

Background: Douglas elementary school, 32nd Street at Indiana Avenue (Calumet, Giles and Prairie Avenue Landmark District). Chicago, Illinois.

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DOUGLAS SCHOOL

# TOWNSHIPS 4 ~ Chicago

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Big Picture. Charter School brand on water tower. Boylston Building. Illinois Street 116-122W. Chicago, Illinois. photograph 2005 February 1.

Like many other properties in Chicago, the Boylston Building has transitioned from a private commercial taxpaying property to a property that is financed by taxes, throwing an increasing burden on residential property tax payers. Other charter school corporations rent retired parochial school buildings from the Roman Catholic Archdiocese, and apparently do so, without altering the tax exempt status of the land and its improvements.

In the not-too-distant future, if it hasn't already happened, private but tax-financed for-profit K-12 school corporations will issue public stock to be traded on the New York Stock Exchange. The interests of speculators, investors, and executives will then over-ride the interests of taxpayers as concerns of legislators and other government officials. The property tax that finances education will skyrocket; property values will inflate to justify inflated taxation; and an increasing number of Americans will lose their homes to mortgage foreclosure and tax delinquency. The destruction of the American dream will be complete. Smashed to smithereens. Everyone will be slave to bankers and nobody can tell his boss to take his job and shove it.

It should be noted that educators evaluate themselves, as do all professionals who claim to have esoteric knowledge. Though educators admit to some failures, they can and do declare themselves successful overall. Nonetheless, it takes only one day of running errands for an individual taxpayer to see that many products of the schools are ignorant, incompetent and rude, indicating that all schools fail miserably. People who watch television and listen to the radio should figure out rapidly that any coherent speech and clarity of mind that they encounter while they're out is to the credit of the news and entertainment media, and not to tax-financed or any other school teachers. Subject area knowledge comes from a wide variety of electronic media and circulating library books, and not from schools. There is virtually no reason for any mother to send her children to school unless she is under the false impression that the babysitting service is both free and good for the intellectual, moral, personality and physical development of her children.



DOUGLAS SCHOOL

In 1785 (May) - two years after the treaty that ended the war with Great Britain - the Continental Congress enacted a law for the survey and sale of land in the territory north and west of the Ohio River.

The territory was vast. It later became the states of Ohio, Indiana, Illinois, Michigan and Wisconsin.

The territory was a hot potato of sorts. The territory cost more to govern and protect than it yielded in taxes and other income for government.

Spain handed it off to France in a private family transaction.

France handed it off to Great Britain under cover of war.

Great Britain handed it off to her American colonists under cover of a revolution.

The Northwest Territory then became a liability for the new nation.



DOUGLAS SCHOOL

At the end of the American Revolution, the Northwest Territory included four categories of land:

1. Land that remained vacant after European monarchs acquired it by treaties with tribes of Native Americans to whom the Europeans attributed sovereignty.
2. Land that European monarchs granted to their subjects whether or not they'd acquired it by treaty from Native Americans.
3. Land that European colonists acquired from Native Americans in private transactions such as purchase and marriage.
4. Land over which Native Americans retained sovereignty in their own opinion and/or in the opinion of Europeans.



DOUGLAS SCHOOL

American leaders thought it was wrong for civilians to purchase land from Indians.

American leaders wanted to make money in international trade, therefore, they scrupulously abided by international law.

They didn't confirm purchases of Indian land by civilian Anglo-Americans, but they did offer to confirm French royal grants and civilian purchases in the Northwest Territory.

With the 1785 (May) Land Act, the Continental Congress granted itself power to survey and sell only the land that the Americans and the European monarchs had acquired by treaty from Native Americans.

Their next step was to enter into treaties with Native American tribes to acquire the remainder of the territory.

The goal was to ensure that the titles of the Americans to their properties could hold up against all assaults on them.



DOUGLASS SCHOOL

Governments are almost identical to private corporations; and their constitutions have the same purpose as the by-laws of private corporations.

By-laws tell corporation executives what they can and can't do. Constitutions tell government officials what they can and can't do.

The constitution of a government founded on the democratic principles set forth in the US Declaration of Independence must put severe limits on what government officials can do.

US founders were an entirely private corporation at the beginning, and without ever obtaining the consent of the common people, they segued through three constitutions to create a government of dubious legitimacy and a lot more powers than their own democratic principles allow.

They had their reasons; and our job now is to undo the damage to democracy that they felt they had to do to acquire land from the ruthless, grandiose and exploitive people who held royal grants to a large part of modern US soil.



DOUGLAS SCHOOL

French, Spanish and English grantees would want some kind of quid pro quo before they'd agree to transfer their real estate holdings and loyalty to the government of the US founders, either by purchases their monarchs agreed to or under cover of a war, if war was necessary to explain to their tenants why they'd stop being Frenchmen, Spaniards, and Englishmen and start being Americans.

The quid pro quo appears to have been States' Rights. If former colonies could become so-called states and have sovereignty, then their foreign inhabitants could maintain their property and their autonomy by the simple expedient of an oath of loyalty to Tom Jefferson et al.

If the allegedly sovereign so-called states had the power to incur debt and levy taxes, then foreign grantees could divide and sell their grants, cook up excuses to run up government debts, and invest the proceeds of their sales in debt and live comfortably forever after.

Never-mind, that no citizen of the democracy had a real power to take his neighbor's property without his neighbor's consent; nor could any citizen run up debts by using his neighbor's property for collateral.

Citizens who had no right to do such things outside a polling booth had no right to grant such powers to government officials in a polling booth.





DOUGLAS SCHOOL

US founders named their three consecutive constitutions:

Articles of Association (1774);  
Articles of Confederation (1781); and  
Constitution (1787).

The founders drafted the Articles of Confederation in 1776, but didn't ratify it until 1781. Thus, they financed their war against England under their 1774 by-laws. The 1774 by-laws gave them no power to tax at the national level; and the rebel colonial governments levied taxes in their alleged sovereign states.

The 1781 by-laws included a provision that gave the national (or confederate) government a power to raise revenue by levying a tax on landed property and improvements.

The national government didn't exert the power at any time between 1781 and 1789, when it began to act under the 1787 constitution.



DOUGLAS SCHOOL

In 1794, when the national Congress did enact a law for the collection of a tax on real estate, there was no provision to justify it in the 1787 Constitution .

The power to tax landed property had fallen out of thin air into the 1781 by-laws without any legal precedent or explanation.

The power to tax landed property had fallen back into thin air with the writing and ratification of the 1787 by-laws.

Where there had been a provision in the 1781 by-laws that granted the power to tax landed property in clear and unmistakable language, there was a provision in the 1787 by-laws that granted a power to levy a general tax without any mention of a property tax.

Though US founders first interpreted the vague provision to justify a tax on landed property and acted on the power for two generations, they also disappeared the power.

Then they interpreted the exact same provision of the constitution to give them a power to tax income, for which there was also no legal precedent or justification.



DOUGLAS SCHOOL

The 1794 US statute to implement a power to tax real estate told the states to do all the work and send the money to Philadelphia, which was the nation's capitol at the time.

The states told the Congress that the property tax law was the stupidest law they'd ever seen. It told them that, for the purpose of taxation, they should value properties by the number of windows. Everyone knows that not all windows are the same; and not all buildings of equal value have an equal number of windows; and to make the law even stupider, some of the richest guys with the most land in the state didn't build anything on it, so there were no windows to value it by.

Congress immediately sent the property tax law back to committee to be reviewed and revised. The people who ran the states were the same people who sat on committees and enacted laws in Congress. They knew in advance what the fate of the law would be.

However, they had to give up fun and games and get serious, because they needed the quid pro quo of the property tax to get Florida, Alabama and Mississippi from Spain; Louisiana, Arkansas, and Missouri from France; Texas, New Mexico, Arizona, Nevada and California from the new and allegedly liberated Mexico; and Oregon and Washington from Great Britain soon after.



DOUGLAS SCHOOL

The US Congress re-enacted their property tax law and sent it to the states to act on.

This time, the states didn't try to wriggle out.

US founders were setting up another quid pro quo, in a series of quid pro quos that look more like a shell game at a sleazy carnival booth or on the streets of an urban slum than they look like anything resembling good government.

The self-same 1787 by-laws that had the provision for a general tax - the word general being too vague and non-specific to enforce - had another provision that was admirably precise in language.

The precise provision told the Congressmen they could tax imports.

The provision proves that US founders could be precise when they wanted to be precise, and they were up to no good when they were vague.



DOUGLAS SCHOOL

While the national government acted under the authority of the 1774 and 1781 by-laws, the states had acted on the theory that each state could tax imports coming through its ports, because that's what colonial governments had done under monarchy.

Import taxes have an effect on foreign trade which is a large part of the foreign affairs in which the whole nation, or all the states, have an interest.

The states should cede their power to tax imports to the national congress; and in return and at some time in future, the national congress would cede its alleged power to tax landed property to the states.

The states had run up their own war debts; and they wanted to pay their debts with their revenue from their tax on imports at their ports.

Great Britain had destroyed the ports as much as it could during the war; and by doing so, Britain facilitated a switcheroo that would be profitable to foreign investors for many centuries in future.

While the national congress acted under the authority of its 1781 by-laws, it assumed the war debts of the states.

The states were then amenable to ceding their power to tax imports to the national or confederate government.



DOUGLAS SCHOOL

The 1787 US Constitution was the device by which the states ceded their power to tax imports to their national/ federal government.

Their national government couldn't immediately and openly reciprocate by granting the states a power to tax landed property that it didn't really have itself.

The US government got tough on the property tax at the end of the 1700s,; and the states obeyed congressional dictates in the early decades of the 1800s.

In this way, the original states habituated their inhabitants to pay a property tax to their states, though the revenue went to the nation.

US leaders marketed the 1787 by-laws on provisions that created three branches of government and divided government powers among them.

The device was marketable in 1787, because the Continental Congress was all three branches of government rolled into one.

The congress enacted laws. The congress opened executive positions to implement the laws; and if a situation arose that needed the services of a court, the congress appointed an ad hoc committee to hear and rule on the case.



DOUGLAS SCHOOL

Unfortunately, the 1787 US Constitution didn't really separate the powers of government.

For the purpose of evading prosecution under an act to prevent government corruption ~ and for other purposes ~ government officials shuttled between the three departments from time to time.

A congressman who couldn't profit from a law enacted while he sat in Congress could profit from it while he worked in the executive or judicial branch. And so on.

By 1785, the Continental Congress was a lame-duck legislature.

A few members met infrequently to work on a few important statutes, while the majority of members broke out into the Constitutional Convention to work on their third set of by-laws that they named the Constitution.



DOUGLAS SCHOOL

In 1785 (May), the Continental Congress enacted a statute to describe how the land in the Northwest Territory would be divided and sold, except that certain square mile sections of land and land with mineral wealth would be reserved from sale.

In 1787 (July), the Continental Congress enacted a statute to describe how the people of the Northwest Territory would be governed.

In 1787 (September), the Constitutional Convention produced a final draft of the third set of by-laws to describe how the people of the whole United States would be governed.

The reservations of the 1785 Land Act were an effective protection against taxation of any kind, including a tax on landed property in the Northwest Territory and any states that might be made from it.

The 1787 Northwest Ordinance had no provisions for taxes of any kind. Instead, it told territorial officials they could adopt the laws of any one of the original states until they instituted a legislature.

The acts of the territorial legislature would be bound by democratic principles.





DOUGLAS SCHOOL

Some original states had statutes regarding real estate assessment that didn't necessarily imply a States' Rights power to assess or tax real estate.

Territorial officials didn't impose a tax on real estate.

Territorial officials did rush states into existence, in violation of provisions in the 1787 Northwest Ordinance that established stiff qualifications for statehood.

Congressional enabling acts for statehood and the grants of statehood that followed, told new state governments that they couldn't tax a piece of land in their state until five years after the US Treasurer had sold it to whichever purchaser bought it.

The provision implies that new states have a power to tax real estate, even though no provision of law said they actually did.

In the meantime, the very existence of the 1787 US Constitution established a precedent that only a new set of by-laws can transfer a taxing power from state to nation and vice versa, and not a mere statute.



DOUGLAS SCHOOL

The backhanded provision for a property tax in new state grants suffered other deficiencies.

It violated provisions of the 1785 Land Act and guarantees in the titles that purchasers received from the US Treasurer.

As always, and like most taxes, a tax on landed property also violates the fundamental principles of democracy - if an individual person can't do something, neither can government officials.

The 1787 Constitution transferred the power to make treaties with Indian nations from states to the nation/ confederation.

The 1787 Constitution did leave the power with original state governments to survey and dispose of land within original state boundaries that Indians had already ceded.



DOUGLAS SCHOOL

Virginia claimed the whole Northwest Territory, while Connecticut and other states claimed smaller areas of it.

States minimized the conflict by ceding their claims to the federal government.

Cessions of the Northwest Territory by original states were the pre-requisites for the 1785 Land Act and the 1787 Northwest Ordinance.

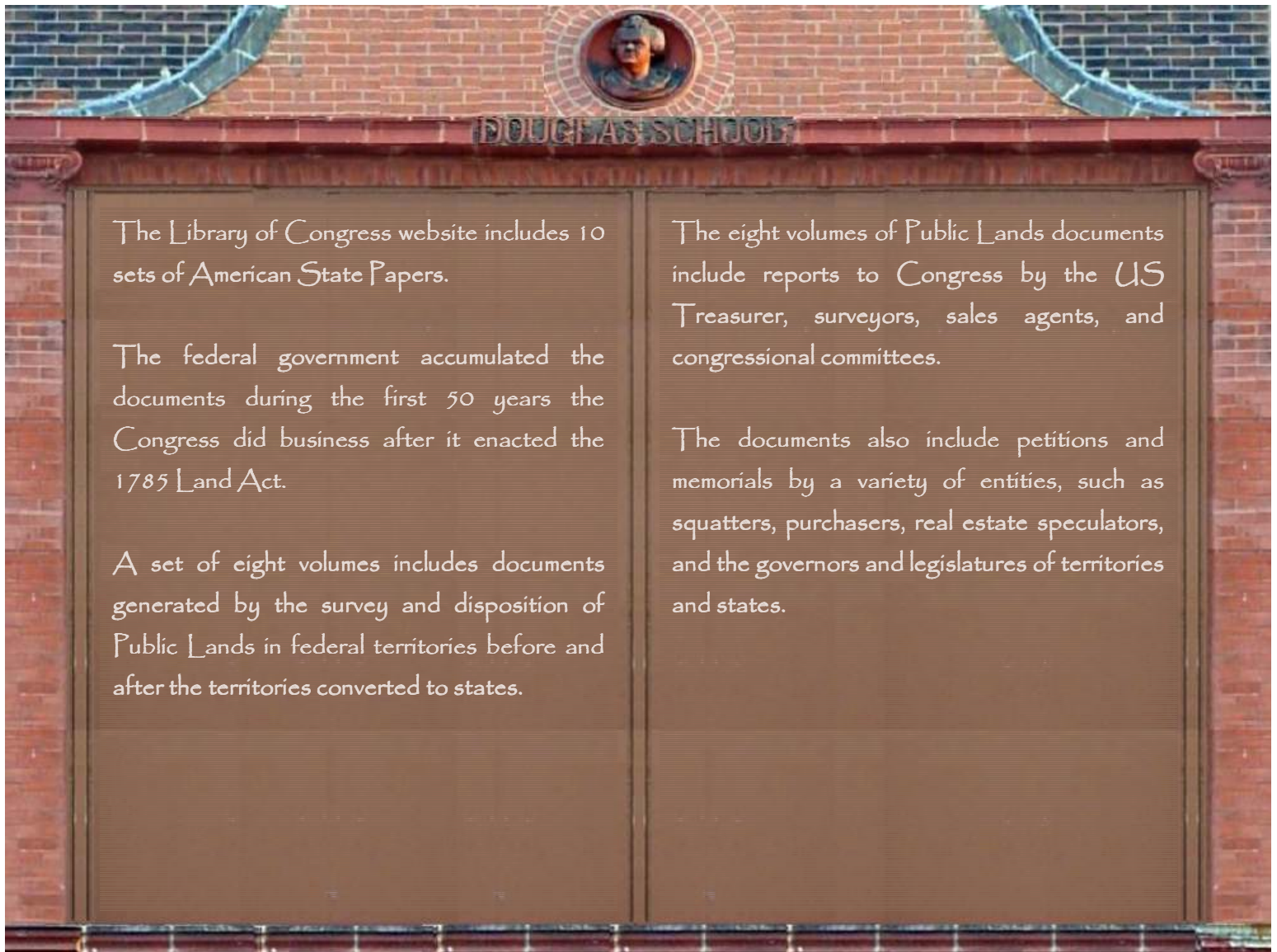
The cessions provided the federal government with a non-tax source of revenue in an anti-tax environment. The import tax was consistent with anti-tax policy because individual people can choose to buy or not buy imports.

Virginia also claimed territory south and west of the Ohio River.

Other states didn't contest Virginia's claim to the Southwest Territory.

Virginia and Congress quickly divided the Southwest Territory and rushed West Virginia, Kentucky and Tennessee into statehood.

Virginians who traveled through the Cumberland Gap whenever treaties with the Indians permitted - and sometimes when they didn't - populated the new southern states.



The Library of Congress website includes 10 sets of American State Papers.

The federal government accumulated the documents during the first 50 years the Congress did business after it enacted the 1785 Land Act.

A set of eight volumes includes documents generated by the survey and disposition of Public Lands in federal territories before and after the territories converted to states.

The eight volumes of Public Lands documents include reports to Congress by the US Treasurer, surveyors, sales agents, and congressional committees.

The documents also include petitions and memorials by a variety of entities, such as squatters, purchasers, real estate speculators, and the governors and legislatures of territories and states.

Library of Congress website

[www.loc.gov](http://www.loc.gov)

link - American Memory

[www.loc.gov/ammem/index.html](http://www.loc.gov/ammem/index.html)

link - Government and Law

link - browse collections

clear all checkboxes

link - US Congress - Documents - 1774-1875

[www.memory.loc.gov/ammem/amlaw/lawhome.html](http://www.memory.loc.gov/ammem/amlaw/lawhome.html)

link - American State Papers

[www.memory.loc.gov/ammem//amlaw/lwsp.html](http://www.memory.loc.gov/ammem//amlaw/lwsp.html)

Ten sets:

Foreign Relations

Indian Affairs

Finances

Commerce and Navigation

Military Affairs

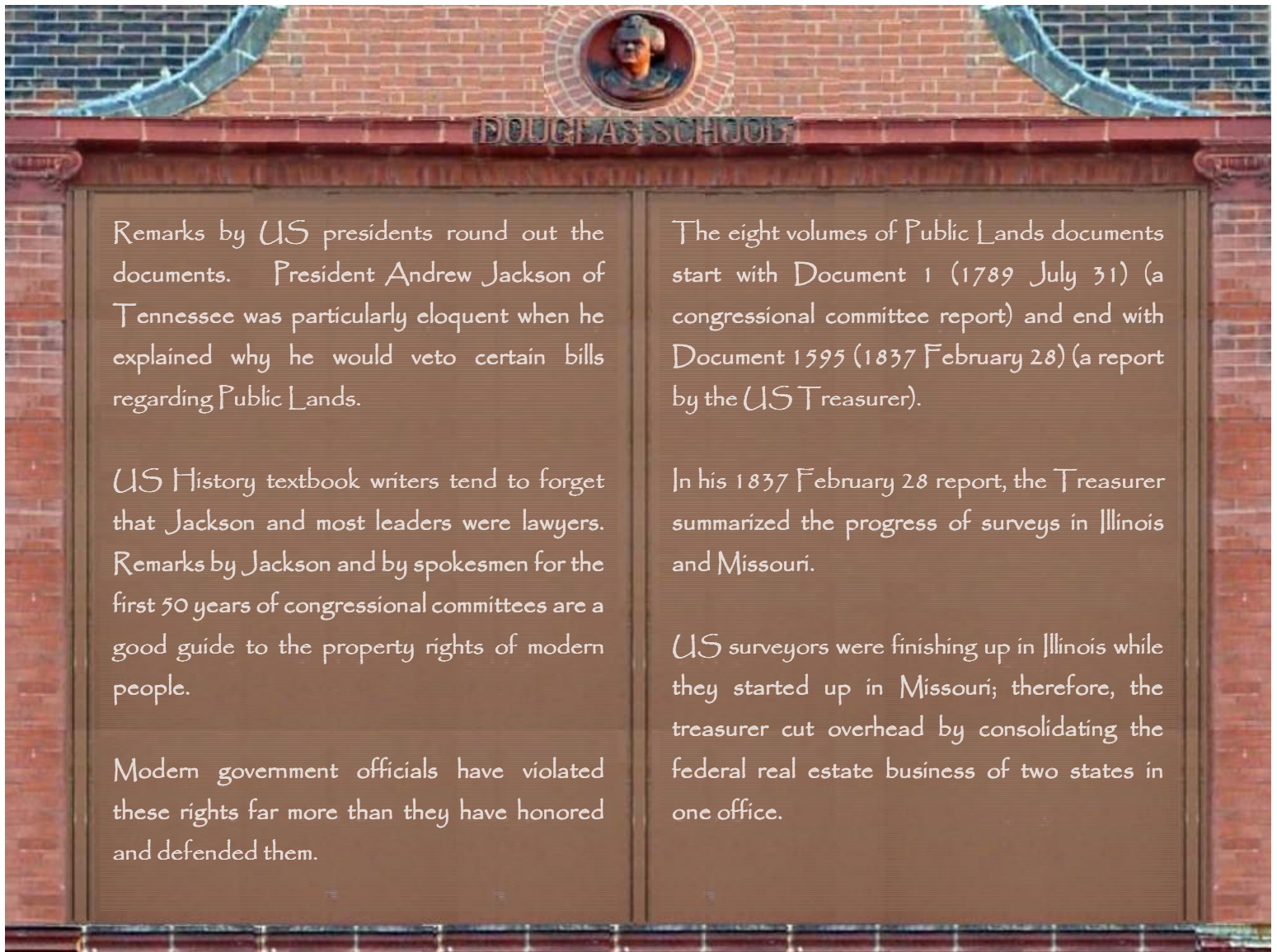
Naval Affairs

Post Office Department

Public Lands

Claims

Miscellaneous



Remarks by US presidents round out the documents. President Andrew Jackson of Tennessee was particularly eloquent when he explained why he would veto certain bills regarding Public Lands.

US History textbook writers tend to forget that Jackson and most leaders were lawyers. Remarks by Jackson and by spokesmen for the first 50 years of congressional committees are a good guide to the property rights of modern people.

Modern government officials have violated these rights far more than they have honored and defended them.

The eight volumes of Public Lands documents start with Document 1 (1789 July 31) (a congressional committee report) and end with Document 1595 (1837 February 28) (a report by the US Treasurer).

In his 1837 February 28 report, the Treasurer summarized the progress of surveys in Illinois and Missouri.

US surveyors were finishing up in Illinois while they started up in Missouri; therefore, the treasurer cut overhead by consolidating the federal real estate business of two states in one office.

Selections from American State Papers/ Public Lands (formatted for printout on 8 1/2 x 11 paper):

[www.timefordemocracy.com/congress/](http://www.timefordemocracy.com/congress/)

- ~ 17890304 asp landi.ppt
- ~ 17890304 asp landii.ppt
- ~ 18151222 asp landiii.ppt
- ~ 18231201 asp landiv.ppt
- ~ 18271203 asp landv.ppt
- ~ 18281201 asp landvi.ppt
- ~ 18340411 asp landvii.ppt
- ~ 18351208 asp landviii.ppt



DOUGLASS SCHOOL

Congressional committees rejected many petitions and followed through on many others.

When a committee decided to follow through on a petition, it reported a bill to its house of Congress.

Public Land documents include petitions and memorials, but not the bills to which they led.

A separate set of volumes compiles the bills generated by each house during each session of Congress.

Another set of volumes holds the journals of the Senate and House of Representatives.

The journals include tables that trace the fate of bills.

A few remarks about the bills appear in the daily entries of the journals.



DOUGLAS SCHOOL

Congress hired various secretarial services to record and publish its proceedings.

The volumes that contain the proceedings are known as Registers, Debates and Annals of Congress.

Discussion about a particular bill can be as short as one paragraph or as long as 100 pages or more.

The discussions often include valuable insights regarding the rights of the people and the wrongs of their government.

Lawyers who sat in Congress and wished to commit rights instead of wrongs for the people were often unable to form a majority to defeat corrupt enactments, but they could put the means to undo the wrongs in the Registers, Debates and Annals for future generations to read and act on.

The debates might be the way whole congresses apologized for doing what they had to do to get the territory they got.



DOUGLAS SCHOOL

Yet another set of volumes provides the final text of bills that were passed into law.

The law books include the term 'public statute' in their title.

Nonetheless, some volumes of public statutes are devoted to 'private statutes'.

Context clues indicate that public statutes about the Public Lands served the interests of a large group of purchasers, squatters and/or speculators; while private statutes attempted to resolve problems that affected an individual, small class of people, or municipality.

The many private statutes regarding the Public Lands that the US Congress enacted 1789-1837 are more like than unlike judicial orders and decisions.

Land was very important to a majority of the American people, as well as the members of Congress.

Congressmen may have clung to their pre-1787 judicial power for this reason rather than relinquish it to the courts.





DOUGLAS SCHOOL

American State Papers regarding Public Lands petered out around the same time that US courts took over the job of interpreting public acts.

Public Lands documents provided US judges with clear statements of the intentions of US founders and their immediate successors for the disposition of the nation's territory.

American State Papers are the most valid legal precedent possible to guide the decisions of judges and future legislators.

Nonetheless, subsequent generations of US congressmen, US judges, and officials of the territories, states, counties and municipalities blew off the precedents.



DOUGLAS SCHOOL

The monarchists Jefferson wrote of in his 1794 letter to Mazzei eventually defeated the democratic revolution by an intense campaign against the anti-tax provisions and intentions of the 1785 Land Act.

They instituted the taxation of homes and businesses to finance the construction of schools.

They allowed the seizure of properties for non-payment of taxes to support teachers who'd been paid privately before.

They allowed mortgage lenders and foreign traders to put the national economy on a perpetual roller coaster ride, leading to mass foreclosures and tax delinquent seizures.

As a result, Americans would never be fully independent and safe in their homes.



DOUGLAS SCHOOL

While most Americans have had to think in increments of days, weeks, months and years to secure food and keep a roof over their heads, the history of the Public Lands reveals that a minority of Americans - and the foreigners for whom they front - have always thought in increments of centuries and millennia.

Their intent is to create and maintain dynasties at the top of the social ladder and peak of the pyramid of power.

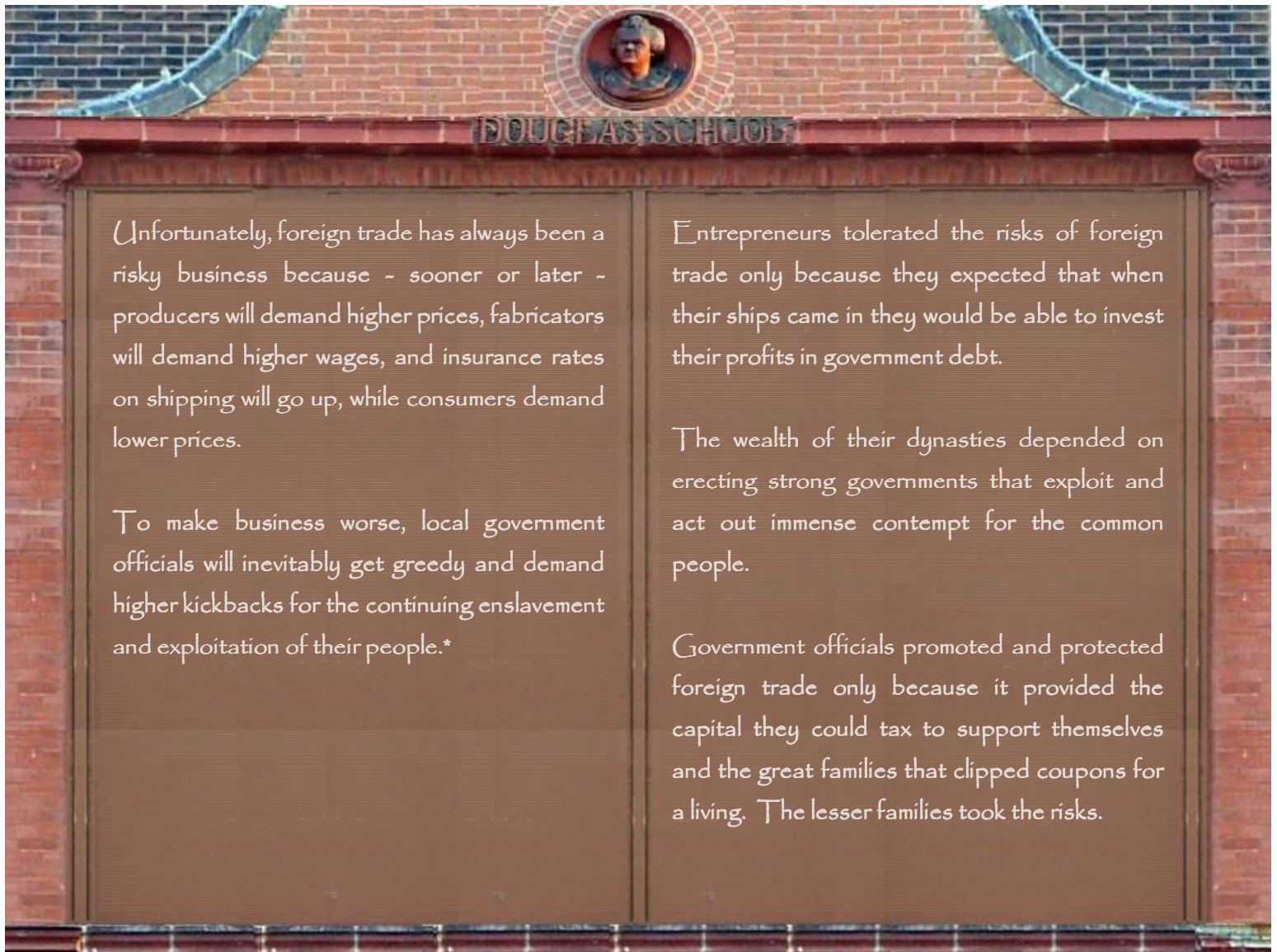
Government officials forced people to sacrifice their homes and income to the God of Education, but history kept repeating itself anyway.

Like every other empire that's gotten a write-up in textbooks, leading Europeans colonized the Americas to get rich.

They paid as little as possible for raw material.

They shipped the raw materials to fabricators who tolerated the lowest possible wages.

Then they shipped finished products to consumers who'd pay the highest possible retail price.



Unfortunately, foreign trade has always been a risky business because - sooner or later - producers will demand higher prices, fabricators will demand higher wages, and insurance rates on shipping will go up, while consumers demand lower prices.

To make business worse, local government officials will inevitably get greedy and demand higher kickbacks for the continuing enslavement and exploitation of their people.\*

Entrepreneurs tolerated the risks of foreign trade only because they expected that when their ships came in they would be able to invest their profits in government debt.

The wealth of their dynasties depended on erecting strong governments that exploit and act out immense contempt for the common people.

Government officials promoted and protected foreign trade only because it provided the capital they could tax to support themselves and the great families that clipped coupons for a living. The lesser families took the risks.

\* It's quite likely that the massacre of student demonstrators in China's Tienamen Square was more staged than real. When Chinese officials cracked down on its alleged democratic revolutionaries, Chinese officials told entrepreneurs all over the world that China was safe for foreign investors because Chinese government officials had the Chinese people under control. Chinese university students would go into research, managerial and administrative positions and had as much to gain from foreign investment as government officials.



DOUGLAS SCHOOL

At the time of the 1785 Land Act, most common people had been trapped in the tentacles of foreign trade by adaptations and habituation that they developed and endured for thousands of years.

Entire economies and most jobs were dependent on foreign trade.

The provisions of the 1785 Land Act that reserved land for leasing rather than sale to support government perpetually without taxation had the potential to liberate people, change lives, and open a new chapter of history.

Longshoremen, sailors, sail-makers, cod-fishers, weavers and field hands could buy their own spreads, escape the congested and unhealthy ports, grow their own food and build their own houses, reserving some of their acres for the occasional cash crop.

They wouldn't have to slave for subsistence wages.

The noble savages would have time and energy to read the great books that inspired their leaders, and understand what the revolution had been about.



DOUGLAS SCHOOL

There were surprisingly few revolts by common people during the millennia that foreign trade and the hubris of the rich enslaved them.

Agents of the rich kept their ears to the rail; and when they heard a real revolution coming in the distance, they staged a fake revolution to fool the people.

Life then continued as usual.

The American Revolution would have been more of the same except that some of its leaders acted in good faith towards the people.

In 1915, 1916 and 1921, the Illinois Historical Society published three volumes of documents compiled by Alvord and Carter regarding the Northwest Territory during the 20 years that British monarchs held various titles to it.

Some of the documents indicate that the Wharton Brothers, a pair of Philadelphia Quakers, appraised the value of the Northwest Territory for the British Board of Trade.

Events thereafter reveal the contents of the appraisal.



DOUGLAS SCHOOL

The territory couldn't turn a profit in foreign trade in the short haul or the long haul, but if the territory could be stocked with stupid people, investors could get a modest return by fleecing them with the devices of personal and government debt.

US Congressmen bought large tracts of land in the 1790s and sold it to German farmers in the early 1800s.

Shortly after Aaron Burr is alleged to have killed Alexander Hamilton, some New York financiers gave him money to buy boats to float along the Ohio River where he'd recruit an Army to attack Spaniards on the Mississippi River.

Burr reported that there were productive German farmers on the Ohio side of the river and bedraggled looking people on the Kentucky side.

The Kentuckians fought with their teeth, like dogs and cats.

The Ohio farmers confused Burr because he didn't know the German language. He knew there were people known as Pennsylvania Dutch, but where did the Germans in Ohio come from?

They weren't interested in the New York war and he moved on.



DOUGLAS SCHOOL

The city of Chicago grew out of a watery, stinky, unhealthy piece of real estate.

The maps of French explorers showed that none of the Native American tribes would inhabit it.

The absence of territorial conflict for Chicago among the various tribes made the lakeside bog an ideal place for the French to establish a trading post and gather the furs that Indian hunters brought them, for shipment to one of the coasts and overseas, where they'd make somebody rich.

John Jacob Astor, of Germany, got the lion's share of wealth from the fur trade, later.

The cost of protecting the territory skyrocketed.

The British failed to remove their troops from the territory and stirred up several of the Indian nations to attack Americans who tried to homestead.

The British blamed Indian trouble on the Spanish who trolled the Mississippi River and some of its tributary streams.

The Spanish pointed the finger back at the British, while several reporters thought French settlers up around Detroit and in southern Illinois and Indiana were to blame.





DOUGLAS SCHOOL

The US Congress had to borrow money to fight the phantom enemy - giving the whole spectrum of European lords new government debt to invest their profits in.

Interest would pile up on unpaid loans and the new nation would be bankrupt forever if Congress didn't get an army of farmers seeding and harvesting the territory with the usual commodities for shipment overseas.

Territorial inhabitants must produce for export or territorial inhabitants wouldn't get the income to buy imported playing cards, wine, mirrors, velvet sofas, illustrated books, tableware and other essentials and pay the import tax on them.

In 1795, the US Congress sent agents to Greenville, Ohio, to host a treaty with a Who's Who of North American tribal leaders.

The treaty seemed reasonable when it listed Indian cessions in the area around Greenville.

A tiny cession 6-miles square looked out of place because it was in a far-off place known as Chicago; and no tribe at the treaty or any other tribe lived there and fulfilled the prerequisites to cede it.

The Treaty of Greenville laid the groundwork to establish a huge port on Lake Michigan that farmers on new cessions in Ohio would never use.\*



DOUGLAS SCHOOL

French colonists retained their ports on the west bank of the Mississippi River at St. Louis and New Orleans.

With the assistance of canals for which the Dutch are most famous, a British-American port at the southwest corner of the Great Lakes could ship products in and out of the west side of the Northwest Territory without passing through the French ports and paying them whatever toll they demanded.

The Louisiana Purchase was already in the works, but, apparently, the cautious traders of Northwest European descent didn't trust it.

Two rivers flowed to Lake Michigan in the Chicago area - the Chicago and the Calumet.

An Army engineer who came to the Chicago area in the 1820s assumed the Americans had made the Indians cede the equivalent of a township at the mouth of the Calumet.

He didn't realize that speculators saw the Chicago as the better option precisely because it couldn't be navigated.



DOUGLAS SCHOOL

The useless Chicago River could be used as an excuse to build a canal.

A canal could be used as an excuse to petition Congress for a huge donation of land to sell to finance the canal, as well as build the canal.

Illinois officials would sell the land, and not the US Treasurer, leading to original titles that were harder to trace back to the 1785 Land Act and its anti-tax reservations.

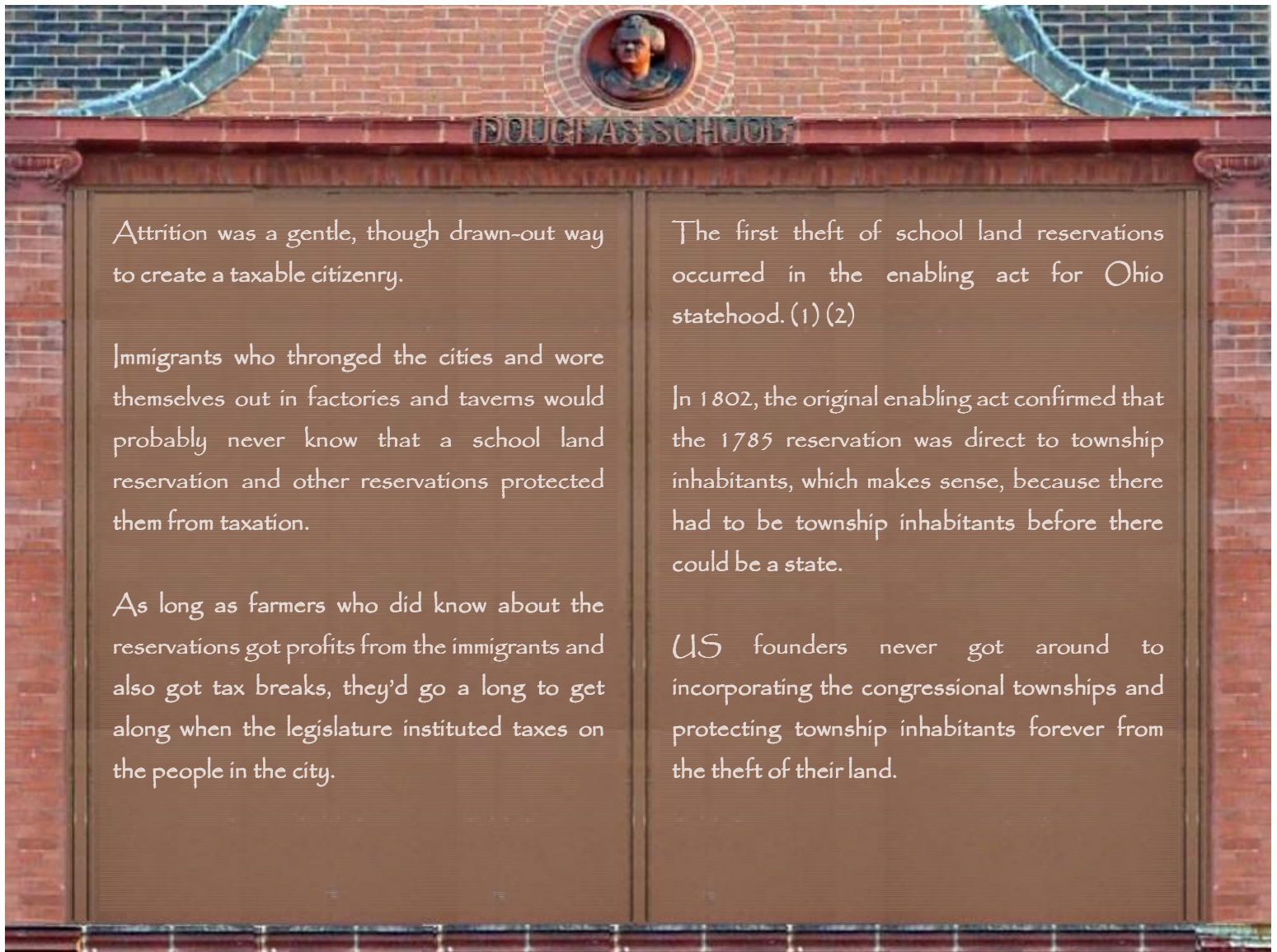
Original purchasers would get the land cheap and then sell it for great profit.

Windfall profits could then be invested in government debt and mortgages, in due time, when American resistance to mass immigration of alien nationalities could be worn down.

A spoonful of sugar would make the medicine go down.

When Americans filled up the farmland, they'd appreciate a domestic market for their produce.

A city full of immigrants working in factories and living on tiny lots with no room for gardens and grazing wasn't exactly an ideal market, but it was a market.



Attrition was a gentle, though drawn-out way to create a taxable citizenry.

Immigrants who thronged the cities and wore themselves out in factories and taverns would probably never know that a school land reservation and other reservations protected them from taxation.

As long as farmers who did know about the reservations got profits from the immigrants and also got tax breaks, they'd go a long to get along when the legislature instituted taxes on the people in the city.

The first theft of school land reservations occurred in the enabling act for Ohio statehood. (1) (2)

In 1802, the original enabling act confirmed that the 1785 reservation was direct to township inhabitants, which makes sense, because there had to be township inhabitants before there could be a state.

US founders never got around to incorporating the congressional townships and protecting township inhabitants forever from the theft of their land.

(1) Think British Board of Trade and other foreign investors whenever a provision of US law looks out of place.

(2) Three Acts for the admission of Ohio to the Union:

1802 April 30. Chapter 40: An Act to enable the people of Ohio to form a constitution and state government and for the admission of such state into the Union. pages 173-175.

1803 February 19. Chapter 7. An Act to provide for the execution of the laws of the United States within the state of Ohio. pages 201-202.

1803 March 3. Chapter 21. An Act in addition to, and in modification of Chapter 40, 1802 April 30. pages 225-227.

Peters, Richard (editor). Public Statutes at Large of the United States of America 1789 to 1845 March 2. Volume 2. Boston (MA): Charles C. Little and James Brown (1845).



DOUGLAS SCHOOL

In 1803, a revision of the Ohio enabling act granted school land reservations to the state instead of to the people.

The revision allowed the state to disappear school land reservations and replace them with real estate taxes to support schools.

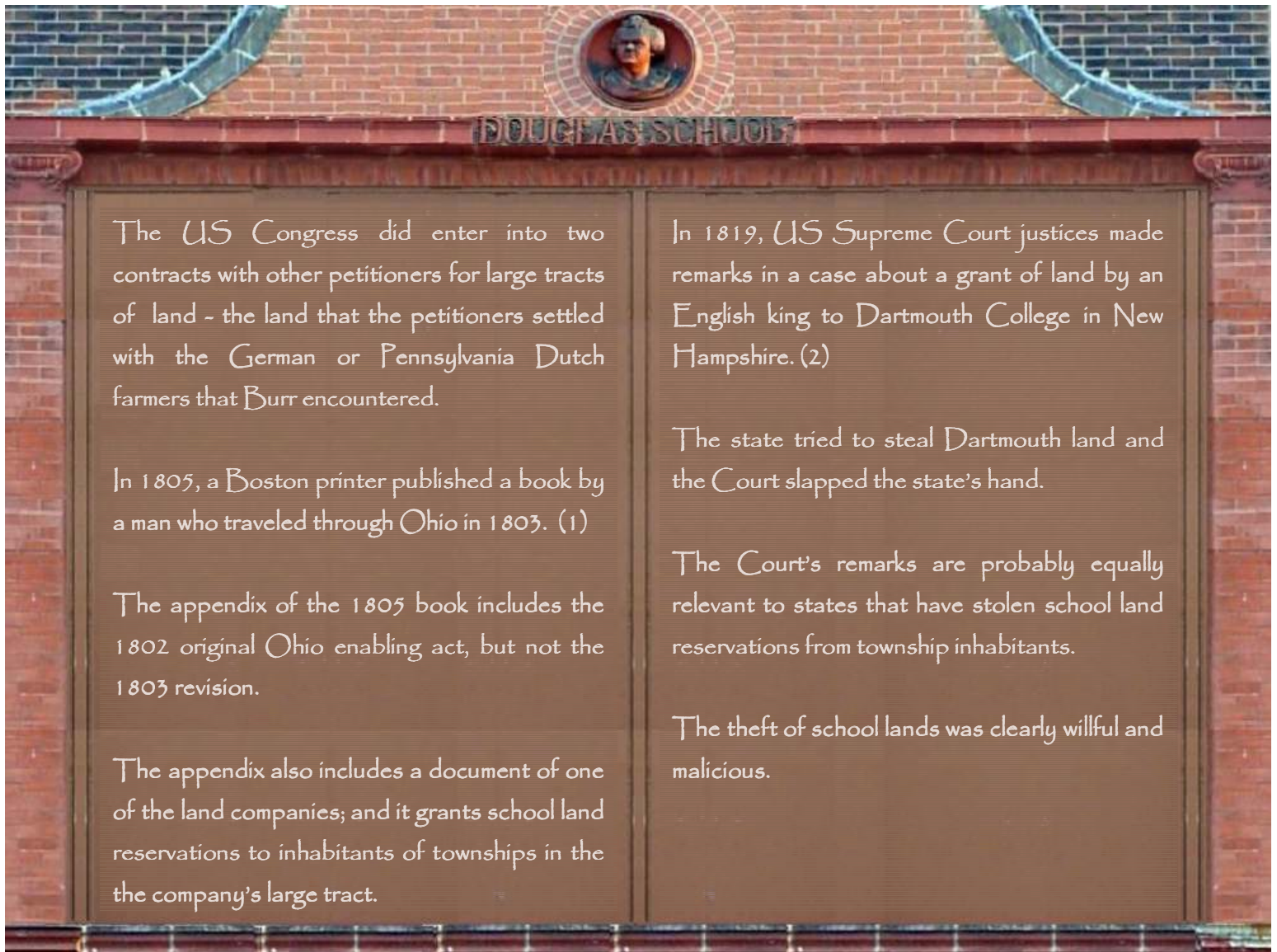
The 1803 revised Ohio enabling act was a model for the 1818 Illinois enabling act and has had a devastating effect on the inhabitants of both states and other states.

It would be interesting to know who engineered the 1803 revision of the Ohio enabling act.

While Great Britain held title to the Northwest Territory, the Whartons worked closely with Ben Franklin on plans for the territory.

They also petitioned the Board of Trade for the privilege of purchasing a large tract of land in southeast Ohio, not far from Philadelphia.

The war ended British jurisdiction and the US Congress refused to give the Whartons what they still wanted after the war.



The US Congress did enter into two contracts with other petitioners for large tracts of land - the land that the petitioners settled with the German or Pennsylvania Dutch farmers that Burr encountered.

In 1805, a Boston printer published a book by a man who traveled through Ohio in 1803. (1)

The appendix of the 1805 book includes the 1802 original Ohio enabling act, but not the 1803 revision.

The appendix also includes a document of one of the land companies; and it grants school land reservations to inhabitants of townships in the the company's large tract.

In 1819, US Supreme Court justices made remarks in a case about a grant of land by an English king to Dartmouth College in New Hampshire. (2)

The state tried to steal Dartmouth land and the Court slapped the state's hand.

The Court's remarks are probably equally relevant to states that have stolen school land reservations from township inhabitants.

The theft of school lands was clearly willful and malicious.

(1) (slides 492+)

Harris, Thaddeus Mason (1768-1842) (author). The journal of a tour into the territory northwest of the Alleghany Mountains ; made in the spring of the year 1803: with a geographical and historical account of the state of Ohio; illustrated with original maps and views. Boston: Manning & Loring (1805).

(2) (slides 177+)

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)



Midland Warehouse. Western Avenue 1500S. Chicago, Illinois. 2005 March 11.




Bessie Louise Pierce

A History of Chicago  
Volume I: The Beginning of a City 1673-1848

New York/London: Alfred A. Knopf  
copyright University of Chicago  
1937

Pierce, Bessie Louise. A History of Chicago (Volume I: The Beginning of a City 1673-1848). New York/ London: Alfred A. Knopf. (copyright 1937, University of Chicago)






In 1815-1825, plans for a canal from Chicago to the Illinois River to the Mississippi meant that Chicago would be an entry for settlement of the west and also a great port for commerce between east and west.

In 1825, the Erie Canal designed a route from the east coast through the great lakes to Chicago.

In 1827, at the request of Illinois officials, Congress granted land to the state along the proposed route of the canal from Lake Michigan to the Mississippi.

East Coast capitalists had refused to invest in the Illinois-Michigan canal; and Illinois officials wanted the congressional donation so they could sell the land to finance the building of the canal.

State officials appointed several successive commissions to manage land sales and canal work.



In 1830, James Thompson, a surveyor for the Illinois-Michigan Canal Commission, gave Chicago a definitely plotted existence.

He laid out a town and sold lots at \$5-\$20 each to cover the cost of the survey.

The lots were in the south half of section 9 in Township 39N, on both sides of the Chicago River, just west of the lakeshore.


Speculators and migrants bought and traded the lots for their own profit.

In 1831, Cook County gave Chicago 24 lots.

The proceeds of their sale were intended for public buildings, but speculators grabbed 16 lots immediately.

1832-1834, soldiers involved in the Blackhawk War reported that speculators had already bought up at high prices all the building lots in the town.

The US Congress granted funds for a lighthouse and harbor at Chicago.



The Section 16 school land reservation of Township 39N lies just south of the lots that Thompson sold in 1830.

The school land is bounded by State, Madison, Halsted and Roosevelt.


After the Indians got their pay for signing the treaty that ended the Blackhawk War, 95 white men petitioned the Cook County commissioner of school lands to sell Section 16 off in lots.

They wanted to buy the lots on credit at 10% interest for 1-3 years.

In 1833 October, they got 576 acres for a total auction price of \$38,700.

The transaction was heralded as a significant financial evolution of Chicago.

It drew together many people from various States of the Union.



In 1834-1835, the state floated a loan on the East Coast to finance canal construction.

At the same time the state borrowed money to build the canal, speculators sold canal land for \$80,000 for which they'd paid \$5,000.

Speculators from eastern and southern states flooded Chicago.


They could make a 100% profit in a few months.

In 1835, a 100-ton schooner entered the Chicago river.

Chicago immediately became the leading port of the west; and trade shifted from New Orleans and the Mississippi to the Great Lakes and New York.

Real estate speculation occurred all over the nation, but federal grants gave speculation a special stimulus in Chicago.

In June, a sale of canal land in Chicago raised \$354,000 in two weeks, with additional speculation on city lots.



1835 January-October, the auction firm of Augustus Garrett sold real & personal property for \$1,800,000.

In 1836-1837, loans were easy to get on the East Coast and in foreign countries to buy land in Chicago and along the routes of the IM canal and other internal improvements.

There were no credit checks.


East Coast capitalists made Chicago their business center.

The US Treasurer continued to sell public lands at the minimum price of \$1.25 per acre.

In 1836 June, canal lots sold for \$1,041,344 and one Chicago lot sold for \$22,000.

1834-1837, Chicago's major export was title papers for town lots and for public lands further west.

Too many speculators and too few supplies inflated the price of food and other necessities.



1829-1840+, farmers in Indiana's Wabash River Valley asked for and got the Vincennes Road to carry their produce to Chicago.

They defeated the monopoly of St. Louis merchants and shippers for supplying Illinois.


Chicago inhabitants had only furs and dried meat for spare cash to pay the farmers.

### Chicago population growth:

1829	30
1830	40-50
1831	60
1832	150
1833	350
1834	1,800
1835	3,265
1836	3,820
1837	4,170
1838	4,000
1839	4,200
1840	4,470
1841	5,752
1842	6,248
1843	7,580
1844	8,000
1845	12,088
1846	14,169
1847	16,859
1848	20,023
1849	20,023
1850	29,963

#### Chapter 3, The Speculative Era

Pierce, Bessie Louise. A History of Chicago (Volume I: The Beginning of a City 1673-1848). New York/ London: Alfred A. Knopf. (copyright 1937, University of Chicago)




Petition for Sale of School Lands (undated).

in chapter: Early Schools of Chicago  
(incorporates excerpts from the Fourth Annual Report to  
Board of Education by the Superintendent of Schools,  
William H. Wells, 1858 March 20)

page 288  
Henry H. Hurlbut  
Chicago Antiquities  
Chicago: Fergus Printing Company  
(1880)

found at [www.google.com](http://www.google.com)




'The undersigned, your petitioners, inhabitants of Congressional Township 39N, Range 14E, represent that they are desirous of having Section 16 in said township sold, for the purpose for which it was given.

'Your petitioners are of the opinion, that it would promote their interest by selling said section on a credit of 1, 2, and 3 years, under the provision of the act authorizing a credit on the sales of school lands, and at an interest of not less than 10% per annum, payable semi-annually in advance.'

Petition for Sale of School Lands (undated). in *Early Schools of Chicago* [incorporates excerpts from Wells, William H. (Superintendent of Schools) (1858 March 20). *Fourth Annual Report to Board of Education.*] (page 288). in Hurlbut, Henry H. (1880). *Chicago Antiquities*, (comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

Found at [www.google.com](http://www.google.com)





We are informed that the petition received 95 signatures, embracing most of the principal citizens of the town.


We have heard it intimated that the above-named petition, though ostensibly signed by 95 citizens, yet really fell much short of that number, if genuine signatures and citizenship only were to be taken into account.

That spirit of patriotism, it has been suggested, may possibly have been prevalent, which perceived a small and incidental public benefit and interest, by directly furthering a greater one, that of their individual selves.

We need not speculate, however, concerning the mania of that speculative era, but will take the occasion to say, that there was at least one gentleman, then and still a resident of Chicago, who did not sign that petition.

Early Schools of Chicago [incorporates excerpts from Wells, William H. (Superintendent of Schools) (1858 March 20). Fourth Annual Report to Board of Education.] (page 288). in Hurlbut, Henry H. (1880). Chicago Antiquities, (comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

Found at [www.google.com](http://www.google.com)



Mr. Philo Carpenter opposed the sale of the school section at that time; and when he found a sale determined on, he used all the arguments at his command, to prevail on the Commissioner to sell alternate blocks in said section, retaining one-half at least until some future day.


In 1833 October all but 4 of the 142 blocks of section 16 (township 39N), were sold at auction for \$38,865, on a credit of 1, 2, and 3 years.

The remaining blocks are now (1858) valued at \$0.7 million.

The value of that portion which was sold is now (1858) estimated at \$12 million.

Early Schools of Chicago [incorporates excerpts from Wells, William H. (Superintendent of Schools) (1858 March 20). Fourth Annual Report to Board of Education.] (page 288). in Hurlbut, Henry H. (1880). Chicago Antiquities, (comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

Found at [www.google.com](http://www.google.com)



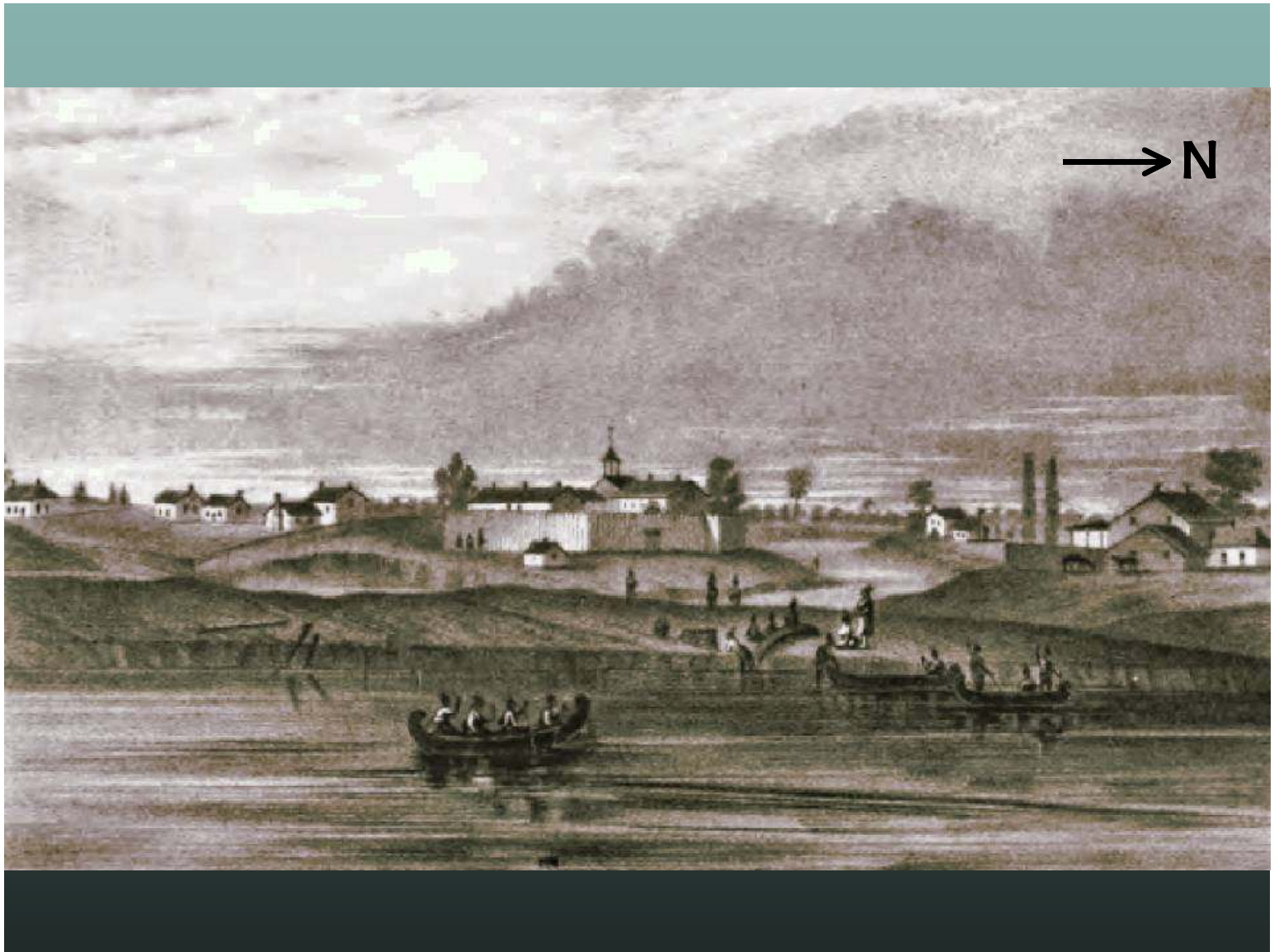
In 1834, Miss Elizabeth Chappel, of New York, was the first teacher to be paid out of revenues from the sale of section 16 township 39N.

Her school for children later converted to a teacher training college.

She married Rev. Jeremiah Porter of Wisconsin.

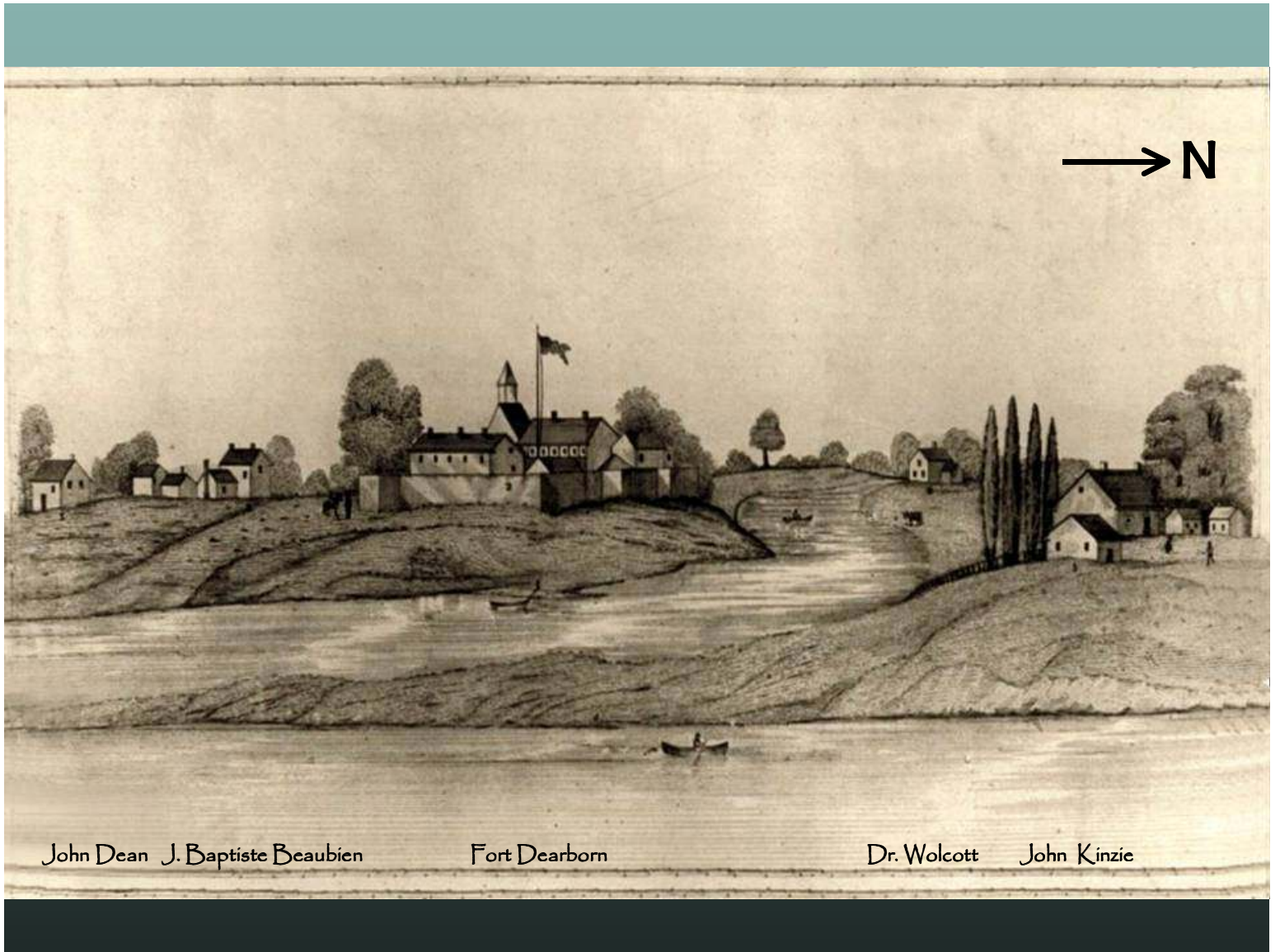
Early Schools of Chicago [incorporates excerpts from Wells, William H. (Superintendent of Schools) (1858 March 20). Fourth Annual Report to Board of Education.] (page 288). in Hurlbut, Henry H. (1880). Chicago Antiquities, (comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).

Found at [www.google.com](http://www.google.com)



Chicago (1820). Looking west from Lake Michigan shore.

in Hurlbut, Henry H. (1880). *Chicago Antiquities*, (comprising original items and relations, letters, extracts, and notes, pertaining to early Chicago; embellished with views, portraits, autographs, etc.. Chicago: Fergus Printing Company (printed for the author) (1881).



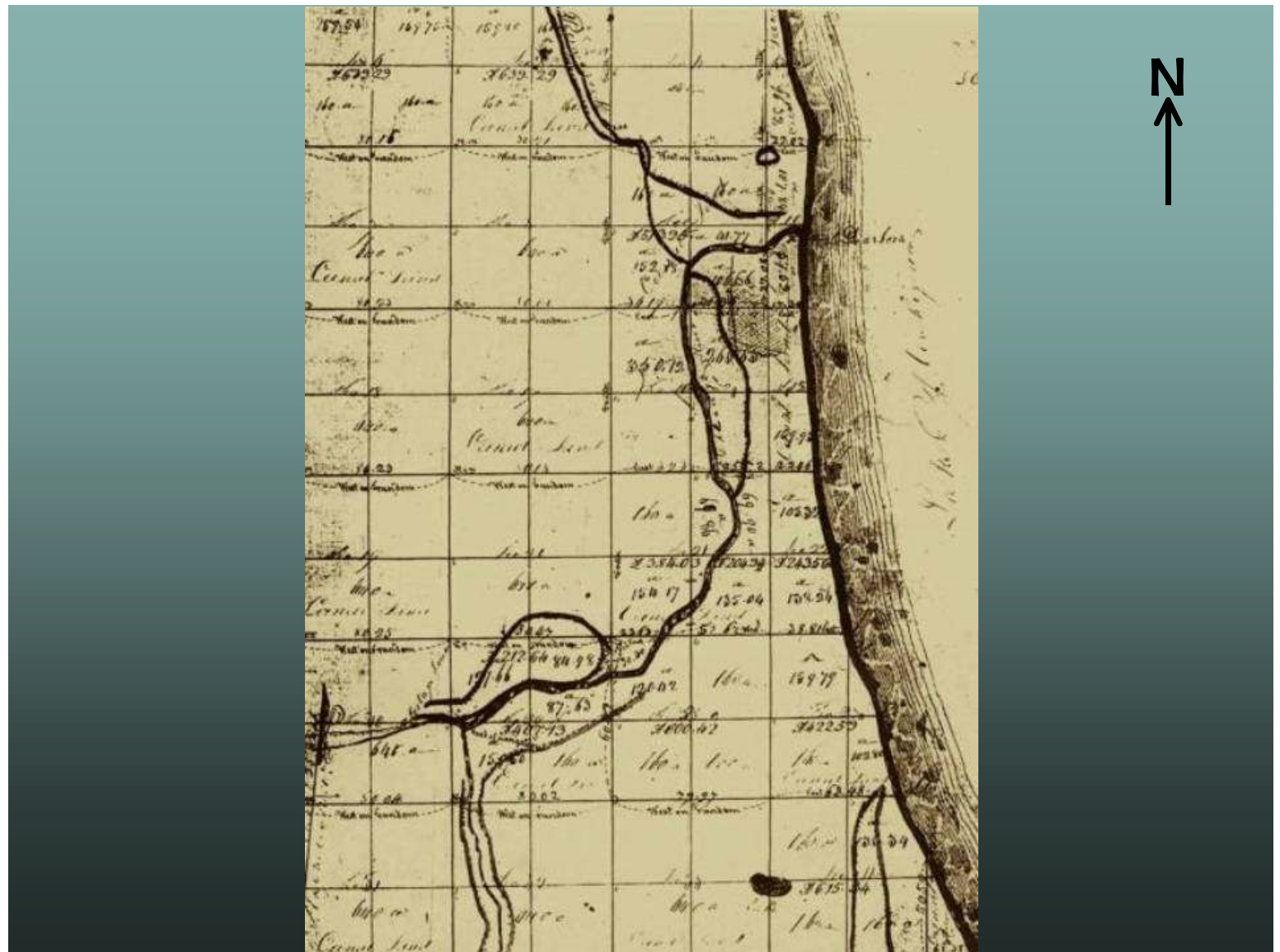
John Dean J. Baptiste Beaubien

Fort Dearborn

Dr. Wolcott

John Kinzie

Chicago. Looking west from Lake Michigan shore.



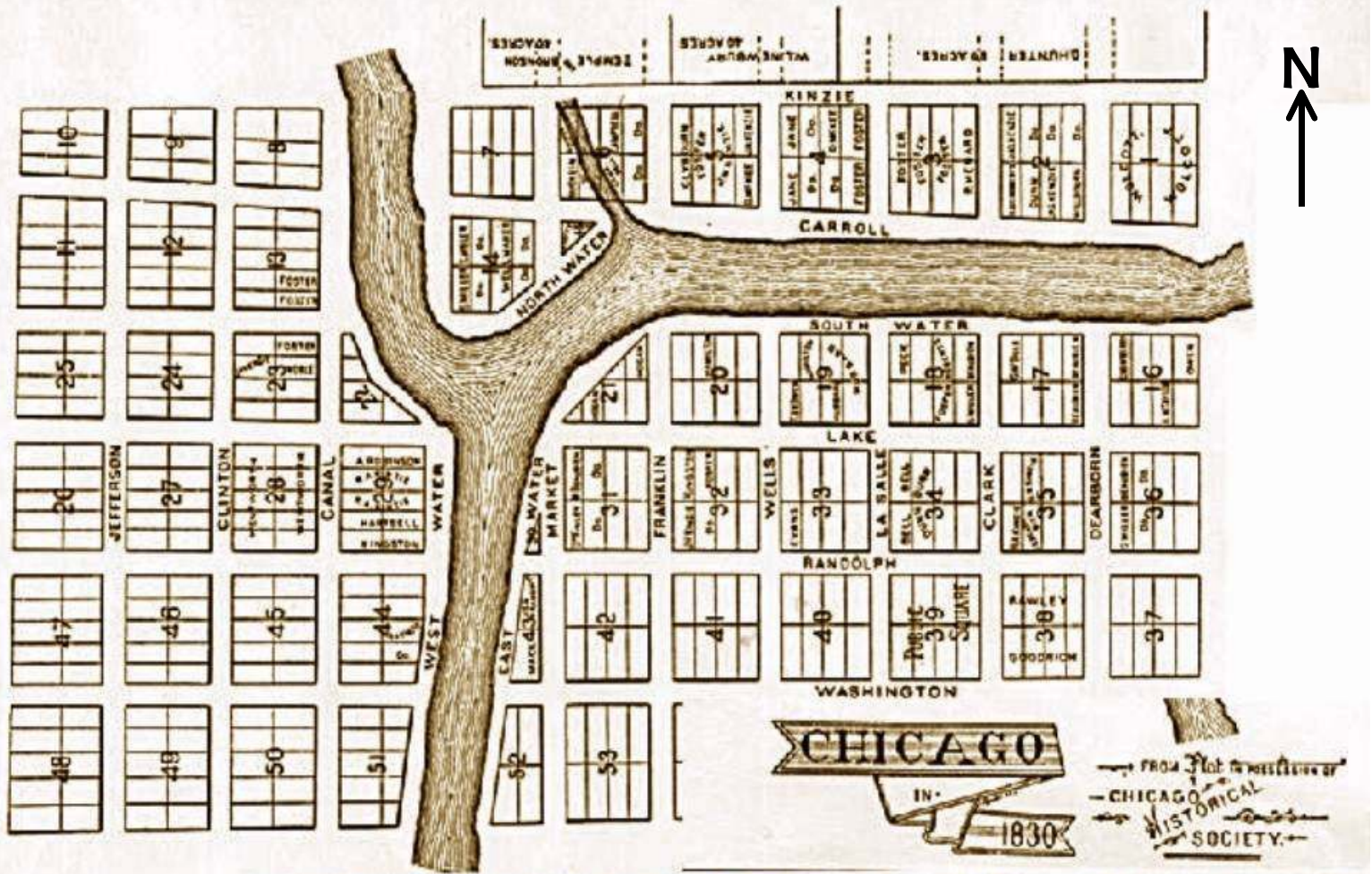
US Surveyor (1821). Chicago area survey plat.

The area was surveyed in 1821 as part of the federal land survey of Illinois. The land along the canal corridor was among the earliest land surveyed in northern Illinois, since the anticipated canal would presumably prompt land sales nearby before other areas were accessible. The federal land surveys typically took brief note of the conditions of the land that was being surveyed. These surveys are the first accurate and reasonably standard descriptions of the northern Illinois countryside.

Found at University of Illinois website (Bridgeport neighborhood).  
[www.uic.edu/orgs/LockZero/3image/1821a9.html](http://www.uic.edu/orgs/LockZero/3image/1821a9.html)



Chicago (1833). Looking west from Lake Michigan shore.  
available at Chicago Historical Society (Chicago History Museum).



From A.T. Andreas' "History of Chicago from the Earliest Period to the Present Time". Chicago: A.T. Andreas, Publisher, 1884.

Thompson, James (surveyor) (1830). Chicago. Looking north from Madison at State..

James Thompson came to Kaskaskia from South Carolina in 1814. He was a skillful surveyor and prominent local politician in Randolph County, Illinois. 1830 (August 4), Thompson was a surveyor for the Illinois & Michigan Canal Commission who completed a plat of Chicago (a 267-acre portion of Section 9, Township 39, Range 14 E of the third principal meridian, a system of surveying governed by the Federal Land Ordinance of 1785. The map was lithographed in St. Louis. It was the first effort to give shape and outline to the small settlement and established the foundation for legal titles to Chicago real estate. The task completed, Thompson returned home and later became a judge.

In the process, Thompson gave name to many of the downtown streets, including Randolph Street, which he named in honor of his home county. The area mapped was bound by what are now Kinzie, Madison, and DesPlaines Street. In 1830, State, Madison, and DesPlaines streets weren't named.

It should be realized that until much later in the 1830s the actual settlement was considerably smaller than the area covered by the plat.

The original plat in the Recorder's Office was destroyed by the 1871 fire, but copies are within the Chicago History Museum (see Maps, 1830, James Thompson).

found at <http://www.earlychicago.com/encyclopedia.php?letter=T>



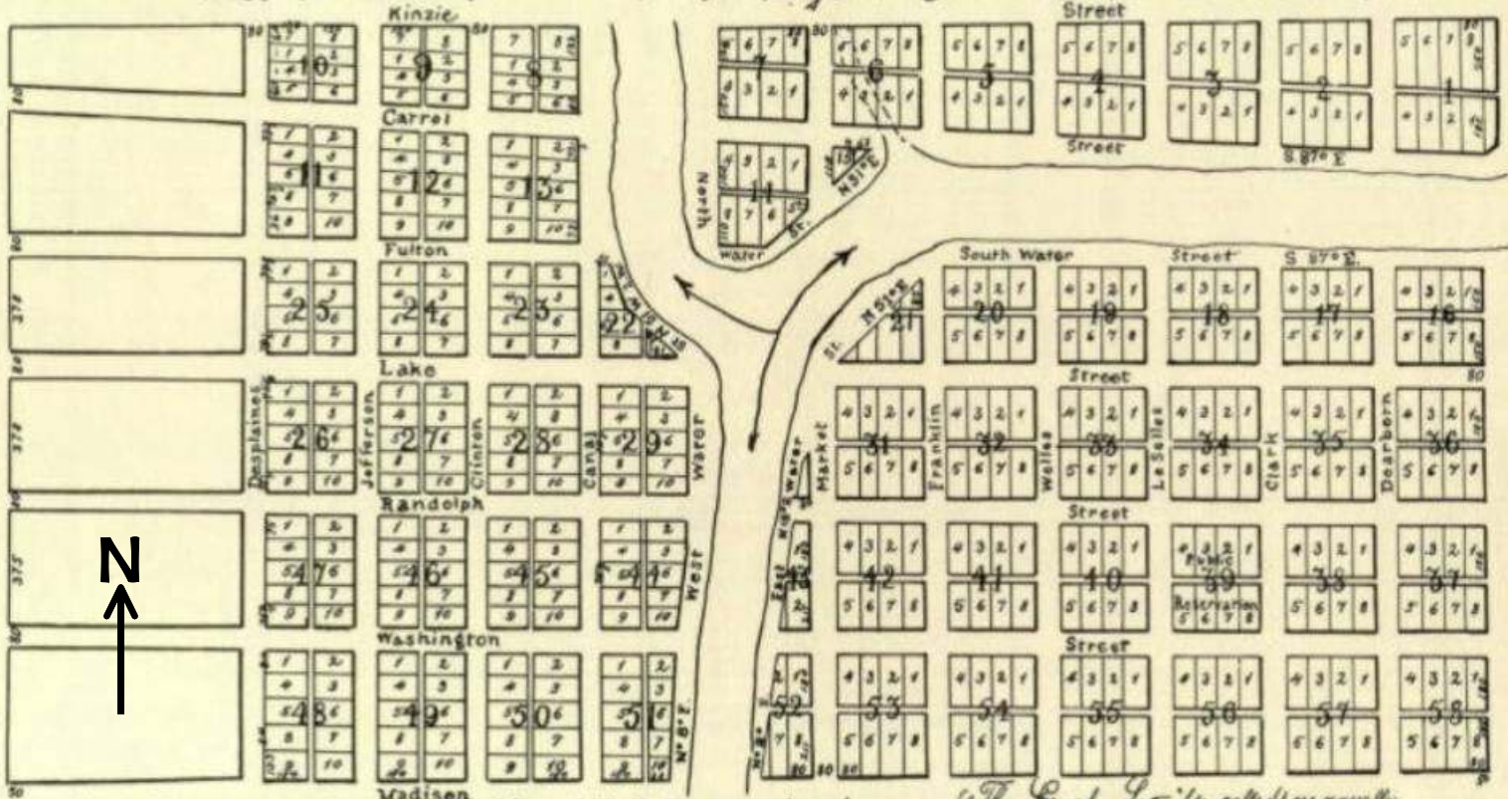
Copy from the first map of Chicago - date 1834 -

Compiled from the Four Original Surveys as filed in the

**COOK COUNTY**

Clerks Office.

North 1/2 - Section 9 - Township 34 - Range 14 E. 3rd P.M. By JOSHUA MATHAWAY JR.

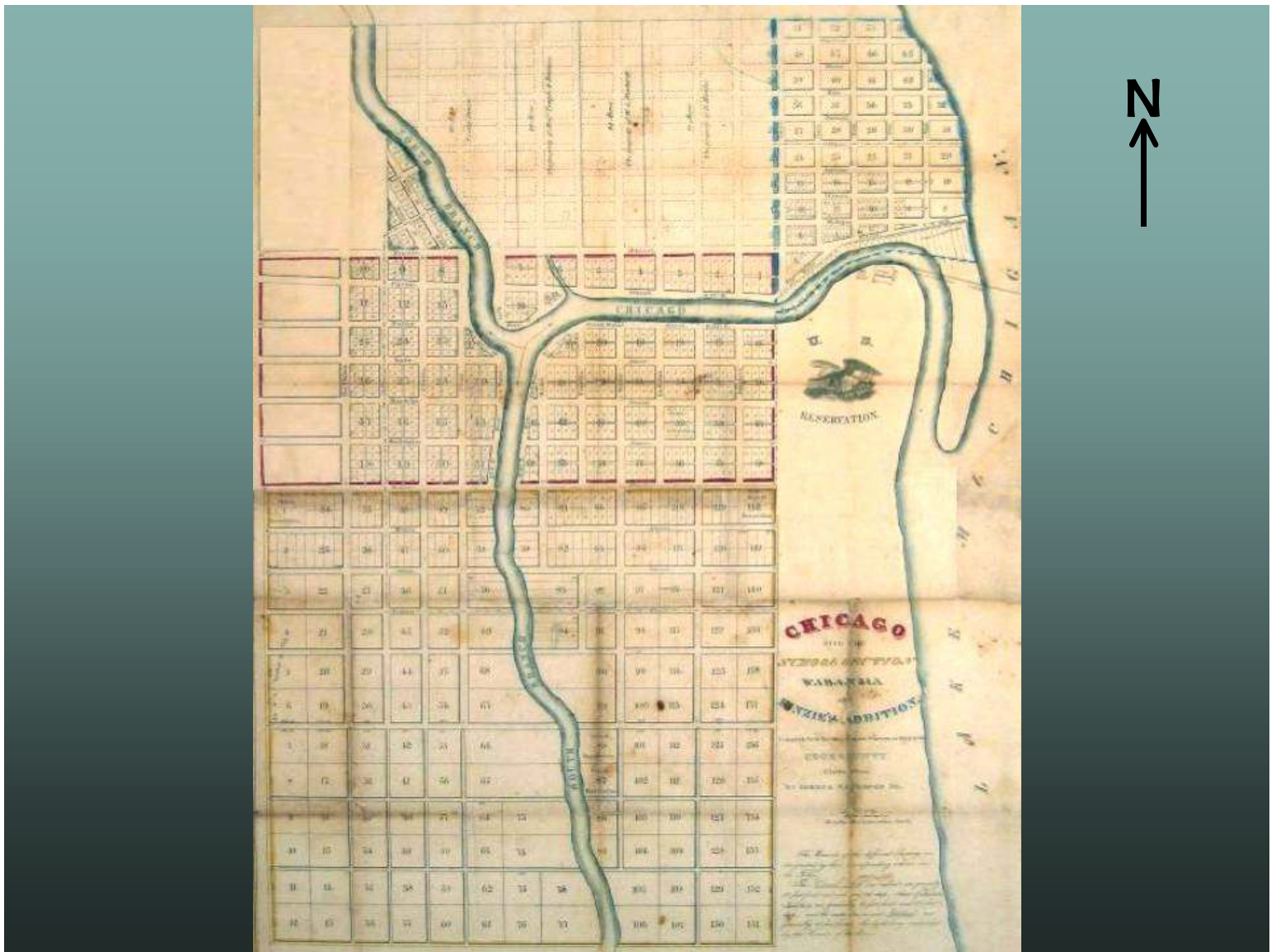


THIS CERTIFIES that I have the original from which this Map was made, and from records in the abstract office of Handy & Co., believe it to be the first ever published. It has on it Wabansia's Addition, bearing date June 10, 1834, on the records. The next year Sept 19, this subdivision was changed, which change does not appear on this map.  
Chicago, Feb. 16, 1852. HENRY C. BROWN, with HANDY & Co.

The Canal Lots, we called originally 80 feet front and rear and 100 deep - those of Kinzie Addition are generally 50 feet front and 100 feet deep and the water lots in said Addition are generally 60 feet front the north being controlled by the course of the River.

Exhibit B

Brown, Henry C. (1852). Reproduction of 1834 map of Chicago lots on record with Cook County clerk. Found at Illinois Secretary of State website (Illinois & Michigan Canal) [www.cyberdriveillinois.com/departments/archives/i&mpack/i&mexb.html](http://www.cyberdriveillinois.com/departments/archives/i&mpack/i&mexb.html)



Hathaway, Joshua, Jr. Chicago [cartographic material] : with the school section, Wabansia, and Kinzie's addition : compiled from the four original surveys as filed in the Cook County Clerk's Office. New York: Peter A. Meisner (lithographer) (1834)

Published in Holland, Chicago in maps 1612-2002, p. 62-63.

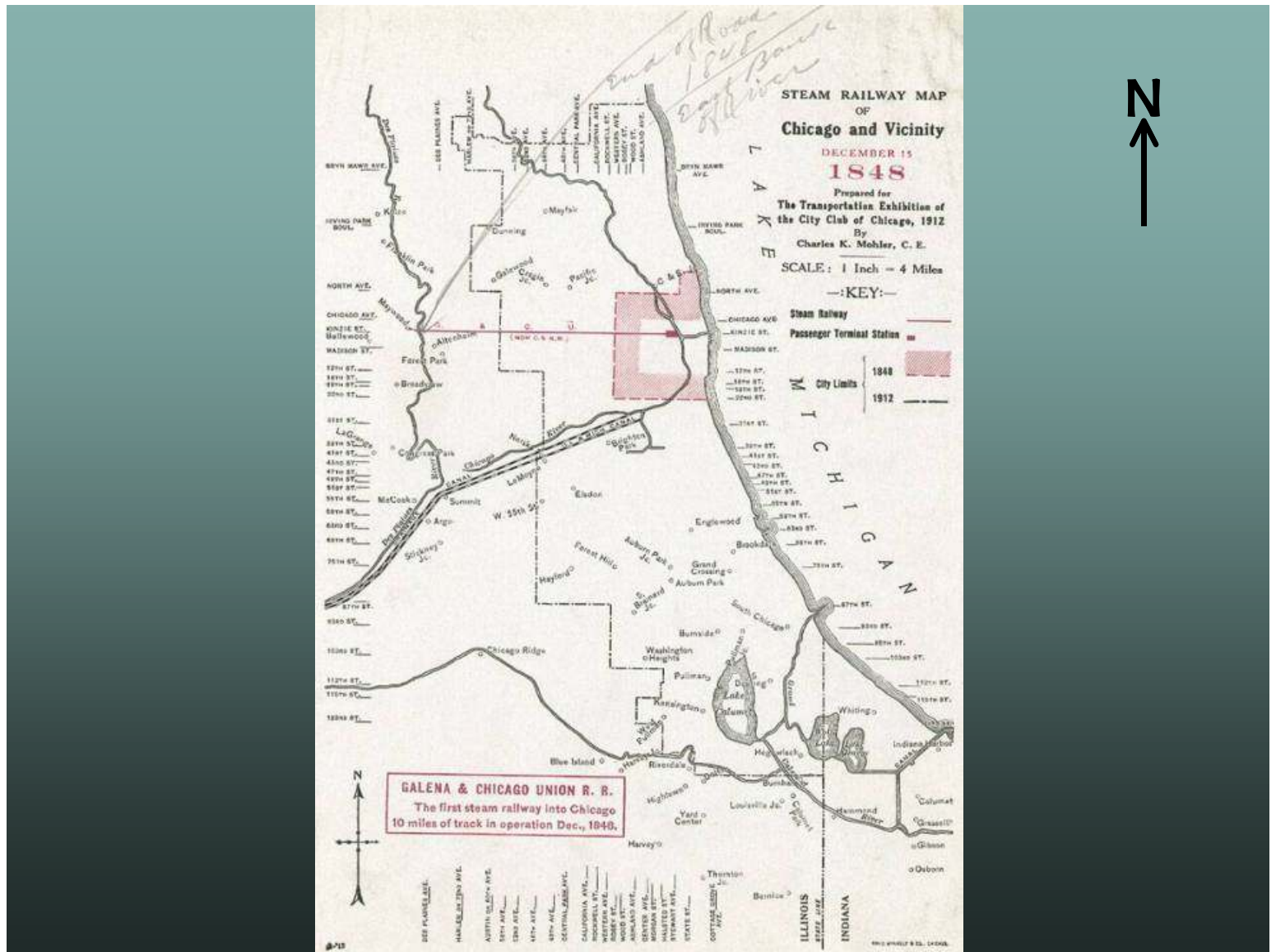
Map provided by The Philadelphia Print Shop, Ltd. found at <http://www.earlychicago.com/maps.php?map=43>

Also Everett D. Graff Collection of Western Americana. Newberry Library Special Collections 4th floor. Call # VAULT map Graff 1817. Found at <http://www.newberry.org/exhibits/images/HathawayChicago.jpg>.

With educational packet found at [www.newberry.org/exhibits/edkits/MMD2.pdf](http://www.newberry.org/exhibits/edkits/MMD2.pdf)

"The feverish land speculation ignited by plans to construct the Illinois and Michigan Canal prompted Chicago's first real estate maps. To facilitate the sale of his parcels, John H. Kinzie commissioned Joshua Hathaway to produce a revised plat, incorporating the blocks James Thompson had surveyed in 1830 within a broader area. When New York lithographer Peter A. Meisner printed 600 copies of Hathaway's map in 1834, it became the first published map of the city. As property values skyrocketed, the population swelled from a few hundred in 1830 to over 4,000 by 1837. After the economic panic of 1837 ended the real estate frenzy, more than a decade would elapse before another map of the entire city appeared.

"In 1830, the first legal boundaries of the city of Chicago were made, which divided the city into 58 different real estate blocks. Almost immediately afterwards, Chicago experienced a real estate boom, due in large part to the anticipated construction of the Illinois & Michigan Canal. As a result, the population grew from a few hundred in 1830 to over 4,000 in 1837. The cost of land and the size of plots varied greatly depending on location; \$35 (the equivalent of nearly \$800 today) would purchase a plot just over half an acre in size near Lake Michigan along the Chicago River; \$2.50 (the equivalent of just over \$56 today) would get a person two full acres just west of the Chicago River. The original real estate blocks of 1830 are still used today ..."



found at <http://library.lakeforest.edu/collections/railroad/railmaps/1848.jpg>




Herrick, Mary J.

The Chicago Schools: A Social and Political History

Beverly Hills/London: Sage Publications  
(1971)

Herrick, Mary J. (1971). The Chicago Schools: A Social and Political History. Beverly Hills/London: Sage Publications.



The land sold in 1833 was the gift of the federal government.

Congress had stipulated in the 1785 Ordinance that surveyors must mark off one square mile in each congressional township for a school.


Section 16 was to be so marked.

The unbelievable waste of this gigantic gift to 29 states is one of the starkest tragedies in the history of the U.S.

By 1831, more than 25% of 985,141 Section 16 acres given to Illinois had been sold.

Much of the school land was sold for less than \$1.25 an acre.

Unscrupulous pioneers cut valuable wood off school lands, reducing their value further.



Chicago's Section 16 had been kept intact and in 1833 it yielded a hypothetical school fund of \$38,619 paying interest.


Four blocks weren't sold.

They're the blocks along the river between Polk and Harrison, and at the northwest corner of Madison and Halsted, and at the northeast corner State and Madison.

The four scraps brought no revenue for 10 years.

In 1843, the State and Madison block was divided into 16 lots that were rented on a 7-year lease for 'no less than \$30' a year.

The other two scraps were rented out for agricultural purposes.




Lieutenant Hamilton - who'd been in Chicago as an officer at Fort Dearborn since 1812, and was a son of Alexander Hamilton - was disturbed by the demand that school land be sold so soon in the development of Chicago.

