

The monuments 84A and 85A herein are shown on a map
entitled:

Exhibit No. 2,
Supreme Court of the U.S.,
Oct. Term 1920,
No. 13 Original

Map
Showing boundary line between
Minnesota & Wisconsin
through
St. Louis Bay and up St. Louis River
to the falls,
as surveyed in accordance with
terms of the above decree in 1921
and signed June 25, 1921, by

SAMUEL S. GANNETT
WILLIAM B. PATTON
JOHN G. D. MACK
Commissioners.

Very truly yours,

(Signed) E. H. Marks

E. H. MARKS,
District Engineer.

This is a true and exact copy of a letter bearing
the signature of E. H. Marks, District Engineer. The original
letter is filed with the Land & Right of Way Dept., Great
Northern Power Company at Duluth, Minn.

L. M. PHARIS,
CHIEF ENGR., GREAT NORTHERN POWER CO.

By: *A. C. Giesecke*

COPY

WAR DEPARTMENT
UNITED STATES ENGINEER OFFICE

Address Reply to
District Engineer
U.S. Engineer Office
Duluth, Minn.

Engineer Building
Canal Park
Duluth, Minn.

September 8, 1923.

Phoenix Utility Co.,
Lyceum Bldg.,
Duluth, Minnesota.

Gentlemen:

In answer to request in your letter of August 20, for me to check the location of a measurement near Fond du Lac, Minn., the following is furnished you for purposes of record.

It is understood that you will shortly destroy a monument on the Minnesota bank of the St. Louis designated as Monument 84A of the Wisconsin-Minnesota State Boundary, located on your property, in connection with construction of your Fond du Lac hydro-electric station. It is further understood that you have no authority for the destruction of the monument although some attempt was made to ascertain the administrative agency having charge of same.

I am informed by Mr. Wm. B. Patton of this city, who was a member of the commission which originally set this monument that the commission had been dissolved.

It is desired to inform you that this office has no authority whatever to authorize removal of the monument, nor is there any concurrence in its removal. However, in the general interest of maintaining some record of the old monument, I visited the locality in question on Aug. 30, 1923, and found that you have constructed a substantial concrete monument, designated 84B with brass marker set in top of same.

I found by transit observation that there is a cross mark near center of triangle on top of monument 84B which lies on a straight line between the center of triangle on monument 84A, and the center of triangle on monument 85A, which latter monument lies on the opposite bank of the river. The distance from the center of triangle of monument 84A to cross mark on triangle of monument 84B was carefully measured with a Chicago steel tape while I was present, and the distance was found to be 245.93 feet. The actual centers of triangles on monuments 84A and 85A were ascertained by measurement, there being no evidence of a previous mark on the triangles.

CERTIFICATE
As to the Location of a Substitute
Monument for
MINNESOTA TERMINAL MONUMENT
No. 84 A.
Minnesota - Wisconsin Boundary Line.

- - -

This certifies that the undersigned, at the request of the Great Northern Power Company, checked the location of a certain monument set by the Great Northern Power Company, on or about August 15, 1923, to take the place of a certain monument set by the Commission consisting of Samuel S. Gannett, William B. Patton and John G. D. Mack; appointed by the Supreme Court of the United States to run, locate and designate boundary line between the States of Minnesota and Wisconsin, which monument is designated in the report of said Commission as Minnesota terminal Monument No. 84 A; and finds that said monument set by the Great Northern Power Company is in a direct and true line between said Monument No. 84 A. and Wisconsin Terminal Monument No. 85 A, set by aforesaid Commission, and at the distance of Two Hundred and Forty-five and ninety-three one-hundredths feet (245.93 ft.) from aforesaid Monument No. 84 A. That said monument set by the Great Northern Power Company is marked No. 84 B. and is similar in construction and marking to aforesaid Monument No. 84 A.

That Mr. Lyonel Ayres, consulting engineer for the aforesaid Commission assisted in the work of checking the location of said Monument No. 84 B.

