

HISTORY OF MICHIGAN, EMBRACING ACCOUNTS OF THE PRE-HISTORIC RACES, ABORIGINES, FRENCH, ENGLISH AND AMERICAN CONQUESTS, AND A GENERAL REVIEW OF ITS CIVIL, POLITICAL AND MILITARY HISTORY.

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THE "TOLEDO WAR".

This difficulty was inaugurated by a conflict of the acts of Congress from time to time, made either carelessly or in ignorance of the geography of the West and of the language of former public acts. Michigan claimed as her southern boundary a line running from the extreme southern point of Lake Michigan directly east to Lake Erie, which would include Toledo, an important point, as it was the principal terminus of the proposed Wabash & Erie Canal. This claim was made by virtue of clauses in the ordinance of 1787. Ohio, on the other hand, claimed that the ordinance had been superseded by the Constitution of the United States, and that Congress had the right to regulate the boundary; also, that the constitution of that State, which had been accepted by Congress, described a line different from that claimed by Michigan. Mr. Woodbridge, the delegate from Michigan, ably opposed in Congress the claim of Ohio, and the committee on public lands decided unanimously in favor of this State; but in the hurry of business no action was taken by Congress and the question remained open. The claim of Michigan was based principally upon the following points: The ordinance of 1787 declares the acts therein contained " articles of compact between the original States and the people and States in said Territory (northwest of the river Ohio), and forever to remain unalterable, unless by common consent." This ordinance defines the Territory to include all that region lying north and northwest of the Ohio and east of the Mississippi rivers. In the fifth article it is provided that there shall be formed not less than three nor more than five States within its limits. The boundaries of the three States are defined so as to include the whole Territory; conditioned, however, that if it should be found expedient by Congress to form the one or two more States mentioned, Congress is authorized to alter boundaries of the three States " so as HISTORY OF MICHIGAN. 77 to form one or two States in that part of the said Territory which lies north of the east and west line drawn through the southerly bend or extreme of Lake Michigan." In 1802 Congress enabled the people of Ohio to form a constitution, and in that act the boundary of that State is declared to be " on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line aforesaid from the mouth of the Great Miami, until it shall intersect Lake Erie, or the Territorial line, and thence with the same through Lake Erie to the Pennsylvania line." The constitution of Ohio adopted the same line, with this condition: " Provided always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie; or, if it should intersect Lake Erie east of the mouth of the Miami river, then in that case, with the assent of Congress, the northern boundary of this State shall be established by and

extend to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami, as aforesaid, thence northeast of the Territorial line, and by said Territorial line to the Pennsylvania line." Congress did not act upon this proviso until 1805, and during this interval it seems that Ohio herself did not regard it as a part of her accepted constitution. Again, this section of the act of 1802 provides that all that part of the Territory lying north of this east and west line " shall be attached to and make a part of the Indiana Territory." Still again, the act of 1805, entitled "an act to divide the Indiana Territory into separate governments," erects Michigan to a separate Territory, and defines the southern boundary to be "a line drawn east from the southerly bend or extreme of Lake Michigan until it intersects Lake Erie." The strip of territory in dispute is about five miles wide at the west end and eight miles at the east end. The line claimed by Michigan, was known as the "Fulton line," and that claimed by Ohio was known as the "Harris line," from the names of the surveyors. This territory was valuable for its rich farming land, but its chief value was deemed to consist at that time in its harbor on the Maumee River, where now stands the city of Toledo, and which was the eastern terminus of the proposed Wabash & Erie Canal. This place was originally called Swan creek, afterward Port Lawrence, then Vistula and finally Toledo. The early settlers generally acknowledged their allegiance to Michigan; but when the canal became a possibility, and its termination at Toledo being dependent upon the contingency whether or not it was in Ohio, many of the inhabitants became desirous of being included within the latter State. Then disputes grew more violent and the Legislatures of the respective commonwealths led off in the fight. In February, 1835, the Legislature of Ohio passed an act extending the jurisdiction of the State over the territory in question, directed local elections to be held and a re-survey to be made of the Harris line. Per contra, Gov. Mason urged the Legislative Council of Michigan to take active measures to counteract the proceedings of the Ohio Legislature; and accordingly that body passed an act making it a criminal offense for anyone to attempt to exercise any official functions within the jurisdiction of Michigan without authority from the Territory or the general Government. March 9, 1835, Gov. Mason ordered Gen. Brown to hold the Michigan militia in readiness to meet the enemy in the field in case an attempt was made by the agents of Ohio to carry out the provisions of the Legislature of that State. On the 31st Gov. Lucas, of Ohio, arrived at Perrysburg with his commissioners, on his way to re-survey the Harris line. He was accompanied by a militia of about 600 men. In the meantime Gov. Mason mustered about 1,200 men, with Gen. Brown commanding, and was in possession of Toledo. In a few days two commissioners arrived from Washington on a mission of peace, and remonstrated with Gov. Lucas. After several conferences with the two Governors they submitted propositions of a temporary nature, virtually giving the disputed territory to Ohio until the following session of Congress, to which Gov. Lucas assented, but Gov. Mason did not. President Jackson asked the opinion of the attorney general, Mr. Butler, who replied in favor of Michigan; notwithstanding, Gov. Lucas proceeded to order his men to commence the survey, but as they were passing through Lenawee county the under-sheriff there arrested a portion of the party, while the rest ran away like Indians, and spread an exaggerated report of actual war. This being corrected by an amusing official report of the under-sheriff, Gov. Lucas called an extra session of the Ohio Legislature, which passed an act "to prevent the forcible abduction of the citizens of Ohio!" It also adopted measures to organize the county of "Lucas," with Toledo as the county-seat, and to carry into effect the laws of the State over the disputed territory. In the meantime the Michigan people in and