Only 12 families with children lived around the fort in 1830.

Less than 30 children lived near the fort in 1832, and there were no more children in 1833.

Two of every three adults were men out to make their fortunes as fast as they could and without scruples.

Hamilton doubted that men who scrawled their names on the petition were concerned about schools for other peoples' children rather than getting land cheap for themselves for speculation.




The town druggist publicly challenged some of the names as fraudulent - their owners could not legally be voters.

Nonetheless, the new town government accepted the petition.

Hamilton had to arrange the sale because state law required the sale of school land as soon as 75% of white voters in a township so asked.

Hamilton reserved for himself the four blocks he didn't sell, including a block at State and Madison that was likely to be the most valuable block in the school section.





The average return on an acre of school land was \$67; and most of the \$38,620 realized by the sale was in promises to pay.

Hamilton and Bates didn't act in collusion with land speculators, but, within two years, adjacent land along the Illinois-Michigan canal route, sold for five-times the price.


Hamilton, who was also in charge of canal land auctions, told men at the school land auction that Chicago would have 50,000 people some day.

The men scoffed and bought low.

State law allowed purchasers of school land three years to pay the auction price in full if they paid 10% interest in advance.

A 40-foot lot on State sold for an average price of \$20, for which the purchaser need pay only \$2 down.

He'd be able to sell the lot for \$20 or more in a few months in cash, and buy new land on the same margin.



Millions of acres granted to the states by Congress for schools had already been sold at \$1 per acre or less.


Illinois law said that income from school lands was to be divided among the schools of the township that admitted orphans and indigent scholars and tallied the number of children enrolled and days attended.

Teachers didn't have to admit pauper children who were bound out, if their masters promised to teach them to read and write.

In 1832, Hamilton had donated a 12-foot square log stable north of the river for a school; and John Watkins, a young Easterner, taught reading to four white and eight Indian children seated on old boxes.

A school at the Presbyterian church served 20 children. The Baptist church taught a handful of boys.

Before the sale of school land created a school fund, school income was limited to the \$2 per quarter per child that parents paid.




At the end of 1837, Chicago had 4,000 people and five schools that served 325 children.

The schools were closed because wild speculation in Chicago real estate led to a nation-wide depression and interest income from the school fund dried up.

Also in 1837, Chicago leaders asked for and got a new city charter from the state legislature.

It created six wards to elect one aldermen each to a city council.

The Schools of Frontier Chicago. Chapter 1 in Herrick, Mary J. (1971). *The Chicago Schools: A Social and Political History*. Beverly Hills/London: Sage Publications.




The state required the City Council to consider a report by the County Commissioner of School Lands regarding rental income from unsold school land and the status of the county-wide school fund.

Chicago would divide its share of the school fund among the schools; and appoint seven school inspectors to manage the distribution.

The county could create school districts, the inhabitants of which would elect three trustees.

The trustees had the power to levy a local school tax equal to or less than 0.5% of the assessed valuation of property in the district.

There was no punishment for failure to pay the tax, and no one really paid it.



Chicago officials steadily extended their control over schools.

In 1839 the state amended the 1837 Chicago charter to give the City Council, instead of Cook County, full control of school lands and the school fund, as well as the power to appoint trustees and control all school contracts.


School contracts had become big enough to be politically useful.

Chicago graduated from a stinking bog to a mud hole in the prairie.

In 1837-1841, life in Chicago was bleak. Land speculators departed and the city's seven little churches lost most of their congregations.

Chicago had accumulated a \$2.85 per capita debt that it couldn't pay because of the the depression it set off in 1837.

City employees and creditors were paid in 'scrip' at a 40% discount.



Illinois went bankrupt in 1841 and paid only 20% of what it was supposed to pay on outstanding bonds.

Illinois' internal improvement program died and work on the canal stopped.

Irish laborers who dug the canal had arrived penniless from the 1840 potato famine.


In 1843, 37% (2,256 of 6,082) Chicago inhabitants were foreign-born - 13% Irish, 13% German and Norwegian, 11% other European and Canadian.

The city paid little attention to schools in the confusion of unemployment and depression.

In 1837, schools had \$3,062 for 325 children.

In 1841, schools had \$3,007 for 325 children.

Schools gave more children to teachers to reduce the number of teachers and keep schools open.



The depression ended in 1842,  
and the city flourished again.

Real estate speculation  
resumed.

In 1841, 212 bushels of grain  
passed through the city.


In 1842, 586,907 bushels of  
grain passed through the city.

In 1846, 70,000 wagons  
trundled their loads into the city.

In 1848, the canal was ready  
and cut two weeks off the  
shipment of sugar from New  
Orleans to Buffalo; and  
farmers began to buy  
McCormick reapers.

In 1850, Chicago's city council  
sold Fort Dearborn to the  
Illinois Central Railroad for  
\$45,000.

Illinois gave IC 200 feet on both  
sides of its right-of-way.



In 1852, Chicago gave IC the whole lakefront on the condition that IC build a breakwater.


Chicago got the breakwater; and Illinois officials got 7% of the railroad's income.

In 1854, six railroads had 2,933 miles of track heading to Chicago.

Chicago real estate values skyrocketed.

The valuation of real estate for tax purposes increased from \$238,842 in 1837 to \$4,995,466 in 1847, even before the canal and railroads began to operate.





School land at State & Madison valued at \$20 in 1833 was valued at \$17,500 in 1851 and \$40,000 in 1855.

In 1837-1847, Chicago population increased 450% percent.

School spending rose three times, but new wealth had no influence on the fixed amount of the school fund or even the rental income established by 7-year leases on unsold school land in 1843.

In 1843, the student:teacher ratio was 102:1 (eight teachers for 818 children).

In 1845, the paper value of the school fund was \$46,848, but Chicago officials had invested the fund unwisely and lost \$16,300.

The city donated tax revenue to the schools and reduced the student:teacher ratio to 78:1.


Less than 10% of children aged 5-21 enrolled in schools, and only two of three attended school on any one day.



Purchaser	Legal Description	Township	Section	Range	Meridian	Purchase Date
HERRICK E W	NESW	37N	21	12E	3	05/09/1851
HERRICK E W	W2SW	37N	23	12E	3	05/09/1851
HERRICK E W	W2SW	37N	23	12E	3	05/09/1851
HERRICK E W	FRSFEDE2NW	37N	31	12E	3	05/09/1851
HERRICK E W	NENE	37N	19	12E	3	05/10/1855
HERRICK E W	W2NW	37N	23	11E	3	05/10/1855
HERRICK EDWIN	E2SE	39N	24	12E	3	06/16/1835
HERRICK EDWIN	E2SW	39N	24	12E	3	06/16/1835
HERRICK EDWIN	W2SE	39N	24	12E	3	06/16/1835
HERRICK EDWIN	W2SW	39N	24	12E	3	06/16/1835
HERRICK ELIJAH W	FRSFRE2NW	37N	21	12E	3	05/09/1851
HERRICK ELIJAH W	NESW	37N	21	12E	3	05/09/1851
HERRICK ELIJAH W	L3BL49CHIOT					10/05/1843
HERRICK ELIJAH W	S2L6B46CHIOT					10/05/1843
HERRICK ELIJAH W	L1BL52CHIOTV					10/05/1843
HERRICK ELIJAH W	E2E2L2B53CHI					10/05/1843
HERRICK FLETCHER H	NESW	35N	11	14E	3	05/23/1848
HERRICK FLETCHER H	NWNE	42N	12	12E	3	05/26/1847
HERRICK LUTHER	NW	41N	20	09E	3	01/05/1843
HERRICK LUTHER	SW	41N	17	09E	3	02/08/1843

Original public land sales in Cook County, Illinois, to people named Herrick

Mary Herrick's father was a Chicago Public Schools high school principal. Ms. Herrick herself was a CPS high school history teacher. Her family was part of the problem. The grief she expressed at the tragic disappearance of school lands nationwide is a bit like a Mafia don daubing the tears from his eyes at the wake of a person on whom he'd ordered a hit.



Webster's Revised Unabridged Dictionary

Noah Porter, editor

G. & C. Merriam Co., publisher

(1913)

found at [machaut.uchicago.edu](http://machaut.uchicago.edu)

Porter, Noah (editor). Webster's Revised Unabridged Dictionary. Published by G. & C. Merriam Co. (1913).

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Reservation (noun):

1. Act of reserving, or keeping back; concealment, or withholding from disclosure; reserve. (Adam Smith)

Shakespeare: with reservation of an hundred knights.

Shakespeare: Make some reservation of your wrongs.

2. Something withheld, either not expressed or disclosed, or not given up or brought forward. (Dryden)

3. Tract of the public land reserved for some special use, as for schools, for the use of Indians, etc. (US)

5. (a) Clause in an instrument by which some new thing is reserved out of the thing granted, and not in esse before; (b) proviso. (Kent)

6. (a) Portion of the sacramental elements reserved for purposes of devotion and for the communion of the absent and sick; (b) term of canon law that means the pope appoints certain benefices.

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found at machaut.uchicago.edu



American Heritage Dictionary (editors)

Roget's II: The New Thesaurus

Boston, Houghton Mifflin Company

(1980)

American Heritage Dictionary (editors) (1980). Roget's II: The New Thesaurus. Boston, Houghton Mifflin Company.



reservation (noun):

(1) Public land kept for a special purpose: an Indian reservation; a reservation for wildlife;

reserve (noun):

(2) A supply stored or hidden for future use; (3) Public land kept for a special purpose.

reserve (verb):


(1) to claim in advance;  
(2) to have and maintain in one's possession.

reserves (noun):

The ability and means to meet situations effectively.

reservoir (noun):

A supply stored or hidden for future use.



Wordsmyth Dictionary - Thesaurus

found at [www.wordsmyth.net/](http://www.wordsmyth.net/)

Wordsmyth Dictionary - Thesaurus.

found at [www.wordsmyth.net/](http://www.wordsmyth.net/)



Reservation (noun):

1. an exception, limitation, or qualification, or the act of limiting or qualifying one's acceptance, belief, or the like.

Example I have reservations about taking this job.

Synonyms: doubt, second thought, qualm, suspicion.

Related words: hold, mistrust, objection, arrangement.

2. the act of setting aside or withholding.

3. arrangement made in advance, usually to secure travel, overnight lodging, or a table in a restaurant.

Synonyms: prearrangement, booking,

4. an area of land set aside by the U.S. Government for the use of American Indians.





Morris Birkbeck

Notes on a Journey in America from the Coast of Virginia to  
the Territory of Illinois (2nd edition)

London: Severn & Co.

(1818)

Birkbeck, Morris (1818). Notes on a Journey in America from the Coast of Virginia to the Territory of Illinois (2nd edition). London: Severn & Co.



At Chillicothe, Ohio (page 70):

At the office for the disposal of the public lands, the business is conducted with great exactness, on a principle of checks, which are said to prevent the abuses formerly prevailing among the land-jobbers and surveyor.

At Princeton, Indiana (page 112):

It seems that some irregularities exist, or are suspected in the proceedings of certain of the offices which are established for the sale of public lands.


Whilst we were at Vincennes, a confidential individual from the federal city made his appearance at the land office there, with authority to inspect and examine on the spot.



At Chillicothe, Ohio (page 70):

After public notice is given, the lands in question are put up to auction, excepting the sixteenth section in every township, which is reserved for the support of schools, and the maintenance of the poor.

Birkbeck, Morris (1818). *Notes on a Journey in America from the Coast of Virginia to the Territory of Illinois* (2nd edition). London: Severn & Co.



In Illinois (page 161):

In the sale of public lands, there is a regulation, which I have before mentioned, that the sixteenth section, which is nearly the centre of every township, shall not be sold.

It is called the reserved section; and is, accordingly, reserved for public uses in that township, for the support of the poor, and for purposes of education.

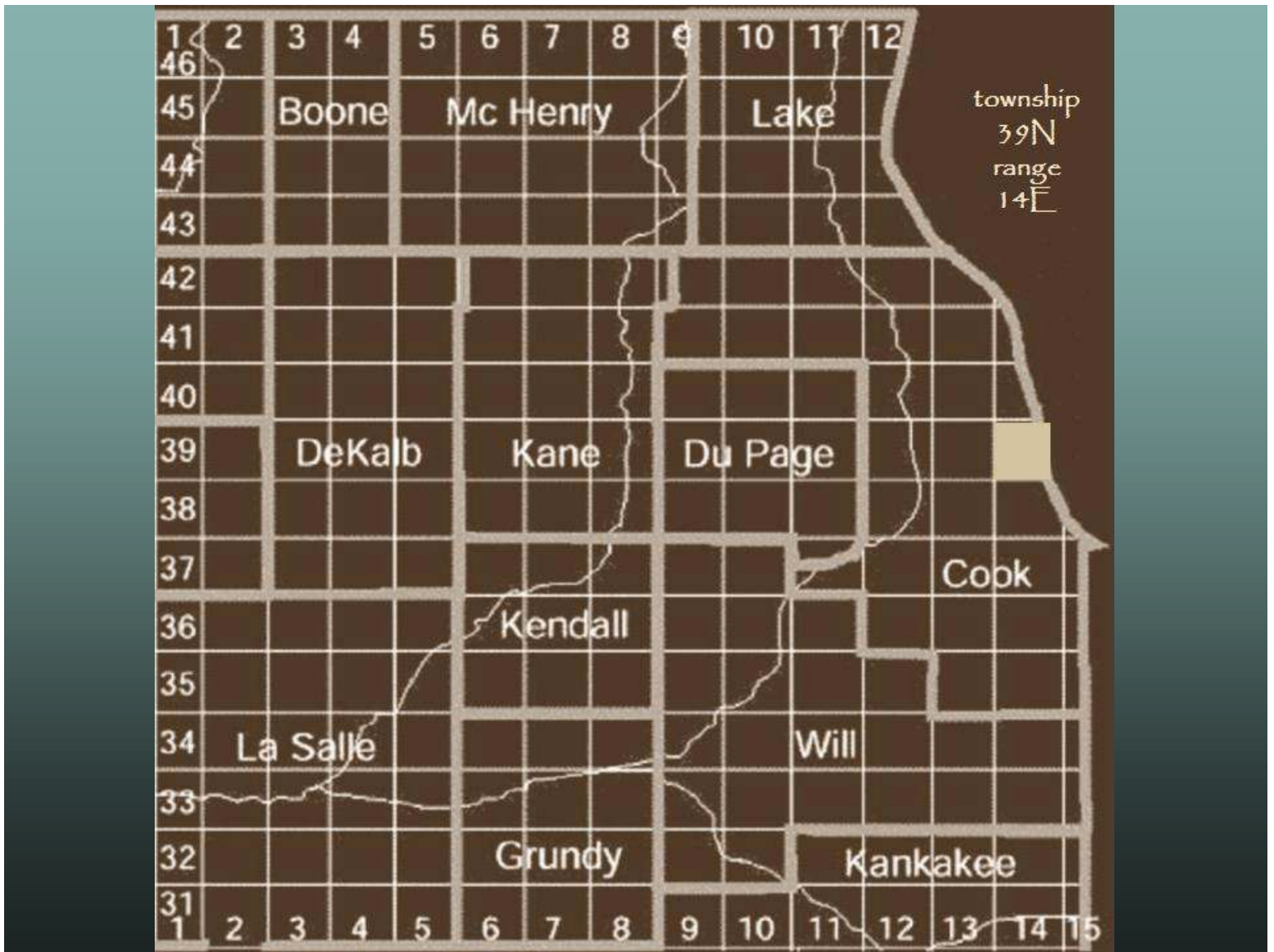
This section, being of course, at the disposal of the purchasers of the entire township, we shall, by judicious arrangements, provide out of it, not only for the objects which the wisdom of the legislature had in view, but for the present accommodation of the more indigent, but not the least valued members of our proposed community (a colony for the poor of England).



Bird's-eye-view of the business district of Chicago. Chicago (IL): Poole Brothers (1898).

Reference: LC Panoramic maps (2nd ed.), 153

Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA. g4104c pm001530 <http://hdl.loc.gov/loc.gmd/g4104c.pm001530>. #G4104.C6A3 1898 .P6



map of Congressional townships in northeast Illinois counties.  
 from unknown source.



Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
BARCKENBILE CHRISTIA	LOT3BL4VOID	16	39N	14E	10/23/1833	BOYER JOHN K	LOT5BL95	16	39N	14E	10/25/1833
BARNES HAMILTON	LOT3BL48	16	39N	14E	10/22/1833	BOYER JOHN K	LOT6BL81	16	39N	14E	10/25/1833
BARNES HAMILTON	LOT6BL48	16	39N	14E	10/22/1833	BOYER JOHN K	LOT7BL49	16	39N	14E	10/25/1833
BATES JOHN JR	LOT1BL24	16	39N	14E	10/22/1833	BOYER JOHN K	LOT8BL49	16	39N	14E	10/25/1833
BATES JOHN JR	LOT2BL24	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL28	16	39N	14E	10/22/1833
BATES JOHN JR	LOT7BL24	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL14	16	39N	14E	10/23/1833
BATES JOHN JR	LOT8BL24	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL16	16	39N	14E	10/23/1833
BEAUBIEN MARK	LOT7BL81	16	39N	14E	10/25/1833	BRONSON ARTHUR	BL34	16	39N	14E	10/23/1833
BEAUBIEN MARK	LOT8BL81	16	39N	14E	10/25/1833	BRONSON ARTHUR	BL40	16	39N	14E	10/23/1833
BIAS GARRET	LOT5BL25	16	39N	14E	10/25/1833	BRONSON ARTHUR	BL58	16	39N	14E	10/23/1833
BIAS GARRETT	LOT4BL25	16	39N	14E	10/25/1833	BRONSON ARTHUR	BL64	16	39N	14E	10/23/1833
BLANCHARD F G	BL4	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL74	16	39N	14E	10/23/1833
BLANCHARD F G	LOT7BL26	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL15	16	39N	14E	10/24/1833
BLANCHARD F G	LOT2BL26	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL33	16	39N	14E	10/24/1833
BLANCHARD GURTREY	BL3	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL39	16	39N	14E	10/24/1833
BLANCHARD GURTREY	LOT1BL141	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL57	16	39N	14E	10/24/1833
BLANCHARD GURTREY	LOT1BL2	16	39N	14E	10/22/1833	BRONSON ARTHUR	BL63	16	39N	14E	10/24/1833
BLANCHARD GURTREY	LOT7BL82	16	39N	14E	10/22/1833	BROSON ARTHUR	LOT7BL2	16	39N	14E	10/22/1833
BLANCHARD GURTREY	LOT8BL141	16	39N	14E	10/22/1833	BROSON ARTHUR	LOT8BL2	16	39N	14E	10/22/1833
BLANCHARD GURTREY	BL21	16	39N	14E	10/24/1833	BROSON ARTHUR	BL38	16	39N	14E	10/23/1833
BOND ELI A	LOT3BL26	16	39N	14E	10/22/1833	BROSON ARTHUR	BL54	16	39N	14E	10/23/1833
BOND ELI A	LOT4BL26	16	39N	14E	10/22/1833	BROSON ARTHUR	BL62	16	39N	14E	10/23/1833
BOND ELI A	LOT5BL26	16	39N	14E	10/22/1833	BROSON ARTHUR	BL35	16	39N	14E	10/24/1833
BOND ELI A	LOT6BL26	16	39N	14E	10/22/1833	BROSON ARTHUR	BL59	16	39N	14E	10/24/1833
BOND HEMAN	LOT6BL24	16	39N	14E	10/22/1833	BROSON ARTHUR	LOT2BL84	16	39N	14E	10/24/1833
BOTSFORD JABEZ K	BL102	16	39N	14E	10/24/1833	BROSON ARTHUR	LOT3BL84	16	39N	14E	10/24/1833
BOTSFORD JABEZ K	BL107	16	39N	14E	10/24/1833	BROSON ARTHUR	LOT4BL84	16	39N	14E	10/24/1833
BOWEN ERASTUS	BL65	16	39N	14E	10/23/1833	BROSON ARTHUR	LOT7BL47	16	39N	14E	10/24/1833
BOYER JOHN K	LOT4BL94	16	39N	14E	10/22/1833	BROSON ARTHUR	LOT8BL47	16	39N	14E	10/24/1833
BOYER JOHN K	LOT7BL48	16	39N	14E	10/22/1833	BROWN RUFUS	LOT4BL81	16	39N	14E	10/25/1833
BOYER JOHN K	LOT8BL48	16	39N	14E	10/22/1833	BROWN RUFUS	LOT5BL120	16	39N	14E	10/25/1833
BOYER JOHN K	LOT4BL95	16	39N	14E	10/25/1833	CAMPEAU DANIEL J	LOT3BL25	16	39N	14E	10/25/1833
BOYER JOHN K	LOT5BL81	16	39N	14E	10/25/1833	CARPENTER PHILO	BL27	16	39N	14E	10/22/1833



Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
CARPENTER PHILO	BL128	16	39N	14E	10/23/1833	FULLERTON ALEXANDER	LOT5BL96	16	39N	14E	10/25/1833
CARVER DAVID	LOT2BL119	16	39N	14E	10/25/1833	FULLERTON ALEXANDER	LOT4BL82	16	39N	14E	10/25/1833
CASEY EDWARD W	LOT5BL82	16	39N	14E	10/24/1833	GOODHUE JOSIAH C	LOT4BL119	16	39N	14E	10/25/1833
CASEY EDWARD W	LOT6BL82	16	39N	14E	10/24/1833	GOODRICH CHAUNCEY	LOT4BL48	16	39N	14E	10/22/1833
CHANDLER JOSEPH	BL11	16	39N	14E	10/24/1833	GOODRICH CHAUNCEY	BL132	16	39N	14E	10/23/1833
CHAPLEY MORGAN L	LOT4BL118	16	39N	14E	10/22/1833	GOODRICH CHAUNCEY	BL130	16	39N	14E	10/23/1833
CHAPMAN CHARLES H	LOT3BL141	16	39N	14E	10/22/1833	GOODRICH CHAUNCEY	BL131	16	39N	14E	10/24/1833
CHAPMAN CHARLES H	LOT8BL93	16	39N	14E	10/22/1833	GOODRICH EBENEZER	LOT1BL93	16	39N	14E	10/22/1833
CHAPMAN CHARLES H	LOT4BL96	16	39N	14E	10/25/1833	HADDOCK E H	LOT1BL94	16	39N	14E	10/22/1833
CLYBOURNE ARCHIBALD	LOT5BL50	16	39N	14E	10/22/1833	HADDOCK E H	LOT8BL94	16	39N	14E	10/22/1833
CLYBOURNE ARCHIBALD	LOT3BL71	16	39N	14E	10/24/1833	HADDOCK E H	BL134	16	39N	14E	10/23/1833
COLE PARKER M	LOT1BL118	16	39N	14E	10/22/1833	HADDOCK EDWARD H	LOT7BL120	16	39N	14E	10/25/1833
COOK JOSIAH P	LOT7BL120	16	39N	14E	10/25/1833	HALE EBENEZER	LOT3BL79	16	39N	14E	10/22/1833
COOK THOMAS	LOT2BL47	16	39N	14E	10/24/1833	HALE EBENEZER	LOT1BL48	16	39N	14E	10/22/1833
DAVIS JOHN	LOT2BL141	16	39N	14E	10/22/1833	HALE EBENEZER	LOT2BL72	16	39N	14E	10/22/1833
DAVIS JOHN	LOT7BL141	16	39N	14E	10/22/1833	HALE EBENEZER	LOT1BL79	16	39N	14E	10/22/1833
DAVIS JOHN	LOT5BL23	16	39N	14E	10/24/1833	HALE EBENEZER	LOT4BL79	16	39N	14E	10/22/1833
DAVIS JOHN	LOT6BL23	16	39N	14E	10/24/1833	HALE EBENEZER	LOT1BL80	16	39N	14E	10/22/1833
DOLE	BL106	16	39N	14E	10/23/1833	HALE EBENEZER	LOT3BL80	16	39N	14E	10/22/1833
DOLE GEORGE W	LOT3BL2	16	39N	14E	10/22/1833	HALE EBENEZER	LOT4BL50	16	39N	14E	10/22/1833
DOLE GEORGE W	LOT6BL2	16	39N	14E	10/22/1833	HALE EBENEZER	LOT2BL79	16	39N	14E	10/22/1833
DOLE GEORGE W	BL73	16	39N	14E	10/24/1833	HALE EBENEZER	LOT2BL80	16	39N	14E	10/22/1833
DOLE GEORGE W	BL75	16	39N	14E	10/24/1833	HALE EBENEZER	LOT5BL48	16	39N	14E	10/22/1833
DOLLY FRANCIS	LOT3BL24	16	39N	14E	10/22/1833	HALE EBENEZER	LOT1BL26	16	39N	14E	10/22/1833
DRAPER JONATHAN JR	LOT2BL118	16	39N	14E	10/22/1833	HALE EBENEZER	LOT8BL82	16	39N	14E	10/24/1833
FOOT JOHN	LOT5BL117	16	39N	14E	10/22/1833	HALE EBENEZER	LOT1BL82	16	39N	14E	10/24/1833
FOOT JOHN	LOT6BL117	16	39N	14E	10/22/1833	HALE EBENEZER	LOT1BL71	16	39N	14E	10/24/1833
FOOT STAN	LOT3BL117	16	39N	14E	10/22/1833	HALE EBENEZER	BL124	16	39N	14E	10/24/1833
FOOT STAN	LOT4BL117	16	39N	14E	10/22/1833	HALE EBENEZER	LOT4BL71	16	39N	14E	10/24/1833
FOWLER ALBERT	LOT2BL48	16	39N	14E	10/22/1833	HALE EBENEZER	BL67	16	39N	14E	10/24/1833
FOWLER ALBERT	LOT4BL24	16	39N	14E	10/22/1833	HALE EBENEZER	LOT3BL81	16	39N	14E	10/25/1833
FOWLER ALBERT	LOT2BL81	16	39N	14E	10/25/1833	HALE EBENEZER	LOT8BL95	16	39N	14E	10/25/1833
FULLERTON ALEXANDER	LOT3BL82	16	39N	14E	10/24/1833	HALE EBENEZER	LOT1BL95	16	39N	14E	10/25/1833





Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
HALE EBENEZER	LOT7BL119	16	39N	14E	10/25/1833	HARMON CHARLES L	BL137	16	39N	14E	10/22/1833
HALE EBENEZER	LOT7BL95	16	39N	14E	10/25/1833	HARMON ISAAC	LOT2BL71	16	39N	14E	10/24/1833
HALE EBENEZER	LOT1BL96	16	39N	14E	10/25/1833	HARMON ISAAC D	BL137	16	39N	14E	10/22/1833
HALE EBENEZER	LOT2BL95	16	39N	14E	10/25/1833	HEACOCK RUSSEL E	BL20	16	39N	14E	10/22/1833
HALE EBENEZER	LOT1BL81	16	39N	14E	10/25/1833	HEACOCK RUSSEL E	BL61	16	39N	14E	10/22/1833
HALE JOHN	LOT1BL26	16	39N	14E	10/22/1833	HEACOCK RUSSEL E	LOT7BL117	16	39N	14E	10/22/1833
HALE JOHN	LOT1BL79	16	39N	14E	10/22/1833	HEACOCK RUSSEL E	BL30	16	39N	14E	10/23/1833
HALE JOHN	LOT1BL48	16	39N	14E	10/22/1833	HEACOCK RUSSEL E	BL9	16	39N	14E	10/23/1833
HALE JOHN	LOT5BL48	16	39N	14E	10/22/1833	HEACOCK RUSSEL E	LOT2BL23	16	39N	14E	10/24/1833
HALE JOHN	LOT3BL80	16	39N	14E	10/22/1833	HEACOCK RUSSEL E	BL129	16	39N	14E	10/24/1833
HALE JOHN	LOT2BL79	16	39N	14E	10/22/1833	HEACOCK RUSSEL E	LOT7BL25	16	39N	14E	10/25/1833
HALE JOHN	LOT4BL50	16	39N	14E	10/22/1833	HILL IRAD	BL44	16	39N	14E	10/22/1833
HALE JOHN	LOT3BL79	16	39N	14E	10/22/1833	HUBBARD GURDON S	BL52	16	39N	14E	10/22/1833
HALE JOHN	LOT2BL72	16	39N	14E	10/22/1833	HUQUEUIN HIRAM	LOT4BL93	16	39N	14E	10/22/1833
HALE JOHN	LOT2BL80	16	39N	14E	10/22/1833	HUQUEUIN HIRAM	LOT3BL93	16	39N	14E	10/22/1833
HALE JOHN	LOT1BL80	16	39N	14E	10/22/1833	HUQUEUIN HIRAM	LOT2BL25	16	39N	14E	10/25/1833
HALE JOHN	LOT4BL79	16	39N	14E	10/22/1833	HUQUEUIN HIRAM	LOT8BL25	16	39N	14E	10/25/1833
HALE JOHN	LOT1BL82	16	39N	14E	10/24/1833	HUQUEUIN HIRAM	LOT1BL49	16	39N	14E	10/25/1833
HALE JOHN	LOT1BL71	16	39N	14E	10/24/1833	HUQUEUIN HIRAM	LOT2BL96	16	39N	14E	10/25/1833
HALE JOHN	LOT4BL71	16	39N	14E	10/24/1833	INGERSOLL CHESTER	BL37	16	39N	14E	10/24/1833
HALE JOHN	BL67	16	39N	14E	10/24/1833	JACKSON SAMUEL	LOT7BL118	16	39N	14E	10/22/1833
HALE JOHN	BL124	16	39N	14E	10/24/1833	JACKSON SAMUEL	LOT8BL118	16	39N	14E	10/22/1833
HALE JOHN	LOT8BL82	16	39N	14E	10/24/1833	JACKSON SAMUEL	LOT1BL47	16	39N	14E	10/24/1833
HALE JOHN	LOT1BL96	16	39N	14E	10/25/1833	JAMIESON STLOUIS T	LOT7BL23	16	39N	14E	10/24/1833
HALE JOHN	LOT7BL95	16	39N	14E	10/25/1833	JAMIESON STLOUIS T	BL19	16	39N	14E	10/24/1833
HALE JOHN	LOT3BL81	16	39N	14E	10/25/1833	JAMIESON STLOUIS T	BL29	16	39N	14E	10/24/1833
HALE JOHN	LOT1BL81	16	39N	14E	10/25/1833	JOHNSTON WILLIAM S	BL53	16	39N	14E	10/24/1833
HALE JOHN	LOT7BL119	16	39N	14E	10/25/1833	JONES BENJAMIN	LOT2BL117	16	39N	14E	10/22/1833
HALE JOHN	LOT8BL95	16	39N	14E	10/25/1833	JONES BENJAMIN	LOT4BL80	16	39N	14E	10/22/1833
HALE JOHN	LOT2BL95	16	39N	14E	10/25/1833	JONES BENJAMIN	BL121	16	39N	14E	10/22/1833
HALE JOHN	LOT1BL95	16	39N	14E	10/25/1833	JONES BENJAMIN	LOT4BL23	16	39N	14E	10/24/1833
HAMILTON RICHARD J	LOT5BL2	16	39N	14E	10/22/1833	JONES WILLARD	LOT5BL118	16	39N	14E	10/22/1833
HAMILTON RICHARD J	LOT6BL25	16	39N	14E	10/25/1833	JONES WILLARD	LOT6BL96	16	39N	14E	10/25/1833



Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
JONES WILLARD	LOT3BL96	16	39N	14E	10/25/1833	NEWBERRY WALTER S	BL5	16	39N	14E	10/24/1833
JONES WILLIAM	BL133	16	39N	14E	10/24/1833	NOBLE JOHN	LOT5BL24	16	39N	14E	10/22/1833
KIMBALL WALTER	LOT2BL49	16	39N	14E	10/25/1833	NOBLE MARK JR	BL113	16	39N	14E	10/23/1833
KIMBERLEY EDMUND S	LOT6BL119	16	39N	14E	10/25/1833	NOBLE MARK JR	BL18	16	39N	14E	10/23/1833
KIMBERLEY IRA	LOT3BL120	16	39N	14E	10/25/1833	OWEN THOMAS J V	BL108	16	39N	14E	10/23/1833
KIMBERLY J E	BL43	16	39N	14E	10/24/1833	OWEN THOMAS J V	LOT3BL23	16	39N	14E	10/24/1833
KIMBERLY S A	BL42	16	39N	14E	10/23/1833	OWEN THOMAS J V	BL105	16	39N	14E	10/24/1833
KINGSTON PAUL	BL36	16	39N	14E	10/23/1833	OWEN THOMAS J V	LOT1BL84	16	39N	14E	10/24/1833
KINGSTON PAUL	BL12	16	39N	14E	10/23/1833	PEARSONS HIRAM	LOT2BL83	16	39N	14E	10/22/1833
KINGSTON PAUL	BL78	16	39N	14E	10/23/1833	PEARSONS HIRAM	LOT1BL83	16	39N	14E	10/22/1833
KINGSTON PAUL	BL13	16	39N	14E	10/24/1833	PEARSONS HIRAM	LOT3BL83	16	39N	14E	10/22/1833
KINGSTON PAUL	LOT5BL119	16	39N	14E	10/25/1833	PEARSONS HIRAM	LOT6BL141	16	39N	14E	10/22/1833
KNICKERBACKER ABRM V	LOT1BL72	16	39N	14E	10/22/1833	PEARSONS HIRAM	BL138	16	39N	14E	10/22/1833
KNICKERBACKER ABRM V	BL101	16	39N	14E	10/23/1833	PEARSONS HIRAM	BL91	16	39N	14E	10/22/1833
LEWIS W J	LOT3BL72	16	39N	14E	10/22/1833	PEARSONS HIRAM	LOT4BL83	16	39N	14E	10/22/1833
LEWIS W J	LOT8BL26	16	39N	14E	10/22/1833	PEARSONS HIRAM	LOT5BL141	16	39N	14E	10/22/1833
LEWIS W J	LOT4BL72	16	39N	14E	10/22/1833	PEARSONS HIRAM	BL123	16	39N	14E	10/22/1833
LEWIS W J	LOT4BL2	16	39N	14E	10/22/1833	PEARSONS HIRAM	LOT4BL141	16	39N	14E	10/22/1833
LEWIS W J	BL56	16	39N	14E	10/24/1833	PEARSONS HIRAM	BL135	16	39N	14E	10/22/1833
LLOYD ALEXANDER	LOT3BL118	16	39N	14E	10/22/1833	PEARSONS HIRAM	BL140	16	39N	14E	10/23/1833
LLOYD ALEXANDER	LOT1BL25	16	39N	14E	10/25/1833	PEARSONS HIRAM	BL139	16	39N	14E	10/23/1833
MORRISON EZEKIEL	BL10	16	39N	14E	10/23/1833	PEARSONS HIRAM	BL125	16	39N	14E	10/24/1833
MORRISON ORSEMUS	BL7	16	39N	14E	10/24/1833	PEARSONS HIRAM	BL92	16	39N	14E	10/24/1833
MORRISON ORSEMUS	LOT2BL2	16	39N	14E	10/25/1833	PEARSONS HIRAM	BL136	16	39N	14E	10/24/1833
MORRISON ORSEMUS	LOT1BL119	16	39N	14E	10/25/1833	PEARSONS HIRAM	BL127	16	39N	14E	10/24/1833
MULFORD JAMES H	LOT8BL119	16	39N	14E	10/25/1833	PEARSONS HIRAM	6126	16	39N	14E	10/24/1833
MULFORD JAMES H	LOT8BL96	16	39N	14E	10/25/1833	PECK P F W	BL6	16	39N	14E	10/23/1833
NEWBERRY	BL106	16	39N	14E	10/23/1833	PECK P F W	BL6	16	39N	14E	10/23/1833
NEWBERRY WALTER S	BL115	16	39N	14E	10/22/1833	PECK P F W	BL116	16	39N	14E	10/24/1833
NEWBERRY WALTER S	BL60	16	39N	14E	10/23/1833	PECK P F W	BL116	16	39N	14E	10/24/1833
NEWBERRY WALTER S	BL104	16	39N	14E	10/23/1833	PRUYNE P	LOT3BL119	16	39N	14E	10/25/1833
NEWBERRY WALTER S	BL85	16	39N	14E	10/24/1833	PRUYNE P AND CO	BL97	16	39N	14E	10/22/1833
NEWBERRY WALTER S	BL109	16	39N	14E	10/24/1833	PRUYNE PETER	LOT1BL23	16	39N	14E	10/24/1833



Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
PRUYNE PETER	LOT8BL23	16	39N	14E	10/24/1833	TEMPLE JOHN T	BL17	16	39N	14E	10/23/1833
REED JAMES W	LOT8BL120	16	39N	14E	10/25/1833	TEMPLE JOHN T	BL112	16	39N	14E	10/24/1833
REED JAMES W	LOT5BL49	16	39N	14E	10/25/1833	TEMPLE JOHN T	BL77	16	39N	14E	10/24/1833
REED JAMES W	LOT1BL120	16	39N	14E	10/25/1833	TEMPLE JOHN T	BL103	16	39N	14E	10/24/1833
RUSSELL SAMUEL	BL86	16	39N	14E	10/23/1833	VANDEBOGERT HENRY	LOT2BL120	16	39N	14E	10/25/1833
RUSSELL SAMUEL	BL90	16	39N	14E	10/24/1833	VANDEBOGERT JOHN AS	LOT2BL120	16	39N	14E	10/25/1833
RUSSELL SAMUEL	BL45	16	39N	14E	10/24/1833	VANDEBURG WILLIAM H	BL22	16	39N	14E	10/24/1833
SHERMAN SILAS W	BL98	16	39N	14E	10/24/1833	WEED EDMUND	LOT3BL49	16	39N	14E	10/25/1833
SKINNER JOSEPH	LOT1BL117	16	39N	14E	10/22/1833	WESSENCRAFT CHARLES	BL8	16	39N	14E	10/24/1833
SKINNER JOSEPH	LOT8BL117	16	39N	14E	10/22/1833	WESSENCRAFT CHARLES	LOT3BL47	16	39N	14E	10/24/1833
SNOW GEORGE W	BL55	16	39N	14E	10/24/1833	WESSENCRAFT CHARLES	LOT5BL47	16	39N	14E	10/24/1833
SNOW GEORGE W	BL46	16	39N	14E	10/24/1833	WESSENCRAFT CHARLES	LOT4BL47	16	39N	14E	10/24/1833
SPENCE JAMES	LOT6BL94	16	39N	14E	10/22/1833	WESSENCRAFT CHARLES	LOT6BL47	16	39N	14E	10/24/1833
SPENCE JAMES	LOT3BL94	16	39N	14E	10/22/1833	WEST HENRY C	LOT6BL49	16	39N	14E	10/25/1833
SPENCE JAMES	LOT5BL94	16	39N	14E	10/22/1833	WEST HENRY C	LOT4BL49	16	39N	14E	10/25/1833
STANLEY JOSEPH	LOT4BL118	16	39N	14E	10/22/1833	WILLIAMS GILES	BL89	16	39N	14E	10/23/1833
STEELE ASHBEL	LOT7BL26	16	39N	14E	10/22/1833	WILLIAMS GILES	BL31	16	39N	14E	10/24/1833
STEELE ASHBEL	BL4	16	39N	14E	10/22/1833	WILLIAMS GILES	BL32	16	39N	14E	10/24/1833
STEELE ASHBEL	LOT2BL26	16	39N	14E	10/22/1833	WILLIAMS GILES	BL100	16	39N	14E	10/24/1833
STOSE CLEMENTS	LOT2BL93	16	39N	14E	10/22/1833	WILLIAMS GORDON S	BL89	16	39N	14E	10/23/1833
STOSE CLEMENTS	LOT7BL93	16	39N	14E	10/22/1833	WILLIAMS GORDON S	BL100	16	39N	14E	10/24/1833
SWEET ALANSON	LOT7BL94	16	39N	14E	10/22/1833	WILLIAMS GORDON S	BL32	16	39N	14E	10/24/1833
SWEET ALANSON	LOT3BL50	16	39N	14E	10/22/1833	WILLIAMS GORDON S	BL31	16	39N	14E	10/24/1833
SWEET ALANSON	LOT7BL50	16	39N	14E	10/22/1833	WORTHINGHAM WILLIAM	LOT2BL50	16	39N	14E	10/22/1833
SWEET ALANSON	LOT2BL94	16	39N	14E	10/22/1833	WORTHINGHAM WILLIAM	LOT8BL50	16	39N	14E	10/22/1833
SWEET ALANSON	LOT6BL50	16	39N	14E	10/22/1833	WORTHINGHAM WILLIAM	LOT6BL95	16	39N	14E	10/25/1833
SWEET ALANSON	BL66	16	39N	14E	10/23/1833	WORTHINGHAM WILLIAM	LOT3BL95	16	39N	14E	10/25/1833
SWIGLEY JOHN	LOT6BL118	16	39N	14E	10/22/1833	WORTHINGHAM WILLIAM	LOT6BL120	16	39N	14E	10/25/1833
TAYLOR CHARLES	BL68	16	39N	14E	10/22/1833	WRIGHT JOHN	LOT5BL93	16	39N	14E	10/22/1833
TEMPLE JOHN T	BL99	16	39N	14E	10/22/1833	WRIGHT JOHN	LOT6BL93	16	39N	14E	10/22/1833
TEMPLE JOHN T	BL76	16	39N	14E	10/23/1833	WRIGHT JOHN	LOT1BL50	16	39N	14E	10/22/1833
TEMPLE JOHN T	BL111	16	39N	14E	10/23/1833	WRIGHT JOHN	BL122	16	39N	14E	10/24/1833
TEMPLE JOHN T	BL110	16	39N	14E	10/23/1833	WRIGHT JOHN	BL114	16	39N	14E	10/24/1833



Purchaser	Legal Description	Section	Township	Range	Date
WRIGHT JOHN	LOT2BL82	16	39N	14E	10/24/1833
WRIGHT JOHN	LOT4BL120	16	39N	14E	10/25/1833
WRIGHT JOHN	LOT7BL96	16	39N	14E	10/25/1833
WRIGHT T G	BL51	16	39N	14E	10/22/1833
WRIGHT T G	LOT2BL70	16	39N	14E	10/24/1833
WRIGHT T G	LOT4BL70	16	39N	14E	10/24/1833
WRIGHT T G	LOT1BL70	16	39N	14E	10/24/1833
WRIGHT T G	LOT3BL70	16	39N	14E	10/24/1833
WRIGHT T G	BL69	16	39N	14E	10/24/1833

# JOURNAL

OF THE

## SENATE OF THE UNITED STATES

OF AMERICA:

BEING THE

SECOND SESSION OF THE TWENTY-FIRST CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 6, 1830,

AND IN THE FIFTY-FIFTH YEAR OF THE INDEPENDENCE OF THE SAID UNITED STATES.

WASHINGTON:

PRINTED BY DUFF GREEN.

1830.

The bill to provide for the further compensation of the Marshal of the district of Rhode Island was read the second time, and considered as in Committee of the Whole; and

*Ordered*, That it be referred to the Committee on the Judiciary.

The following motions, submitted by Mr. Baker, were severally considered and agreed to:

*Resolved*, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Galena, in Illinois, by Mineral point and Dodgeville, to Prairie du Chien, in the Northwestern Territory; also, into the expediency of establishing a post route from Salem, the seat of justice for Marion county, Illinois, by Jennings's, Ayres's, and Shannon's store, to Kaskaskia, in the same State; also, into the expediency of establishing a post route from the nearest post office in Indiana to Chicago, in Illinois, thence to fort Winnebago, thence to Green bay; also, from fort Winnebago to Dodgeville and Prairie du Chien; also, into the expediency of establishing a mail route from Springfield, in Illinois, to Mackinawtown, the seat of justice for Tazewell county, thence to Chicago, and from Darville, in Vermillion county, in Illinois, by Adams's ferry, to intersect the mail route from St. Louis to Galena, at Ogee's ferry across Rock river.

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of forming two additional land districts in the State of Illinois; one of which districts shall embrace so much of said State as lies between the Illinois and Mississippi rivers, bounded on the south by the base line, on the north by the northern boundary of the State, and on the east by the third principal meridian; and the other, all that part of said State from the northern boundary thereof to the dividing line between townships twenty-one and twenty-two, north of the base line, and east of the third principal meridian; also, into the expediency of continuing in force longer than the time therein limited, so much of the act, approved March 31, 1830, entitled "An act for the relief of the purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States," as gives the right to draw scrip within nine months from the passage of said act; and of so amending the same act as to embrace cases where payments on the lands forfeited were made with claims for lands in lieu of money; as also to embrace the cases of assignees or purchasers who have become such since the passage of said act.

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the harbor of Chicago, in the State of Illinois; also, into the expediency of making a survey of the Kaskaskia river, from the town of Vandalia, in said State, to the mouth of the same river.

On motion by Mr. King,

*Resolved*, That the hour for the daily meeting of the Senate be 12 o'clock, until otherwise directed.

After the consideration of Executive business,  
The Senate adjourned.

WEDNESDAY, DECEMBER 15, 1830.

Mr. Ellis presented the credentials of the Honorable George Poindexter, appointed a Senator by the Legislature of the State of Mississippi, to supply the vacancy occasioned by the death of the Honorable Robert H. Adams:

OF THE

HOUSE OF REPRESENTATIVES

OF

THE UNITED STATES;

BEING THE SECOND SESSION OF THE TWENTY-FIRST CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 6, 1830.

AND IN THE FIFTY-FOURTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:

PRINTED BY DUFF GREEN.

1830.



On motion of Mr. Maxwell, of Virginia,  
*Resolved*, That the Committee on Military Pensions be instructed to inquire into the expediency of placing Samuel Allen, of Virginia, a soldier of the army of the Revolution, on the pension list.

On motion of Mr. Chilton,  
*Resolved*, That the Committee on the Public Lands be instructed to inquire into the expediency of granting a half township of land to the Hardin Academy, in the State of Kentucky.

On motion of Mr. Stephens,  
*Resolved*, That the Committee on Military Pensions be instructed to inquire into the expediency of placing Joseph Raynsford on the pension roll.

On motion of Mr. Wickliffe,  
*Resolved*, That the Committee on Internal Improvements be instructed to inquire into the expediency of authorizing a further subscription of stock by the United States in the capital stock of the Louisville and Portland Canal Company.

On motion of Mr. Whittlesey,  
*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of refunding to Robert Eaton the amount of duties paid by him on a quantity of salt manufactured in the United States.

Mr. Duncan moved the following resolution; which was read, and laid on the table:

*Resolved*, That the Secretary of War be requested to furnish this House with a survey and estimate for the improvement of the harbor at Chicago, on Lake Michigan, in the State of Illinois.

On motion of Mr. Sevier,  
*Resolved*, That the Committee on the Territories be instructed to inquire into the expediency of fixing the salaries of the Governor and Judges of the Territory of Arkansas upon an equality with the salaries of those officers within the Territory of Florida.

The Speaker laid before the House sundry communications, viz:

I. A letter from the Secretary of War, transmitting a report as to the number of military and invalid pensioners who have failed to call for their pensions during the past year, and what amount of money is now due to pensioners, standing to their credit on the books of the Department; which letter and report were read, and laid on the table.

II. A letter from the Secretary of War, transmitting the papers of John Carmody, called for by the House on the 8th instant; which letter and papers were referred to the Committee on Military Pensions.

Mr. Richardson, from the Committee on Enrolled Bills, reported that the committee had examined enrolled bills of the following titles, viz:

- No. 3. An act for the relief of Orson Sparks and John Watson;
- No. 5. An act for the relief of Peter Ford;
- No. 7. An act to amend an act to continue a copy right to John Rowlett.
- No. 8. An act authorizing the accounting officers of the Treasury Department to pay to the State of Pennsylvania a debt due that State by the United States;
- No. 9. An act for the relief of Joseph Dixon;
- No. 11. An act for the relief of John Long;
- No. 13. An act for the relief of Nancy Dolan;
- No. 21. An act for the relief of the Churchwardens of Elizabeth City Parish, in the State of Virginia;

constructing a road from Vincennes to Chicago; which memorial was referred to the Committee on Internal Improvements.

Mr. Duncan presented a memorial of the General Assembly of the State of Illinois, praying that said General Assembly may be authorized to sell the lands granted by the United States for the use of common schools in that State, and that the said State may be authorized to surrender to the United States the township granted for the use of a seminary of learning, and to locate other lands in lieu thereof; which memorial was referred to the Committee on the Public Lands.

Mr. Pettis presented a memorial of the General Assembly of the State of Missouri, upon the subject of the boundary between that State and the Indian tribes; which memorial was referred to the Committee on Indian Affairs.

Mr. Pettis presented a memorial of the General Assembly of the State of Missouri, praying that the Cumberland road may be so located as to cross the Mississippi river at St. Louis, instead of Alton, as prayed for by the General Assembly of the State of Illinois; which memorial was referred to the Committee on Internal Improvements.

Mr. Pettis presented a memorial of the General Assembly of the State of Missouri, praying that an alteration may be made in the entry of public lands in that State, so as to authorize the entry of the north or south half of quarter sections, or forty acres in any corner of a section; which memorial was referred to the Committee on the Public Lands.

Mr. Pettis presented a memorial of the General Assembly of the State of Missouri, praying that a board of commissioners may be constituted for the purpose of effecting a final settlement of private claims to land within that State; which memorial was referred to the Committee on Private Land Claims.

Mr. Cooper and Mr. Hughes severally presented memorials from inhabitants of the State of New Jersey, respectively praying that the duties on foreign iron may not be reduced on the importation thereof into the United States; which memorials were referred to the Committee on Manufactures.

Memorials praying Congress to pass an act to prohibit the transportation of the mails on the Sabbath day, were, severally, presented, as follows:

By Mr. Anderson, of inhabitants of North Yarmouth, in the State of Maine.

By Mr. Denny, of inhabitants of Pittsburg and its vicinity, in the State of Pennsylvania.

By Mr. Sill, of inhabitants of the counties of Venango and Erie, in the State of Pennsylvania.

By Mr. Thomas Irwin, of inhabitants of the State of Pennsylvania.

By Mr. Russel, of inhabitants of the county of Highland, in the State of Ohio.

By Mr. Stanberry, of inhabitants of the counties of Licking and Knox, in the State of Ohio.

Mr. Stanberry, also, presented a memorial of inhabitants of the county of Marion, being Jews, of the seed of Abraham, praying that the transportation of the mails on the seventh day of the week, being Saturday, and the Jewish Sabbath, may be prohibited.

*Ordered,* That the said memorials be referred to the Committee of the Whole House on the state of the Union.

IN SENATE OF THE UNITED STATES.

DECEMBER 15, 1841.

Agreeably to notice, Mr. MOUTON asked and obtained leave to bring in the following bill; which was read twice, and referred to the Committee on Public Lands.

DECEMBER 20, 1841.

Reported without amendment.

**A BILL**

To authorize the Legislature of the State of Louisiana to sell the lands heretofore appropriated for the use of schools in that State.

1 *Be it enacted by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled, That*  
3 *the Legislature of the State of Louisiana shall be, and is hereby,*  
4 *authorized to sell and convey, in fee simple, all or any part of*  
5 *the lands heretofore reserved and appropriated by Congress for*  
6 *the use of schools within said State, and to invest the money*  
7 *arising from the sale thereof in some productive fund, the pro-*  
8 *ceeds of which shall be for ever applied, under the direction of*  
9 *said Legislature, for the use and support of schools within the*  
10 *several townships and districts of country for which they were*  
11 *originally reserved and set apart, and for no other use or purpose*  
12 *whatsoever: Provided, Said land, or any part thereof, shall in*  
13 *no case be sold without the consent of the inhabitants of such*  
14 *township or district, to be obtained in such manner as the*  
15 *Legislature of said State shall by law direct: Provided also,*

16 That in the apportionment of the proceeds of said fund, each  
17 township and district aforesaid shall be entitled to such part  
18 thereof, and no more, as shall have accrued from the sale of the  
19 school lands belonging to such township or district; and that  
20 if the proceeds accruing to any township or district shall be  
21 insufficient for the support of schools therein, it shall be lawful  
22 for said Legislature to invest the same as hereinbefore directed,  
23 until the amount belonging to such township or district shall be  
24 adequate to the permanent maintenance and support of a school  
25 within the same.

1 SEC. 2. *And be it further enacted, That the Legislature*  
2 *of the State of Louisiana be, and is hereby, authorized to make*  
3 *such laws and needful regulations as may be deemed expedient*  
4 *to secure and protect from injury or waste the sections reserved*  
5 *by the laws of Congress for the use of schools to each township;*  
6 *and to provide by law, if not deemed expedient to sell, for leas-*  
7 *ing the same for any term not exceeding four years, in such*  
8 *manner as to render them productive, and most conducive to the*  
9 *objects for which they were designed.*

1 SEC. 3. *And be it further enacted, That any section re-*  
2 *served for a township, which, from its character, does not admit*  
3 *of being inhabited, may be sold, as provided for in the first sec-*  
4 *tion of this act, and the proceeds of such investment may be ap-*  
5 *plied, in such manner as the Legislature of the State of Louisiana*  
6 *may deem most expedient, for the advancement of learning*  
7 *within said State,*



( No Report. )

APRIL 1, 1842.

Read twice, and committed to a Committee of the Whole House to-morrow.

Mr. CASEY, from the Committee on the Public Lands, reported the following bill :

**A BILL**

To authorize the sale of school lands in the State of Illinois, and to legalize such sales as have been made prior to the passage of this act.

1 *Be it enacted by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled, That*  
3 *the Legislature of the State of Illinois be, and is hereby, au-*  
4 *thorized to sell and convey in fee simple all or any part of*  
5 *the lands heretofore reserved and appropriated by Congress*  
6 *for the use of schools within said State, and to invest the*  
7 *money arising from the sale thereof in some productive*  
8 *fund, the proceeds of which shall forever be applied, under*  
9 *the direction of said Legislature, for the use and support of*  
10 *schools within the several townships and districts of country*  
11 *for which they were originally reserved and set apart, and*  
12 *for no other use or purpose whatsoever: Provided, Such land,*  
13 *or any part thereof, shall in no case be sold without the con-*  
14 *sent of a majority of the inhabitants of said township or dis-*  
15 *trict, to be obtained in such manner as the Legislature of*  
16 *State may by law direct: Provided, also, That, in the ap-*

17 portionment of the proceeds of said fund, each township and  
18 district aforesaid shall be entitled to such part thereof, and  
19 no more, as shall have accrued from the sum or sums of  
20 money arising from the sale of the school lands belonging to  
21 such township or district.

1 *SEC. 2. And be it further enacted, That all sales of such*  
2 *lands, reserved as aforesaid, as have been made by said State,*  
3 *in pursuance of any laws enacted by the Legislature thereof,*  
4 *and not inconsistent with any of the principles in this bill*  
5 *contained, be, and the same are hereby, ratified and con-*

IN SENATE OF THE UNITED STATES.

MAY 2, 1842.

Mr. SMITH, of Indiana, from the Committee on Public Lands, reported the following bill; which was read, and passed to a second reading.

A BILL

To confirm the sale of a certain school section in the State of Illinois, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled, That*  
3 *the sale heretofore made of section number sixteen, in township*  
4 *number thirty-nine, north of range fourteen, east of the third*  
5 *principal meridian, in the State of Illinois, by and under the*  
6 *authority of said State, with the assent of the inhabitants of the*  
7 *congressional township, in which said section is situate, be,*  
8 *and the same is hereby, confirmed: Provided, That this act*  
9 *shall be construed as only giving the assent of the United States*  
10 *to said sale, and to the patents issued by the State of Illinois to*  
11 *the purchasers of the same, so far as the United States are con-*  
12 *cerned in the matter.*

IN SENATE OF THE UNITED STATES.

DECEMBER 20, 1842.

Agreeably to notice, Mr. FULTON asked and obtained leave to bring in the following bill; which was read twice, and referred to the Committee on Public Lands.

JANUARY 5, 1843.

Reported with amendments, viz: *Strike out the parts within [brackets], and insert those printed in italics.*

A BILL

To authorize the Legislatures of the States of *Illinois*, Arkansas, Louisiana, and Tennessee, to sell the lands heretofore appropriated for the use of schools in those States.

1 *Be it enacted by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled, [That*  
3 *the Legislature of the State of Arkansas shall be, and is hereby,*  
4 *authorized to sell and convey, in fee simple, all or any part of*  
5 *the lands heretofore reserved and appropriated by Congress for*  
6 *the use of schools within said State, and to invest the money*  
7 *arising from the sale thereof in some productive fund, the pro-*  
8 *ceeds of which shall be for ever applied, under the direction of*  
9 *said Legislature, for the use and support of schools within the*  
10 *several townships and districts of country for which they were*  
11 *originally reserved and set apart, and for no other use or purpose*  
12 *whatsoever: Provided, Said land, or any part thereof, shall in no*  
13 *case be sold without the consent of the inhabitants of such town-*  
14 *ship or district, to be obtained in such manner as the Legisla-*  
15 *ture of said State shall by law direct: And provided, also, That*

3 such laws and needful regulations as may be deemed expedient 12  
 4 to secure and protect from injury or waste the sections reserved 13  
 5 by the laws of Congress for the use of schools to each township; 14  
 6 and to provide, by law, if not deemed expedient to sell, for 15  
 7 leasing the same for any term not exceeding four years, in such 16  
 8 manner as to render them productive, and most conducive to 1  
 9 the objects for which they were designed.

1 SEC. 4. *And be it further enacted*, That any section re-  
 2 served for a township, which said township, from its character,  
 3 does not admit of being inhabited, may be sold, as provided for  
 4 in the first section of this act, and the proceeds of such invest-  
 5 ment may be applied, in such manner as the Legislature of the  
 6 State of Louisiana may deem most expedient, for the advance-  
 7 ment of learning within said State.

1 SEC. 5. *And be it further enacted*, That the Legislature  
 2 of the State of Tennessee shall be, and is hereby, authorized to  
 3 sell and convey, in fee simple, all or any part of the lands here-  
 4 tofore reserved and appropriated by Congress for the use of  
 5 schools within said State, and to vest the money arising from  
 6 the sale thereof in some productive fund, the proceeds of which  
 7 shall be for ever applied, under the direction of said Legislature,  
 8 for the use and support of schools within the several townships  
 9 and districts of country for which they were originally reserved  
 10 and set apart, and for no other use or purpose whatsoever, and  
 11 in conformity to the provisions of the second section of an act

entitled, "An act to authorize the State of Tennessee to issue  
 grants and perfect titles to certain lands therein described, and  
 to settle the claims to the vacant and unappropriated lands within  
 the same," approved the eighteenth of April, eighteen hundred  
 and six.

1 SEC. 6. *And be it further enacted*, That if the proceeds  
 2 accruing to any township or district, from said fund, shall be in-  
 3 sufficient for the support of schools therein, it shall be lawful for  
 4 said Legislature to invest the same as hereinbefore directed,  
 5 until the whole proceeds of the fund belonging to such township  
 6 or district shall be adequate to the permanent maintenance and  
 7 support of schools within the same: *Provided*, That the Legis-  
 8 lature shall, in no case, vest the proceeds of the sale of the lands  
 9 in any township in any fund, without the consent of a majority  
 10 of the qualified voters of such township, obtained as hereinbe-  
 11 fore directed.]

1 *That the Legislatures of Illinois, Arkansas, Louisiana,*  
 2 *and Tennessee, be, and they are hereby, authorized to sell and*  
 3 *convey, in fee simple, all or any part of the lands heretofore*  
 4 *reserved and appropriated by Congress for the use of schools*  
 5 *within said States, and to invest the money arising from the*  
 6 *sales thereof in some productive fund, the proceeds of which*  
 7 *shall be for ever applied, under the direction of said Legis-*  
 8 *latures, to the use and support of schools within the several*  
 9 *townships and districts of country for which they were original-*

10 ly reserved and set apart, and for no other use or purpose what-  
11 ever: Provided, Said land, nor any part thereof, shall in no  
12 wise be sold without the consent of the inhabitants of such town-  
13 ship or district, to be obtained in such manner as the Legisla-  
14 tures of said States shall by law direct; and, in the apportion-  
15 ment of the proceeds of said fund, each township and district  
16 shall be entitled to such part thereof, and no more, as shall  
17 have accrued from the sum or sums of money arising from the  
18 sale of the school lands belonging to such township or district.

1 SEC. 2. And be it further enacted, That the Legislatures  
2 of said States be, and they are hereby, authorized to make such  
3 laws and needful regulations as may be deemed expedient to  
4 secure and protect from injury or waste, the sections reserved  
5 by the laws of Congress, for the use of schools, to each town-  
6 ship, and to provide by law, if not deemed expedient to sell,  
7 for leasing the same for any term not exceeding four years, in  
8 such manner as to render them productive, and most conducive  
9 to the object for which they were designed.

1 SEC. 3. And be it further enacted, That if the proceeds  
2 accruing to any township or district from said fund, shall be  
3 insufficient for the support of schools therein, it shall be lawful  
4 for said Legislatures to invest the same in the most secure and  
5 productive manner, until the whole proceeds of the fund belong-  
6 ing to such township or district shall be adequate to the permanent

S. 33.—2

7 maintenance and support of schools within the same: Provided,  
8 That the Legislatures aforesaid shall, in no case, invest the pro-  
9 ceeds of the sale of the lands in any township in manner aforesaid,  
10 without the consent of the inhabitants of said township or dis-  
11 trict, to be obtained as aforesaid.

1 SEC. 4. And be it further enacted, That any sales of such  
2 lands, reserved as aforesaid, as have been made in pursuance  
3 of any of the laws enacted by the Legislatures of said States,  
4 and not inconsistent with the principles of this act, are hereby  
5 ratified and confirmed so far as the assent of the United States  
6 to the same may be necessary to the confirmation thereof.

IN SENATE OF THE UNITED STATES.

JANUARY 3, 1843.

Agreeably to notice, Mr. YOUNG asked and obtained leave to bring in the following bill; which was read twice, and referred to the Committee on Public Lands.

JANUARY 5, 1843.

Reported without amendment.

**A BILL**

To authorize the sale of school lands in the State of Illinois, and to legalize such sales as have been made prior to the passage of this act.

1 *Be it enacted by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled, That*  
3 *the Legislature of the State of Illinois be, and is hereby, au-*  
4 *thorized to sell and convey in fee simple all or any part of*  
5 *the lands heretofore reserved and appropriated by Congress*  
6 *for the use of schools within said State, and to invest the money*  
7 *arising from the sale thereof in some productive fund, the pro-*  
8 *ceeds of which shall forever be applied, under the direction of*  
9 *said Legislature, for the use and support of schools within the*  
10 *several townships and districts of country for which they were*  
11 *originally reserved and set apart, and for no other use or pur-*  
12 *pose whatsoever: Provided, Such land, or any part thereof, shall*  
13 *in no case be sold without the consent of a majority of the in-*  
14 *habitants of said township or district, to be obtained in such*  
15 *manner as the Legislature of said State may by law direct: Pro-*  
16 *vided also, That in the apportionment of the proceeds of said*

17 fund, each township and district aforesaid shall be entitled to  
18 such part thereof, and no more, as shall have accrued from the  
19 sum or sums of money arising from the sale of the school lands  
20 belonging to such township or district.

1 *SEC. 2. And be it further enacted, That the sales of such*  
2 *lands, reserved as aforesaid, as have been made in pursuance of*  
3 *any of the laws enacted by the Legislature of said State, and not*  
4 *inconsistent with the principles in this bill contained, are hereby*  
5 *ratified and confirmed.*

OF  
THE HOUSE OF REPRESENTATIVES

OF  
THE UNITED STATES:

BEING  
THE FIRST SESSION OF THE TWENTY-SEVENTH CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

MAY 31, 1841,

AND IN THE SIXTY-FIFTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:  
PRINTED BY CALES AND SEATON.  
1841.

A petition of inhabitants of the town of Concord, Erie county, in the State of New York.  
By Mr. Childs: Two petitions of inhabitants of the county of Monroe, in the State of New York.  
By Mr. Doig: A petition of inhabitants of Herkimer county, in the State of New York.  
By Mr. Sanford: A petition of citizens of the city of Albany, in the State of New York.  
By Mr. John Young: A petition of inhabitants of Cattaraugus county, in the State of New York.  
By Mr. Adams: A petition of inhabitants of Chautaugua county, in the State of New York;  
A petition of inhabitants of Erie county, in the State of New York;  
A petition of inhabitants of the town of Chicago, in the State of Illinois.  
By Mr. Hall: A petition of inhabitants of Arlington, in the State of Vermont;  
A petition of inhabitants of Bennington, in the State of Vermont;  
A petition of inhabitants of Dorset, in the State of Vermont;  
A petition of inhabitants of Guilford, in the State of Vermont.  
By Mr. Boardman: A petition of inhabitants of Middletown, in the State of Connecticut.  
By Mr. Parmenter: A petition of inhabitants of Cambridge, in the State of Massachusetts;  
A petition of inhabitants of Pepperell, in the State of Massachusetts.  
By Mr. Hudson: A petition of inhabitants of Madison, in the Territory of Wisconsin.  
*Ordered*, That the said petitions be referred to the Committee on the Judiciary.  
Mr. Babcock presented a remonstrance from inhabitants of Orleans county, in the State of New York, against the passage of a general bankrupt law.  
Mr. Boardman presented a remonstrance from inhabitants of East Had-dam and Hartford, in the State of Connecticut, against the passage of a general bankrupt law.  
Mr. Holmes presented a memorial of sundry citizens of Charleston, in the State of South Carolina, remonstrating against the passage of a general bankrupt law.  
Mr. Pendleton presented the proceedings of a democratic meeting held in the city of Cincinnati, in the State of Ohio, remonstrating against the establishment of a national bank, and a distribution of the proceeds of the sales of the public lands, and in favor of the independent Treasury, and the passage of a uniform bankrupt law, including individuals and corporations.  
*Ordered*, That the said petitions, memorials, and proceedings, be referred to the Committee on the Judiciary.  
Sundry memorials and petitions praying for the establishment of a national bank, were presented, viz:  
By Mr. John E. Edwards: A memorial from the Chamber of Commerce of the city of St. Louis, in the State of Missouri.  
By Mr. Pendleton: Three petitions of inhabitants of the city of Cincinnati, in the State of Ohio.  
By Mr. Morrow: A petition of inhabitants of Springboro', in the county of Warren, in the State of Ohio.

Notes:

People who petitioned the US Congress to legalize the illegal sale of school land in Chicago couldn't make up their minds if Chicago was a town or a city, though the city charter was granted in 1837.

Municipal and state officials threw around words in the democracy family of words without providing a clear definition of democracy. Propagandists for states claimed that states are the only bastion against the tyranny of a national government. When the US urbanized, propagandists for big cities claimed that cities are the only bastion against the tyranny of a national government. In reality, city and state officials have always wanted and often achieved the status of independent sovereign principalities with all the powers, prerogatives and privileges of kings - governors and mayors the kings - and their patronage workers the kings' men.

TUESDAY, August 17, 1841.

Mr. Medill, at his request, was excused from further service on the Committee of Elections, and Mr. Shields was appointed of the committee to supply the vacancy.

Mr. Triplett presented a petition of inhabitants of Henderson county, in the State of Kentucky; also a petition of inhabitants of Butler county, in the State of Kentucky; and a petition of inhabitants of Hopkins' county, in the same State; all against the passage of any bill to establish a system of bankruptcy for the United States.

Mr. Triplett also presented a petition of inhabitants of Hopkinsville and Christian county, in the same State, in favor of the passage of a bill to establish a uniform system of bankruptcy.

*Ordered*, That said petitions be referred to the Committee of the Whole House on the state of the Union, to which the bill from the Senate, upon the subject of bankruptcy is committed.

Mr. J. P. Kennedy presented a petition of a large number of merchants and manufacturers of the city of Baltimore, in the State of Maryland, praying the appointment of a committee to investigate the operation of the acts imposing duties on imports, and to report the facts obtained by such committee at the next session of Congress; which petition was referred to the Committee on Commerce.

Mr. Mathiot presented the proceedings of a public meeting of the democracy of Licking county, in the State of Ohio, held at Newark on the 31st July, 1841, against a national bank; against a distribution of the proceeds of the sales of the public lands; against the passage of the loan bill; applauding the decision of the court of New York in the case of Alexander McLeod; denouncing the doctrine that to the victors belong the spoils; and upon the subject of currency generally. These proceedings were laid on the table.

Mr. Briggs, from the Committee on the Post Office and Post Roads, to which the subject had been referred, reported "A bill (No. 30) to make an appropriation for the Post Office Department;" which was read the first and second time, and committed to the Committee of the Whole House on the state of the Union.

A message from the Senate, by Mr. Dickins, their secretary:

*Mr. Speaker*: The President of the United States has notified the Senate that he did, on the 13th instant, approve and sign a bill (No. 1) entitled "An act to repeal the act entitled 'An act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue,' and to provide for the punishment of embezzlers of public money, and for other purposes."

The Senate have passed the bill (No 21) entitled "An act further to extend the time for locating Virginia land warrants, and returning surveys thereon to the General Land Office." Also, "A joint resolution (No. 5) to provide for the distribution of the printed returns of the sixth census;" in which bill and resolution the Senate desire the concurrence of this House. And then he withdrew.

The House proceeded to the consideration of the resolution moved by Mr. Barnard on the 13th instant, and which was reconsidered and pending on that day: when

U. S. Congress. House.  
" JOURNAL

OF  
THE HOUSE OF REPRESENTATIVES

OF  
THE UNITED STATES

AT  
THE SECOND SESSION OF THE TWENTY-SEVENTH CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

IN  
THE TERRITORY OF COLUMBIA,

DECEMBER 6, 1841,

AND IN THE SIXTY-SIXTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:  
PRINTED BY GALES AND SEATON.  
1841.

No.	Title.	Reported.	Proceedings in Committee of the Whole, and in the House.	Passed H. R.	Passed Sen.	Other proceedings.	Approved.
311	A bill to create a superintendent and architect of public buildings, and for other purposes <i>Note.</i> —Office of architect, as at present existing, abolished. See House bill No. 539.	609					
312	A bill supplementary to the act entitled "An act to modify the act of the fourteenth of July, one thousand eight hundred and thirty-two, and all other acts imposing duties on imports"	634	910				
313	An act to abolish the branch mints	635					
314	An act for the relief of the president and managers of the Norristown and Valley Railroad Company	648	1218, 1222				
315	A bill for the relief of James Sesburn	648	876	1008	1229	1238, 1258	1265
316	A bill for the relief of John B. Pierce	648	876	1008	1229	1238, 1258	1264
317	A bill for the relief of Robert Davis	648	876	1008			
318	A bill for the relief of John Core	648	876	1008			
319	A bill for the relief of Sam. Hamblaton	648	1218, 1222				
320	A bill for the relief of John H. McIntosh	649	1218, 1222				
321	A bill for the relief of the heirs and representatives of Josias Thompson	649	876	1008			
322	A bill for the relief of the heirs and legal representatives of Antonio Pacheco	649					
323	A bill for the relief of Charles F. Sibbald	649	876	1008	1343	1366, 1377, 1392	1393
324	A bill for the relief of Elliot Smith and Nathan Farnsworth	649	876	1008			
325	A bill for the relief of the vestry and churchwardens of the Protestant Episcopal church of the parish of St. Philip, in Charleston, South Carolina	649	1218, 1222				
326	A bill for the relief of Levi Eldridge	650	1218, 1222				
327	A bill for the relief of the owners, master, and crew, of the schooner Joanna, of Ellsworth, Maine, (William Fullerton et al.)	650	1218, 1222				
328	A bill to authorize the sale of school lands in the State of Illinois, and to legalize such sales as have been made prior to the passage of this act	650					
329	A bill to establish an additional land office in Florida	650	1117, 1234	1235	1444	1450, 1468	1468
330	A bill for the relief of Henry Gee	650	876	1008	1229	1238, 1259	1265
331	A bill to confirm the sale of public lands in certain cases	650	1217, 1283	1284	1364	1365, 1390, 1401, 1405	1431
332	A bill for the relief of Geo. H. Walker	650	876	1008	1229	1238, 1259	1265
333	A bill for the relief of James L. May	650	876	1008	1291	1368, 1471, 1476, 1478	1481
334	A bill in relation to the exemption of records of land patents and other evidences of title, and amendatory of the act entitled "An act to reorganize the General Land Office"	650					

No.	Title.	Reported.	Proceedings in Committee of the Whole, and in the House.	Passed H. R.	Passed Sen.	Other proceedings.	Approved.
406	A bill making an appropriation for completing the public buildings in Florida	790	799	790	-	832	832
407	A bill providing for the more speedy administration of justice in the District of Columbia, and for other purposes	790	1119, 1137	1137			
408	A bill to authorize the Shenandoah Bridge Company at Harper's Ferry to erect a bridge on the land of the United States at the town of Harper's Ferry	791					
409	A bill to constitute the town of Stonington, Mystic river, and Pawcatuck river, a collection district (See bill No. 572, for a supplement to this bill.)	801	828	829	1169	1187, 1190, 1195	1207
410	A bill authorizing the Secretary of the Navy to ascertain the longitude of the Capitol and of other important places in the United States	801					
411	A bill to authorize the collector of the district of Fairfield to reside at either of the towns of Fairfield or Bridgeport	838	838	838	877	885, 915	918
412	A bill for the relief of T. Skle Savage, administrator of Boltha Laws	843	1219, 1222				
413	A bill for the relief of Charles Gordon, of Belfast, owner of the schooner "Two Sons," and the legal representatives of the crew of said vessel	843	1219, 1222				
414	A bill for the relief of Orin Prentiss, of Stonington, Connecticut, owner of the schooner Lily, and the crew of said vessel	843	1219, 1222				
415	A bill for the relief of Isaac Champlin et al., owners of the schooner Buffalo	843	1219, 1222				
416	A bill for the relief of Joseph Holme et al., owners and legal representatives of the crew of the schooner Industry	843	1219, 1222				
417	A bill reappropriating money for the erection of a light-house at Flynn's Knoll, New York, on iron screw piles, and for the rebuilding the Brandywine shoal light-house, in Delaware Bay	843					
418	A bill making appropriations for certain sites for marine hospitals	844	1250, 1267	1272	1428	1439, 1450	1451
419	A bill creating the collection district of Illinois, and establishing ports of entry at Chicago and Marietta	844					



SENATE BILLS—Continued.

SENATE BILLS—Continued.

No.	Title.	Received from Senate.	Proceedings in Committee of the Whole, and in the House.	Passed H. R.	Other proceedings.	Approved.
24	An act to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under the several treaties between the United States and certain foreign Powers, which awards have been retained in the Treasury in payment of debts due to the United States -	155	295, 690, 1432			
26	An act for the relief of Thankful Reynolds -	550	555, 690, 1221, 1223	1223	1237, 1259	1277
28	An act for the relief of Huldah Tucker -	238	295, 344, 481	520	546	581
31	An act supplementary to an act to provide for the adjustment of titles to land in the town of Detroit, and Territory of Michigan, and for other purposes, passed April 21, 1806 -	1292	1364, 1436	1436	1441, 1450	1473
33	An act for the relief of certain companies of Michigan militia -	1042	1064, 1373			
34	An act in relation to donations of land to certain persons in the State of Arkansas -	409	412, 687			
35	An act to settle the title to certain tracts of land in the State of Arkansas -	409	412, 842, 1221, 1223	1224	1231, 1252, 1259	1278
38	An act for the relief of Ephraim D. Dickson -	409	412, 648			
40	An act granting a pension to Margaret Jamison -	101	125, 344, 481	520	546	581
41	An act in favor of Mary Snow -	550	555, 690, 1221, 1223	1223	1237, 1259	1277
43	An act to authorize the Legislature of the State of Louisiana to sell the lands heretofore appropriated for the use of schools in that State -	114	125, 338			
44	An act to revise the act entitled "An act to enable claimants to land within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved 26th May, 1824, and an act amending the same, and extending the provisions of said acts to claimants to land within the States of Louisiana and Mississippi -	359	363, 838, 1070, 1473			
45	An act for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State -	155	295, 500, 1206, 1432, 1434	1434	1444, 1445, 1452	1473
46	An act to continue in force the "Act for the final adjustment of private land claims in Missouri," approved 9th July, 1832, and the act supple-					

No.	Title.	Received from Senate.	Proceedings in Committee of the Whole, and in the House.	Passed H. R.	Other proceedings.	Approved.
47	mental thereto, approved 2d March, 1833 -	782	817			
47	An act confirming the claim of the heirs of Joseph Thompson, sen., deceased, to a tract of land in Missouri -	521	555			
48	An act for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom -	521	556, 1173, 1222, 1223	1224	1252, 1259	1278
49	An act for the relief of Jacques Bon and Alexander Coleman, or their heirs and legal representatives -	521	556			
50	An act for the relief of James H. Relfe -	215	295, 336, 656	658	673, 709	705
52	An act for the relief of the legal representatives of Nathaniel Pryor, deceased -	782	817, 887			
53	An act authorizing the settlement and payment of certain claims of the State of Alabama -	680	683, 1132, 1265	1275	1291, 1293	1321
54	An act for the relief of certain settlers on the public lands who were deprived of the benefits of the act granting pre-emption rights, which was approved the 19th of June, 1834 -	411	411, 687			
55	An act for the relief of the legal representatives of John Scott -	1042	1064, 1128, 1221, 1223	1224	1237, 1259	1277
57	An act to provide for the payment to the State of Louisiana of the balance due said State for expenditures incurred in raising, equipping, and paying off a regiment of volunteer militia mustered into the service of the United States, and employed in the Florida war, in the year 1836 -	155	295, 506, 1393, 1402, 1418	1418	1439, 1452	1473
59	An act to authorize the States of Indiana and Illinois to select certain quantities of land, in lieu of like quantities heretofore granted to said States for the construction of the Wabash and Erie and the Illinois and Michigan canals -	1056	1064, 1417, 1418	1418	1439, 1452	1473
60	An act for the benefit of the Seina and Tennessee Railroad Company -	114	126			
61	An act for the relief of Ephraim Sprague -	411	411, 694, 1221, 1223			
64	An act for the relief of the legal representatives of Avron Vail, deceased, late consul at L'Orient -	155	295, 690	690	736, 797	802
65	An act for the relief of Valerian Allain -	580	647, 859, 1221, 1223	1224	1237, 1259	1277
66	An act for the relief of George de Passan, of Louisiana -	238	295, 342, 743, 873, 1010			
67	An act for the relief of certain companies of Missouri volunteers, com-					

No.	Title.	Received from Senate.	Proceedings in Committee of the Whole, and in the House.	Passed H. R.	Other proceedings.	Approved.
122	An act authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof -	673	583, 858			
123	An act to revive and continue in force "An act supplementary to an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned, approved March 10, 1838" -	550	556, 652, 1431, 1476			
124	An act for the relief of Thomas M. Isett -	581	647, 695, 1221	1223	1238, 1259	1277
125	An act for the relief of Robert B. Lewis -	581	647			
126	An act to remove the office of surveyor general, and to change the location of the land office in the Greensburg district, in the State of Louisiana -	581	647, 801			
127	An act for the relief of Gregoire Sarpy, or his legal representatives -	634	647, 1173, 1222, 1223	1224	1238, 1259	1277
128	An act for the relief Gabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased -	1042	1054, 1132, 1221, 1223	1224	1238, 1259	1377
131	An act declaring the assent of Congress to the State of Illinois to impose a tax upon all lands hereafter sold by the United States, in that State, from and after the time of such sale -	634	647, 858			
132	An act for the benefit of the Howard Institution in the city of Washington -	705	817, 856			
133	An act to incorporate Washington's Manual Labor School and Male Orphan Asylum Society of the District of Columbia -	748	817, 856	899	918, 968	968
134	An act for the relief of George Nix -	673	683, 940	940	968, 1003, 1043	1043
135	An act for the relief of Enoch Hidden -	673	683, 1173, 1250, 1432, 1434	1435	1444, 1445, 1452	1473
136	An act for the relief of Richard Patton -	680	683, 692, 862			
137	An act for the relief of Isaac Hull -	716	817, 827, 1432, 1432, 1434	1434	1438, 1452	1474
138	An act for the relief of Daniel Kleiss -	680	683, 692, 946, 1221, 1223	1224	1238, 1259	1277
139	An act for the relief of the legal representatives of Richard T. Banks, of the State of Arkansas -	680	683, 782, 1221, 1223	1223	1238, 1259	1277
140	An act for the relief of Richard Higgins -	782	817, 1217, 1222, 1223	1224	1238, 1259	1278
141	An act for the relief of Reynell Coates and Walter R. Johnson -	782	817, 862, 1221, 1223, 1418			
	May 25, 1842, amended title, &c.: Add "Eighty."					

No.	Title.	Received from Senate.	Proceedings in Committee of the Whole, and in the House.	Passed H. R.	Other proceedings.	Approved.
287	An act for the relief of John W. Skidmore -	1291	1365, 1456			
291	An act concerning the professors of mathematics in the navy of the United States -	1252	1258, 1282, 1295	1475	1478	1482
292	An act for repaving and repairing of Pennsylvania avenue -	1231	1258, 1370, 1469, 1477			
293	An act to provide for the settlement of claims for losses of property, by reason of its military occupation, in the Territory of Florida -	1138	1147, 1182			
295	An act providing for the establishment of a school of instruction in the naval service of the United States -	1252	1258			
296	An act to permit the Secretary of the Treasury to adjust and compromise the claim of the United States against Henry Daniel and Thomas Triplett, jr., deceased, now or late of the State of Kentucky -	1169	1188, 1370, 1433	1435	1442, 1451	1472
298	An act to provide for ascertaining and disposing of the lead mineral lands in the States of Illinois and Arkansas, and the Territories of Wisconsin and Iowa -	1321	1365			
299	An act for the relief of Rees B. Ward -	1126	1147, 1172, 1222, 1223	1224	1238, 1260	1277
303	An act making compensation to pension agents -	1292	1365, 1435			
307	An act for the relief of Thomas B. Parsons -	1364	1364, 1373, 1433	1435	1442, 1451	1472
310	An act for the relief of Joseph Bryan, Harrison Young, and Benj. Young -	1395	1449			
311	An act to extend the time within which the duties on certain railroad iron imported by the State of Michigan, being laid down for permanent use, may be remitted -	1263	1283, 1295			
314	An act for the relief of Nath. Mitchell -	1277	1283	1283	1304, 1392	1400
315	An act making appropriations to carry into effect a treaty with the Wyandot Indians, and for other purposes -	1454	1456, 1474	1474	1477, 1477, 1478	1482

OF THE  
SENATE OF THE UNITED STATES

OF AMERICA,

BEING THE

SECOND SESSION OF THE TWENTY-SEVENTH CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 6, 1841,

AND IN THE SIXTY-SIXTH YEAR OF THE INDEPENDENCE OF THE SAID UNITED STATES.

WASHINGTON:  
PRINTED BY THOMAS ALLEN.  
1841.

Number.	Title.	First reading.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
34	A bill in relation to donations of land to certain persons in the State of Arkansas - - -		29 29, 61, 170	174			
35	A bill to settle the title to certain tracts of land in the State of Arkansas - -		30 30, 61, 170	174	546	552, 559, 562	565
36	A bill for the relief of Samuel Norris and Frederick Saugrain, of Arkansas -		30 30, 40, 59				
37	A bill for the relief of Henry Wilson -		30 30, 40, 63				
38	A bill for the relief of Ephraim D. Dickson - - -		30 30, 63, 170	174			
39	A bill for the settlement of the claims of New Hampshire against the United States - - -		30 30, 578				
40	A bill granting a pension to Margaret Jamison - - -		30 30, 40, 49	56	222	228, 233, 486	236
41	A bill in favor of Mary Snow - - -		30 30, 40, 68, 227	229	545	552, 562	565
42	A bill to equalize the pay of the army, and for other purposes - - -		30 30, 104, 232, 283				
43	A bill to authorize the Legislature of the State of Louisiana to sell the lands heretofore appropriated for the use of schools in that State - - -		30 30, 40, 62	65			
44	A bill to revive the act entitled, "An act to enable the claimants to land within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same; and extending the provisions of said acts to claimants to land within the States of Louisiana and Mississippi -		30 30, 51, 130, 143, 156	159			
45	A bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State - - -		30 30, 44, 74	78	628	634, 637	644
46	A bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved 9th July, 1832, and the act supplemental thereto, approved 2d March, 1833 -		30 30, 69, 175, 308, 321	325			
47	A bill confirming the claim of the heirs of Joseph Thompson, senior, deceased, to a tract of land in Missouri - -		30 30, 91, 219	222			
48	A bill for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher and Peter Bloom -		30 30, 91, 219	222	545	559, 562	565
49	A bill for the relief of Jacques Bon and Alexander Coleman, or their heirs and legal representatives - -		30 30, 91, 219	222			
50	A bill for the relief of James H. Relfe -		31 31, 51, 86	92	266	275, 278, 281, 282, 293	294
51	A bill for the relief of Adam D. Stuart -		31 31, 61, 93				
52	A bill for the relief of the legal representatives of Nathaniel Fryor - - -		31 31, 125, 316	320			

Number.	Title.	First reading.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
85	A bill for the relief of Pierre Babin -	49	49				
86	A bill to confirm claims to lands in the district between the Rio Hondo and Sabine rivers -	49	49, 91, 214, 467	470			
87	A bill for the relief of the executor of Thomas Cooper -	49	49				
88	A bill to provide for the erection of an hospital in the city of Washington (Amended.—See page 460.)	51	51, 115, 321, 457	460	628	634	644
89	A bill for the relief of the heirs or legal representatives of Joseph Morris, deceased -	51	51, 150, 413				
90	A bill for the relief of the legal representatives of William Sanford, deceased -	51	51				
91	A bill for the relief of the representatives of Robert White -	51	51				
92	A bill for the relief of Jacob Pennel, and others, owners of the Eliza, of Brunswick -	51	51, 56, 93	98	420	430, 431	437
93	A bill for the relief Jesse Carpenter -	53	53, 64, 170, 174	174	430	430, 431	437
94	A bill for the relief of the Plumb Island Bridge and Turnpike Company -	53	53, 56, 93	98	363	367, 370, 378	376
95	A bill to confirm the survey and locations of claims for lands in the State of Mississippi, east of the Pearl river, and south of the 31st degree of north latitude -	53	53, 61, 170	174			
96	A bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivard, deceased (Amended.—See page 473.)	53	53, 280, 367, 470	473	628	635	644
97	A bill for the relief of Capt. J. Throckmorton -	53	53, 64, 174, 553	178			
98	A bill to postpone the operation of the bankrupt law -	53	53, 56, 93, 166				
99	A bill granting to the State of Illinois an additional quantity of land to aid in the completion of the Illinois and Michigan canal -	54	54				
100	A bill to amend the act entitled "An act to appropriate the proceeds of the sales of the public land, and to grant pre-emption rights," approved September 4, 1841 (Amended.—See page 245.)	54	54, 73, 175, 215, 217, 239, 241	245			
101	A bill for the relief of William de Peyster and Henry N. Cruger -	54	54, 86	92			
102	A bill establishing a port of entry at the city of Chicago, in the State of Illinois -	55	55				
103	A bill for the relief of Caleb Eddy -	56	56, 86	92	363	367, 370, 378	376
104	A bill for the relief of John S. Billings -	56	56, 93	98	268	277, 281, 282	294

## Notes:

See Senate bill 122.

Because the 1785 school land reservation was perpetual, most public/ private acts to confirm the illegal sale or occupation of school lands allowed township inhabitants to select an alternate section.

Because uniformity and equal rights are fundamental principles of democracy, Illinois should have petitioned for and Congress granted township 39N Range 13E and all other township inhabitants a replacement section of school land equivalent in value to that sold.

Also see Senate bill 131

It follows up on a request by Illinois to violate a provision of its state charter and tax public land as soon as it was purchased, instead of waiting 5 years after purchase for the purchaser to improve the property so he could use it and profit from it.