Duluth Minn Sept 10 1923

William B. Patton
Lyonel Ayres

C E R T I F I C A T E
CONCERNING A SUBSTITUTE
MONUMENT FOR
MINNESOTA TERMINAL MONUMENT
NO. 84A
MINNESOTA-WISCONSIN BOUNDARY LINE

This certifies that the undersigned has caused a certain monument designated as 84A, serving to mark the boundary line between the States of Minnesota and Wisconsin, to be removed, and has set in place thereof a monument designated as 84B.

The location of Monument No. 84B in relation to the original monuments and the details of the tablet and of the concrete block in which the tablet was set, are as shown on Drawing NC 4040, a copy of which is hereto attached.

The location of the new monument is described as follows:

Opposite the rapids in the St. Louis River about 180 feet west of gravelly shore, twenty four feet west of a river bank 3 feet high, 500 feet east of the East wall of Fond du Lac Power Plant, and opposite a perpendicular bluff 12 to 30 feet high on the Wisconsin side.

L. M. PHARIS,

L. M. Pharis

CHIEF ENGR., GREAT NORTHERN POWER CO.

Duluth, Minn.
Sept. 17, 1923

MINNESOTA - WISCONSIN

BOUNDARY LINE

near

FOND DU LAC, MINNESOTA

Description of the change in certain
Comments made by the Great Northern Power
Co. in 1923.

Sept. 22, 1923.

To the Clerk.

We are this day forwarding copies of this filing to the offices of the Secretaries of State of the States of Minnesota and Wisconsin and to the United States Engineer's Office in Duluth, with the request that these offices make them available for the information of the general public.

Please place this filing in the file pertaining to the boundary suit of the State of Minnesota vs. State of Wisconsin of 1921.

Yours very truly,

L. M. PHARIS

CHIEF ENGINEER.

GREAT NORTHERN POWER COMPANY

ACG:GS

ENCL.

CC: Secy. State of Minnesota ✓

" " Wisconsin

U.S. Engineer's Office - Duluth.

COPY

Sept. 22, 1923.

To the Clerk,
United States Supreme Court,
Washington, D.C.,

Dear Sir:

The accompanying certificates serve to place on record the fact that the Great Northern Power Company of Duluth, Minnesota did, on or about September 1st remove a certain State Boundary Monument, which was set by order of the Supreme Court of the United States in 1921.

The certificates also show that the accuracy with which the State boundary line in question could be established before the original monument was removed, is still preserved by a new monument set in place of it.

It was, by reason of a construction program to which the Company was definitely committed, impossible to delay the removal of the old monument until permission to do so could be obtained.

The Power Company has not been able to find any evidence that the question of locating the monument originally, was discussed with it; nor was the Power Company aware of the intention of placing the monument until after it was found to have been constructed. The point here is that the monument since it was only a reference point could have been placed originally so as to be out of the way of the Power Company's proposed operations. The Power Company has owned the land and has contemplated the power development in question, since about 1905.

The certificates belonging hereto are as follows:

1. Letter from United States Engineer Office - Duluth, Minn.
2. Letter from Mr. Wm. B. Patton who served as member of the Commission under whose direction the monument was originally placed. This letter is signed also by Mr. L. Ayres who was also connected with the setting of the original monument.
3. A drawing Numbered MC 4049 showing details of the new monument.

GREAT NORTHERN POWER COMPANY

DULUTH, MINN., Sept. 22, 1923.

The Secretary of State,
State of Minnesota
St. Paul, Minn.

Dear Sir:-

Please find a copy of a filing whose purpose is to place on record in your office the facts pertaining to certain changes made in the monuments marking the Boundary Line between the States of Minnesota and Wisconsin, near Fond du Lac, Minnesota.

An exact duplicate is filed with the Supreme Court of the United States, with the Secretary of State at Madison, Wisconsin and in the U. S. Engineer's office in Duluth, Minnesota.

Yours very truly,

L. M. PHARIS, CHIEF ENGINEER,

GREAT NORTHERN POWER COMPANY

BY A. C. Giesecke

ACG:GS
Encl.

3014

SEE
OVERSIZED
DOCUMENT(S)

3014

STATE OF MINNESOTA
RECORDED & INDEXED
FILED
OCT 8 1923
W. H. ...
Secretary of State

