louis River; thence down said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British possessions; thence up Pigeon River, and following said dividing line to the place of beginning—be and they are hereby authorized to form, for themselves a Constitution and State Government, by the name of the State of Minnesota, and to come into the Union on an equal footing with the original States, according to the federal constitution.

The foregoing boundary was accepted without change, and without a desire for change, by the constitutional convention of Minnesota, and has remained unaltered to the present day.

*U. S. Statutes at Large, vol. xi, p. 166.

One attempt to change it, at least for a time, was made in 1861. Senator Henry M. Rice, of Minnesota, proposed, as an expedient to quiet the slavery agitation, to immediately divide all the territory of the United States into states equally pro-slavery and anti-slavery. He introduced a resolution with this object, on January 16, 1861, which would create some states and enlarge others, one of its provisions being as follows:*

Third, an enlargement of the jurisdiction of Minnesota, to embrace the proposed Territory of Dakota and the portion of Nebraska which lies north of latitude forty-three degrees.

The resolution met with no support, and no action was taken.

Thus has time wrought great changes. For thousands of years any considerable change in the boundaries of a state meant war, sometimes to extermination, and even the maintenance of boundaries often called forth armed hosts. But since 1787 great commonwealths have grown up all over this broad land, and the history of their domestic boundaries is as peaceful and prosaic as the one which closes here.

*Senate Miscellaneous Documents, 2d Session, 36th Congress, 1860-61, No. 11.

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