Number.	Title.	First reading.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
120	A bill relative to the act entitled, "An act granting lands to certain exiles from Poland," approved June 30, 1834 -	92	230	231	268	277, 281, 282	294
121	A bill for the relief of Hezekiah L. Thistle -	92	230	231	546	552, 560, 562	565
122	A bill authorizing the relinquishment of the sixteenth sections, granted for the use of schools, and the entry of other lands in lieu thereof -	97	97, 118, 261	278			
123	A bill to revive and continue in force, "An act, supplementary to an act entitled, 'An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,'" approved March 10, 1838 -	98	230	231			
124	A bill for the relief of Thomas M. Isett -	100	231, 235	235	546	552, 562	565
125	A bill for the relief of Robert B. Lewis -	104	231	238			
126	A bill to remove the office of surveyor general, and to change the location of the land office in the Greensburg district, in the State of Louisiana -	104	231	238			
127	A bill for the relief of Gregoire Sarpy, or his legal representatives -	104	242	256	546	552, 562	565
128	A bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs-at-law, of Samuel Hill, deceased -	100	110, 154, 436	438	546	552, 562	565
129	A bill for the relief of Joseph Campau -	110	110, 197, 444, 560				
130	A bill authorizing a patent to be issued to Joseph Campau for a certain tract of land in the State of Michigan -	110	110, 595				
131	A bill declaring the assent of Congress to the State of Illinois, to impose a tax upon all lands heretofore sold by the United States, in that State, from and after the time of each sale -	110	242	256			
132	A bill for the benefit of the Howard Institution of the city of Washington -	115	283	287			
133	A bill to incorporate Washington's Manual Labor School and Male Orphan Asylum of the District of Columbia -	115	304, 307	307	372	378, 395, 397	437
134	A bill for the relief of George Nix -	118	261	278	390	395, 400, 413	437
135	A bill for the relief of Enoch Hidden -	118	261	279	628	634, 637	644
136	A bill for the relief of Richard Patten -	118	281	283			
137	A bill for the relief of Isaac Hull -	118	281, 297	298	627	638	645
138	A bill for the relief of Daniel Kleiss -	118	281	283	546	553, 562	565
139	A bill for the relief of the legal representatives of Richard T. Banks, of the State of Arkansas -	118	281	283	546	553, 562	565
140	A bill for the relief of Richard Higgins, jr. -	120	316	318	546	553, 562	565
141	A bill for the relief of Reynell Coates and Walter R. Johnson -	121	316	318			
142	A bill further supplementary to an act entitled, "An act to establish the judicial courts of the United States," passed September 24, 1789 -	121	121, 209, 450	456	573	576, 595	

Number.	Title.	First reading.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
238	A bill for the relief of John Moore -	302	476	477			
239	A bill for the relief of the heirs of General William Eaton -	302	476				
240	A bill for the relief of the inhabitants of the reserved township in Gibson county, in the State of Indiana -	307	480	480	546	553, 562	565
241	A bill to authorize the Secretary of the Navy to contract for the building of certain steam-vessels -	309	454, 561				
242	A bill for the relief of Mrs. Mary W. Thompson, widow of the late Lieutenant Colonel Thompson -	313	480	492	628	635	644
243	A bill for the relief of Andrew Forrest -	315	480	480	628	635	644
244	A bill for the relief of John A. Rockwell -	317	480	480	515	523	525
245	A bill to confirm the sale of a certain school section in the State of Illinois, and for other purposes -	323	480	480	515	523	525
246	A bill for the relief of William Osteen -	323	480	480	546	553, 562	565
247	A bill to amend an act for the relief of Jamison and Williamson -	327	327, 446, 547				
248	A bill for the relief of Stalker & Hill -	332	480	480			
249	A bill for the relief of Wareham Kingsley -	334	480	480			
250	A bill for the relief of Daniel B. Bush -	334	340, 482	482	546	553, 562	565
251	A bill to provide for the settlement of certain accounts for the support of Government in the Territory of Wisconsin, and for other purposes -	337	337, 399, 445	448	628	634, 637	644
252	A bill to extend the time of payment of a judgment against the Planters' Bank of Mississippi, and for other purposes -	337	481	481			
253	A bill for the relief of Robert Miller -	337	480	480	546	552, 560, 562	565
254	A bill authorizing the county commissioners of Lake county, Illinois, to enter a quarter section of land for a seat of justice in said county -	340	340, 351	352	390	395, 400, 414	437
255	A bill for the benefit of the county of Holt, in the State of Missouri -	340	480	480	509	523	525
256	A bill to provide for publishing an account of the discoveries made by the exploring expedition under the command of Lieutenant Wilkes, of the United States navy -	344	344, 374, 410, 413	413	590	589, 612	613
257	A bill to provide for the armed occupation and settlement of the unsettled part of the peninsula of East Florida -	344	344, 371, 396, 397	399	487	487, 509, 519, 524, 527, 531	537
258	A bill for the relief of William Wynn -	347	481	481	546	553, 562	565
259	A bill to extend the provisions of an act entitled, "An act to regulate processes in the courts of the United States," passed May 19, 1838 -	347	485	485	509	523	525
260	A bill for the relief of Henry Fry -	349	486	486	628	635	644
261	A bill confirming to certain ancient settlers of Illinois a quantity of land to						

See Senate bills 240, 245.

See Senate bill 261.

European Roman Catholics slaughtered Protestants before, during and after the Thirty Years' War that formalized the genocide at the same time that French Catholics began to settle the Americas and likewise French, German, Dutch, Scandinavian and British Protestants. The blood hadn't dried. French Roman Catholic priests had organized a committee, known as Propaganda, to make the inhabitants of all the Americas Roman Catholics. American Protestants weren't happy about taking on French Catholics in the Northwest Territory. American Protestants, such as the Philadelphia Quakers, were especially upset because they'd suffered religious oppression in Europe; and they opposed slavery while French Catholic priests and petitioners owned slaves. A generation of Old French Settlers died before the US Congress confirmed all their various claims.

See Senate bill 298.

Illinois officials wanted the US Congress to give them all the valuable land in the state. State officials would get the profit of selling them into private property. Furthermore, the title would obscure the existence of school land, mineral land, and other reservations that were intended to benefit the people of the townships and states forever.

See Senate bill 311.

US founders transferred the power to tax imports from states to the national government with the 1787 US Constitution. The intention was to finance government with a tax on imports that was essentially voluntary. In addition to donating vast amounts of public land to railroad corporations to sell for private profit, the Congress contemplated exempting the metal rails from taxation, depriving the common people of the US of the benefits of the tax. British profiteers who owned and managed mines and factories in Great Britain, as well as Russia, and were already wealthy would get the benefit of the tax break.

Number.	Title.	First reading.	Proceedings before passage.	Passed Senate.	Passed H. R.	Other proceedings.	Approved.
295	A bill providing for the establishment of schools of instruction in the naval service of the United States -	459	554, 557	558			
296	A bill to permit the Secretary of the Treasury to adjust and compromise a claim of the United States against Henry Daniel and Thomas Triplett, junior, deceased, now or late of the State of Kentucky -	464	464, 494	496	628	635	643
297	A bill to regulate the chancery practice in the courts of the United States in Louisiana -	465	465				
298	A bill to provide for ascertaining and disposing of the lead mineral lands in the State of Illinois and the Territories of Wisconsin and Iowa -	467	567, 576	576			
299	A bill for the relief of Rees B. Ward -	477	484	484	546	553, 562	565
300	A bill for the relief of Johnson K. Rogers -	482	576				
301	A bill relative to the office of surveyor general of the States of Ohio, Indiana, and Michigan -	482	545				
302	A bill to amend an act entitled, "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union" -	483					
303	A bill making compensation to pension agents -	487	570, 634	573			
304	A bill authorizing the Secretary of the Treasury to compromise and settle with the sureties of John H. Owen, late receiver of public moneys at St. Stephen's, Alabama -	491	601				
305	A bill to regulate the use, and prevent the abuse, of the franking privilege, and for other purposes -	501	586				
306	A bill to apply certain alternate sections of the public domain toward the completion of the works of internal improvement in the State of Michigan, and for other purposes -	502					
307	A bill for the relief of Thomas B. Parsons -	506	587	587	628	635	643
308	A bill for the relief of William B. Murtree -	524					
309	A bill for the relief of the sureties of the New Orleans and Nashville Railroad Company -	530					
310	A bill for the relief of Joseph Bryan, Harrison Young, and Benjamin Young -	530	597	597			
311	A bill to extend the time within which duties on certain railroad iron imported by the State of Michigan, being laid down for permanent use, may be remitted -	525	553	561			
312	A bill granting a pension to David Welch -	551					



OF  
THE HOUSE OF REPRESENTATIVES

OF  
THE UNITED STATES,

AT  
THE THIRD SESSION OF THE TWENTY-SEVENTH CONGRESS

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

IN  
THE TERRITORY OF COLUMBIA,

DECEMBER 5, 1842,

AND IN THE SIXTY-SEVENTH YEAR OF THE INDEPENDENCE OF THE UNITED STATES.

WASHINGTON:  
PRINTED BY GALES AND SEATON.  
1843.

No.	Title.	Received from Senate.	Proceedings in Committee of the Whole, and in the House.	Passed H. R.	Other proceed-ings.	Approved.
32	An act making compensation to pension agents - - - - -	118	126, 145			
33	An act to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee, to sell the lands heretofore appropriated to the use of schools in those States - - - - -	183	189, 281	282	314, 381	385
34	An act to provide for ascertaining and disposing of the lead mineral lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, and for other purposes - - - - -	171	176, 282			
36	An act to continue the office of Commissioner of Pensions - - - - -	118	126, 145	145	164	234
38	An act for the relief of William De Buys, postmaster at New Orleans - - - - -	171	176	312	374, 383, 401	413
39	An act to repeal certain parts of an act of Congress, approved August 31, 1842, entitled "An act to establish certain post roads" - - - - -	87	114, 208			
40	An act for the relief of persons residing within the reputed limits of the States of Arkansas or Louisiana, and beyond the boundary line between the United States and the republic of Texas, as established by the commissioners appointed to ascertain the same - - - - -	187	176, 234			
41	An act for the relief of Elizabeth Monroe - - - - -	171	176, 186	186	216, 277	323
43	An act for the relief of the heirs of Madame De Lusser and their legal representatives - - - - -	384	399, 478	478	495, 500	504
45	An act for the relief of Benjamin Murphy - - - - -	147	149, 384			
53	An act for the relief of Wareham Kingsley - - - - -	171	176, 186, 309			
56	An act declaring the assent of Congress to the State of Illinois to impose a tax upon all lands heretofore sold by the United States, in that State, from and after the time of such sale - - - - -	183	189, 208, 218, 464			
58	An act for the relief of the West Feliciana Railroad Company - - - - -	446	448, 482			
59	An act for the relief of the Planters' Bank of Mississippi, and the Agricultural Bank of Mississippi - - - - -	250	269, 440			
60	An act to re-enact and continue in operation the several acts now in force for the relief of insolvent debtors of the United States - - - - -	171	176, 234	234	254, 277	324
63	An act to prevent the employment of private expresses upon mail routes, and for the prevention of frauds upon the revenues of the Post Office Department - - - - -	341	356, 380			
65	An act for the relief of Samuel Dicy - - - - -	209	225, 227, 272	273	286	324
67	An act to regulate enlistments in the army, navy, and marine corps - - - - -	234	269			
68	An act for the relief of William Depeyster and Henry N. Cruger - - - - -	234	269, 308			
69	An act to amend the charter of the town of Alexandria - - - - -	250	269, 307	308	346, 381	385

See Senate bills 33, 34 and 56.

THE  
**Public Statutes at Large**  
OF THE  
**UNITED STATES OF AMERICA,**

FROM THE  
ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH  
REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS  
ON THE SAME SUBJECT,

AND  
COPIOUS NOTES OF THE DECISIONS  
OF THE

**Courts of the United States**

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN  
INDEX TO THE CONTENTS OF EACH VOLUME,

AND A  
FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH  
The Declaration of Independence, the Articles of Confederation, and  
the Constitution of the United States;

AND ALSO,  
TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,  
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY  
**RICHARD PETERS, ESQ.,**  
COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognised, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

VOL. V.  
BOSTON:  
LITTLE, BROWN AND COMPANY.  
1856.

RESOLUTIONS.

No. 2. <i>Printing of Tables of the Sixth Census.</i> Joint resolution on the subject of printing the tables of the sixth census. April 14, 1842.....	583
No. 3. <i>Distribution of the Returns of the Sixth Census.</i> A resolution further to provide for the distribution of the printed returns of the sixth census, and other documents connected with the same, the printing of which has been heretofore directed by law. April 15, 1842.....	583
No. 4. <i>Clerks in the business of Indian Reservations, &amp;c.</i> Joint resolution to continue two clerks in the business of reservations and grants under Indian treaties. May 18, 1842.....	583
No. 5. <i>Mail of the United States from Mobile to New Orleans.</i> A resolution to authorize the extension of the contract for carrying the mail on the route between Mobile and New Orleans. June 1, 1842.....	583
No. 7. <i>Rules and Regulations for the Naval Service.</i> Joint resolution to authorize the commission appointed to prepare rules and regulations for the naval service to appoint a clerk. Aug. 11, 1842.....	584
No. 8. <i>Benefits of the Pension Act of July 7, 1838, not to be withheld from certain Widows.</i> A resolution declarative of the pension act of July seventh, eighteen hundred and thirty-eight. Aug. 16, 1842.....	584
No. 10. <i>Title to Rush Island.</i> Joint resolution to institute proceedings to ascertain the title to Rush Island, ceded in the Caddo Treaty. Aug. 30, 1842.....	584
No. 12. <i>Colt's Submarine Battery.</i> Joint resolution authorizing experiments to be made for the purpose of testing Samuel Colt's submarine battery, and for other purposes. Aug. 31, 1842.....	584
No. 13. <i>Expenses of the Legation to Mexico.</i> A resolution to provide for the payment of the expenses incurred by the Legation at Mexico. Aug. 31, 1842.....	585
No. 14. <i>Mail of the United States on the Potomac.</i> A resolution to authorize an extension of a contract for carrying the mail. Aug. 31, 1842.....	585

STATUTE III.—1843, 1843.

<i>Appropriations for the support of Government.</i> An act making appropriations for the civil and diplomatic expenses of Government for the half calendar year ending thirtieth of June, eighteen hundred and forty-three. (Obsolete.) Dec. 24, 1842.....	586
<i>District Court of Western Virginia.</i> An act to amend the act establishing the District Court of the United States at Wheeling, Virginia. Jan. 20, 1843.....	597
<i>Continuance of the Office of Commissioner of Pensions.</i> An act to continue the office of Commissioner of Pensions. Jan. 20, 1843.....	597
<i>Relief of Insolvent Debtors.</i> An act to re-enact and continue in operation the several acts now in force for the relief of insolvent debtors of the United States. Jan. 28, 1843.....	597
<i>Payment of Georgia Militia.</i> An act for the payment of seven companies of Georgia militia, for services rendered in the years eighteen hundred and forty and eighteen hundred and forty-one. Feb. 4, 1843.....	598
<i>Pensions.</i> An act making appropriations for pensions for the half calendar year beginning the first day of January and ending the thirtieth day of June, one thousand eight hundred and forty-three; and for the fiscal year beginning the first day of July, one thousand eight hundred and forty-three, and ending the thirtieth day of June, one thousand eight hundred and forty-four. Feb. 14, 1843.....	598
<i>Charter of the Town of Alexandria.</i> An act to amend the charter of the town of Alexandria. Feb. 15, 1843.....	599
<i>Chief Clerk in the Office of the Secretary of State empowered to frank Letters.</i> An act to authorize the chief clerk in the office of the Secretary of State to frank public and official documents sent from that office. (Obsolete.) Feb. 15, 1843.....	600
<i>Circuit and District Courts of the District of Maine.</i> An act to change the place of holding the Circuit and District Courts in the District of Maine. Feb. 15, 1843.....	600
<i>Sale of Lands in the States of Illinois, Arkansas, Louisiana, and Tennessee, appropriated for the use of Schools in those States.</i> An act to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee, to sell lands heretofore appropriated for the use of schools in those States. Feb. 15, 1843.....	600

VOL. V.—(4)

c

1843, February 15. Public Act XXXIII. Sale of Lands in the States of Illinois, Arkansas, Louisiana and Tennessee, appropriated for the use of Schools in those States.

Peters, Richard (editor). Public Statutes at Large. Boston: Little, Brown and Company (1856).



STATUTE III.  
Feb. 15, 1843.  
[Obsolete.]

CHAP. XXXI.—*An Act to authorize the chief clerk in the office of the Secretary of State to frank public and official documents sent from that office.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right and privilege of franking all public and official documents, that may be sent from the office of the Secretary of State, be, and hereby is, granted to the chief clerk in that office.

APPROVED, February 15, 1843.

STATUTE III.  
Feb. 15, 1843.

CHAP. XXXII.—*An Act to change the place of holding the circuit and district courts in the district of Maine.* (a)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the term of the circuit court of the United States, for the district of Maine, heretofore held at Wiscasset, in and for said district, on the first day of October, shall hereafter be held at Portland, in said district, on the first day of October, and that all writs, pleas, and recognisances and indictments, and all other proceedings, both civil and criminal, pending in said court, shall be returnable to and have day and be heard, tried, and proceeded in at Portland, in the same manner as they might have been done at Wiscasset, had the place of holding said court not been changed: *Provided, however,* if the first day of October happen on Sunday, then the court shall be held on the second day of said month.

SEC. 2. *And be it further enacted,* That the term of the district court of the United States for the district of Maine, heretofore held at Wiscasset, on the fourth Tuesday of February, shall hereafter be held at Portland on the first Tuesday of February, and that the term of said court heretofore held at Portland on the first Tuesday of June, shall hereafter be held at Bangor in said district, on the fourth Tuesday of June.

APPROVED, February 15, 1843.

Circuit court to be held at Portland on 1st October.

Proviso.

District court to be held at Portland on first Tuesday of February. And at Bangor on fourth Tuesday of June.

STATUTE III.  
Feb. 15, 1843.

CHAP. XXXIII.—*An Act to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee, to sell the lands heretofore appropriated for the use of schools in those States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislatures of Illinois, Arkansas, Louisiana, and Tennessee, be, and they are hereby, authorized to provide by law for the sale and conveyance in fee simple, of all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within said States, and to invest the money arising from the sales thereof in some productive fund, the proceeds of which shall be forever applied, under the direction of said Legislatures, to the use and support of schools within the several townships and districts of country for which they were originally reserved and set apart, and for no other use or purpose whatever: *Provided,* Said land, or any part thereof, shall in no wise be sold without the consent of the inhabitants of such township or district, to be obtained in such manner as the Legislatures of said States shall by law direct; and in the apportionment of the proceeds of said fund, each township and district shall be entitled to such part thereof, and no more, as shall have accrued from the sum or sums of money arising from the sale of the school lands belonging to such township or district.

Authority to provide for the sale of school lands, &c.

Proviso.

Apportionment of the proceeds.

(a) District Court of Maine, vol. 3, 413.  
Notes of the acts relating to the circuit court of the district of Maine, vol. 3, 773.

1843, February 15. Public Act XXXIII. Sale of Lands in the States of Illinois, Arkansas, Louisiana and Tennessee, appropriated for the use of Schools in those States.

Peters, Richard (editor). Public Statutes at Large. Boston: Little, Brown and Company (1856).

SEC. 2. *And be it further enacted,* That the Legislatures of said States be, and they are hereby, authorized to make such laws and needful regulations as may be deemed expedient to secure and protect from injury or waste, the sections reserved by the laws of Congress, for the use of schools, to each township, and to provide by law, if not deemed expedient to sell, for leasing the same for any term not exceeding four years, in such manner as to render them productive, and most conducive to the object for which they were designed.

SEC. 3. *And be it further enacted,* That if the proceeds accruing to any township or district from said fund, shall be insufficient for the support of schools therein, it shall be lawful for said Legislatures to invest the same in the most secure and productive manner, until the whole proceeds of the fund belonging to such township or district shall be adequate to the permanent maintenance and support of schools within the same: *Provided,* That the Legislatures aforesaid shall, in no case, invest the proceeds of the sale of the lands in any township in manner aforesaid, without the consent of the inhabitants of said township or district, to be obtained as aforesaid.

SEC. 4. *And be it further enacted,* That any sales of such lands, reserved as aforesaid, as have been made in pursuance of any of the laws enacted by the Legislatures of said States, and not inconsistent with the principles of this act, are hereby ratified and confirmed so far as the assent of the United States to the same may be necessary to the confirmation thereof.

APPROVED, February 15, 1843.

CHAP. XXXIV.—*An Act for the relief of the owners of the fund received from the British Government as an indemnity for slaves lost from on board the Comet and Encomium at Nassau, Bahamas.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of seven thousand nine hundred and sixty-five dollars and twenty-eight cents, a balance of the indemnities received from the British Government for loss of slaves from on board the Comet and the Encomium, at Nassau, paid into the treasury by the late John Forsyth, be paid, on the order of the Secretary of State, to the persons or companies entitled thereto, or to their representatives; and that, for that purpose, the aforesaid sum be, and it is hereby, appropriated, to be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED, February 15, 1843.

CHAP. XLIV.—*An Act altering the times of holding the circuit court of the United States for the district of Connecticut.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the circuit court of the United States for the district of Connecticut, shall hereafter be held on the fourth Tuesday in April, and on the third Tuesday in September in each year, instead of the last Wednesday in April, and the seventeenth day of September, the times heretofore established by law. And all indictments, informations, recognisances, writs, suits, pleas, actions, motions, and all other proceedings, civil and criminal, shall be heard, tried, proceeded with, and determined by the said court, in the same manner as they might and ought to have been done, had the said court been holden at the times heretofore directed by law.

APPROVED, February 24, 1843.

Authority to make laws for protection of said lands, &c.

In case of insufficiency of said proceeds to support schools, authority to invest them until adequate.

Proviso.

Such sales as have been made not inconsistent with the principles of this act, confirmed.

STATUTE III.  
Feb. 18, 1843.  
[Obsolete.]

Balance of indemnities to be paid to persons or companies entitled thereto.

STATUTE III.  
Feb. 24, 1843.

Changed to fourth Tuesday in April, and third Tuesday in September.

All proceedings to go on as heretofore.

THE  
**Public Statutes at Large**  
 OF THE  
**UNITED STATES OF AMERICA,**

FROM THE

ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

ARRANGED IN CHRONOLOGICAL ORDER.

WITH

REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS  
ON THE SAME SUBJECT,

AND

COPIOUS NOTES OF THE DECISIONS

OF THE

**Courts of the United States**

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN

INDEX TO THE CONTENTS OF EACH VOLUME,

AND A

FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH

**The Declaration of Independence, the Articles of Confederation, and  
the Constitution of the United States;**

AND ALSO,

TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,  
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY

**RICHARD PETERS, ESQ.,**

COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1844.

VOL. I.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

1845.

Purposes for which the Constitution was ordained and established.

Legislative powers vested in Congress.

House of Representatives.

Representatives and direct taxes to be apportioned according to respective numbers.

Census to be taken every ten years.

Representatives in Congress.

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.(a)

ARTICLE I. § 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.(b)

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative, and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four,

(a) *Martin, heir at law of Fairfax, v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575. *Briscoe et al. v. the Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *McCulloch v. The State of Maryland*, 4 Wheat. 315; 4 Cond. Rep. 466. *Gibbons v. Ogden*, 9 Wheat. 1. *Barron v. The Mayor and City Council of Baltimore*, 7 Peters, 243. *Marberry v. Madison*, 1 Cranch, 237; 1 Cond. Rep. 267. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. *Owing v. Norwood*, 5 Cranch, 344; 2 Cond. Rep. 275.

(b) The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass laws; the second to approve and execute them; the third to expound and enforce them. *Martin, heir at law of Fairfax, v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575.

The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers were to be carried into execution. It was foreseen that that would be a perilous and difficult, if not an impracticable task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be made indispensable to effectuate the general objects of the charter; and restrictions and specifications which at present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms; leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and remodel the exercise of its own powers as its own wisdom, and the public interests should require. *Martin, &c. v. Hunter*, 1 Wheat. 304; 3 Cond. Rep. 575.

to be the judge of the elections, returns, and qualifications of its members. A majority to form a quorum.

Rules of proceeding. Each House to keep a journal. Year and days.

Adjournments of the Houses of Congress.

Compensation of the Senators and Representatives. Privileged from arrest, with exceptions. Not to be questioned in any other place for any speech or debate in either House.

Appointment to office of Senators or Representatives. No person holding any office under the U. S. to be a member of either House during his continuance in office.

Bills for raising revenue.

Bills, after having passed Congress, to be presented to the President. Proceedings when the President disapproves.

Every order, resolution, or vote, of both Houses (except on a question of adjournment) to be presented to the President of the U. S. Powers of Congress.

members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

§ 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

§ 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

§ 8. The Congress shall have power(a)

(a) Congress must possess the choice of means, and must be empowered to use any means, which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher, et al.; Assignees of Blight, 2 Cranch's Rep. 398; 1 Cond. Rep. 421.*

To lay and collect taxes, duties, imposts and excises,(a) to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:(b)

To borrow money on the credit of the United States:  
To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:(c)

To establish a uniform rule of naturalization,(d) and uniform laws on the subject of bankruptcies throughout the United States:(e)

To lay taxes, and provide for the common defence and welfare. Duties to be uniform.  
To borrow money.  
To regulate commerce.  
Naturalization.  
Bankruptcies.

The powers granted to Congress are not exclusive of similar powers existing in the States, unless where the Constitution has expressly, in terms, given an exclusive power to Congress; or the exercise of a like power is prohibited to the States; or there is a direct repugnancy, or incompatibility in the exercise of it by the States. The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the State in which the same shall be located for forts, arsenals, dock-yards, &c.; of the second class, of the prohibition of a State to coin money, or emit bills of credit; of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction. In all other cases the States retain concurrent authority with Congress. *Houston v. Moore, 5 Wheat. 1; 4 Cond. Rep. 589.*

An act of Congress repugnant to the Constitution cannot become the law of the land. *Marbury v. Madison, 1 Cranch, 137; 1 Cond. Rep. 267.*

The mere grant of power to Congress does not imply a prohibition on the States to exercise the same power. Whenever the terms in which such a power is granted to Congress require that it should be exercised exclusively by Congress, the subject as completely taken from the State legislatures, as if they had been expressly forbidden to act upon it. *Sturges v. Crowninshield, 4 Wheat. 122; 4 Cond. Rep. 409.*

(a) The power of Congress to levy and collect taxes, duties, imposts, and excises, is co-extensive with the territory of the United States. *Loughborough v. Blake, 5 Wheat. 317; 4 Cond. Rep. 660.*

The power of Congress to exercise exclusive legislation, in all cases whatever, within the District of Columbia, includes the power of taxing it. *Ibid.*

The authority of Congress to lay and collect taxes, does not interfere with the power of the States to tax for the support of their own governments; nor is the exercise of that power by the States, an exercise of any portion of the power that is granted to the United States. *Gibbons v. Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.*

(b) The constitutional provision that direct taxes shall be apportioned among the several States, according to their respective numbers, to be ascertained by a census, was not intended to restrict the power of imposing direct taxes to States only. *Loughborough v. Blake, 5 Wheat. 317; 4 Cond. Rep. 660.*

(c) An act of Congress, laying an embargo for an indefinite period of time, is constitutional and valid. *The United States v. The William, 2 Hall's Am. Law Jour. 255.*

The power of regulating commerce extends to the regulation of navigation. *Gibbons v. Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.*

The power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States. It does not stop at the external boundary of a State; but it does not extend to a commerce which is completely internal. *Ibid.*

The power to regulate commerce is general, and has no limitations but such as are prescribed by the Constitution itself. This power, so far as it extends, is exclusively vested in Congress, and no part of it can be exercised by a State. *Ibid.*

The power of regulating commerce extends to navigation carried on by vessels employed in transporting passengers. *Ibid.*

All those powers which relate to merely municipal legislation, or which may be properly called internal police, are not surrendered (by the States) or restrained, and consequently in relation to those the authority of a State is complete, unqualified, and exclusive. *The City of N. York v. Mila, 11 Peters, 102.*

The act of the legislature of New York passed February 1824, entitled, "An Act concerning passengers in vessels arriving in the port of New York," is not a regulation of commerce, but of police; and being so, it was passed in the exercise of a power which belonged to that State. *Ibid.*

The power to regulate commerce, includes the power to regulate navigation, as connected with the commerce with foreign nations and among the States. It does not stop at the mere boundary line of a State, nor is it confined to acts done on the waters, or in the necessary course of the navigation thereof. It extends to such acts done on the land, which interfere with, obstruct, or prevent the due exercise of the powers to regulate commerce and navigation with foreign nations, and among the States. Any offence which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers. *The United States v. Lawrence Coombe, 12 Peters, 72.*

Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the Constitution, of a power given to Congress, to regulate commerce, and the prohibition of the States for imposing a duty on imported goods. *Ibid.; Gibbons v. Ogden, 9 Wheat. 1; 5 Cond. Rep. 562.*

(d) Under the Constitution of the United States, the power of naturalization is exclusively in Congress. *Chirac v. Chirac, 3 Wheat. 259; 4 Cond. Rep. 111; Houston v. Moore, 5 Wheat. 1; 4 Cond. Rep. 589.*

(e) The power of Congress to establish uniform laws on the subject of bankruptcy throughout the

B

See page 13, footnote (c), paragraph 6: All those powers which relate to merely municipal legislation, or which may be properly called internal police, are not surrendered (by the States) or restrained, and consequently in relation to these the authority of a State is complete, unqualified, and exclusive. *The City of N. York v. Mila, 11 Peters, 102.*

Peters, Richard (editor). *Public Statutes at Large*. Boston: Little, Brown and Company (1856).

To coin money.  
To fix the standard of weights and measures.  
To punish counterfeiters.  
Post-offices.  
To promote the progress of science and useful arts.  
Inferior tribunals.  
Piracies on the high seas.  
To declare war.  
To raise armies.  
Navy, &c.  
Government of the army and navy.  
Militia.  
For the organization, &c. of the militia.

Exclusive Legislation over seat of government of the U. S.  
Exclusive authority over places purchased with the consent of States.  
To make laws for carrying into execution all powers vested in government of U. S.  
Migration or importation of persons.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the Supreme Court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations: (a)

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies: but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress. (b)

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof. (c)

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

United States, does not exclude the right of the States to legislate on the same subject, except when the power is actually exercised by Congress, and the State laws conflict with those of Congress. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523; *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

Since the adoption of the Constitution of the United States, a state has authority to pass a Bankrupt law, provided such law does not impair the obligation of contracts; and provided there be no act of Congress in force to establish a uniform system of bankruptcy, conflicting with such law. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

(a) The act of the 3d March, 1819, chap. 76, sec. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. See also *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

(b) The act of Congress of Feb. 28, 1795, to provide for the calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions, is within the constitutional powers of Congress. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(c) Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher et al.*, 2 Cranch, 358; 1 Cond. Rep. 421. *Van Horne's Lessee v. Dorrance*, 2 Dall. 304; *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267, 268. *The United States v. Bevans*, 3 Wheat. 336; 4 Cond. Rep. 275. *McCulloch v. Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466. *United States v. Tingey*, 5 Peters, 115. *Anderson v. Dunn*, 5 Wheat. 204. *Dugan v. The United States*, 3 Wheat. 172; 4 Cond. Rep. 223. *The Exchange*, 7 Cranch, 116; 2 Cond. Rep. 439. *Gibbons v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Harrison v. Sterry*, 5 Cranch, 239; 2 Cond. Rep. 260. *Postmaster General v. Early*, 12 Wheat. 136; 6 Cond. Rep. 480.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. (a)

No bill of attainder or *ex post facto* law shall be passed. (b)

No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

§ 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; (c) pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility. (d)

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. (e) No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Art. II. § 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows:

(a) *Ex parte* Barford, 3 Cranch, 448. *Ex parte* Bollman, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte* Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. *Ex parte* Tobias Watkins, 3 Peters, 193. *Ex parte* Milburn, 9 Peters, 704. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(b) The prohibition of the Federal Constitution of *ex post facto* laws extends to penal statutes only; and does not extend to cases affecting only the civil rights of individuals. *Calder et al. v. Bull*, 3 Dall. 388; 1 Cond. Rep. 172. *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523.

(c) *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *Craig v. The State of Missouri*, 4 Peters, 431. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523. *Cooper v. Telfair*, 4 Dall. 14; 1 Cond. Rep. 211.

(d) If any act of the legislature is repugnant to the Constitution, it is, *ipso facto*, void; and it is the duty of the court so to declare it. *Vanhorne's Lessee v. Dorrance*, 2 Dall. 304.

The Constitution fixes the limits to the exercise of legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet here there can be no doubt that any act of the legislature repugnant to the Constitution is absolutely void. *Ibid.* *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308.

The legislature of a state can pass no *ex post facto* law. An *ex post facto* law is one which renders an act punishable, which was not punishable when it was committed. *Ibid.* *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

The invalidity of a state law, as impairing the obligation of contracts, does not depend on the extent of the change which the law effects in the contract. *Green v. Biddle*, 8 Wheat. 1; 5 Cond. Rep. 369. *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *New Jersey v. Wilson*, 7 Cranch, 154; 2 Cond. Rep. 457. *Terrett v. Taylor*, 9 Cranch, 43; 3 Cond. Rep. 254. *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 618; 4 Cond. Rep. 526. *The Proprietors of the Charles River Bridge v. The Proprietors of the Warren Bridge*, 11 Peters, 420. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Hawkins v. Barney's Lessee*, 5 Peters, 456. *Mason v. Hulle*, 12 Wheat. 370; 6 Cond. Rep. 535. *Farmers' and Mechanics' Bank v. Smith*, 5 Wheat. 131; 5 Cond. Rep. 35. *Satterlee v. Matthewson*, 2 Peters, 350. *Wilkinson v. Leland*, 2 Peters, 627.

(e) *Brown v. The State of Maryland*, 12 Wheat. 419; 6 Cond. Rep. 554.

Writ of Habeas Corpus.  
Bills of attainder, or *ex post facto* laws.  
Capitation or other direct tax.  
No tax or duty on articles exported from any State.  
No preference to ports of one State over another.  
No money drawn from the treasury but by law. Receipts and expenditures published.  
No title of nobility to be granted.

Limitation of the powers of the States.

Executive power vested in a President of the U. S. Duration of office.

See page 15, footnote (b): The prohibition of the Federal Constitution of *ex post facto* laws extends to penal statutes only; and does not extend to causes affecting only the civil rights of individuals. *Alder et al. v. Ball*, 3 Dall. 386; 1 Cond. Rep., 172. *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 208. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523.

Note:

The US Constitution itself doesn't make the distinction. US founders were capable of making the distinction in the Constitution if they wanted it to be made. The distinction discriminates against many classes of people and fails to provide equal protection against retroactive laws for all classes of people.

Peters, Richard (editor). *Public Statutes at Large*. Boston: Little, Brown and Company (1856).

Maryland empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned.

Part of the act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations continued in force, 1800, ch. 15.

STATUTE I.

May 17, 1796.

A lighthouse to be erected on Cape Cod.

Appropriation therefor.

STATUTE I.

May 18, 1796.

A surveyor general to be appointed; his power and duties.

sent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday of November, in the year one thousand seven hundred and ninety-one, intituled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

Sec. 2. *And be it further enacted*, That the act, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia and Rhode Island and Providence Plantations.

Sec. 3. *And be it further enacted*, That this act shall be, and continue in force for the term of three years, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 12, 1796.

CHAP. XXVII.—*An Act authorizing the erection of a Lighthouse on Cape Cod, in the State of Massachusetts.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on Cape Cod, in the state of Massachusetts, (as soon as the necessary cession of land for the purpose shall be made by the said state to the United States;) and to furnish the same, with all necessary supplies: And also, to agree for the salaries, or wages of the person, or persons, who may be appointed by the President, for the superintendance and care of the same: And that the number or disposition of the light or lights in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable; and that the light or lights on Gurnet head, at the entrance of Plymouth harbour, be altered or diminished, if necessary: And that eight thousand dollars be appropriated for the same, out of any monies not otherwise appropriated.

APPROVED, May 17, 1796.

CHAP. XXIX.—*An Act providing for the Sale of the Lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river.*(a)

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies; whom he shall

(a) The acts of Congress relating to the sale of the public lands northwest of the river Ohio, are: An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river, May 18, 1796, chap. 29; an act for regulating grants of land appropriated for military services, and for the Society of United Brethren, for propagating the gospel among the heathen, June 1, 1796, chap. 46; an act to amend the act entitled "An act for regulating grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen," March 2, 1799, chap. 29; an act to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States, northwest of the river Ohio; and for giving a pre-emption to certain purchasers, March 2, 1799, chap. 34; an act in addition to an act regulating the grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen, and for other purposes, March 1, 1800; act of May 10, 1800; an act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35; an act to authorize the Secretary at War, to issue land warrants, and for other purposes, April 15, 1806, chap. 26; an act providing for the cases of lost military land warrants and discharges for faithful services, April 27, 1816, chap. 127, &c. &c.

cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner herein after directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office.(a)

Sec. 2. *Be it further enacted*, That the part of the said lands,

(a) The decisions of the courts of the United States, as to the principles which regulate the titles to the public lands, in the states which form part of the territory northwest of the river Ohio, have been: A title to lands under grants by Indian titles northwest of the river Ohio, to private individuals in the years 1773 and 1775, cannot be sustained in the courts of the United States. *Lessee of Johnson et al. v. McIntosh*, 8 Wheat. 543; 5 Cond. Rep. 515.

The title to land depends entirely on the laws of the nation in which they lie. *Ibid.* Discovery constitutes the original title to lands on the American continent, as between the different European nations. The title thus derived was the exclusive right of acquiring the soil from the natives, and establishing settlements upon it. The title was to be consummated by possession. *Ibid.*

The right of the original inhabitants, was to a considerable extent impaired, but in no instance disregarded. The Europeans respected the right of the natives as occupants, but asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. *Ibid.*

By the treaty between Great Britain and the United States, which concluded the revolution, the powers of government and the right of soil, which had been previously in Great Britain, passed definitely to the United States. *Ibid.*

The United States, or the several states, have a clear title to all the lands within the boundary lines described in the treaty; subject only to the Indian right of occupancy; and the exclusive power to extinguish that right, was vested in the United States, which might constitutionally exercise it. *Ibid.*

It is a principle of universal law, that if an uninhabited country be discovered by a number of individuals, who acknowledge no connection with, and owe no allegiance to any government whatever, the country becomes the property of the discoverers, so far as they can use it. *Ibid.*

If the discovery be made, and possession be taken under the authority of an existing government which is acknowledged by the emigrants, the discovery is made for the whole nation; and the country becomes a part of the nation, and the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domain. *Ibid.*

The decision of the register and receiver of a land-office, in the absence of fraud, would be conclusive as to the facts that the applicant for the land was then in possession, and of his cultivating the land during the preceding year; because these questions are directly submitted to those officers. Yet if they undertake to grant pre-emptions to land, on which the law declares they shall not be granted, then they are acting on a subject matter clearly not within their jurisdiction; as much so, as if a court whose jurisdiction was declared not to extend beyond a given sum, should attempt cognizance of a case beyond that sum. *Wilcox v. Jackson*, 13 Peters, 438.

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it. *Ibid.*

Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent. The exceptions are where Congress grants lands in words of present grant. The general rule applies as well to pre-emptions, as to other purchases of public land. *Ibid.*

A state has a perfect right to legislate as she may please, in regard to the remedies to be prosecuted in her courts, and to regulate the disposition of the property of her citizens, by descent, devise or alienation. But Congress are invested by the constitution with the power of disposing of the public land, and making needful rules and regulations concerning it. *Ibid.*

Where a patent has not been issued for a part of the public land, a state has no power to declare any title less than a patent valid against the claim of the United States to the land; or against a title held under a patent from the United States. *Ibid.*

Whenever the question in any court, state or federal, is whether the title to property which had belonged to the United States, has passed, that question must be resolved by the laws of the United States. But whenever the property has passed, according to those laws, then the property, like all other in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed, and was vested according to the laws of the United States. *Ibid.*

Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the government, in reference to public lands, declares the patent to be the superior and conclusive evidence of legal title. Until it issues, the fee is in the government, which by the patent passes to the grantee, and he is entitled to recover the possession by ejectment. *Bagnell v. Broderick*, 13 Peters, 436.

Where the title to the public land has passed out of the United States by conflicting patents, there can be no objection to the practice adopted by the courts of a state, to give effect to the better right in any form of remedy the legislature or courts of the state may prescribe.

No doubt is entertained, of the power of the states to pass laws authorizing purchasers of lands from the United States, to prosecute actions of ejectment upon certificates of purchase against trespassers on the lands purchased; but it is denied that the states have any power to declare certificates of purchase, of equal dignity with a patent. Congress alone can give them such effect. *Ibid.*

VOL. I.—59

See page 465 footnote (a) paragraph 11.

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservations were made of it. *Wilcox v. Jackson*, 13 Peters, 438.

The lands how to be surveyed, laid out, &c.

which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines, at the end of every mile; the sections shall be numbered respectively, beginning with the number one, in the north-east section, and proceeding west and east alternately, through the township with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner made, as aforesaid, and within the section, the number of such section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field-books, the names of the corner trees marked, and the numbers so made: The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands. These field-books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

Plat of townships and fractional parts to be made.

Reservations for the future disposal of the United States.

**Sec. 3. Be it further enacted,** That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved, for the future disposal of the United States; but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

Sections of 640 acres (except reservations) to be sold at ven-

**Sec. 4. Be it further enacted,** That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off

beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor or secretary of the western territory, and the Surveyor General: such of them as lie below the Great Miami shall be sold at Cincinnati; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always,* that no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

**Sec. 5. Be it further enacted,** That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories north-west and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales at the different places shall not commence, within less than one month of each other: And when the governor of the western territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given in the public newspapers, of such suspension, and at what time the sales will re-commence.

**Sec. 6. Be it further enacted,** That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner heretofore before directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for the army, by the late Secretary of War, and also those heretofore sold, but not paid for; the townships which by the said ordinance, are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four centre sections, according to the directions of this act. The townships, which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four centre sections, as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburg, in the manner, and under the regulations provided by this act, for the sale of fractional townships: *Provided always,* That nothing in this act shall authorize the sale of those lots, which have been heretofore reserved in the townships already sold.

**Sec. 7. Be it further enacted,** That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days, to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the Secretary of the Treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance

due, by the Governor or Secretary of the western territory, and the Surveyor General.

Undivided townships to be sold in like manner by the Secretary of the Treasury.

No part of the lands to be sold for less than two dollars per acre.

Secretary of Treasury to give notice of the times of sale, &c.

Certain other lands to be sold.

Mode of payment and of obtaining a patent, &c.

Mode of payment, and of obtaining a patent, &c.

1811, ch. 68, sec. 8.  
1836, ch. 352, sec. 6.

Entries to be made of the date of sales &c.

Governor or Secretary to transmit copies at certain times.

Tracts sold to be noted on the general plat.

Navigable rivers to be public highways.

Streams not navigable, to be common property.

Compensation of Surveyor Gen. President to fix compensation of assistant surveyors.

Expense not to exceed three dollars for every mile surveyed.

Regulation of fees to be paid.

Oath to be taken by the Surveyor General, &c.

The person to be appointed to receive the mo-

remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands: And on payment of the said balance to the treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns: And all patents shall be countersigned by the Secretary of State, and recorded in his office. But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided nevertheless*, that should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part, for which a credit is hereby directed to be given; and his patent shall be immediately issued.

Sec. 8. *Be it further enacted*, That the Secretary of the Treasury, and the governor of the territory north west of the river Ohio, shall respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The governor, or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury, a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act, shall be noted upon the general plat, after the certificate has been granted to the purchaser.

Sec. 9. *And be it further enacted*, That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain public highways: And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both.

Sec. 10. *And be it further enacted*, That the surveyor general shall receive for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers and axe men: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

Sec. 11. *And be it further enacted*, That the following fees shall be paid for the services to be done under this act, to the treasurer of the United States, or to the receiver in the western territory, as the case may be; for each certificate for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars: And the said fees shall be accounted for by the receivers, respectively.

Sec. 12. *And be it further enacted*, That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same; and the person, to be appointed to receive the money on sales in the western territory, before he shall receive any money under this act, shall give bond with sufficient security,

for the faithful discharge of his trust: That, for receiving, safe keeping, and conveying to the treasury the money he may receive, he shall be entitled to a compensation to be hereafter fixed.

APPROVED, May 18, 1796.

ney in the western territory to give bond, &c.

STATUTE I.  
May 19, 1796.


CHAP. XXX.—An Act to regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontiers.<sup>(a)</sup>

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked, in all such places, as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence down that branch, to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the Great Miami river, running into the Ohio, at, or near which fork, stood J. Aromie's store, and where commences the portage, between the Miami of the Ohio, and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawa river; thence down the said river Ohio, to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clark, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence easterly on the said ridge, to a point, from whence, a southwest line will strike the mouth of Duck river; thence still easterly on the said ridge, to a point forty miles above Nashville; thence northeast, to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence to the top of Cumberland mountain; thence along Campbell's line, to the river Clinch; thence down the said river, to a point from which a line shall pass the Holsten, at the ridge, which divides the waters running into Little River, from those running into the Tennessee; thence south, to the North Carolina boundary; thence along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course, to Tugelo river; thence in a direct line, to the top of the Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river Saint Mary's; *Provided always*, that if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act, shall be construed to apply to the said line so to be varied, in the same manner, as the said provisions now apply to the boundary line herein before recited.

[Expired.]  
Act of March 30, 1802, Act of March 3, 1799.  
A boundary line between the United States and various Indian tribes to be ascertained and marked.

Provision for alterations which may be made by treaty.

(a) The act of March 30, 1802, having described what should be the Indian country at that time, as well as at any future time, when purchases of territory should be made of the Indians, the carrying of spirituous liquors into a territory so purchased after March, 1802, although the same should be frequented and inhabited exclusively by Indians, would not be an offence within the meaning of the act of Congress, so as to subject the goods of the trader, found in company with those liquors, to seizure and forfeiture. American Fur Company v. The United States, 2 Peters, 358.



Purchaser	Legal Description	Section	Township	Range	Purchase	Purchaser	Legal Description	Section	Township	Range	Purchase
OGDEN	EFRSE	1	38N	12E	09/07/1848	PECK	E2NESE	25	39N	12E	11/19/1841
OGDEN JOHN	W2NE	10	38N	13E	06/26/1835	PECK AZEL	SL1L6BL49CHI				09/01/1848
OGDEN JOHN	W2SW	10	38N	13E	06/26/1835	PECK EBENEZER	NW	3	36N	13E	07/23/1836
OGDEN JOHN	SW	34	39N	12E	06/25/1835	PECK EBENEZER	SE	1	37N	13E	06/27/1835
OGDEN JOHN	W2SE	34	39N	12E	06/25/1835	PECK EBENEZER	NW	7	37N	14E	06/27/1835
OGDEN JOHN	W2SE	7	40N	14E	06/27/1835	PECK EBENEZER	W2NE	7	37N	14E	06/27/1835
OGDEN W B	EFRNE	1	38N	12E	09/07/1848	PECK EBENEZER	NE	12	37N	13E	06/26/1835
OGDEN W B	W2SW	31	39N	13E	09/07/1848	PECK EBENEZER	W2SW	31	38N	14E	06/27/1835
OGDEN WILLIAM B	EFRNE	1	38N	12E	05/01/1850	PECK EBENEZER	E2SE	36	38N	13E	06/26/1835
OGDEN WILLIAM B	EFRSE	1	38N	12E	09/07/1848	PECK EBENEZER	L8BL45CHIOTV				06/25/1836
OGDEN WILLIAM B	ISLSE	1	38N	12E	12/07/1874	PECK EBENEZER	L2BL51CHIOT				06/27/1836
OGDEN WILLIAM B	BL15SFRDUSX	3	39N	14E	09/04/1848	PECK EBNER	L6BL58CHIOT				06/24/1836
OGDEN WILLIAM B	SPLKROADSE	31	39N	13E	05/09/1851	PECK EBNER	L5BL58CHIOT				06/24/1836
OGDEN WILLIAM B	SPLKROADNE	31	39N	13E	05/09/1851	PECK GRANVILLE	NE	10	41N	10E	03/13/1847
OGDEN WILLIAM B	SESW	19	40N	14E	05/10/1850	PECK J W	W2SW	25	39N	12E	09/23/1852
OGDEN WILLIAM B	NWSW	19	40N	14E	05/10/1850	PECK J W	W2SE	25	39N	12E	09/23/1852
OGDEN WILLIAM B	NESW	19	40N	14E	05/10/1850	PECK J W	E2NE	25	39N	12E	09/23/1852
OGDEN WILLIAM B	SWSE	19	40N	14E	05/10/1850	PECK J W	E2SW	25	39N	12E	09/23/1852
OGDEN WILLIAM B	NWSE	19	40N	14E	05/10/1850	PECK J W	W2NE	25	39N	12E	09/23/1852
OGDEN WILLIAM B	SWSW	19	40N	14E	05/10/1850	PECK JAMES	E2NW	27	39N	13E	05/02/1850
OGDEN WILLIAM B	NENE	19	40N	14E	05/14/1850	PECK JAMES	E2NW	27	39N	13E	09/07/1848
OGDEN WILLIAM B	SWNW	19	40N	14E	05/14/1850	PECK JAMES	W2NW	27	39N	13E	09/07/1848
OGDEN WILLIAM B	NWNW	19	40N	14E	05/14/1850	PECK JAMES	W2NW	27	39N	13E	09/09/1848
OGDEN WILLIAM B	NENW	19	40N	14E	05/14/1850	PECK JOSEPH W	E2NW	25	39N	12E	09/11/1852
OGDEN WILLIAM B	NWNE	19	40N	14E	05/14/1850	PECK JOSEPH W	W2NW	25	39N	12E	09/11/1852
OGDEN WILLIAM B	SENE	19	40N	14E	05/14/1850	PECK JOSEPH W	W2NESE	25	39N	12E	09/23/1852
OGDEN WILLIAM B	LOT53	33	40N	14E	09/05/1848	PECK P F W	BL6	16	39N	14E	10/23/1833
OGDEN WILLIAM B	LOT52	33	40N	14E	09/05/1848	PECK P F W	BL6	16	39N	14E	10/23/1833
OGDEN WILLIAM B	S2LOT1SW	30	42N	09E	10/31/1840	PECK P F W	BL116	16	39N	14E	10/24/1833
OGDEN WILLIAM B	NW	31	42N	09E	09/09/1840	PECK P F W	BL116	16	39N	14E	10/24/1833
OGDEN WILLIAM B	L3BL6CHIOTVO				06/21/1836	PECK P F W	BL22	17	39N	14E	05/10/1849
OGDEN WILLIAM B	N2L6B51CHIOT				10/04/1843	PECK P F W	BL22	17	39N	14E	05/10/1849
OGDEN WILLIAM B	N2S2L6B51CHI				10/04/1843	PECK P F W	LOT3BL35	21	39N	14E	09/07/1848
OGDEN WILLIAM B	L1BL13CHI				10/05/1843	PECK P F W	LOT3BL35	21	39N	14E	09/07/1848
OGDEN WILLIAM B	L5BL16CHI				10/06/1843	PECK P F W	LOT88W2	27	39N	14E	05/10/1849
OGDEN WILLIAM B	L4BL16CHI				10/06/1843	PECK P F W	LOT45W2	27	39N	14E	05/10/1849
OGDEN WILLIAM B	L1BL16CHI				10/06/1843	PECK P F W	LOT88W2	27	39N	14E	05/10/1849
OGDEN WILLIAM F	W2SW	31	39N	13E	05/09/1850	PECK P F W	LOT45W2	27	39N	14E	05/10/1849
OGDEN WILLIAM F	SROADE2SW	31	39N	13E	05/09/1851	PECK P F W	LOT97W2	27	39N	14E	09/23/1848
						PECK P F W	LOT96W2	27	39N	14E	09/23/1848
						PECK P F W	LOT97W2	27	39N	14E	09/23/1848

The 1843 statute that confirmed the titles of people who bought school land in Chicago in 1833 was an ex post facto or retroactive law that defied the prohibition of ex post facto laws in the US constitution. Is it a coincidence that two of the cases by which US Supreme Court justices said the prohibition applied only to criminal laws included the family names of Ogden and Peck, two of the real estate speculators who gained personal financial benefits because of the Court's limits on the ban on ex post facto laws? The section is left blank on several of Ogden's original titles. He bought many titles from other private people. He was Chicago's first mayor; and he became a member of the board of the vast and hugely subsidized Union Pacific Railroad, which explains why Ogden, Utah is named Ogden.



Purchaser	Legal Description	Section	Township	Range	Purchase
PECK P F W	LOT96W2	27	39N	14E	09/23/1848
PECK P F W	LOT15E2	31	39N	14E	09/05/1848
PECK P F W	LOT15E2	31	39N	14E	09/05/1848
PECK P F W	LOT19	33	39N	14E	05/09/1851
PECK P F W	LOT19	33	39N	14E	05/09/1851
PECK P F W	L1BL33CHIOT				06/21/1836
PECK P F W	L1BL6CHIOTVO				06/21/1836
PECK P F W	L1BL33CHIOT				06/21/1836
PECK P F W	L1BL6CHIOTVO				06/21/1836
PECK P F W	L6BL41CHIOT				06/23/1836
PECK P F W	L6BL41CHIOT				06/23/1836
PECK P F W	L1BL55CHIOT				06/24/1836
PECK P F W	L3BL55CHIOT				06/24/1836
PECK P F W	L1BL55CHIOT				06/24/1836
PECK P F W	L3BL55CHIOT				06/24/1836
PECK P F W	L2BL28CHIOT				06/25/1836
PECK P F W	L6BL44CHIOT				06/25/1836
PECK P F W	L7BL26CHIOTV				06/25/1836
PECK P F W	L2BL28CHIOT				06/25/1836
PECK P F W	L6BL44CHIOT				06/25/1836
PECK P F W	L7BL26CHIOTV				06/25/1836
PECK P F W	L3BL50CHIOT				06/27/1836
PECK P F W	L2BL50CHIOT				06/27/1836
PECK P F W	L3BL50CHIOT				06/27/1836
PECK P F W	L2BL50CHIOT				06/27/1836
PECK P F W	L3BL10CHIOTV				06/29/1836
PECK P F W	L2BL10CHIOT				06/29/1836
PECK P F W	L10BL9CHIV				06/29/1836
PECK P F W	L3BL10CHIOTV				06/29/1836
PECK P F W	L2BL10CHIOT				06/29/1836
PECK P F W	L10BL9CHIV				06/29/1836
PECK P F W	L1BL13CHIV				06/30/1836
PECK P F W	L1BL13CHIV				06/30/1836
PECK P F W	LOT16L60CHI				09/01/1848
PECK P F W	LOT15L60CHI				09/01/1848
PECK P F W	LOT28BL60CHI				09/01/1848
PECK P F W	LOT27BL60CHI				09/01/1848
PECK P F W	LOT16L60CHI				09/01/1848
PECK P F W	LOT15L60CHI				09/01/1848
PECK P F W	LOT28BL60CHI				09/01/1848
PECK P F W	LOT27BL60CHI				09/01/1848

Purchaser	Legal Description	Section	Township	Range	Purchase
PECK P F W	L4BL41CHIOT				09/05/1836
PECK P F W	L4BL41CHIOT				09/05/1836
PECK PHILIP F	E2SW	14	37N	13E	08/05/1835
PECK PHILIP F	N2	14	37N	13E	08/05/1835
PECK PHILIP F	SE	14	37N	13E	08/05/1835
PECK PHILIP F W	SE	31	35N	14E	11/29/1838
PECK PHILIP F W	SW	2	36N	12E	08/04/1835
PECK PHILIP F W	NFRNIBL	7	36N	14E	08/06/1835
PECK PHILIP F W	E2NE	9	36N	12E	08/04/1835
PECK PHILIP F W	E2NW	9	36N	12E	08/04/1835
PECK PHILIP F W	W2NW	19	36N	12E	08/10/1835
PECK PHILIP F W	NE	23	37N	13E	08/05/1835
PECK PHILIP F W	W2SE	36	37N	13E	08/08/1835
PECK PHILIP F W	SW	10	41N	10E	08/17/1847
PECK PHILLIP F W	SW	32	35N	14E	12/24/1838
PECK RUSSELL	W2SE	5	38N	12E	05/09/1854
PECK RUSSELL	SESW	31	38N	12E	05/09/1854
PEEK	FRSCANALNW	3	38N	13E	09/07/1848
PEEK PHILIP F W	NWNE	3	38N	14E	05/10/1849
PEEK WILLIAM	E2NE	1	37N	13E	06/10/1835
PEER RUSSEL	S2NE	5	38N	12E	09/07/1848

of 43

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE FIRST SESSION OF THE NINETEENTH CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING THE MOST

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS

TO WHICH THE SESSION HAS GIVEN BIRTH:

TO WHICH ARE ADDED,

THE LAWS ENACTED DURING THE SESSION,

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME II.

Washington:

PRINTED AND PUBLISHED BY GALES & SEATON.

1826.

H. of R.]

School Fund for the several States.

19th CONGRESS,  
1st Session.

SCHOOL FUND FOR THE SEVERAL STATES.

Report of the Committee on the Public Lands, made to the House of Representatives, February 24, 1826.

160  
1195  
1826

Mr. Strong, from the Committee on the Public Lands, to whom was referred the resolution of December 21, 1825, instructing them "to inquire into the expediency of appropriating a portion of the net annual proceeds of the sales and entries of the public lands exclusively for the support of Common Schools, and of apportioning the same among the several States, in proportion to the representation of each in the House of Representatives," submitted the following report:

That the subject referred to the consideration of the committee is manifestly of great interest. It has directly in view the improvement of the mind and morals of the present generation, and of generations to come. It contemplates giving additional stability to the Government, and drawing around the Republic new and stronger bonds of union. We are, indeed, a peculiar People. None enjoy more freedom than we do; and, though it be the price of blood, yet it is not founded in usurpation, nor sustained by the sword. The most casual observer of human institutions at once perceives that our political, as well as civil condition, in some essential particulars, differs fundamentally from that of every other nation. The Constitution under which we live is the only one, beyond the limits of this Republic, which secures religious toleration, and leaves the tongue and the conscience free. This was chiefly the result of education. Chastened liberty lives in the voluntary choice of an enlightened People, while arbitrary power depends for its existence upon the slavish fear of an ignorant multitude. Hence, a Government like ours, which guaranties equal representation and taxation, trial by jury, the freedom of speech and of the press, of religious opinion and profession, not only depends for its energy and action, but for its very existence, upon the will of the People. They, and they only, can alter, or change, or abolish it. Aids, are the rights of mankind, and the obligations of civil society generally understood or respected by the ignorant? Has property, or reputation, or life, when left to depend upon the wisdom of ignorance, or the forbearance of passion, ever been accounted safe? And where is the human character usually found the most degraded and debased? Is it where schools and the means of education abound? or is it where the light of knowledge never illumined the human intellect? If, then, the habits, notions, and actions of men, which naturally result from the ignorance of letters, from the force of superstition, and the blind impulses of passion, are utterly incompatible with rational liberty, and every way hostile to the political institutions of freedom, how high and imperious is the duty upon us, living under a Government the freest of the free, a Government whose action and being depend upon popular will, to seek every constitutional means to enlighten, and chasten, and purify that will? How shall we justify it to ourselves, and to the world, if we do not employ the means in our power in order to free it from the severe bondage of ignorance and passion, and place it under the mild control of wisdom and reason? As large as the opportunities of acquiring knowledge are, and as much of common learning as the American People have, there are some, growing into manhood around us, who have neither learning nor the opportunity of acquiring it.

The resolution under consideration proposes to appropriate a portion of the proceeds of the public lands to a new and specific object—to convert it into a permanent fund for the sole use and support of common schools in the several States, and to divide this fund among the several States, in proportion to the representation of each in this House.

Of appropriating a portion of these proceeds to a new and specific object.—A part of the public domain was acquired by the fortune of war, and a part by purchase. The whole constitutes a common fund for the joint benefit of the States and the People. This domain amounted to some hundred millions of acres, and, of it, probably some two hundred millions of acres of good land yet remain unsold. It is true, that the proceeds of these lands, together with those of the internal duties, and the duties on merchandise and the tonnage of vessels, to the amount of ten millions of dollars annually, are appropriated and pledged to the "Sinking Fund." But, is this a valid objection to the appropriation of the whole or of any part of the proceeds of these lands to any other proper object? Since the act of March, 1817, making this appropriation and pledge to the sinking fund, the annual average amount of the public revenue has been about twenty millions of dollars. So long, therefore, as ten millions of dollars are left to the sinking fund, the appropriation is answered and the pledge redeemed; and the surplus revenue, from whatever source derived, not having been appropriated or pledged, remains to be disposed of in such way and for such purposes as the Congress may direct. But, are the public lands a source of revenue upon which a wise and prudent Government ought to risk its credit? Will capitalists lend their money upon such vague and uncertain security? The land may be offered for sale, but no man can be compelled to buy. The purchase is wholly voluntary. The promised revenue to be derived from it is altogether contingent. It depends not at all upon the power or necessities of the Government, but upon the will of the purchaser. Besides, the faith of the Government does not consist in the intrinsic value of the thing pledged. This is not enough. No prudent man, for example, would lend his money to the Government to be re-imbursed out of the proceeds which may or may not accrue from the lead mines and salt springs belonging to the United States. The value of the pledge is the credit it secures. And the thing pledged is valued in proportion to its peculiar fitness and proper adaptedness to the end for which it was pledged. So that the faith of the Government necessarily depends upon its ability to exercise the possession—to touch and turn the thing pledged into money. This the Government cannot do with the public lands. They are, indeed, tangible; but neither the wishes, the will, nor the power of the Government can change them into money. They are, therefore, not a proper source of revenue, upon which the faith or the credit of the nation should be hazarded. Congress seems to have considered them so. A township of land has been given to the "Nation's Guest." Large portions of land have, from time to time, been given to other individuals, and to public institutions. Now, if it be good faith to give away the lands, from which the revenue pledged to the sinking fund is derived, it cannot be bad faith to appropriate a portion at least of their proceeds for the support of common schools.

Of converting it into a permanent fund for the sole use and support of Common Schools in the several States.—Unless children are taught how to govern themselves, and how to be governed, by law, they will rarely make good citizens. It may be objected that the Constitution does not give to Congress the power to appropriate the proceeds of these lands for the purposes of education. The question is not whether Congress can superintend and control the private schools in the several States, but whether Congress can appropriate the proceeds of these lands for the use and support of those private schools, to be applied by and under the exclusive authority of the several States? The only clause in the Constitution, which, perhaps, can in any way restrain the general right of appropriating money, is that which declares that the Congress shall have power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the

School Fund for the Several States.

US Congress. Register of Debates in Congress with an Appendix. Washington: Gales & Seaton (1826).

Note: Some of the original states were jealous of school land reservations in the new territories and happy to disappear them. They argued that the federal government should support schools in an equal and uniform way in all states. The way to do so was to dedicate a percentage of the revenue from public land sales to schools and divide the fund among the states. New states, such as Illinois, would prefer to get all the unsold public land in the state and all the revenue from selling it. The 3% fund was established. Illinois officials failed to account for their share of the fund and disqualified the state for a share of it in subsequent years. Abraham Lincoln asked the Illinois General Assembly to investigate foul play, and his investigative committee found none. However, Illinois officials had deposited the state's share of the national school fund in a state bank in Springfield. The bank loaned its capital to real estate speculators in Chicago, where the money disappeared. The borrowers paid the money to somebody to get their titles. The bank went bankrupt when speculators triggered depression, and borrowers couldn't turn their titles around for a profit. It's possible the bank foreclosed and seized the titles for resale to recoup some of the state's money it lost.

19th Congress, 1st Session.

School Fund for the several States.

[H. of R.]

common defence and general welfare of the United States."

Can the proceeds of the public lands, in any sense, be considered a tax, duty, impost, or excise? A tax must be levied, and the obligation to pay it, created by the authority of law. The money derived from the public lands is not levied, nor is the obligation to pay it created by law. Both the purchase and the obligation are voluntary. The Constitution gives Congress the power of disposing of the territory and other property of the United States, but it nowhere considers the proceeds of these lands as a revenue to be applied as the proceeds of taxes are directed to be applied. The Military Academy at West Point is an invaluable institution. If Congress has the constitutional power, (and we believe no one denies it) to establish such a school, to draw money directly from the public Treasury for its support; to pay for teaching a boy mathematics and engineering; it may be difficult to show that Congress has not the power to employ a few acres of the public domain to teach a poor man's son how to read. But did any doubt remain, that doubt would appear to be removed, by referring to the facts, that a portion of these lands, from the beginning, been set apart for the purposes of common education, and that other portions of them have been given, from time to time, for the use of colleges, and of deaf and dumb asylums, and for the construction of roads and canals.

Of apportioning this fund among the several States.—Equality of rights and privileges, both as it regards citizens and States, is the fundamental principle of our Government. Hence, the People, so far as the integrity and independence of the States will permit, are equally represented in the popular branch of the National Legislature. Guided by this rule, the committee have no doubt that the apportionment should be made among the several States, according to the representation of each in the House of Representatives. This will distribute the fund, and dispense the blessings resulting from it, upon the strictest principles of equality. The ordinary disbursement of the public money does not directly benefit all alike. This apparently partial distribution of the money of the nation, depends upon the nature of the objects to which it is applied. An army is stationed where its services are required; a fortress erected where it is wanted; a navy constructed where it can be done the safest and the best; and the money to pay for objects of this sort, necessarily goes to those portions of the country only, in which the services and labor have been performed. These great objects, which enter so largely into the defence of the nation, are local in their character; and hence it is that some of the States, and many portions of the country, receive no direct benefit from the annual expenditure of millions of the public money. But the proposed appropriation for the support of common schools, is for an object general in its nature and benefits. It is an appropriation, in which every American citizen has a deep interest, and, by the operation and influence of which, the ignorant and the wise, the rich and the poor, the Government and the governed, will receive direct and lasting benefits. The ignorant and the poor will be aided and enlightened; the wise and the rich estimated and protected; and the Government appreciated and defended. Common schools are the nurseries of youth; they are the most universal, as they are the most effectual means of opening the mind; of giving reason the mastery, and of fixing, in habits of sober industry, the rising generations of men. Can, then, a portion of the proceeds of the national domain, be expended in any way which will more directly or forcibly come home to the wants and wishes, the business and bosoms of the People?

The resolution before the committee does not indicate, in terms, whether the principal, annually apportioned, or the interest of the principal only, shall be paid over to the States. Nor does it point out any mode, in case the in-

terest only is to be applied, of investing the principal. This part of the subject merits some examination. It seems to be manifest, that the more certain and permanent the fund, the greater and more lasting will be the benefits flowing from it. \*To apportion and pay the principal annually to the several States, will be doing equal and exact justice. But the principal, in that case, would be annually expended. The consequence of this will be, that, as the public domain diminishes by sales, until the whole is sold, the fountain whence the fund is to be drawn, will be gradually and finally exhausted, and the fund and its benefits, of necessity, diminish and cease together. As this domain is not exhaustless, if the principal, set apart for the use of these common schools, be annually expended, its benefits will be chiefly confined to our own time; but, by investing the principal, and dividing the interest only, the fund will accumulate, and its benefits may continue to future ages. The committee, therefore, propose, that the sum annually appropriated, shall be invested by the United States, in some productive fund, the interest, or other proceeds of which, shall be annually apportioned among the several States, according to the representation of each State in the House of Representatives of the United States. This sum may be invested in various ways. It may be invested in bank, canal, or United States' stock, or a new stock may be created for the purpose, or portions of the redeemed stock of the United States, may, from time to time, be set apart by the Commissioners of the Sinking Fund, uncancelled, and bearing the former, or a new rate of interest to meet the object. The general investment of the principal by the United States, and the division of the interest in the manner proposed, seems to be the only way by which all the States and the People can now and hereafter be equally benefitted. The annual appropriation should, and may, be so invested, as neither to affect, for the worse, the commercial relations of the country, nor to create artificial distinctions, or moneyed aristocracies. It should and may be so invested, and applied, as to satisfy the moral and intellectual wants of all, while it will supply the pecuniary wants of none. Should the interest, by any particular mode of investing the principal, become an annual charge upon the United States, still, as the whole matter will, at all times, depend upon the wisdom and pleasure of the States and the People, no man, we believe, can reasonably doubt that they will release this charge the instant its burthens exceed its benefits. Hence, the evils of the measure, if there be any, will be rather negative than positive, and always under the control of the People, who alone are to be benefitted or injured by it.

In further discussing this measure, some of its obvious advantages must not be overlooked. It will give some aid to all, in the acquisition of learning. It will give efficient aid to the desolate, without which aid they must be left uneducated and in ignorance. It will diffuse, in the quickest and cheapest way, the greatest amount of useful knowledge among the People. It will tend, as much as any thing else, to make young men and old, respectable, efficient, good citizens. These considerations, it would seem, cannot fail to awaken the attention of the State Legislatures. They surely are not now to learn, for the first time, that the success of good government, the independence of the States, and the permanency of their political institutions, are vitally connected with a well educated and sound yeomanry. Besides, the fact of there being a permanent fund, the interest of which is to be applied to the glorious purpose of training up the young mind in the way of knowledge and morals, will in some degree at least, excite in these guardians of State rights a just emulation in promoting, to every practicable end, the great cause of common education.

It is a singular fact in the history of our species, that no where has common education made any considerable progress among the People, without the efficient aid and

[H. of R.]

School Fund for the several States.

19th Congress, 1st Session.

protection of the Government. There is, generally, a prevailing indifference among the illiterate, to the cultivation of the mind; were it not so, the poor man, though learned, can rarely instruct his children, because his time is necessarily occupied in earning their bread; and the ignorant man, though rich, cannot do it, because he is himself untaught. In other countries, multitudes of the human race successively live and die as illiterate as they were born; and, in our own favored land, with all the liberal patronage, private and public, which learning receives, we are not wholly exempt from these lamentable examples. Under a Government like ours, there should no where be left masses of mind, illiterate and huddled, over which, in an evil hour, some master spirit may exercise a fatal control. Ignorance is the bane of liberty. Ordinarily, conspiracies and treasons are executed by the ignorant. These instruments of unholly ambition, however, are not so selected from schools where letters and morals are taught. Are not, then, the National and State Legislatures under the strongest obligations to the People of this country, to provide and apply the means whereby every child may have the opportunity, in these nurseries of the mind, of acquiring some knowledge of letters, and of the various duties he owes to his country and his God?

It will moreover bind, by an additional and a stronger tie, the People to the States, and the States to the Union. There is something in this tie of mind, affection, and blood. It attaches itself to every father of a family, and to children's children. It successively connects with the present each succeeding generation. Common education can be estimated only in proportion as its necessities and advantages are felt; and as the same number of children, as there are dollars annually distributed from this fund, may receive, with proper management, about six months' common schooling, will not the People, witnessing these moral and intellectual improvements, look with intense interest to their respective State Legislatures as the immediate dispensers of these benefits? And will not the Legislature of each State, viewing the increase of common schools, and the augmented amount of schooling, and perceiving their benign and salutary effects upon the mind, morals, and habits of the rising generation, look with increased steadiness to the Federal Head, whence these blessings flow? Common schools, of themselves, will not multiply, nor learning spread; means and opportunity must be afforded. By affording them, schools will multiply, learning spread, and ignorance, idleness, and vice, gradually give way to intelligence, industry, and virtue. Examples of these cheering results are not wanting. Let any man compare the calendar of profligacy and crimes among a given population where no schools have been kept, with that among an equal population where the means of common education have been abundant, and the great difference in favor of the latter cannot fail to convince him of the necessity of these salutary institutions. The States and the People, perceiving these results, and learning from experience, that the influence, respectability, and power, of a State are in proportion to the intelligence and soundness of its citizens, will cherish the Federal hand that aids them, and cling with stronger affection to the Governments of their choice.

The committee are not unaware that there is, in this primary connection, a seeming tendency to produce an undue dependence of the States upon the Federal Government. They are persuaded, however, that a little examination will dissipate this cause of alarm. The strength of the tie, and the degree of the dependence, it is fair to presume, will always be in exact proportion to the actual benefits resulting from the proposed fund. If the fund be not beneficial, it can have no influence, good or bad. Suppose great benefits to flow from it, what are they? Shall we hereafter look for them in the increased ignorance and subdued spirits of our fellow citizens? or shall we find and

feel them everywhere, in the rapid progress of education, and in the improvement of mind and morals? If it be true, as it unquestionably is, that the safety and success of our political institutions depend absolutely upon the intelligence and virtue of the People; and, if it be true, also, that the direct effect of the proposed fund will be to increase that intelligence and virtue, then it is equally true, that there can be no undue dependence of the People or the States upon the Federal Government. As these benefits increase, so also will increase the ability and means of detecting and resisting the encroachments of power. Although each part of our political system is dependent upon the other, yet there is a wide difference between that dependence which springs from mean or guilty motives, and that which has for its end the union and strength, the happiness and glory of a generous People. And, whatever other men may be disposed to do, that portion of the People to whom our Governments, whether Federal or State, in prosperity or adversity, must look for protection and defence, if intelligent and virtuous, will never do slavish homage, or tamely surrender their liberties to any earthly power.

The proposed measure, the committee are also induced to believe, will have a most salutary effect in respect to the public domain itself, and all the great interests connected with it. There is much apathy in the public mind in regard to the value and importance of these lands. Strong indications are manifested to reduce their price, and to bring the whole into market as speedily as practicable, and without any reference to the existing demand for them. Should this happen, the consequence will be, to depreciate the fair average value of land, whether cultivated or uncultivated, by putting more into the market than could be occupied perhaps in fifty or an hundred years to come; to fling the best of them into the hands of moneyed men and speculators, by their cheapness and the prospect of gain; and to retard cultivation and population, by the high prices at which they would be held. The committee think the proposed measure will produce a counteracting interest, an interest which, while it guards the public domain from sudden depreciation on the one hand, and from speculation on the other, will induce a more rapid and a sounder population.

There is another consideration connected with this subject which the committee cannot pass over in silence. Our Government was the first successful effort among men to establish rational liberty. Our fathers instituted and secured, upon the broadest principles of equality, representation, trial by jury, freedom of speech, freedom of the press, and religious toleration; and, to this hour, it stands a proud example to the world, unsurpassed, unequalled. The young and interesting Republics of Spanish America have, perhaps, come as near to it as the condition and habits of their People would permit. Still there is this marked difference: They retain in some degree the old connection of Church and State. They have an established religion. Now, if any one proposition in politics or morals be more susceptible of demonstration than another, it would seem to be this, that, where any religion is established by law, there neither the tongue nor the conscience can be free. As ours was the first, so it may be the last hope of civil liberty. No other considerable place remains on the globe where a second effort can be made under like auspices. The continents and the islands of the sea are mostly inhabited by men, born under Governments, and brought up under the influence of principles and habits, with few exceptions, utterly hostile to our notions of freedom. Since this is so, our obligations do not end with ourselves. We owe much to the great cause of liberty. This debt we can discharge the best and the most honorably by securing well the foundation and superstructure of our own liberties; thus giving to the human family by the influence of a perfect example, of civil freedom,

19th Congress,  
1st Session.

*Amendments to the Constitution.*

[Senate.]

The foundation of our political institutions, it is well known, rests in the will of the People, and the safety of the whole superstructure, its temple and altar, daily and hourly depend upon the discreet exercise of that will. How then is this will to be corrected, chastened, subdued? By education—that education, the first rudiments of which can be acquired only in common schools. How are the millions of American citizens to be enabled to compare their Government and institutions with those of other countries? to estimate the civil and political privileges and blessings they enjoy? and to decide, understandingly, whether they ought or ought not to protect and defend the Constitution under which they live? By education. Has the Legislature of each State provided all the means that are wanted to this end? Is there nothing more to be done? Are all sufficiently educated? There are some wealthy men, and many a poor man, in our land, whose family and fireside have never yet been cheered by the light and benefits of common education. Is there then no necessity for the proposed measure? Its advantages must be admitted. That there are heads and hearts among us waiting for instruction, cultivation, improvement, will not be denied. And, that the means are still wanted, (through the inability or indifference of individuals and of the States,) to accomplish this great purpose, cannot be doubted. Why then delay? We are at peace with the world. Our burthens are light. We have money to meet all the engagements and exigencies of the Government, and some to spare.

But, if need be, push not so rapidly, nor so far, the costly defences of the country. The tooth of time will wear away the granite. Our strong fortresses and gallant ships will decay. But the young mind and heart, expanded, enlightened, and disciplined, in common schools, will grow brighter and sounder by age. Besides, our reliance under God for protection is upon the arm of flesh. The impassable rampart to our liberties and institutions must be composed of intelligent heads and sound hearts. Our gunpowder, in peace or war, must be the heaving bosoms and vigorous arms of enlightened and virtuous freemen. Shall we not then afford to all, especially to the ignorant, the poor, the destitute, the means at our command, the only means, perhaps, by which they can ever acquire knowledge? Who are first to be benefited? The children of farmers, mechanics, and manufacturers. Where do we look, and where must we look, for the moral and physical power of the nation? To the agricultural and mechanic interests—to the handicraftsmen of the land. Unsoundness here will be fatal. It is rottenness at the heart. Is knowledge power? Does our power, do our liberties, do all we hold dear, depend upon the will of our fellow men, whether that will be left to the guidance of enlightened reason, or of untempered ignorance? And shall we not provide the means we have at hand of teaching the ignorant and destitute to range themselves beneath the Eagle, and among the defenders of freedom? Or shall we neglect them altogether, and leave them to be schooled and disciplined by the Cut-throats and Censors of the day? Believing, therefore, that a portion of the proceeds of the public lands may be spared, that the diffusion of common education among the People is demanded by the highest considerations of national glory and safety, and that Congress possesses both the power and the right to appropriate them for this purpose, the committee submit a bill.

AMENDMENTS TO THE CONSTITUTION.

*Report of the Select Committee, in the Senate, on the Resolutions proposing Amendments to the Constitution, made Jan. 19, 1826.*

Mr. BENTON, from the Select Committee, to which was referred the several resolutions proposing Amendments to the Constitution of the United States, reported, in part—

That, in considering these various propositions, the committee could not be insensible to an objection, often repeated, against the expediency of making any alterations in the fundamental principles of our Government. Giving to this objection its due weight, and admitting the impolicy of making sudden and hasty changes, the committee would yet deem it an unwise surrender of an undoubted right, in the existing generation, to refuse to make any reform in the Federal Constitution, which *time and experience* has proved to be necessary. Founded in the rights of man, this right to improve our social condition has been acknowledged and guaranteed in the Constitution itself; and that it was not intended to be a barren privilege, nor its exercise construed into a mark of irreverence towards our ancestors, was sufficiently shown by the Constitution itself, in the double means which it provided for effecting its own amendment. By these means, the right of amendment is secured to the Congress and the States, conjointly, and to the States themselves independent of Congress. This double capacity to receive amendment was considered by its ablest supporters, about the time of its adoption, as one of the best features in the Constitution. The privilege secured to the States to demand from Congress the convocation of a National Convention, and to originate and perfect amendments, independent of the will of any branch of the Federal Government, was particularly relied upon, and carefully pointed out as the proper resort of the States, whenever Congress should neglect or refuse to propose the amendments which the People desired. A reference to the proceedings of the ratifying conventions, will show the stress which was laid by the friends of the Constitution, on this double capacity of that instrument, to receive amendment; and the further fact, that, but for the existence of this capacity, and a belief in the greater facility of procuring subsequent than previous amendments, that Constitution which is now deemed by some too perfect to be touched, would never have obtained the ratification of a sufficient number of States to put it into operation.

Equally rejecting, on one hand, that attachment to old institutions which rejects every idea of improvement, and, on the other, that spirit of innovation which would leave nothing stable in the Constitution, the committee have carefully considered the several propositions of amendment referred to them by the order of the Senate, and, after comparing them with the existing provisions of the Constitution on the same points, they have come to the conclusion, that the plan of that instrument has failed in the execution, in that most difficult part of all elective Governments—the choice of the Chief Magistrates; and that it is no less a right than a duty, in the existing generation, to provide another plan, more capable of a steady, equal, and uniform operation. Besides a want of uniformity under the present plan, to such a degree as to exhibit three different modes of election in operation at once, and a want of stability so great as to admit all these to be changed whenever the State Legislatures please, the committee would indicate two great leading features in which the intention of the Constitution has wholly failed—the *EXERCISE OF EXECUTIVE*, and the *ULTIMATE ELECTION BY STATES* in the House of Representatives. Considering that the effects of these failures, the want of uniformity, and the instability of the present modes of election, have nearly left us without constitutional rules for the choice of the two first officers of the Federal Government; and believing that an amendment, which would combine the advantages of uniformity, stability, and equality, would be acceptable to the People, and favorable to the cause of liberty, the committee have resolved to propose:

- First. That a uniform mode of election, by districts, shall be established.
- Secondly. That the institution of electors shall be abolished, and the President and Vice President hereafter elected by a direct vote of the People.

Dec. 16, 1829.]

*Annual Treasury Report.—Committee on Education.*

[H. of R.]

to amend the resolution by adding "or on the Western waters of the State of North Carolina."

Mr. JOHNSON, of Kentucky, said, he regretted this motion on the part of his friend from North Carolina, as calculated to produce a collision between the West and the South as to the location of an armory. He was perfectly willing to vote for an independent proposition to inquire into the expediency of the erection of an armory in the South, but he was unwilling to connect it with a proposition for an armory in the West. For the last fifteen years it had been in vain attempted to procure the establishment of a National Armory on the Western waters, notwithstanding the unanimous opinion of the West, concurred in by the executive officers of the Government, and that a Western armory was necessary, not to gratify individuals interested in its location, but for the defence of the country, and to prevent prodigal expenditure of the public moneys in transportation of arms, &c. We have now National Armories at Springfield, in Massachusetts, and at Harper's ferry, in Virginia; and a report had been made to Congress, at his own instance, pointing out the various sites which the United States' engineers had thought would be advantageous for an armory in the Western country. But, although his immediate constituents were deeply interested in the establishment of an armory at the Horse Shoe bend, and others equally interested in other sites, he despaired ever seeing in his day an armory established in the West at all, unless upon the broad principle of giving the Executive of the United States the power of selecting a site, as had been done heretofore in the case of the armory at Springfield, and that at Harper's ferry. Having no objection to inquiring into the expediency of establishing an armory in the West, as well as in the South, but being opposed to confounding the two propositions, Mr. J. moved to strike out of Mr. Carson's amendment the conjunction *or*, and insert *and*, which would have the effect to separate the two propositions, instead of connecting them.

Mr. CARSON said, he was entirely disposed to gratify his friend from Kentucky; but, as his motion had been made on the impulse of the moment, and could be readily modified to meet his friend's views, he moved, to give opportunity for that purpose, that the resolution should be ordered to lie upon the table for the present.

The motion was agreed to.

ANNUAL TREASURY REPORT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting his annual report upon the state of the finances.

The report having been announced from the Chair, Mr. BUCHANAN moved that ten thousand copies of the report, and the documents accompanying it, be printed.

Mr. WHITTLESEY proposed six thousand copies, being the largest number ever printed of a public document before this session.

Mr. BUCHANAN said that the Annual Report from the Treasury Department was always looked to with great interest by the people; that it was too voluminous to find admission at large into the newspapers; that its general circulation was very desirable, &c. Ten thousand copies had been ordered to be printed of the documents accompanying the message of the President; and this document, he presumed, would be considered of at least equal importance.

Mr. WHITTLESEY said, he admitted that this document was one of importance, and sought for with avidity. He thought, however, that the largest number of copies ever before printed, was sufficiently large now, especially as the material and substantial part of the report would find its way into every newspaper in the country. He was disposed, he said, to observe, as far as was consistent with a prudent regard to the public interest, the system of eco-

nomy recommended in the report of the Committee of Retrenchment at the session before the last; and he could not conceal his surprise that gentlemen who were, at the last session, so anxious to reduce the amount of expenditure, especially on objects of this nature, to which they seemed to have directed much of their attention, should now show such a disposition to swell it instead of reducing it.

Mr. BUCHANAN said, he was happy to find that the gentleman from Ohio was now so decided an advocate for retrenchment; not knowing, however, that he had ever found him otherwise. He did not know but, in pursuit of this object, he and the gentleman from Ohio would be found going hand in hand. But this [Mr. B. said] was not the point at which they ought to begin to retrench. Retrenchment ought not to begin with communication of information of this sort to the people, who are more interested in knowing exactly what has been the management of their financial concerns, than, perhaps, in any other subject. If we are to begin the work, [said Mr. B.] let it be with something else, more in accordance with the proper principles of retrenchment than this.

The question was then taken on printing the largest number proposed, ten thousand copies, and decided in the affirmative.

WEDNESDAY, DECEMBER 16, 1829.

The resolution came up which was yesterday moved by Mr. RICHARDSON, of Massachusetts, for the addition to the standing committees of a

COMMITTEE ON EDUCATION.

The resolution having been read, Mr. RICHARDSON said that his proposition was a simple one, proposing only that a standing Committee on Education should be provided, by the rules and orders of the House. Unless it was made necessary, by objections to the resolution, he should not occupy any portion of the time of the House upon it, but submit it for decision without remark.

Mr. HALL said, in due deference to the gentleman who presented this resolution, the subject was one which he conceived did not properly come within the control of Congress. I shall, [said he,] therefore, feel myself bound to object to the resolution. The subject of education, evidently, so far as legislation can be carried to it, properly belongs to the State authorities. If we go on assuming authority over subjects entirely foreign to our sphere of authority, where are we to end? We already have much extraneous matter. As an instance, I will mention the subject of agriculture; over which we have, I believe, a standing committee. This, I have always been at a loss to reconcile to my idea of the just power of Congress. If we go on engulfing every subject to which legislation can be carried, to what result must we come? Shall we not effectually assume all the power of the State authorities? This must necessarily be the result. Sir, there is a doctrine advanced, and properly advanced, and sustained by the Supreme Court of the United States, a doctrine properly deduced from one of the plainest provisions of the constitution—it is, that all the powers of this Government, though limited, are plenary, within their proper sphere. I admit the soundness of this doctrine; but if so, it at once puts this subject to rest. I presume neither the gentleman himself, nor any other, will pretend that the States have not the right to legislate upon this subject. If this be so, it is decisive that this Government cannot, because its power over the subject, being plenary, is necessarily exclusive, and therefore not to be participated. It is not my object to detain the House; but for the reasons given, I object to the resolution.

Mr. DAVIS, of South Carolina, expressed a desire to know what were the particular views which had induced

H. of R.]

Committee on Education.

[Dec. 16, 1829.]

the gentleman from Massachusetts to bring forward this proposition.

Mr. STORRS, of New York, made a few observations, the import of which was, that he was perfectly willing, when any subject requiring it should be before the House, to give it direction to a proper committee. He was not aware, however, of any necessity for a standing committee on the subject. The only way in which it had heretofore been directly presented to the consideration of the House, was in the shape of propositions connected with grants of public lands, which had been, as matter of course, referred to the Committee on the Public Lands. Believing the consideration of such propositions to be safely lodged in the hands of that committee, he had no disposition to transfer it to another select committee. As at present advised, therefore, he should vote against the resolution.

Mr. RICHARDSON said, that the importance of education to the people of the United States, induced him to advocate the adoption of the resolution now before the House.

The gentleman from New York [Mr. H. R. STORRS] has said that he knows not what a standing Committee on Education can have to act upon. Mr. R. said, he would reply to the gentleman, that such a committee would have the whole subject to act upon—a long neglected subject, and of the highest importance to the welfare of this Union.

This subject had been most earnestly and repeatedly recommended by the great patrons of liberty—the fathers of American independence—the founders of this republic. Permit me [said Mr. R.] to call the attention of the House to the opinion contained in the message of the first President of the United States to Congress, in 1790:

"Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is, in every country, the surest basis of public happiness. In one, in which the measures of Government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways. By convincing those who are entrusted with the public administration, that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority—between burlesque proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness—cherishing the first—avoiding the last—and uniting a speedy, but temperate vigilance against encroachments, with an inviolable respect to the laws. Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a National University, or by any other expedients, will be well worthy of a place in the deliberations of the Legislature."

—Washington's Message to Congress.

Mr. Speaker, this is not a solitary recommendation of this subject to the attention of Congress. In similar language, it has been repeatedly urged upon Congress by Washington, Jefferson, Madison, and others.

If it be true, as the gentleman from New York says, that a committee on education would have nothing to act upon, the fact is enough to enervate the cheek of every friend to his country with the blush of deep mortification. It is high time that there were a committee to make this a subject of attention—to devise and mature measures to promote an object of vital importance to this republic.

The gentleman from North Carolina [Mr. HALL] has stated that he has constitutional objections to the proposed measure. Is it possible that the constitution prohibits the power to raise a committee on education, whilst there are

committees on agriculture, manufactures, Indian affairs, and various interests, never named in the constitution? What is the language of the constitution? "We, the people of the United States, in order (among other things) to promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America." The eighth section, which enumerates the powers of Congress, declares expressly that "the Congress shall have power to provide for the general welfare of the United States;" and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution with power to pass any laws, or adopt any measures, not prohibited by it, which are essential to promote the general welfare?" All unite in bearing testimony that the general diffusion of knowledge in the United States is essential "to the general welfare, and to secure the blessings of liberty." Singular, indeed, would it be, if the framers of the constitution had bound their own hands, and the hands of their posterity, under articles and sections to exclude the great law of self-preservation from the system. I cannot impute to them, nor to the system, a folly so stuporous.

It is demanded, if measures for the promotion of education were deemed so important, why have they not been adopted? My answer is, that a favorable moment for the purpose has not before occurred. Soon after the immortal Washington recommended this subject to the attention of Congress, the civilized world was wrapt in a flame of war and revolution. Our revenue was reduced or exhausted in measures for self-defence. This country suffered from many causes of embarrassment.