about Toledo busied themselves in arresting Ohio emissaries who undertook to force the laws of their State upon Michigan Territory, while Ohio partisans feebly attempted to retaliate. An amusing instance is related of the arrest of one Major Stickney. He and his whole family fought valiantly, but were at length overcome by numbers. The Major had to be tied on a horse before he would ride with the Michigan posse to jail. An attempt was then made to arrest a son of the Major called "Two Stickney," when a serious struggle followed and the officer was stabbed with a knife. The blood flowed pretty freely, but the wound did not prove dangerous. This was probably the only blood shed during the "war." The officer let go his hold and Stickney fled to Ohio. He was indicted by the grand jury of Monroe County, and a requisition was made on the Governor of Ohio for his rendition, but the Governor refused to give him up. An account of this affair reaching the ears of the President, he recommended that Gov. Mason interpose no obstacle to the re-survey of the Harris line; but the Governor refusing to abide by the "recommendation," the President superseded him by the appointment of Charles Shaler, of Pennsylvania, as his successor. He also advised Gov. Lucas to refrain from exercising any jurisdiction over the disputed territory until Congress should convene and act upon the matter. This was humiliating to that Governor, and he resolved to assert the dignity of his State in Toledo in some manner. He hit upon the plan of ordering a session of court to be held there, with a regiment of militia for the protection of the judges. Accordingly the judges met on Sunday afternoon, Sept. 6, at Maumee, a few miles from Toledo. Sometime during the evening a scout sent out by the colonel returned from Toledo and reported that 1,200 men, under command of Gen. Brown, were in Toledo ready to demolish court, soldiers and all; but this report turned out to be false. During the scare, however, the judges hesitated to proceed to Toledo, and the colonel of the regiment upbraided them for their cowardice, and proposed to escort them with his militia during the dead of night to a certain school-house in Toledo, where they might go through the form of holding court a few minutes in safety. About three o'clock Monday morning they arrived at the designated place and "held court" about two minutes and then fled for dear life back to Maumee! Thus was the "honor and dignity "of the great State of Ohio" vindicated over all her enemies!" It appears that Mr. Shaler did not accept the governorship of Michigan, and John S. Horner, of Virginia, was soon afterward appointed secretary and Acting Governor. He proved to be rather unpopular with the people of Michigan, and the following May he was appointed secretary of Wisconsin Territory. He carried on a lengthy correspondence with Gov. Lucas, which resulted in a discontinuance of all the suits that had grown out of the Toledo war except the demand for Two Stickney. Gov. Lucas persisted in refusing to deliver him up; but it seems that finally no serious trouble came of the affair. The first Monday in October, 1835, the people of Michigan ratified the constitution and by the same vote elected a full set of State officers. Stevens T. Mason was elected Governor, Edward Mundy, Lieutenant-Governor, and Isaac E. Crary, Representative in Congress. The first Legislature under the constitution was held at Detroit, the capital, on the first Monday in November, and John Norvell and Lucius Lyon were elected U. S. Senators. A regular election was also held under the Territorial law for delegate to Congress, and Geo. W. Jones, of Wisconsin, received the certificate of election, although it is said that Win. Woodbridge received the highest number of votes. John S. Horner, the Territorial Governor, was still in office here, and this singular mixture of Territorial and State government continued until the following June, when Congress formally admitted Michigan into the Union as a State and Horner was sent to Wisconsin, as before noted. This act of Congress conditioned that the celebrated strip of territory over which the quarrel had been so

violent and protracted, should be given to Ohio, and that Michigan might have as a compensation the Upper Peninsula. That section of country was then known only as a barren waste, containing some copper, no one knew how much. Of course this decision by Congress was unsatisfactory to the people of this State. This was the third excision of territory from Michigan, other clippings having been made in 1802 and 1816. In the former year more than a thousand square miles was given to Ohio, and in the latter year nearly 1,200 square miles was given to Indiana. Accordingly, Gov. Mason convened the Legislature July 11, 1836, to act on the proposition of Congress. The vote stood 21 for acceptance and 28 for rejection. Three delegates were appointed to repair to Washington, to co-operate with the representatives there for the general interest of the State: but before Congress was brought to final action on the matter, other conventions were held in the State to hasten a decision. An informal one held at Ann Arbor Dec. 14 unanimously decided to accept the proposition of Congress and let the disputed strip of territory go to Ohio, and thereupon Jan. 26, 1837, Michigan was admitted" into the Union on an equal footing with the original States.