When prosperity began again to dawn upon the republic, the illustrious Washington recommended to Congress the same subject. But soon again embarrassments and war dried up and exhausted the resources of the country. To the discharge of the public debt the revenue has been applied, until the moment has nearly arrived when it will have been wholly cancelled. At the same time the revenue is gradually increasing, so that a large surplus will remain in the national treasury. To what purpose more valuable to the United States, or more honorable to this Government, can that surplus be applied, than to the purpose of education? It may well become the guardians of the public welfare to consider, that if this surplus of revenue should not be applied in a manner to satisfy the people that it is beneficial to the general welfare, they may indignantly send up a power here that shall cause the revenue to be abolished; an event which all would have cause to deplore. Let the revenue be abolished, and the Union would be prostrate at the feet of her enemies. No, sir, rather let measures be adopted to apply the surplus of revenue to the promotion of education. The present is a most favorable moment to devise a plan for this purpose. It is virtually recommended by the President, in his message just communicated, where we are informed that the amount required for the discharge of the public debt will be at the disposal of the Government for other important objects. For these general reasons, I am in favor of the resolution. Regretting to occupy the time of the House, I submit the question without further remarks.

Mr. ARCHER, of Virginia, said, that, in common, he had no doubt, with many members of the House, he should have a good deal to say on the subject of this resolution, if he could conceive (which he did not) that there were any danger of its adoption. He was persuaded that the honorable mover had not meditated fully the extent of the question which the resolution went to raise. It was one of the largest, and, in the most favorable aspect, contestable questions of power which had been ever presented in the operation of the Government. It was true, as the

Dec. 17, 1829.]

Honor to a deceased Member.—Distribution of Public Lands.

[H. of R.]

gentleman had suggested, that the subject had been brought to the attention of Congress heretofore, on more than one occasion, but in modes very different from that now proposed. It had been suggested in the messages of Chief Magistrates as a topic of the gravest deliberation, or there had been a formal assertion by resolution that the power resided in the Government, accompanied by propositions for a practical application of it. Mr. A. had supposed that these were times in which republican principles had attained ascendancy, and the revival of this doctrine would not be thought of in this House. If the gentleman did desire the revival, however, and thought he could find any considerable number to think with him, the mode of proceeding should be that to which he [Mr. A.] had just referred; by resolution affirming the power, to which the present resolution might be a sequel. It could not be expected that, by indirection on a mere proposition to raise a committee, a decision was to be had, to lift in not only this jurisdiction, but the mass of connected constructions which were equally involved. Mr. A. professed himself entirely prepared now to enter into the discussion and disprove the power. He could not conceive that it could be necessary to do so, however; and in that view, he should content himself with moving that the resolution be laid on the table, with the purpose that it should not be taken up again.

The question on laying the resolution on the table was then taken by yeas and nays, and decided as follows: yeas, 156—nays, 52.

## HONOR TO A DECEASED MEMBER.

Mr. BARRINGER, of North Carolina, rose for the purpose of performing the last sad office due to friendship, in announcing to the House the death of his late esteemed colleague, the honorable GARRETT HOLMES. He said he would have performed this duty at an earlier day, but for his own impaired health. Before tendering to the House a resolution which he had prepared in relation to the melancholy event which he had just announced, he might, he hoped, be excused for saying, that those to whom the late Governor Holmes was known, eulogy would be unnecessary, and to those to whom his deceased friend and colleague was unknown, he felt, in his present state of impaired health, an utter inability to do justice to the eminent virtues of the deceased. He should not, therefore, make the attempt. He had the pleasure of knowing him in all the relations of life; in the endearing domestic relations, in which he was unsurpassed for the gentler virtues of conjugal tenderness and affection, for parental kindness and indulgence; as the chief magistrate of his native State, in which he discharged the duties devolved upon him with a dignity becoming his own elevated character, and the confidence reposed in him by his own constituents; as a representative of the people in this House. How appropriately he performed his duties here, was too well known to require a recital from him.

Mr. B. said, his deceased friend and colleague had been an honored member of the nineteenth and twentieth Congresses, and member elect of the twenty-first Congress of this House. It had pleased Heaven to remove him, and it was due to him to say that his loss was most regretted by those who knew him best; and, as a testimonial of respect for the memory of the deceased, he asked of the kindness of the House the adoption of the resolution which he now offered.

Mr. B. then presented the following:

Resolved, That the members of the House of Representatives, from a sincere desire of showing every mark of respect due to the memory of the honorable GARRETT HOLMES, late a member thereof, from the State of North Carolina, will go into mourning for one month, by the usual mode of wearing crape around the left arm.

The resolution was unanimously agreed to.

As a further mark of respect to the memory of the deceased, Mr. BARRINGER then moved that the House do now adjourn.

THURSDAY, DECEMBER 17, 1829.  
DISTRIBUTION OF PUBLIC LANDS.

Mr. HUNT, of Vermont, submitted for consideration the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of appropriating the net annual proceeds of the sales of the public lands among the several States, for the purposes of education and internal improvement, in proportion to the representation of each in the House of Representatives.

The question of consideration of this resolve was demanded by Mr. STANBURY, of Ohio, and decided in the affirmative.

Mr. STERIGERE, of Pennsylvania, then moved to amend the resolution by striking out, after the word "States," the words "for the purposes of education and internal improvement." He had no objection whatever to the principle of distributing the net proceeds of the sales of public lands among the States, but he was opposed to the restriction upon the application of them proposed by the resolution.

Mr. HUNT said, that, by repeated special grants, donations of the public lands had been made to some of the States, and to particular institutions in others of the States, but in all cases for the purposes of education and internal improvement, and by none other. He wished, in the distribution of the avails of the residue of the public lands, to adhere to the same principle.

Mr. TEST, of Indiana, said, that he considered the principle involved in the resolution to be one of great importance, and one which this House ought not to be called to act upon without due consideration. He objected to the resolution, as well in its details as in its principle. It seemed to him to embrace, in effect, the proposition that the public lands should be divided among the States generally; to which he could never consent. He thought that time should be given to reflect upon the subject before it was further acted upon. With that view he moved to lay the resolution upon the table.

The motion to lay the resolution on the table was negative, 108 votes to 71.

The question on Mr. STERIGERE'S motion to amend the resolve was then also decided in the negative, 102 votes to 72.

Mr. SEVIER, Delegate from Arkansas, moved to amend the resolve, by inserting, after the word "States," the words "and Territories;" and

This motion to amend was agreed to.

Mr. VANCE, of Ohio, asked how the resolve would read thus amended? How could the Territories become entitled to land, &c. "in proportion to the representation of each," &c.? The Territories [he said] have no representation on this floor. They would have no claim to land under this resolve, unless the House should further resolve that delegates are representatives.

Mr. MARTIN, of South Carolina, entered his protest against the number and variety of propositions brought before the House concerning the public lands, and proposing to dispose of them in various ways. It seemed as if the four quarters of the Union were striving with one another which should get the most out of these lands. The appetite for them appeared to be insatiable and uncontrollable. He was opposed to the whole of these propositions. This was not the time to express at large his views on this subject; but if there was any justice, truth, or reason, in the proposition now submitted to the House, the amendment which he was about to propose ought to have its weight with the House. Mr. M. said, he did not

H. of R.]

School Lands in Ohio.

[Dec. 21, 1825.]

reasons. He remembered that he had then felt satisfied that such a bill ought to pass, and, if the same fact still existed, he should still retain the same opinion.

Mr. HAMILTON, in reply to Mr. TRIMBLE, said that he had the best authority for believing, that the evil had rather increased than diminished.

Mr. BUCHANAN said, that he was sorry this subject had not taken the accustomed course. It had not been referred to a Committee of the Whole, and had been ordered to be engrossed for a third reading before it was printed. He did not think it had received that portion of attention from the Members of the House which its importance demanded. He had been opposed to the measure at the last session, and he had not as yet seen any reason to alter his opinion.

It is certainly of great importance, said Mr. B. that the rank and file of your Army shall be as respectable as possible. Any measure which would have a direct tendency to defeat this result must be impolitic. In case this bill should pass, what will be the probable result? At present, in consequence of the low wages given to laborers in many portions of the country—men who are respectable in that class of society enter the ranks of your Army; as soldiers, they receive \$5 per month, and are fed and clothed by the Government; many of them are bound to Society by domestic ties. They have wives and children they have parents, dependent for support on their exertions. Take from them two dollars per month, as this bill proposes, and you reduce the pay which they will receive to a monthly allowance of three dollars only. You thus deprive them of the means of assisting to support those who are in any degree dependent upon them. The consequence will be, that none but the most worthless men in the community will enter your Army. You destroy its moral character; and, in this manner, there is great danger that you will increase instead of diminish the crime of desertion.

Mr. B. said, that, in his opinion, much weight should be attached to the remarks of the gentleman from Tennessee (Mr. MITCHELL.) If death, and the other severe penalties already denounced by your laws against the crime of desertion, were not sufficient to deter the soldiers from committing it, would the distant prospect of receiving the two dollars per month at the end of their term of service, be productive of this desirable result? He thought it very doubtful, particularly as the new recruits under this system would generally be taken from the dregs of society.

Mr. B. observed, that the House had no correct information before them, as to the number of desertions during the last year. He thought this information should be obtained. It was not known whether that crime had increased or diminished. Besides, the measure was one of importance, on which the House should not act hastily. He therefore moved to lay the bill on the table.

The motion was carried by a large majority. And then, the House adjourned.

WEDNESDAY, DECEMBER 21, 1825.

## SCHOOL LANDS IN OHIO.

On motion of Mr. VINTON, of Ohio, the House went into Committee of the Whole. Mr. MCCOY, of Virginia, in the Chair, on the bill "to authorize the Legislature of the State of Ohio to sell certain land heretofore appropriated to the use of Schools in that State."

Mr. VINTON moved to amend the bill, by adding to it a new section, to the following effect:

[This section proposed, in substance, that if the proceeds of lands, belonging to any township or district, shall be insufficient to the support of schools within the same, the Legislature of said State shall have power to invest the same until the whole proceeds of the fund be-

longing to such district or township, shall be adequate to the permanent support of schools therein.]

Mr. V. observed, in explanation, that it would be perceived, by a reference to the bill, that the tracts of land proposed to be sold, were owned separately by the townships and districts in which they lie; and that, as the funds arising from the sale of the land in each township, might not prove sufficient for the support of the schools in that township, the object of the amendment was to provide, that the interest as well as the principal arising from the sale, should be vested in securities until the whole amount should have become sufficient for that object.

Mr. FORSATH asked from Mr. VINTON an explanation of the motives which led to the insertion of the first proviso of the bill; which is in the following words:

"Provided, said land, or any part thereof, shall, in no case, be sold, without the consent of the inhabitants of such township or district, to be obtained in such manner as the Legislature of the said State shall, by law, direct."

Mr. VINTON observed, in reply, that the reason for that proviso arose from the existing state of things in Ohio. The land, as he had stated, instead of forming a common fund, belonged separately to the several townships and districts of that State; each of these has a sole and exclusive interest in its own land, and the memorial of the Legislature of Ohio, in compliance with which sell, does not wish to exercise that power, unless the townships concerned give their assent to the sale. It was possible that some of these townships would be unwilling that their lands should be sold; and the object of the proviso was to leave them an opportunity of expressing their will on the subject. It was inserted merely with a view to preserve their rights.

The Committee then rose, and reported the bill as amended; when

Mr. LATHROP proposed to modify it in such a manner that such townships as wished, might be permitted to retain their interest, and that the Legislature should not have the power of investing it without the consent of such township.

Mr. MCCOY was opposed to the amendment, and preferred the original bill. He wished neither that the Legislature should have power to sell the lands without the consent of the townships, nor to appropriate the money after they were sold. He thought that the people of the townships ought to have the sole control of the lands reserved for their benefit.

Mr. VINTON observed, in reply, that this was the only school fund which the State possessed, and it was probable that the proceeds within many of the townships, would prove very inadequate to the purposes of education. If the money were permitted to be invested, and suffered to accumulate, the purpose would be answered better in the end than by portioning it out in small sums, which would not avail to obviate the present necessity of taxation. From the state of feeling which prevailed in Ohio, in relation to these lands, it was to be presumed that the Legislature, although it asked for the power to sell them, would be extremely solicitous, in the exercise of that power, to conform itself to the wishes of the towns. He was of opinion that the Legislature of the State was the proper body to regulate the whole subject of public education, and that it ought to be placed under their control without trammelling them by unnecessary restrictions. It would be observed that the amendment did not require the Legislature, but only want to permit them, to do so. The amendment proposed by the gentleman from Massachusetts, (Mr. LATHROP) would be fatal, in practice, a matter of great perplexity, and that the measure it involved would be of an intricate and difficult character.

Mr. WHIPPLE rose to inquire whether, in case

Dec. 21, 1825.]

School Lands in Ohio.

[H. of R.]

the bill should pass, there existed in Ohio any regulation which would secure to the children their education while this fund should be accumulating.

Mr. VINTON replied, that the Legislature had adopted the best system in their power, and the bill would leave it to their discretion to determine, whether the fund obtained by the sale should be employed in the mean while or not. This would depend, in a great measure, on the amount obtained by taxation.

Mr. MCCOY observed, that many of the Townships in the State of Ohio had recently been settled, and that their inhabitants, having to struggle with the difficulties of a new country, were in greater need of aid on the subject of education, at this time, than they would be at any future period; and though the amount arising from the sale, or from the leasing of their lands, might be very small, yet it was better that they should have it now, in the time of need, than to suffer them to accumulate, so as to become productive hereafter, when the need of it would not be so great.

Mr. COOK suggested the expediency of adding a proviso, that these lands should not be sold at a less price than the public lands of the United States. They amounted, if he was rightly informed, to somewhere between seven hundred thousand and a million of acres, which would all be thrown into the market at one time; and unless some restriction of this kind were added, he apprehended that this valuable fund might become the prey of speculators.

Mr. CAMPBELL observed, that the suggestion of the gentleman from Illinois, (Mr. COOK) appeared to be offered in a good spirit. But he was apprehensive that, if it was adopted, it would be found impossible to effect any sale of the lands at all. Some of them were of poor quality, and would not bring twelve and a half cents an acre. The restriction would occasion great perplexity, and the funds, when collected, would amount to a mere trifle. Mr. C. observed, that a quantity of land, equal to one-thirty-sixth part of the Virginia Military District, as that part of Ohio was called in which he resided, had been originally reserved for the support of schools. There were eighteen quarter townships, and three sections of such land. It had been leased for a term of years, but had been in its result very unproductive. After various attempts, it had been found impracticable for the State to avail itself of the friendly purpose of Congress by any other means than by obtaining the leave to sell the lands. He presumed that if such leave should be granted, the Legislature of Ohio would of course adopt some such regulation as that which had been recommended by the gentleman from Illinois, in order to prevent a sacrifice of the lands. But he thought that it would be best to leave it to that Legislature to fix upon the minimum which they should deem most expedient. He was aware that, in the opinion of some gentlemen, the Legislature of Ohio had committed a great error in making this application; but he had just observed, in one of the morning papers, that the Legislature of Georgia had been obliged to sell the lands appropriated for the support of Franklin College. The lands had been sold, (according to the statement published) and the amount vested in Bank stock. If the statement was unfounded, he presumed the gentleman from Georgia would correct him.

Mr. STORRS thought that the words "any productive funds," in that part of the bill which relates to the investment of the proceeds of sale, were very indefinite, and open to misinterpretation and abuse. It was very important that the fund should be secured against fraud or imposition; and he, therefore, moved to strike out these words, and to insert, in lieu of them, "in the public stock of the United States, or of any of the States."

Mr. VINTON said, this bill, having for its object to increase the means of education in the State of Ohio, much interest in its success is felt, both by the People and the Legislature of that State. It proposed to effect this object by a change of the fund heretofore provided for the support of schools in the State, without giving any new direction to the use. The whole fund of that State, for the support of schools, is in land, which the bill now under consideration authorizes the Legislature to sell and convert into money, to be invested in some productive fund, the proceeds of which to be applied to the support of schools, instead of the proceeds of the land, as at present.

It will be proper, for the information of the House, to give some account of the origin of this fund, its past productiveness, present condition, and the reasons that have induced the Legislature of Ohio to ask of Congress the assent contained in the bill. Previous to the admission of the State of Ohio into the Union, a tract of 640 acres, or one section of land, in each township, owned by the United States, had been reserved from sale, for the support of schools within the township where situated. The title continued in the United States during the Territorial Government. At the time of the admission of Ohio into the Union, the provision of a school fund became the subject of compact between the United States and the Convention that formed the Constitution of that State. This compact resulted in an act of Congress, passed March 3d, 1803, granting to the Legislature of the State, in trust for the support of schools, one entire section of 640 acres in each, of what is usually denominated the "original surveyed townships," being six miles square, and composing the principal part of the territory of the State—the land, in each township, being granted for the support of schools within such township.

For the several districts of country known by the name of the "Virginia Military Reservation," "The United States Military District," and the "Connecticut Reserve," a quantity of land, equal to one thirty-sixth part of the districts respectively, was granted for the support of schools within the same, to be located in quarter townships, the whole number of which, I believe, is forty-nine, and the whole amount of school lands in the State somewhat exceeds seven hundred thousand acres. The act vested in the Legislature the whole title to these lands, and left it in the full exercise of its discretion, both as it regards the means by which money should be raised from them for the support of schools, and the manner of applying it to that object—neither having been prescribed by the grant. In other words, the manner of executing the trust was not prescribed, but left to the unqualified discretion of the Legislature, as it ought to be.

From the nature of the grant, and the manner of its acquisition, being by purchase, the consideration of which is expressed in the compact, it has been the prevailing opinion of legal gentlemen in that State, that the Legislature possesses the power to make such disposition of these lands, either by sale or otherwise, as in its opinion will best promote the object of the grant, being account-able only for the faithful application of the proceeds to the support of schools. This doctrine is maintained in the memorial of the Legislature now upon our tables. But a doubt having been entertained by some, of the correctness of this doctrine, that body, anxious to act in good faith, and unwilling to trespass beyond the acknowledged boundaries of its compact, as well as from an apprehension that the rule would be retarded and the proceeds diminished, if they were thrown into market with even the shadow of suspicion hanging over the title, has solicited, from policy, not from what it conceives to be a legal obligation, the assent of Congress contained in this bill. Immediately after the acquisition of these lands, the Legislature set about devising the means of making them pro-

1825 December 21. Debate on bill to authorize Ohio legislature to sell school lands.

H. of R.]

School Lands in Ohio.

[Disc. 21, 1825.]

ductive. The mode adopted of doing this was by leasing them. From that time to the present, for more than twenty years, they have been a constant and fruitful subject of legislation, always abortive in every thing except new legislation, until the Legislature and the People of the State, exhausted with unavailing efforts to render them productive, are now fully satisfied that the benevolent hopes and expectations of those who provided this invaluable fund, must continue, as heretofore, to be disappointed, without a change of the fund itself. This has been owing to many causes, some of which are without remedy. A leading cause among them, is the *cheapness of land*, connected with the *deare*, almost universal among cultivators, to be the proprietors of the soil they occupy. In a country, such as Ohio, where there are millions of acres of land in the market beyond the immediate demand, the acquisition of which, to the extent of the actual wants of the purchaser, is sure to follow from the easiest efforts of ordinary industry; the idle and indigent must be expected to be the usual applicants for leases. Such, with a few meritorious exceptions, has been, and continues to be, the character of the lessees. They enter upon the lands, destitute of property, without habits of industry or economy, and not unfrequently without much solicitude about meeting their engagements for the rent, and continue upon them until, having exhausted the patience of the superintendents, they are turned off the land for non-payment, leaving the premises in a state of dilapidation and waste, the valuable timber cut down or destroyed—to make way for a new tenant, who, in his turn, often follows the ruinous footsteps of his covenanted predecessor. Another great and remediless cause of the unproductiveness of this fund, can be traced to the *number and remoteness of its parts*, being scattered over so great an extent of country, as to render it wholly unworkable, and to baffle all attempts to devise an efficient system of accountability. The waste and injury to these lands has been such, that they are not now as valuable, and would sell for much less money at this time, when the State contains between seven and eight hundred thousand inhabitants, than could have been realized from them when it contained a population of one hundred thousand.

If they remain unsold, they will, in all probability, continue, as heretofore, to be almost wholly unproductive, while the demand for education will rapidly increase, and the necessity of making provision for its support become every day more and more pressing. In fact, so great is the call for education in that State, and so limited the ability to satisfy it, as to have created the most serious alarm among the whole of the thinking part of the community. I have no hesitation in saying that, in my opinion, there is not another spot upon earth where, for the same population, the demand for education is so great as in the State of Ohio. If any confirmation of this opinion be wanted, it will be found on recurrence to the last enumeration of the population of the United States. The representation of Ohio upon this floor exceeds that of the State of Massachusetts by a single member only, while the population of the former, under ten years of age, exceeds that of the latter State upwards of seventy-seven thousand. The whole of this vast number of children are now of the age when they ought to be engaged in the acquisition of the elements of knowledge.

Should the means of subsistence continue to be, in future, as easy of attainment as they hitherto have been, the excess of this class of population must, in the course of a very few years, be greatly increased; adding, in a corresponding degree, to the existing demand for education. The Legislature, impressed with the peculiar and urgent importance of this subject, have recently had it under their serious consideration, and devised the most efficient system in their power, for the support of education. A system, however, dependent entirely upon tax-

ation for its support. The sale of these lands would, without doubt, greatly aid the operations of that system, the success of which is earnestly desired by the friends of the well-being and social order of that community; and about which, the Legislature have manifested the most praise-worthy solicitude and concern. One word to the proposed amendment of the gentleman from New York. The Legislature of the State is the proper body to watch over and take care of the subject of education within the State. We ought to leave them in the full exercise of their discretion, in what concerns their peculiar duty, trusting to their fidelity and discretion in a matter that so nearly concerns them and their People. The time may come, when neither the United States nor the State Governments will have any public stock, or, if any, particular stocks without great sacrifice, and upon the most disadvantageous terms. It is extremely dangerous thus to particularize and trammel the power and discretion of the Legislature, when engaged in legislation of this sort in which we are acting, not merely for ourselves, but for posterity. Instead of dictating how the fund shall be invested, we ought to leave that body in the unqualified possession of the power of investing and managing this fund, as new circumstances, interests, and relations in society, shall, from time to time, render necessary and politic.

I hope, therefore, the amendment will not prevail. Mr. STORRS replied, that he had full confidence in the Legislature of Ohio; yet he thought that the amendment could do no possible harm, but, on the contrary, tended to place the fund in question beyond the reach of calamity or casualty. Experience had proved, that notwithstanding the utmost prudence and discretion of other Legislatures, great and frequent losses had happened, especially in funds provided for charitable purposes. A recent failure of a public institution in one of the Eastern States, (an institution whose notes were supposed, until its failure, to be as secure as any of the stocks of the United States,) held out an impressive warning on this subject. As to the probability that the time would come when there would exist no stock of the United States, nor of any of the States, it was a probability too remote to be taken into present account. The fund should be made secure, and he thought the amendment was calculated to secure it.

The question was then taken on Mr. STORRS' amendment, and it was not agreed to.

The question recurring on the ordering of the bill to a third reading—  
Mr. FORSYTH said, that he was not very conversant with subjects of this kind, and he rose rather to obtain information than to communicate his views to the House. He agreed with the Chairman of the Committee (Mr. VINTON) that, if it were in the power of Congress to give the Legislature of Ohio jurisdiction over the whole subject, it ought to be done. He was opposed to restricting the expenditure of the sum raised by the sale to the township by which the lands respectively were held. The gentleman had told the House, that, in some of the towns, the proceeds of sale would probably be insufficient for the support of schools therein; he therefore proposed that the proviso in the bill, which went to lay this restriction, should be stricken out; so that, if a surplus should arise in one town, and a deficit take place in another, they might be equalized.

Mr. VINTON replied, that the reason why it would happen, that, in some of the towns, the amount would prove too small, while in others it would not, arose from the various qualities of the school lots in different towns; in some they were rich and valuable; in others, sterile and almost worthless. If the whole should be reduced to a common fund, those towns which hold good school lands will refuse their assent to the sale, now the use by in the townships. The land was originally granted in

Dec. 22, 23, 1825.]

Judicial System of the United States—Accounts of Mr. Monroe.

[H. of R.]

such a manner as vested the use in them, and he doubted much if the State Legislature, or Congress itself, could disturb this right. So, then, if the proviso should be stricken out, the whole object would, in all probability, be defeated. The proviso had been inserted with an express intention to guard the use, in its present form, only changing the mode in which the proceeds should be obtained.

Mr. FORSYTH'S amendment not being agreed to—  
The bill was ordered to be engrossed for a third reading to-morrow.

THURSDAY, DECEMBER 22, 1825.

Mr. WEBSTER, from the Committee on the Judiciary, reported the following bill:

"A BILL further to amend the Judicial System of the United States.

"Be it enacted, Etc. That the Supreme Court of the United States shall hereafter consist of a Chief Justice and nine Associate Justices, any six of whom shall be a quorum; and for this purpose there shall be appointed three additional Associate Justices of said Court, with like powers and duties, and to take the same oaths, and be entitled to the same salary, as the other Associate Justices thereof.

"Sec. 2. And be it further enacted, That the Seventh Judicial Circuit of the United States shall, hereafter, consist of the Districts of Ohio, Indiana, and Illinois; and the Districts of Kentucky and Missouri shall form an eighth Circuit; the Districts of Tennessee and Alabama, a ninth Circuit; and the Districts of Louisiana and Mississippi, a tenth Circuit; and the Justice of the Supreme Court, now assigned or allotted to the seventh Circuit, shall, until the next term of the Supreme Court, and until a new assignment or allotment shall be made by said Court, be assigned to the eighth Circuit; and the three additional Justices, whose appointment is provided for by this act, shall be severally assigned, by the President of the United States, to the said seventh, ninth, and tenth Circuits, until the next term of the Supreme Court, when it shall be the duty of the Justices thereof to assign or allot themselves to the several Judicial Circuits of the United States, and to make record thereof, according to law.

"Sec. 3. And be it further enacted, That so much of any Act or Acts of Congress, as vests in the District Courts of the United States, in the Districts of Indiana, Illinois, Missouri, Mississippi, Alabama, and Louisiana, the powers and jurisdiction of Circuit Courts, be, and the same is hereby, repealed; and there shall be hereafter Circuit Courts for said Districts, to be composed of the Justice of the Supreme Court, assigned or allotted to the Circuit to which such Districts may respectively belong, and of the District Judge of such Districts, severally and respectively; to have like powers with other Circuit Courts, and to be holden, until otherwise ordered by law, at such times and places as are now established, in each of said Districts, respectively, for holding the District Court for the exercise of the jurisdiction of a Circuit Court; and all actions, suits, prosecutions, recognizances, and proceedings, of whatever nature, now being or pending in the said District Courts, as exercising the powers and jurisdiction of Circuit Courts, or which are or may be returnable thereto, shall have day, be heard, tried, proceeded in, and decided, in the Circuit Courts organized and provided for, in said Districts, respectively, by this act, in the same manner as if originally brought, entered, prosecuted, given, or had therein."

The bill was twice read and committed.  
The resolution offered by Mr. DWIGHT, calling on the Secretary of the Treasury to inform the House whether any extraordinary losses have recently occurred in the

collection of the customs, and if so, to state the circumstances thereof, was taken up.

Mr. WURTS offered the following amendment:  
"That the Secretary of the Treasury be directed to communicate to this House the instructions, if any, which have been given by that Department to the Collectors of the Customs, under the provisions of the several acts regulating the collection of duties on imports and tonnage, and especially under the provisions of the 62d section of the act of March 2d, 1799; and, also, to inform this House whether any, and what, deviations from these instructions, or from the course prescribed by law, for the collection of the customs, have recently taken place, and whether any, and what, losses have been, or are likely to be sustained by the Government, in consequence of such deviations, stating particularly the circumstances attending them, so far as they may have come to the knowledge of the Department."

Mr. WURTS, in introducing this amendment, remarked, that the facts to which the resolution of the member from Massachusetts referred, were sufficiently notorious, yet he doubted if the resolution, as at present worded, would attain the object which that gentleman had in view. The resolution calls for a statement only of what losses have already been incurred. Now, he believed that it would be found that none had as yet actually happened, but there was every probability that they would occur. The amendment which he had offered, asked for all the facts of the case: for it was useless that the House should know that a sum of money had been lost, unless they were also informed how, in what manner, and why, it was lost. It was with a view to obtain this information that he had offered the amendment.

Mr. DWIGHT expressed his willingness to accept the amendment as a modification of his motion: when

Mr. WEBSTER suggested that it might be proper, and in the spirit of the rule of the House, when a motion for a call upon any of the Departments has been laid upon the table for one day for consideration, and an amendment has been adopted which is in effect a substitute for that call, that the amendment also should be suffered to lie on the table for a day. He made a motion to that effect in regard to this resolve.

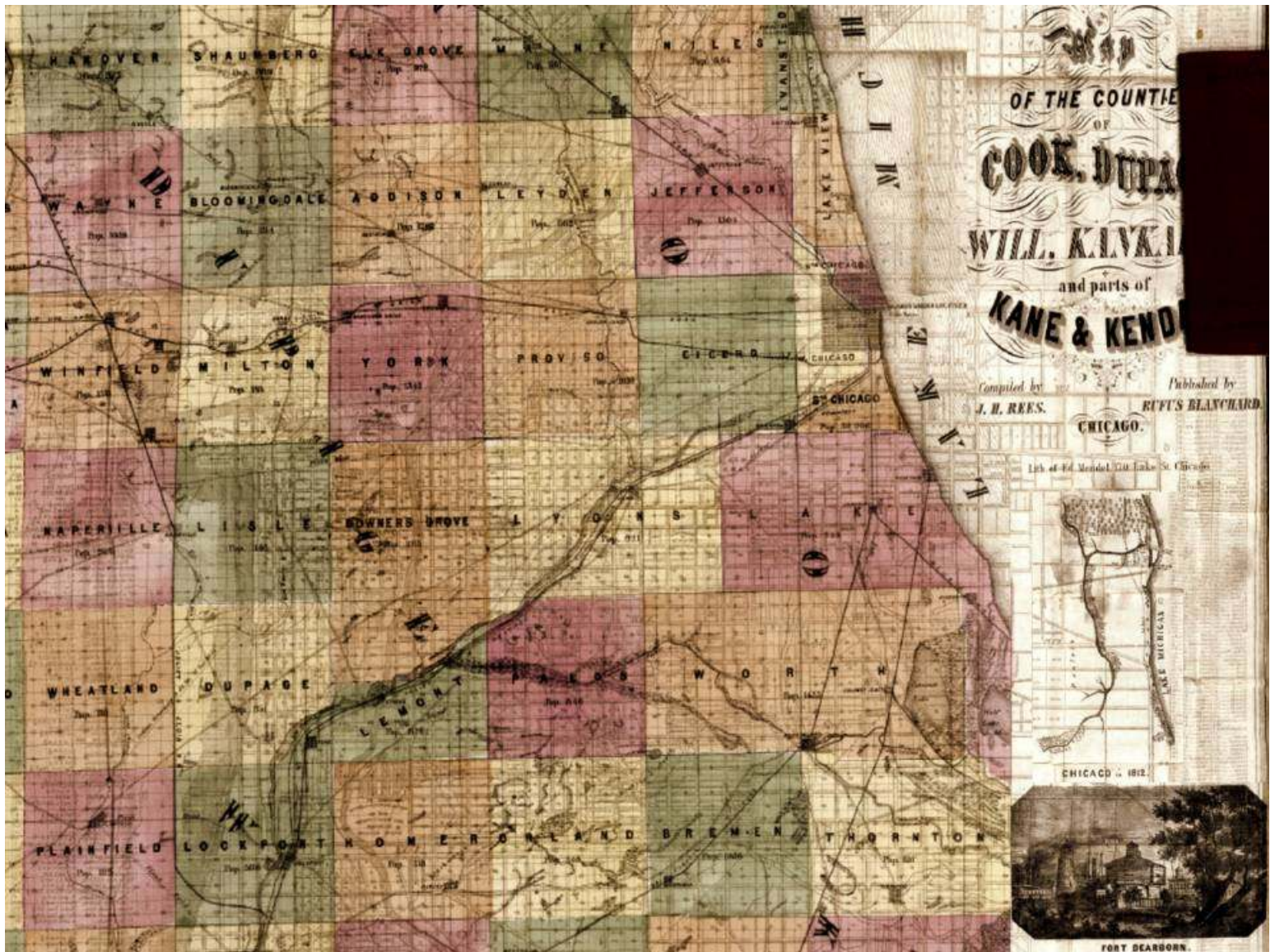
The motion was agreed to, and the resolution, as amended, was then ordered to lie on the table.

FRIDAY, DECEMBER 23, 1825.

ACCOUNTS OF MR. MONROE.

Mr. MCCOY, from the Committee of Claims, moved that that committee be discharged from the further consideration of the claims of James Monroe, (late President of the United States,) and that the same be referred to a select committee.

Mr. MCCOY observed, in support of the motion, that the Committee of Claims was overwhelmed by a vast mass of local business, and that it would be impossible for them to do justice to this petition, without neglecting the others confided to them. The documents connected with the claim of the Ex-President were voluminous and had not been settled by any Accounting Officers; and the whole subject was one which would require great consideration and deliberation; it was a subject involving great general principles, and with which, in some of its aspects, the interest and character of the nation were concerned. This claim had, last year, been referred to a Select Committee, some of the Members of which were still in this House. They had already examined these documents, and were acquainted with the details of the subject; and, as he was desirous the matter should be fairly investigated, he was of opinion that the same course ought to be pursued, at this time, as at the last session. He had,

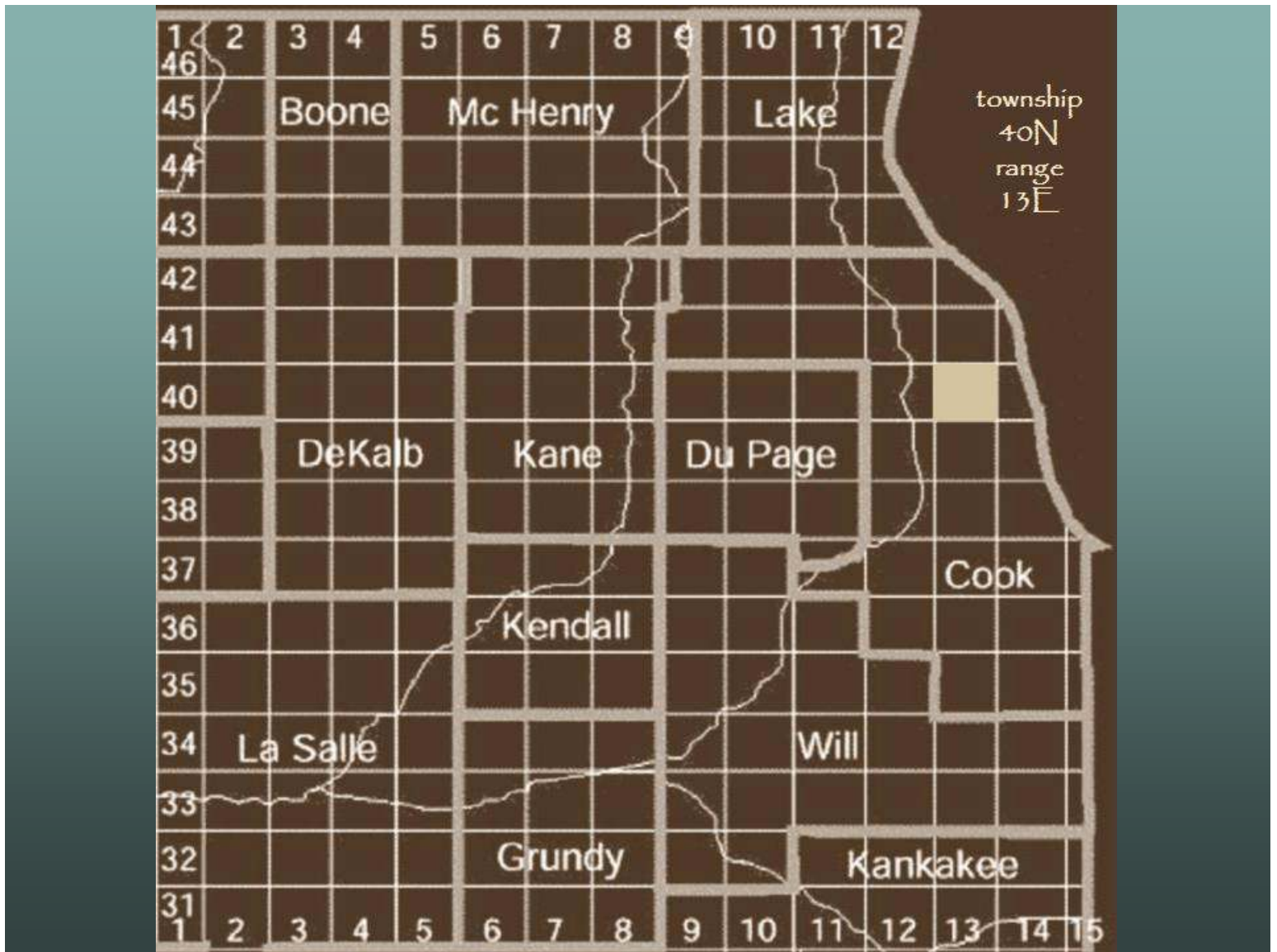


Blanchard, Rufus; Rees, J.H. (authors).. Map of the Counties of Cook, Dupage, Will, Kankakee and parts of Kane and Kendall, showing townships. Lithographer: Ed Mendel, 170 Lake St., Chicago. Published Chicago (IL): Rufus Blanchard, 52 LaSalle Street (1862)..

The Karrow listing of the Blanchard Chicago Map (4-0374) does not mention this Rees map on the verso, making this copy of the two maps perhaps unique. Shows roads, railroads, townships, sections and quarter sections, etc. Includes map "Chicago in 1812," and views of "Fort Dearborn" and building with plaque reading "Land Department, Illinois Central R.R."

RUMSEY~8~1~34221~1171136  
 Donald Rumsey Collection





map of Congressional townships in northeast Illinois counties.  
 from unknown source.



Purchaser	Legal Description	Section	Township	Range	Date
BARLINGAMN JOEL	LOT6E2S2NW	16	40N	13E	08/14/1847
BARLINGAMN JOEL	LOT6S2SWNE	16	40N	13E	08/14/1847
BARNES HAMILTON	LOT9N2N2SE	16	40N	13E	09/07/1846
BYINGTON ZINA	LOT10S2N2SE	16	40N	13E	11/12/1846
CLARKE MARY E	LOT5N2S2NW	16	40N	13E	09/07/1846
CLARKE MARY E	LOT5N2SWNE	16	40N	13E	09/07/1846
DICKENSON CHESTER	LOT11N2S2SE	16	40N	13E	03/24/1847
FLEMMING ANDREW	LOT12N2NWNW	16	40N	13E	04/19/1842
GROGH JOHN	LOT1E2NE	16	40N	13E	10/04/1845
HOPKINS BROOKMAN	LOT8E2SW	16	40N	13E	12/17/1847
JENKINS JOHN	LOT7W2SW	16	40N	13E	01/17/1848
MAURER DAVID	LOT1E2NE	16	40N	13E	10/04/1845
RICE SHUTHELAH M	L4S2NWNW	16	40N	13E	12/01/1846
RICE SHUTHELAH M	L4S2NENW	16	40N	13E	12/01/1846
RILEY JAMES N	LOT2NWNW	16	40N	13E	07/17/1847
WENTWORTH ELUAH SEN	LOT3N2NWNW	16	40N	13E	04/19/1842

Township 40 North.

Surveyor's Office 12<sup>th</sup> November  
Saint Pauls 1845.

Subdivided under the act  
of 1832; viz: the 11<sup>th</sup> sec. of Sec. 30,  
and sent ~~today~~ a copy of the plot-  
thereof one to the Register and  
another to the Com<sup>rs</sup> on the  
27<sup>th</sup> of August 1845.

K

Jefferson Township (Cook County, Illinois). 1845 GLO survey plat.  
Found at <http://landplats.ilsos.net/Cook.html>









This 1861-vintage map shows Billy Caldwell's original reservation. This plot of land is responsible for an odd break in Chicago's famous grid pattern. Caldwell avenue bisects the former reservation, and all of the streets within it run parallel and perpendicular with Caldwell. Rogers avenue is the southern border (rightmost on the map).

found at <http://forgottenchicago.com/features/chicago-areas/the-northern-indian-boundary-line/>

Sauganash (born 1780) was known as Chief Sauganash or Billy Caldwell. He was a Potawatomi leader, born of a Mohawk mother, near Fort Niagara. His father was William Caldwell, an Irish immigrant and British soldier. Sauganash fought in the War of 1812 as a captain of Indian forces aligned with the British. During the war he was a close friend and advisor to Tecumseh and acquaintance of Black Hawk. Although supporting the British, Sauganash won the admiration of Americans when he saved the lives of U.S. captives taken from Fort Dearborn in Chicago. He settled near Chicago in about 1820. As a result of an 1830 treaty with the U.S. government, he was granted a land tract of about 1,600 acres north of Chicago, where he lived with a band of Potawatomi. Sauganash later was made a Justice of the Peace. According to Fulton (1882), Sauganash was a local celebrity who was frequently seen at hotels and restaurants in early Chicago, especially a hotel owned by his half brother. Sauganash eventually sold the land and moved to Iowa where he led a Potawatomi band of 2000 individuals, their main village called "Caldwell's Camp", located in modern Council Bluffs, Iowa. From 1838 to 1839 his people were ministered to by the famed missionary Pierre-Jean De Smet, De Smet was appalled at the violence and desperation that overtook the Potawatomi in their new home. Sauganash died in Council Bluffs, Iowa 1841 September 28.

found at [http://en.wikipedia.org/wiki/Billy\\_Caldwell](http://en.wikipedia.org/wiki/Billy_Caldwell)



found at <http://forgottenchicago.com/features/chicago-areas/the-northern-indian-boundary-line/>

#### References

Biography at the Dictionary of Canadian Biography Online. [http://www.biographi.ca/009004-119.01-e.php?id\\_nbr=3285](http://www.biographi.ca/009004-119.01-e.php?id_nbr=3285).

A.B. Whittaker (2008): Pierre-Jean De Smet's Remarkable Map of the Missouri River Valley, 1839: What Did He See in Iowa? *Journal of the Iowa Archeological Society* 55:1-13.

A.R. Fulton (1882) *The Red Men of Iowa* p. 166-167.

Mullen, Frank (1925) Father De Smet and the Pottawattamie Indian Mission. *Iowa Journal of History and Politics* 23:192-216.

Wilson and Fiske (1888) *Appleton's Cyclopaedia of American Biography*, p. 403.

found at [http://en.wikipedia.org/wiki/Billy\\_Caldwell](http://en.wikipedia.org/wiki/Billy_Caldwell)





The Sauganash treaty was signed under the Old Treaty Elm, which stood until 1933. The approximate location of the Old Treaty Elm is marked with a historical marker. Most of the Sauganash land was annexed by the city of Chicago in 1889. The Sauganash neighborhood is located on a portion of the Sauganash land bordered by Devon, Cicero, Bryn Mawr, and an unused railroad spur that Chicago recently converted to a bicycle trail.

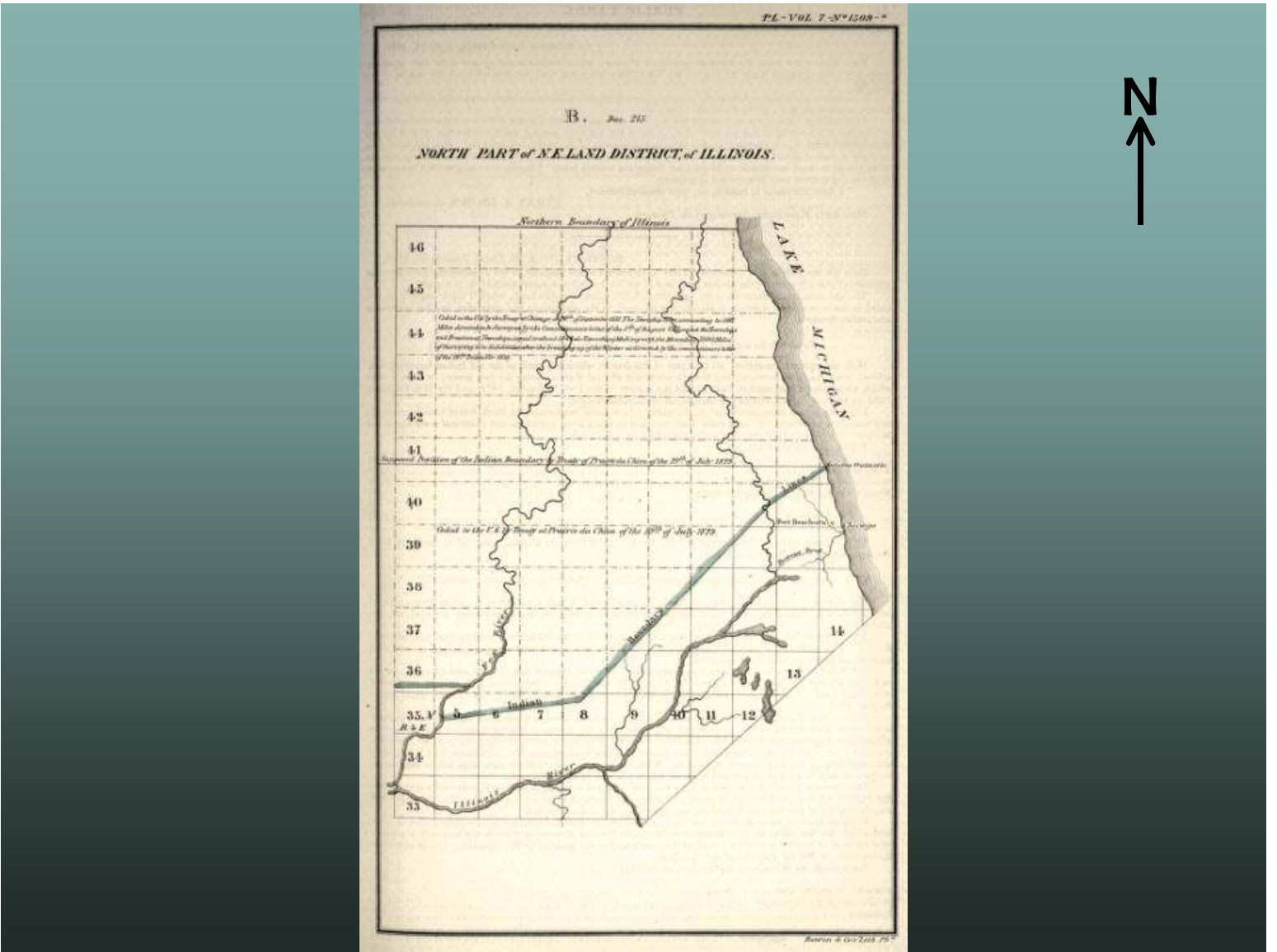
In the Potawatomi language, the name Sauganash (Zhagenash) is said to mean Englishman.

found at <http://forgottenchicago.com/features/chicago-areas/the-northern-indian-boundary-line/>.



Plaque, located at Rogers and Clark, was installed by the Chicago Charter Jubilee in 1937 and describes how the brother of George Rogers Clark, for whom Clark Street is named, was involved in the Indian Treaty for the land that would become Chicago.

found at <http://forgottenchicago.com/features/chicago-areas/the-northern-indian-boundary-line/>



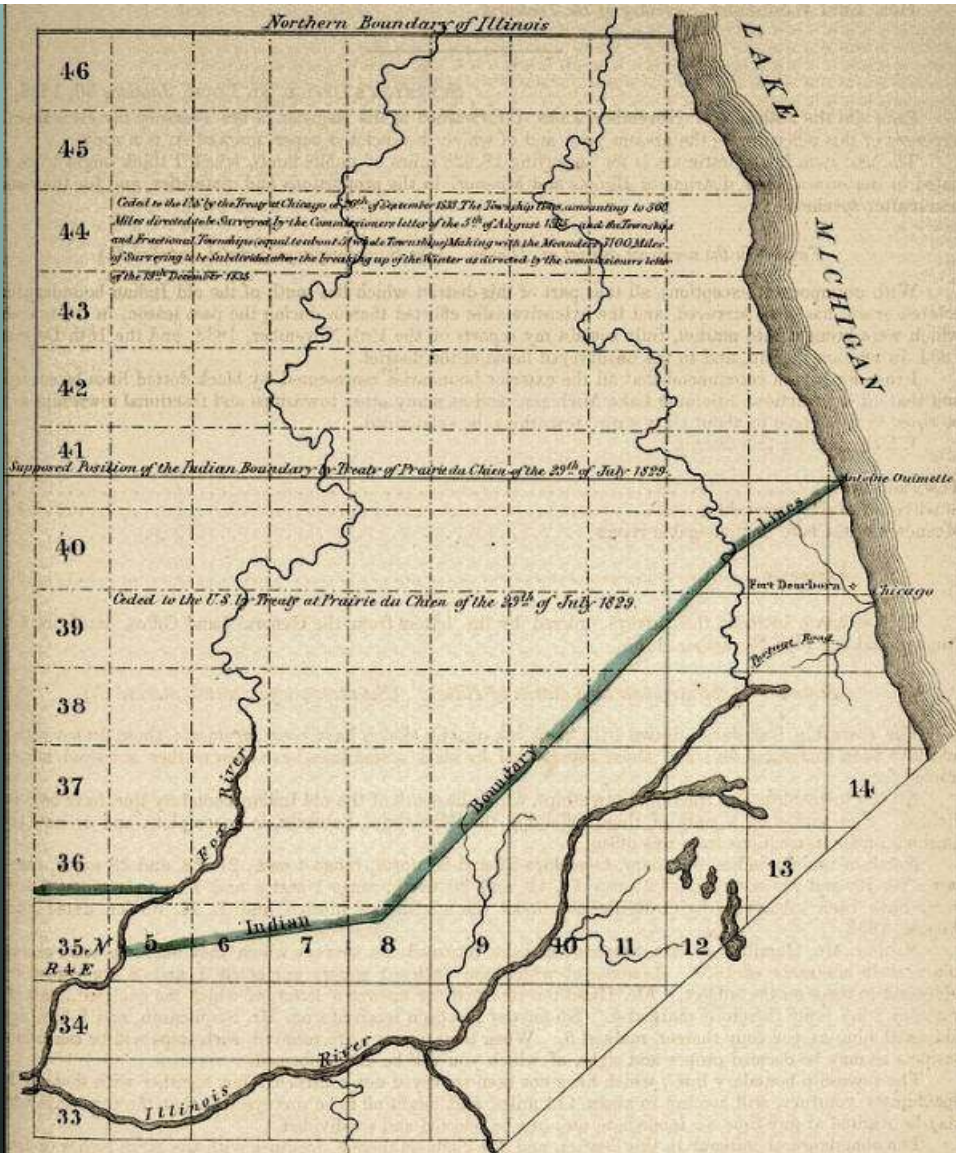
North Part of N.E. Land District, of Illinois. Attachment B. Doc. 215. in Woodbury, Levi (US Treasurer) (1836 April 16). Relating to surveys of the public lands in Illinois and Missouri (Document 1509) (page 645). in Dickins, Asbury and Forney, John W. (editors). American State Papers: Public Lands, Volume 8, Washington (DC): Gales and Seaton (1861).

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I therefore again recommend that all the exterior boundaries represented by black dotted lines be surveyed; and that all the fractions adjoining Lake Michigan, and as many other townships and fractional townships as will be equal in the whole to about 60 entire townships, be subdivided."



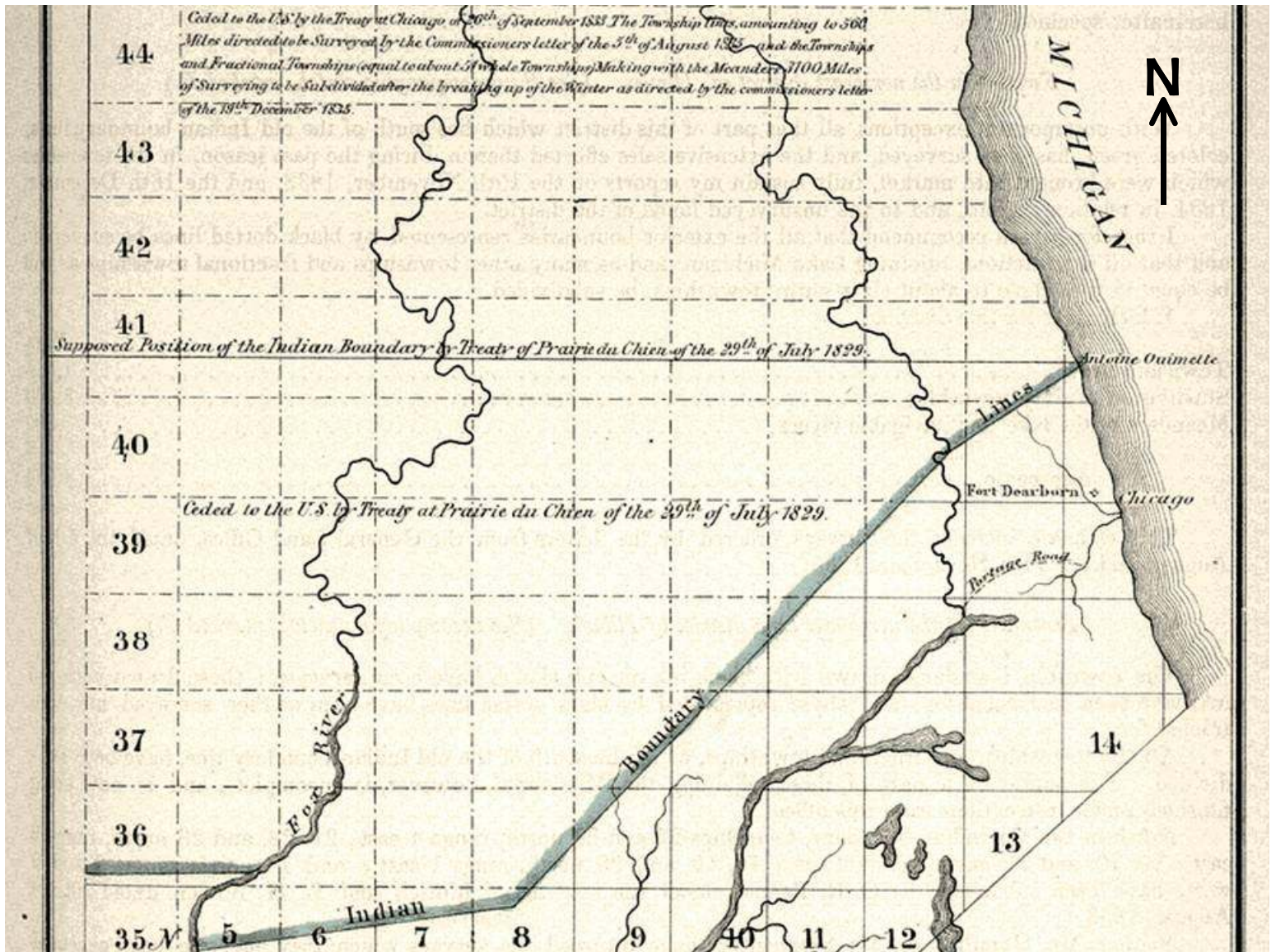
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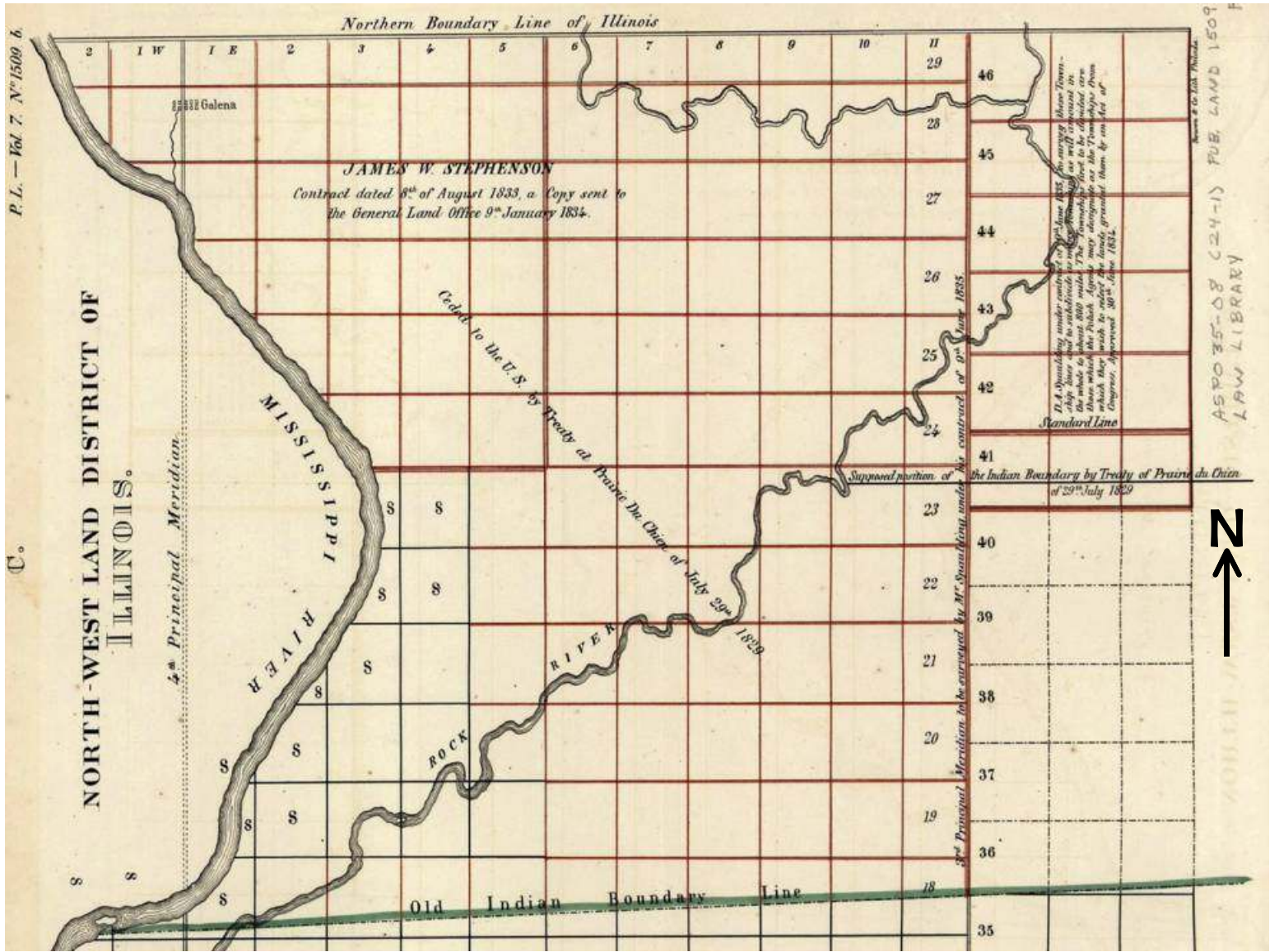
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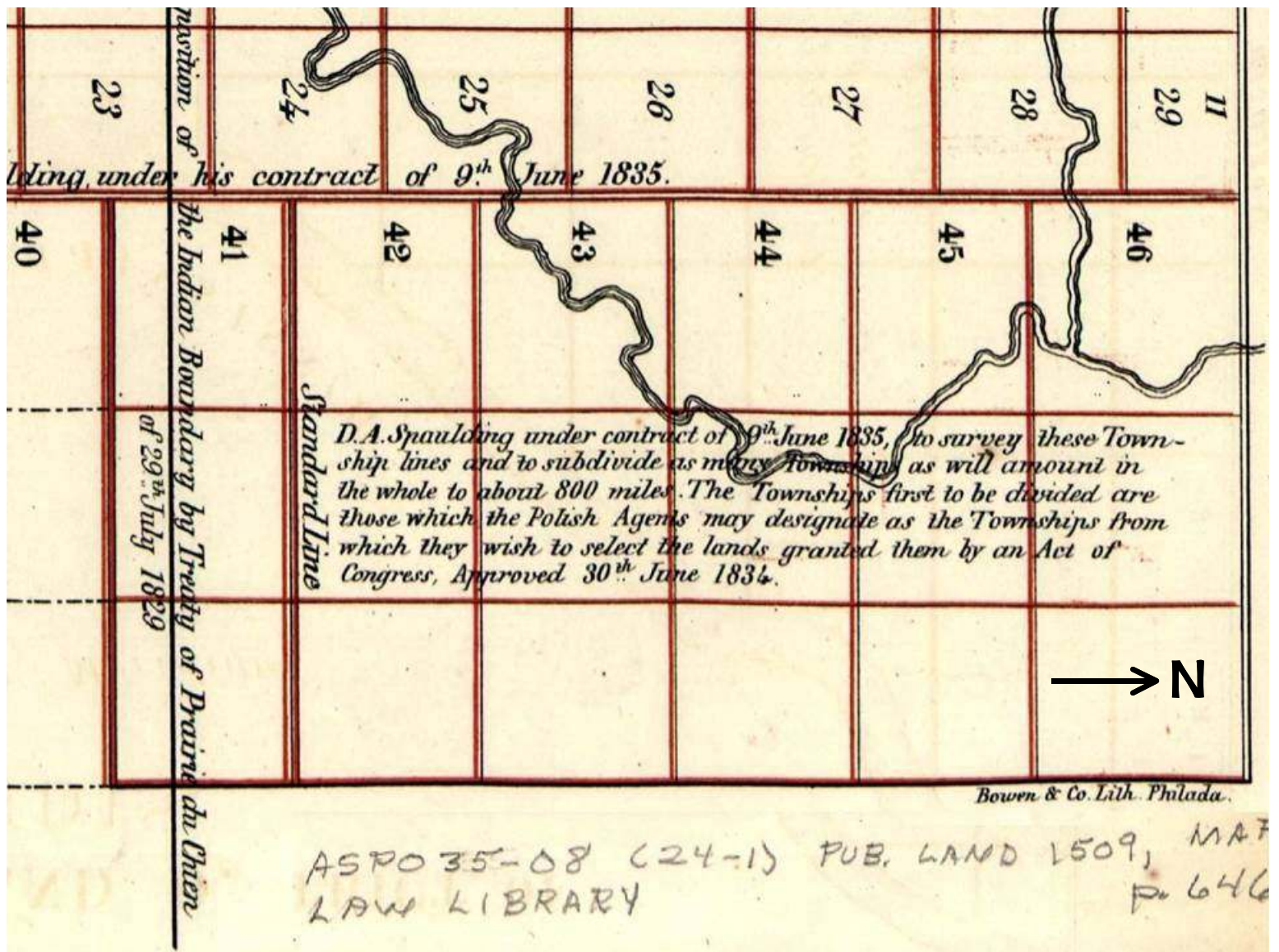
(page 646): "With unimportant exceptions, all that part of the district which lies south of the old Indian boundary lines has been surveyed, and the extensive sales effected therein during the past season, in the townships which were brought into market, fully sustain my reports of 1833 November and 1834 December, in relation thereto, and to the unsurveyed lands of the district.

I therefore again recommend that all the exterior boundaries represented by black dotted lines be surveyed; and that all the fractions adjoining Lake Michigan, and as many other townships and fractional townships as will be equal in the whole to about 60 entire townships, be subdivided."



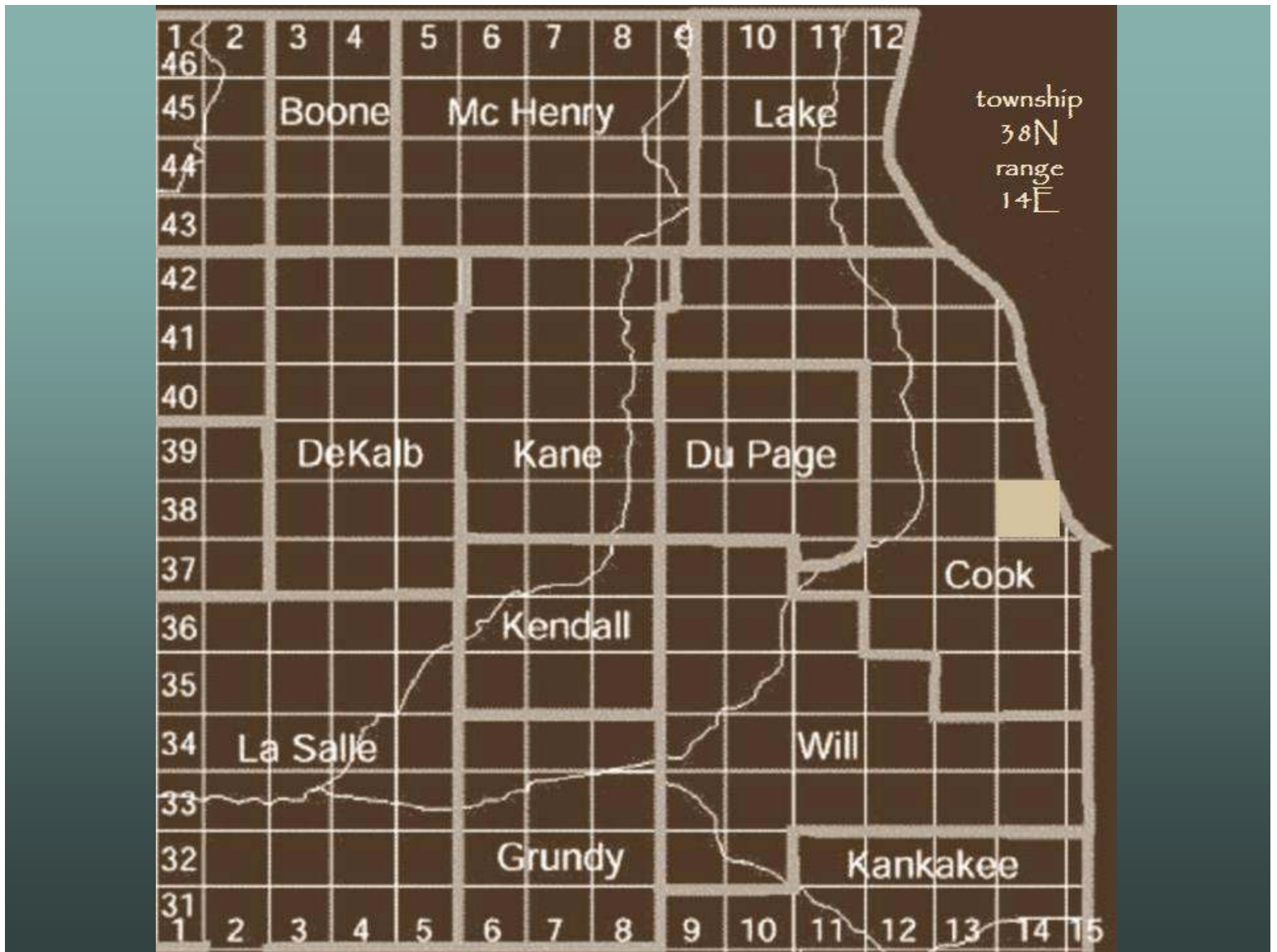
Stephenson, James W. (surveyor). Northwest Land District, Illinois (1836).

<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0814.jp2>



Stephenson, James W. (surveyor). Northwest Land District, Illinois (1836).

<http://memory.loc.gov/gmd/gmd370m/g3701m/g3701fm/gct00025/aspl0814.jp2>

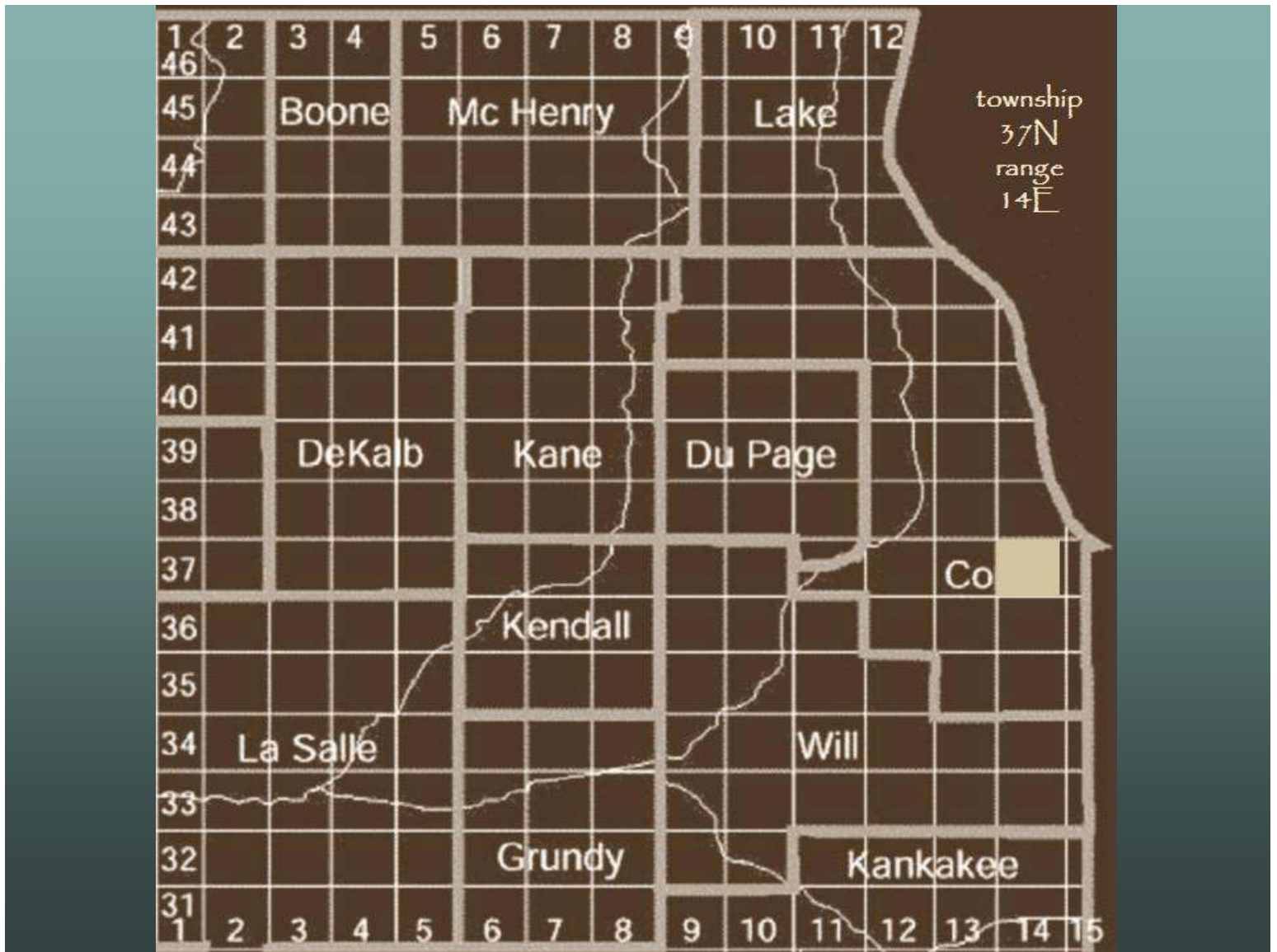


map of Congressional townships in northeast Illinois counties.  
from unknown source.





Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
BERDEL NICHOLAS	L8TRSUBD	16	38N	14E	04/10/1851	POLLOCK JOSEPH	L17TRSUBD	16	38N	14E	04/15/1851
BURCKY FREDERICK	L11TRSUBD	16	38N	14E	04/10/1851	POLLOCK JOSEPH	L21TRSUBD	16	38N	14E	04/15/1851
BURCKY FREDERICK	L2TRSUBD	16	38N	14E	04/10/1851	POLLOCK JOSEPH	L18TRSUBD	16	38N	14E	04/15/1851
DUNIGAN JOHN	L38TRSUBD	16	38N	14E	04/16/1851	POLLOCK JOSEPH	L19TRSUBD	16	38N	14E	04/15/1851
FAGAN PATRICK	L10TRSUBD	16	38N	14E	04/10/1851	POLLOCK JOSEPH	L20TRSUBD	16	38N	14E	04/15/1851
GROSS JACOB	L16TRSUBD	16	38N	14E	04/15/1851	POLLOCK JOSEPH	L37TRSUBD	16	38N	14E	04/16/1851
GROSS JACOB	L15TRSUBD	16	38N	14E	04/15/1851	REICH MICHAEL	L22TRSUBD	16	38N	14E	04/15/1851
GROSS JACOB	L25TRSUBD	16	38N	14E	04/15/1851	ROSENMERKEL FREDERIC	L6TRSUBD	16	38N	14E	04/10/1851
HEALD H N	L33TRSUBD	16	38N	14E	04/16/1851	ROSENMERKEL FREDERIC	L23TRSUBD	16	38N	14E	04/15/1851
HEALD H N	L34TRSUBD	16	38N	14E	04/16/1851	ROSENMERKEL FREDERIC	L31TRSUBD	16	38N	14E	04/16/1851
HOWE FREDERICK A	L1TRSUBD	16	38N	14E	04/10/1851	SMITH J V	L40TRSUBD	16	38N	14E	04/16/1851
HOWE FREDERICK A JR	L28TRSUBD	16	38N	14E	04/16/1851	SMITH JOSEPH V	L32TRUSBD	16	38N	14E	04/16/1851
HUTCHNIST R	L39TRSUBD	16	38N	14E	04/16/1851	TAGUE EDWARD	L39TRSUBD	16	38N	14E	04/16/1851
JOHNSTON JOSEPH	L27TRSUBD	16	38N	14E	04/16/1851	WELLER JOHN	L9TRSUBD	16	38N	14E	04/10/1851
JUDD NORMAN B	L12TRSBUD	16	38N	14E	04/10/1851						
JUDD NORMAN B	L13TRSUBD	16	38N	14E	04/10/1851						
JUDD NORMAN B	L14TRSUBD	16	38N	14E	04/14/1851						
LISENBARTH F	L35TRSUBD	16	38N	14E	04/16/1851						
LISENBARTH F	L36TRSUBD	16	38N	14E	04/16/1851						
LYON J O	L35TRSUBD	16	38N	14E	04/16/1851						
LYON J O	L34TRSUBD	16	38N	14E	04/16/1851						
LYON J O	L33TRSUBD	16	38N	14E	04/16/1851						
LYON J O	L36TRSUBD	16	38N	14E	04/16/1851						
LYONS THOMAS	L30TRSUBD	16	38N	14E	04/16/1851						
MAGEE HENRY	L24TRSUBD	16	38N	14E	04/15/1851						
MANIERRE GEORGE	L5TRSUBD	16	38N	14E	04/10/1851						
MANIERRE GEORGE	L29TRSUBD	16	38N	14E	04/16/1851						
MEEKER GEORGE W	L5TRSUBD	16	38N	14E	04/10/1851						
MEEKER GEORGE W	L29TRSUBD	16	38N	14E	04/16/1851						
MIZENER MORTIMER C	L26TRSUBD	16	38N	14E	04/15/1851						
MYERS MAX	L4TRSUBD	16	38N	14E	04/10/1851						
MYERS MAX	L3TRSUBD	16	38N	14E	04/10/1851						
POLLOCK JOSEPH	L7TRSUBD	16	38N	14E	04/10/1851						



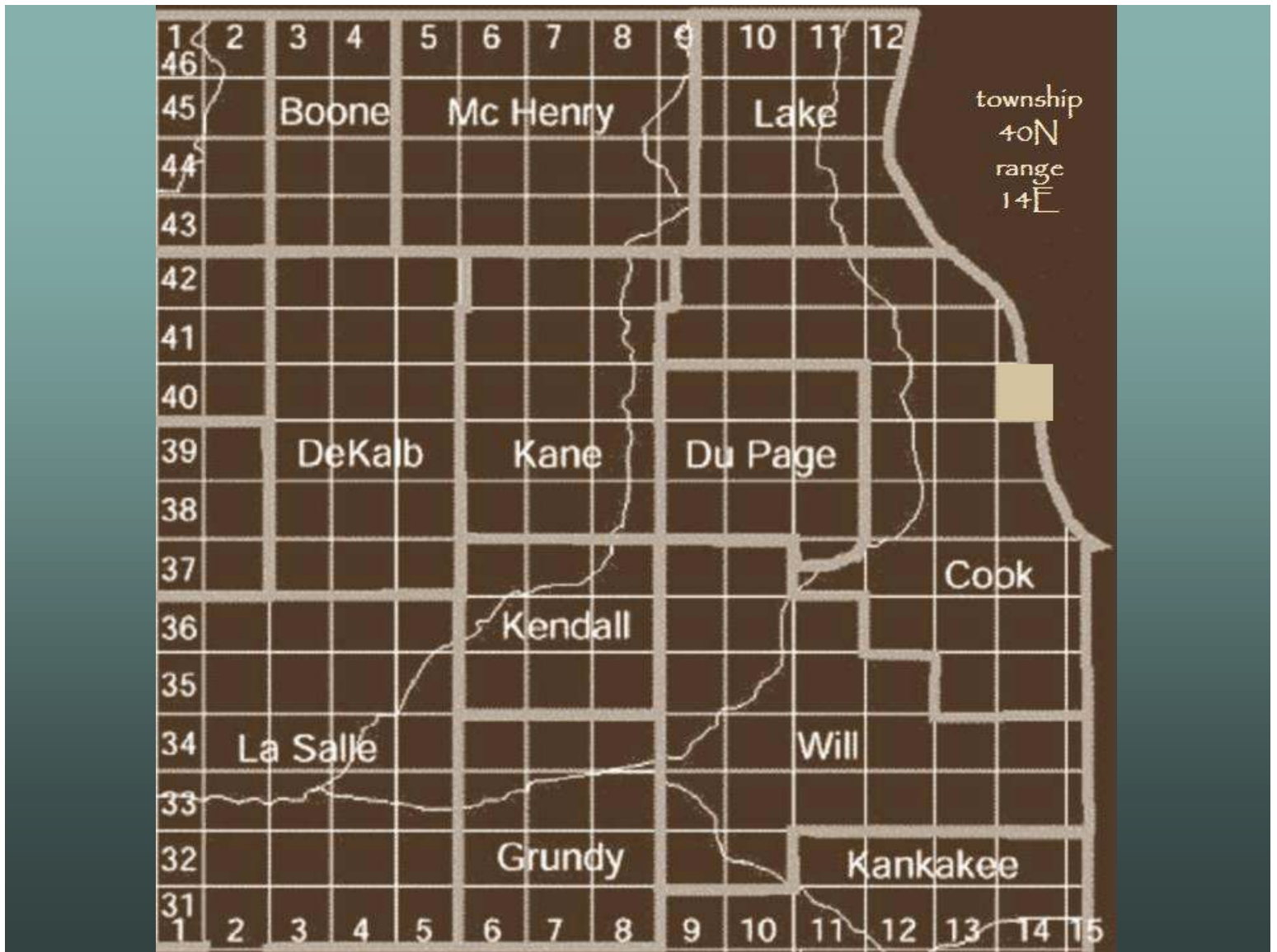
map of Congressional townships in northeast Illinois counties.  
 from unknown source.



Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
BUCKNELL THOMAS	LOT11	16	37N	14E	10/24/1854	KUPPER CORNELIUS	LOT18	16	37N	14E	10/24/1854
BUCKNELL THOMAS	LOT12	16	37N	14E	10/24/1854	LEFFER JACOB	LOT8	16	37N	14E	10/24/1854
BUCKNELL THOMAS	LOT4	16	37N	14E	10/24/1854	LEFFER JACOB	LOT1	16	37N	14E	10/24/1854
BUCKNELL THOMAS	LOT5	16	37N	14E	10/24/1854	LEFFER JACOB	LOT24	16	37N	14E	10/24/1854
BUCKNELL THOMAS	LOT6	16	37N	14E	10/24/1854	LEFFER JACOB	LOT48	16	37N	14E	10/24/1854
DEJONG JACOB	LOT16	16	37N	14E	10/24/1854	LEFFER JACOB	LOT49	16	37N	14E	10/24/1854
DEJONG JACOB	LOT17	16	37N	14E	10/24/1854	LEFFER JOHN	LOT49	16	37N	14E	10/24/1854
DEJONG JACOB	LOT9	16	37N	14E	10/24/1854	LEFFER JOHN	LOT48	16	37N	14E	10/24/1854
DEJONG PETER	LOT33	16	37N	14E	10/24/1854	LEFFER JOHN	LOT1	16	37N	14E	10/24/1854
DEJONG PETER	LOT40	16	37N	14E	10/24/1854	LEFFER JOHN	LOT8	16	37N	14E	10/24/1854
DEJONG PETER	LOT41	16	37N	14E	10/24/1854	LEFFER JOHN	LOT24	16	37N	14E	10/24/1854
DEKOKER ABREHAM	LOT61	16	37N	14E	10/24/1854	MADDEROUR NICHOLAS	LOT58	16	37N	14E	10/24/1854
DORE JOHN C	LOT63	16	37N	14E	10/24/1854	MADDEROUR PETER	LOT55	16	37N	14E	10/24/1854
FREEMAN THOMAS	LOT35	16	37N	14E	10/24/1854	MAWHER HARON	LOT60	16	37N	14E	10/24/1854
FREEMAN THOMAS	LOT19	16	37N	14E	10/24/1854	MILES JAMES	LOT50	16	37N	14E	10/24/1854
FREEMAN THOMAS	LOT3	16	37N	14E	10/24/1854	MILES JAMES	LOT51	16	37N	14E	10/24/1854
FREEMAN THOMAS	LOT38	16	37N	14E	10/24/1854	MILES JAMES	LOT53	16	37N	14E	10/24/1854
GRAY WILLIAM B H	LOT44	16	37N	14E	10/24/1854	MILES JAMES	LOT31	16	37N	14E	10/24/1854
HARVEY CHARLES W	LOT7	16	37N	14E	10/24/1854	MILES JAMES	LOT34	16	37N	14E	10/24/1854
HARVEY CHARLES W	LOT15	16	37N	14E	10/24/1854	MILES JAMES	LOT39	16	37N	14E	10/24/1854
HARVEY CHARLES W	LOT10	16	37N	14E	10/24/1854	MILES JAMES	LOT47	16	37N	14E	10/24/1854
HOES ARRY	LOT2	16	37N	14E	10/24/1854	MILES JAMES	LOT54	16	37N	14E	10/24/1854
HUMMER JOHN N	LOT1	16	37N	14E	10/24/1854	MILES JAMES	LOT45	16	37N	14E	10/24/1854
HUMMER JOHN N	LOT48	16	37N	14E	10/24/1854	MILES JAMES	LOT52	16	37N	14E	10/24/1854
HUMMER JOHN N	LOT49	16	37N	14E	10/24/1854	MILES JAMES	LOT42	16	37N	14E	10/24/1854
HUMMER JOHN N	LOT24	16	37N	14E	10/24/1854	MILES JAMES	LOT50	16	37N	14E	10/24/1854
HUMMER JOHN N	LOT8	16	37N	14E	10/24/1854	MILES JAMES	LOT51	16	37N	14E	10/24/1854
IRETON JOB S	LOT30	16	37N	14E	10/24/1854	MILES JAMES	LOT53	16	37N	14E	10/24/1854
IRETON JOB S	LOT14	16	37N	14E	10/24/1854	MILES JAMES	LOT31	16	37N	14E	10/24/1854
KENKS CHANCELLOR L	LOT21	16	37N	14E	10/24/1854	MILES JAMES	LOT34	16	37N	14E	10/24/1854
KENKS CHANCELLOR L	LOT20	16	37N	14E	10/24/1854	MILES JAMES	LOT39	16	37N	14E	10/24/1854
KIMBOLL WALTER	LOT29	16	37N	14E	10/24/1854	MILES JAMES	LOT47	16	37N	14E	10/24/1854
KIMBOLL WALTER	LOT28	16	37N	14E	10/24/1854	MILES JAMES	LOT54	16	37N	14E	10/24/1854



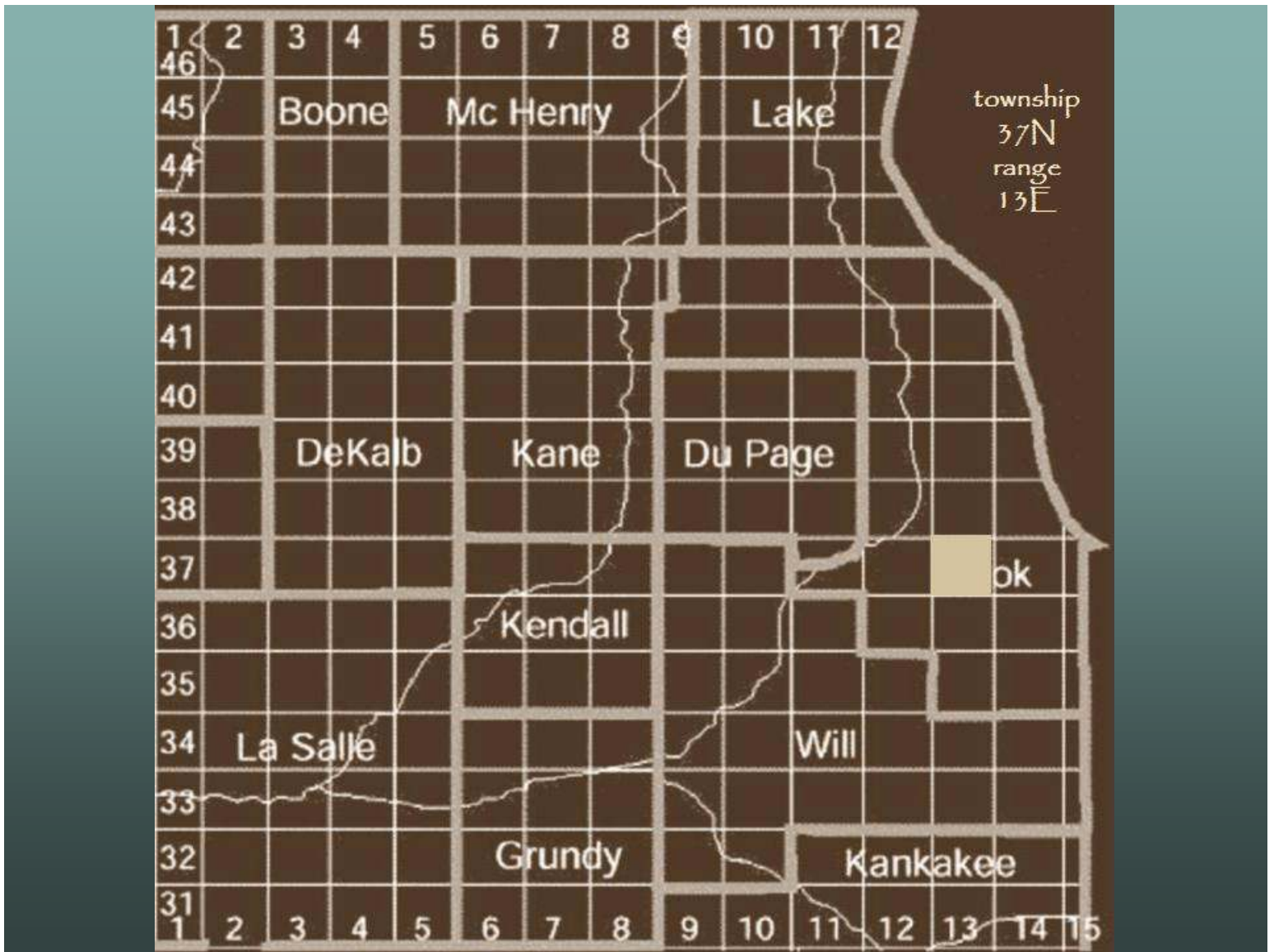
Purchaser	Legal Description	Section	Township	Range	Date
MILES JAMES	LOT45	16	37N	14E	10/24/1854
MILES JAMES	LOT52	16	37N	14E	10/24/1854
MILES JAMES	LOT42	16	37N	14E	10/24/1854
MILES JAMES	LOT23	16	37N	14E	10/24/1854
NOWLIN LEWIS	LOT25	16	37N	14E	10/24/1854
QUINLAN CHARLES H	LOT37	16	37N	14E	10/24/1854
QUINLAN CHARLES H	LOT36	16	37N	14E	10/24/1854
REDFORD FAYETT D	LOT62	16	37N	14E	10/24/1854
SAVACOOOL JOHN	LOT46	16	37N	14E	10/24/1854
SMITH DAVID S	LOT64	16	37N	14E	10/24/1854
SMITH DAVID S	LOT56	16	37N	14E	10/24/1854
SMITH DAVID S	LOT57	16	37N	14E	10/24/1854
TULLY MURRAY F	LOT26	16	37N	14E	10/24/1854
TULLY MURRAY F	LOT27	16	37N	14E	10/24/1854
TULLY MURRAY F	LOT32	16	37N	14E	10/24/1854
VANDERSIFDEW SENDER	LOT59	16	37N	14E	10/24/1854
WELP HENRY	LOT22	16	37N	14E	10/24/1854
WHEELER ANDREW B	LOT13	16	37N	14E	10/24/1854
WHEELER ANDREW B	LOT43	16	37N	14E	10/24/1854



map of Congressional townships in northeast Illinois counties.  
 from unknown source.



Purchaser	Legal Description	Section	Township	Range	Date
BRUCE WILLIAM	LOT06	16	40N	14E	05/22/1855
BRUCE WILLIAM	LOT23	16	40N	14E	05/22/1855
CARTER THOMAS B	LOT08	16	40N	14E	05/21/1855
CARTER THOMAS B	LOT21	16	40N	14E	05/21/1855
COOKSON CHARLES	LOT04	16	40N	14E	12/19/1854
COREY FRANCIS E	LOT12	16	40N	14E	11/29/1854
COREY FRANCIS E	LOT17	16	40N	14E	11/29/1854
COREY FRANCIS F	LOT11	16	40N	14E	04/14/1855
COREY FRANCIS F	LOT18	16	40N	14E	04/14/1855
FARRINGTON SAMUEL P	LOT22	16	40N	14E	05/22/1855
FARRINGTON SAMUEL P	LOT07	16	40N	14E	05/22/1855
HENDERSON JOSEPH	LOT01	16	40N	14E	10/17/1854
KERFOOT SAMUEL H	LOT14	16	40N	14E	10/17/1854
KERFOOT SAMUEL H	LOT15	16	40N	14E	11/20/1854
MILLER HENRY G	LOT9	16	40N	14E	05/21/1855
MILLER HENRY G	LOT20	16	40N	14E	05/21/1855
PHILLIPS THEODORE F	LOT10	16	40N	14E	05/05/1855
PHILLIPS THEODORE F	LOT19	16	40N	14E	05/05/1855
POLLARD JOHN K	LOT2	16	40N	14E	05/22/1855
POLLARD JOHN K	LOT3	16	40N	14E	05/22/1855
SIM THOMAS	LOT16	16	40N	14E	10/24/1854
SIM THOMAS	LOT13	16	40N	14E	10/24/1854
SMITH B	LOT2	16	40N	14E	05/22/1855
WILLIAMS JOHN C	LOT24	16	40N	14E	05/23/1855
WILLIAMS JOHN C	LOT5	16	40N	14E	05/23/1855

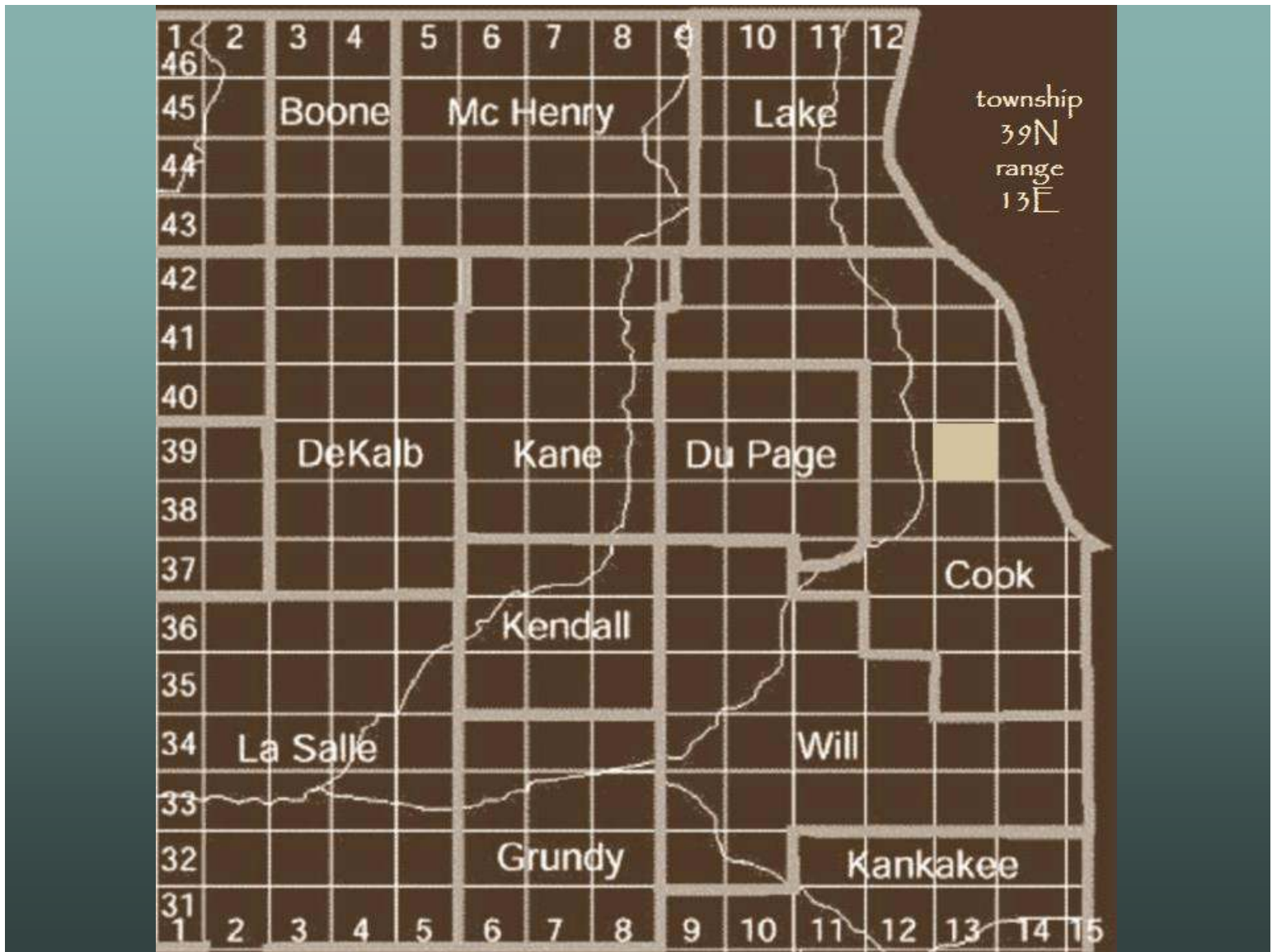


map of Congressional townships in northeast Illinois counties.  
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Purchaser	Legal Description	Section	Township	Range	Date
BRIGGS CHARLES W	LOT16SESE	16	37N	13E	04/08/1856
BRIGGS CHARLES W	LOT09NESE	16	37N	13E	08/06/1855
COOLEY GERMANICUS	LOT5SWNW	16	37N	13E	11/07/1856
FRISBEE WILLIAM R V	LOT13SWSW	16	37N	13E	12/26/1855
FRISBEE WILLIAM R V	LOT12NWSW	16	37N	13E	12/26/1855
HOLDSWORTH WILLIAM	LOT6SESW	16	37N	13E	10/10/1856
HOLDSWORTH WILLIAM	LOT7SWNE	16	37N	13E	11/05/1856
HOLDSWORTH WILLIAM	LOT4NWNW	16	37N	13E	11/05/1856
KITTERING ANDREW J	LOT8SENE	16	37N	13E	12/11/1855
KITTERING ANDREW J	LOT1NENE	16	37N	13E	12/11/1855
MASSAY H H	LOT10NWSE	16	37N	13E	09/15/1855
SUNTHER THEODORE	LOT14SESW	16	37N	13E	05/20/1856
WHITNEY JOHN B	LOT15SWSE	16	37N	13E	12/12/1856
WHITNEY JOHN B	LOT2NWNE	16	37N	13E	12/12/1856
WHITNEY JOHN B	LOT11NESW	16	37N	13E	12/12/1856
WHITNEY JOHN B	LOT3NENW	16	37N	13E	12/12/1856





map of Congressional townships in northeast Illinois counties.  
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Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
ALLEN JAMES	LOT100NPT	16	39N	13E	05/25/1857	BROSS JOHN A	LL4NPT	16	39N	13E	05/25/1857
ALLEN JAMES	LOT101NPT	16	39N	13E	05/25/1857	BROSS JOHN A	LL5NPT	16	39N	13E	05/25/1857
ALLEN JAMES	LOT124NPT	16	39N	13E	05/25/1857	BROSS JOHN A	LL6NPT	16	39N	13E	05/25/1857
ALLEN JAMES	LOT125NPT	16	39N	13E	05/25/1857	BRYANT HEZEKIAH	LOT212NPT	16	39N	13E	05/25/1857
ALSTON JOHN	LOT148NPT	16	39N	13E	05/25/1857	BRYANT HEZEKIAH	LOT213NPT	16	39N	13E	05/25/1857
ALSTON JOHN	LOT149NPT	16	39N	13E	05/25/1857	BRYANT HEZEKIAH	LOT214NPT	16	39N	13E	05/25/1857
ALSTON JOHN	LOT150NPT	16	39N	13E	05/25/1857	BRYANT HEZEKIAH H	LOT117NPT	16	39N	13E	05/25/1857
ALSTON JOHN	LOT153NPT	16	39N	13E	05/25/1857	BRYANT HEZEKIAH H	LOT131NPT	16	39N	13E	05/25/1857
ANDERSON GEORGE	LOT146NPT	16	39N	13E	05/25/1857	BRYANT HEZEKIAH H	LOT201NPT	16	39N	13E	05/25/1857
ANTHONY ELLIOT	LOT133NPT	16	39N	13E	05/25/1857	BRYANT HEZEKIAH H	LOT205NPT	16	39N	13E	05/25/1857
ANTHONY ELLIOT	LOT134NPT	16	39N	13E	05/25/1857	CARBINE THOMAS	LL13NPT	16	39N	13E	05/25/1857
ANTHONY ELLIOT	LOT151NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT74NPT	16	39N	13E	05/25/1857
ANTHONY ELLIOT	LOT152NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT75NPT	16	39N	13E	05/25/1857
ASPINNVALL THOMAN	LOT103NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT76NPT	16	39N	13E	05/25/1857
ASPINNVALL THOMAN	LOT104NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LL10NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LL27NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LL23NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LL28NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT157NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT36NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT158NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT37NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT159NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT38NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT160NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT39NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT161NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT40NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT162NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT41NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT170NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT42NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT171NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT43NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT172NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT44NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT53NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT45NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT54NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT46NPT	16	39N	13E	05/25/1857	CHURCH WILLIAM L	LOT55NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT47NPT	16	39N	13E	05/25/1857	CONLEY PHILIP	LOT56NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT48NPT	16	39N	13E	05/25/1857	CRAFTS MILES B	L15NPT	16	39N	13E	10/25/1872
BIGELOW ABRAHAM	LOT67NPT	16	39N	13E	05/25/1857	CRONE JULIUS	LOT165NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT68NPT	16	39N	13E	05/25/1857	CROOKER GEORGE	LOT196NPT	16	39N	13E	05/25/1857
BIGELOW ABRAHAM	LOT69NPT	16	39N	13E	05/25/1857	CROOKER GEORGE F	LOT192NPT	16	39N	13E	05/25/1857



Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
DUNGLASS SAMUEL	LL26NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT223NPT	16	39N	13E	05/25/1857
DUNLAP SAMUEL	LOT62NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT230NPT	16	39N	13E	05/25/1857
DUNLAP SAMUEL	LOT58NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT219NPT	16	39N	13E	05/25/1857
FORREST JOSEPH K	LOT145NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT220NPT	16	39N	13E	05/25/1857
GRAY W B H	LOT227NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LL16NPT	16	39N	13E	05/25/1857
HAAS EMIL	LOT199NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LL18NPT	16	39N	13E	05/25/1857
HAAS EMIL	LOT198NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LL17NPT	16	39N	13E	05/25/1857
HAAS EMIL	LOT197NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT111NPT	16	39N	13E	05/25/1857
HAAS EMIL	LOT203NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT105NPT	16	39N	13E	05/25/1857
HAAS EMIL	LOT202NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT83NPT	16	39N	13E	05/25/1857
HAAS EMIL	LL12NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT86NPT	16	39N	13E	05/25/1857
HAAS EMIL	LL22NPT	16	39N	13E	05/25/1857	HOUGHTON SAMUEL S	LOT84NPT	16	39N	13E	05/25/1857
HAAS EMIL	LOT33NPT	16	39N	13E	05/25/1857	HOYT JAMES J	LOT91NPT	16	39N	13E	05/25/1857
HAAS EMIL	LL11NPT	16	39N	13E	05/25/1857	HOYT JAMES J	LOT93NPT	16	39N	13E	05/25/1857
HAAS EMIL	LOT128NPT	16	39N	13E	05/25/1857	HOYT JAMES J	LOT92NPT	16	39N	13E	05/25/1857
HALL LAMBERTON C	LOT137NPT	16	39N	13E	05/25/1857	HOYT JAMES T	LOT168NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL L	LOT139NPT	16	39N	13E	05/25/1857	HUMPHREYS JOHN W	LOT229NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL L	LOT140NPT	16	39N	13E	05/25/1857	HUMPHREYS JOHN W	LOT82NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT204NPT	16	39N	13E	05/25/1857	JOYCE MICHAEL	LOT217NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT177NPT	16	39N	13E	05/25/1857	KEITH ANNA A	LOT123NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT176NPT	16	39N	13E	05/25/1857	KEITH BEZER	LOT132NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT178NPT	16	39N	13E	05/25/1857	KIELSON ALEXANDER	LOT85NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT180NPT	16	39N	13E	05/25/1857	LANDGRAF JOHN	LOT30NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT179NPT	16	39N	13E	05/25/1857	LANDGRAF JOHN	LL2NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT226NPT	16	39N	13E	05/25/1857	LANDGRAF JOHN	LOT01NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT185NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT189NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT193NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT188NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT200NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT187NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT225NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT186NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT206NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT181NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT165NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT173NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT174NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT120NPT	16	39N	13E	05/25/1857
HOUGHTON SAMUEL S	LOT224NPT	16	39N	13E	05/25/1857	LIMBERG AUGUST	LOT127NPT	16	39N	13E	05/25/1857



Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
LIMBERG AUGUST	LOT122NPT	16	39N	13E	05/25/1857	OWEN JOSEPHINE B	LOT112NPT	16	39N	13E	05/25/1857
LIMBERG AUGUST	LOT121NPT	16	39N	13E	05/25/1857	OWEN JOSEPHINE B	LOT119NPT	16	39N	13E	05/25/1857
LUDGATE WILLIAM	LL20NPT	16	39N	13E	05/25/1857	PARKS CALVIN C JR	LOT212NPT	16	39N	13E	05/25/1857
MAJOR LABAN L	LOT34NPT	16	39N	13E	05/25/1857	PARKS CALVIN C JR	LOT214NPT	16	39N	13E	05/25/1857
MAJOR LABAN L	LOT35NPT	16	39N	13E	05/25/1857	PARKS CALVIN C JR	LOT201NPT	16	39N	13E	05/25/1857
MANIERRE GEORGE	LOT184NPT	16	39N	13E	05/25/1857	PARKS CALVIN C JR	LOT213NPT	16	39N	13E	05/25/1857
MANIERRE GEORGE	LOT183NPT	16	39N	13E	05/25/1857	PARKS CALVIN C JR	LOT205NPT	16	39N	13E	05/25/1857
MANIERRE GEORGE	LOT182NPT	16	39N	13E	05/25/1857	PARKS CALVIN JR	LOT131NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT108NPT	16	39N	13E	05/25/1857	PARKS CALVIN JR	LOT117NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT109NPT	16	39N	13E	05/25/1857	PARKS JOHN C	LOT229NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT99NPT	16	39N	13E	05/25/1857	PARKS JOHN C	LOT82NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT98NPT	16	39N	13E	05/25/1857	PEARCE JOHN J	LOT211NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT97NPT	16	39N	13E	05/25/1857	PEARCE JOHN J	LOT135NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT108NPT	16	39N	13E	05/25/1857	PEARCE MYRON L	LOT211NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT109NPT	16	39N	13E	05/25/1857	PEARCE MYRON L	LOT135NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT99NPT	16	39N	13E	05/25/1857	PEARCE SAMUEL D	LOT136NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT98NPT	16	39N	13E	05/25/1857	POLLAK JOSEPH	LOT31NPT	16	39N	13E	05/25/1857
MANNIERRE GEORGE	LOT97NPT	16	39N	13E	05/25/1857	POLLAK JOSEPH	LOT32NPT	16	39N	13E	05/25/1857
MARY ROWLAND H	LOT167NPT	16	39N	13E	05/25/1857	POST SYLVESTER O	LOT52NPT	16	39N	13E	05/25/1857
MARY ROWLAND H	LOT166NPT	16	39N	13E	05/25/1857	POST SYLVESTER O	LOT50NPT	16	39N	13E	05/25/1857
MATTHEWS JAMES N	LOT138NPT	16	39N	13E	05/25/1857	POST SYLVESTER O	LOT60NPT	16	39N	13E	05/25/1857
MATTHEWS JAMES N	LOT116NPT	16	39N	13E	05/25/1857	POST SYLVESTER O	LOT79NPT	16	39N	13E	05/25/1857
MCHUGH JOHN	LL3NPT	16	39N	13E	05/25/1857	POST SYLVESTER O	LOT77NPT	16	39N	13E	05/25/1857
MORSE FRANCIS E	LL21NPT	16	39N	13E	05/25/1857	PREBLE EBER C	LOT156NPT	16	39N	13E	05/25/1857
MORSE FRANCIS E	LOT210NPT	16	39N	13E	05/25/1857	RANKIN JOHN	LOT154NPT	16	39N	13E	05/25/1857
MYER ISAAC	LOT104NPT	16	39N	13E	05/25/1857	RANKIN JOHN	LOT155NPT	16	39N	13E	05/25/1857
MYER ISAAC	LOT103NPT	16	39N	13E	05/25/1857	ROOT JOHN L	LL21NPT	16	39N	13E	05/25/1857
MYERS JEROME	LOT80NPT	16	39N	13E	05/25/1857	ROOT JOHN S	LOT210NPT	16	39N	13E	05/25/1857
NEWCOMB GEORGE W	LOT228NPT	16	39N	13E	05/25/1857	RUNYAN EBEN F	L5N2S2NESW	16	39N	13E	10/31/1872
OHARA DANIEL	LOT147NPT	16	39N	13E	05/25/1857	SCOVILLE GEORGE	LL8NPT	16	39N	13E	05/25/1857
ORVEN JOSEPHINE B	LOT126NPT	16	39N	13E	05/25/1857	SCOVILLE GEORGE	LL9NPT	16	39N	13E	05/25/1857
OWEN JOSEPHINE	LOT114NPT	16	39N	13E	05/25/1857	SCOVILLE GEORGE	LL24NPT	16	39N	13E	05/25/1857
OWEN JOSEPHINE B	LOT113NPT	16	39N	13E	05/25/1857	SCOVILLE GEORGE	LL25NPT	16	39N	13E	05/25/1857



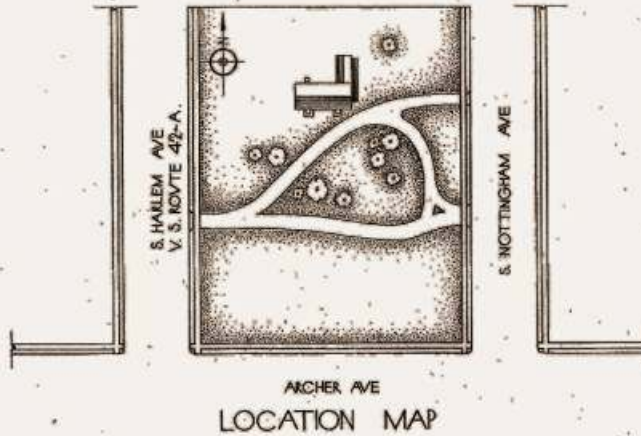
Purchaser	Legal Description	Section	Township	Range	Date	Purchaser	Legal Description	Section	Township	Range	Date
SEXTON SYLVESTER	LL7NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT63NPT	16	39N	13E	05/25/1857
SEXTON SYLVESTER	LOT169NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT65NPT	16	39N	13E	05/25/1857
SEXTON SYLVESTER	LOT164NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT49NPT	16	39N	13E	05/25/1857
SEXTON SYLVESTER	LOT163NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT64NPT	16	39N	13E	05/25/1857
SHERMAN PENOYER L	LOT216NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LL19NPT	16	39N	13E	05/25/1857
SHERMAN PENOYER L	LOT215NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT194NPT	16	39N	13E	05/25/1857
SIENE WILLIAM	LOT129NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT191NPT	16	39N	13E	05/25/1857
SMITH GILBERT R	LOT118NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT190NPT	16	39N	13E	05/25/1857
SNEATHEN WILLIAM A	LOT195NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT207NPT	16	39N	13E	05/25/1857
SNEATHEN WILLIAM A	LOT115NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT141NPT	16	39N	13E	05/25/1857
SNOW TAYLOR A	L14NPT	16	39N	13E	10/25/1872	WENTWORTH JOHN	LOT222NPT	16	39N	13E	05/25/1857
STGEORGE GEORGE	LOT70NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT209NPT	16	39N	13E	05/25/1857
STOLBRAND CHARLES J	LOT66NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT221NPT	16	39N	13E	05/25/1857
STOLBRANO CHARLES J	LOT59NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT208NPT	16	39N	13E	05/25/1857
TATE WILLIAM	LOT81NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT218NPT	16	39N	13E	05/25/1857
THOMAS BENJAMIN M	LOT57NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT142NPT	16	39N	13E	05/25/1857
THOMPSON MARGARET E	LL29NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT144NPT	16	39N	13E	05/25/1857
THOMPSON MARGARET E	LOT61NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT143NPT	16	39N	13E	05/25/1857
THOMPSON MARGARET E	LOT78NPT	16	39N	13E	05/25/1857	WENTWORTH JOHN	LOT110NPT	16	39N	13E	05/25/1857
THOMPSON MARGERT E	LOT51NPT	16	39N	13E	05/25/1857	WENTWORTH JOSEPH	LOT94NPT	16	39N	13E	05/25/1857
WARE JASPER D	LOT168NPT	16	39N	13E	05/25/1857	WENTWORTH JOSEPH	LOT95NPT	16	39N	13E	05/25/1857
WARE JASPER D	LOT91NPT	16	39N	13E	05/25/1857	WENTWORTH JOSEPH	LOT96NPT	16	39N	13E	05/25/1857
WARE JASPER D	LOT93NPT	16	39N	13E	05/25/1857	WENTWORTH JOSEPH	LOT94NPT	16	39N	13E	05/25/1857
WARE JASPER D	LOT92NPT	16	39N	13E	05/25/1857	WOODWARD FRANKLIN S	LOT130NPT	16	39N	13E	05/25/1857
WENTWORTH JOHN	LOT63NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LOT65NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LOT49NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LOT64NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LL19NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LOT194NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LOT191NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LOT190NPT	16	39N	13E	05/25/1857						
WENTWORTH JOHN	LOT207NPT	16	39N	13E	05/25/1857						

# JOHN WENTWORTH FARM HOVSE

ARCHER AND HARLEM AVENUES

SUMMIT ILLINOIS

NOW CHICAGO



ERECTED IN  
ARCHITECT  
BUILT BY

HISTORIC AMERICAN BUILDINGS SURVEY U.S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE BRANCH OF PLANS AND DESIGN	MEASURED: MARCH 30-31-1936	DRAWINGS APPROVED: <i>Emmet Wood</i> DRAWINGS APPROVED: <i>W. H. ...</i> ACCEPTED FOR LIBRARY OF CONGRESS: <i>...</i>	DISTRICT OFFICER: CHIEF ARCHITECT:	NORTHERN ILLINOIS DIST. NO. 1 EARL REED DISTRICT OFFICER 235 N. MICHIGAN AVE. CHICAGO ILL.	SURVEY NO. ILL 156	INDEX NO. ILL 16-SUM 1
	DRAWN: APRIL 1936			MEASURED BY IN CHARGE: ELMER RABVIN	O. E. BRIVINGTON SQUAD LEADER 1195 HOME AVE. OAK PARK ILL. J. HIGGINS, RIVER, E. METZNER	SHEETS

Historic American Buildings Survey (creator). HABS IL-156: John Wentworth Farmhouse, Chicago, Cook County, Illinois. Unprocessed field note material exists for this structure (FN-81). Documentation compiled after 1933.

1868 initial construction

Call # HABS ILL, 16-SUM, 1-

Library of Congress, Prints and Photograph Division, Washington, D.C. 20540 USA

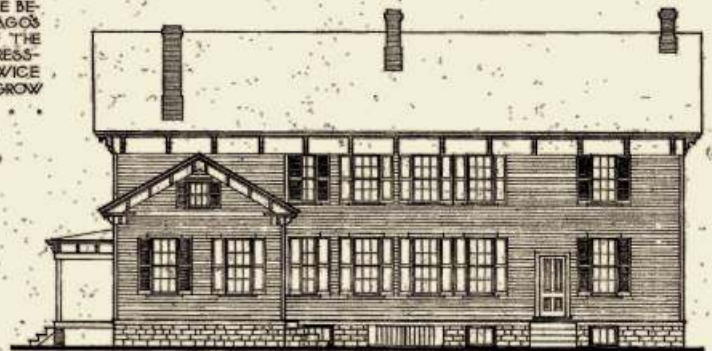
<http://hdl.loc.gov/loc.pnp/hhh.il0496>

HISTORY

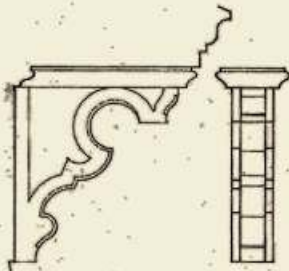
THIS HOUSE BUILT BY MR. JOHN WENTWORTH IN 1868 ON HIS 5000 ACRE STOCK FARM IS OF HISTORIC IMPORTANCE BECAUSE OF THE PROMINENCE THE OWNER PLAYED IN THE AFFAIRS OF EARLY CHICAGO. COMING TO CHICAGO IN 1836, HE BECAME EDITOR AND OWNER OF CHICAGO'S FIRST NEWSPAPER, WAS A MEMBER OF THE CITY CHARTER COMMITTEE, CONGRESSMAN FOR SEVEN TERMS AND TWICE MAYOR OF THE YOUNG AND FAST GROWING CITY.



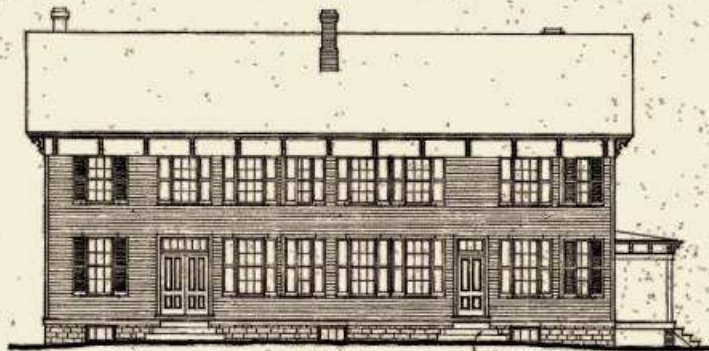
EAST ELEVATION  
SCALE 1/8" = 1'-0"



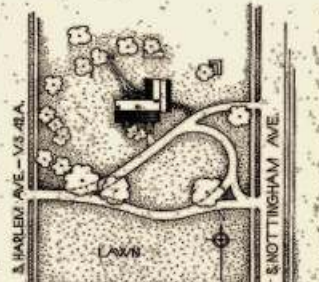
NORTH ELEVATION  
SCALE 1/8" = 1'-0"



BRACKETS ON TWO STORY PORTION  
SCALE 1/2" = 1'-0"



FRONT SOUTH ELEVATION  
SCALE 1/8" = 1'-0"



PLOT PLAN

ELMER R. RAIBIN DEL.  
WORKS PROGRESS ADMINISTRATION  
OFFICIAL PROJECT 65-1715



U.S. DEPARTMENT OF THE INTERIOR  
OFFICE OF NATIONAL PARKS, BUILDINGS, AND RESERVATIONS  
BRANCH OF PLANS AND DESIGN

NAME OF STRUCTURE  
JOHN WENTWORTH FARM HOUSE  
COOK COUNTY

SMITH ILLINOIS

SURVEY NO.  
ILL-156

HISTORIC AMERICAN BUILDINGS SURVEY  
SHEET 1 OF 2 SHEETS

INDEX NO.  
ILL-16-SUM-1

Historic American Buildings Survey (creator). HABS IL-156: John Wentworth Farmhouse, Chicago, Cook County, Illinois. Unprocessed field note material exists for this structure (FN-81). Documentation compiled after 1933.

1868 initial construction

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1868 initial construction

Photograph caption(s):

1. Historic American Buildings Survey Joseph Hill, Photographer of Old Colored Photograph c. 1885 May 5, 1936 SOUTH ELEVATION - FRONT
2. Historic American Buildings Survey Harold Shriver, Photographer July 10, 1936 SOUTH ELEVATION (FRONT)
3. Historic American Buildings Survey Harold Shriver, Photographer July 10, 1936 EAST ELEVATION
4. Historic American Buildings Survey Harold Shriver, Photographer July 10, 1936 NORTH ELEVATION OF WING
5. Historic American Buildings Survey Harold Shriver, Photographer July 10, 1936 NORTH AND WEST ELEVATIONS
6. Historic American Buildings Survey Harold Shriver, Photographer July 10, 1936 WEST ELEVATION
7. Historic American Buildings Survey Harold Shriver, Photographer July 10, 1936 OLD OUT HOUSE

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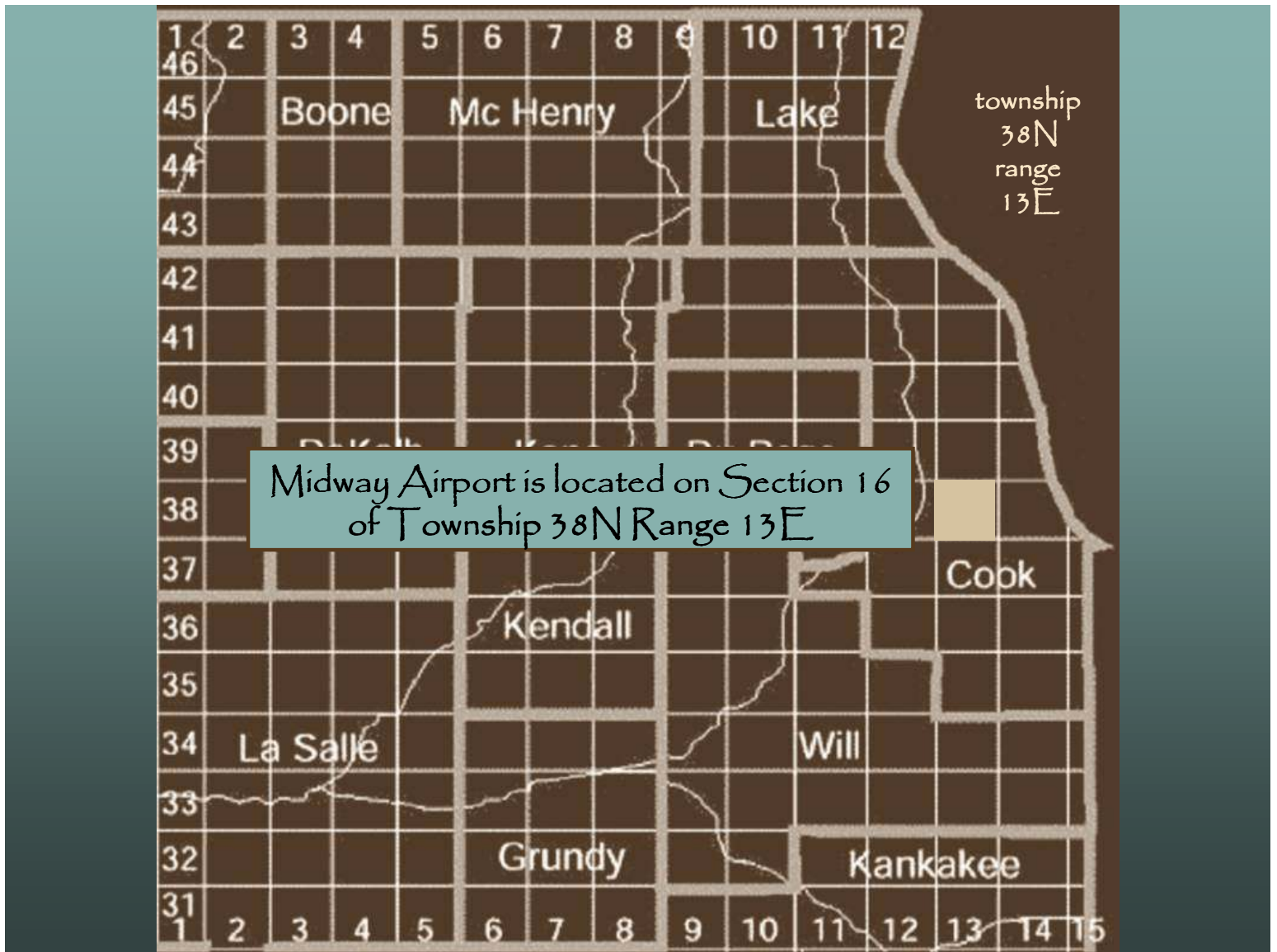
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7. Historic American Buildings Survey Harold Shriver, Photographer July 10, 1936 OLD OUT HOUSE

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Library of Congress, Prints and Photograph Division, Washington, D.C. 20540 USA

<http://hdl.loc.gov/loc.pnp/hhh.il0496>



map of Congressional townships in northeast Illinois counties.  
from unknown source.



Overview of Midway Airport and the old terminal.

Uploaded by asj410 - Eccentric Fisherman (2010 March 29)

<http://www.diecastaircraftforum.com/1-1-scale-commercial-aviation/84095-pics-past-share-your-photo-memories.html>

[http://s100.photobucket.com/user/asj410/media/Old%20Stuff/mdw.jpg.html#/user/asj410/media/Old%20Stuff/mdw.jpg.html?&\\_suid=13900693365100757106159466835](http://s100.photobucket.com/user/asj410/media/Old%20Stuff/mdw.jpg.html#/user/asj410/media/Old%20Stuff/mdw.jpg.html?&_suid=13900693365100757106159466835)



Chicago Daily News (photographer). Airplane descending on to an airfield at Municipal Airport (1928).

View of an airplane descending on to an airfield at Municipal Airport (now Midway Airport) at 63rd and Cicero in Chicago, Illinois. A crowd is standing behind a chain link, and an airplane is partially visible on the left side of the image. A young boy in the foreground is standing on the other side of the chain, looking at the airplane. This image is damaged, and the top right-hand corner is missing.

Reproduction # DN-0086738

Chicago Daily News negatives collection.

Chicago History Museum, 1601 North Clark Street, Chicago, IL 60614-6038.

Digital ID (original negative) ichicdn n086738 <http://hdl.loc.gov/loc.ndlpcoop/ichicdn.n086738>



Chicago Daily News (photographer). Men pulling an airplane in flooded airfield at Midway Airport (1929).

Image of a group of men pulling an airplane along a flooded airfield at Municipal Airport, now Midway Airport, located in the Garfield Ridge community area of Chicago, Illinois. Two hangars are visible in the background, and two men are standing in the background.

Reproduction # DN 0087936

Chicago Daily News negatives collection.

Chicago History Museum, 1601 North Clark Street, Chicago, IL 60614-6038.

Digital ID (original negative) ichicdn n087936 <http://hdl.loc.gov/loc.ndlpcoop/ichicdn.n087936>

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Chicago Daily News (photographer). Men with airplane at flooded Midway airport (1929).

View of men walking next to an airplane and a truck on a flooded airfield at the municipal airport, now known as Midway airport, in the Garfield Ridge community area of Chicago, Illinois. A hangar and a building are visible in the background.

Reproduction # DN-0087841

Chicago Daily News negatives collection.

Chicago History Museum, 1601 North Clark Street, Chicago, IL 60614-6038.

Digital ID: (original negative) ichicdn n087841 <http://hdl.loc.gov/loc.ndlpcoop/ichicdn.n087841>

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Chicago Daily News (photographer). Man typing on a typewriter, sitting at a table in an office at Municipal Airport (1929).

Portrait of an unidentified man typing on a typewriter, sitting at a table in an office at Municipal Airport, now Midway Airport, bounded by South Central and Cicero Avenues and West 59th and West 63rd Streets in the Garfield Ridge community area of Chicago, Illinois. An unidentified woman is standing next to the man.

Reproduction # DN-0089587

Chicago Daily News negatives collection.

Chicago History Museum, 1601 North Clark Street, Chicago, IL 60614-6038.

Digital ID (original negative) ichicdn n089587 <http://hdl.loc.gov/loc.ndlpcoop/ichicdn.n089587>





Midway Airport,  
 South Terminal  
 (Chicago Midway Airport,  
 South Terminal)  
 Cicero Avenue (State Route 50),  
 between 55th and 63rd Streets  
 Chicago  
 Cook County  
 Illinois

HABS No. IL-305

HABS  
 ILL,  
 16-CHIG,  
 102A-

WRITTEN HISTORICAL AND DESCRIPTIVE DATA

Historic American Buildings Survey  
 National Park Service  
 Department of the Interior  
 Washington, D.C. 20240

Chicago Daily News (photographer). Woman standing and writing at a chalkboard in a room at Municipal Airport (1929).

Full-length portrait of an unidentified woman standing at a chalkboard and writing with a piece of chalk in a room at Municipal Airport, now Midway Airport, bounded by South Central and Cicero Avenues and West 59th and West 63rd Streets in the Garfield Ridge community area of Chicago, Illinois. Grids are visible on the chalkboard. Text on chalkboard reads: Weather Charts, Winds Aloft.

Reproduction # DN-0089591  
 Chicago Daily News negatives collection.  
 Chicago History Museum, 1601 North Clark Street, Chicago, IL 60614-6038.  
 Digital ID (original negative) ichicdn n089591 <http://hdl.loc.gov/loc.ndlpcoop/ichicdn.n089591>

Wesley I. and McCown, Susan (historians). Midway Airport, South Terminal, Cicero Avenue between Fifty-fifth & Sixty-third Streets, Chicago, Cook County, Illinois. HABS IL-305. (1967, 1985) No known restrictions on images made by the U.S. Government.

Initial construction 1931. The passenger terminal building is a small, neat structure in reinforced concrete International Style and may be one of the oldest airport buildings in the country.

Call # HABS ILL,16-CHIG,100A-  
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<http://lcweb2.loc.gov/pnp/habshaer/il/il0300/il0380/data/il0380data.pdf>

HISTORIC AMERICAN BUILDINGS SURVEY  
MIDWAY AIRPORT, SOUTH TERMINAL HABS No. IL-305  
(Chicago Midway Airport, South Terminal)

**Location:** Cicero Avenue (State Rte. 50), between 55th and 63rd Streets, Chicago, Cook County, Illinois. It is approximately 5 miles north of Adlai E. Stevenson Expressway (Interstate 55).

**Present Use:** The building is no longer used as a terminal. It has been replaced by the larger and more recently built building five long blocks to the north. It is presently used by the U.S. Weather Bureau and the U.S. Customs offices.

**Significance:** The passenger terminal building is a small, neat structure in reinforced concrete International Style and may be one of the oldest airport buildings in the country.

**Date of erection:** 1931, according to Building Permit No. B38335 on file at the Administration Building, Midway Airport.

**PART I. ARCHITECTURAL INFORMATION**

**A. Description of Exterior:**

**1. Construction plan:**

- a. Overall dimensions: 255' north to south, 70' east to west (paced dimensions).
- b. Layout, shape: Central two-story volume containing the waiting room, about 70' by 75'. Projecting one-story portions 60' by 40' on each side of the central volume. Brick addition and stone addition at rear, one story. The front faces east.
- c. Number of stories: Two in the central portion, one at each of the sides and at the rear.
- d. Number of bays: Seven in north to south direction.

**2. Foundations: Concrete.**

3. Walls: Concrete spandrel walls below and above rows of continuous sash. The concrete surface shows the evidence of the wood form boards slightly. The surface is rough and has been painted. The most recent paint is a light blue-grey multicolored paint flaked off in many places. The one-story addition directly in back of the waiting room is of stone construction using rather large, smooth finished blocks of limestone about two feet high and three feet or more in length. There is, in addition, a brick addition

to the north of the stone addition, filling in the corner of the plan. Both the brick and the stone additions are coated with multicolored paint in light blue-grey. When the construction was completed, the terminal walls were white.

4. Structural system, framing: The first floor is framed in concrete cast-in-place joists at about three feet on center. Corrugated metal forms were used for these.
5. Porches: On the east side (street side, or front side of the terminal) metal canopies have been built across most of the width of the building. These are in disrepair.
6. Openings:
  - a. Doorways and doors: New stainless steel exterior doors have been installed in the main waiting room on both the street and the field side of the building, and from the vestibule to which these doors connect and the waiting room. Above the street side entrance door a stainless steel emblem of aviator's wings hangs in front of the transom, with traces of its painted decoration remaining. This door has stepped back jambs, and the upper corners of the transom are cut across at a forty-five degree angle.
  - b. Windows: The exterior sash appear to be of stainless steel and are part of a later remodeling. The stone addition has double-hung wood sash and the brick addition has double awning wood sash.
7. Roofs:
  - a. Shape, covering: The roofs are flat with parapet walls.
  - b. Towers: Two roof structures of corrugated metal have been constructed over the north one-story wing of the concrete structure, and there is a steel tower platform about fifteen feet high in the same general location. There are radar and other communications antennas on the platform of the tower. A small observation "tower" is at the rear and center of the original building, projecting above the other roof levels.

**C. Description of Interior:**

**1. Floor plans:**

- a. First floor: The waiting room is in the middle of the building and has a clear span of about forty feet. To the north and to the south (the front of the terminal faces east)

Wesley I. and McCown, Susan (historians). Midway Airport, South Terminal, Cicero Avenue between Fifty-fifth & Sixty-third Streets, Chicago, Cook County, Illinois. HABS IL-305. (1967, 1985)

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Initial construction 1931.

The passenger terminal building is a small, neat structure in reinforced concrete International Style and may be one of the oldest airport buildings in the country.

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<http://www.loc.gov/pictures/item/i10380/>

<http://lcweb2.loc.gov/pnp/habshaer/ill/i10300/i10380/data/i10380data.pdf>

are the projecting wings of the same span, but one story in height. Offices, restaurant, and related small rooms occupy these wings. To the east and to the west the original building has three projecting bays. Across the rear of the building are the later additions of brick and of stone construction.

- b. Second floor: Offices occupy the second floor above the projecting bays on the east side, and the observation tower and offices occupy the corresponding space on the west side.
2. Stairway: Steel checkered plate treads and landings on steel stringers.
3. Flooring: Resilient, in general.
4. Wall and ceiling finish: The present lobby ceiling is a suspended ceiling with corrugated translucent plastic panels concealing fluorescent lighting fixtures. This sort of ceiling was first in general use in the early 1950s. Other ceilings are exposed, smooth-finished plaster acoustical tile.
5. Openings:
  - a. Doorways and doors: Wood, flush.
  - b. Windows: (Not recorded).
6. Decorative features and trim: There is little that has survived the remodeling. According to Walter Wright's 1931 article in The Chicago Visitor, "Passenger terminal for Chicago's Municipal Airport", the lobby originally contained the following: classic pilasters with grooved surfaces; capsule-shaped suspended lighting fixtures; modern looking armchairs; dark-stained wooden doors and frames; dark marble baseboard; and marble floor.
7. Mechanical equipment:
  - a. Heating: Central.
  - b. Lighting: Electric, conventional fixtures (fluorescent, etc.).

D. Site:

1. General setting and orientation: The east (front) side of the building is parallel to South Cicero Avenue and approximately opposite 63rd Street. The west side of the building faces toward the airfield. Paved parking areas and an access drive surround the property. A chain-link fence guards the airfield.

2. Outbuildings: In Walter Wright's 1931 article in The Chicago Visitor, "Passenger terminal for Chicago's Municipal Airport", there were nineteen hangars, for the use of storage and periodic check-ups of the resident planes.

PART II. SOURCES OF INFORMATION

A. Bibliography:

1. Secondary and published sources:

Books:

Hanks, Stedman S. International Airports. New York: Ronald Press Co., 1929. Best of the three books found to deal with this subject.

Hubbard, Henry V. et al. Airports (Harvard City Planning Series I.) Cambridge, Mass.: Harvard University Press, 1930.

Wood, John Walter. Airports. New York: Coward-McCann, 1940.

Periodicals:

Burnham, D. W. "Chicago Municipal Airport Plans." Monthly Bulletin, Illinois Society of Architects, Vol. 27, No. 9 (Feb.-March, 1943).

L'Architecture d'Aujourd'hui. June, 1939, p. 26. The entire issue is devoted to a study of international airports.

Chicago Tribune, clippings from papers of January 24, 1941 and November 20, 1940.

Wright, Walter. "Passenger terminal for Chicago's Municipal Airport." The Chicago Visitor, Vol. 3, No. 9, pp. 12-13, 29 (1931). Illustrations are included.

Prepared by: Susan McCown  
HABS Architectural Historian  
January 1985

Wesley I. Shank  
HABS Supervisory Architect  
HABS Project IV, 1967  
August 1967

Wesley I. and McCown, Susan (historians). Midway Airport, South Terminal, Cicero Avenue between Fifty-fifth & Sixty-third Streets, Chicago, Cook County, Illinois. HABS IL-305. (1967, 1985)

No known restrictions on images made by the U.S. Government;

Initial construction 1931.

The passenger terminal building is a small, neat structure in reinforced concrete International Style and may be one of the oldest airport buildings in the country.

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<http://www.loc.gov/pictures/item/ii0380/>

<http://lcweb2.loc.gov/pnp/habshaer/ii/ii0300/ii0380/data/ii0380data.pdf>



Midland Warehouse. Western Avenue 1500S. Chicago, Illinois. 2005 March 11.




Morris Birkbeck

Letters From Illinois

London: Taylor and Hessey

(1818)

Birkbeck, Morris (1818). Letters from Illinois. London: Taylor & Hessey.



Preface (page v):

It has been the fashion, though now a little out of date, for such as myself to be told that we were not fit to breathe the air of Old England; and, as we did not like the way of being ruled and taxed by people who had no more right to rule and tax us than consisted in the power of doing it, the land we lived in was too good for us, and it would be well for us to leave it.

The recommendation for exile has succeeded to admiration in my case.

(page iv)

In Illinois, we have no rent, tithe, or poor's rate, and scarcely any taxes, perhaps one farthing per acre.



(page 5):

We have no taxes, excepting what are raised on the principle of our country rates, and they are hardly perceptible.

(page 41):

Of the matters that used to agitate us in England, I hear of loans to government, to pay the interest of which, I presume you must have new taxes; I hear also of loans to parishes in aid of the poor-rates.

(In Illinois) The whole system of internal taxation is done away by a late act of Congress.

Think of a country without excisemen, or assessors, or collectors, or receivers-general, or informers or paupers!

110

**CERTIFICATE**  
No. 35381

**THE UNITED STATES OF AMERICA,** 395

To all to whom these Presents shall come, Greeting:

**WHEREAS** Samuel Birkbeck of Jo Davies County Illinois

has deposited in the **GENERAL LAND OFFICE** of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at *Dixon* whereby it appears that full payment has been made by the said

*Samuel Birkbeck* according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands," for the West half of the North East quarter of section Twenty Seven in Township Twenty Nine of Range one East in the District of Kansas subject to sale at Dixon Illinois containing eighty acres

**CERTIFICATE**  
No. 2010

**THE UNITED STATES OF AMERICA.**

To all to whom these Presents shall come, Greeting:

**WHEREAS** *George W. P. Maxwell* of *Schuyler County Illinois*

has deposited in the **GENERAL LAND OFFICE** of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at *Chicago* whereby it appears that full payment has been made by the said

*George W. P. Maxwell* according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands," for the West half of the South East quarter of Section Fourteen, in Township Thirty Nine North, of Range Twelve East, in the District of Kansas subject to sale at Chicago, Illinois, containing eighty acres

Now know ye, that the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, have given and granted, and by these presents do give and grant, unto the said (purchaser) and to his heirs, the said tract above described to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging unto the said (purchaser) and to his heirs and assigns forever.

**NOW KNOW YE,** That the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, **HAVE GIVEN AND GRANTED,** and by these presents **DO GIVE AND GRANT,** unto the said *Samuel Birkbeck* and to his heirs, the said tract above described: **TO HAVE AND TO HOLD** the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said

*Samuel Birkbeck* and to his heirs and assigns forever.

**In Testimony Whereof,** I, *James R. Polk* PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made **PATENT,** and the **SEAL** of the **GENERAL LAND OFFICE** to be hereunto affixed.

**GIVEN** under my hand, at the **CITY OF WASHINGTON,** the *first* day of *July* in the Year of our Lord one thousand eight hundred and *forty eight* and of the **INDEPENDENCE OF THE UNITED STATES** the *Second* *Session*.

**BY THE PRESIDENT:** *James R. Polk*  
By *J. R. Stephens* Sec'y.  
*S. H. Langhain* Recorder of the General Land Office.

**NOW KNOW YE,** That the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, **HAVE GIVEN AND GRANTED,** and by these presents **DO GIVE AND GRANT,** unto the said *George W. P. Maxwell* and to his heirs, the said tract above described: **TO HAVE AND TO HOLD** the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said

*George W. P. Maxwell* and to his heirs and assigns forever.

**In Testimony Whereof,** I, *Martin Van Buren* PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made **PATENT,** and the **SEAL** of the **GENERAL LAND OFFICE** to be hereunto affixed.

**GIVEN** under my hand, at the **CITY OF WASHINGTON,** the *first* day of *October* in the Year of our Lord one thousand eight hundred and *thirty nine* and of the **INDEPENDENCE OF THE UNITED STATES** the *Sixty* *Seventh*.

**BY THE PRESIDENT:** *Martin Van Buren*  
By *A. C. Brewster* Sec'y.  
*J. H. Maynard* Recorder of the General Land Office.

Now know ye, that the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, have given and granted, and by these presents do give and grant, unto the said (purchaser) and to his heirs, the said tract above described to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging unto the said (purchaser) and to his heirs and assigns forever.

(left) original title issued to Samuel Birkbeck of Jo Davies County, Illinois (1848 July 1).  
 (right) original title issued to George W.P. Maxwell of Schuyler County, Illinois for land in township 39N sold at Chicago (1839 October 1).  
<http://www.glorerecords.blm.gov/PatentSearch/>






U.S. Supreme Court

Trustees of Dartmouth College v. Woodward

17 U.S. 518

(1819 February 2)

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)

A decorative border at the top of the page features silhouettes of various people in a natural setting, including a person on horseback, a person sitting, a person standing, and a person with a bow. The background is a light tan color.


The very object sought in obtaining such charter, and in giving property to such a corporation, is to make and keep it private property, and to clothe it with all the security and inviolability of private property.

The intent is, that there shall be a legal private ownership, and that the legal owners shall maintain and protect the property, for the benefit of those for whose use it was designed.

Who ever endowed the public?

Who ever appointed a legislature to administer his charity?

Or who ever heard, before, that a gift to a college, or hospital, or an asylum, was, in reality, nothing but a gift to the state?



The state of Vermont is a principal donor to Dartmouth College.

The lands given lie in that state.


This appears in the special verdict

Is Vermont to be considered as having intended a gift to the state of New Hampshire in this case; as it has been said is to be the reasonable construction of all donations to the college?

The legislature of New Hampshire affects to represent the public, and therefore, claims a right to control [17 U.S. 518, 575] all property destined to public use.

What hinders Vermont from considering herself equally the representative of the public, and from resuming her grants, at her own pleasure?

Her right to do so is less doubtful, than the power of New Hampshire to pass the laws in question.




In *University v. Foy*, 2 Hayw. 310, the supreme court of North Carolina pronounced unconstitutional and void, a law repealing a grant to the University of North Carolina; although that university was originally erected and endowed by a statute of the state.

That case was a grant of lands, and the court decided, that it could not be resumed.

This is the grant of a power and capacity to hold lands.

Where is the difference of the cases, upon principle?


In *Terrett v. Taylor*, 9 Cranch 43, this court decided, that a legislative grant or confirmation of lands, for the purposes of moral and religious instruction, could no more be rescinded than other grants.



I hope enough has been said, to show, that the trustees possessed vested liberties, privileges and immunities, under this charter; and that such liberties, privileges and immunities, being once lawfully obtained and vested, are as inviolable as any vested rights of property whatever.

The fifteenth article has been referred [17 U.S. 518, 580] to before.

It declares, that no one shall be 'deprived of his property, immunities or privileges, but by the judgment of his peers, or the law of the land.'




Notwithstanding the light in which the learned judges in New Hampshire viewed the rights of the plaintiffs under the charter, and which has been before adverted to, it is found to be admitted, in their opinion, that those rights are privileges, within the meaning of this fifteenth article of the bill of rights.

Having quoted that article, they say, 'that the right to manage the affairs of this college is a privilege, within the meaning of this clause of the bill of rights, is not to be doubted.'

In my humble opinion, this surrenders the point.

To resist the effect of this admission, however, the learned judges add, 'but how a privilege can be protected from the operation of the law of the land, by a clause in the constitution, declaring that it shall not be taken away, but by the law of the land, is not very easily understood.'

This answer goes on the ground, that the acts in question are laws of the land, within the meaning of the constitution.




If they be so, the argument drawn from this article is fully answered.

If they be not so, it being admitted that the plaintiffs' rights are 'privileges,' within the meaning of the article, the argument is not answered, and the article is infringed by the acts.

Are then these acts of the legislature, which affect only particular persons and their particular privileges, laws of the land?

Let this question be answered by the text of Blackstone:

'And first, it (i. e., law) is a rule; not a transient sudden order from a superior, to or concerning a particular [17 U.S. 518, 581] person; but something permanent, uniform and universal.



‘Therefore, a particular act of the legislature, to confiscate the goods of Titus, or to attain him of high treason, does not enter into the idea of a municipal law; for the operation of this act is spent upon Titus only, and has no relation to the community in general; it is rather a sentence than a law.’ 1 Bl. Com. 44.


Lord Coke is equally decisive and emphatic.

Citing and commenting on the celebrated 29th chap. of magna charta, he says:

‘No man shall be disseised, &c., unless it be by the lawful judgment, that is, verdict of equals, or by the law of the land, that is (to speak it once for all), by the due course and process of law.’ 2 Inst. 46.

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)






Have the plaintiffs lost their franchises by 'due course and process of law?'

On the contrary, are not these acts 'particular acts of the legislature, which have no relation to the community in general, and which are rather sentences than laws?'

By the law of the land, is most clearly intended, the general law; a law, which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial.

The meaning is, that every citizen shall hold his life, liberty, property and immunities, under the protection of the general rules which govern society.

Everything which may pass under the form of an enactment, is not, therefore, to be considered the law of the land.



All the authorities speak of fellowships in colleges as freeholds.

The charter is a charter of privileges and immunities; and these are holden by the trustees, expressly against the state, for ever.


It is admitted, that the state, by its courts of law, can enforce the will of the donor, and compel a faithful execution of the trust.

The plaintiffs claim no exemption from legal responsibility.

They hold themselves at all times answerable to the law of the land, for their conduct in the trust committed to them.

They ask only to hold the property of which they are owners, and the franchises which belong to them, until they shall be found by due course and process of law to have forfeited them.

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)




The plaintiffs contend, in the second place, that the acts in question are repugnant to the 10th section [17 U.S. 518, 589] of the 1st article of the constitution of the United States.

The material words of that section are, 'no state shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts.'

The object of these most important provisions in the national constitution has often been discussed, both here and elsewhere.

It is exhibited with great clearness and force by one of the distinguished persons who framed that instrument.

'Bills of attainder, ex post facto laws, and laws impairing the obligation of contracts, are contrary to the first principles of the social compact, and to every principle of sound legislation.'




The two former are expressly prohibited by the declarations prefixed to some of the state constitutions, and all of them are prohibited by the spirit and scope of these fundamental charters.

Our own experience has taught us, nevertheless, that additional fences against these dangers ought not to be omitted.

Very properly, therefore, have the convention added this constitutional bulwark in favor of personal security and private rights; and I am much deceived, if they have not, in so doing, as faithfully consulted the genuine sentiments as the undoubted interests of their constituents.

The sober people of America are weary of the fluctuating policy which has directed the public councils.

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)



They have seen with regret, and with indignation, that sudden changes, and legislative interferences, in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators; and snares to the more industrious and less informed part of the [17 U.S. 518, 590] community.

Note:

A majority of people thought their constitutions banned all retroactive laws and not just those regarding criminal acts and the rights of the accused.

US founders granted school land forever to all people who purchased land in the townships; and not just to people who purchased land at the earliest possible moment.

Most early purchasers were real estate speculators.

Whether the speculators liked it or not, US founders appear to have deliberately failed to incorporate townships for the purpose of managing school lands.

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)

Harris, Thaddeus Mason (1768-1842) (author). The journal of a tour into the territory northwest of the Alleghany Mountains ; made in the spring of the year 1803: with a geographical and historical account of the state of Ohio; illustrated with original maps and views. Boston: Manning & Loring (1805).



Note (continued):

Instead, US founders embedded the grant of school lands in every title issued by the US to individual purchasers; and in this way they protected the land from unscrupulous people who work their evils through state and local governments.

The good men of the US Congress created a large number of original titles by reducing the size of tracts they offered for sale so common people could afford to buy them.

While good founders scrambled to create a wealth of original titles, speculators scrambled to create secondary titles that don't refer to the 1785 Land Act, for that was the effect of trading titles during speculative fevers and of dividing tracts for re-sale.

However, secondary purchasers were assigns and forever entitled to the benefits of reservations.

The disappearance of congressional townships reinforced the theft of school land reservations.

Nonetheless, every principle of law that protects Dartmouth College from the officials of the state of New Hampshire also protects every individual original purchaser, his heirs and assigns forever from the greed of people who pervert the purposes of their governments and use government to rob them.

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)

Harris, Thaddeus Mason (1768-1842) (author). The journal of a tour into the territory northwest of the Alleghany Mountains ; made in the spring of the year 1803: with a geographical and historical account of the state of Ohio; illustrated with original maps and views. Boston: Manning & Loring (1805).



Note (continued):

Persons with a long-term self-interest in municipal debt, including school debt, committed their first theft during the time between the original and revised enabling acts for Ohio statehood.

Proposition 1 in Section 7 of the first Ohio enabling act (1802):

‘That the section No. 16, in every township, and where such section has been sold, granted or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such township for the use of schools.’

The Ohio enabling act was quickly revised to grant section 16s to the state.

The 1785 Land Act had been revised in 1796; and the 1845 edition of US statutes, refers to the case of *Wilcox v. Jackson*, (13 Peters, 438) in footnote a (paragraph 11) to the provision about school land reservations:

‘Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use.

‘Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands; and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservations were made of it.’

U.S. Supreme Court (author) (1819). *Trustees of Dartmouth College v. Woodward*. 17 U.S. 518 (1819 February 2)



Note (continued):

The first Ohio enabling is redundant to and reinforces the 1785 and 1796 Land Acts.

The revision of the 1802 Ohio enabling act is certainly a 'subsequent law' that couldn't be construed to embrace, or operate on, school land reservations.

Jefferson signed both the original and the revised Ohio enabling acts.

Jefferson said he dropped out of law school because lawyers are too devious; but with a legal genius like Hamilton to advise him, Jefferson seems to have been quite devious himself.

While Native Americans go to court to take back their stolen reservations, it's likely that Americans of every race should go to court for the same purpose.

U.S. Supreme Court (author) (1819). Trustees of Dartmouth College v. Woodward. 17 U.S. 518 (1819 February 2)






The WPA Guide to Illinois

Written and compiled by  
the Federal Writers' Project  
of the Works Progress Administration  
for the State of Illinois

New York: Pantheon Books (reprint)  
Chicago: A.C. McClurg & Company

(1939)

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In 1717, Illinois country became a district of the French province of Louisiana, the officers of which supervised agriculture and trade.

France made no provisions for local government in the province.

Catholic parishioners in Cahokia, Kaskaskia and New Chartres elected church wardens to govern the time of harvest, fence repair and the general welfare of the village.


The British discarded the French system and Illinois had no civil government.

French settlers petitioned the British for government in 1771 and got it in 1774, when the American Revolution disrupted it.

In 1778, Illinois was a county of Virginia; in 1787 a part of the Northwest Territory; in 1800 a part of Indiana Territory; in 1809 a territory in its own right; and in 1818, Illinois became a state.

Chapter: Government and Education (pages 89-97).

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In 1818, Illinois Territory held its first constitutional convention.

Officials of the territory didn't submit their constitution to the inhabitants for approval; and submitted it to the US Congress without a popular vote.

Nonetheless, the federal government admitted Illinois as a state with its capitol at Kaskaskia.

(Chronology, page 650)


In 1848, Illinois adopted a revised constitution.

In 1862, Illinois voters rejected another revised constitution.

In 1870, Illinois voters approved yet another revised constitution after a fourth constitutional convention debated furiously in 1869.

Chapter: Government and Education (pages 89-97).

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By 1902, Illinois and Chicago officials wanted yet another revision.

The Chicago Tribune said the 1870 Constitution:


'has outlived its usefulness. It is not the ark of the covenant. It has no sacred qualities. We may touch it without dropping dead.'

In 1922, Illinois voters crushed a revised constitution with provisions that gave Chicago home rule and authorized a tax on income.

As of 1939, Illinois has 17 counties organized as in southern states and 84 counties organized as in New England.

Chapter: Government and Education (pages 89-97).

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Cook County is organized on a combined county and township plan.

The plan abolished the eight townships located in Chicago and retains five townships outside in Chicago.

The Cook County Board includes five commissioners from the suburbs and 10 commissions from Chicago.


The 1818 and 1848 constitutions allowed the Illinois General assembly to issue charters to towns and cities.

The 1870 constitution replaced the power with a general cities and villages act.

As of 1939, 74 cities were organized by the commission option and 223 cities were organized by the aldermanic council option.

Chapter: Government and Education (pages 89-97).

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Chicago is governed by a mayor, clerk, treasurer and a city council with 50 aldermen.

The mayor appoints the members of the Board of Education, Park District, Library, and a health facility with approval of the aldermen.


City officials must work cooperatively with the Chicago Sanitary District that controls 440 square miles.

In 1904, the Illinois constitution was amended to allow the state to enact special legislation specific to Chicago.

But, as of 1939, Chicago officials hadn't acquired the home rule that some people want.

Chapter: Government and Education (pages 89-97).

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University of Chicago professor, Charles Merriam, was a chief advocate of autonomy for Chicago officials.


Some people advocated that Chicago become a city-state.

The 1787 US Constitution doesn't imply that city-states can be formed; but it also doesn't specifically forbid independent city-states.

Another proposal has been to merge Chicago and Cook County, because Chicago has 84% of the county's taxable property and 85% of its population.

Chapter: Government and Education (pages 89-97).

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The Illinois educational system is based on the 1785 Land Act that reserves sections of public land for schools and the 1787 Northwest Ordinance that says schools and the means of education shall forever be encouraged.

In 1818, Illinois officials accepted the conditions at statehood.


In 1825, Illinois officials fulfilled (their interpretation of) their obligation with a law that organized school districts and levied a compulsory tax to support schools.

In 1829, Illinois inhabitants said the compulsory tax was a 'Yankee device' and Illinois officials revoked it.

Chapter: Government and Education (pages 89-97).

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In 1845, the General Assembly incorporated congressional townships as school townships, and allowed the townships to levy taxes, but only with voter approval.

In 1854, the state's superintendent of public instruction organized church and school employees with an interest in school funding to lobby for a stronger version of the 1825 school act that the general population of Illinois defeated in 1829.


WPA writers refer to the new 1855 school act as the 'Magna Carta' of Illinois school advocates.

In 1936, Illinois had 12,000 school districts, 13,898 schools, 47,179 teachers and administrators, and 1,373,320 children to justify \$128,000,000 in state and local taxes.

Though Illinois had more school districts than all other states, Illinois spent a lower percentage of tax revenues on schools than the majority of other states.

Chapter: Government and Education (pages 89-97).

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In 1927, an Illinois law allowed a portion of the children's school fund to be diverted to adult education programs.

The WPA's adult education program was one of the first to take advantage of the law.

(In summary, tax-financing for the education of children exists at least in part to provide jobs for adults when the private sector can't.

(When the economy improves, school employees rarely transition back to private sector jobs, having become dependent on the security of mandatory school law taxation for their paychecks and pensions.)

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Charles W. Clabaugh  
Randy DeVillez  
John William Martin

Township School Trustees and Treasurers in Illinois  
1819-1980

USA: Township School Trustees of Cook County  
(1980)

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).



Joseph M. Cronin, Illinois  
Superintendent of Education:

Illinois educational history involves complex interactions between societal forces, institutions, and personalities.

The struggle for organizational efficiency in the governance of education is illustrated by the historical development of township school trustees and treasurers, the two oldest school officers in the State.

Today these executives serve only in Cook County, because the offices are not deemed efficient for counties with a population under one million.

In the early years of Illinois, these positions were an integral part of the township organization of the Northwest Ordinance.

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).



Preface:

Many people think the framers of the 1787 US Constitution purposely omitted reference to public education because they viewed it as a function of the state and not of the Federal Government.

Many people, including writers of the Constitution, thought education isn't a function or responsibility of any government unit.

Rather, they believed that education is the responsibility of parents and churches as it traditionally had been.

Early township trustees were fledgling administrators of an educational system without precedent created by a fledgling legislature.



Preface (continued):


Early trustees administered almost 1,000,000 acres of school land scattered over tens of thousands of square miles.

The land was first to be rented, and then to be rented or sold, to foster education.

(end)

Some of Illinois' earliest state acts regarded Section 16s.

The acts fulfilled an obligation of the state created by a provision in the US enabling act for statehood, regarding 'section numbered sixteen, in every township (in the state) granted to the state, (by the federal government) for the use of the inhabitants of the township, for the use of the schools'.




1819 March 2, the first Illinois General Assembly enacted An Act Relating to the Land Reserved for the Use of Schools.

The Act told County Commissioners to appoint three Trustees for every township.

The Act told township trustees to hire surveyors to divide Section 16 in lots of 40-160 acres to be leased for 10 years or less.

The trustees must protect the timber on the land, with a penalty of \$3-\$8 per tree, depending on species and damage.

The Act created Township Loanable Funds for the deposit of revenue from the sale, rent, or any other source of income from the township's Section 16.




The three township trustees were to appoint one Township School Treasurer.

Township treasurers managed:

1. Funds obtained by the sale or rental of Section 16s to be used solely for the schools in the township where the Section 16 is located.
2. The township's share of interest on the permanent Common School Fund, to which the US contributed a small percentage of revenue from public land sales.

Illinois is the only state to ever have Township School Treasurers.





Before 1870, many of the acts of the Illinois General Assembly were private or special.

The acts applied to a single county, township, city or person.

The acts responded to petitions, and the provisions of the acts applied only to the petitioning entity.


The provisions didn't have to be and weren't necessarily uniform with provisions in acts for similar entities or in general laws.

1821 January 30, an Illinois act responded to a petition from the inhabitants of Alton.

The act allowed the town to deviate from a general law in the number of town trustees and their duties related to school and church lands, except Section 16.

The 1821 Act allowed Alton town trustees to levy a tax for various school functions.


It was probably the first act of its kind.



‘Whereas, the inhabitants of the town of Alton have presented a petition setting forth, that the original proprietors of said town made a donation of 100 town lots, one-half for the support of the gospel, and the other half for the support of public schools in said town forever, which said town lots rest at present in the patentees of the tract on which said town is situated...

‘... said petitioners have prayed that the said town may be incorporated and trustees appointed in whom and their successors the said lots may rest forever, to be used and applied agreeably to the purposes intended.’

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).




1821 February 14, an Act to Encourage Learning in White County, And for Other Purposes also dealt with school lands.

‘Whereas there is a society of Christians who have erected a meeting-house for public worship on Section 16 in township five south of range eight east that likewise may be used as a schoolhouse for the township ...

‘Therefore, Be it resolved by the people of the State of Illinois that two or more County Commissioners are authorized and required to lease five acres of land of Section 16 to the trustees of the township for 99 years, for use of said society of Cumberland Presbyterians, and for the use of the school of the said township.

‘There shall never be given any preference to one sect over another in said school, but Cumberland Presbyterians shall be entitled to hold divine service in said house during said lease.’

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).



In 1829, an act of the General Assembly allowed the governor to borrow the principal of the permanent school fund at 6% interest, adding the interest to the principal.

In 1829-1835, the fund didn't divide interest among the township treasurers because the 1829 act diverted interest from the fund to the governor.


In 1831, the US Treasurer withheld Illinois' share of public land sales revenues because Illinois didn't account for its shares for 1829-1830.

1831 January 13, the US Congress repealed the provision of the 1820 US statute that required the states to provide annual accountings.

In 1846, the US withheld payments to states which defaulted on payments on state bonds that the US held in trust.

In 1863, the US made a last payment of \$712,745.34 to Illinois for its share of revenues from the sale of public lands (one-sixth being turned aside for a college or university).

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).



In 1836 (during Jackson's administration, when the US had paid off its debts with revenue from the import tax), the US Congress told the US Treasurer to divide among the states all the money in the treasury in excess of \$5,000,000.


The Treasurer made three of four quarterly payments.

He paid Illinois \$477,919.24.

The 10th Illinois General Assembly told the Illinois Treasurer to pay what the state owed to its school, college and seminary funds, and deposit the remainder in the permanent common school fund.

The permanent state common school fund then held \$948,995.28 in theory.

In reality, the state's general revenue fund borrowed the common school fund to avoid a state-wide property tax; and paid the school fund 6% interest on its theoretical principle.



In 1825, Illinois education was limited to private schools in the homes of well-to-do families that employed teachers

Prominent Illinoisans such as Governor Coles, General Duncan, and Reverend Peck initiated an educational program to defeat slavery by enlightenment.


‘The youth must be taught the evils of slavery and ignorance in free schools, provided by the state.’

In 1825, the Illinois General Assembly passed a Free School Act.

Only a few other states had free school laws at the time.

The Illinois act said that a school or schools should be established in each county that should be open and free to every class of white citizens between the ages of five and twenty-one.

The schools should be kept open at least three months out of each twelve.



Paul Belting reported that there's little evidence that any free school districts were established.

He found no published records that the the state appropriated money out of state funds for free schools.


Belting found documents for only five free schools.

They were established in Madison County in 1825.

In 1882, the Superintendent of Public Instruction reported that of the 985,066 acres of Section 16 land granted by the US to the States, 8,513 of the acres granted to Illinois remained unsold.

Acres sold for an average of \$3.78 at the time.

The superintendent valued the common school fund at \$8,018,936.31, a total of the estimated value of unsold land, receipts from land sold, and interest paid or owed to the fund.



1826 January, an act of the Illinois General Assembly:


‘The state Treasurer shall pay to the Commissioners of the School Fund \$1,037.79 as full restitution of that portion of the school fund which has been robbed from the state bank, and not recovered.’

In 1827, a ‘Repeal’ Act allowed voters to levy taxes for 50-100% of the amount need to support district schools.

People could be taxed only with their consent; but they could send children to school only if they paid a tax.

Parents, masters and guardians had to pay the difference between 100% of the cost of a school and the percentage provided by taxation.





The 1827 Repeal Act revealed that the Illinois General Assembly was more concerned with school lands than schools.


The Act required that trustees protect and preserve land, timber, stone and coal.

Trustees should lay off a school district if it would have 18 or more scholars, but only by petition of a majority of freeholders.

Freeholders are property owners who've paid in full for their land.

In 1829, the General Assembly enacted laws that revoked all federal and state mandated financial support.

The provision for local taxes to support district schools was repealed.




In 1829, another provision allowed revenue from school land rentals to be used for non-school purposes; and township trustees lost control of school land.

The law was ambiguous about how the money could be used.

School land should be sold for \$1.25 or more per acre on petition by 90% of the township's citizens.

The General Assembly ordered county commissioners to loan the revenue from the sale of school land at the highest possible interest; and made it clear that only the interest and not the principal should be used for township purposes.




The 1829 Act, said that any land not sold at a public sale could be purchased at a private sale.

Though the General Assembly provided for the prosecution of wrongdoers, the provision played to the greed of land grabbers and allowed them to put pressure on people who inhabited the lands.

A concurrent act provided that the state governor, auditor and secretary of state, who were also commissioners of the school fund, should loan all the money in the school fund to the state.

The state would then pay the 6% interest on the loan to the state instead of to the school fund.

1829-1855, most of the support for common schools was tuition paid by parents.



An 1831 act told the County Commissioners' Court to appoint trustees and restored their authority over school land, except that commissioners had the power to sell it if 75% of white male township inhabitants petitioned.


Commissioners set the interest rate for loans of the revenue from sales.

A group of five or more township citizens could borrow \$200 at 6% interest per year to build a school, for which they would have to charge tuition.

The 1831 act reserved prior gifts and grants of land for schoolhouses, worship houses, and cemeteries for the purpose of the donation.

The donations were to be given to the county commissioners in trust.

When the land ceased to be used for the purpose of the donation, it became the property of the county, which had to sell it and apply the revenue to education in the county.



An 1833 March 1 act created trustees for the sole purpose of supervising a district school, like modern school boards.


The trustees were to receive and apply donations of money, books, maps, globes, stationary and other articles useful for schools.

The trustees must admit the children of and require a gratuitous tuition from parents believed to be unable to pay for schooling.

If a county commissioner had money leftover after he had paid for the survey and the sale of a township's school land, he was to divide the money among the teachers.

The commissioner was also required to loan township funds.

Historical records are full of charges of waste and fraud in the sale of school lands.



In 1836, an act of the US Congress gave Illinois a surplus revenue fund.


The fund was to be repaid when requested.

The request was never made.

In 1835, in anticipation of the 1836 surplus revenue fund, the General Assembly directed federal money to the school fund.

And, as usual, told the state to borrow it for general revenue purposes.

In 1863, after the last payment from the US, the Illinois permanent school fund contained \$949,000 and interest on it was \$57,000 per year.




The fund grew to millions of dollars after the state began to appropriate money to it.

1873-1968, the appropriations included the \$57,000 as a line item until 1969 when the Bureau of the Budget omitted it.

From the mid-1830s, Illinois population growth accelerated; and the General Assembly gave local communities considerable freedom to establish schools.

From the mid-1830s, Illinois population growth accelerated.

The General Assembly gave local communities considerable freedom to establish schools; but it didn't permit local authorities to levy a tax on everyone in the community to support the schools.



An 1837 act required school land trustees to call an election in every township in the state to vote for or against incorporating the township for school purposes.

A 67% vote was needed for incorporation.


The vote for incorporation was to be followed by the election of five freeholders to serve as Trustees of the Schools.

The five trustees were to be a corporate body with perpetual succession for the purpose of supervising township business affairs.

A provision of the act that was repealed and re-enacted several times told trustees to appoint a treasurer as sole legal custodian of township school funds.

County school commissioners must collect data for detailed reports to the state auditor for the General Assembly on finances, number of teachers and pupils, and days taught.





In 1845, the General Assembly repealed almost all school laws; and then re-enacted them along with some startling new laws.

The Secretary of State became the ex officio Superintendent of Common Schools with overwhelming responsibilities - as a prelude to establishing a state-wide system of schools.

Teachers and their friends put a lot of pressure on the first superintendent to reduce the high standards in another new law, but he held firm.

The 1845 act set the interest at 8% on school fund loans.

School commissioners got 3% of the revenue from the sale of school lands and 2% of the interest on school fund loans. School treasurers got 2% of interest on school fund loans, but only when the money was collected from one borrower and loaned to another.

School commissioners, trustees and treasurers charged with misuse of funds or fraud against the state or school fund would be subject to criminal action.



The 1847 school act had 120 sections.

The 1847 act seemed to repeal all provisions of 1841-1845, but in reality it simply rewrote and revised them and other former acts.

Acts of 1845-1847 allowed inhabitants of a district to meet to decide whether or not to tax themselves to build, furnish and support their schools.


If they voted to tax themselves, they must then agree on a rate of \$0.15 per \$100 or less.

The 1847 act also allowed a levy of \$0.50 or less to buy a lot or build and furnish a building for a school.

Interest on loans was to be 10%.

A tax levy needed only a simple majority of people who actually voted. The rate could go to \$0.25 per \$100 for general school purposes. The building levy could total \$500.

The state printer was to print 15,000 copies for distribution throughout the state.



The 1855 school act was a sea-change in school finance.

The state would levy a tax of two mills per dollar on all taxable property in the state.


Revenue would go into the common school fund and then be distributed to the common schools of the state.

Township trustees would estimate the total sum they needed to operate their schools and then establish a tax rate to levy on property in the township to raise the sum.

The boards of directors of school districts could levy and collect an annual tax on all property in the district to purchase school sites, build schools, buy furniture and fuel, and acquire books for a library.

School directors could borrow money by issuing bonds at an interest of 10% or less in denominations of \$100 or more to a total of 1% of assessed valuation of property in the district to buy school sites and build, repair and improve school buildings.

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).




The county superintendents of schools were to:

- keep books that recorded school lands, mortgages, etc.;
- receive bonds from township school treasurers;
- apportion state school funds;
- loan the principle but not the interest of county and township funds;
- sell and re-sell real estate;
- receive the fees of 2% and 3% on the sale of land and the loans of funds; and
- hire competent people to secure and compile statistics.

Treasurers were to:

- loan all money except funds to be distributed to schools;
- loan money at 10% for terms of six months to five years.

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).




An 1861 act said that school taxes could be levied and collected only on property within three miles of a school.

Two or more school districts in one or more townships could consolidate.

School terms were set at six months.

The Illinois General Assembly held off on school laws during the Civil War.



The 1870 Illinois constitution prohibited private laws and special charters for specific districts and areas.

Laws could be specific only to classes.


Classes could be based on population.

The 1871 school code allowed voters to establish township high schools.

The new code gave voters five choices for school districting petitions.

Interest on loans of school funds would be 8-10%, raised to 12% on delinquent loans.

An 1879 amendment allowed voters to discontinue township high schools.



An 1879 act reduced annual interest on school funds to 6-8%.


An 1883 act encouraged loans of idle money in the treasuries of special charter districts.

An 1887 law dealt with the tendency of Illinoisans to think that school district lines can't be changed; rather than adapt to changing economic conditions and provide more educational opportunities.

In 1889, the General Assembly rewrote the entire school code.

Legislators re-numbered and divided sections.

For example, section 33 had been a 3.5-page paragraph.



In 1899, legislators changed annual interest to 5-7% on loans of \$200 and more.

Borrowers must provide security in the form of a mortgage on un-encumbered real estate valued 40+% more than the principle of the loan.


In 1905, legislators reduced interest to 4-7%; and this rate persisted until 1943, when it was revised to 4+%.

The 1909 changes were less in content and more in organization and coherency.

Legislators wanted to eliminate wordiness.

Loans would be one-to-five years secured by un-encumbered real estate in Illinois valued at 50% more than the principle of the loan.





(1935) - treasurers allowed to invest township funds in bonds and debentures of corporations formed to purchase federally-guaranteed FHA mortgages and to exchange defaulted mortgages for HOLC bonds.

(1937) .. was a bad financial year for many school districts.


(1941) - bonding for township treasurers and their guarantors were altered.

(1945) - legislators changed form and language but not content.

(1951) - school districts reduced to 4,580 from 11,955 (a reduction of 7,375), leaving six+ districts per township throughout the state.

Most of the eliminated districts were rural districts with one-room school buildings at two-mile intervals.

A School Problems Commission said that all the people it heard said school townships were obsolete.



In 1963, three Cook County Democrats tried to abolish the Township School Offices in Cook County.

The measure failed to clear the House Education Committee.

The Democrats argued that it was an act of discrimination against Cook County to continue these offices in Cook County after abolishing them downstate.


Note:

The office was abolished two decades later; and its functions moved to CPS.

Democrats didn't argue that Illinois constitutional provisions regarding the property tax persistently discriminate against taxpayers of Cook County while state laws regarding schools and municipal government deprive Chicago inhabitants of protections everyone else in the state enjoys.

Clabagh et al. did an admirable job of documenting the tragic theft of school land reservations and their potential to serve the people as an alternative to property taxes for the support of schools. Disappear congressional townships and, voila!, the reservations vanish; and all effective limits on school spending vanish with them.

Clabagh, Charles W., DeVillez, Randy, and Martin, John Wm. Township School Trustees and Treasurers in Illinois 1819-1980. USA: Township School Trustees of Cook County (1980).



In 1912, in the case of People v. Board of Education of Paris Union School District, an Illinois court declared:


The legislature could create or divide school townships or school funds at its discretion.

(255 Ill. 568, 99 N.E. 659)

In 1913, in the case of People ex rel. Brockamp v Chicago & IM Ry Co:

There are no constitutional limitations placed on the legislature as to the agencies the state should adopt for providing for free schools.

(256 Ill. 488, 100 N.E. 174)



In 1948, in the case of *People v. Deatherage*, an Illinois court declared:

A school district owned no property.

All school facilities, such as grounds, building equipment, etc., were in fact and law property of the State and subject to legislative will.

(Ill. 25, 81 N.E. 2d. 581)

Clabaugh, Charles W., DeVillez, Randy, and Martin, John Wm. *Township School Trustees and Treasurers in Illinois 1819-1980*. USA: Township School Trustees of Cook County (1980).



Pickering, E.H. (photographer). Photograph 6. King William's School, 10 Francis Street, Annapolis, Anne Arundel County, Maryland. No known restrictions on images made by the U.S. Government.

Rear elevation showing original gambrel roofline now covered in sheet metal.

King William's School was the predecessor of St. John's College, first free school in Maryland, established 1695. George Washington's stepson, Parke Custis, attended the school.

(1936 December)

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<http://lcweb2.loc.gov/pnp/habshaer/md/md0000/md0028/photos/084157pv.jpg>



Pickering, E.H. (photographer). Photograph 3. King William's School, 10 Francis Street, Annapolis, Anne Arundel County, Maryland. No known restrictions on images made by the U.S. Government.

Perspective view of north and west elevations, taken from Francis Street.

King William's School was the predecessor of St. John's College, first free school in Maryland, established 1695. George Washington's stepson, Parke Custis, attended the school.

(1936 December)

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<http://lcweb2.loc.gov/pnp/habshaer/md/md0000/md0028/photos/084154pv.jpg>



Pickering, E.H. (photographer). Photograph 2. King William's School, 10 Francis Street, Annapolis, Anne Arundel County, Maryland. No known restrictions on images made by the U.S. Government.

King William's School was the predecessor of St. John's College, first free school in Maryland, established 1695. George Washington's stepson, Parke Custis, attended the school.

(1936 December)

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John K. Norton

Financing the Schools  
Report of the Survey of the Schools of Chicago, Illinois  
(Volume I)

The Division of Field Studies  
Institute of Educational Research  
Teachers College, Columbia University  
George D. Strayer, Director  
New York  
(1932)

Norton, John K. (1932). Financing the Schools. Report of the Survey of the Schools of Chicago, Illinois (Volume I) made by The Division of Field Studies, Institute of Educational Research, Teachers College, Columbia University, George D. Strayer, Director. New York: Bureau of Publications, Teachers College, Columbia University.





In 1927, the Illinois Tax Commission rejected the quadrennial property tax assessment for Cook County.

In 1929, a general economic depression began.

At the end of 1931, liabilities against the Chicago schools are accumulated audited vouchers and accounts, tax warrants, and other unpaid items that total \$134,111,194.


Assets are uncollected 1928-1930 tax levies and the 1931 tax levy not yet placed in collection.

Balancing the budget is the major financial problem which now confronts the Chicago Board of Education.

Pre-1932 liabilities are definite, contracted and unarguable.

The assets aren't definite - the time at which they materialize, and in what amount, depend on several factors that can't be predicted.

Norton, John K. (1932). Financing the Schools. Report of the Survey of the Schools of Chicago, Illinois (Volume I) made by The Division of Field Studies, Institute of Educational Research, Teachers College, Columbia University, George D. Strayer, Director. New York: Bureau of Publications, Teachers College, Columbia University.  
Chapter X, page 137.



Among the unpredictable factors are ~


- the speed at which 1928 and subsequent year reassessments are completed;
- the amount of property they enroll;
- the trend of the economy;
- the actions of Chicago and Illinois citizens and taxpayers.

One thing's for certain ~ and everyone agrees that Chicago schools recently contracted financial obligations far beyond the resources available to them.

In 1932, the budget authorizes spending of \$82,000,000.

Precedents of past years indicate that expenditures might be several million dollars less.


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Chapter X, page 137.



Year	Expense	Debt Service	% of total	Capital Outlay	% of total	Combined % total	Total
1915	13,422,094	46,466	0.3%	3,297,553	19.7%	19.9%	16,766,114
1916	14,950,922	39,705	0.2%	4,352,555	22.5%	22.7%	19,343,182
1917	16,133,473	48,641	0.2%	3,496,941	17.8%	18.0%	19,679,055
1918	17,645,123	95,567	0.4%	4,356,775	19.7%	20.1%	22,097,466
1919	20,104,763	204,469	0.9%	3,568,427	14.9%	15.8%	23,877,660
1920	26,534,210	463,116	1.5%	4,091,242	13.2%	14.6%	31,088,568
1921	29,164,671	769,592	2.2%	4,679,905	13.5%	15.7%	34,614,170
1922	34,982,948	740,821	1.8%	6,132,155	14.7%	16.4%	41,855,925
1923	38,518,937	963,501	2.1%	5,990,014	13.2%	15.3%	45,472,453
1924	40,810,489	925,211	1.8%	9,112,431	17.9%	19.7%	50,848,132
1925	42,468,759	921,848	1.6%	12,681,916	22.6%	24.3%	56,072,524
1926	43,888,188	961,060	1.4%	21,468,742	32.4%	33.8%	66,317,992
1927	47,162,749	1,013,601	1.6%	14,604,966	23.3%	24.9%	62,781,317
1928	52,396,259	1,410,313	2.0%	18,173,473	25.2%	27.2%	71,980,046
1929	52,940,173	4,309,932	6.3%	11,284,955	16.5%	22.8%	68,535,060
1930	56,130,010	6,456,170	8.2%	16,300,889	20.7%	28.8%	78,887,070
1931	56,997,987	7,018,191	9.4%	10,831,542	14.5%	23.8%	74,847,721
*1932	53,347,824	11,180,000	13.6%	17,433,567	21.3%	34.9%	81,961,391

Chapter X, page 137. Table 7 page 139.

Norton, John K. (1932). Financing the Schools. Report of the Survey of the Schools of Chicago, Illinois (Volume I) made by The Division of Field Studies, Institute of Educational Research, Teachers College, Columbia University, George D. Strayer, Director. New York: Bureau of Publications, Teachers College, Columbia University.



School taxes, like other taxes in Chicago, are technically levied to provide for the expenditures for the year in which they are levied.

However, taxes aren't legally collectable until the succeeding year.

The law allows municipalities to issue tax warrants in anticipation of future collections; and Chicago has followed this practice.


In 1915-1931, the trend of debt service payments changed.

In 1915 and well after, expenditures for debt service were relatively small.

Since 1927 when the tax system failed - and Chicago began to borrow in anticipation of tax revenues - debt service costs greatly increased.

In 1931, debt service was \$7,000,000, and amounted to 10% of total expenditures.

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Chapter X, page 137.



In 1932, the Chicago school budget lists tax warrants outstanding against levies for 1928-1931 because tax income has been insufficient to pay all the warrants.


Interest charges on the warrants have pyramided.

In 1930-1931, Chicago issued bonds of \$2,300,000 and \$25,000,000 because of tax deficiencies, to create a working cash fund or reserve - and payments for principal and interest of the bonds are now a prominent issue.

Most of Chicago's bill for debt service is an outcome of the failure of its taxation machinery - and until recently, Chicago spent substantially less for debt than have other cities.

Chicago's rapid increases in payments for this purpose bring Chicago up to the level of other cities now - in 1932, the percent of school costs for debt service rose from 9.38% to 13.60% in Chicago; and was 12.13% for New York; 13.42% for Cleveland; 13.67% for Philadelphia; and 15.57% for Detroit.

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Chapter X, page 137.



A relatively large proportion of debt payments in Chicago is for interest on loans, as opposed to interest on bonds or payments for bond redemptions.

Other cities are redeeming and paying interest on bonds issued for building purposes.

Buildings are relatively permanent - they depreciate only a small degree in any year.


Building sites are a permanent asset and may increase in value.

Chicago has followed a pay-as-you-go policy on building and has practically no bonded debt for buildings - except the amounts due on the bond issues of annexed districts.

In 1915, capital expenditures (new buildings, sites, equipment, and permanent improvements) were \$3,297,533.

1915-1923, capital spending increased slowly because of a policy to restrict building during World War I.

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Chapter X, page 137.



In 1924 Chicago began a greatly expanded building program to care for housing needs which had accumulated during and following the war.

This involved heavy annual expenditures, particularly since building costs were substantially higher after the war.

In 1926, the building program reached its peak when Chicago spent more than \$21,000,000 (32% of expenditures) for buildings, sites, and equipment.


Since 1928, capital spending has decreased.

1915-1931, Chicago spent \$154,000,000 for buildings and sites.

The pay-as-you-go policy has required large increases in tax revenues, but eliminates interest charges that bonds entail.

Building costs are now the lowest that they have been for more than a decade.

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Chapter X, page 137.



However, the section on school housing reveals a large shortage of school seats and classrooms in the city.

Student-teacher ratios are:

42:1 (grades 1-5);

34:1 (grades 6-8);

30:1 (grades 9-12) (5 classes per teacher per day).

The high school ratio is affected by additional teachers for gym and manual arts.


Under normal circumstances it would be to the advantage of the nation, in general, and to Chicago, in particular, to proceed with energy to eliminate the shortage.

The potential to reduce short-term interest isn't good.

Factors that could reduce it are:

-modernizing the tax system of Chicago and of the State of Illinois, particularly as it affects financing of schools;





-effective administration of the Chicago taxation machinery;

-\$5,200,000 of educational fund bonds which have been authorized but not sold; and ...

-a special tax which goes into effect in 1935 for the purpose of building up the working cash fund, whereby Chicago will be able to finance its own borrowing in anticipation of taxes, and eventually finance its schools on a cash basis.


Some of the forces responsible for increases in the cost of schools are -

The typical urban parent no longer contends that schooling which was good enough for him is good enough for his children.

Rather, he desires and even demands that his children shall have a better opportunity than he had.

He conceives the corner stone of better opportunity to be a high school or even a college education.

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Chapter X, page 137.



100,000 young men and women are enrolled in Chicago high schools now.

They would increase the army of unemployed people and economic chaos if high schools were closed.

They would also become the prey of demoralizing influences that operate in the lives of vigorous young people with nothing to do.

The interdependence of life in democracy - and the growth of US cities that concentrate a great number of people in a few square miles - are changing the whole life of the race.

Along with the intelligence of individual citizens, their devotion to the common welfare (rather than individual welfare) must be lifted to the highest possible level.

Civilization will break down if every effort isn't made to increase the amount and quality of education.

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Chapter X, page 137.



Ashraf S. Manji (editor)

Educational Facilities Planning in Chicago

Chicago: Simu-School  
Center for Urban Educational Planning  
Chicago Public Schools  
(1974)

Manji, Ashraf S., editor (1974). Educational Facilities Planning in Chicago. Chicago: Simu-School: Center for Urban Educational Planning, Chicago Public Schools.



In the 1900s, US population increased and rapidly became much more urban.

In the 1930s, agriculture became more mechanized, creating a surplus of unskilled labor in rural areas, particularly in the South.

In the 1940s and 1950s, industries expanded in urban areas, creating a demand for labor, particularly in the North and West.


These push-and-pull factors combined in a major migration of blacks and poor whites from rural areas to cities.

The rural to urban migration dispersed affluent whites and manufacturing and service industries to suburbs.

The increase in the number of relatively uneducated and poor minority groups in US cities led to an increase in demands for public services, such as education.

Manji, Ashraf S., editor (1974). Educational Facilities Planning in Chicago. Chicago: Simu-School: Center for Urban Educational Planning, Chicago Public Schools.

Introduction pages 3-12.



Municipal overburden - high demand for public services and low revenue from taxation - was the inevitable result.

Nonetheless, providing schools became a multi-billion dollar industry, as administrators, architects, teachers and parents joined forces to meet the challenge.

The physical aspects of schools were the first concern of early plans.

In the 1960s and 1970s, massive funding for a variety of programs occurred under the banner of Great Society.

The programs were designed to redress inequities in the US.\*

Manji, Ashraf S., editor (1974). Educational Facilities Planning in Chicago. Chicago: Simu-School: Center for Urban Educational Planning, Chicago Public Schools.  
Introduction pages 3-12.



Chicago Board of Education

Comprehensive Annual Financial Report:  
Statistical Section

(2002)

found at  
[www.cps.k12.il.us/AboutCPS/Financial\\_Information](http://www.cps.k12.il.us/AboutCPS/Financial_Information)

Chicago Board of Education. Comprehensive Annual Financial Report: Statistical Section (2002)

found at [www.cps.k12.il.us/AboutCPS/Financial\\_Information](http://www.cps.k12.il.us/AboutCPS/Financial_Information)

### Top Employers - Metro - 2001

78,000	US Government
45,798	Chicago Public Schools
42,825	City of Chicago
39,063	Jewel-Osco
27,139	Cook County
25,900	Ameritech (ATT)
25,600	State of Illinois
24,618	Advocate Health Care
20,000	Motorola
17,183	Abbott Labs
16,453	University of Illinois/ Chicago
16,200	United Airlines
16,000	Target Corp.
15,100	Dominick's Finer Foods
15,006	Walgreen Co
15,000	Sears Roebuck and Co.
14,220	Archdiocese of Chicago
14,000	Exelon Corp. (utilities)
13,450	Bank One Corp. (Chase)
13,123	University of Chicago

### Reading Comprehension Results CPS grades 9-10 combined national standardized tests 1988 norms\*

	<u>bottom 25%</u>	<u>top 25%</u>
1999	52%	1%
2000	32%	3%
2001	49%	0%
2002	34%	2%

(Note: Low reading comprehension is usually accompanied by low math scores. Both deficiencies impair the ability of students to comprehend the content of subject area courses, creating an ignorant population, incompetent work force, and higher costs.)

(left) Metropolitan Chicago's Top Employers Ranked by Number of Employees as of 2001 October (page 124).

(right) Reading Comprehension Results for Grades 9 and 10 Combined based on 1988 norms.

Chicago Board of Education. Comprehensive Annual Financial Report: Statistical Section (2002)  
found at [www.cps.k12.il.us/AboutCPS/Financial\\_Information](http://www.cps.k12.il.us/AboutCPS/Financial_Information)

\* Fluctuations in test scores are the result of yearly differences in policies and other factors such as:

- physical and emotional conditions on test days;
- tampering with answer sheets in schools;
- tampering with data at the central administrative office computer center;
- including and omitting the scores of learning disabled and mildly retarded children;
- teaching and not teaching to the tests;
- charter schools' competition for high-scoring students;
- charter schools' exemption from quotas for enrollment of special education students.

8 Dec 27, 1788  
Capt. John Dougherty B. To Malcom Worley.  
To one year's tuition of Michael Dougherty £ 5-0-0—  
27 December 1788.  
Sir, Please to pay the above to Mr. Tho. Speed, or else give  
him your note on Demand with interest from Nov. 14. 1787.  
Your compliance will oblige  
Y. O. S.  
Malcom Worley.

Receipt for public (private) school tuition (1788).



Dougherty's  
Receipt  
Mr. Dougherty says he sent you  
a £ 100 by his Son & made some other  
provisions over there to pay you off

Receipt for public (private) school tuition (1788).

**H. R. 1086.**

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 30, 1867.

Read twice, referred to the Select Committee on Free Schools in the District of Columbia,  
and ordered to be printed.

Mr. STEVENS, on leave, introduced the following bill :

**A BILL**To establish a system of common schools for the District of  
Columbia.

Whereas the capital of a great nation, though a political necessity, is generally a social evil; and whereas it is incumbent upon the nation to lessen, as far as practicable, by its aid, this evil, which, though local in its direct operation, is national in its effects as well as its causes; and whereas the proper training of youth is, next to Christianity, the surest remedy for such evil and the best foundation for virtue and safeguard of republicanism: Therefore,

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 First. That there shall be established, within one year next  
4 after the passage of this act, a sufficient number of common  
5 schools in the District of Columbia for the education of every  
6 child, without distinction of any kind, between the ages of six  
7 and sixteen years and resident therein.

2

8 Second. That these schools shall be kept open, and in  
9 operation, ten calendar months in each year; the other two  
10 being for rest of teachers and recreation of pupils.

11 Third. That no father or guardian shall be permitted to  
12 vote at any election for any public officer in the District who  
13 shall not have caused his child or children, or ward or wards,  
14 being of proper age, to attend the common schools, or some  
15 other schools, during at least \_\_\_\_\_ months within the year  
16 next preceding such election.

17 Fourth. That the studies in the common schools shall  
18 not be professional, but such as, to any extent which the  
19 board of \_\_\_\_\_ shall determine, every American should  
20 pursue, in order to qualify him or her for the due discharge  
21 of the political, social, and domestic duties of a land where all  
22 are equal, and to serve as a proper basis for subsequent  
23 special acquirements.

24 Fifth. That the simultaneous studies of each pupil in the  
25 schools shall be as few, and the lessons as short, as shall be  
26 consistent with thoroughness on the one hand and due pro-  
27 gress on the other.

28 Sixth. That, as reading, writing, and arithmetic are, by  
29 the experience of the world, pronounced to be the rudimental  
30 branches of all knowledge, instruction therein shall neither be  
31 discontinued nor neglected for what are called the higher  
32 branches; but they shall be taught exclusively at first, and

33 afterwards with other studies, till each pupil shall be proficient  
34 in these essentials.

35 Seventh. That the form and nature of the chief gov-  
36 ernments in the world, with those of the United States, as  
37 set forth in its history and Constitution, shall be carefully  
38 taught in such of the schools as shall be sufficiently advanced  
39 therefor.

40 Eighth. That the school books used shall be such as  
41 shall best promote the acquirement of the branch of know-  
42 ledge to which each relates, and shall be Christian in their  
43 character without affording preference to any sect or denomi-  
44 nation.

45 Ninth. That the school-houses shall be worthy of the  
46 nation in architecture, furniture, and surroundings, and fit  
47 training places for body and mind, morals and taste.

48 Tenth. That whether the schools be separate or several  
49 combined in the same building, there shall not be more than  
50 sixty pupils to each teacher.

51 Eleventh. That, as soon as practicable, all the teachers  
52 of the schools shall be graduates of an institution for the train-  
53 ing of teachers; and until such can be obtained in sufficient  
54 number and of approved fitness, all applicants for schools  
55 shall be duly examined and found qualified before being em-  
56 ployed.

57 Twelfth. That all teachers in the schools shall receive for

58 their services an annual compensation equal to the high duties  
59 of their office in the formation of the national character and  
60 the perpetuation of our liberty; and they shall, after the  
61 strength of life devoted to the public in the schools, be per-  
62 mitted to retire upon a well-merited pension.

63 Thirteenth. That in grading the salaries of teachers, the  
64 mistake shall be avoided of employing those of cheap and  
65 inferior qualifications for the younger pupils; it being an in-  
66 disputable truth that, at the least, as much good can be done  
67 and as high qualifications are required in the junior schools as  
68 in those for the older and more advanced.

69 Fourteenth. That every youth of sixteen years of age,  
70 having been resident in said District and attended its common  
71 schools in order, and having successfully passed the final ex-  
72 amination and exhibited a good record of conduct, shall re-  
73 ceive a certificate thereof with the seal of the proper board;  
74 and a similar certificate shall be given to any youth of the  
75 District of similar age, having attended any other school  
76 therein, who shall pass a similar final examination in the  
77 proper common school and exhibit the required certificate of  
78 good conduct.

79 Fifteenth. That after the first year no person shall be  
80 eligible to the office of school (director, trustee, controller,  
81 and so forth,) in said District, unless he shall have been a  
82 resident taxable citizen therein one full year next before

83 election; and unless he shall have sent during said year his  
84 own children or wards, if he have any of school age, to the  
85 common schools of the district.

86 Sixteenth. That no clergyman of any denomination shall  
87 be a (director, trustee, and so forth) superintendent or teacher  
88 of said common schools while in care of a congregation or in  
89 discharge of any other clerical duty; but that every such  
90 resident clergyman shall be ex officio a visitor of the schools,  
91 which shall at all times be open to them to see that nothing  
92 either detrimental to our general principles of Christianity  
93 or promotive of the peculiar creed of any sect be taught or  
94 practiced therein.

95 Seventeenth. That no person shall be appointed super-  
96 intendent of any grade over the schools of said District  
97 unless he shall have been within the next preceding three  
98 years a practical school teacher in good standing, and a resi-  
99 dent of the District during the year next before his appoint-  
100 ment.

101 Eighteenth. That though it is not a right of republican  
102 government to regulate the reading of the people by the  
103 selection of books by public authority, either for young or  
104 old, yet it is both expedient and beneficial to foster the  
105 habit of early reading; for which purpose the establishment  
106 of a library of useful miscellaneous books shall be en-  
107 couraged in every common school in the District, according

108 to its grade; and the use and preservation thereof shall be  
109 provided for.

1       SEC. 2. *And be it further enacted*, First. That triplicate  
2 lists shall be made annually, on or before the            day  
3 of                   , by the                   of each            in said  
4 District, of all children then resident therein, without ex-  
5 ception, between the ages of six and sixteen years, or who  
6 shall arrive at the age of six within twelve months thereafter,  
7 setting forth the name, birth-day, name of father, and resi-  
8 dence of each, or, if the father be dead, the name and resi-  
9 dence of the mother, guardian, or employer; and if any  
10 father, mother, guardian, or employer shall refuse to give  
11 the required information, or shall wilfully make false return  
12 thereof in any of the above particulars, he or she shall be  
13 liable to a fine of            dollars, to be summarily imposed  
14 and collected, on complaint of said                   , with costs,  
15 which fine shall be paid to the teachers' pension fund herein-  
16 after provided for; and one of said lists, when signed and  
17 sworn to by the                   making the same, shall be filed in  
18 the office of the board of                   of the District of Columbia,  
19 another shall be filed with                   of the ward, and so  
20 forth, for the information and inspection of the citizens there-  
21 of, and the third shall be filed with                   for the use  
22 of the officers of the elections of said                   . And it  
23 shall further be the duty of said                   , on being

24 requested so to do by any parent, guardian, or employer, to  
 25 add to said lists, at any time, the name and description of  
 26 any child of proper age either omitted from the original list  
 27 by oversight or removed into said \_\_\_\_\_ after the date  
 28 of the original lists. And for all his services in making,  
 29 filing, and correcting said lists, said \_\_\_\_\_ shall receive  
 30 from the treasury of the board of controllers \_\_\_\_\_ cents  
 31 for each child enrolled therein. And upon the filing or cor-  
 32 rection of said lists as aforesaid, each child named therein  
 33 shall be entitled to all the benefits of this act during the  
 34 succeeding year.

35 Second. That if objection be made to the vote of any  
 36 person at any election for a public officer in said District, on  
 37 the ground that he did not send his children, wards, appren-  
 38 tices, or other employees, or any of them, to school the re-  
 39 quisite time during the next preceding year, such objection  
 40 shall prevail unless he produce, before the close of the polls,  
 41 and to the satisfaction of the \_\_\_\_\_ of said election, a  
 42 certificate from the teacher or teachers of a common school  
 43 or schools in the District, or of some other school or schools  
 44 in said District or elsewhere, that the child or children in ques-  
 45 tion did actually attend school the requisite period, exclusive  
 46 of all absences, unless caused by sickness of said child or  
 47 children, in which case, and no other, such person shall be  
 48 allowed to vote, if otherwise duly qualified: *Provided, how*

49 *ever*, That the death during said year of any child of proper  
 50 school age, or its removal from the District for the actual pur-  
 51 pose of education or of proper employment, if proved to the  
 52 satisfaction of said \_\_\_\_\_ of the election, shall not de-  
 53 prive its father, guardian, or employer of his vote.

54 Third. That it shall be the duty of the board of  
 55 of the District to locate and establish all the common schools  
 56 therein, grade them so that the pupils in each shall be prop-  
 57 erly classified and duly promoted when qualified, arrange the  
 58 course of studies in and for each grade, select the text-books  
 59 and change the same when necessary, so that there shall be  
 60 uniformity of books in the schools of the same grade, and  
 61 cause all of said schools to be conducted according to the  
 62 principles set forth in this act.

63 Fourth. That the board of controllers shall have power  
 64 to purchase all grounds and erect all buildings necessary to  
 65 carry this act into full operation, and in so doing shall not  
 66 only have reference to the proper accommodation of every  
 67 portion of the District, but shall secure to each school-house  
 68 sufficient ground for the recreation and health of its pupils;  
 69 and they shall also have power to sell all school-houses and  
 70 grounds which shall become unsuitable, and apply the pro-  
 71 ceeds to the purposes of this act.

72 Fifth. That all school-houses and grounds, with the fur-  
 73 niture and other property thereto pertaining, now belonging

74 to the cities of Washington or Georgetown, or any other  
 75 portion of said District, and which are legally subject to the  
 76 control of Congress, be, and they are hereby, vested in said  
 77 board of \_\_\_\_\_, and as soon as necessary shall be taken  
 78 possession of by the board and applied to the purposes of this  
 79 act; and all property thus acquired, and not found proper for  
 80 the purposes of this act, shall be sold by the board and the  
 81 proceeds applied to said purposes.

82 Sixth. That trustees, directors, or others, having control  
 83 of school property in said District which may be required  
 84 for the purposes of this act, but not subject to the power of  
 85 Congress to divest the title thereof and vest it in the board of  
 86 \_\_\_\_\_, may be conveyed by the trustees, directors, or  
 87 others, having the legal control thereof, to said board of  
 88 \_\_\_\_\_, in conformity with its existing title, and shall  
 89 thenceforward be held and used for the purposes of this act,  
 90 in conformity with such existing title.

91 Seventh. That said board may also, when they deem  
 92 it expedient, establish night schools for the youth of the  
 93 District, between the ages of ten and sixteen years,  
 94 whose employments shall prevent them from attending the  
 95 day schools, and shall regulate the period during which they  
 96 shall be kept open; and they may also admit and retain in  
 97 the day and the night schools all such youth, between the  
 98 ages of sixteen and twenty-one, as shall themselves apply

99 for this privilege, so long as their attendance therein shall be  
 100 found beneficial to themselves and not prejudicial to the  
 101 schools.

102 Eighth. That the board may also establish day schools,  
 103 with gardens and play-grounds, and provide proper matrons,  
 104 teachers, and furniture therefor, for all infant children  
 105 between the ages of two and six years, of widows in the  
 106 District, and of married women deprived of the means of  
 107 support by the desertion or drunkenness of their husbands,  
 108 and whose necessities compel them to work out during the  
 109 day: *Provided*, That such mothers furnish the food and  
 110 clothing of their children thus cared for, and remove them  
 111 to their own homes at night at such hour as shall be pre-  
 112 scribed.

113 Ninth. That the board shall also appoint, and from  
 114 time to time as may be proper fix the salaries of all teachers  
 115 in the common schools of the said District, after due exam-  
 116 ination in their presence by the superintendent of the Dis-  
 117 trict, and certificate of fitness by him, or upon diploma  
 118 from any teachers' school in good standing. But upon  
 119 report of failure in the government of any school, or want  
 120 of due progress therein, made in writing by said superin-  
 121 tendent, specifying the particulars, they shall dismiss the  
 122 teacher thereof at any time during the term for which he

123 or she may have been appointed, and appoint another qual-  
124 ified as hereinbefore directed.

125 Tenth. That the board shall, as soon as practicable,  
126 encourage the establishment of a sufficient normal school in  
127 said District for the due training of teachers therefor, into  
128 which the most promising of the pupils of the highest of the  
129 common schools who may desire to become teachers shall  
130 be admitted at the charge of the District for their instruc-  
131 tion, but for no other expense, during one full course of study  
132 therein.

133 Eleventh. That one per centum annually of the salary of  
134 every common school teacher in the employment of the  
135 board if under twenty years of age, two per centum if  
136 over twenty and under thirty years of age, three per cent-  
137 um if over thirty, shall be deducted therefrom by the  
138 treasurer of the said board, and paid over to the mayors  
139 of the cities of Washington and Georgetown, and the  
140 president of the board of  
141 and their successors, who are hereby appointed and declared  
142 to be the trustees of the "Teachers' Pension Fund of the  
143 District of Columbia," to be by them invested in the loans of  
144 the United States, or such other safe manner as shall be  
145 approved by the Vice-President of the United States, the  
146 Speaker of the House of Representatives, and the Chief

147 Justice of the Supreme Court; to which shall be added all  
148 fines for crime or violation of law inflicted by any court or  
149 magistrate within said District, together with three per centum  
150 annually of all moneys paid into the treasury of the board for  
151 every purpose whatever; and the trustees shall annually  
152 or semi-annually, as they shall receive the same, reinvest all  
153 interest and dividends on former investments; from the  
154 proceeds of which fund, such sum, not exceeding five hun-  
155 dred dollars annually, as the same shall afford, shall be paid  
156 by the treasurer of said board of controllers, to whom it  
157 shall be transferred for this purpose, to every common school  
158 teacher of said District who shall have served the same  
159 faithfully and to the acceptance of the board during a period  
160 of not less than ten, and shall be not of less age than  
161 sixty years, or infirm, upon retirement from such service  
162 with the assent of said board; said pension to be paid  
163 quarterly, and to continue during the lifetime of such retired  
164 and superannuated teacher: *Provided*, That in case of disa-  
165 bility to perform the duties of teacher, incurred in the ser-  
166 vice of the board, a pension may be granted before the  
167 completion of ten years.

168 Twelfth. That when the pupils of any school, by their  
169 own contributions or donations, or by collections, shall have  
170 formed a library of useful miscellaneous books therefor, ap-  
171 proved by the teacher of the school for the time being, and

172 the visiting committee of three, herein provided for, it shall  
 173 be the duty of said board to provide proper and sufficient  
 174 cases therefor, and to add to the same such general diction-  
 175 aries of language, science, and art, with cyclopedias and  
 176 other useful compends for reference, but no other books;  
 177 of which library the teacher for the time being shall be the  
 178 librarian, and for which he shall be responsible; the books  
 179 thereof to be given out in regular order to the pupils, and a  
 180 fine inflicted for their abuse or loss. And it is hereby en-  
 181 acted that the breaking into any school-house in said District  
 182 in the night time, for the purpose of stealing or injuring  
 183 any of the books or other property therein, or of doing any  
 184 damage to said school-house or its contents, shall be held to  
 185 be burglary, and be punishable in like manner as if such  
 186 school-house were a dwelling-house.

1       SEC. 3. *And be it further enacted*, First. That the quali-  
 2 fied voters of each of                   shall, on the       day of  
 3   , annually, and so forth,       elect,  
 4 and so forth,                            who shall constitute a board of  
 5 thirteen members, to be designated and act as the board of  
 6 controllers of common schools in the District of Columbia, of  
 7 whom one-third, to be ascertained by it, shall hold their  
 8 offices during one year, one-third during two years, and one-  
 9 third during three years from said election; and annually  
 10 thereafter, on the same day, thirteen shall be chosen who

11 shall hold their offices during three years; and if a vacancy  
 12 shall occur in said board by death, resignation, removal from  
 13 the District, or otherwise, it shall be filled by appointment by  
 14 the other members at the next regular meeting, to continue  
 15 till the next annual election. But no member of said board  
 16 shall receive any compensation for performing the duties of  
 17 his office, except necessary travelling expenses, if any, in the  
 18 discharge thereof.

19       Second. That the legal name or title of said board shall be  
 20 "The Board of                           of the Common Schools of the Dis-  
 21 trict of Columbia," by and to which all conveyances and other  
 22 documents shall be made; and the acts of said board shall be  
 23 authenticated by the signature of the president, and its official  
 24 seal affixed and tested by the secretary.

25       Third. The officers of said board shall be a president,  
 26 secretary, and treasurer, to be elected at the first regular  
 27 meeting in each year; and the secretary and treasurer shall  
 28 receive such compensation for their services, and the treasurer  
 29 shall give such bond, with sureties, to be approved by the  
 30 board, as the by-laws shall prescribe; but neither the secre-  
 31 tary nor treasurer shall be a member of the board, nor have  
 32 a voice in its proceedings.

33       Fourth. There shall be a regular meeting of the board at least  
 34 once in each month, and a full journal of all its proceedings  
 35 shall be kept by the secretary; and if any member shall ab-



36 sent himself from three regular meetings thereof without  
 37 previous permission of the board, or without sufficient excuse  
 38 assigned upon notice given by the secretary, his seat may be  
 39 declared forfeited and another appointed in his stead by the  
 40 board, for the remainder of his term.

41 Fifth. In addition to the duties elsewhere herein as-  
 42 signed to said board, it shall, as soon as practicable, prepare  
 43 such a body of by-laws, for the regulation of the school af-  
 44 fairs of the District, on all points not herein provided for, and  
 45 for the government of the pupils, schools, teachers, and officers  
 46 as shall not be inconsistent with any part hereof; which by-  
 47 laws, so limited, on being approved in writing by the Vice-  
 48 President of the United States, the Speaker of the House of  
 49 Representatives, and the Chief Justice of the Supreme Court,  
 50 shall have the same force and effect as the provisions of this  
 51 act; and from time to time, as it shall become necessary, such  
 52 by-laws shall be altered, added to, or amended in the same  
 53 manner and with the same effect.

54 Sixth. The chief executive officer of the District shall  
 55 be called the superintendent of the common schools of the  
 56 District of Columbia, and shall be appointed by the Vice-  
 57 President of the United States, the Speaker of the House of  
 58 Representatives, and the Chief Justice of the Supreme Court,  
 59 by and with the advice and consent of the Senate, for the  
 60 term of four years from the date of his commission, with a

61 salary of                    dollars, payable quarterly, out of the  
 62 treasury of the school fund.

63 Seven. It shall be the duty of the superintendent to  
 64 examine all teachers applying for employment in the common  
 65 schools of the District; prepare for the use of the board of  
 66                    plans for the erection and improvement of the  
 67 school-houses, and rules for the grading and management of  
 68 the schools, with forms for monthly and other reports and  
 69 documents; visit the schools as often as practicable; give  
 70 advice, explanations, and instruction in relation to the school  
 71 law and system of the District to all citizens, parents,  
 72 teachers, and officers; attend and give instruction at all  
 73 general institutes and teachers' meetings; attend all regular  
 74 meetings of the board of controllers; collect all proper statis-  
 75 tics and information in relation to the condition and working  
 76 of the system, and make an annual report thereof to Con-  
 77 gress in the month of January annually, which report shall  
 78 also embrace so much of the proceedings and accounts of the  
 79 board of controllers as shall be necessary for the information  
 80 of that body and the public.

81 Eighth. The superintendent shall annually appoint, with  
 82 the consent of the board of controllers, one or more assistant  
 83 superintendents, at such salaries, payable out of the common  
 84 school treasury of the District, as shall be fixed by the by-  
 85 laws, who shall perform such duties in visiting and supervising

86 the schools, assisting and instructing the teachers, methodizing  
 87 the operations of the classes, examining pupils for transfer to  
 88 higher or other schools, inquiring into and taking means to  
 89 correct cases of truancy and prolonged absence, and per-  
 90 forming such other duties as shall be assigned by the by-  
 91 laws and by the chief superintendent.

92 Ninth. There shall be, on the            day of  
 93 annually, a meeting in each common school-house in said  
 94 District of the parents or guardians of the pupils then  
 95 belonging thereto, and called by the principal teacher  
 96 thereof, who shall, from their own number, elect a visiting  
 97 committee of three for the ensuing year, whose names shall  
 98 be then certified to the board of controllers. It shall be the  
 99 duty of this committee, by one or more of their number,  
 100 monthly, and as much oftener as they shall think proper, to  
 101 visit the school and examine into its condition, but without  
 102 disturbing or changing its exercises or regulations, and make  
 103 report to the board of such failures or defects therein as they  
 104 shall discover, with such well-founded complaints as shall  
 105 have been made known to them, for such remedy as in the  
 106 judgment of the board shall be required. And no complaints  
 107 against any school, or its teacher, shall be received by the  
 108 board except through and with the concurrence of such  
 109 committee, all of whose communications shall be in writing

110 and approved by at least two of the members of the com-  
 111 mittee.

1        SEC. 4. *And be it further enacted*, That the means to  
 2 defray the expenses of the common schools of said District  
 3 shall be obtained as follows: Annually, on or before the  
 4            day of            , the board of controllers shall  
 5 make and place on their record an estimate of the sum re-  
 6 quired to meet all the expenses of the ensuing year, stat-  
 7 ing therein the several amounts required for teachers' salaries,  
 8 for buildings and repairs, and purchase of ground, if any; for  
 9 furniture and apparatus, and for other salaries and expenses;  
 10 the one-third part of which sum shall be paid by the United  
 11 States and two-thirds shall be paid by the District of Colum-  
 12 bia, to be levied as other taxes are levied by the authorities  
 13 of said District, impartially, according to the taxable prop-  
 14 erty of the citizens thereof.

## HOUSE BILLS—Continued.

Number.	Title.	Reported.	Proceedings in Committee of the Whole and in the House.	Passed H. R.	Passed Senate.	Other proceedings.	Approved.
1071	A bill appropriating to Mrs. Glorvina Fort, of Philadelphia, the amount awarded by the United States court on June 26, 1793, to her father for loss of cargo of the brig Catharine, captured by the French frigate L'Embuscade.	276					
1072	A bill to amend an act to regulate the elective franchise in the District of Columbia, passed January 8, 1867.	276					
1073	A bill directing all writs and proceedings issued from the United States courts to be in the name of the people of the United States, and the forms of writs and pleadings, practice and procedure in the several States to be adopted in the courts of the United States held within the said States respectively.	277					
1074	A bill to aid the South Alabama Orphan Asylum.	277					
1075	A bill to create the office of surrogate of the District of Columbia, provide for the appointment of a surrogate, and define his powers and duties.	277					
1076	A bill in relation to guardians and minors of the District of Columbia, their appointment, powers, and duties.	277					
1077	A bill to provide for the appointment of a marshal for the District of Columbia, and to change the mode of appointing that officer.	277					
1078	A bill to amend section 2, chapter 129, of public acts of 1849.	277	390.....	390			
1079	A bill to provide for examinations of the Treasury Department, and other executive departments.	278	278.....	279			
1080	A bill to enforce a provision of the eighth amendment of the Constitution of the United States.	280	281				
1081	A bill for the relief of Sarah A. Grabant.....	285					
1082	A bill to regulate the purchase and distribution of seeds, &c., by the Commissioner of Agriculture.	285					
1083	A bill for the relief of Flora Meigs.....	290					
1084	A bill to conform the rules of practice and pleading in the courts of the United States to the laws of the respective States.	290					
1085	A bill for the relief of Lucas county, in the State of Iowa.	294					
1086	A bill to establish a system of common schools for the District of Columbia.	296					
1087	A bill to incorporate the National Burglary Insurance Company, of Washington, D. C.	300					
1088	A bill to exempt certain public lands from taxation.	300					
1089	A bill to authorize the establishment of ocean mail steamship service between the United States and the Sandwich Islands.	300	397				



Smith, Delos H. (photographer). Photograph 2. First Free School, Rutland Road, Gambrills, Anne Arundel County, Maryland (1940 July). HABS MD-106.

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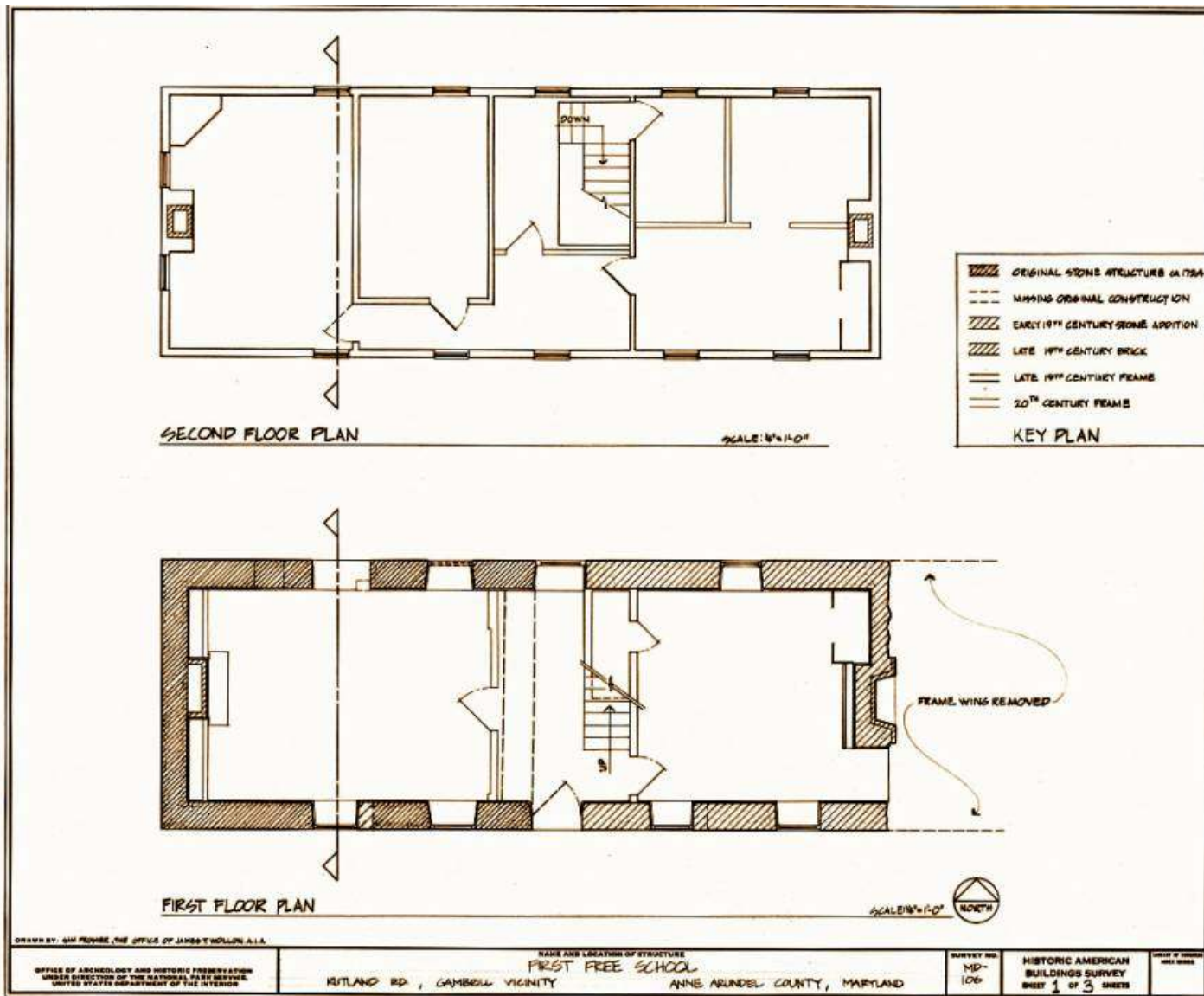
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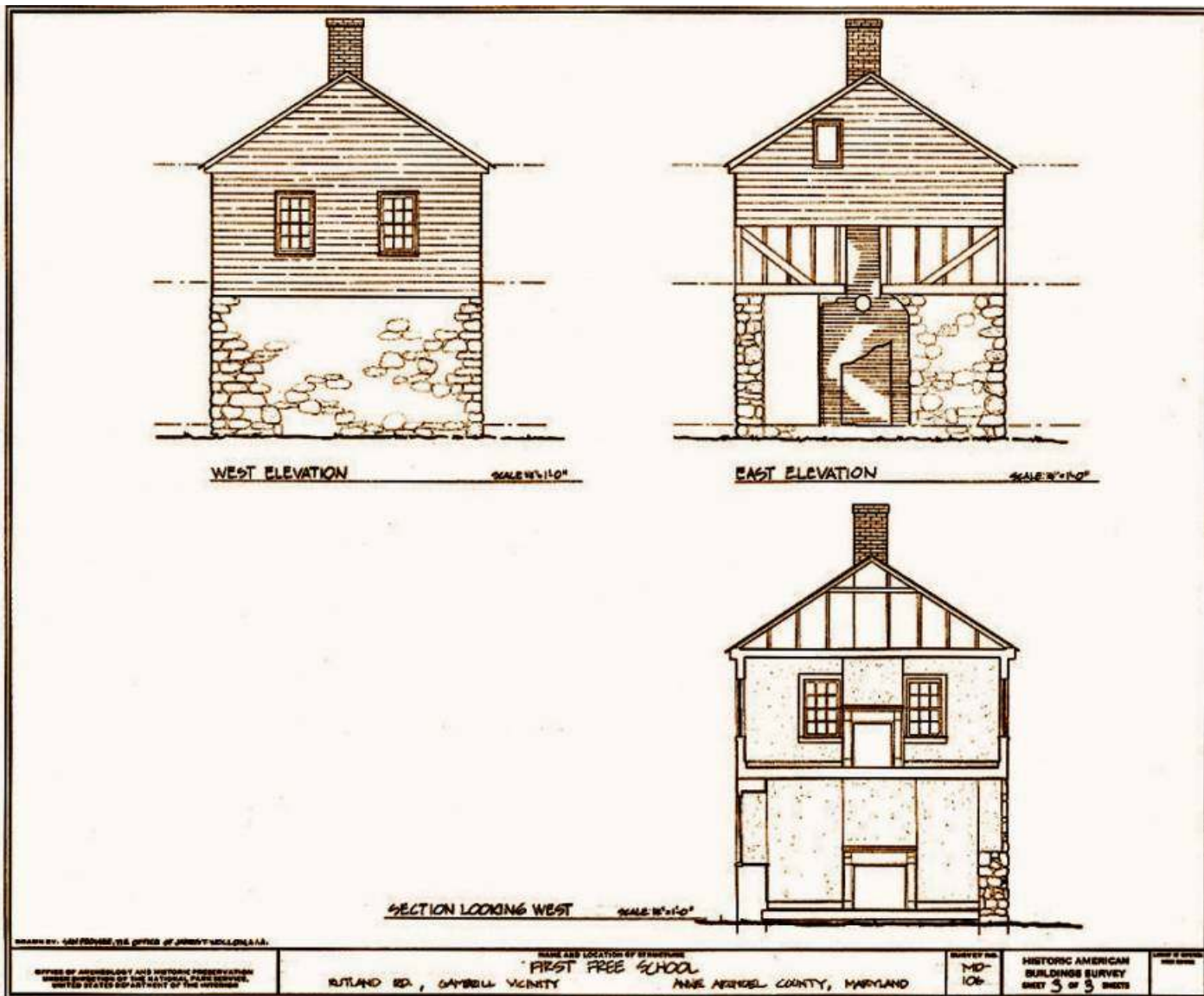
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AMERICAN  
COLONIAL GOVERNMENT  
1696-1765

A study of the British Board of Trade in  
its relation to the American Colonies,  
Political, Industrial, Administrative

BY

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A thesis submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in History in the Graduate School of the University of Illinois

CLEVELAND, OHIO  
THE ARTHUR H. CLARK COMPANY  
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PREFACE

The period covered by this volume, 1696-1765, is one of the most important in the growth of the American nation. It was during this period that the original colonies developed their traditions of political liberty, and acquired by steady encroachments on the part of the assemblies practically complete self-government. The year 1700 found the colonies outside of New England weak dependencies under the direct control of the crown or of proprietors: in each colony an appointed council exercised the full legislative powers of an upper house, an appointed governor held the executive power unlimited by any written constitution, the elected lower house was timid and inexperienced. By 1765 the councils had been robbed of their chief legislative powers, judges and other officers had become dependent upon the lower house, and the governors had been reduced to inefficient figureheads, dependent upon the assemblies for their daily bread, and impotent to obey the orders they received from England. There are few stories more fascinating than the account of this gradual subversion of the old colonial constitution by our stubborn forefathers, and the substitution in its place of a government which could be controlled independent of the mother country. On account of the steady evolution which was taking place, no period affords a better opportunity than this to study British colonial administration in

Dickerson, Oliver Morton (1875-1966) (author). American colonial government, 1696-1765 : a study of the British Board of Trade in its relation to the American colonies, political, industrial, administrative. Cleveland (OH): A.H. Clark Co (1912). No copyright.

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Swenson, C.W. (customer/ reviewer) (2012 February 19). A Compelling Look at a Frequently Overlooked History

Written a hundred years ago, Professor Oliver Morton Dickerson's (Ph.d ~ Univ. Illinois) "American Colonial Government 1696-1765," et. al, offers a fascinating insight into the policies of the British Board of Trade in Colonial America. In the book's Preface, Professor Dickerson proclaims, "The period covered by this volume, 1696-1765, is one of the most important in the growth of the American nation." Throughout the text, he proceeds to describe the evolution of power from England, acting through the Board of Trade, to the American colonies themselves.

Professor Dickerson asserts that the history of The Board of Trade, along with its governing policies, was profoundly influenced by the growing power of the colonial legislatures. He traces this dynamic relationship throughout. While factually complex and certainly dry, "American Colonial Government" remains a very interesting read. This is because so much historical information is provided about a topic that virtually none of us have ever read or considered. The Board of Trade's history is never discussed in American high schools, or in American colleges for that matter. Likewise, it's policies are equally unknown to the general, or even specialized, American public. One of the things which struck me most was the degree of autocratic control exercised by the British Crown, acting through the Board of Trade, over colonial government.

(continued on next slide)

action, nor is the study of any other period likely to throw more light upon the origin of political institutions which are peculiarly American.

The Board of Trade was the department of the British government which, during this period, was officially charged with colonial affairs and which united the colonies administratively with the rest of the empire. It was constantly in touch with the various plantations, learning their special needs, considering their grievances, advising their officers, encouraging their development, and examining and criticising their laws. It is difficult to estimate the influence which the Board of Trade exerted upon American history because it touched so many things and yet did its work so quietly; but beyond question it played a most important part in shaping colonial institutions at a time when they were most susceptible. Notwithstanding the close relations between this bureau and the colonies, and regardless of the fact that its records comprise the most important single collection of manuscript material in existence for a study of early American history, the Board of Trade has hitherto received but scant notice and the story of its activities has remained untold. This has left a serious gap in the literature of American history. How the colonial office was organized, its plans, its success in carrying them into operation, its methods of handling colonial business, and the difficulties it encountered should be known. This volume is intended to supply that information.

✓ The theme of this book is definitely stated in its title. It is a study of the British Board of Trade and

the machinery of imperial control: what it was, the men who directed it, their ideas of the relations of the mother country to the colonies, the relations of the colonial office to other branches of the government, and the conditions under which colonial affairs were administered. The study has inevitably included economic and industrial questions; transportation, money, and means of communication profoundly affected administration in the colonies and have been discussed from that point of view. Some of the larger questions of colonial policy, such as boundaries, the westward movement of population and the attitude of the British government towards it, Indian relations and Indian problems, and commercial and trade policies, have been discussed at considerable length. A special effort has been made to trace the development of the Board of Trade's imperial ideas and its schemes for making colonial government more effective, and to determine how successful these plans were in operation.

It has been impossible to discuss the above questions without pointing out in considerable detail how, athwart all the schemes for the enlargement of imperial control, rose the colonial assemblies with their restless, creeping encroachments upon the prerogative; and how, as a result of the rise of the assemblies, the center of gravity of colonial administration was shifted from England to America. As is shown in the body of the text, that was the most important condition confronting those who attempted to rule the colonies, and was the factor which spelled failure for so many of their plans.

Dickerson, Oliver Morton (1875-1966) (author). American colonial government, 1696-1765 : a study of the British Board of Trade in its relation to the American colonies, political, industrial, administrative. Cleveland (OH): A.H. Clark Co (1912). No copyright.

<http://www.amazon.com/American-colonial-government-1696-1765-administrative/dp/1240132263>

Swenson, C.W. (customer/ reviewer) (2012 February 19). A Compelling Look at a Frequently Overlooked History

(continued from previous slide)

We typically hear the term "salutary neglect" used to describe British colonial policy prior to the end of the French and Indian War (1763); however, The Board of Trade actually wielded tremendous power over the colonies during this alleged period of "neglect." The history of this compelling period is literally a power struggle between the colonial assemblies and the British Crown, acting again through its colonial administration. Through the roughly sixty (60) years over which this struggle took place, the colonies seem to have found their voices, pens, and the power necessary for ultimately declaring themselves independent.

To provide a bit of insight into the book, Professor Dickerson begins with a description of The Board of Trade's organization and personnel (Chapter I). In the next chapter, he describes The Board of Trade's unique relationship with the Crown's other agencies: The Privy Council, secretary of state, administrative boards, the Bishop of London, and Parliament (Chapter II). The Third Chapter relates the difficulties inherent in administering thirteen diverse counties from across a large oceanic body of water. This chapter discusses problems like communication, the weakness of the royal governorships, and the rising autonomy of the colonial assemblies. In the Fourth Chapter, Professor Dickerson explains The Board of Trade's imperial efforts to keep the colonies dependent upon the Crown, while also affording military protection against disgruntled Indian tribes. He specifically describes the Imperialist policies employed by The Board of Trade in colonial America.

(continued on next slide)

Another phase of the relations of the colonies to the home government which has never received adequate consideration, and which is dealt with at some length in the present volume, is the treatment of colonial legislation. Who directed the royal veto? What laws were vetoed and for what reasons? Were such interferences with colonial legislation the result of the arbitrary action of an irresponsible monarch, or that of a conservative judicial body? What was the effect of such vetoes upon colonial legislation? Has our own judicial practice inherited anything from colonial precedents in such matters? These are some of the questions which have been considered, and upon which, it is believed, light has been thrown.

As there is no treatise which discusses in adequate detail the changes in the English constitution during the eighteenth century, it has been necessary to investigate rather carefully the operation of the Privy Council and the work and development of its committees. This has led to conclusions somewhat novel, and perhaps at variance with commonly accepted ideas; but it is believed that these conclusions will stand criticism and be fully sustained by more complete investigation. The subject is one which properly belongs within the field of English constitutional history; but as an understanding of the matter is necessary to an intelligent account of the organs of colonial administration, there was no alternative but to include a rather detailed description of the committee system and its operation.

As the field covered is one which has hitherto remained undeveloped, the subject matter has of necessity been drawn to a preponderant extent from original

sources. In the first place, these have been the manuscript records, formerly in the possession of the Board of Trade, but now deposited in the Public Record Office in London; secondly, the Privy Council *Register* at Whitehall and the British Museum *Additional Manuscripts*, sources which generally have been neglected by former writers of this period; and finally, very careful use has been made of the readily accessible printed copies of colonial records, colonial laws, and the correspondence of colonial governors. Secondary material has proved unusually disappointing, although a small percentage of it was of real service. No use has been made of transcripts, but in all cases where manuscripts are cited, the reference is to the original documents in London. In general these citations follow the present classifications and are by number instead of name: a glance at the table in the bibliography, however, will make clear the nature of all papers cited.

The author wishes to express his appreciation of the unflinching courtesy of the officials at the Privy Council Office at Whitehall and of those at the Public Record Office in London, especially Mr. Hubert H. Hall whose vast knowledge of the material in the records under his care is placed so unstintingly at the disposal of American students. To Professor Edward Channing and Professor Evarts B. Greene special acknowledgments are due. Help and advice have also been received from Professor Charles M. Andrews, Herman V. Ames, and Clarence W. Alvord.

OLIVER MORTON DICKERSON.

Macomb, Illinois, June, 1911.

Dickerson, Oliver Morton (1875-1966) (author). *American colonial government, 1696-1765 : a study of the British Board of Trade in its relation to the American colonies, political, industrial, administrative.* Cleveland (OH): A.H. Clark Co (1912). No copyright.

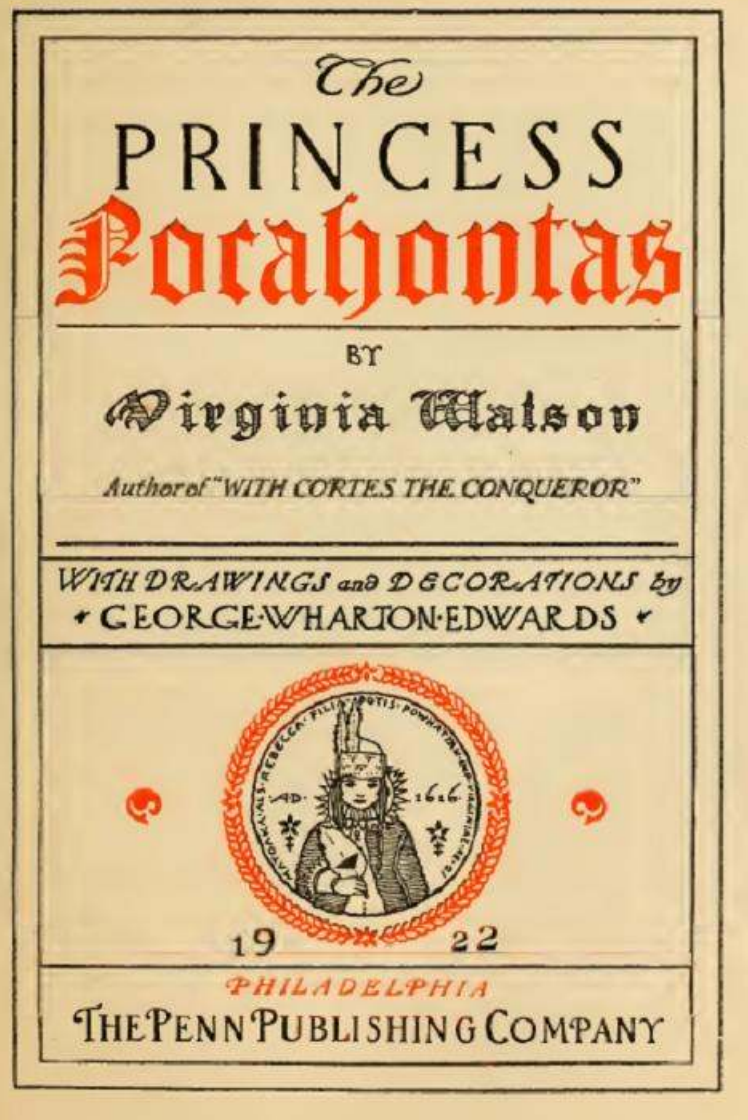
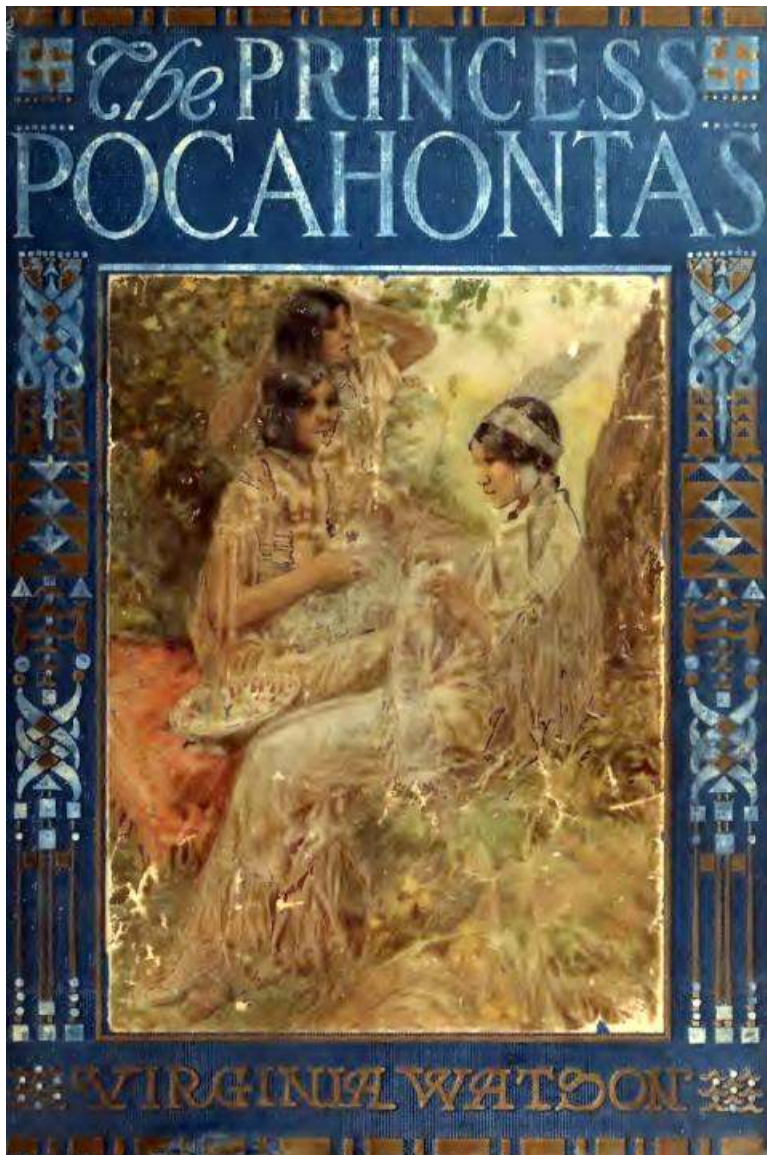
<http://www.amazon.com/American-colonial-government-1696-1765-administrative/dp/1240132263>

Swenson, C.W. (customer/ reviewer) (2012 February 19). A Compelling Look at a Frequently Overlooked History

(continued from previous slide)

In Chapter Five, an especially compelling chapter, Professor Dickerson's discusses The Board of Trade's power struggle with the rising colonial assemblies. The tyrannical veto and disallowance powers of The Board over all colonial legislation is especially interesting. In the final chapter, Professor Dickerson talks about The Board's involvement in resolving colonial boundary disputes, trade and Indian affairs (Chapter VI). He finishes the book with a rather short and cursory summary of the work. Given the tremendously detailed information provided throughout this monograph, the abrupt ending is rather curious.

Notwithstanding the book's curt ending, I highly recommend "American Colonial Government" to anyone interested in taking a deep and detailed look into this supremely important, yet little discussed, period of American history. It is a most educational reading experience and certainly whetted my appetite for other works about this period.

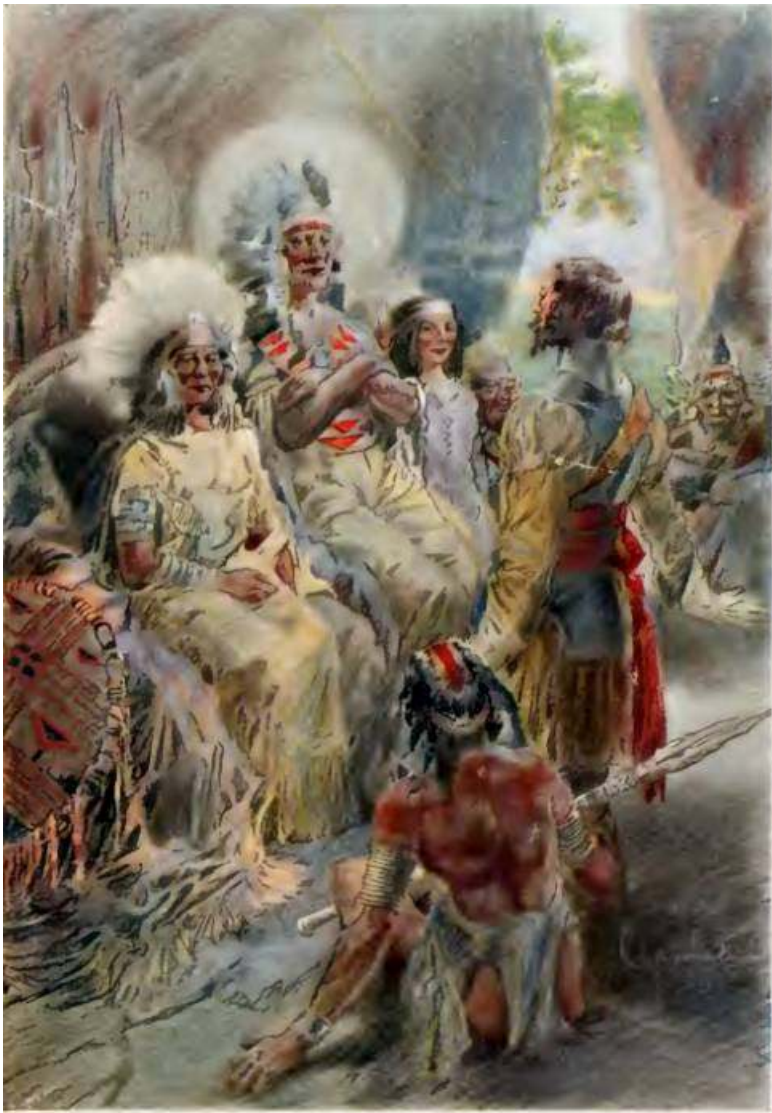


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THE WHITE FIGURE MOVED RAPIDLY

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"LET US BE FRIENDS AND ALLIES, OH POWHATAN"



"I WILL LEAD THE PRINCESS"

Watson, Virginia (b. 1872) (author). Princess Pocahontas. Philadelphia: Penn Publishing Co. (1922). No copyright.  
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"NAY, NAY," CRIED POCAHONTAS, "THOU MUST NOT GO"



"DO NOT SHOOT, MARK!"

Watson, Virginia (b. 1872) (author). Princess Pocahontas. Philadelphia: Penn Publishing Co. (1922). No copyright.  
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"WILT THOU TAKE THIS MAN."



"I THANK THEE FOR COMING"

Watson, Virginia (b. 1872) (author). Princess Pocahontas. Philadelphia: Penn Publishing Co. (1922). No copyright.  
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VIRGINIA IN 1606—FROM CAPTAIN JOHN SMITH'S MAP

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DeBry, Theodor. Colonial trade. copyright British Library Board:  
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[http://www.bl.uk/onlinegallery/features/americanrevolution/enlarged/coloniestrade\\_lge.html](http://www.bl.uk/onlinegallery/features/americanrevolution/enlarged/coloniestrade_lge.html)



Pugin, Augustus & Rowlandson, Thomas (artists). The Board of Trade. in Ackermann, Rudolf (author). *Microcosm of London* (1808).

<http://www.spartacus.schoolnet.co.uk/LONboard.htm>

also: Encyclopædia Britannica. Retrieved from <http://www.britannica.com/EBchecked/media/121959/The-Board-of-Trade-aquatint-by-Augustus-Pugin-and-Thomas>

John Simkin, September 1997 - June 2013:

In 1696 William III agreed to the request from Parliament to establish a Board of Trade. It was argued that Britain needed a specialized department that would be able to make better provision for commerce. In 1733 William Kent was commissioned to build offices for the Board of Trade. The Treasury in Whitehall was completed in 1736. The Treasury was enlarged by Sir John Soane in 1827 and Sir Charles Barry in 1844. The Board of Trade consists of a committee of the privy council, composed of all the great officers of state. The business is principally conducted by the president, deputy president, and the chief of the clerks. It is, properly speaking, a board of reference, to which all difficult or doubtful cases relative to trade or our colonial possessions, exclusive of the East Indies, are referred. The apartments which are occupied by this Board of Trade, are in the northern part of the old building called the Treasury, in Whitehall. Reference: William Pyne, *The Microcosm of London* (1808)

Encyclopedia Britannica:

Board of Trade, also called Lords Commissioners of Trade and Plantations, English governmental advisory body established by William III in May 1696 to replace the Lords of Trade (1675) in the supervision of colonial affairs. The board was to examine colonial legislation and to recommend disallowance of those laws that conflicted with imperial trade policies, to nominate governors and other high officials for royal colonies and to write the instructions for appointed governors, to recommend laws affecting the colonies to Parliament and the Privy Council, and to hear and to make reports on complaints from the colonies regarding imperial administration. These responsibilities were more extensive than those that had been delegated to the Lords of Trade. Memberships in the Board of Trade consisted of two groups: eight permanent salaried commissioners who conducted the regular duties of the board and eight ex-officio unpaid members who were nominally selected from the Privy Council.



Plate 62. Offices of the British Board of Trade in 1823. Cox, Montague H. and Forrest, G. Topham (editors). St Margaret, Westminster, part III: Whitehall II. in Survey of London: volume 14,(1931).

<http://www.british-history.ac.uk/report.aspx?compid=68002> Date accessed: 24 December 2013

<http://www.british-history.ac.uk/image.aspx?compid=68002&filename=figure0748-062.gif&pubid=748>

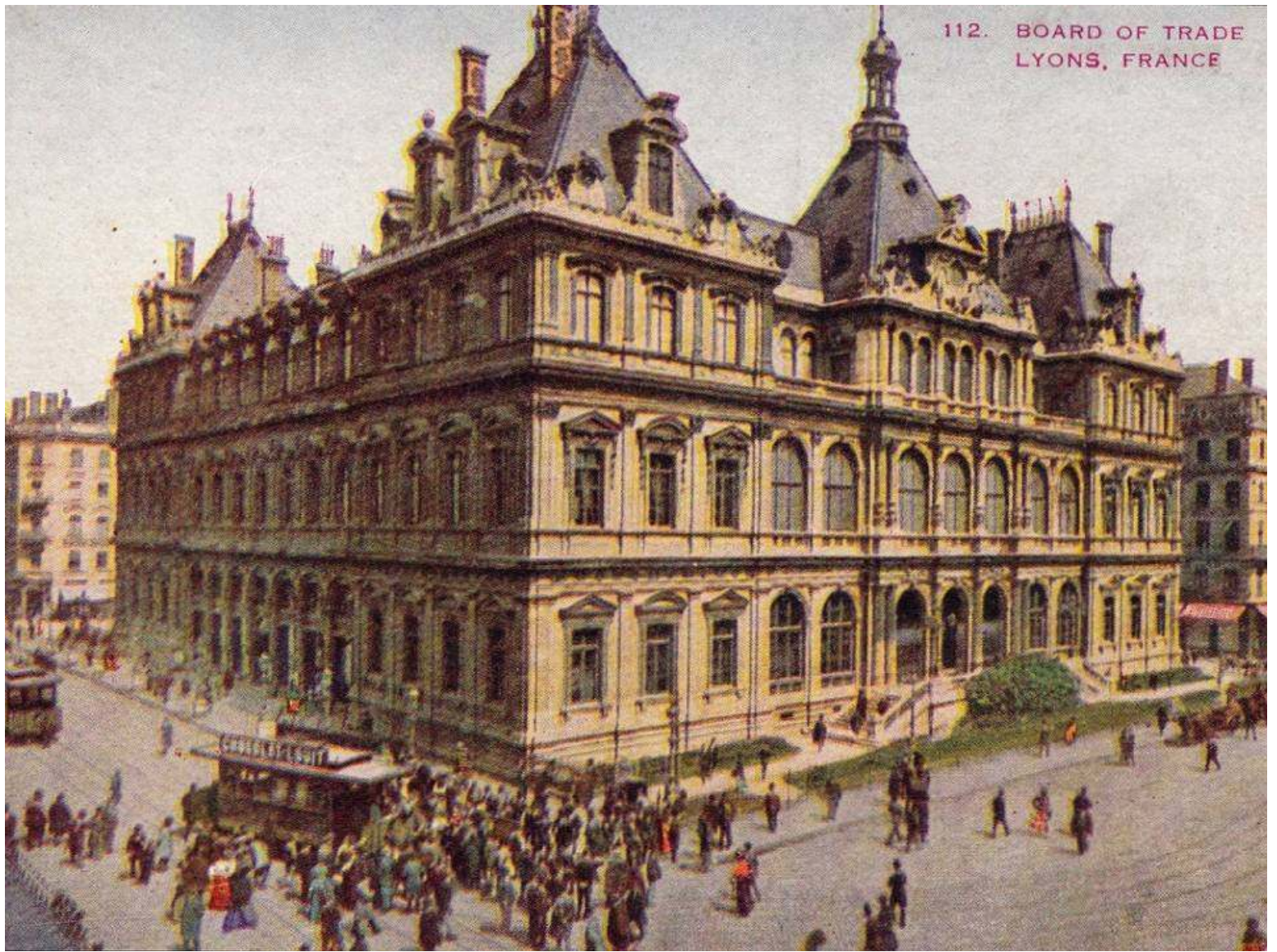


IMPERIAL FEDERATION - MAP OF THE WORLD SHOWING THE EXTENT OF THE BRITISH EMPIRE IN 1886.

British Empire in 1886.

<http://tamnaa.wordpress.com/2012/03/22/the-palanquin-of-empire/>

[http://tamnaa.files.wordpress.com/2012/03/british\\_empire\\_map.jpg](http://tamnaa.files.wordpress.com/2012/03/british_empire_map.jpg)



112. BOARD OF TRADE  
LYONS, FRANCE

Board of Trade, Lyons, France. 1910.

Vintage Postcard

<http://www.etsy.com/listing/116232961/board-of-trade-lyons-france-history>



# REPRESENTATION

OF THE

LORDS COMMISSIONERS FOR TRADE AND PLANTATIONS

TO THE KING,

ON THE

STATE OF THE BRITISH COLONIES

IN

NORTH AMERICA.

*Great Britain Board of Trade*



[Board of Trade, Pts. Genl. (F), No. 85; King's Ms., 805, p. 1.]

1721.

British Board of Trade (1721). Representation of the Lords commissioners for trade and plantations to the King, on the state of the British colonies in North America. Albany (NY): Weed, Parsons & Co. (reprinted, 1854).

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A.6161.



REPRESENTATION

UPON THE

STATE OF HIS MAJESTY'S COLONIES

IN NORTH AMERICA.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your Majesty.

In obedience to your Majesty's commands, we have prepared the following state of your Majesty's Plantations on the Continent of America; wherein we have distinguished their respective situations, Governments, strengths and Trade, and have observed of what importance their commerce is to Great Britain, whereunto having added an account of the french settlements, and of the encroachments they have made in your Majesty's colonies in those parts; we have humbly proposed such methods, as may best prevent the increase of an evil, which, if not timely prevented, may prove destructive to your Majesty's interest; and have likewise offered such considerations, as, in our opinion, may contribute to the improving and enlarging your Majesty's dominions in America.

Your Majesty's plantations on the Continent of America, beginning from the North, are Nova Scotia, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland Virginia, & Carolina.

And although Newfoundland, and Hudson's Bay are both of them parts of your Majesty's Territories in North America, yet neither of them being a Colony under civil Government, or lying contiguous to your Majesty's other Plantations on the continent, we have made no mention of them in this representation.

WEED, PARSONS & CO., ALBANY.  
1854.

British Board of Trade (1721). Representation of the Lords commissioners for trade and plantations to the King, on the state of the British colonies in North America. Albany (NY): Weed, Parsons & Co. (reprinted, 1854).

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## NOVA SCOTIA.

NOVA SCOTIA, as appears by the Patent granted by your Majesty's Royal predecessor King James the First to Sir William Alexander (afterwards created Earl of Sterling) bearing date the 10<sup>th</sup> of September 1621, contains all the lands and Islands, lying within the promontory, commonly called Cape Sables, being in forty three degrees of North Latitude, or thereabouts, thence westerly to the Bay, commonly called St Mary's Bay, & from thence Northerly in a straight line by the mouth of that great Bay (which runs easterly up the Country, & divides the two nations called Suriquois & Etichimenes) to the river Saint Croix, thence westerly to the head of that River, thence northerly to the next bay, which discharges itself in the River St Lawrence; thence Easterly along the coast to the Bay of Gaspé, thence south-easterly to the Bacalio Islands, or Cape Breton, & leaving that Island on the right, and the Gulph of St Lawrence & Newfoundland, and the Islands thereto belonging on the left, thence to Cape Breton, in the Latitude of 45 degrees, or thereabouts, thence South west to Cape Sables again.

We have made use of this ancient Charter fixing the boundaries of Nova Scotia, because the french are daily setting up new pretensions to a very great part of this Province altho' the 12<sup>th</sup> article of the treaty concluded at Utrecht, expressly provides, that Nova Scotia shall be given up with its Ancient boundaries, & nothing is excepted out of this cession but Cape Breton, & the other Islands, lying in the mouth of the river of Saint Lawrence, & the Gulph of the same name.

The Government of this province, both Civil & Military, is entirely in your Majesty; but as there are hitherto only two or three English families settled here, besides the Garrison of Annapolis, there is very little room for the exercise of Civil Government; neither has your Majesty any revenue in this Country, the lands not being yet peopled, & granted out upon quit rents, as in the other Colonies. There are two Towns in this Province, besides Annapolis; Minas, & Sheganektoo, both settled by french inhabitants, about 2500 persons in number, who have remained there ever since the cession of this Country to Her late Majesty, but are entirely in the french interest, & by their communication & intermarriages with the neighboring Indians have gained them to their party; whereby they are enabled upon any occasion to engage the said Indians in a war against your Majesty's Subjects, & by some late accounts from Nova Scotia, there is too much reason to believe, that they do, at this present juncture, use their endeavours to instigate the said Indians against the Garrison of Annapolis, & others your Majesty's subjects fishing at Canço, & upon the Coast of Nova Scotia.

The little trade, derived in this Country at present, is entirely in the hands of these french inhabitants. It consists chiefly in fish, which is more plentiful here, than on any other coast of America; they have likewise some furs & Cattle, but whatever products or Merchandize the french inhabitants have to dispose of, is transported by them either to Cape Breton, Quebec, or directly to France, which is to the prejudice of Great Britain; for which reason, as well as many others, it is absolutely necessary for your Majesty's service, that these french inhabitants should be removed; for it is not to be expected, that they will ever become good subjects to Your Majesty, & there is all the reason in the world to apprehend, that, upon any rupture between the two Crowns, they may openly declare in favour of france.

It was provided by the Treaty of Utrecht, that the french inhabitants of Nova Scotia should have a year allowed them to remove from thence, with their effects; but they have long since lapsed that time, & such as remained beyond it were, by the said Treaty, to become subjects

to Her late Majesty; but these people, being influenced by their Priests, have hitherto unanimously refused to take the oaths of Allegiance to your Majesty, unless they may be allowed an exception in favour of France, which would render their engagements to your Majesty entirely ineffectual.

But as we foresaw, that difficulties were likely to arise upon this subject, so in the instructions which we prepared for Colonel Philipps, Your Majesties Governor of this Province, a provision was made for this Case, & he is enjoined to prohibit the said french inhabitants refusing to take the Oaths, the liberty of fishing on the Coasts, and to prevent their removing their effects, till your Majesty's further pleasure shall be known; & considering their behaviour, we are of opinion it will be for your Majesty's service that they should be ordered to quit the Province.

But as to their effects, in regard of the friendship subsisting between the two Nations, provided the said French inhabitants do leave their immovable effects, such as Barns, & dwelling houses, in good condition, we should humbly conceive, they might by your Majesty's special Grace and favour, be allowed to carry off, to such place as they shall think most convenient, all their moveables.

Upon their removal this Province will become almost entirely unpeopled; and as it is the Northern frontier to your Majesty's Colonies, we think it is of the highest consequence, that the same should be settled as soon as possible: which reason, we would humbly propose to your Majesty, the sending four Regiments thither; and altho' we are sensible of the expence this would occasion for some time to Great Britain, yet we believe, the same will not be thought unreasonable, considering the inclination the french have shewn to encroach upon your Majesty's frontiers in these parts, the great strength they have at Cape Breton, in the neighbourhood of this Province, which will be increased by the removal of the french inhabitants from Nova Scotia, (altho' that will be a much less evil than suffering them to remain where they are,) and that no other way, so speedy as this, can be proposed for peopling of Nova Scotia.

We are likewise of opinion, that all due encouragement should be given to such of your Majesty's subjects, as shall be willing to settle in this Province; and that your Majesty's Governor may be enabled to pursue his Instructions upon this head, we take the liberty to lay before Your Majesty the necessity there is, that your Majesty's Surveyor General of the woods should be forthwith ordered to repair to Nova Scotia, there to set apart 200,000 Acres in certain tracts of Land, contiguous to the Sea Coast or Navigable rivers, proper for producing of masts & other timber for the service of your Majesty's Royal Navy; for after this shall be done, & not before, the said Governor is empowered by his Instructions, to make Grants of land in small parcels, under the Quit rent reserved to your Majesty of one shilling, or three pounds of hemp for the service of your Royal Navy, for every fifty Acres.

If this Country was well settled, it would be capable of a very extensive trade. There are to be had as good masts, as any in all America, in great plenty. Pitch, Tar, Rozin & Turpentine may be made in all parts of the Country; & Hemp & Flax might be raised there without great expence; to which, in our opinion, all due encouragement should be given, that Great Britain may in time, become independent of her Northern neighbours for Naval Stores,

But the branch of Trade in this Country, which seems most capable of immediate improvement, is that of the fishery upon the Coast, from Cape Sable, to the gut of Canço, which is perhaps more valuable than any other in America; but for want of protection against the Indians,

British Board of Trade (1721). Representation of the Lords commissioners for trade and plantations to the King, on the state of the British colonies in North America. Albany (NY): Weed, Parsons & Co. (reprinted, 1854).

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Inhabiting Nova Scotia, who are entirely in the French interest, few British Vessels dare to venture to cure their fish there; & the French from Cape Breton, contrary to the Treaty of Utrecht (by which they are expressly excluded from all kind of fishing on the coasts which lie towards the East beginning from the Island commonly called Sables inclusively, and thence stretching along towards the South west,) ingross almost the entire benefit of this valuable trade, to which they have set up an unreasonable pretence, as appears by the daily disputes we have with them concerning the fishery at Canço; for which reasons, it would be for your Majesties Service, that some small Forts might be built without loss of time, in proper places upon the Coast & Islands from Cape Sables to the Gut of Canço, for the security of this Trade, & particularly on Saint George's Island, which is one of those that form the Cape of Canço, & has the greater Command of the little Bay there; which will be the more necessary, in regard that there are no Forts or fortifications in this Province, but one at Annapolis Royal, in the Bay of Fundy, with a Garrison of five companies of about forty men each; whereas the french at Cape Breton are very strong, having built two considerable Forts there, give all manner of encouragement to such people as are willing to settle with them, & are actually settling some other Islands on the Coast of Nova Scotia.

It will likewise be of great importance, that a small man of War should be constantly employed to attend this Colony, which has at present so many difficulties to struggle with.

#### NEW HAMPSHIRE.

The next Province is that of NEW HAMPSHIRE. The soil belongs to a proprietor, but the Government is in your Majesty. This Colony lies between the Massachusetts Bay & the province of Maine, which last is comprehended in the Charter of the Massachusetts Bay. King James the First, did, by his Letters patents of the third of November in the 15<sup>th</sup> year of his Reign, grant to the Duke of Lenox (under the name of the Council of Plymouth) "All that part & portion of that Country, now commonly called New England, which is situate, lying & being between the Latitude of 40 degrees & 48 of Northerly Latitude, together with the Seas & Islands lying within one hundred miles of any part of the said coast of the country aforesaid."

The Council of Plymouth did, by their Indenture of the 7<sup>th</sup> November 1629, in the 5<sup>th</sup> year of the Reign of King Charles the First, grant to John Mason of London Esq. that tract of Land now called New Hampshire, the boundaries whereof are as follow, viz'

"All that part of the main Land in New England, lying upon the Sea coast, beginning from the middle part of Merrimack river, & from thence to proceed northwards along the Sea coast to Piscattaway River, & so forwards, up within the said River, & to the furthest head thereof; & from thence Northwestward, until sixty miles be finished from the first entrance of Piscattaway River & also from Merrimack through the said River, and to the furthest head thereof, & so forward up into the Land Westward, until Sixty miles be finished; & from thence to cross over land to the sixty miles end, accounted from Piscattaway River; together with all Islands & Islets within five Leagues distance of the premises, and abutting upon the same or any part or parcel thereof."

At first this Province was under the Government of the Massachusetts Bay; but in the year 1679 King Charles the second separated it from the Massachusetts Bay & appointed a President & Council to govern the same; & in the year 1681, His said Majesty appointed Edward Cranfield His Governour of this Province; when the said Mason did, for the support

of the Governour and the Government, surrender to His Majesty his right to all fines & forfeitures, which should arise or happen in the said Province, as also one full fifth part of all such Rents, revenues & profits, as should from time to time arise to him, his heirs, or Assigns, out of the said province.

The property of the lands here was some years afterwards sold by Mason to one Allen whose heirs or Assigns are now in possession of them.

The number of people in this Province upon the arrival of Colonel Shute, the present Governour, in the year 1716, was computed at about 9000, of which there were 1500 men, very few white servants, and 150 blacks: the increase during the last four years, was about 500.

The Indians, that bordered upon this Province, are those which are called the eastern Indians, entirely in the french interest.

Lumber, Fish, Masts for the Royal Navy, & Turpentine are the chief produce of this Province; they build some ships, but not so many since the last war as before; they have some mines, which produce very good Iron, tho' but little of it hath been hitherto forged; there are likewise great quantities of Stone, in which 'tis believed there may be silver. The annual produce of these commodities is very uncertain, the price falling & rising according to the demand there is for them, seldom exceeding £50,000 per Annum of New England money.

This Province would produce hemp & flax if proper encouragement were given for it, & the people had good seed for the first sowing.

They export their Lumber, & some part of their fish to the neighbouring Governments of the West Indies, & to the Western Islands, from whence they get their Wives. They likewise have sent some Lumber, tar & Turpentine of late to this Kingdom, in exchange for linen & woolen manufactures; but they have some supplies of this kind from Ireland also, either directly or by way of other plantations. Their best & most merchantable fish is exported to Portugal & Italy & the produce of it generally remitted to this Kingdom except what is returned in Salt for the fishery.

Their fishing is much increased since the Peace with France, but the Lumber trade decreased, by reason of the low price it bears in the West Indies, & the little encouragement there is to send it to this Kingdom, because of the duties on that commodity here.

The Ships, trading directly from this Province to foreign parts, are now very few, not exceeding 20 in number, but they have about 100 fishing vessels, & the number of sea faring men is near 400, tho' many of them not settled Inhabitants there; and there are no manufactures carried on in this province.

There is but one fortification in this Colony, called Castle William and Mary which is situate at the mouth of the harbour of Piscattaway, on which there are forty two Guns mounted, & it is in a tolerable state of defence.

The constitution of this Province is the same with all others, immediately under your Majesty's Government in America. They have a Governour, Council & Assembly.

The Governour & Lieutenant Governour for the time being, are appointed by your Majesty, as is the Council, which consists of twelve persons. The Assembly are elected by the people, & consists of fifteen, but the Revenue of this Province is hitherto very insignificant.

British Board of Trade (1721). Representation of the Lords commissioners for trade and plantations to the King, on the state of the British colonies in North America. Albany (NY): Weed, Parsons & Co. (reprinted, 1854).

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## MASSACHUSET'S BAY.

The Province of the MASSACHUSET'S Bay, was by letters Patent from King James the First, dated the 3<sup>d</sup> of November in the 18<sup>th</sup> Year of his reign, granted to the Council established at Plymouth, & the said Council did, by an Indenture under their Common Seal, bearing date the 19<sup>th</sup> day of March, in the 3<sup>d</sup> year of the reign of King Charles the first, grant all the said Lands mentioned therein to certain persons, their heirs & assigns, which was confirmed by the said King Charles in the fourth year of his reign. However, in 1654 a judgment being given in the Court of Chancery upon a scire facias, the said patent was vacated by King Charles the second.

But upon a Petition of the Agents of that Colony to their late Majesties King William & Queen Mary, praying to be re-incorporated, as formerly, their said Majesties were graciously pleased to grant a charter to the inhabitants of the Colony of the Massachusetts Bay; the boundaries contained therein, are as follows. "New England which lies & extends from the great River commonly called Mounamack, alias Merrimack, on the north part, and from three miles Northward of the said River to the Atlantick or Western sea or ocean on the South part, & all the lands & Hereditaments whatsoever within the limits aforesaid, & extending as far as the outermost parts or promontories of Land called Cape Cod & Cape Malabar north & south, & in latitude, breadth & in length, and Longitude of, and within all the breadth & compass aforesaid, throughout the main land there, from the said Atlantick sea & ocean on the east part towards the South sea, or Westward as far as our Colonies of Rhode Island, Connecticut & the Narraganset's country; & also all that part & portion of main land, beginning at the entrance of Piscattaway Harbour, & so to pass up the same into the furthest head thereof; & from thence Northwestwards till 120 miles be finished, & from Piscattaway Harbour mouth aforesaid, north eastward along the sea coast of Sagadahock; and from the period of 120 Miles aforesaid to cross over land to the 120 miles before reckoned up into the land from Piscattaway harbour through Newickmanneck River, & also the North half of the Isle of Shoals, together with the Isles of Capawack & Nantucket, near Cape Cod aforesaid; & also the lands & hereditaments lying & being in the Country or territory commonly called Acadia, or Nova Scotia, & all those lands & hereditaments lying & extending between the said country or Territory of Nova Scotia & the said river of Sagadahock, or any part thereof, & all Lands, grounds, places, soils, woods & wood grounds, havens, ports, rivers, waters, & other hereditaments & premises whatsoever, lying within the said bounds, & limits aforesaid, and every part & parcel thereof, & also all Islands & Islets lying within ten leagues directly opposite to the main land, within the said bounds, & all mines & minerals, as well Royal Mines of gold & silver, as other mines & minerals whatsoever in the said lands & premises, or any part thereof."

But we beg leave to observe to your Majesty, that, altho' Nova Scotia is expressly included in this Charter, yet the same being, at the time the Charter was granted, in possession of the french, by virtue of the Treaty of Breda, this part of the Grant has always been esteemed of no effect, & the people of New England do not pretend any right thereunto.

The Government consists of a Governor, Council & Assembly, the Governor is appointed by your Majesty, the Council consists of 28 persons, who are annually chosen by the Assembly. The Governor has a negative voice upon the nomination of them, & also upon all Elections of Officers in that Province. The Assembly are chosen by the people, & consists of 95. There is a Secretary appointed by your Majesty, & paid by the Assembly.

Thus, altho' the Government of this Province be nominally in the Crown, & the Governor appointed by your Majesty, yet the unequal balance of their constitution having lodged too great a power in the Assembly, this province is, & is always likely to continue in great disorder. They do not pay a due regard to your Majesty's Instructions; they do not make a suitable provision for the maintenance of their Governor, & on all occasions they affect too great an independence on their Mother Kingdom.

It has generally been thought, that an Act of Assembly passed in this Province in the 5<sup>th</sup> year of His late Majesty King William (which, by virtue of a clause in their Charter not having been repealed within three years, stands as absolutely confirmed as if the same had received the Royal approbation) has not a little contributed to the present disorders there, in as much as by the said Act it is provided, that no person shall be capable of representing any town or borough where such person is not a freeholder & settled inhabitant; from whence it happens, that the Assembly is generally filled with people of small fortunes & mean capacities, who are easily led into any measures that seem to enlarge their liberties & privileges, how detrimental soever the same may be to Great Britain, or to your Majesty's Royal Prerogative.

The Inhabitants are very numerous, & daily increasing, & are computed to be at present about 94,000 souls.

The Militia of this Province, consists of Sixteen regiments of foot, & fifteen Troops of horse, in which were mustered,

Anno	Men
1702 .....	9,642.
1710 .....	10,917. besides 500 in service.
1718 .....	14,925. " 300 officers & 800 exempts.
	1,600

By this account it appears, that the Militia is increased above one third in sixteen years; & if the said militia be supposed to bear only the proportion of one sixth to all the rest of the Inhabitants, including old men, women & children, it will naturally follow, that upon a proportionate increase, there must be at present above 20,000 more inhabitants in New England than there were there in 1702.

There are also in this Province several families of the native Indians, who have been civilized by degrees, these make some profession of the Christian Religion, improve their own lands, & dwell in perfect friendship with your Majesty's Subjects, their number (including women & children) amounts to about 1,200.

The products of this Country proper for the consumption of this Kingdom, are timber, turpentine, tar & pitch, masts, pipe & hogshead staves, whale fins & oil, & some furs. They supply Spain, Portugal, & the West Indies with considerable quantities of fish & Lumber. We are likewise informed, that they have mines of several kinds, which might be wrought upon proper encouragement.

Their Trade to the foreign plantations in America consists chiefly in the Exportation of Horses to Surinam, and (as we are informed) to Martinico, & the other french Islands, which is a very great discouragement to the Sugar planters in the British Islands; for without these supplies, neither the french nor the Dutch could carry on their sugar works to any great degree; & in return for their Horses, they receive Sugar, molasses & rum.

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In this Province there are all sorts of Common Manufactures. The Inhabitants have always worked up their own wool into coarse Cloths, druggets, & serges; but these, as well as their homespun linnen, which is generally half cotton, serve only for the use of the meanest sort of people. A great part of the Leather used in the Country is also manufactured among themselves; some hatters have lately set up their trade in the principal Towns; & several Irish families, not long since arrived, & settled, to the Eastward, make good Linnen & diaper; however, the excessive price of labour enhances the value of all their manufactures.

It is therefore to be presumed, that necessity, & not choice, has put them upon erecting manufactures; not having sufficient commodities of their own to give in exchange for those they do receive already from Great Britain; & the most natural method of curing this evil would be to allow them all proper encouragement for the importation of Naval Stores, & minerals of all kinds.

The branch of Trade which is of the greatest importance to them, & which they are best enabled to carry on, is the building of Ships, Sloops &c. And according to our advices from thence, they have annually launched from 140 to 160 vessels of all sorts, which at 40 tons one with another, amount to 6000 Tons; & altho' the greatest part are built for account of, or sold to the Merchants of this Kingdom, & in the plantations, nevertheless there belongs to this Province about 190 sail, which may contain 8,000 tons, & are navigated with about 1,100 men, besides 150 boats, with 600 men, employed in the fisheries on their own Coast.

Their Iron works which were erected many years past, furnish them with small quantities of iron for common use, but the iron imported from this Kingdom, being esteemed much better, it is generally used in their shipping.

The fortifications in this province are Fort William on Castle Island, in the harbour of Boston, which Commands the entrance, & is kept in very good repair.

Fort Mary at Winter-harbour, and

Fort George at Brunswick, at the head of Casco bay; & besides the Garrisons, that are kept constantly in these forts, they maintain others at Augusta, Northfield, & Arrowchick

In the year 1715-19 the charges of supporting the Garrison at Fort	£	s	d
William amounted to .....	1362	1	3
The repairs of the said Fort.....	1372	11	1
And the charges of all the other Garrisons amounted to ....	2072	2	10
in all.....	£4806	15	2

In the neighbourhood of this province there are but few Indians well affected to us, except the five nations near New York, who are in alliance & friendship with that Government, & maintain for the most part neutrality with the french Indians. To the Eastward there are but two tribes of note the Kennebeck, & Penobscot Indians, whose number doth not exceed 500 fighting men. The rest are scattered up & down in small parties, they are generally inclined to the french, whose missionaries always reside amongst them, & seduce them to their interest, but the Canada Indians, viz' the Hurons, Illinois, & other nations, who are entirely directed by the french, are numerous: & in the late long wars, being assisted by them, often fell upon our western settlements, ravaging & destroying all before them, & barbarously murdering many of the inhabitants, whereby this province was involved in the great debt they are still labouring under; & having no money, nor any provincial product, such as Tobacco in Virginia,

or Sugar in the Islands, they have been constrained ever since to support their credit by publick bills, which are current in payment, but they have till very lately, raised money every year for sinking them by degrees & according to the Treasurer's accounts, they burnt as many of their old bills as amounted to £21792.1<sup>s</sup>.6<sup>d</sup> in 1718, & £22,244.15<sup>s</sup>.5<sup>d</sup> in 1719; & issued new bills, to the amount but of £15,000.

But amongst many other irregular & unaccountable proceedings of the last session of Assembly there, we find they have passed an Act for emitting new Bills of credit to the amount of £50,000, in direct opposition to your Majestys instructions upon that subject.

The total expense of this province, in time of war with france, was generally computed at £36,000 per Annum & since the peace at £17,000 per Annum.

In the year ending in May 1719.	£	s	d
The Land & Poll Tax was given for.....	8250	—	—
The Excise with some arrears produced .....	2558	11	7
The impost on wine, & other Goods.....	5119	9	0
The tonnage on Shipping.....	622	7	1
The light House account, & fines.....	98	11	5
in all.....	£16,948	19	1

but deducting what is applied for discharging their former debts, the certain annual charge of the Government is about £11,000.

The publick accounts are all annually examined & audited by the General Assembly; & no payment is made, before it is voted & ordered by the said Assembly; which method, as far as it relates to the Governor's & some other Officers Salaries we humbly conceive may be one time or other prejudicial to your Majesty's service; and it is certain, the last Assembly have retrenched the Governor's Salary there very considerably probably because he hath done his Duty to your Majesty, & refused to comply with their inclinations, in methods contrary to your Majestys Instructions.

#### RHODE ISLAND.

RHODE ISLAND has usually been reported a part of New England, lying in the Narraganset Bay, & the territory, comprehended in the Grant of that Colony, is bounded on the west by the channel of a River called Pacatuck, or Pawcawtuck, stretching Northerly to the head of the said river, & from thence by a straight line due North to the South boundary of the Massachusetts Colony on the North, & on the East by the said Massachusetts Colony, & on the South by the Ocean; & the charter for this Colony particularly grants the lands belonging unto the town of Providence Patuxet, Warwick, Misgammacock, alias Pawcatuck, & the rest upon the main land in the tract aforesaid, together with Rhode Island, Block Island & all the rest of the Islands & Banks in the Narraganset's Bay, & bordering upon the coast of the tract aforesaid, Fisher's Island only excepted.

This is a Charter Government, granted by King Charles the second, in the 15<sup>th</sup> year of his reign, & consists of a Governor Council & Assembly. The King appointed the first Governor, Deputy Governor &c. but they have since been annually chosen among themselves, by which means they evade the Act of the 7<sup>th</sup> & 8<sup>th</sup> of King William, intituled "An Act for preventing frauds & regulating abuses in the plantation trade," whereby it is enacted, that all propriety

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Governors shall be allowed & approved of by your Majesty, before they enter upon the Government. But by choosing their Governor annually, tho' 'tis generally the same person, his turn is expired, before any such approbation can be had, if they did apply for it, pursuant to the above Act, which hitherto they never have done.

We find that in the year 1697, an Instruction was given to the late Earl of Bellomont, then Governor of the Massachusetts Bay &c in the following words, viz'

"And lastly, whereas the Lords Spiritual & temporal in Parliament have also by their forementioned Address humbly proposed to His Majesty, that the Colonies of Connecticut, Rhode Island & Providence Plantation, having their Governors & Assistants chosen Annually by the people there, having no proprietors here in England, & being become a great receptacle for pirates, & carrying on several illegal trades, contrary to the Acts for the Government of the Plantations, the Governors of those several places, may therefore be obliged to give security to observe & obey all instructions that shall be sent to them from His Majesty, or any acting under his Authority pursuant to the several Acts of Trade, relating to the Plantations; His Majesty's Will & Pleasure is, that the respective Governors of these forementioned Colonies do give unto you such security, according to the form of a Bond prepared here, by Our Attorney General for that purpose which will be herewith delivered to you, & that you therefore accordingly require it from them."

But the said Instructions having not been continued to the succeeding Governors, we conceive it necessary, that it should be repeated.

As to the number of inhabitants in this Colony their trade & state of their Government, we have but very imperfect accounts; & indeed the Misfeasances of this & most of the other proprietary Governments are so numerous, that we shall not trouble your Majesty with them in this place, but will take leave to give our humble opinion concerning them in the concluding part of this representation.

#### CONNECTICUT.

CONNECTICUT is bounded on the East by Narraganset River, commonly called Narraganset Bay, where the said River falleth into the sea, on the North by the line of the Massachusetts plantation, & on the South by the sea.

This government is upon the same foot as Rhode Island, under the same regulations of Government, & liable to the same inconveniences.

#### NEW YORK.

The Government of New York, in which Long Island is included, is bounded on the South west by the province of New Jersey, North west by Delaware river, North by the french settlements on Canada river, East by the Colony of Connecticut, & South by the sea.

This Government is in the Crown. Your Majesty appoints the Governor, & Council, which consists of twelve persons, the Assembly is chosen by the people, & is composed of nineteen members.

The Governor in this, as in all other Provinces under your Majesty's immediate Government, has a Negative in passing laws. His salary is £1200 per Annum, payable out of the revenue of the province.

Here is no fixed revenue belonging to the Crown, besides the quit-rents, which have been established only since the year 1702, by an Instruction from Her late Majesty to the Lord Cornbury, then Governor of that province, at the rate of 2<sup>s</sup> 6<sup>d</sup> on every 100 acres of land to be granted from that time, & are to be accounted for here in this Kingdom. These quit rents have not hitherto amounted to much more than £400 a year; but having been put under a better regulation by Brigadier Hunter, the late Governor, it is expected they amount in some time to more than double that sum every year.

The revenue raised by the Assembly for the support of the Government, has never been granted for any term exceeding five years, the last grant of it was to expire this year; but M<sup>r</sup> Burnet the present Governor, has got it prolonged for five years more.

The natural produce of this Country consists in provisions, which are sent to the British Islands in the West Indies; in Horses sent to Surinam, Curaçoa, & St Thomas, & in Whale-oil, & peltry to this Kingdom; besides some Naval stores, which this Country is capable of producing in very great quantities, if proper measures were taken for this purpose.

In the year 1709, a scheme was proposed by this board, & approved by Her late Majesty, for employing 3000 Palatines in this work. Accordingly near that number were sent over, to be maintained at Her Majesty's expense, till they could be settled so as to provide for their own subsistence, & be able by their labour to repay by degrees the money advanced on their accounts, of which number 2227 were settled on several places contiguous to the Woods on Hudson's River, employed in preparing of trees for the making of tar, & had actually in the year 1713, prepared above 100,000 trees, capable of producing about 30000 barrels of Tar, which, at 5<sup>s</sup> per barrel, the price it was then sold for at New York, would have amounted to £12,000, but before this could be perfected Brigadier Hunter, who was at that time Governor of the Province, after having subsisted those Palatines, as long as he was able to do it, upon his own money & credit, without receiving the promised remittances from hence, or orders to discontinue the undertaking, was obliged to put a stop to it, when it might otherwise have proved a very great advantage to this Kingdom. Some of the Palatines remained, and applied themselves to husbandry &c. The rest dispersed into the neighbouring Colonies, or into distant parts of this province, where they settled themselves in a riotous manner, on lands belonging to other persons; & having presented a petition about two years ago to the then Lords Justices, in which they desired, upon false suggestions, to have the possession of those lands confirmed to them, this matter has been referred to the present Governor, M<sup>r</sup> Burnet, to examine & report thereupon.

This province could likewise furnish iron in great quantities. It has some Copper & lead, but at a great distance from the British, & amongst the Indian Settlements. There are Coal Mines in Long Island, which has not yet been wrought.

The several Commodities, exported from this Kingdom to New York, have at a medium of three years, commonly amounted to about £50,000 a year. The imports from thence have not, upon the same medium, risen higher than £16000 a year; so that the balance in favour of this Kingdom, as far as can be judged of it by the Custom house accounts, has been upwards of £25,000 a year.

The Vessels belonging to this province are small, & not considerable in number; being employed only in carrying provisions to the Southern Islands, and in the coasting trade to the Neighbouring colonies on the Continent.

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The number of the inhabitants in this province increases daily; chiefly from New England, & from the North of Ireland. The militia consists of 6000 men. Here are four independent companies maintained at the expence of the Crown, & employed to garrison several forts; one whereof is at New York, another at Albany, and a third at Shenectady. There is likewise a small fort in the country of the Mohawk Indians. The fort at New York has 4 regular bastions faced with Stone, & mounted with 50 guns, but has neither ditch, or outworks, the other three forts have only palisadoes.

This province by reason of its situation, being almost in the middle of the British Colonies on the Continent, & the nearest of any to the French settlements on the River Canada, & to their Indians, as well as for the immediate influence or command it has over the 5 Nations of Indians, might most properly be made the seat of Government for a Captain General if your Majesty shall think fit to appoint one, & a barrier to the Neighbouring Colonies. For this reason, particular care should be taken to put the forts already built in the best condition they are capable of, & to build others in such places, where they may best serve to secure & enlarge our Trade & Interest with the Indians, & break the designs of the French in these parts; for this purpose, it would be of great advantage to build a fort in the country of the Seneca Indians, near the Lake Ontario, which perhaps might be done with their consent by the means of presents, and it should the rather be attempted without loss of time, to prevent the french from succeeding in the same design, which they are now actually endeavouring at.

We should here give a particular account of the above mentioned five nations of Indians, if we had not occasion to do it in another part of this representation, relating to the consequence of the communication between the french settlements at Canada & Mississipi, & to which we therefore beg leave to refer.

#### NEW JERSEY.

The Government of NEW JERSEY is bounded on the East by Manhattan's Island & Long Island, & part of the Sea, & part of Hudson's river, on the West by Delaware Bay or river, which parts it from Pennsylvania, & Southward to the main ocean, as far as Cape May, at the mouth of the said Delaware Bay; & to the Northward as far as to the Northernmost branch of the said Bay, or River of Delaware, which is in 41 Degrees 40 minutes of Latitude; & crossing over thence in a straight line to Hudson's River in New York, & is in 41 Degrees of latitude, as appears by their Charter.

The proprietors of this Province did formerly appoint a Governor for the same; but in the year 1702, they surrendered their right of Government to Her late Majesty; & the Governor of New York hath ever since that time, been appointed likewise Governor of this province; but they have still a separate Council of 12 persons appointed by the King & an Assembly of 24 persons chosen by the people, who make their own Laws.

The greatest number of the inhabitants are Quakers, of which the Council and Assembly chiefly consist.

This Province raiseth by their assembly about 1800£ per Annum, for the support of their government; but they think it a hardship to pay a Salary to a Governor, who resides in another Province, & would be willing to raise still a further sum for the maintenance of a Governor, who could reside amongst them, which they conceive would greatly advance the trade & welfare of this Country.

This province produces all sorts of grain or corn, the inhabitants likewise breed all sorts of Cattle, in great quantities, with which they supply the Merchants of New York & Philadelphia, to carry on their trade, to all the American Islands; but were they a distinct Government, (having very good harbours) merchants would be encouraged to settle amongst them, & they might become a considerable trading people; whereas, at present, they have few or no ships, but coasting vessels, & they are supplied from New York & Philadelphia with English Manufactures having none of their own.

The Inhabitants daily increase in great numbers from New England, & Ireland; and before this increase, the militia consisted of about 3000 men.

There are but few Indians in this Government, & they very innocent & friendly to the Inhabitants, being under the Command of the five nations of Iroquois, & this plantation not lying exposed, as some other British Colonies do they have hitherto built no forts.

There is great quantity of iron ore, & some copper in this Province.

The have only two patent Officers, viz. an Attorney General & a Secretary. And as all patent Officers appointed in Great Britain, are generally unwelcome to the plantations, so, by several Acts of Assembly their fees are so reduced (especially the Secretaries) that they are not sufficient for his subsistence.

#### PENNSYLVANIA.

This Province is a proprietary Government, granted by Charter of King Charles the second to William Penn Esq in the year 1680.

Its boundaries, agreeable to the said Charter, are Newcastle County on the South, the river Delaware on the East, unto 43 Degrees of Northern Latitude, & from thence a Meridian line run westward, which is to extend 5 Degrees in longitude.

There are likewise certain Lands lying upon Delaware Bay, commonly called the three lower Counties, which are reputed part of Pennsylvania, & are now actually under the same Government. These lands were granted to the said William Penn, in the year 1682, by King James the second, then Duke of York.

But as the validity of that Grant has been more than once questioned particularly in the year 1717, upon the petition of the Earl of Sutherland praying a Charter from your Majesty of the said Lands, the same was referred to the then Attorney & Solicitor General, who made a report dated 21<sup>st</sup> October, 1717.

But there having been no further proceedings on that petition, we need only mention, that it appears from the said Report, that your Majesty is at least entituled to a moiety of the rents, issues and profits which shall arise on the said lands contained in the said grant of the Duke of York, made in the year 1682, altho' the same should be valid in Law.

And we the rather take notice of this, because we find, that in the reign of the late Queen Anne, about the year 1712, an agreement was made by the then Treasury with William Penn Esq<sup>r</sup> for the purchase of his Government of Pennsylvania, & the three lower Counties, for the sum of 12,000£, one thousand pounds of which was paid by warrant of Her late Majesty, bearing date 9<sup>th</sup> September 1712. & as we think it our duty on all occasions to represent the advantages, that would accrue to your Majesty & the Publick, by taking proprietary governments into your own hands, where it may be done agreeable to Law & Justice, we now beg leave to offer our opinion, that it would be for your Majesty's service to have the said agreement completed, by payment of the remaining 11,000£; & whether the rents, issues &

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profits before mentioned ought not to be accounted for, & made part of the said payment is humbly submitted.

This Province being a proprietary government, as hath been before mentioned, the proprietor thereof has the appointment of a Governor, who, nevertheless must be first approved of by your Majesty, he like wise nominates the Council, and the Assembly are elected by the freeholders.

There is one circumstance very particular in this Charter, viz, that the proprietor hath five years allowed him to transmit his Laws for the Royal approbation; but the Crown hath but six months for the repealing them; within which time if they are not repealed, they are to be reputed laws to all intents & purposes whatsoever, from whence it frequently happens, that several Laws, unfit for the Royal Assent, continue in force for five years, & after having been disallowed by the Crown, are enacted again, & by this practice become in a manner perpetual; & this in our humble opinion, is a further reason, why the beforementioned purchase & agreement should be made and completed.

The soil of this Country is various; light & sandy near the rivers, but rich & of a deep black mould further from the water; being well cultivated by the industry of the inhabitants, it produceth whatsoever is necessary for life.

The river Delaware (the only one of consequence to trade in this whole Country) is exceedingly commodious for Navigation except in the two months of December & January, when it is usually frozen up.

The natural produce of this Country is wheat, beef, pork, & lumber. Their Trade consequently consists chiefly in the exportation of these to the several parts of the west Indies, & Madeiras; from whence; in return, they take rum, sugar, Cotton, Spanish money, & wine. They likewise build many Brigantines & Sloops for sale; but having few or no manufactures of their own, they are supplied therewith from Great Britain, to the yearly value of about 20,000*l*. And as this province does greatly abound in iron, so we have good grounds to believe, that, if proper encouragement was given in Great Britain, to take off that, & their timber, the people would thereby be diverted from the thoughts of setting up any manufactures of their own, & consequently the consumption of those of Great Britain considerably advanced. For it must be observed, that this Plantation is in a very flourishing condition; greatly increased in its inhabitants; & altho' the informations we have received touching their numbers, differ extremely, some computing them at about 60,000 whites & 5,000 blacks, & others not above half that number; yet they all agree in their opinion, concerning the flourishing state of this Colony, & that the produce of their commodities may well be reckoned at 100,000*l* per Annum.

Four fifths of the inhabitants of this province being Quakers, there is little care taken of their Military affairs. Only one old ruined fort at Newcastle, with six useless Guns belonging to it, nor can we learn, there is any establishment of a Militia for their defence; but it must be allowed, that, to supply this defect, they have taken care to cultivate so good an understanding with their neighbour Indians, by going yearly to their principal Town to renew their peace, & by their fair & just dealings with them; that hitherto they have found no want of any force to protect themselves, & probably may not for some time to come, if the Indians are not instigated by the Artifices of the French to insult & disturb them.

But the endeavours of the French to debauch the Indians from the interest of your Majesty's subjects in America, & likewise the importance of maintaining & improving the strictest friendship with those Indians, with the proper methods of doing the same, being particularly treated on in another part of this report, we shall mention nothing further upon these heads at present.

## MARYLAND.

Maryland is a Province situated in the center of the British Plantations on the Continent of America.

It contains, as appears by a charter granted by King Charles the first, dated the 20<sup>th</sup> of June in the 8<sup>th</sup> year of his reign, to Cecil Calvert, Lord Baltimore, all that part of a peninsula, lying between the Ocean on the East, & the bay of Chesapeake on the West, & divided from the other part thereof, by a right line, drawn from the promontory or cape of Land called Watkins point, situate on the said Bay, near the river Wichon, to the West, into the main ocean on the east, & between that bound on the south, unto that part of Delaware Bay on the north which lies under the 40<sup>th</sup> degree of Northern Latitude from the Equator, & all that tract of Land between the bounds aforesaid, that is to say, passing from the said Bay called Delaware in a right line by the Degree aforesaid, unto the true meridian of the first fountain of the river Potomack; & from thence tending towards the South, unto the farthest bank of the said river, & following the west & south side thereof, unto a certain place called Cinquack, situate near the mouth of that river, where it falls into the bay of Chesapeake, & from thence by a straight line unto the aforesaid promontory & place called Watkins point, which lies in 37 Degrees & 50 minutes of Northern Latitude.

The Lord Baltimore is by his charter hereditary Governor, & stiled absolute Lord & proprietary of the Province. He is vested in all Royalties, in as full & ample manner, as any Bishop of Durham had, or of right might have had in the Kingdom of England, with a jurisdiction of a Court palatine.

In the year 1691 the Government of this Province was provisionally resumed, (the then Lord Baltimore being a papist) & remained in the Crown till about the year 1715, when the late Lord Baltimore renounced the Romish religion. At present the proprietor appoints a Governor, who is approved by the King, according to the Act of the 7<sup>th</sup> & 8<sup>th</sup> of King William.

The Constitution of this Province is the same with that of the other British Colonies on the Continent, with respect to their Laws, which are made by the Council & Assembly, with the consent of the Governor.

There is no revenue arising to the Crown in this province, but a very considerable one to the proprietor.

The ordinary expences of the Government are defrayed by a duty of 12<sup>s</sup> per hogshead on all tobacco exported, & 3<sup>s</sup> per ton on all shipping inward, & the extraordinary charges of the Government are likewise provided for by the Assembly as occasion requires.

The number of Inhabitants was computed in the year 1704. to be 30,537 men, women & children, & 4,475 slaves young & old, in all 35,012.

In the year 1710 was computed 34,796 whites, & 7,935 negroes, in all 42,741

And in the year 1719. was computed 55,000 white inhabitants, & 25,000 blacks, in all 80,000.

From whence it appears, that the Inhabitants of this province have increased to above double the number in 15 years, & altho' some part of this increase may have been occasioned by the transportation of the rebels from Preston, by the purchase of slaves, as well as by the arrival of several convict persons, & of many poor families, who have transported themselves from Ireland; yet it must be allowed, that Maryland is one of the most flourishing provinces upon the Continent of America.

The Militia is about 8,000 men, well armed, & excellent marksmen.

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And upon the same medium,

	£	s	d
The established Salaries &c amounted to .....	2821.	12.	3
The ordinary Charges .....	176.	12.	5
And the Contingent Expenses .....	97.	3.	2
<b>The total Annual Charge, as aforesaid .....</b>	<b>3,095.</b>	<b>7.</b>	<b>10</b>
which exceeds the amount of the revenue .....	249.	11.	11

And this excess hath been generally allowed by your Majesty, as well as by your Royal Predecessors, out of the produce of the quit-rents.

But besides the said standing and certain charge, for which provision is made, as aforesaid, this province has been always obliged, for maintaining their guards & garrisons on the Indian frontiers, for erecting several publick magazines, & buildings & discharging other necessary expenses, to levy certain quantities of tobacco, at so many pounds weight per head, or every tythable, which comprehends all persons exceeding sixteen years of age, except white women.

The number of the said tythables, according to their respective lists.

In 1698 amounted to .....	20,523.
In 1705 to .....	27,053.
In 1714 to .....	31,540.

The principal product of Virginia is tobacco; & in general it's of a better quality than that of Maryland. Before the conclusion of the last peace with France, the Virginia planters exported to this Kingdom at least 30,000 hogsheads per Annum; but about that time, the trade declining, for want of foreign consumption, an Act was passed in the 12<sup>th</sup> of Her late Majesty's reign for encouraging the tobacco trade, & your Majesty hath been since graciously pleased to give your Royal Assent to an Act for continuing the same.

But as this commodity is of such consequence to the trade of Great Britain, not only with respect to our home consumption, but likewise to our foreign exportations; all further occasions should be laid hold of, for giving some ease & encouragement to the same, by a further reduction of the duty, so soon as it may be done, consistent with the present appropriations thereof.

The other branches of the trade between this kingdom & Virginia consist in pitch & tar, pipe & hogshead staves, skins & furs, & a few drugs. They also export to the other Plantations some small quantities of tobacco, provisions, & lumber; but their dependence is almost wholly on the produce of tobacco.

#### CAROLINA.

CAROLINA was granted by King Charles the second, to several Lords proprietors by two different charters, the first dated 24<sup>th</sup> March, in the fifteenth year of his reign, which contains all that tract of ground, extending Westward from the North end of Luck Island, as far as the South Seas; Southward as far as the river Saint Matthias; & thence Westward again in a direct line as far as the South Seas aforesaid; together with all the ports, harbours, bays, rivers, isles, & islets thereunto belonging.

The second charter, which is more extensive, bears date the 30<sup>th</sup> June, in the 17<sup>th</sup> year of the said King Charles & reaches as far as the north end of Caratuke River or Gullet; and thence upon a straight westerly line to Wyanoake Creek, which is supposed to lie in or about 30 Degrees and 30 Minutes of Northern Latitude.

Carolina is divided into two provinces, called North & South Carolina, which have separate Governors, Councils, & Assemblies.

The Governors of these Provinces have been usually named by the proprietors, subject to your Majesty's approbation.

#### NORTH CAROLINA.

NORTH CAROLINA was formerly part of Virginia till granted to the Lords proprietors by their second Charter; and it was at a certain place in this province, called Roanoke, that Sir Walter Raleigh's servants made their first Settlement.

The boundary that separates this province from Virginia being conceived in very disputable terms, hath never yet been finally settled though Commissaries have been formerly deputed by the two Colonies for that purpose, who could never agree either upon the Latitude, or upon the true position of Wyanoake Creek; for the Indians, from whom this place derives its appellation, having often wandered, as their usual custom is, over that part of the continent, and fixed, for certain times, at different places there, they have left their name to many creeks.

The South limits of this Colony have likewise admitted of some disputes; the Commissioners of the Lords proprietors having frequently named Cape Fear, instead of the river of that name, for their boundary.

The government of North Carolina is something different from that of the Southern province, resembling more nearly that of Virginia; of which, as hath been observed, it was formerly a part, being divided into two Counties, and seven precincts, with petty Courts for each; from whence, in all matters exceeding a certain value, appeals lie to the supreme Court, held by the Governor & Council, which liberty of Appeal as we are informed, your Majesty's subjects at South Carolina do not at present enjoy.

There are great tracts of good land in this Province, & it is a very healthy country; but the situation renders it forever incapable of being a place of considerable trade, by reason of a great Sound near sixty miles over, that lies between the Coast & the Sea, barred by a vast Chain of Sand-banks, so very shallow & shifting, that sloops, drawing only five foot water, run great risk in crossing them.

The little Commerce therefore driven to this Colony, is carried on by very small Sloops, chiefly from New England; who bring them Clothing & Iron ware, in exchange for their pork & Corn: but of late, they have made small quantities of pitch & tar, which are first exported to New England, & thence to Great Britain.

We are not thoroughly informed of the number of inhabitants; but according to the best accounts we could get, the number of persons in their tythables, or poll-tax, were not long since above 1600, of which about one third were blacks.

The Government of this Province, having for many years been a very disorderly one, this becomes a place of refuge for all the vagabonds, whom either debt, or breach of the Laws have driven from the other Colonies on the Continent; and pirates have too frequently found entertainment amongst them.

There is no great prospect, that these mischiefs should be redressed, unless your Majesty should be pleased to resume this, as well as the Southern province into your immediate Government; in which case, North Carolina might, in our opinion, be restored again to Virginia, & put under the care of your Majesty's Governor of that Colony.

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## SOUTH CAROLINA.

SOUTH CAROLINA extends from Cape Fear to the river of Saint Matthias. The inhabitants of this province, conceiving themselves to be ill used, or greatly neglected by the Lords Proprietors, have lately deposed their Governor, & Council, & chosen a new Governor & Council of their own, which great disorder induced your Majesty to reassume the Government thereof.

This Colony is the Southern frontier to your Majesty's plantations on the Continent, & will no doubt, under the happy influence of your Majesty's immediate protection, become a flourishing Colony.

The trade of this Province, with respect to their own shipping is not hitherto very considerable; the inhabitants not having above 20 sail of their own, amounting to about 1500 ton; & as they chiefly apply themselves to the plantation work, they have not many sea faring men, but their trade is carried on by the Merchants of Great Britain, who reap a considerable advantage thereby.

The commodities the people of Carolina take from Great Britain, are all manner of Cloathing, woollen linnen, iron ware, brass & pewter, & all sorts of household goods, having no manufactures of their own; & their southerly situation will make them always dependent on Great Britain for a supply of these commodities, whose consumption may be computed at about £23,000 per Annum; besides the cost of a considerable number of Negroes, with which the British Merchants have for some time furnished them yearly, taking their returns in rice, & naval stores.

There is a small trade carried on between Carolina & the Madeiras for wine; & the Commissioners of the Customs have a Surveyor General, a Collector, a Comptroller, a Searcher, a Waiter, & a Naval Officer, to put the laws of trade & Navigation in execution here: But daily experience shews, that illegal trade is not to be prevented in a proprietary Government.

The natural produce of this Country is Rice, pitch, tar, turpentine, buck-skins, furs, corn, beef, pork, soap, myrtle-wax, candles, various sorts of lumber, as Masts, cedar-boards, staves, shingles, and hoop-poles; but the soil is thought capable of producing wine, oil, silk, indigo, pot-ashes, iron, hemp, & flax.

The number of white inhabitants in this province has some time since been computed at 9000; & the blacks at 12,000. But the frequent massacres committed of late years by the neighbouring Indians, at the instigation of the French & Spaniards, have diminished the white men, whilst the manufacture of pitch & tar has given occasion to increase the number of black slaves, who have lately attempted, and were very near succeeding in a new revolution, which would probably have been attended by the utter extirpation of all your Majesty's subjects in this province; & therefore it may be necessary for your Majesty's service, that the Governor should be instructed to propose some law to the Assembly there, for encouraging the entertainment of more white servants for the future.

The Militia of this Province does not consist of above 2000 men; & therefore, considering the circumstances & situation these people are in, exposed, in case of a rupture, on the one side to the Spaniards, on the other to the French, & surrounded by Savages, who are for the most part, in an interest opposite to that of Great Britain; unless your Majesty shall be graciously pleased to send a Military force to this Country, sufficient to protect your subjects, this valuable province in all probability will be lost.

For this reason we took the liberty of representing to the late Lord Justices the necessity of sending four regiments thither to prevent the further encroachments of the French in those parts. We likewise propose, that as well to ascertain the bounds of this province, which have not hitherto been fixed any other way, but by the Charter to the Lords proprietors, as to extend & protect the trade of your Majesty's subjects there, several small forts should be erected in proper places; & that particular care should be taken to secure the navigation of the several rivers, employing themselves in those parts to the northward of Fort Saint Augustine into the Westward Ocean, but more especially that of the River Alamatahame, which the french have some time ago new christened by the name of river May.

We were humbly of opinion that no time should be lost in a matter of this consequence; because the great difficulties the french have found in the navigation of the river Mississipi, made it necessary for them to secure a better part; & and they did some time ago take Pensacola from the Spaniards; which being since, as we are informed, restored, it is very probable, the french may think of opening another communication from their great settlement at Mobile, down the river Alamatahama to the Western Ocean, which would be a more fatal blow, than any that has hitherto been given to your Majesty's interest in America.

The fortifications in this Country at present are but very few, & their situation not the most advantageous. Charles Town for instance, is regularly fortified, & hath about 100 Guns mounted on the walls the largest not exceeding twelve pound ball.

There is likewise a small fort of about 10 Guns at Port Royal, and a palisadoe fort at the late Savanha Town, of 5 or 6 small Guns, which lies about 140 miles west from Charles Town, towards the head of Santee river one hundred & twenty miles from Charles Town is also another small fort; in all which places there are about one hundred men in Garrison.

But Port Royal seems to have been a good deal neglected, considering it is at present the frontier town, lies ready for the supply of the Indian trade, & the protection of the out garrisons, & has an excellent harbour, for which reason we should think that place ought to be better secured.

It would likewise be for your Majesty's service that other forts should be built in this province, in proper places, for the reasons which shall be mentioned in that part of this representation relating to the means proposed for preventing the encroachments of our European neighbours.

The Indian Nations lying between Carolina & the french settlements on the Mississipi, are about 9,300 fighting men. Of which number 3,400 whom we formerly traded with, are entirely debauched to the french interest, by their new settlement & fort at the Albasas. About 2,000 more, that lie between your Majesty's subjects & those of the french King, trade at present, indifferently with both; but it is to be feared, that these likewise will be debauched by the french unless proper means be used to keep them in your Majesty's interest.

The remaining 3800 Indians are the Cherokees, a Warlike nation, inhabiting the Apalatché Mountains. These, being still at enmity with the french, might with less difficulty be secured; & it certainly is of the highest consequence, that they should be engaged in your Majesty's interest; for, should they once take another party, not only Carolina, but Virginia likewise, would be exposed to their excursions.

Besides the Indians above mentioned, there are about 1,000 savages dispersed in several parts between Carolina & Virginia, from whom we have not much to apprehend, provided

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your Majesty's Governors of these provinces live in that perfect harmony & good understanding, which they ought to maintain with each other, & do justice to these poor people, who seldom give the first offence.

It were to be wished, we had not so much reason to complain of our European neighbours in these parts: but, besides the encroachments made by the french, your Majesty's subjects meet with ill treatment from the Spaniards; more particularly at Fort S<sup>t</sup> Augustine, where they have a garrison of 300 or 400 white men, & about 200 indians, who give shelter to all our runaway Slaves, & without regard to peace or treaties, commit frequent acts of hostility upon your Majesty's subjects.

We are not as yet informed, whether the Spaniards have re-settled Pensacola, or what force they have there; but they have a fort at the mouth of the Catahooché river, with about 400 or 500 men in Garrison; & we shall give your Majesty an account of the french force in the neighbourhood, in that part of our report, which relates particularly to their settlements on the Continent.

This province having hitherto but few inhabitants the quit-rents of the Lords proprietors amount only to about 500*l*. per annum: but there is a duty of 3*d* per skin, for the benefit of the Clergy; & the contingencies of the government, which vary every year, are raised by the Assembly.

There are no Officers in Carolina, that have patents from the Crown; & none appointed at present by your Majesty's Authority, but those of the Governors & Custom house Officers. All other Officers, both Civil & military, hold their employments immediately under the Lords proprietors, their Governors, or the Assembly.

Rice being the principal & staple commodity of this province; & the merchants trading to Carolina having often complained, that the advantage they formerly reaped, by supplying Portugal with rice, hath been almost entirely lost, since the Act of the 3<sup>d</sup> & 4<sup>th</sup> years of Queen Ann, whereby rice is made one of the enumerated commodities, & the importation thereof restrained to Great Britain, we think it necessary, before we conclude what we have to offer concerning this province, to lay before your Majesty a particular state of this trade.

Before the production of rice in Carolina, the Kingdom of Portugal was supplied with very great quantities every year from Italy;

And the great consumption thereof in Portugal, with the liberty of transporting it directly thither from the Plantations, as freely as any other grain, first induced the people of Carolina to plant and propagate it.

Their labour & industry being by degrees rewarded, by an abundant increase of this useful & valuable product; they had a very fair prospect of wholly supplying the Portugal Markets therewith.

But being deprived by the foresaid Act, of the liberty of transporting their rice directly to Portugal, & the additional freight, (from this to that Kingdom) with all other charges thereon, amounting to about one third part of its value, no rice could be carried from England to Portugal, but when the price has happened to be very high there.

But the true state of this affair will best appear by the following account of the quantities of rice imported, & re-exported communibus annis, on a medium of five years, from Christmas 1712 to Christmas 1717. viz

<i>Imported.</i>		Cwt
From Carolina & the other Plantations.....		28,073
From East India, Turkey, & Italy about.....		250
The total import .....		<u>28,323 p<sup>r</sup> An.</u>
<i>Re-exported</i>		Cwt
To Portugal, Spain, & other parts, to the Southward of Cape Finisterre.....		2,478
To Holland, Germany, & other countries to Northward of Cape Finisterre .....		20,458.
The total Export.....		<u>22,936 p<sup>r</sup> An.</u>
Remained for consumption .....		5,387
		<u>28,323.</u>

It is evident from this account, that the exportation of rice from Great Britain to the Northward is very considerable, & that the exportation of this commodity to the Southward is very small; which can arise from no other cause, but the great expense that attends the same in double freight, the rice of Carolina being esteemed the best in the world; but by that means it happens, that the Italians, being near at hand, have almost entirely beaten your Majesty's subjects out of this trade, which proves very detrimental to the navigation of Great Britain. For if the Italians had not a vent for their rice in Portugal, they would hardly be able to carry on a trade to that Kingdom & Spain in their own shipping, they having no other gross goods, but rice, & pepper, sufficient to furnish a lading for great ships; & they dare not venture in any others for fear of the Algerines.

We would therefore humbly submit to your Majesty, whether it might not be for the advantage of the plantations, & of Great Britain likewise, to allow, that rice might be carried from Carolina directly to Portugal, or any other part of Europe, to the Southward of Cape Finisterre, upon giving security, that every vessel so freighted, shall touch in Great Britain, before she returns to the West Indies.

#### THE CONSEQUENCE OF THE PLANTATION TRADE.

Thus having gone through the several Colonies on the Continent, in order to demonstrate the consequence their trade is of to Great Britain; we have drawn out from the Custom House books an Account N<sup>o</sup> 1. containing the total amount or value of all goods imported from, & exported to the said Colonies, communibus Annis, on a medium of three years from Christmas 1714 to Christmas 1717.

And forasmuch as the trades to Africa & Madeira may be accounted branches of the plantation trade, the returns of the Goods exported to those countries being generally sent from thence in Negroes & wine to the Plantations; we have included the amount thereof in this account.

But having enquired upon this occasion into the valuations of the aforesaid goods, we are informed, that Tobacco, sugar, & some other of the Plantation products are over rated; the

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prices of those commodities having been considerably reduced since the valuations were adjusted in the books of the Inspector General of the Customs, from whence this is drawn; however, as we have not the same objection to the valuations of our manufactures & products, we shall lay the same before your Majesty, upon the foot it now stands.

From this Account it will appear, that the plantations in America take from hence yearly to the value of one million sterling, in British products & Manufactures, & foreign goods.

And although the exports charged in this account to the several Colonies on the continent, amount to no more than £431,027. 16s. 5d yet as the Continent has undoubtedly a great share in the General article of entry to the West Indies, as well as in the articles of entry to Africa and the Madeiras, the exports to the Continent may well be computed at £500,000.

But before we enter into the particular circumstances of the plantation trade on the Continent, it will be necessary to ascertain the principal commodities, wherein their trade consists, & how much they respectively amount to; which will appear, Account N<sup>o</sup> 2.

It may be observed from this Account, that the exports to the Continent of America exceed the imports from thence about £200,000 per annum; which debt falls upon the provinces to the Northward of Maryland; who probably are enabled to discharge the same, by the trade they are permitted to carry on in America, & to Europe, in commodities not enumerated in the Acts of Trade, as may be gathered from a State of their Shipping & Tonnage hereunto annexed, N<sup>o</sup> 3. 4 & 5. although the same is not so perfect as it might otherwise have been for want of returns from the proprietary Governments.

Besides the advantages accruing to Great Britain from so large an exportation, to the Colonies on the Continent of America; from whence, as hath been already shewn, there doth arise a balance of £200,000 Sterling; it is to be observed, that your Majesty's revenue of the Customs is very considerably increased by this trade; that great part of the commodities, which we receive from thence are such, as we should otherwise be obliged to take from foreign markets: & that there is a very great profit arising from the re-exportation of such of the said Plantation commodities to foreign Markets, as are not expended at home.

Our home consumption of Tobacco only, may be computed at 8,175,226 pounds weight per Annum. And the tobacco re-exported 17,142 755 ditto per annum, as may appear by the Account N<sup>o</sup> 6, wherein the sugars, as well as the tobacco imported & exported for five years, from Christmas 1712 to Christmas 1717. are distinctly stated. And we have the rather chosen to join them, because they are the two staple commodities of the Islands, & of the Continent whose interests are inseparable, nor would it be possible to support the Sugar Islands, without the assistance of the Continent.

There still remains to be considered another great advantage that arises to this Kingdom from the plantation trade, which is, the constant employment it gives to our British Shipping

The number & tonnage of the Ships cleared from England for His Majesty's Dominions in America, & for Africa & Madeira, in three years, from Christmass 1714, to Christmass, 1717, is as follows.

Cleared in the said three years for

	Ships	Tonn	Medium of the Tonnage Per annum
New England.....	240	20,276	6,758½
New York.....	64	4,330	1,443½
Pennsylvania.....	55	5,430	1,809½
Maryland.....	108	17,551	5,850½
Virginia.....	340	47,009	16,569½
Carolina.....	92	8,003	2,671½
For the Continent.....	899	102,728	34,242½
Barbadoos.....	347	87,849	12,616½
Antigua.....	111	11,092	3,697½
Montserrat.....	25	1,770	590
Nevis.....	25	2,062	687½
Saint Christopher's.....	30	2,170	723½
Jamaica.....	162	22,213	7,371½
Bermuda.....	4	160	52½
For the Islands.....	712	79,917	26,636
West Indies.....	123	16,687	5532½
Hudsons Bay.....	7	732	244
Total for the Plantations.....	1741	200,064	66,688½
For Africa.....	92	10,828	3,509
Madeira.....	181	15,878	5,284
In all.....	2,014	226,769	76,587.
That is, communibus annis.....	671	75,587.	

And whereas there were cleared from this Kingdom, on a medium of the said three years ending at Christmass 1717. for all foreign parts.

British Ships.....	5663, tons 419,681.	} Per Ann.
Foreign ditto.....	330, ditto 17,446	
In all.....	6,993 ..... 437,127	

it is evident, that the Shipping employed annually in the plantation trade only, was more than a sixth part of the whole tonnage for that time from the several Ports of England to all foreign Countries.

But, computing that the other five-sixth parts of the said Shipping may be employed (a little more or less) as follows, one Sixth, in the trade to Spain, Portugal, the Streights, Canaries, East India, Newfoundland, and Archangel;

One sixth to Denmark, Norway & the Baltick;

Two sixths, to Germany, Holland, Flanders and France &

One sixth to Ireland and the other British Islands; & it being obvious, that the Ships employed in the trades near home make two or three voyages, whilst the Ships bound to the plantations are performing one,

It is very probable, that the trade which is carried on between England and the American plantations, employs at least, one fourth part of the Shipping annually cleared from this kingdom.

And upon casting up the tonnage of the plantation products re-exported in the year 1717, it appears there was employed near half as much Shipping, in transporting these goods from

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hence to Germany, Holland, & other foreign countries, as was employed in the trade directly from the British Colonies in America.

Consequently therefore it may be concluded, that about one third part of the Shipping employed in the foreign trade of this Kingdom is maintained by the plantation trade.

But notwithstanding the advantages, at present arising from the Plantation trade, are so very considerable, it is not to be doubted, but that they might still be rendered much more useful, if sufficient encouragement were given to induce them to turn their industry to the production of Naval Stores, of all kinds, & of such other commodities as our necessities require, & which are purchased by us with great disadvantage from foreign Countries; from whence this convenience, amongst many others, would naturally result.—That the more Northern Colonies would be thereby enabled to pay their balance to England, without lying under the necessity of carrying on a trade to foreign parts, in some respects detrimental to their mother Kingdom.

No. 1.

The total value of the Imports from				The total value of the Exports to			
£	s	d		£	s	d	
187,069	00	00	Antigua	80,825	19	9	
364,597	5	10	Barbados	140,697	14	5	
323,266	00	10	Jamaica	147,931	0	6	
34,485	5	9	Montserrat	4,921	11	6	
84,078	14	6	Nevis	12,729	10	00	
98,772	18	5	St. Christophers	11,183	7	1	
1,102,319	7	4		348,318	8	3	
65,016	7	2	New England	139,369	14	6	
23,607	16	4	New York	60,814	6	6	
5,051	7	00	Pennsylvania	20,176	14	2	
92,675	10	6	Virginia & Maryland	309,760	15	3	
250,994	10	6	Carolina	198,378	4	9	
88,906	16	1		32,687	16	6	
882,576	17	1	PLANTATIONS	431,027	16	5	
1,162,319	7	4	On the Sugar Islands	348,318	8	3	
2,391	17	00	West Indies in general	96,986	6	3	
412	19	6	Bermudas	1,396	3	3	
6,898	5	10	Hudson's Bay	1,941	6	2	
1,493,499	7	9	Plantations	879,680	00	3	
27,286	12	9	Africa	87,415	16	11	
4,960	14	8	Madeira	81,427	7	1	
1,527,696	15	2	Total	1,048,523	4	8	

No. 2

The principal imports from New England, New York, Pennsylvania, Virginia Maryland, and Carolina, are as follows.

	£	s	d	
In skins & furs	17,340	14	10	Products of the Indian Trade.
Turpentine	12,082	19	5	
Pitch and tar	34,980	00	00	of the sd Plantations.
Train oil	7,680	18	7	
Whalefin	3,679	14	3	of foreign Plantations of Campeche
Tobacco	236,588	18	1	
Rice	19,306	16	4	
Sugar, brown	9,884	7	3	
Logwood	21,060	6	4	
In all other Goods	382,461	17	1	
	20,112	00	00	
The total import according to the aforesd Genl account	382,576	17	1	per annum
But the Tobacco being overvalued about	80,000	00	00	
The said import cannot amount to more than	302,576	17	1	per annum

No. 2.

And the principal exports to the said provinces are as follow

	£	s	d
<b>IN BRITISH MANUFACTURE &amp; PRODUCE,</b>			
Woolen Manufactures	147,438	11	7
Silk wrought & thrown	18,468	7	1
Linnens & sail cloth	11,654	9	00
Cordage	11,284	5	9
Gunpowder	3,292	15	6
Leather wrought, & saddles	15,161	12	6
Brass & copper wrought	2,565	6	7
Iron wrought & nails	35,631	13	6
Lead & shot	2,850	9	3
Pewter	3,687	6	11
In many other goods	48,941	5	6
	294,886	3	1
<b>IN FOREIGN GOODS.</b>			
Linnens	86,413	00	00
Callicoes	10,102	4	00
Prohibited East India Goods	10,523	12	9
Wrought Silks	1,189	11	1
Iron & Hemp	6,152	5	11
In other foreign goods	21,760	19	9
Foreign Goods	156,141	13	6
British Goods	294,886	3	1
The said Exports amounts to according to the aforesd general account (per annum)	481,027	16	7
But as it has been always mentioned, the total export might probably amount to at least (per annum,)	500,000	00	00

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No. 3.

In three years from 24<sup>th</sup> June 1714, to the 24<sup>th</sup> June 1717, there was cleared from Boston, the chief port in the Province of Massachusetts Bay.

Ships, Sloops & other vessels		Tons.	Men.
485	For the British Islands in the West Indies	27,881	8,520
58	Foreign Plantations	2,597	398
28	West Indies	1,385	175
45	Newfoundland	1,235	274
33	Europe	1,865	310
84	Madeira, Azores, &c	1,690	286
678	Great Britain	37,153	8,118
148	British Plantations on the Continent	11,956	1,412
990	Bay of Campeche for Logwood	11,589	1,882
25	To ports unknown	1,875	221
11		415	68
1247	The total in three years	63,788	8,697
415	That is, Communibus Annis	20,929	2,899
N. B.—1,199 of the aforesaid 1247 ships and vessels, containing 58,162 tons, were plantation built			

No. 4.

In the said three years there were also cleared from the Port of Salem, in the same Province.

Ships Sloops &c.		Tons	Men.
59	For the British Islands in the West Indies	2296	328
2	Surinam	75	36
10	West Indies	804	46
117	Europe	9,122	1,123
9	Madeira Azores &c.	421	59
197	Great Britain	12,218	1,995
4	British Plantations on the Continent	208	29
31		1,058	158
252	The total in three years	18,481	1,782
77.	That is, Communibus Annis	4,477	594

No. 5

And from New York there were cleared, in three years, from 24<sup>th</sup> June 1715 to 24<sup>th</sup> June 1718

Ships, Sloops &c.		Tons	Men
83	To Great Britain	4,882	638
206.	British Plantations on the Continent	4,284	897
290	British Plantations on the Islands	8,776	1,904
9	Newfoundland	365	87
85	foreign plantations	2695	605
24	Madeira, Africa &c.	1893	282
9	Europe	615	122
645	Total in three years	22,392	4,518
215	That is, Communibus Annis	7,464	1,504

No. 6.

SUGAR, BROWN.	Imported Cwt.	re-exported Cwt.
In 1713	503,528	188,201
1714	512,235	187,086
1715	617,414	142,701
1716	684,378	181,512
1717	762,733	289,984
In the said five years or Communibus Annis	3080,290	934,451
	616,068	186,890
Remained for consumption		429,168 pr Ann.
The total Annual Import		616,068 as aforesaid.

No. 6.

TOBACCO.	Imported lb wt.	Re-exported lb wt.
In 1713	21,598,807	16,597,796
1714	29,264,084	19,659,216
1715	17,810,864	15,479,110
1716	28,816,088	16,601,441
1717	29,600,002	19,886,186
In the said five years or Communibus Annis	126,089,906	85,713,779
	28,317,981	17,142,765
Remained for consumption		8,175,226 pr Ann.
The total Annual Import		28,317,981 as aforesaid.

MISSISSIPPI

The French nation, having always been desirous to extend their dominions in America, have lost no opportunity of encroaching upon their Neighbours there. And although your Majesty & your Royal Ancestors have an uncontested right as well by discovery as possession, to the several British Colonies in America; yet the french Kings have at sundry times made grants thereof to their subjects. Such were the letters patents of Louis the 13<sup>th</sup> in favour of the french West India Company, bearing date the 29<sup>th</sup> of April 1627; & those of Louis the 14<sup>th</sup> to Mons<sup>r</sup> Croisat some time since surrendered to the united India Company of france, upon which they build their title to the Mississippi. Many other instances of the like nature might be given were they necessary to the present purpose, but these two, which comprehended almost all your Majesty's dominions in America, may be sufficient to shew the unlimited inclination the french have to encroach upon your Majesty's territories in those parts.

However, as the french are convinced, that a Charter without possession, can never be allowed by the law of nations to change the property of the soil; they have employed another artifice; and without embarrassing themselves about former discoveries, made by the subjects of other Princes have built small forts at the heads of Lakes & rivers, along that vast tract of land, from the entry of the river of S<sup>t</sup> Lawrence to the embouchure of the Mississippi, into

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the bay of Mexico; not so much with intention probably to bound their own territories, as to secure what they have already got, till a more favorable juncture shall give them occasion to make further intrusions upon their neighbours. And if the late war in Europe, where the allies made so successful efforts against the exorbitant power of France, had not found Louis the 14<sup>th</sup> employment at home, it is very likely the French would have been much more formidable than they are now in America. Notwithstanding the treaty of neutrality for those parts made at London in 1656, ought to have secured to Great Britain the several Colonies, whereof your Majesty's Royal predecessors stood possessed at the time of making the said treaty, but the little regard the French have to that treaty, will evidently appear by the evasions & frivolous pretences set on foot by their ministers during the debates in the year 1687 at London, when the Lords Sunderland, Middleton, & Godolphin were appointed by King James to confer with the then French Ambassadors Mons<sup>r</sup> de Barillon, & the Sieur Dussou de Bonrepeaux concerning the boundaries of the Hudson's bay Company, & although that Conference terminated in a Confirmation of the aforesaid Treaty of neutrality, together with a resolution of settling the boundaries between the English & French colonies in America, by proper Commissaries, which resolution has since been enforced by the 10<sup>th</sup> Article of the treaty of Utrecht; yet the French could never be induced to enter sincerely upon so necessary a work, notwithstanding Commissaries were lately appointed for that purpose, & met with others, deputed by the French Court, at Paris.

It is therefore very apparent from these transactions, that there remains no way to settle our boundaries, but by making ourselves considerable at the two heads of your Majesty's Colonies, North & South, & by building of forts, as the French have done, in proper places, on the inland frontiers.

The French territories in America extend from the mouth of the River St Lawrence, to the embouchure of the Mississippi, forming one continued line from North to South on the back of your Majesty's plantations, & although their garrisons, in many parts, are hitherto but very inconsiderable, yet as they have, by the means of their Missionaries, debauched several of the Indian Nations to their interest, your Majesty's subjects along the continent have the utmost danger to apprehend from this new settlement, unless timely care be taken to prevent its increase.

But this will be the proper subject of another part of this Report; & therefore we shall at present proceed to give your Majesty an Account of the forts the French have built, & the settlements they have made to secure their communication; of the several routs they have practised from Quebec to the Mississippi; of the Indian Nations in those parts, whom they have gained over to their interest, and of those who still remain friends to your Majesty's subjects.

And as the most perfect account we have of these particulars, was transmitted to us some time since, by Mr Keith, the present Governor of Pennsylvania, we hold ourselves obliged upon this occasion to acknowledge how much we are indebted to his exactness & application therein.

It is evident from Father Hennipen & La Salles travels, that the communication between Canada & Mississippi is a very late discovery; & perhaps such a one, as no nation, less industrious than the French, would have attempted; but it must be allow'd that they have a great advantage over us in this particular, to which even the nature of their religion and government do greatly contribute; for their Missionaries in blind obedience to their superiors, spend whole

years in exploring New Countries; and the encouragement the late French King gave to the discoverers & planters of new tracts of land, doth far exceed any advantage your Majesty's Royal Predecessors have hitherto given to their subjects in America; and as your Majesty's European dominions have long been burthen'd with the expence of two successive wars, the Parliament of Great Britain have hitherto only been able to assist the Plantations with a very sparing hand; altho' considering the great Revenue they bring your Majesty in your Customs, & the vast importance they are of to the trade & navigation of these Kingdoms, it is now to be hoped they may be thought worthy of greater attention.

And indeed had this matter been sooner considered, the French dominions had never been extended from North to South through the whole Continent of America. For your Majesty's subjects, who had much greater convenience of discovering & making treaties with the Indian Nations, on the Lakes, which lie so contiguous to the back of the British Settlements, might effectually have prevented this communication which may prove highly inconvenient to the trade & welfare of your Majesty's Colonies.

However, it is not even yet too late to think of applying a remedy; nor will it be at all impossible to interrupt a rout, which your Majesty may perceive by the following detail, hath many natural obstructions; & could never have been rendered practicable without the greatest industry.

From Mount Real, on the River St Lawrence, the French generally sail in canoes about three leagues to the falls of Saint Louis, where they are obliged to land, & travel about half a League, before they embark again, in order to row up the stream. About 60 leagues further, to Fort Frontenac situate on the North side of the river, at the entrance of the Lake Ontario, where they have a Garrison consisting of one or two Companies, from thence they proceed on the said Lake reputed about 80 leagues in length, to the great fall of Niagara, which lies between the lakes Ontario and Erie, where they are obliged to travel over land again about three Leagues, before they enter the lake Erie, which is about 130 leagues in length.

From this lake to the Mississippi they have three different routes. The shortest by water is up the river Miamis, or Onamis, on the South west of Lake Erie; on which river they sail about 150 leagues without interruption, when they find themselves stop'd by another landing, of about three leagues, which they call a carrying place, because they are generally obliged to carry their canoes over land, in those places to the next river, & that where they next embark is a very shallow one called La Riviere de portage; hence they row about 40 leagues to the river Ouhach, & from thence about 120 leagues to the River Ohio, into which the Ouhach falls, as the river Ohio does about 80 leagues lower into the Mississippi, which continues its course for about 350 leagues directly to the bay of Mexico.

There are likewise two other passages much longer than this, which are particularly prick'd down in Hennipen's map, and may be described in the following manner.

From the North east of Lake Erie to a fort on the Lake St Clair, called Pont Chartrin is about 8 Leagues sail; here the French have a Settlement, & often 400 traders meet there. Along this Lake they proceed about seven leagues further & thence to the great Lake Huron about ten leagues; hence they proceed to the straits of Michillimackinack 120 leagues. Here is a Garrison of about thirty French, and a vast concourse of Traders, sometimes not less than 1000, besides Indians, being a common place of rendezvous. At & near this place the Outarwas, an Indian nation, are settled.

From the lake Huron they pass by the Straight Michillimackinack four leagues, being two in breadth, & of a great depth, to the lake Illinois; thence 150 leagues on the lake to fort

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Miamis, situated on the mouth of the river Chigagoe; from hence came those Indians of the same name, viz<sup>t</sup> Miamis, who are settled on the forementioned river that runs into Erie.

Up the river Chigagoe they sail but 3 leagues to a passage of  $\frac{1}{4}$  of a league; then enter a small Lake of about a mile, and have another very small portage, & again another of two miles to the river Illinois, thence down the stream 130 leagues to Mississippi.

The next rout is from Michillimackinack on the lake Illinois to the lake de puans 90 leagues, thence to the river puans 80 Leagues, thence up the same to a portage of about 4 miles before they come to the river Owisconsin, thence 40 leagues to Mississippi.

These distances are as the traders reckon them; but they appear generally to be much overdone, which may be owing to those peoples coasting along the shores of the lakes, & taking in all the windings of the rivers.

They have another much shorter passage from Mount Real to Lake Huron, by the french river on the north of Saint Lawrence which communicates with the two latter routs; but it abounds with falls, & therefore it not so much used. They have also by this river a much shorter passage to the upper Lake, or Lake Superieur.

The french have at all times, used their utmost endeavours to bring over the Indians to their Interest; & the missionaries have been so successful in this point, that they have seduced some part of the Iroquois, commonly called by the name of the five nations, from their ancient friendship & dependence on your majesty's colony of New York; & although provision was made by the 15<sup>th</sup> Article of the treaty of Utrecht to prevent the like inconveniencies for the future, yet experience hath shewn that such treaties made with the french, as cannot be afterwards executed without their assistance, are likely to prove ineffectual. We would therefore follow their example in this particular, & lose no time, at least in securing such of the Indian nations, as are not already in league with them.

Of this sort are the Miamis, settled upon the river of the same name, which runs into the Lake Erie, & are about 2,000 in number. The gaining of this Nation to the British interest, would be of very great importance; and as we are informed, might be done by settling a trade with them & building a small fort upon the Lake Erie, where the french, in 1718, had no settlement; what they have now is not as yet come to our knowledge, though in all probability they have, or will soon begin to build one there. This will appear to be the more necessary, when we shall consider, how many Indian Nations, on the back of the British settlements, the french have already gained to their interest.

The Illinois are about 3,000 men, on or near the river of that name.

The Ottoways, or Michillimackinacks were formerly 3,000 but now scarce 500.

The Nokes .....	100
The Felles avoins .....	200
The Sakes .....	200
The Puans .....	600.

All these joined the french against the five nations in the late war, & all of them, except the Miamis, are seated about or near to the Lake Illinois, which is now commonly called by them Michigan, and on the rivers that run into it, & on the Lake Puans, & the River Illinois

On the Mississippi, & the branches of it, there are many great nations, especially to the West, as the Missouri, Ozages, Acansias, (different from those of Acansa on the East) with many more, not less, as is affirmed than 60,000 men; with all whom it is said the french have peace or some alliance.

On the other hand, all the English to the northward of Carolina have, not 1500 fighting men in their interest to be depended on, except the 5 nations;—in New England & Connecticut they have very few; in New York only the river Indians, besides the five nations;—in Jersey & Pennsylvania, their own or home nations, called Delawares, are exceedingly decreased and being in subjection to the five nations, take their rules from them;—in Maryland & Virginia, there are very few, except those to the South-west, whom Colonel Spotswood with great industry has lately gained by treaties & hostages.

Those of Carolina, & the nations lately in friendship with them, have been very numerous, but are not so at present; the french having made great incroachments in those parts, and gained many of the Indians there over to their interest.

Thus, by one view of the Map of North America, Your Majesty will see the danger your subjects are in, surrounded by the french, who have robbed them of great part of the trade they formerly drove with the Indians, have in great measure cut off their prospect of further improvements that way, & in case of a rupture, may greatly incommode, if not absolutely destroy them by their Indian Allies. And although the British Plantations are naturally fortified, by a chain of Mountains, that run from the back of South Carolina, as far as New York, passable but in few places; yet should we not possess those passes, in time, this would rather prove destructive than beneficial to us.

#### CONSIDERATIONS

##### *For Securing, Improving & Enlarging your Majesty's Dominions in America.*

Having laid before your Majesty the state of your Plantations on the Continent, having observed the importance their trade is to these Kingdoms, & shewn how much they lie exposed to the incursions of their European neighbours, & of the Indians in their Interest; what further remains is, that we should humbly offer to your Majesty's consideration such methods as have occurred to us, for securing, improving & enlarging so valuable a possession, as that of your Majesty's dominions in America; which we conceive might most effectually be done—

1<sup>st</sup> BY TAKING THE NECESSARY PRECAUTIONS TO PREVENT THE ENCROACHMENTS OF THE FRENCH, OR OF ANY OTHER EUROPEAN NATION,

2<sup>nd</sup> BY CULTIVATING A GOOD UNDERSTANDING WITH THE NATIVE INDIANS,

AND LASTLY, BY PUTTING THE GOVERNMENT OF THE PLANTATIONS UPON A BETTER FOOT.

In order therefore to secure your Majesty's colonies from the encroachments of their European neighbours in America, whereof we receive daily complaints from the several Governors on the Continent, it will be highly necessary to begin, by fortifying the two extremities to the North & South.

This will appear the more necessary, when it shall be considered, how much the french have strengthened their settlements in the neighbourhood of Nova Scotia & Carolina, whilst your Majesty's subjects, either through neglect or misfortune, are much weaker in these two provinces, than any other part of America.

It has been already observed, that there are not above two British families in all Nova Scotia, beside the Garrison of Annapolis, consisting of at present, only six companies of 84 men, each, but there are still near 3000 french inhabitants remaining in this province, who, contrary

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to the treaty of Utrecht, refuse to take the oaths of Allegiance to your Majesty, & in combination with their countrymen at Cape Breton, are daily instigating the native Indians not only to commit insults upon your Majesty's subjects, fishing upon the Coast of Nova Scotia but even to set up a title to the whole province, in opposition to your Majesty's right.

The french likewise pretend, that only the peninsula of Accadia (hardly one third part of Nova Scotia) was yielded to the Crown of Great Britain by the treaty of Utrecht; and notwithstanding this pretence is sufficiently refuted in the former part of this report, by comparing the Charter to Sir William Alexander, the first proprietor of Nova Scotia, with the article of Cession in the treaty of Utrecht; yet from these unreasonable cavils, in time of profound peace & friendship between the two Nations may be collected, how desirous the french, are to make themselves masters of this province, which they may easily overrun on the first rupture, the same being in a manner already surrounded by their settlements at Cape Breton, Long Island, and Quebec.

In our humble opinion, therefore, no time should be lost in putting of this province into a better posture of defence; & we humbly beg leave to repeat our proposal of sending of four regiments of foot to Nova Scotia.

Without some assistance of this nature, it will be in vain to think of settling Nova Scotia; for planters will never fix, where they can have no security for their persons or effects, but whenever this main point shall be sufficiently provided for, it is to be hoped, so fertile a Country will not want inhabitants. All reasonable encouragement however should be given to adventurers to settle there; & in some former reports to your Majesty, we have humbly offer'd it as our opinion, that it would be greatly for your service that the present inhabitants of Newfoundland should be engaged to quit that place, where they drive a trade prejudicial to the fishery of Great Britain, and settle in Nova Scotia, where they may be useful to this Kingdom.

We shall not trouble your Majesty with the repetition of the particulars mentioned in former parts of this representation concerning the fortifications proposed to be erected on the Coast of Nova Scotia; but shall beg leave in general to observe, that bays and harbours should be secured, & some forts built in proper places for the protection of your Majesty's subjects fishing upon the Coast.

In that part of this report, relating to the french settlements, we have taken notice, that nature has furnished the British Colonies with a barrier, which may easily be defended, having cast up a long ridge of mountains between your Majesty's Plantations & the french settlements, extending from South Carolina to New York; but there are doubtless several passes over these Mountains, which ought to be secured as soon as they shall be discovered; and we had the honour not long ago to recommend to your Majesty's approbation a proposal for fortifying the passes on the back of Virginia. In our opinion all possible encouragement should be given to discoveries & undertakings of this nature; for if all the passes over this ridge of Mountains are not secured, your Majesty's subjects will be liable to the insults of the french, and of the Indians under their influence, who are very numerous.

But although these Mountains may serve at present for a very good frontier, we should not propose them for the boundary of your Majesty's Empire in America. On the contrary, it were to be wished, that the British Settlements might be extended beyond them, & some small forts erected on the great Lakes, in proper places, by permission of the Indian proprietors; & we would particularly recommend the building of a fort on the Lake Erie,

as hath been proposed by Colonel Spotswood, your Majesty's Lieut Governor of Virginia, whereby the french communications from Quebec to the River Mississippi, might be interrupted, a newtrade opened with some of the Indian nations, & more of the natives engaged in your Majesty's interest.

There will be the same reason for erecting another Fort at the falls of Niagara, near the Lake Ontario, Mr Burnet your Majesty's Governor of New York, hath already formed a scheme for this purpose, which we hope he may be able to execute, by the consent & assistance of the Senecas, one of the five Indian Nations dependent on your Majesty, to whom the soil belongs.

But because these Lakes be at a very great distance from the Settlements already made by your Majesty's subjects, to secure intermediate stages, a third fort might be built at the head of Potomack River; which divides Virginia from Maryland, & a fourth at the head of Susquehanna River, which runs through Pennsylvania, into the Bay of Cheseapeake.

Carolina likewise being the Southern frontier of your Majesty's Plantations, and lying much exposed to the incursions both of the french & Spaniards, as well as to the insults of the Indians, demands your Majesty's immediate assistance and protection.

It would be for your Majesty's service, that the heads & embouchures of all rivers running through this province should be secured. And in our humble opinion, a less force than four regiments of foot will not be sufficient for the protection of your Majesty's subjects there; especially considering how many places will require garrisons: For besides those already mentioned under the head of Carolina, it will be highly necessary, that three others should be erected on the Savannah, Catahooche, & Hagologe Rivers; for at Palachakolas, on the Savannah River, the french had formerly a settlement, in the time of Charles the Ninth, & intend to settle there again, if not prevented.

A fort on Catahooche River would secure a communication with the bay of Apolatche, & another on Hagologe River might not only interrupt the communication of the french settlements, but likewise give your Majesty's subjects an opportunity of gaining the Cherokees, a warlike nation and the only Indians of consequence in those parts, that have not already made peace with the french.

We are very sensible, that this proposal will be attended with expense; but we hope it may be fully justified by the necessity thereof, for the preservation of the British Colonies in America.

#### IN RELATION TO THE INDIANS.

The second particular, wherein your Majesty's interest is highly concerned, with respect to the trade & the security of the British Plantations, is that of cultivating a good understanding with the Native Indians, as well those inhabiting amongst your Majesty's Subjects, as those that border upon your Majesty's dominions in America; and herein at all times hath consisted the main support of our french neighbours, who are so truly sensible, of what consequence it is to any European nation, settling in America, to gain the natives to their interest; that they have spared no pains, nor cost, or artifice to attain this desirable end; wherein it must be allowed, that they have succeeded, to the great prejudice of your Majesty's subjects in those parts, having debauched, as hath already been observed some parts of the five nations bordering upon New York from their Ancient league & dependence on the Crown of Great Britain.

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For this purpose their Missionaries are constantly employed, frequent presents are made to the Sachems or Kings of the several Nations, & encouragement given for intermarriages between the french & natives; whereby their new Empire may in time be peopled, without draining france of its inhabitants.

It was for this reason, that, in the draught of Instructions for the Governor of Nova Scotia, we took the liberty of proposing to your Majesty that proper encouragement should be given to such of your Majesty's subjects as should intermarry with the native Indians; and we conceive it might be for your Majesty's service that the said Instructions should be extended to all other British Colonies.

Your Majesty & your Royal Predecessors, have frequently made presents to the Indian Chiefs, more particularly to those of the five nations; but as the same have always hitherto been a charge upon the Civil list, which is generally overburthened, so those presents have not been very regularly or seasonably sent to America; & consequently many opportunities of improving the British interest in those parts, must have been lost, for want of them; for which reason, it is to be hoped, that more exactness will be had in this particular for the future.

It is likewise much to be lamented, that our zeal for propagating of the Christian faith in parts beyond the seas, hath not hitherto much enlarged the pale of the British Church amongst those poor infidels, or in any sort contributed to promote the interest of the State in America; but as it is not so immediately our province to propose any thing particular upon this head, we can only wish, that the same may be hereafter put upon a better foot.

There is however one other method left for gaining the good will of these Indians, which providence has put into our hands, and wherein the french could not possibly rival us, if we made a right use of our advantage, & that is, the furnishing of them, at honest & reasonable prices, with the several European commodities, they may have occasion for, but even this particular, from the unreasonable avarice of our Indian traders, & the want of proper regulations, has turned to our detriment, and instead of gaining us friends, has very probably created as many enemies.

But as we are entirely of opinion, that the Indian trade, if fairly carried on, would greatly contribute to the increase of your Majesty's power & Interest in America, we should humbly propose, that the same may be put under as good regulations, as the nature of the thing will admit, for on the successful progress of this trade the enlargement of your Majesty's dominions in those parts doth almost entirely depend, in as much as all the Settlements, that may at any time hereafter be made beyond the Mountains, or on the Lakes, must necessarily build their hopes of support much more upon the advantage to be made by the Indian trade, than upon any profits to arise from planting at so great a distance from the sea.

This trade then ought by all possible means to be encouraged; it ought to be equally free in all parts, to all your Majesty's Subjects in America, & all monopolies thereof discouraged, that no one Colony, or sett of people whatsoever may engross the same, to the prejudice of their neighbours.

All your Majesty's Governors, in their respective governments, should use their utmost endeavours to prevent the traders from imposing upon the Indians; upon complaint of any injustice done them, cause satisfaction to be made, and, upon all occasions, shew the utmost resentments against the offenders.

And that your Majesty's subjects may be the more easily induced to extend this trade as far Westward, upon the lakes & rivers behind the Mountains, as the situation & ability of the respective Colonies will permit; forts should be built, & garrisons settled in proper places to protect them.

It would likewise be for your Majesty's service, that the several Governors of your Majesty's plantations should endeavour to make treaties & alliances of friendship with as many Indian Nations as they can; in which treaties all your Majesty's subjects should be expressly included; all the Indian Nations, in amity with your Majesty's subjects, should, if possible, be reconciled to each other; & all traders should be instructed to use their endeavours to convince the said Indians, that the English have but one King, & one interest.

And if any Indian Nation, in league or friendship with any of your Majesty's Colonies, should make war, plunder, or any way molest any other Indian Nation, in friendship with the same Colony, Your Majesty's Governors should use all possible endeavours to oblige the said Indians to make satisfaction for their breach of faith to the party aggrieved.

And that all the Governors of your Majesty's plantations may be informed of the state of every other Government, with respect to the Indians, it will be necessary, that every governor upon his making any treaty with any Indian nation, should immediately communicate the same to all other your Majesty's Governors upon the Continent.

We are likewise of opinion, that it might be convenient to imitate the french, in sending home some chiefs of the most considerable Clans or nations, to whom they take care to shew the Glory & splendor of the french nation in Europe, that the said Indians may, upon their return, instill the greater respect for them among their countrymen.

All which particulars would, in our humble opinion, much conduce to the securing of the natives in your Majestys Interest, & to the enlargement of your frontiers in America.

#### IN RELATION TO THE GOVERNMENT OF THE PLANTATIONS.

The Laws & constitutions of your Majesty's Colonies are copied from those of Great Britain, but fall short of them in many particulars; some of which have however from time to time been corrected & amended by your Majesty's Instructions to the respective Governors of the different Colonies under your Majesty's immediate government; and they might be rendered still more perfect, if your Majesty's Commands met with due obedience in the proprietary & Charter Governments.

This is the great obstacle, which has hitherto made it impracticable to put the plantations in general upon a better foot; & therefore we shall beg leave to mention some of those inconveniencies, that have arisen from the large powers & privileges, subsisting by virtue of several Charters, granted by your Majesty's Royal Predecessors; whereby not only the soil, but likewise the dominion or Government of several Colonies is absolutely alienated from the Crown, to certain proprietors, who far from employing the said powers & privileges to the use for which they were designed, as we find by former reports from this board, have frequently refused obedience to such orders as have been given by your Majesty's Royal Predecessors; have broken through the laws of trade & navigation; made laws of their own, contrary to those of Great Britain; given shelter to pirates and outlaws, & refuse to contribute to the defence of the Neighbouring Colonies under Your Majesty's immediate Government, even in cases of the greatest emergency, altho' they would not have been able to subsist themselves without the assistance of their neighbours.

And although, in justice to some of the proprietary Governments, it must be allowed, that they are not all equally involved in this charge; yet certain it is, that great inconveniencies do arise from so many different forms of Governments, & so many different interests on the Continent of America; nor is it to be expected, that either our Indians or European neighbours should pay that respect to your Majesty's subjects, which all those who have the happiness to

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be under Your Majesty's protection, might otherwise reasonably hope for, until it shall appear, that all the British Colonies in America hold immediately of one Lord, & have but one joint interest to pursue; for which reason, & many others, we shall first humbly propose, that all the proprietary governments should be re-assumed to the Crown, either by purchase, agreement, or otherwise, as conceiving this to be one of those essential points, without which your Majesty's colonies can never be put upon a right footing:

It might likewise be further observed upon this head, that some of the Proprietary and charter Governments have shewn too great an inclination to be independent of their Mother kingdom, & have carried on a trade destructive to that of Great Britain, wherein they might undoubtedly be more effectively restrained, if they were all of them under your Majesty's immediate government, & were by proper laws compelled to follow the commands sent them by your Majesty; & it hath ever been the wisdom, not only of Great Britain, but likewise of all other states to secure, by all possible means, the entire, absolute, & immediate dependency of their colonies.

On the other hand, it were but just to consider the planters, whatever Governments they may live under, as your Majesty's subjects; and that in all reasonable things, not prejudicial to the interest of Great Britain, they should be favoured & encouraged, more particularly in the raising of Naval Stores of all kinds, whereby they may greatly advantage themselves, & contribute to render their Mother Kingdom absolutely independent of all the Northern powers; & that their religion, liberties & properties should be inviolably preserved to them.

We have already had a very successful proof of what due encouragements produce, in the particulars of pitch & tar; which at present are made in as great perfection in your Majesty's plantations, as in any other part of the world, & in such plenty, as will enable us to supply foreign parts, since it hath reduced the common price of those Commodities one third of their former cost within the space of a very few years, whereby the importation of pitch & tar from the Baltick is greatly decreased, & much money saved in the balance of our trade. Nor is it to be doubted, but iron, flax, hemp, & all sorts of timber, might likewise be had from your Majesty's plantations, with the same success, upon sufficient encouragement whereby the trade & navigation of these realms would be highly advanced, & the plantations diverted from the thoughts of setting up manufactures of their own, interfering with those of Great Britain, & from carrying on an illicit trade with foreigners; but we shall have an opportunity of explaining ourselves more particularly upon this head, in a separate representation to your Majesty relating to such further premiums as we conceive necessary for promoting so useful a design.

Your Majesty's revenues, arising from the quit rents reserved upon grants of lands made by your Majesty & your Royal Predecessors, bear no proportion to the extent of your Majesty's territories in America; for such has been the improvident management in this particular, that whole provinces have been granted without any, or upon very small reservations to the crown; & the Governors of your Majesty's colonies, who are by their Commissions & Instructions usually empowered to make grants of lands, have frequently abused their authority herein, by making exorbitant grants to private persons, & the small quit rents, that have been reserved, have not been so punctually collected & accounted for, as they ought to have been: The registers of such Grants being very imperfectly kept & no due obedience paid to your Majesty's Auditor of the plantations. There are likewise other abuses practised in the manner of taking up lands, whereby the grantees preserve their claim, whilst your Majesty is defrauded of your quit-rents, the lands remain uncultivated, & the industry of the fair planter is discouraged.

To prevent these abuses, it may be necessary for your Majesty's service, that the Governors of your Majesty's Colonies on the continent should for the future be restrained from making grants, without reservation of the usual quit-rents to your Majesty, & from making any grants exceeding 1000 acres to any person in his own, or any other name in trust for him; and that all grants, hereafter to be made, should be void, unless the land granted, or at least two thirds thereof, be cultivated within a certain term of years to be fixed for that purpose.

That no person should be allowed to hold any lands, for which a patent hath not been actually passed, either under the seal of the respective plantation, or the great Seal of this Kingdom, & that all persons petitioning for the future, to take up lands, should be obliged, upon allowance of such petition to pass a patent for the same within the space of six years, & pay the usual duties due thereon to your Majesty; in default whereof, the said allowance to be void, & the land to be grantable to any other person.

That an exact register be kept of all grants already made or to be made; that the quit-rents arising therefrom be duly accounted for to your Majesty's Auditor of the plantations; And that likewise all money whatsoever levied in your Majesty's name, in any of your Majesty's Colonies be accounted for to the said Auditor; which we the rather mention, because some of the Northern provinces (particularly that of New York) have of late refused to account with your Majesty's Auditor, for monies raised by their Assemblies; which is a practice detrimental to your Majesty's authority, & tends to the shaking off that dependency, which they owe to your Majesty & to their mother Kingdom.

The preservation of the woods in America, which hath hitherto been much neglected, is another particular of very great consequence to your Majesty's service; inasmuch as the same might prove an inexhaustible store for the Royal Navy of Great Britain. And although several Parliaments have been so sensible of the importance of this Article, that laws have been made in England for this purpose, yet the daily complaints from America are a proof how ill these laws are executed, & how little regard is paid to your Majesty's Commission & Instructions to your Surveyor General of the Woods; which is not so much to be wondered at, considering the present Surveyor only acts by Deputy, no ways qualified for that employment, although so extensive a trust would require the constant attendance of a capable & well experienced officer, & ought not to be left to the management of a Deputy.

But the many inconveniencies, that arise from the granting of Offices in the plantations to persons acting by Deputy there, may deserve your Majesty's animadversion; and we would humbly propose, that no offices in the plantations may be granted for the future, without an express clause in each patent, obliging the grantee to attend & discharge the duty of his office in person.

We beg leave further to observe, that the laws at present in force for the preservation of your Majesty's woods, are very defective, for the exception therein made, whereby liberty is given for the cutting of timber growing upon the lands of several persons, hath given rise to many pretensions for destroying timber fit for the service of the Royal Navy; wherefore we would humbly propose, that further provision should be made, by Act of Parliament in Great Britain, for ascertaining your Majesty's right to the woods, & the boundaries thereof.

But the most effectual way to put in execution what we have already offered upon this subject to your Majesty's consideration, & to render the several provinces on the Continent of America, from Nova Scotia to South Carolina, mutually subservient to each others support, will be to put the whole under the Government of one Lord Lieutenant, or Captain General,

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from whom all others Governors of particular provinces should receive their orders, in all cases, for your Majesty's service, & cease to have any command respectively in such province, where the said Captain General shall at any time reside, as is at present practised in the Leeward Islands, where each Island has a particular Governor, but one general over the whole.

The said Captain General should be constantly attended by two or more Councillors deputed from each plantation, he should have a fixed Salary, sufficient to support the dignity of so important an employment, independent of the pleasure of the Inhabitants; and, in our humble opinion, ought to be a person of good fortune, distinction & experience.

By this means, a general contribution of men or money may be raised upon the several Colonies, in proportion to their respective abilities, & the utility of this proposal is so evident, that we shall not trouble your Majesty with any further reasons to enforce the same; but in case your Majesty should be graciously pleased to approve thereof, we shall take a further opportunity of explaining, in what manner it may best be executed.

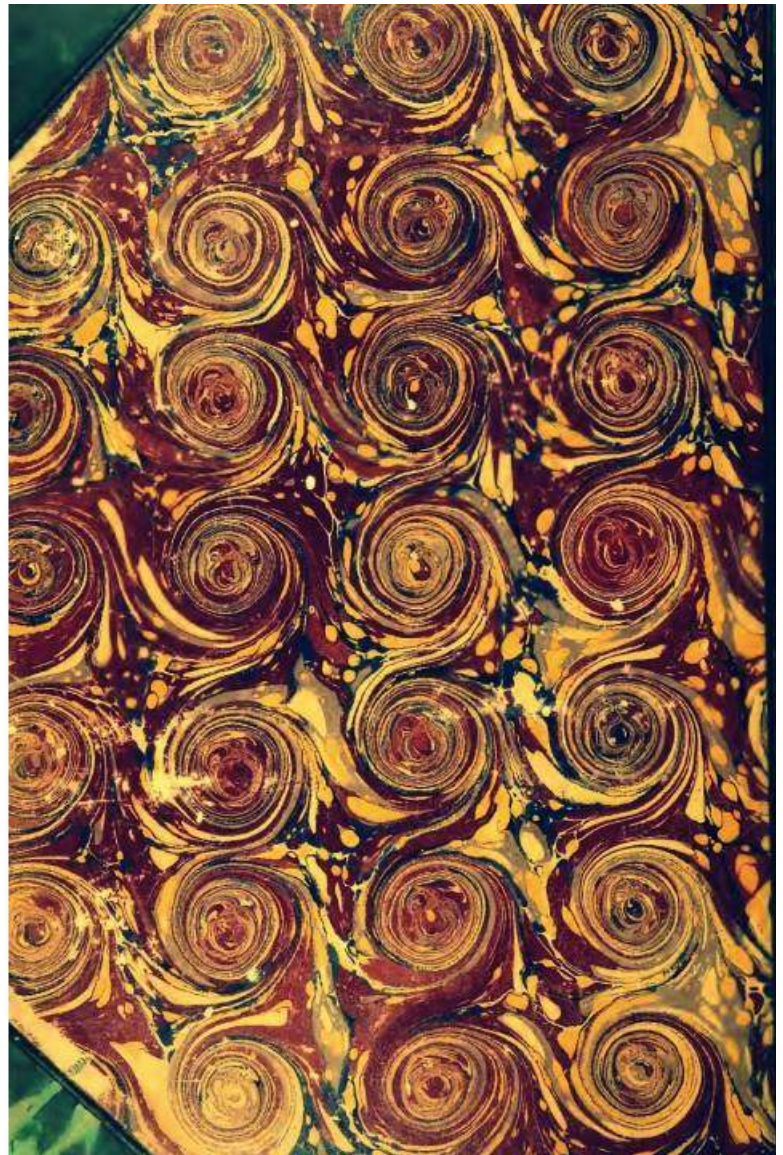
But we humbly crave leave to inform your Majesty, that it will be further necessary for your service, that whoever presides at this Board, may be particularly and distinctly charged with your Majesty's immediate orders, in the dispatch of all matters relating to the Plantations, in such manner, as the first Commissioner of the Treasury, & Admiralty, do now receive & execute your Majesty's commands; with whom the Captain General, & all other Governors of your Majesty's Plantations, may correspond.

We the rather mention this, because the present method of dispatching business, relating to the Plantations, is liable to much delay & confusion; inasmuch as there are at present no less than three different ways of proceeding herein; that is to say, by immediate application to your Majesty by one of your Secretaries of State; by petition to your Majesty in Council, & by representation to your Majesty from this Board; from whence it happens, that no one Office is thoroughly informed of all matters relating to the Plantations; and sometimes orders are obtained by surprize, disadvantageous to your Majesty's Service; whereas if the business of the Plantations were wholly confined to one Office, these inconveniencies would be thereby avoided.

All which is most humbly submitted.

J. CHETWYND  
P. DORMINIQUE.  
M. BLADEN.  
E. ASHE.

Whitehall  
Sep<sup>r</sup> S. 1721



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GREAT BRITAIN  
AND  
THE ILLINOIS COUNTRY

1763-1774

BY  
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CHAPTER V.

TRADE CONDITIONS IN THE ILLINOIS COUNTRY,  
1765-1775.

THE peltry trade had been one of the chief elements in the rivalry between France and England in the Ohio and Mississippi valleys. It was the main support of the French government in Canada and now that the English were in possession of the great peltry districts the management of the trade deserved most serious consideration. It was becoming of increasing importance to the manufacturing monopoly of the mother country, and therefore, in the minds of English statesmen, deserved far more attention than did the few thousand French colonists scattered throughout the West. The desire to increase this branch of commerce dictated in large measure those clauses in the proclamation of 1763, which forbade the formation of settlements or the purchase of lands within the Indian reservation, but which at the same time declared that trade with the Indians should be free and open to all English subjects alike. Again, the plan proposed in 1764 related solely to the management of the Indians and to the regulation of the trade with a view to making the English monopoly of intrinsic value to the empire. Even towards the close of the period under consideration there was little or no change of policy so far as official utterances are concerned. In 1772, in a report to the crown, the Lords of Trade made the following declaration: "The great object of colonizing upon

77

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the continent of North America has been to improve and extend the commerce, navigation, and manufactures of this kingdom . . . it does appear to us, that the extension of the fur trade depends entirely upon the Indians being undisturbed in the possession of their hunting grounds; that all colonizing does in its nature, and must in its consequences, operate to the prejudice of that branch of commerce.' . . . 'Let the savages enjoy their deserts in quiet . . . Were they driven from their forests the peltry trade would decrease.'"<sup>1</sup>

Under the French régime the western Indians and their trade had been managed with greater success than had the tribes living under English influence. The success of France was due largely to her policy of centralization, combined with the genial character of the French fur trader and the influence of the missionary. The English, on the contrary, had managed their relations with the Indians through the agency of the different colonies, without a semblance of union or cooperation, each colony competing for the lion's share of the trade, a policy which resulted disastrously to the peace of the empire.

In 1755 the English government, under the influence of

<sup>1</sup> Franklin's *Works*, ed. Sparks, IV, 303-323. "I conceive that to procure all the commerce it will afford at as little expense to ourselves as we can is the only object we should have in view in the interior Country for a century to come." Gage to Hillsborough, November 10, 1770, P. R. O., Am. and W. I., vol. 126; "This Traffick was the Principal Benefit in View, in the Extent of Territory in N. America made by the late Peace." Conway to Gage, March 27, 1766, Conway's MS. letter book in Library of Congress. It may be noted, however, that some members of the government had serious doubts as to this policy. Such men as Shelburne favored an early opening of the country to colonization. See below, ch. VI. Shelburne, however, was also convinced that the management of the Indians and their trade should be considered first among American affairs. *Calendar of Home Office Papers, 1766-1769*, no. 348. For a similar view of Shelburne's in 1774 see *Parl. Hist.*, XVIII, 672.

Halifax, president of the Board of Trade, took over the political control of the Indians, and appointed two superintendents to have charge of the different nations.<sup>2</sup> A little later, in 1761, the purchase of Indian lands was taken out of the hands of the colonies and placed under the control of the home government.<sup>3</sup> No further change is to be noted until after the issue of the war was known, when the whole question was again taken under consideration. The most important step yet taken respecting the Indian and his concomitant, the fur trade, appeared in the proclamation of 1763, issued in October following the treaty of cession. Some of its provisions for the West have already been noted. In addition to reserving for the present the unorganized territory between the Alleghany Mountains and the Mississippi River for the use of the Indians, the government guaranteed the Indians in the possession of these lands by announcing in the proclamation that no governor or commander-in-chief would be allowed to make land grants within this territory, and further prohibited all land purchases and the formation of settlements by private individuals without royal consent. Trade within this reservation was, however, made free to all who would obtain a license from the governor or commander-in-chief of the colony in which they resided.<sup>4</sup>

The Indian trade now came to be regarded as British rather than colonial,<sup>5</sup> since its management was now directed by the central government. In the course of the

<sup>2</sup> Alvord, "Genesis of the Proclamation of 1763", in *Mich. Pioneer and Hist. Colls.*, XXXVI, 25.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Can. Const. Docs., 1759-1791*, 122.

<sup>5</sup> Johnson to Lords of Trade, May 17, 1759, *N. Y. Col. Docs.*, VII, 375. Franklin pointed out the same thing in 1766. *Franklin's Works*, ed. Biglow, III, 429.

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year following the issuance of the proclamation an elaborate plan was outlined by Hillsborough<sup>6</sup> comprehending the political and commercial relations of all the Indian territory.

According to the proposed scheme<sup>7</sup> British North America was to be divided, for purposes of Indian management, into two districts, a northern and a southern, each under the control of a general superintendent or agent appointed by the crown, the Ohio River being designated as the approximate line of division. In the northern district, with which we are here concerned, the regulation of such Indian affairs as treaties, land purchases, questions of peace and war, and trade relations was to be given into the hands of the superintendent who was to be entirely free from outside interference. Without his consent no civil or military officer could interfere with the trade or other affairs of any of the Indian tribes. Three deputies were to be appointed to assist the superintendent and at each post a commissary, an interpreter, and a smith were to reside, acting under the immediate direction of the superintendent and responsible only to him for their conduct. For the administration of justice between traders and Indians and between traders themselves, the commissary at each post was to be empowered to act as justice of the peace in all civil and criminal cases. In civil cases involving sums not exceeding ten pounds the commissary was to have summary jurisdiction, but an appeal might be taken to the superintendent. The Indian trade was to be under the direct supervision of the general superintendent. Traders who desired to go among the Indians to ply their trade could do so by obtaining a license from the province from which they came.

<sup>6</sup> See above, ch. II, pp. 16-17.

<sup>7</sup> *Can. Arch. Report*, 1904, 242; *N. Y. Col. Docs.*, VII, 637-641.

The region into which the traders intended to go was to be clearly defined in the license and each had to give bond for the observance of the laws regulating the trade. The superintendent, together with the commissary at the post and a representative of the Indians, was to fix the value of all goods, and traders were forbidden to charge more than the price fixed. For the still better regulation of the trade, it was to be centered about the regularly fortified and garrisoned forts. Regulations for the sale of land were also proposed: outside the limits of the colonies no individual or company could legally purchase land from the Indians unless at a general meeting of the tribe presided over by the superintendent.

The plan thus outlined by the ministry was never carried into effect by parliamentary action, although the superintendents used the outline as a guide in their dealings with the Indians.<sup>8</sup> The original intention had been to levy a tax on the Indian trade to defray the expense of putting the scheme into operation, but it was found that the budget was already too greatly burdened,<sup>9</sup> and the Stamp Act disturbances which followed illustrated the probable inexpediency of imposing such a duty.<sup>10</sup>

The foregoing considerations serve to indicate the importance which the ministry attached to the Indian trade in general. But what of the trade in the Illinois country? This region had been one of the great centers of the Indian

<sup>8</sup> Practically all the provisions were adopted by the superintendents, "Representation of Lords of Trade on the State of Indian Affairs", March 17, 1768, *N. Y. Col. Docs.*, VIII, 24.

<sup>9</sup> Franklin's *Works*, ed. Bigelow, V, 38; Knox, *Justice and Policy of the Quebec Act*, 39; "Proposed Extension of Provincial Limits", *Can. Const. Docs.*, 1759-1791, 381; Johnson to Gage, March 9, 1765, Parkman Coll., Pontiac-Miscell., 1765-1778.

<sup>10</sup> Knox, *Justice and Policy of the Quebec Act*, 39.

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trade under the French régime; and in addition the French inhabitants had been one of the main supports of New Orleans since its foundation early in the century. The commercial connection between the Illinois villages and New Orleans had never been broken, and at the time of the occupation of Illinois in 1765, French fur traders and merchants still plied their traffic up and down the Mississippi River. Now that the title to this trade centre had passed to England it was expected that the volume of trade would be turned eastward up the Ohio River. The necessity for this was patent if any material benefits were to accrue to the empire from the cession, for failure to carry out the plan would leave the country a dead weight on the empire.

The home and colonial authorities early saw the importance of turning the course of the trade. They hoped and expected that a trade would be opened with the Indians in and about the Illinois country immediately after the active occupation by the English troops.<sup>11</sup> A large number of individual traders were early aware of this and representatives of some of the large trading companies of the East were also preparing to take advantage of the opening of the West to trade. In 1765 Fort Pitt became the great rendezvous for this element. From this point traders, with their cargoes to exchange for the Indians' furs, followed the army to Fort de Chartres as soon as the season of the year would permit.

Among the more prominent figures was George Morgan, a member of the firm of Baynton, Wharton and Morgan, and the company's personal representative in the Illinois country. Other representatives of the company left Fort Pitt in March of the same year with a large cargo of goods,

<sup>11</sup> Johnson to Governor Penn, April 12, 1765, Johnson MSS., vol. X, no. 190.

which reached Fort de Chartres during the summer.<sup>12</sup> Firms such as Franks and Company of Philadelphia and London, and Bentley and Company of Manchac, on the lower Mississippi, also traded extensively in the Illinois region during the following years; all the larger British companies becoming rivals for that portion of the Indian trade which the English were able to command. Other and perhaps greater sources of profit to the English merchants lay in the privilege of furnishing the garrison with provisions<sup>13</sup> and the Indian department with the goods for Indian presents.<sup>14</sup> Although the houses of Baynton, Wharton and Morgan, and of Franks and Company were usually competitors for the former privilege, the latter company generally had the monopoly.<sup>15</sup> On the other hand Baynton, Wharton and Morgan derived their greatest profits from the sale of enormous quantities of goods to the government through the Indian department for distribution among the Indians accustomed to assemble at the Illinois villages.<sup>16</sup> But whether all these houses received profits commensurate with the risks undertaken is problematical.<sup>17</sup>

In the Indian trade, in which all the merchants were in-

<sup>12</sup> Five bateaux loaded with goods under the command of John Jennings, sailed from Fort Pitt, March 9, 1765. Joseph Dobson to Baynton, Wharton and Morgan, March 9, 1765, MS. letter in Hist. Soc. Pa. Library. In 1767 the firm wrote: "Our Speculation has been attended with the most favorable circumstances to his Majesty's Interest, As we are the only English Merchants who have ventured to forward British Merchandize to the Illinois Country; Whereby the King's Agents have been enabled, in some Degree to counteract the French and Spanish on the opposite side of the Mississippi." Baynton, Wharton and Morgan to Maclean, October 9, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVI. The best sources of information for the company's methods and operations in the West are Morgan's MS. letter book and the firm's papers in the Division of Pub. Records, Pa. State Library.

<sup>13</sup> Morgan's MS. letter book. <sup>14</sup> *Ibid.* <sup>15</sup> *Ibid.* <sup>16</sup> *Ibid.*

<sup>17</sup> Gage wrote in 1770 that the "Company from Philadelphia [Baynton, Wharton and Morgan] failed in the Illinois trade", Gage to Hillsborough, December 7, 1770, P. R. O., Am. and W. L., vol. 126.

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terested, they not only had to compete with each other and with independent English traders, but with the French and Spanish who had not ceased to ply their trade among their old friends the Indians. This continuance of foreign traders in British territory was probably the most serious problem in the trade situation. Not only did it affect English traders but the interests of the empire itself were seriously threatened by the presence within its limits of unlicensed foreign traders. It is therefore evident that the close of hostilities between France and England in 1763 and the formal transfer of Canada and the West to Great Britain by no means closed the intense rivalry between the fur-trading elements of the two nations for predominance in the western trade. It rather accentuated it. As has already been suggested, France, until the cession of the West, had naturally possessed the dominant influence among the savages of the Mississippi Valley and Canada, and consequently the monopoly of the fur trade accrued to her subjects. In the upper Ohio River region and among the tribes bordering on or living within the limits of the English colonies, the British, during the first half of the eighteenth century, were either strong rivals of the French or were completely dominant. It was therefore generally expected that after the cession of the West the British would inherit the influence of the French among the Indians and succeed to the monopoly of the fur trade just as Great Britain had succeeded to the sovereignty of the territory itself. But the conspiracy of Pontiac, due in large part to the machinations of the French traders, postponed for a considerable period the entry of the British traders, during which time the French became more strongly entrenched than ever in the affections of the savages.

The French methods of trade had from the beginning

been different from those pursued by their neighbors and rivals. The government divided the Indian country into districts corresponding to the divisions recognized by the Indians themselves, and licenses were adapted to the several "hunts" with reference to the customs and habits of the natives.<sup>18</sup> Traders were absolutely forbidden under severe penalties to trade or hunt beyond the limits of their respective districts.<sup>19</sup> The traders, moreover, lived among the Indians, affected their manners, treated them kindly and respectfully, and supplied all their wants, and the missionary, the connecting link between the two races, was ever present. This association of religion which was one of the causes of the success of the French in gaining such a permanent foothold in the affections of the Indians, was entirely absent in the British relations with that race. The English traders were in general unscrupulous<sup>20</sup> in their dealings with the savages and deficient in that tact which enabled Frenchmen to overcome the natural prejudice of the Indian and acquire an interest with him which would be difficult to sever. In that section of the Indian country where the influence of Great Britain was such that her traders could go among the Indians, there was always considerable dissatisfaction on account of the methods employed by a large number of independent and irresponsible traders. Many carried large quantities of rum, some dealing in nothing else.<sup>21</sup> English traders frequently attended public

<sup>18</sup> Pownall, *Admin. of the Cols.*, 187.

<sup>19</sup> *Ibid.*

<sup>20</sup> Johnson to Hillsborough, October 23, 1768, *N. Y. Col. Docs.*, VIII, 105-106; same to Shelburne, *ibid.*, VII, 929; same, "Review of the Trade and Affairs of the Indians", September, 1767, *ibid.*, 955, 960, 964; same to Lords of Trade, *ibid.*, 987; Johnson to Carleton, January 27, 1767, *Can. Arch.*, series Q., vol. 4, p. 115.

<sup>21</sup> Johnson to Hillsborough, August 14, 1770, *N. Y. Col. Docs.*, VIII, 226. See extract from "Ponteach, or the Savages of North America: A Tragedy", in Parkman, *Conspiracy of Pontiac*, II, 344ff.

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meetings of Indians, gave them liquor during the time for business, and defrauded them of their furs.<sup>22</sup> This abuse was one of the great causes of complaint against British traders.<sup>23</sup> Indeed wherever they participated in the trade, its condition was deplorable. Many of the independent traders had little or no credit so that the legitimate merchants suffered as well as the Indians.<sup>24</sup> The unlicensed traders adopted various expedients to draw trade from each other, such as selling articles below first cost, thus ruining a large number of merchants.<sup>25</sup> Fabrications dangerous to the public were frequently created to explain the prices and condition of goods.<sup>26</sup> But probably more injurious still to imperial interests, was the fact that whole cargoes of goods were sometimes sold by English firms to French traders, thus enabling the latter to engross a great part of the trade, and depriving the empire of the benefit of the revenue accruing from the importation of furs into England. This practice was probably followed to a greater degree in the farther West,<sup>27</sup> where the French continued to have a monopoly in the trade long after the English occupation.

It had been expected that the Illinois villages would be the center of trade for the English side of the upper Mississippi Valley<sup>28</sup> just as it had been one of the centers dur-

<sup>22</sup> Johnson to Hillsborough, August 14, 1770, *N. Y. Col. Docs.*, VIII, 226.

<sup>23</sup> Johnson to Hillsborough, April 4, 1772, *ibid.*, 292.

<sup>24</sup> Johnson, "Review of the Trade and Affairs of the Indians", September, 1767, *ibid.*, VII, 964-965. <sup>25</sup> *Ibid.* <sup>26</sup> *Ibid.*

<sup>27</sup> Gage to Shelburne, January 17, 1767, *B. T. Papers* (Hist. Soc. Pa.), vol. XXVII; Johnson to Lords of Trade, November 16, 1767, *N. Y. Col. Docs.*, VII, 776; Croghan to B. Franklin, January 27, 1767, *Sparks MSS.*, V, vol. I, p. 46. Croghan, writing from New York, says that "persons here of no inconsiderable Consequence supply the French at New Orleans with Goods to carry on their Contraband Trade in the Illinois Country." *Ibid.*

<sup>28</sup> Lords of Trade to Johnson, *N. Y. Col. Docs.*, VII, 635.

ing the French regime. But the British were not so well situated to command the trade as the French had been. Previous to this time the trade of the Missouri River region had centered at the Illinois posts, but after the cession of the West to England and the foundation of St. Louis by Laclede in 1764, the latter place drew all the trade west of the Mississippi. Moreover, except for the few tribes of Illinois Indians in the immediate vicinity very few savages found their way to Fort de Chartres for trading purposes. English traders, on the other hand, did not trust themselves far beyond this narrow circle,<sup>29</sup> but their French and Spanish rivals from Louisiana, many of whom formerly lived in the Illinois country, carried on a trade in all directions both by land and by water.<sup>30</sup> They ascended the Ohio, Wabash, and Illinois rivers<sup>31</sup> and crossed the Mis-

<sup>29</sup> "Information of the State of Commerce given by Capt. Forbes, 1768", *P. R. O., Am. and W. I.*, vol. 125. General Gage declared in 1770 that the posts had failed as centers of trade. Gage to Hillsborough, November 10, 1770, *ibid.*, vol. 126.

<sup>30</sup> Gordon's "Journal down the Ohio", 1766, MS. in Hist. Soc. Pa. Library; Lieutenant Geo. Phyn to Johnson, April 15, 1768, Johnson MSS., vol. XXV, no. 109. Morgan complained in 1767 that the great number of French hunters who went up the Ohio from New Orleans had almost exterminated the buffalo. Morgan to Baynton and Wharton, December 10, 1767, Morgan's MS. letter book.

<sup>31</sup> Morgan to Baynton and Wharton, December 10, 1767, Morgan's MS. letter book; Gage to Shelburne, April 24, 1768, *P. R. O., Am. and W. I.*, vol. 124; Gage to Hillsborough, April 24, 1768, *ibid.* Early in 1768 the Indians attacked a party of Frenchmen crossing the country from Vincennes with eight horses loaded with peltry, Morgan to Baynton and Wharton, April 10, 1768, Morgan's MS. letter book. On April 23, 1768, Morgan again writes: "A single boat has just arrived at Misere (St. Genevieve) loaded with Wine, Taffia and Brandy, four other Boats were to leave New Orleans Eight Days after. What their Cargoes consist of I cannot exactly learn but I fear chiefly Liquors. On their Arrival and their Cargoes Will greatly depend the Sales we shall make this Spring." MS. letter book. "They are even so impudent as to wear English Colours up the Ohio on Acct. of the Cherokees", Morgan to Baynton and Wharton, December 10, 1767, *ibid.*

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Mississippi River above the Illinois, plying their traffic among the tribes in the region of the Wisconsin and Fox rivers.<sup>32</sup> This was probably the most productive area in the Mississippi Valley in the supply of fur-bearing animals. The Mississippi River northward from its junction with the Illinois was also considered especially good for the peltry business, the otter, beaver, wolf, cervine, and martin being found in abundance,<sup>33</sup> but the British traders dared not venture into that quarter.<sup>34</sup> The loss of this trade, however, cannot be attributed altogether to their misconduct, for the French had never allowed it to pass from their own hands. The latter continued to intrigue with the Indians throughout the greater part of this period just as they had done prior to 1765. As we have seen they pointed out to the savages how they would suffer from the policy of economy practised by the British government.<sup>35</sup> Thus by giving presents and by circulating stories and misrepresentations the French subjects of Spain attempted to checkmate every move of

<sup>32</sup> Gage to Hillsborough, November 10, 1770, P. R. O., Am. and W. I., vol. 125; Hutchins, "Remarks upon the Country of the Illinois, 1771", MS. in Hist. Soc. Pa. Library. It may be noted that during the French régime the French-Canadians traded extensively in this region. See Gage's "Report on the State of the Government of Montreal", *Can. Const. Docs.*, 1759-1791, 69-72.

<sup>33</sup> Wilkins to Barrington, December 5, 1769, P. R. O., Am. and W. I., vol. 125; Gage to Hillsborough, November 10, 1770, *ibid.*, vol. 126.

<sup>34</sup> "To ascend the Mississippi or Illinois Rivers with Goods would be certain Death, so great is the Influence of the French there." Morgan to Baynton and Wharton, December 10, 1767, MS. letter book. Lieutenant Hutchins, an English engineer, who spent a year in the Illinois country, stated that the "Peltries in general that are sent from the British Side are obtained from the French Traders on the Spanish Shore, as no Englishman can with safety venture among the Savages." Hutchins, "Remarks upon the Country of the Illinois", MS. in Hist. Soc. Pa. Library.

<sup>35</sup> Johnson to Carleton, January 27, 1767, *Can. Arch.*, series Q, vol. 4, p. 115.

the English.<sup>36</sup> The Indians were constantly reminded of bad designs on the part of England, and were encouraged with unauthorized promises of aid in case they should take up the hatchet in defense of their hunting grounds.<sup>37</sup>

This state of affairs continued throughout the greater part of the period, although it was probably modified to some extent after 1770. In answer to a number of vigorous protests from General Gage,<sup>38</sup> O'Reilly, the Spanish governor of Louisiana, issued an order to all the commandants in that colony to prohibit the inhabitants crossing the river in the pursuit of trade and whenever any excesses were committed to give satisfaction to the English commandant according to the laws of nations.<sup>39</sup>

During the first years of the British occupation there was considerable friction in the contact of the two alien peoples in the Illinois villages. In spite of the fact that the French who remained became subjects of Great Britain sharp competition existed for several years between the English and French residents in the vicinity of the villages.<sup>40</sup> The latter were on terms of friendship with the savages and could go

<sup>36</sup> Johnson to Hillsborough, February 18, 1771, *N. Y. Col. Docs.*, VIII, 263; same to same, October 23, 1768, *ibid.*, 105-106.

<sup>37</sup> Gage to Hillsborough, April 24, 1768, P. R. O., Am. and W. I., vol. 124. There was considerable apprehension among English officials throughout this period lest the Indians should be stirred up for an attack upon Canada. See Hillsborough to Carleton, November 4, 1769, *Can. Arch.*, series Q, vol. 6, p. 121.

<sup>38</sup> Gage to Hillsborough, April 24, 1768, P. R. O., Am. and W. I., vol. 124; Gage to Shelburne, April 24, 1768, Dartmouth Papers, *Fourteenth Report, Royal Hist. MSS. Com.*, Appendix X.

<sup>39</sup> Order of O'Reilly, January 27, 1770, P. R. O., Am. and W. I., vol. 126.

<sup>40</sup> "Information of the State of Commerce in the Illinois Country, given by Captain Forbes, 1768", P. R. O., Am. and W. I., vol. 125. Morgan informed his partners that "a Number of French Merchants have combined against us and made Application to Captain Forbes and offered to supply the Crown at a much lower rate than we do." April 5, 1768, Morgan's MS. letter book.

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into any part of the country without difficulty and those Indians who came to Fort de Chartres to trade generally preferred to deal with their trusted friends. The French often carried the packs of furs thus obtained across the river to St. Louis or transported them directly to the New Orleans market. Although the British merchants were occasionally able to pool their interests with the French residents, such cases were exceptional prior to 1770. In that year, however, General Gage informed the home government that "the competition between his Majesty's old and new Subjects is greatly abated and must by degrees subside, for if carried to extremes it would be very prejudicial to both."<sup>41</sup>

Naturally the large quantities of furs and skins obtained by such contraband trade as well as by the French residents of Illinois were taken directly to New Orleans and there embarked for the ports of France and Spain.<sup>42</sup> These foreign interlopers, however, only followed the route to which they had long been accustomed. On the other hand it was expected by the government that the traders who carried English manufactured goods down the Ohio River would return by the same route with their cargoes of peltry for the purpose of transporting them to England. But in this the government was disappointed. English traders and merchants followed the line of least resistance, the route down the Mississippi to New Orleans.<sup>43</sup> Moreover, the

<sup>41</sup> Gage to Hillsborough, November 10, 1770, P. R. O., Am. and W. I., vol. 126.

<sup>42</sup> Morgan to Baynton and Wharton, December 10, 1767, Morgan's MS. letter book. "The French in open Day and without the least Ceremony send their Peltries from hence to New Orleans or to the West Side of the Mississippi", *ibid.*

<sup>43</sup> Gage to Shelburne, January 17, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVII.

New Orleans market was attractive, for peltries sold at a higher price there than in the British markets.<sup>44</sup> The tendency of the English traders and merchants to follow this course was discovered soon after the occupation.<sup>45</sup> In a communication to Secretary Shelburne in 1766 Gage informed the government that "It is reported that the Traders in West Florida carry most of their Skins to New Orleans, where they sell them at as good a price as is given in London. As I had before some Intelligence of this, the Officer commanding at Fort Pitt had orders to watch the Traders from Pensilvania who went down the Ohio in the Spring to Fort Chartres; and to report the quantity of Peltry they should bring up the Ohio in the Autumn. He has just acquainted me that the traders do not return to his Post, that they are gone down the Mississippi with all their Furrs and Skinns under the pretense of embarking them at New Orleans for England."<sup>46</sup> A few weeks later he wrote again in a similar strain: "That Trade will go with the Stream is a maxim found to be true from all Accounts that have been received of the Indian trade carried on in that vast Tract of Country which lies on the Back of the British Colonies; and that the Peltry acquired there is carried to the Sea

<sup>44</sup> Gage to Shelburne, December 23, 1766, *ibid.*; Johnson to Gage, January 29, 1767, Johnson MSS., vol. XIV, no. 35; Gage to Shelburne, February 22, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXII; Gage to Johnson, January 25, 1767, Johnson MSS., vol. XIV, no. 28; George Phyn to Johnson, April 15, 1768, *ibid.*, vol. XXV, no. 109; Gage to Dartmouth, May 5, 1773, P. R. O., Am. and W. I., vol. 128. Gage wrote in 1766 that skins and furs bore a price ten pence per pound higher at New Orleans than at any British market. Gage to Conway, July 15, 1766, *ibid.*, vol. 122.

<sup>45</sup> Gage to Conway, July 15, 1766, *ibid.* Remarks of Gage on Barrington's plan, May 10, 1766, Lansdowne MSS., vol. L, pp. 45-61.

<sup>46</sup> Gage to Shelburne, December 23, 1766, B. T. Papers (Hist. Soc. Pa.), vol. XXVII. In 1767, George Morgan informs his partners, Baynton and Wharton, that he will "send a Boat with a few Packs of Peltry to New Orleans". Morgan's MS. letter book.

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either by the River St. Lawrence or River Mississippi."<sup>47</sup> Gage seemed to believe that the part which went down the St. Lawrence would be transported to England; but that the peltry passing through New Orleans would never enter a British port.<sup>48</sup> "Nothing but prospect of a superior profit or force will turn the Channel of Trade contrary to the above maxim."<sup>49</sup> "The Traders from these Colonies say that it will answer to carry Goods down the Ohio, but that it will not answer to return with their Peltry by the same Route, as they can get to the Sea at so much less expense, and greater expedition by means of the Rapidity of the Mississippi, and pretend that they have Ships at New Orleans to transport their Peltry to England."<sup>50</sup> ". . . the British Traders at the Illinois who carry their goods above three hundred miles by land before they have the convenience of Water Carriage cannot afford to return the same way with the produce of their Trade."<sup>51</sup> In this opinion Sir William Johnson likewise concurred.<sup>52</sup> Lieutenant John Phyn, of the British army, who spent some time at Fort de Chartres in 1768, also declared that "as long as New Orleans is in the hands of another power, the whole produce of that country must centre there. For our merchants will

<sup>47</sup> Gage to Shelburne, February 22, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVII. Lieutenant-Governor Carleton of Canada complained that owing to the restraints on the fur trade in that colony, all the trade was going down the Mississippi, Carleton to Johnson, March 27, 1767, *Mich. Pioneer and Hist. Colls.*, X, 222-224.

<sup>48</sup> Gage to Shelburne, February 22, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVII.

<sup>49</sup> *Ibid.*  
<sup>50</sup> Gage to Shelburne, January 17, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVII. For a similar view see Gage to Johnson, January 19, 1767, Johnson MSS., vol. XIV, no. 23, and Gage to Johnson, January 25, 1767, *ibid.*, no. 28.

<sup>51</sup> Gage to Hillsborough, November 10, 1770, P. R. O., Am. and W. I., vol. 126.

<sup>52</sup> Johnson to Gage, January 29, 1767, Johnson MSS., vol. XIV, no. 35; same to same, February 24, 1767, *ibid.*, p. 67.

always dispose of their peltry or whatever the country produces, at New Orleans where they get as good a price as if they were to ship them off."<sup>53</sup>

In 1768 some steps were taken toward the better regulation of the trade. In that year Captain Forbes, the commandant at Fort de Chartres, issued a placard forbidding the traders to send any peltry down the river without informing the commandant of the number of packs, and at the same time giving a bond of two hundred pounds sterling that they would land them in a British port.<sup>54</sup> At the same time General Gage served notice on Governor Ulloa of Louisiana to prohibit the inhabitants of that province from going up the Illinois, Ohio, and Wabash rivers. The commandant at Fort de Chartres was then given directions to scour the river with armed boats, and to make prisoners of all persons acting contrary to the order of Don Ulloa and to carry them to Fort Pitt.<sup>55</sup>

Conditions, however, grew no better as time went on. In 1773 we find Gage complaining that "the Trade of the Mississippi, except that of the upper parts from whence a portion may go to Quebec, goes down that River; and has, as well as everything we have done on the Mississippi . . . tended more to the Benefit of New Orleans than of ourselves."<sup>56</sup>

An examination of the customs returns for the period

<sup>53</sup> Phyn to Johnson, April 15, 1768, Johnson MSS., vol. XXV, no. 109.

<sup>54</sup> Forbes to Gage, April 15, 1768, P. R. O., Am. and W. I., vol. 124. This had been advised before by the trader and Indian agent, George Croghan. Croghan to Franklin, January 27, 1767, Lansdowne MSS., vol. XLVIII.

<sup>55</sup> Gage to Hillsborough, April 24, 1768, P. R. O., Am. and W. I., vol. 124; Gage to Johnson, August 14, 1768, Gage's Letters.

<sup>56</sup> Gage to Dartmouth, May 5, 1773, P. R. O., Am. and W. I., vol. 128.

Carter, Clarence Edwin (author). Great Britain and the Illinois Country 1763-1774. Washington: The American Historical Association (1910).

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from 1763 to 1775 indicates that the statements of English officials relative to the productivity of the West were not groundless. Instead of an increase in the number and value of furs and skins imported into England as a result of the French cession of the great fur-bearing regions of Canada and the Northwest, there is a decided decrease each year.<sup>57</sup> A diminution is likewise to be noted in the value of the exports from Canada during the same period.<sup>58</sup>

It is difficult to figure exactly what the loss to imperial interests was under these conditions. Furs and skins, however, being among the enumerated commodities<sup>59</sup> some loss certainly accrued to British shipping and to the government through loss of the duty, as well as to English manufactures. Although practically no peltries reached the Atlantic ports from the Illinois region, large quantities were carried to New Orleans. The few who have left any estimate of the amount of peltries exported to New Orleans agree in general that from five hundred to one thousand packs were shipped annually from the Illinois country.<sup>60</sup> According to the usual estimate five hundred

<sup>57</sup> The value, as given in P. R. O., Customs Accounts, vols. 64-68, of beaver skins exported from America from Christmas, 1763, to Christmas, 1768, was as follows:

1764, £28,067	S18	1767, £20,262	S 2
1765, £27,801	S11	1768, £18,923	S18
1766, £24,657	S 0		

<sup>58</sup> The total value of beaver skins exported from Canada in 1764 was 17,259 pounds sterling, and in 1768 it was 13,166 pounds sterling. P. R. O., Customs Accounts, vols. 64-68.

<sup>59</sup> *Parl. Hist.*, VII, 913-916.

<sup>60</sup> "An account of the exports from the Illinois from Sept., 1769 to Sept., 1770", in Hutchins's "Remarks upon the Country of the Illinois, 1771", MS. in Hist. Soc. Pa. Library:

From the British Territory:  
Flour to New Orleans, 120,000 weight which may yield 4 Dollars pr Cwt. Sterling L 1120.  
Peltries 550 Packs which on an average if no damage happen

packs were worth in New Orleans about five thousand five hundred pounds sterling.<sup>61</sup> At the same time the expense of maintaining the various posts and the Indian department was heavy. The Indian expenses at Fort de Chartres alone between September, 1766, and September, 1767, were more than six thousand pounds sterling.<sup>62</sup> In the following year the expenses for nine months in Indian affairs, fitting out an armed galley to prevent illicit trade, and in repairs on Fort de Chartres and new works of defense in expectation of an Indian rupture exceeded two thousand pounds sterling.<sup>63</sup>

to them may yield at London, Ten Pounds each Pack. 5,500 Pounds.

Total: Sterling L 6,620.  
From the Spanish Territory:  
Flour 15,000 Weight L 150  
Peltries 835 Packs L 8350

L 8,500

Total value of the Exports in the year 1768: L 15,120.

The merchant Geo. Morgan declared that if proper regulations were adopted and enforced, 3000 packs per annum could be procured on the British side. Morgan to Baynton and Wharton, December 10, 1767, Morgan's MS. letter book. In 1763, 8000 packs of beaver peltry had been exported from New Orleans, Marsh to Haldimand, November 20, 1767, B. M., Add. MSS., 21,728.

<sup>61</sup> Hutchins, "Remarks upon the Country of the Illinois, 1771." From New Orleans, where all the western trade finally centered, it was estimated that peltries worth between 75,000 and 100,000 pounds sterling were sent annually to foreign ports. Gage estimated it at 80,000 pounds sterling, Gage to Shelburne, January 17, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVII. "New Orleans remits one hundred thousand pounds Sterling worth of Peltry annually to France", Baynton, Wharton and Morgan to McLeane, October 9, 1767, *ibid.*, vol. XXVI.

<sup>62</sup> P. R. O., Audit Office, Declared Accounts, bundle 1530, roll 2, Indian Affairs. Gage estimated Commissary Cole's expense for the same period at ten thousand pounds sterling, Gage to Johnson, April 4, 1768, Gage's Letters.

<sup>63</sup> Gage to Hillsborough, October 7, 1769, P. R. O., Am. and W. I., vol. 125. In a speech in the House of Lords in 1783, in which he defended the cession of the Northwest to the United States, Lord Shelburne declared: "The exports of this country to Canada, then, were

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There seems to have been unanimity of opinion respecting the commercial inutility of the Illinois and surrounding country under existing conditions. Effective though expensive measures would have to be taken to change the course of trade and to expel foreign traders. But General Gage was very doubtful about the probable efficiency of any further regulations. Early in 1767 he declared that it would "not answer to England to be at much expense about the Mississippi" so long as better prices prevailed at New Orleans.<sup>64</sup> Secretary Hillsborough took the same view a few years later, in an argument against the planting of western colonies: "This Commerce cannot . . . be useful to Great Britain otherwise than as it furnishes a material for her Manufactures, but it will on the contrary be prejudicial to her in proportion as other Countries obtain that

only 140,000 pounds and the imports were no more than 50,000 pounds. Suppose the entire fur trade sunk into the sea, where is the detriment to this country? Is 50,000 pounds a year imported in that article any object for Great Britain to continue a war of which the people of England, by their representatives, have declared their abhorrence? . . . But much less must this appear in our sight, when I tell Parliament, and the whole kingdom, that for many years past, one year with another, the preservation of this annual import of 50,000 pounds has cost this country, on an average, 800,000 pounds. I have the vouchers in my pocket, should your lordships be inclined to examine the fact." *Parl. Hist.*, XXIII, 409.

<sup>64</sup> Gage to Johnson, January 19, 1767, Johnson MSS., vol. XIV, no. 23. Captain Forbes, commandant at Fort de Chartres during part of 1768, wrote to Gage: "As I am very sensible of the immense expense this Country is to the Crown and the little advantage the public has hitherto reaped by the trade with savages, and the reason is that the Inhabitants have continued to send their Peltry to New Orleans which is shipped from thence for Old France and all the money that is laid out for the Troops and Savages is immediately sent to New Orleans, for which our Subjects get French Manufactures. I hope, Sir, you will excuse me when I observe to Your Excellency, that the Crown of Great Britain is at all the expence and that France reaps the advantages." Forbes to Gage, April 15, 1768, P. R. O., Am. and W. I., vol. 124. Commandant Wilkins wrote the same year that "the French of New Orleans are the sole gainers in this Trade and the public suffer greatly thereby." Wilkins to Gage, September 13, 1768, *ibid.*

material from us without its coming here first; and whilst New Orleans is the only Port for Exportation of what goes down the Mississippi, no one will believe that that town will not be the market for Peltry or that those Restrictions, which are intended to secure the exportation of that Commodity directly to G. Britain, can have any effect under such circumstances."<sup>65</sup>

The original intention of the British government had been to use Fort de Chartres, on the east bank of the Mississippi between the Illinois and Kaskaskia rivers, to guard the rivers in order to prevent contraband trading.<sup>66</sup> But its inefficiency was soon apparent.<sup>67</sup> Although well constructed, its location was not strategic; it commanded nothing but an island in the river.<sup>68</sup> An indication to the Indians of British dominion<sup>69</sup> and a place of deposit for English merchants<sup>70</sup> constituted about the sum total of its efficiency. In order to make the Illinois country effective as a barrier against foreign aggression and to keep the trade in

<sup>65</sup> Hillsborough to Gage, July 31, 1770, *ibid.*, vol. 126.

<sup>66</sup> Gage to Shelburne, April 3, 1767, *ibid.*, vol. 123.

<sup>67</sup> Gage to Johnson, February 8, 1767, Johnson MSS., vol. XIV, no. 44; Remarks by Gage on Barrington's plan, May 10, 1766, Lansdowne MSS., vol. L, p. 53.

<sup>68</sup> "It has not the least command of the River, owing to an Island which lies exactly opposite to it, and the Channel is entirely on the other side for a great part of the year. This is impassible from a sand bar which runs across even for small boats, and the French and Spaniards on the other side pass and repass at pleasure with contraband goods, forcing an illicit Trade, to our great disadvantage and a certain and very considerable loss to His Majesty's Revenue." Commandant Wilkins to Secretary-at-War Barrington, December 5, 1769, P. R. O., Am. and W. I., vol. 123. See also Morgan to Baynton and Wharton, April 24, 1769, Division of Pub. Records, Pa. State Library.

<sup>69</sup> Gordon's "Journal down the Ohio, 1766," MS. in Hist. Soc. Pa. Library; Gage to Johnson, February 8, 1767, Johnson MSS., vol. XIV, no. 44; Hillsborough to Gage, July 31, 1770, P. R. O., Am. and W. I., vol. 126.

<sup>70</sup> Gage to Hillsborough, June 16, 1768, *ibid.*, vol. 124.

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English hands, it was necessary to adopt measures looking toward the closing of those natural entrances into the country, the mouths of the Illinois and the Ohio rivers.<sup>71</sup> Almost all the correspondence of the time relating to Illinois, contains references to the practicability of erecting forts at the junctions of the Illinois and Ohio rivers with the Mississippi. In most cases this was insisted upon as the only practicable measure to make the country of value.<sup>72</sup> Suggestions were also offered relative to the erec-

<sup>71</sup>Gage to Shelburne, April 3, 1767, *ibid.*, vol. 123; Johnson, "Review of the Trade and Affairs of the Indians," *loc. cit.*; Morgan to Baynton and Wharton, December 10, 1767, Morgan's MS. letter book. "A Post up the Mississippi at or near the Illinois River might leave to us the greater part of the Trade that is now carried to the Settlements on the other side." Hutchins, "Remarks upon the Country of the Illinois, 1771", MS. in Hist. Soc. Pa. Library. George Croghan wrote: "With respect to the building some new Forts there—I conceive they are indispensably necessary, One at the Mouth of the Illinois and one on the Wabashe; as they would effectually prevent the French and Spaniards from entering into the Indian Country and thereby seducing the trade from us, to France and Spain. Croghan to Franklin, January 27, 1767, Lansdowne MSS., vol. XLVIII, fol. 135.

<sup>72</sup>Gage to Halifax, August 10, 1765, Dartmouth Papers, *Fourteenth Report, Royal Hist. MSS. Com.*, Appendix X, p. 17; Gage to Conway, July 15, 1766, P. R. O., Am. and W. I., vol. 122. "As for the Post at, or near the conflux of the Ohio and Mississippi, I have now that affair under consideration, and sent the Chief Engineer about six weeks ago to survey all that Country." Gage to Brigadier Taylor of Pensacola, June 26, 1766, B. M., Add. MSS., 21,662, fol. 220. See also Gordon's "Journal down the Ohio, 1766", MS. in Hist. Soc. Pa. Library; Gage to Johnson, January 25, 1767, Johnson MSS., vol. XIV, no. 28; same to same, February 8, 1767, *ibid.*, no. 44; Gage to Shelburne, January 17, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVII; same to same, April 3, 1767, P. R. O., Am. and W. I., vol. 123; Johnson, "Review of the Trade and Affairs of the Indians," *loc. cit.*; Morgan to Baynton and Wharton, December 10, 1767, Morgan's MS. letter book; Phyn to Johnson, April 15, 1768, Johnson MSS. vol. XXV, no. 109; Wilkins to Gage, September 13, 1768, P. R. O., Am. and W. I., vol. 124; Wilkins to Barrington, December 5, 1769, *ibid.*, vol. 125; Gage to Hillsborough, November 10, 1772, *ibid.*, vol. 126. The merchant Morgan wrote from Fort de Chartres in 1768 that "nothing is wanting but proper Posts at the Illinois River, St. Vincents and Manchac, a Civil Government and encouragement to Settlers from the Frontiers of Pennsylvania, Maryland and Virginia to make this a most

tion of a fort on the Mississippi river above its junction with the Illinois for the protection of that section of the peltry district.<sup>73</sup> Moreover, projects were likewise proposed for the establishment of proprietary colonies on the Ohio and Illinois rivers.<sup>74</sup> Gage himself suggested that all the French villages along the Mississippi be amalgamated into one settlement, which would also be the center of the military establishment, and from which detachments could be sent out to guard the rivers and prevent British traders from descending the stream to New Orleans and likewise watch for foreign interlopers.<sup>75</sup>

At one time it was the hope of such men as Gage, Johnson, Haldimand, and Hillsborough that the opening of the Iberville River would prove feasible, thus enabling English vessels to reach the British ports of West Florida through lakes Maurepas and Pontchartrain without going by way of New Orleans. This would necessitate the maintenance of a post at the junction of the Iberville and Mississippi rivers in order to turn English boats into the proposed channel. Numerous surveys were made and at one time the work of clearing the channel was actually begun.<sup>76</sup>

flourishing Colony. Without these means taken 'tis not worth keeping possession of as to any immediate Advantage resulting therefrom, As the English Nation is now at the whole expence of maintaining the Country and France reaps all the benefits from the Trade . . ." Morgan's MS. letter book.

<sup>73</sup>Gordon's "Journal down the Ohio, 1766", MS. in Hist. Soc. Pa. Library; Morgan to Baynton and Wharton, December 10, 1767, Morgan's MS. letter book. "It is acknowledged by the French themselves, that should a Settlement be made at Cape au Gres on the Mississippi, about 250 miles above the Illinois river, those on the French side would be ruined as it would draw and intercept the Trade of the upper Mississippi." Hutchins, "Remarks upon the Illinois Country, 1771", MS. in Hist. Soc. Pa. Library.

<sup>74</sup>See below, ch. VI.

<sup>75</sup>Gage to Hillsborough, June 16, 1768, P. R. O., Am. and W. I., vol. 124.

<sup>76</sup>Gage to Taylor, June 10, 1766, B. M., Add. MSS., 21,662, fol.

Carter, Clarence Edwin (author). Great Britain and the Illinois Country 1763-1774. Washington: The American Historical Association (1910).



None of these projects, however, were ever adopted. One of the principal reasons for this apparent neglect may well be summed up in a statement by Hillsborough, who appeared by 1770 to have given up the hope of any immediate advantages from the West. He declared in that year that under existing conditions "Forts and Military Establishments at the Mouths of the Ohio and Illinois Rivers, admitting that they would be effectual to the attainment of the objects in view, would yet, I fear, be attended with an expence to this Kingdom greatly disproportionate to the advantage proposed to be gained. . . ."<sup>77</sup>

The matter of expense was not the only reason why the government refused to adopt any of the schemes suggested for the betterment of western conditions. The ministry had in mind a different plan, which if carried out would have completely changed the situation. The idea of the conquest of Louisiana from Spain was kept in mind during the greater part of the period under consideration and received more serious thought than perhaps any other western plan. Much of the correspondence between Gage and Brigadier Haldimand, the English commander in West Florida, related to the best method of attacking New Orleans, and many official and private letters also contained expressions

214; same to same, June 26, 1766, *ibid.*; Taylor to Gage, January 23, 1767, *ibid.*, 21, 671; Gage to Haldimand, March 20, 1767, *ibid.*, 21, 663, fol. 14; same to same, April 16, 1767, Can. Arch., series B, vol. 3, p. 24; same to same, April 30, 1767, B. M., Add. MSS., 21, 663, fol. 33; Captain Home to Haldimand, May 6, 1767, Can. Arch., series B, vol. 68, p. 173; Hillsborough to Gage, July 31, 1770, P. R. O., Am. and W. I., vol. 126; Gage to Hillsborough, November 10, 1770, *ibid.*; Gordon's "Notes on the Country along the Mississippi from Kaskaskia in the Illinois to New Orleans", MS. copy in Champaign, Ill., Pub. Library; Hutchins to Haldimand, April 8, 1773, B. M., Add. MSS., 21, 730, fol. 25; Pittman, *European Settlements on the Miss.*, ed. Hodder, 62-63.

<sup>77</sup> Hillsborough to Gage, July 31, 1770, P. R. O., Am. and W. I., vol. 126.

favorable to such a move.<sup>78</sup> In 1770-1771, when the Falkland Islands dispute was about to drag England and Spain into war, the opportunity had apparently come for the proposed conquest. Early in 1771 Secretary Hillsborough issued orders to Gage in New York to mobilize an army and prepare for an immediate descent upon New Orleans by way of the Ohio and Mississippi rivers.<sup>79</sup> Gage's preparations, however, were never completed, for the question at issue was settled peacefully.<sup>80</sup>

In the beginning Great Britain had hoped to realize in the development of the fur trade one of her chief returns for taking over the western country. But her traders found the French hard to dislodge. The character and methods of the French fur traders appealed to the Indians, and England's failure to realize more from the trade may be traced in part to this cause. Moreover, that portion of the western trade which went to the English centered in a large degree in a foreign port. With the means at hand attempts were made to check this tendency, and numerous plans were projected to induce a change of conditions, but no expensive measures were undertaken. The problem of the western trade confronted the ministry at a most unfortunate time, for during the decade following the treaty of Paris questions of graver importance were arising and demanding immediate attention. The necessity became apparent of increasing the revenue for purposes of imperial defence and of colonial administration, and the question of the readjustment of all the relations between the mother country

<sup>78</sup> See, for example, George Phyn to Johnson, April 15, 1768, Johnson MSS., vol. XXV, no. 109; Gage to Hillsborough, November 10, 1770, P. R. O., Am. and W. I., vol. 126; Hillsborough to Gage, July 31, 1770, *ibid.*; Reasons for the Establishment of a Colony in Illinois, 1766, B. T. Papers (Hist. Soc. Pa.), vols. XXVII, XXVIII.

<sup>79</sup> January 2, 1771, P. R. O., Am. and W. I., vol. 127.

<sup>80</sup> For a fuller account of the movement see below, ch. VII.

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and the colonies was thereby introduced. When the colonial opposition to Parliamentary taxation manifested itself in the outcry against the Stamp Act and other revenue measures, the expenditure of large sums of money on new projects was out of the question. Instead of seeking new schemes upon which to expend money, every opportunity was seized upon to curtail expenses.<sup>81</sup> We find that not only was the plan for the management of Indians outlined in 1764 never put into full operation because of the added financial burden which it would entail, but also that in 1768 the management of the trade was transferred from the crown to the colonies<sup>82</sup> in order that the budget might be further reduced. The western question had become subordinated to that of the empire. Furs were important to the manufacturing monopoly of Great Britain, but at this time of rising discontent in the colonies any new projects entailing further expense were out of the question.

<sup>81</sup> The following extract from a letter of General Gage to Brigadier Taylor of Pensacola, illustrates something of the situation: "I have no doubt of the Exactitude or Necessity of the Expenses incurred, and would beg you to believe so, but the strictest Oeconomy is become the general Topick, and is recommended in every letter I receive from Home; in Compliance therewith, It's my part to notify the several Military Commanders what's hoped for, and expected by His Majesty's Ministers . . . ; Estimates of the probable Expences of every Department have been expected in almost every Letter, and imply no more, than that a Calculation may be made therefrom, of the necessary Expences of North America, which being laid before Parliament, a Fund may be appropriated for the same. . ." March 20, 1767, B. M., Add. MSS., 21,663, fol. 12.

<sup>82</sup> Hillsborough to Johnson, April 15, 1768, *N. Y. Col. Docs.*, VIII, 57-58. In this letter the secretary announced the new plan, and declared that it was due largely to the necessity of curtailing expenses. Alvord, *Ill. Hist. Colls.*, II, xxix, misinterprets this measure. He says it was done for the purpose of turning the channel of trade up the Ohio. Within a year it was evident that this change made conditions worse. The Indians were aggrieved because of the removal of the commissaries and interpreters, and the trade conditions in the interior country became worse through lack of supervision. See Johnson to Hillsborough, August 26, 1769, *N. Y. Col. Docs.*, VIII, 184.

## CHAPTER VI.

SCHEMES FOR THE COLONIZATION OF THE ILLINOIS COUNTRY,  
1763-1768.

THE first step in the establishment of British colonies west of the Alleghany Mountains was in 1738, when the assembly of the colony of Virginia established Augusta County, with the Blue Ridge Mountains as the eastern boundary and the "utmost limits of Virginia" as the western and northwestern.<sup>1</sup> In spite of French claims to this region, the old sea-to-sea charters still possessed a potential value in the minds of the colonists, and from this time on there was a steady move westward. Gradually, toward the middle of the century, the more enterprising and farsighted of the colonists who appreciated the future value of the region began to lay plans for its systematic exploitation. In 1748, shortly after the peace of Aix-la-Chapelle, the Ohio Company, composed of London merchants and Virginia land speculators, obtained from the crown a grant of land south of the Ohio River. This was the precursor of several companies formed for similar purposes. In 1754 the question of western expansion had become of sufficient importance to engage the attention of the Albany Congress and plans for the creation of western colonies were discussed by that body.<sup>2</sup> The following year Samuel Hazard of

<sup>1</sup> Alden, *New Governments West of the Alleghanies before 1780* (University of Wisconsin Bulletin, vol. II, no. 1), 1.

<sup>2</sup> *Ibid.*, 1-3. No attempt is made in this study to add any new con-

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Philadelphia outlined a proposition looking toward the formation of a western colony,<sup>3</sup> probably the first which comprehended the Illinois country.

The treaty of cession in 1763 gave a new impetus to the colonizing spirit which had lain dormant during the early years of the war. The English now believed that they were free to occupy at will the unsettled lands as far westward as the Mississippi River. Pamphlet literature was printed and disseminated throughout England and America from 1763 on, advocating the feasibility and necessity of settling the new lands. Soon after the conclusion of peace there appeared in Edinburgh a pamphlet entitled *The Expediency of securing our American Colonies by settling the country adjoining the River Mississippi*, which pointed out the expediency of locating a colony between the Ohio and Mississippi rivers and the fresh-water lakes to the northward. Such a colony, the author set forth, would give Great Britain command of the continent, would serve as a protection against the incursions of French and Indians, and secure the fur trade of the Northwest.<sup>4</sup> The government was urged to encourage settlers by giving lands on easy tenure, and by furnishing cattle, tools, and other necessaries. The colonists should also be given "a set of well contrived good rules with respect to their constitution, policy, economy and order, wise prudent Governors, and a sufficient number of able approved Clergymen and teachers."<sup>5</sup> There were doubtless many other pamphlets issued

tribution to the period preceding 1763. Mr. Alden's monograph includes an account of all the projects during that period, such as Hazard's, Pownall's, and Franklin's earlier plan.

<sup>3</sup>Alden, *New Governments West of the Alleghanies before 1780*, 7-11.

<sup>4</sup>*Ibid.*, 16.

<sup>5</sup>*Expediency of Securing our American Colonies*, 43. For a summary of other details see Alden, *New Governments West of the Alleghanies*, 14.

during the period of land fever, descriptive of the new country and its possibilities, of which we have no record.<sup>6</sup>

Throughout the colonies and in England many of the leading men as well as the more venturesome pioneers on the borders of New York, Pennsylvania, and Virginia were ready to take an active hand in the exploitation of the rich lands lying to the westward. Early in the summer of 1763, before the British ministry had had time to consider and determine upon its policy toward the new acquisitions, there was formed an organization known as the Mississippi Land Company,<sup>7</sup> for the purpose of planting a colony in the Illinois and Wabash regions. In this project some of the most prominent residents of Virginia and Maryland were directly interested; indeed, membership in the organization was drawn almost entirely from those two colonies and from England. Some of the original members of the company were George, Samuel, and John Washington; the Lees—William, Thomas, Francis Lightfoot, Richard Henry, and Arthur; Henry and William Fitzhugh, Presly Thornton, and Benedict Calvert.<sup>8</sup> There were thirty-eight sub-

<sup>6</sup>In this connection the following is of interest: "As the happy possession of the Illinois Country is the Subject of much conversation, both in England and America, we beg leave to inclose,—a small pamphlet, wrote lately, on a very interesting point—to wit, The Establishment of a Civil Government there. The Author has borrowed some of his Sentiments from De. Pratz." Baynton, Wharton and Morgan to Sir William Johnson, March 30, 1766, Johnson MSS., vol. XII, no. 128.

<sup>7</sup>Original Articles of Agreement of the Mississippi Company, P. R. O., Chatham Papers, vol. 97. Another copy, in the handwriting of George Washington, is in the Library of Congress. This has recently been printed by A. B. Hulbert in *Ohio Arch. and Hist. Publications*, XVII, 436-439. Most of the information concerning the proposition comes from a collection of papers relating to the company and its transactions, all in the handwriting of William Lee, which was found in a miscellaneous collection of the Earl of Chatham's papers, in the Public Record Office.

<sup>8</sup>Original Articles of Agreement of the Mississippi Company, P. R. O., Chatham Papers, vol. 97.

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scribers to the agreement, but the company was eventually to be composed of fifty members who were to contribute equally towards the maintenance of an agent in England.<sup>9</sup> To this agent was intrusted the duty of soliciting from the crown a grant of two million five hundred thousand acres of land on the Mississippi<sup>10</sup> and its tributaries, the Wabash and Ohio rivers, including not only the so-called Illinois country of that time, but the western portion of the present States of Kentucky and Tennessee.<sup>11</sup>

In their petitions the memorialists enumerated the advantages which would accrue to the empire in case the land were granted, especial emphasis being laid on two points of view, commerce and defense. "The Increase of the people, the extension of trade and the enlargement of the revenue are with certainty to be expected, where the fertility of the soil, and mildness of the Climate invite emigrants (provided they can obtain Lands on easy terms)

<sup>9</sup> *Ibid.* The first agent in London was Thomas Cumming, who was also a stockholder in the company, Memorial to the Crown, September 9, 1763, *ibid.* Cumming's successor was Arthur Lee, Petition to the Crown, December 12, 1768, *ibid.*, printed in Butler, *Hist. of Ky.*, 381-383; see also petition of company in Privy Council Office, Unbound Papers, 1768.

<sup>10</sup> Memorial to the Crown, prepared at a meeting of the company at Belleview, Va., September 9, 1763, P. R. O., Chatham Papers, vol. 97, printed below in the Documentary Appendix, no. 1.

<sup>11</sup> For the boundaries of the proposed grant, see below, Documentary Appendix, no. 1. The original articles of agreement do not give the exact location of the proposed grant. The subscribers were to be free to retain their lands twelve years, or more at the pleasure of the crown, without the payment of taxes or quit rents. Within the same period also the company was to be obliged to settle two hundred families in the colony, unless prevented by Indians or a foreign enemy. In order to insure against any such interruption it was hinted that the government might establish and garrison two forts, one at the confluence of the Cherokee and Ohio rivers, and the other at the mouth of the Ohio. Memorial to the Crown, Documentary Appendix, no. 1. The last suggestion was withdrawn four years later at the suggestion of their London agent, Thomas Cumming. Letter of the company to Cumming, March 1, 1767, P. R. O., Chatham Papers, vol. 97.

to settle and cultivate commodities most wanted by Great Britain and which will bear the charges of a tedious navigation, by the high prices usually given for them,—such as Hemp, Flax, Silk, Wine, Potash, Cochineal, Indigo, Iron, etc., by which means the Mother Country will be supplied with many necessary materials, that are now purchased of foreigners at a very great expense."<sup>12</sup>

From the point of view of both trade and defense, the company proposed "that by conducting a trade useful to the Indians on the borders of the Mississippi they will effectually prevent the success of that cruel policy, which has ever directed the French even in time of peace, to prevail with the Indians their Neighbors to lay waste the frontiers of Your Majesty's Colonies thereby to prevent their increase."<sup>13</sup>

Lastly the establishment of a buffer colony would effectually prevent the probable encroachment of the French from the west side of the Mississippi and cut off their political and commercial relations with the Indians. They would "thereby be prevented from instigating them to War, and the harrassing the frontier Counties as they have constantly done of all the Colonies."<sup>14</sup>

<sup>12</sup> Memorial to the Crown, Documentary Appendix, no. 1. Some of the members declared their intention of becoming early settlers in the new colony. The richness of the soil and mildness of the climate beyond the mountains, coupled with the "dearness and preoccupancy of the lands, within their respective colonies" which rendered it "impracticable to make a proper landed provision for their numerous families; a circumstance which begins already to restrain early marriage, and therefore speedy population", were set forth as reasons for their determination, Petition to the Crown, December 16, 1768, printed in Butler, *Hist. of Ky.*, 381-383. It may be noted that no suggestion is made with reference to the form of government for the proposed colony.

<sup>13</sup> Memorial to the Crown, Documentary Appendix, no. 1.

<sup>14</sup> Letter of the company to Thomas Cumming, September 26, 1763, P. R. O., Chatham Papers, vol. 97.

*Fr. did not have west side of miss. having established in Spain in 1703*

*475-477*

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The plan received its first official check in the year of its inception, when in October, 1763, the British ministry announced its western policy in a proclamation according to which all the territory lying north of the Floridas and west of the Alleghanies was reserved for the use of the Indians.<sup>15</sup> Thereafter the colonial governors were forbidden to issue patents for land within this reservation without the consent of the crown.<sup>16</sup> However, the enunciation of this policy did not deter the Mississippi Land Company and similar organizations from pressing their claims upon the Board of Trade. The more farsighted of the Americans had probably correctly interpreted the proclamation as temporary in character and as promulgated to allay the minds of the savages.<sup>17</sup> The Mississippi Company therefore continued to solicit the grant until 1769, when it was decided that on account of the temper of the ministry towards America, it would be advisable to drop the affair for a time in the hope that a change of ministry would bring a cor-

<sup>15</sup> *Can. Const. Docs., 1759-1791*, 122. See also above, ch. II, pp. 13-14.

<sup>16</sup> *Ibid.*

<sup>17</sup> "I can never look upon that proclamation in any other light (but this I say between ourselves), than as a temporary expedient to quiet the minds of the Indians, and must fall, of course, in a few years, especially when those Indians are consenting to our occupying the lands." Washington to Crawford, September 21, 1767, *Writings of Washington*, ed. Ford, II, 220-221. The report of the Board of Trade on Indian affairs in 1769 admitted these claims to be "mere provisional arrangements, adopted to the exigence of the time." *Pa. Archives*, IV, 315. The same opinion is expressed in "Remarks on Lord Barrington's Plan, no. 2" (1766), Lansdowne MSS., vol. L, p. 78. For an extreme example of the notion held by some members of the government that the proclamation of 1763 should be strictly adhered to and that all western military posts should be abandoned and a general restrictive policy toward the West adopted, see Lord Barrington's Plan relative to the Out Posts, Indian Trade, etc., 10 May, 1766, Lansdowne MSS., vol. L, pp. 49-61. Barrington, who was Secretary at War, reveals a remarkable ignorance of western affairs.

responding change of policy.<sup>18</sup> But at no time does it appear that the promoters of the colony received the slightest encouragement from those in authority.<sup>19</sup>

About the time of the organization of the Mississippi Company in 1763, General Charles Lee<sup>20</sup> outlined a scheme

<sup>18</sup> Letter to William Lee, London, May 30, 1769, P. R. O., Chatham Papers, vol. 97.

<sup>19</sup> No account of any further activity on the part of the company has been found. In 1774 a copy of the correspondence was sent to the Earl of Chatham, which may have been done in the hope that his interest might be aroused in the undertaking. The bundle of papers contains the following indorsement: "Mississippi Co. Papers, sent to the Right Honble William Earl of Chatham, on Saturday the 20th of April 1774." Charles Lee, in speaking of this undertaking, said: "Another society solicited for lands on the lower part of the Illinois, Ohio and on the Mississippi: this was likewise rejected; but from what motives it is impossible to define, unless they suppose that soldiers invested with a little landed property, would not be so readily induced to act as the instruments of the oppression of their fellow subjects, as those whose views are solely turned, if not reduced, to farther promotion; and if reduced, to full pay." *Lee Papers*, IV (*N. Y. Hist. Soc. Colls.*, Fund series, VII), 98. Benjamin Franklin apparently knew nothing of the existence of the company until 1768. He states in his famous reply to Hillsborough, *Works*, ed. Bigelow, V, 44: "Consistent, however, with our knowledge, no more than one proposition for the settlement of a part of the lands in question has been presented to government and that was from Dr. Lee, thirty-two other Americans, and two Londoners, in the year of 1768, praying that his Majesty would grant to them without any purchase-money, two million five hundred thousand acres of land, in one or more surveys, to be located between the thirty-eighth and forty-second degree of latitude and over the Alleghany Mountains. . . ." The company is mentioned in *Considerations on the Agreement . . . with the Honourable Thomas Walpole . . .*, 25-26, as being comprised of "thirty-three gentlemen of character and fortune in Virginia and Maryland, several of whom were of his Majesty's council in Virginia, and many of them, members of the house of assembly, both of that colony and of the province of Maryland." Perkins, *Annals of the West*, 130; Sato, *Hist. of the Land Question in the U. S.*, 25; H. B. Adams, *Maryland's Influence upon the Land Cessions to the U. S.*, 14; De Hass, *History of the Early Settlement and Indian Wars of Western Virginia*, 139, and the author of *Plain Facts*, 69, all note the existence of the company, but place the date of its organization in 1767. The first three quote from *Plain Facts*.

<sup>20</sup> The Charles Lee of Revolutionary fame.

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for the establishment of two colonies, one on the Ohio River below its junction with the Wabash, and the other on the Illinois River.<sup>21</sup> It was his plan to organize a company and petition the crown for the necessary grants of land.<sup>22</sup> A portion of the settlers were to be procured in New England, and the remainder from among the Protestants of Germany and Switzerland.<sup>23</sup> In narrating the probable advantages to be derived from such settlements, Lee takes practically the same point of view as the promoters of the Mississippi Company, adding the suggestion that a new channel of commerce would be opened up through the Mississippi River and the Gulf of Mexico.<sup>24</sup> This proposal suffered the same fate as its contemporary in being rejected by the ministry, whose policy of allowing no settlements in the country beyond the mountains had been too recently adopted.<sup>25</sup> Apparently the authors of these projects did not have the ear of such members of the ministry as Lord Shelburne, whose general attitude gave some ground for the belief that in the end plans for western settlements would be adopted.<sup>26</sup>

The next definite schemes of which we have knowledge appeared in 1766, although it is probable that there were many others,<sup>27</sup> for during those years half of England was

<sup>21</sup> *Lee Papers*, IV, 214; Draper, *Life of Boone* (MS.), III, 266; Sparks, *Life of Charles Lee*, 19.

<sup>22</sup> *Lee Papers*, IV, 214.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> B. Franklin to W. Franklin, September 27 and October 11, 1766, and June 13, August 28, and November 25, 1767, in *Franklin's Works*, ed. Bigelow, IV, 138-144; Shelburne to Gage, November 14, 1767, P. R. O., Am. and W. I., vol. 123.

<sup>27</sup> See for example references to Colonel Bouquet's proposition in Bouquet to Franklin, August 22, 1764, *Franklin Papers* (Am. Phil. Soc.), vol. I, no. 94, summarized in *Calendar of the Franklin Papers*, ed. Hays, I, 31. Among the papers in the Lansdowne collection are a number which discuss the matter in general terms.

said to have been "New Land mad and every body there has their eye fixt on this Country."<sup>28</sup> It is hardly probable, therefore, that the few definite proposals of which we have record were the only plans projected during those years. Indeed the colonial plan of 1766, promoted by prominent merchants and land speculators of New York, Pennsylvania, and New Jersey, had its origin, we may safely say, as early as January, 1764. At that time the Board of Trade received a communication from one of the promoters, George Croghan, who was then in England,<sup>29</sup> asking their Lordships "whether it would not be good policy at this time while we certainly have it in our power to secure all the advantages we have got there by making a purchase of the Indians inhabiting the Country along the Mississippi from the mouth of the Ohio up to the sources of the River Illinois, and there plant a respectable colony, in order to secure our frontiers, and prevent the French from any attempt to rival us in the Fur trade with the Natives, by drawing the Ohio and Lake Indians over the Mississippi, which they have already attempted by the last accounts we have from Detroit."<sup>30</sup> In spite of the recent announcement in the proclamation of 1763 of the land policy of the government, which interdicted all settlements beyond the line of the Alleghanies, without royal consent, the ministry at this time must have been favorably im-

<sup>28</sup> Croghan to Johnson, March 30, 1766, Johnson MSS., vol. XII, no. 127.

<sup>29</sup> Sir William Johnson sent his agent Croghan to England to sound the ministry on the question of the boundary between the frontier and the Indian territory. Winsor, *Westward Movement*, 9; cf. also *N. Y. Col. Docs.*, VII, 603. Croghan was also instructed to petition the government for a grant of land south of the Ohio to satisfy the claims of the Ohio company, and of those soldiers whom Dinwiddie had enlisted in 1754 with promises of land, Winsor, *Westward Movement*, 8.

<sup>30</sup> *N. Y. Col. Docs.*, VII, 605.

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pressed by Croghan's advice, for the latter informs us a few months later that "there is a talk of settleing a Colony from the mouth of the Ohio to the Illinois, which I am tould Lord Halifax will Desier my opinion of in a few Days. Mr. pownal tould me yesterday that I would be soon sent for to attend the board of Trade. what Meshures they will Take the Lord knows, but nothing is talkt of except Oconomy."<sup>31</sup>

No further action, however, was taken at this time. But the tentative proposition thus suggested to the Board was in essence the same plan that Croghan and his associates developed two years later. In the general outline of Croghan's earlier plan there is no suggestion that he intended to include the cultivated lands of the French inhabitants of the Illinois villages who might leave that country after the occupation by the British.<sup>32</sup> Two years subsequently, however, Sir William Johnson, Croghan's superior in the Indian department in America and his constant associate in colonizing enterprises, in a communication to the Board of Trade, gave as his opinion that "some of the present Inhabitants may possibly incline to go home, and our Traders will, I dare say, chuse to purchase their rights, this may be the foundation for a Valuable Colony in that Country, . . . this may be effected in time, and large concessions obtained of the Natives."<sup>33</sup> The idea of basing a colony in

<sup>31</sup> Croghan to Johnson, March 10, 1764, Johnson MSS., vol. VIII, no. 202. The style of the letter is characteristic of Croghan. His official letters, however, were usually put into form by some one else.

<sup>32</sup> Later, however, he adopted that idea, Croghan to Johnson, March 30, 1766, Johnson MSS., vol. XII, no. 127.

<sup>33</sup> Johnson to Lords of Trade, January 31, 1766, *N. Y. Col. Docs.*, VII, 809. When Croghan was preparing to go to the Illinois villages in 1766 to bring about a general pacification of the Indians, Johnson wrote him: "So soon as I hear farther from the General [Gage] I shall write you and send the Instructions in which I shall insert an Article directing you to enquire into the French Bounds and Property at the Illinois. I have no objection to what you propose on that sub-

part upon lands vacated by the French was also taken up and emphasized a few weeks later by General Gage.

Very early in the period of the British occupation of the West the chief representatives of the military department, upon whom devolved the responsibility of governing the territory, became exceedingly embarrassed on account of the immense expense which the department was called upon to meet in providing for the maintenance of garrisons among the French inhabitants scattered throughout the Indian country. In 1766, the year of the repeal of the Stamp Act, the imperial government was conscious not only of the necessity of maintaining in America a force sufficient to put down a probable uprising of the Indians and to guard the country against French encroachments, but also of the obligation to curtail expenses. General Gage, therefore, became keenly alive to the necessity of resorting to some expedient to reduce the enormous cost of transporting provisions and other necessities from the seacoast to such distant parts as Fort de Chartres. With reference to the Illinois country in particular, he reported to the home government<sup>34</sup> that he was "a good deal disappointed that any Demand should be made for Provisions, as the country used to abound with it, and none can be supplied from our Provisions, but with great difficulty, and at enormous Expense." "This want," he continued, "must arise from the Inhabitants abandoning their Farms to go over to the new French Settlements, and the only method which appears to me the most proper to obviate

ject there, and as the French are now said to be retiring fast, you will have the better opportunity of making a good Choice on which the value will chiefly depend." Johnson to Croghan, March 28, 1766, Johnson MSS., vol. XII, no. 121.

<sup>34</sup> Gage to Conway, March 28, 1766, B. T. Papers (Hist. Soc. Pa.), vol. XX.

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Difficulties on account of Food, as well as to strengthen those parts at the least Expense, is to grant the Lands deserted by the French, which I presume forfeited, as well as other Lands unsettled, using necessary Precautions to avoid Disputes with the Indians, to the British Settlers. All Endeavours must be used to procure a Supply of Provisions upon the Spot, and I have directed the Officer commanding to get seed, and try to make his men cultivate the Ground near the Fort." Gage next proposed, as we have already noted in another connection,<sup>36</sup> that a military governor be appointed immediately for the Illinois country, on account of the distance of the villages from any of the English provinces and because of their proximity to the French settlements on the Spanish side of the river, which would make any other form of government impracticable. Amplifying his idea further he declared that "Lands should be granted without Delay, by any Person authorized properly to do it; but no fees to be taken by the person who grants, or by Secretaries, Clerks, Surveyors, or other Persons whatever: That no large Tracts should be given, but the Lands granted in Farms, consisting of an Hundred and Fifty or Two Hundred Acres of good Land, unless perhaps to Half Pay Officers, who might have Four or Five Hundred Acres. People may be tempted on these Advantages to transport themselves with a Year's Provisions, Seed Corn and Tools for Husbandry, down the Ohio. The Lands shall be held of the King on condition of Military Service, and such other Obligations as shall be convenient."

It has seemed necessary to go into Gage's plan in some detail because in the first place it represents an attitude toward western colonization quite contrary to the position he assumed a few years later, when he strongly opposed

<sup>36</sup> See above, ch. II, pp. 18-19.

such movements.<sup>36</sup> In addition these details give us some perception of the purposes which Gage had in mind in the establishment of a colony, the saving of the heavy expense incurred in transporting provisions into the interior, and to protect the empire, by a buffer colony, from possible incursions of French and Spanish.

Although not connected with any other projects of the time this proposal of General Gage undoubtedly gave some encouragement to the promoters of a larger colony, who now began to develop the ideas of Croghan and Johnson into something tangible. About the same time Governor William Franklin of New Jersey, together with the Philadelphia firm of Baynton, Wharton and Morgan, and Joseph Galloway and John Hughes, also of the colony of Pennsylvania, conceived the idea of forming a land company for the definite purpose of purchasing such lands at the Illinois villages as the French might desire to sell, as well as to obtain a grant for other lands in the adjoining country. Accordingly, in March, 1766, they drew up some articles of agreement<sup>37</sup> for the proposed company, which provided among other things that application was to be made to the crown for a grant of 1,200,000 acres of land in the Illinois country or "more if to be procured".<sup>38</sup> Provision was also made for ten equal shareholders, the stipulation to be subject to change in case others desired to enter the company.<sup>39</sup> Apparently Sir William Johnson and his deputy, Croghan, were not directly concerned in the formation of this company, but they were immediately invited to enter,

<sup>36</sup> See below.

<sup>37</sup> Articles of Agreement, dated March 29, 1766, MS. in Hist. Soc. Pa. Library.

<sup>38</sup> Articles of Agreement, March 29, 1766.

<sup>39</sup> *Ibid.*

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and Croghan, who was then in Philadelphia, signed the contract on behalf of himself and Johnson.<sup>40</sup>

The land company thus organized was intended to be the foundation of a permanent colony in the northwest country. Governor Franklin, in a letter to his father, Dr. Franklin, who was at the time in London as agent for the colony of Pennsylvania, explained the proposition to him as follows: "A few of us, from his [Croghan's] Encouragement, have form'd a Company to Purchase of the French Settled at the Illinois, such Lands as they have a good Title to, and are inclined to dispose of. But as I thought it would be of little Avail to buy Lands in that Country, unless a Colony were established there, I have drawn up some Proposals for that Purpose, which are much approved of by Col. Croghan and the other Gent<sup>l</sup>. concerned in Philad<sup>a</sup>. and are sent by them to S<sup>r</sup>. W. for his Sentiments which when we receive, the whole will be forwarded to

<sup>40</sup> Writing to Johnson, March 30, Croghan explained: "Soon after my Return here [Philadelphia] from your Honour's I wrote you about the Scheme of purchasing whatever Grants the french was possess'd of in the Illinois Country and inform'd your Honour that Governor franklin with some other Gentlemen had form'd the same scheme and offered me to be concerned with them and your Honour, since w<sup>h</sup> I have agreed with them in behalf of your Honour and myself . . . it is likewise preposed to apply for a grant of 1200,000 acres to the crown in that Country and to take into this Grant two or three Gentlemen of Fortune and Influence in England and Governor franklin and those other Gentlemen Desire to know whome your Honour wold chouse to be concerned, and that you wold write to them if you should nott name ye whole you would chouse they Designe to Save y Nomination of such as you dont to Dr. franklin who they prepose to send the proposals to . . ." Johnson MSS., vol. XII, no. 127. According to the Articles of Agreement, as we have them, there were to be ten equal shareholders, but Croghan informs Johnson that the persons and shares were as follows: Sir William Johnson, 2/16, Governor Franklin, 2/16, John Baynton, 2/16, George Croghan, 2/16, Samuel Wharton, 2/16, George Morgan, 2/16, Joseph Wharton, Jr., 1/16, Joseph Wharton, Sr., 1/16, John Hughes, 1/16, and Joseph Galloway, 1/16, *ibid*. It may be suggested that possibly a different arrangement was made after the signing of the original contract.

you. It is proposed that the Comp<sup>y</sup>. shall consist of 12 now in America, and if you like the Proposals, you will be at Liberty to add yourself, and such other gentlemen of Character and Fortune in England as you may think will be likely to promote the Undertaking."<sup>41</sup>

The proposals mentioned in Governor Franklin's letter were outlined by him along with the Articles of Agreement; indeed the substance of the latter was included in the proposals for a colony.<sup>42</sup> Franklin enumerates a number of reasons why the establishment of a colony on the Mississippi River and its environs was desirable. The attention of the ministry was called to some of the natural products of the Illinois and the Mississippi valley countries and to the many advantages of soil and climate over other regions of North America. He declared that if the lands on the Mississippi were settled "we should be enabled to supply all Europe with those commodities, and at a far cheaper Rate than they could be afforded from any other Country." The adaptability of the western country to the cultivation of tobacco, hemp, flax, indigo, and silk was positively affirmed. "Great Britain might also", he continued, "be furnished from thence with Cotton, Copper, Iron, Pot Ash, Wine, Salt Petre, a great variety of valuable Medicinal Drugs, and

<sup>41</sup> April 30, 1766, Franklin Papers (Am. Phil. Soc.), II, no. 17. He observes further that "Mr. Galloway has met with a Pamphlet at Mr. Hill's on the Subject, which I wish I had seen before I had drawn up the Proposals, as it might have afforded some Hints. However, as I believe you have not seen it, it being printed, and I believe wrote in Scotland, I send it enclosed. You will find your Name ment. in it, page 52." The reference to the pamphlet is doubtless to *Expediency of Securing our American Colonies by Settling the Country adjoining the River Mississippi*.

<sup>42</sup> "Reasons for establishing a British Colony at the Illinois with some proposals for carrying the same into immediate Execution", B. T. Papers (Hist. Soc. Pa.), vols. XXVII-XXVIII; Franklin Papers (Am. Phil. Soc.), vol. LVIII, no. 4. See Documentary Appendix, no. 2.

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other Articles, which, with those mentioned before, make the great Ballance of Trade against the Nation, and drain it of its Treasure."

Speaking more specifically of the district of Illinois, he asserted confidently that Great Britain would "carry on a more extensive and advantageous Fur-Trade, with the numerous Indian Nations which reside near the Lakes and the different Branches of the Mississippi, than was ever known since the first settlement of America—Supplying them with British Manufactures to a vast Amount." It is pointed out that the French could not rival the English in that branch of commerce because the latter could transport goods through Pennsylvania and Virginia to the West much more cheaply than could be done from New Orleans up the Mississippi. "For want of this Opening thro' the middle Provinces of North America to the Mississippi, the French never had it in their Power to reap so much advantage from that Country as the English now may."

Governor Franklin then raised the question of the most efficacious method of supporting the posts which had so recently been taken from the French. The solution offered was the establishment of a colony with a civil government. This, it will be noticed, differed from the plan of Gage, in that he believed a military government best suited to the circumstances. "If We have not a Colony on the Spot to support the Posts We are now possessed of in that Country, the French who have a Fort and an increasing Settlement on the opposite Shore of the Mississippi, will have it in their Power, by means of their influence with the Indians, to intercept our Supplies, interrupt our Trade, and ultimately cutt off all Communication between the Illinois and the present English Colonies." The suggestion was made that a well-established colony would not only prevent the French

and Indians from interfering, but the English would be enabled to dispossess the French of the remainder of Louisiana, "should a future War make it expedient".

The more important proposals submitted for the consideration of the ministry were: <sup>43</sup> (1) To purchase from the Indians all their rights to the territory in the Illinois country, not already occupied by the French. (2) To establish a civil government. <sup>44</sup> (3) To lay out the proposed land grant in townships. <sup>45</sup> (4) To give grants to provincial officers

<sup>43</sup>To each proposal was appended a paragraph of remarks, which may have been added by Sir William Johnson, to whom the proposals had been sent for such amendments or alterations as he thought necessary. Croghan to Johnson, March 30, 1766, Johnson MSS., vol. XII, no. 127; Governor Franklin to his father, April 30, 1766, Franklin Papers (Am. Phil. Soc.), II, 17.

<sup>44</sup>The promoters of the colony evidently thought that the government intended to establish a civil government in the West. In the Articles of Agreement of the land company, we find the statement that, "it is expected that a Civil Government will be established by his Majesty in the Illinois country at or near Fort Chartres." Croghan about the same time wrote: "By Letters from England there is the greatest reason to believe that a government will soon take place there, if so a thing of this Kind must be very valuable provided we succeed." Croghan to Johnson, March 30, 1766, Johnson MSS., vol. XII, no. 127. John Baynton, one of the original subscribers, and a prominent merchant of Philadelphia, wrote to James Rumsey that a civil government was soon to be formed in the Illinois country, March 1, 1766, Ohio Company Papers (Hist. Soc. Pa.), I, 52. Note also the reference in note 6, above. The following extract is of interest in this connection: "In case of laying aside the superintendents [of Indian affairs], a provision is thought of for Sir William Johnson. He will be made governor of the new colony." B. Franklin to his son, August 28, 1767, *Works*, ed. Bigelow, IV, 141.

<sup>45</sup>Evidently the authors of the proposals made use of the suggestions in Smith's *Historical Account of the Expedition against the Ohio Indians*. "Let all the Lands which may be granted within the first twenty years be laid out in Townships, after the manner practised in some of the New England Colonies, or according to the Plan laid down in the Historical Account of the Expedition under Colonel Bouquet, lately published (quod vide)." In this work the township system as we know it to-day was outlined. The work is most available now in the Ohio Valley Historical Series, see below in Bibliography. Sir William Johnson was doubtless familiar with the work, for in January, 1766,

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and soldiers who served in the French war. (5) To concede mines and minerals to the owners of the land in which they may be found, except royal mines, from which the crown might reserve one fifth.<sup>46</sup> (6) To reserve five hundred acres in every township for the maintenance of a clergyman of the Established Church of England.<sup>47</sup> (7) To bound the colony as follows: "From the mouth of the Ouisconsin (or Wisconsin) River down the Mississippi agreeable to Treaty, to the Fork or Mouth of the Ohio. Then up the same River Ohio to the River Wabash, thence up the same River Wabash to the Portage at the head thereof, Then by the said Portage to the River Miamis and down the said River Miamis to Lake Erie. Thence along the several Courses of the said Lake to Riviere al Ours (or Bear River) and up the said River thereof, and from thence in a Straight Line, or by the Portage of St. Joseph's River and down the same River to Lake Michigan, then along the several Courses of said Lake on the South and West Side thereof to the point of Bay Puans, and along the several courses on the East Side of the said Bay to the Mouth of Foxes River, thence up to the Head thereof and from thence by a Portage to the Head of Ouisconsin River, and down the same to the

Dr. William Smith, of Philadelphia, sent him a copy. See article by Charles Whittlesey, in *Journal of the Association of Engineering Societies*, vol. III, no. 11, p. 278.

<sup>46</sup> Lead-mining was an important industry in the Illinois country in the eighteenth century, but at this time it was largely in the hands of the French and Spanish west of the Mississippi River, see Thwaites, "Early Lead-mining in Illinois and Wisconsin," in *Annual Report, Amer. Hist. Assoc.*, 1893, pp. 191-196.

<sup>47</sup> This clause throws an interesting side-light. In the "Remark," presumably by Johnson (see above, note 43), appended to the clause he says the church "ought to be well supported there, otherwise Presbyterianism will become the Established Religion in that Country. It is interesting to note that the Bayntons, the Whartons, Morgan, and the other participants in this movement were Quakers.

Place of Beginning."<sup>48</sup> In order to settle immediately the colony in the Illinois country, "a Company of Gentlemen of Character and Fortune are ready and willing to engage, That if the Crown will make them a Grant, . . . of Land<sup>49</sup> free of Quit Rent . . . to be located at one or more places as they shall chuse, within the Bounds above mentioned, they will at their own . . . Expence, Settle thereon at least One white Protestant Person for every Hundred Acres . . ."<sup>50</sup>

As already stated in Franklin's letter to his father, these proposals were sent to Sir William Johnson for his alteration and recommendation.<sup>51</sup> Johnson in turn inclosed the

<sup>48</sup> Benjamin Franklin estimated that there "will be in the proposed country, by my reckoning, near sixty-three millions of acres . . .", *Works*, ed. Bigelow, IV, 138.

<sup>49</sup> It is impossible to tell from this document just how many acres were petitioned for, but according to the Articles of Agreement, as already noticed, the company expected to obtain 1,200,000 acres.

<sup>50</sup> "The crown need not be put to much Expence to procure the Settlement of this advantageous Colony. The principal Charges will be a Salary to the Governor, and some other Officers of Government for a few Years, when the Colonists will be enabled to support their own Civil Establishment." It is further suggested in the "Proposals" that two or three companies of light infantry and light horse be raised and disciplined for service in the West, which would be a good security for the infant colony as well as a protection for the frontiers of the old settled colonies. The idea of purchasing the rights of the French seems to have been abandoned, for no suggestion of it appears in the "Proposals".

<sup>51</sup> He also received copies from several members of the company, Croghan to Johnson, March 30, 1766, Johnson MSS., vol. XII, no. 127; Baynton, Wharton and Morgan to Johnson, June 6, 1766, *ibid.*, no. 197; Johnson to Governor Franklin, June 20, 1766, see Lincoln, *Calendar of MSS. of Sir William Johnson in Am. Antiq. Soc. Library*, 45. "Mr. Croghan will transmit to your Honour, some proposals which we shall be greatly obliged to you both to consider, and alter, in such manner, as you shall judge will be best." Baynton, Wharton and Morgan to Johnson, March 30, 1766, Johnson MSS., vol. XII, no. 128. Johnson took exception to that part of the plan which called for the establishment of a civil government in the new colony. He asserted that "we have nothing to fear from a Military Establishment from which a young Colony will derive many advantages . . ." He did not, however, make any alteration, Johnson to Bayn-

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papers to Benjamin Franklin in London, together with a letter to Secretary Henry Conway in which he strongly recommended the adoption of the plan.<sup>52</sup> Dr. Franklin received the papers in September,<sup>53</sup> but news of the project was already abroad in England. Johnson had "hinted the Affair" some time before in a letter to the Board of Trade<sup>54</sup> and Benjamin Franklin had himself received a number of communications from his son and from his Penn-

ton, Wharton and Morgan, June 20, 1766, *ibid.*, vol. XII, no. 214. It is of interest to note that previous to this time no correspondence had ever passed between Sir William Johnson and Governor Franklin. Croghan to Johnson, March 30, 1766, *ibid.*, vol. XII, no. 127; Johnson to B. Franklin, July 8, 1766, Lincoln, *Calendar of the MSS. of Sir William Johnson*, 45.

<sup>52</sup> Johnson to Baynton, Wharton and Morgan, June 20, 1766, Johnson MSS., vol. XII, no. 214; Johnson to Governor Franklin, June 20, 1766, MS. letter in Am. Antiq. Soc. Library; same to same, July 8, 1766, *ibid.*; Johnson to B. Franklin, July 10, 1766, *ibid.* In a letter to Conway, dated July 10, 1766, Johnson wrote: "As the scheme appears to me to be so reasonable and so well calculated for the mutual Interests of Great Britain and its colonies I could not refuse their request . . . I shall be happy, Sir, if my thoughts on the subject may coincide with Yours and I flatter myself with Your pardon for the liberty I now take as it is intended for a public benefit and proposed by *men of whose motives I can have no doubt.*" Johnson MSS., vol. XIII, no. 1, and B. T. Papers, (Hist. Soc. Pa.), vol. XXVII. Observe that Johnson makes no mention, in his letter to Conway, of his own or Governor Franklin's interest in the land company. It was understood, however, that no mention was to be made of that fact: "it is proposed that its not to appear till ye success of our plan is known that Your Honour and Governor Franklin is concerned as its thought that you can be of more Service by nott being thought Concern'd . . .", Croghan to Johnson, March 20, 1766, Johnson MSS., vol. XII, no. 127. Johnson had, indeed, hesitated about taking an active hand in the affair. He wrote that he was "somewhat of Opinion it would answer better that I recommended it in Gen'l Terms, as an Affair I had heard was in agitation . . .", Johnson to Governor Franklin, June 20, 1766, see Lincoln, *Calendar of the MSS. of Sir William Johnson*, 45.

<sup>53</sup> Franklin to his son, September 12, 1766, *Works*, ed. Bigelow, IV, 137; Franklin to Johnson, September 12, 1766, *Works*, ed. Smythe, IV, 461.

<sup>54</sup> Johnson to Governor Franklin, June 20, 1766, MS. letter in Am. Antiq. Soc. Library.

sylvania friends.<sup>55</sup> The proposition was one which Franklin had kept in mind ever since the meeting of the Albany Congress in 1754, when he advanced the idea of western settlements, and it was therefore with little or no hesitation that he now promised to forward the scheme with all his power.<sup>56</sup>

In the meantime the Rockingham ministry, which had been in power since July, 1765, had resigned; the Earl of Chatham had been made prime minister in August, 1766, and Lord Shelburne had displaced Conway as secretary of state for the southern department.<sup>57</sup> Johnson's letter to Conway and the proposals for a colony went, therefore, into Shelburne's hands.<sup>58</sup> In addition to the plan itself with Johnson's recommendations, Dr. Franklin gave Shelburne copies of Croghan's letters from the West together with his journal, and several of Johnson's letters on the subject.<sup>59</sup>

<sup>55</sup> Governor Franklin to his father, April 30, 1766, Franklin Papers (Am. Phil. Soc.), II, 17. "Upon the first thoughts of the Scheme, Mr. Galloway and I wrote to Dr. Franklin, so that he might essay it, with the ministry . . .". Baynton, Wharton and Morgan to Johnson, July 12, 1766, Johnson MSS., vol. XIII, no. 2.

<sup>56</sup> Franklin to his son, May 10 and August 25, 1766, *Works*, ed. Bigelow, IV, 136-137; Baynton, Wharton and Morgan to Johnson, July 12, 1766, Johnson MSS., vol. XIII, no. 2; Baynton, Wharton and Morgan to Johnson, August 28, 1766, quoting from a letter of Franklin's, Johnson MSS., vol. XIII, no. 65; B. Franklin to Johnson, September 12, 1766, *Works*, ed. Smythe, IV, 461.

<sup>57</sup> Hunt and Poole, ed., *Pol. Hist. of Eng.*, X, 471-472.

<sup>58</sup> Franklin to his son, September 12, 1766, *Works*, ed. Bigelow, IV, 137. Franklin felt that this change augured well for the success of the project, for he said, "it will of course go to Lord Shelburne, whose good opinion of it I have reason to hope for; and I think Mr. Conway was rather against distant posts and settlements in America." *Ibid.* In another letter of the same date he wrote: "He [Conway] is now in another Department, but it will of course go to Lord Shelburne, who I think is rather more favorably dispos'd towards such Undertakings." Franklin to Johnson, *Works*, ed. Smythe, IV, 461-462.

<sup>59</sup> Franklin to his son, September 27, 1766, *Works*, ed. Bigelow, IV, 139.

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He offered as an additional exhibit, one of Evans's maps of the middle colonies on which he had marked in red ink the whole country included in the boundaries of the proposed colony.<sup>60</sup>

Shelburne was pleased with the plan submitted,<sup>61</sup> but openly confessed to Franklin that there were members of the government with whom the scheme did not find approval.<sup>62</sup> He intimated in addition that the expense which all such affairs promised would work against it in the Board of Trade,<sup>63</sup> and consequently did not at once promise his active support of the undertaking.<sup>64</sup> As it was therefore useless to proceed with the plan without the aid of Shelburne and other members of the cabinet, Franklin spent the remaining months of 1766, and a large part of 1767 in an attempt to obtain their official approval. In this he joined efforts with General Phineas Lyman of the colony of Connecticut, a veteran officer of the French and Indian war, who was at this time in London soliciting a grant of land on the Mississippi for himself and his soldiers.<sup>65</sup> Since the boundaries of the two proposed grants

<sup>60</sup> Franklin, to his son, September 27, 1766, *Works*, ed. Bigelow, IV, 139.

<sup>61</sup> "I have mentioned the Illinois affair to Lord Shelburne. His Lordship had read your plan for establishing a colony there, recommended by Sir William Johnson, and said it appeared to him a reasonable scheme." Franklin to his son, September 27, 1766, *ibid.*, 138.

<sup>62</sup> *Ibid.*

<sup>63</sup> Franklin to his son, October 11, 1766, *ibid.*, 139. "He was pleased to say he really approved of it: but intimated that every new proposed expense for America would meet with difficulty here, the treasury being alarmed and astonished at the growing charges there, and the heavy accounts and drafts continually brought in from thence."

<sup>64</sup> Franklin to his son, September 27, 1766, *ibid.*, 138.

<sup>65</sup> Franklin to his son, September 12, 1766, *Works*, ed. Bigelow, IV, 137. "Plan proposed by General Phineas Lyman for settling Louisiana, and for erecting new colonies between West Florida and the Falls of St. Anthony," *Fifth Report, Royal Hist. MSS. Com.*, 216, 218.

coincided in a large measure, both projects were united at the suggestion of Shelburne.<sup>66</sup> The task of creating a sentiment among the leading members of the government sufficiently strong to bring the whole question to a conclusion was slow and tedious. Although Shelburne and some of his subordinates were personally favorable to the project, many months elapsed before they were ready to recommend the proposals to the Board of Trade for its consideration.<sup>67</sup> One of the most vital questions of the day in England was that of reducing expenses, and Dr. Franklin seized the opportunity of urging upon Shelburne, Conway, Clare, and others that a settlement in the Illinois country would be one of the best modes of saving the cost of maintaining outposts for the protection both of trade and of the colonies.

For further account of Lyman and his career, see Hinsdale, "The Establishment of the First Southern Boundary of the United States", in *Annual Report, Amer. Hist. Assoc.*, 1893, and Sabine, *Loyalists of the American Revolution*, II, 33-34.

<sup>66</sup> Franklin to his son, September 27, 1766, *Works*, ed. Bigelow, IV, 139.

<sup>67</sup> The following excerpts indicate the progress of the negotiations. "I have just had a visit from General Lyman, and a good deal of conversation on the Illinois scheme. He tells me that Mr. Morgan, who is under-secretary of the Southern department, is much pleased with it; and we are to go together to talk to him concerning it." Franklin to his son, September 30, 1766, *Works*, ed. Bigelow, IV, 139. "Mr. Jackson is now come to town. The ministry have asked his opinion and advice on your plan of a colony in the Illinois, and he has just sent me to peruse his answer in writing, in which he warmly recommends it, and enforces it by strong reasons." November 8, 1766, *ibid.*, 140. "More than one plan has been given in relative to forming a Government in the Illinois Country, but till a general system for America shall be further advanced, no resolution can be taken on this Head." Shelburne to Gage, December 11, 1766, P. R. O., Am. and W. I., vol. 122. "Great changes being expected keeps mens' minds in suspense, and obstructs public affairs of every kind. It is therefore not to be wondered at that so little progress is made in our American scheme of the Illinois grant." Franklin to his son, February 14, 1767, *Works*, ed. Bigelow, IV, 140. "The Illinois affair goes forward but slowly; Lord Shelburne told me again last week that he highly approved of it, but others were not of his sentiments, particularly the Board of Trade. Lyman is almost out of patience and now talks of carrying out his settlement without leave." *Ibid.*, 140.

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He reinforced the various arguments enumerated in the proposals, laying particular stress upon the strategic value of such a colony in the event of war with Spain. A force could be raised there "which, on occasions of a future war, might easily be poured down the Mississippi upon the lower country, and into the Bay of Mexico, to be used against Cuba, the French Islands, or Mexico itself."<sup>68</sup> Finally, as a result of his solicitations, Franklin could report on August 28, 1767, that "the secretary appeared finally to be fully convinced, and there remained no obstacle but the Board of Trade, which was to be brought over privately before the matter should be referred to them officially."<sup>69</sup>

His mind made up, Shelburne became at once an earnest advocate of western colonization, and himself drew up a statement of reasons for those settlements, which he presented to the King in Council.<sup>70</sup> He reinforced his own

<sup>68</sup> Franklin to his son, August 28, 1767, *Works*, ed. Bigelow, IV, 141. <sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.* In a letter to Gage, November 14, 1767, Shelburne clearly indicated his position: "The enormous expense attending the present method of supplying the Troops cantoned in the back Settlements and frontier Posts of North America with the heavy contingent Charges arising from the Transportation of Stores, and the danger to which the Discipline of the Army is exposed by the Regiment's being broken up into small Detachments; have all been very often and very justly represented in your letters:—to remedy these evils no measure seems to bid fairer than one, which, by establishing Governments where Provisions and Necessaries may be furnished on the spot, will render half the Posts kept up unnecessary; while the remainder may be partly transferred to the care of the several Provinces and partly maintained at a much less expense. The illicit Trade with the French and Spaniards will be in a great measure cut off, as the goods must be intercepted by our Traders in their passage; the Indians will be prevented from Incursions into the back Settlements; precise and definite Boundaries will be put to the old Colonies; the Trade and Manufactures of Great Britain will be extended into the remotest Indian Nations, and such Posts only require to be garrisoned as command the different Indian communications, or the intercourse between his Majesty's different colonies, by the great Rivers and Lakes." P. R. O., Am. and W. I., vol. 123.

sentiments by excerpts from the letters of Generals Amherst<sup>71</sup> and Gage<sup>72</sup> and Richard Jackson,<sup>73</sup> whom he declared were the best judges of everything relating to America. The Council having approved the plan,<sup>74</sup> it was on October 5th submitted to the Board of Trade.<sup>75</sup>

<sup>71</sup> Amherst, Gage's predecessor as commander-in-chief in America, carried on considerable correspondence with the ministry concerning the West both before and after his resignation in 1763. The details of his proposals do not appear, but he recommended in general terms the creation of some sort of establishments in the West, Shelburne to Lords of Trade, October 5, 1767, B. T. Papers (Hist. Soc. Pa.), vol. XXVII; *N. Y. Col. Docs.*, VII, 982; Franklin to his son, November 25, 1767, *Works*, ed. Bigelow, IV, 144; *Fifth Report, Royal Hist. MSS. Com.*, 210, see also 217.

<sup>72</sup> Gage advocated western settlements until about 1768, after which date he is found in opposition, Gage to Hillsborough, June 16, 1768, P. R. O., Am. and W. I., vol. 124, and correspondence after that date. Although favoring colonies prior to 1768, Gage was in no way connected with any of the schemes promoted by the land companies. Statements that he was so interested have been made by Bancroft, *Hist. of U. S.*, ed. 1854, VI, 32, and by W. C. Ford, in *Writings of George Washington*, II, 326. Winsor also states that "General Gage and a body of Philadelphia merchants joined the others in this new memorial", *Westward Movement*, 38, but Sir William Johnson declared: "I have sounded Gen'l Gage on the occasion, who declines being concerned." Johnson to Governor Franklin, June 20, 1766, MS. letter in Am. Antiq. Soc. Library. Gage, indeed, did not favor the large proprietary colonies which were being urged by the land companies. Believing that the Board of Trade would declare in favor of the policy of western settlements, he wrote: "I would now beg leave to mention the Propriety at the first formation of these Settlements, of granting the lands upon easy conditions and in small Lotts contiguous to each other, not to be alienated by the grantees, or else by various artifices they will soon be transferred into the hands of a few people who will become proprietors of large Tracts which Experience has shown are seldom settled, but kept by the owners in Expectation that the lands will increase in value. The Prospect of getting good farms on easy Terms will encourage many Families to emigrate from all the Colonies." Gage to Shelburne, January 23, 1768, P. R. O., Am. and W. I., vol. 124. Note also Gage's propositions, pp. 114-115, above.

<sup>73</sup> Jackson was appointed counsel to the Board of Trade in April, 1770, Chalmers, *Opinions of Eminent Lawyers*, 37.

<sup>74</sup> "I returned last night from Paris, and just now hear that the Illinois settlement is approved of in the Cabinet Council", Franklin to his son, October 9, 1767, *Works*, ed. Bigelow, IV, 141.

<sup>75</sup> Shelburne to Lords of Trade, October 5, 1767, B. T. Papers (Hist.

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The proposition to be considered by the Board was not, however, the one originally submitted by Franklin. During the years from 1763 to 1770, we find representatives of other companies and interests in London seeking to advance their cause. The Mississippi Company was still alive and its agents, Thomas Cumming and Arthur Lee, were both in London at this time urging the proposition of this company upon the ministry.<sup>76</sup> Colonel George Mercer was suing in behalf of the old Ohio Company for the perfection of its former grant,<sup>77</sup> and representatives of the soldiers who were enlisted by Governor Dinwiddie in 1754 under promises of land were likewise claiming their rights. And we have already noted the presence in England of General Lyman, with whom at the suggestion of Shelburne, Dr. Franklin had made common cause. Moreover, some of the proposed grants coincided<sup>78</sup> while others overlapped each other.<sup>79</sup> Although converted to the policy of western

Soc. Pa.), vol. XXVII; Franklin to his son, October 9, 1767, *Works*, ed. Bigelow, IV, 142; same to same, November 25, 1767, *ibid.*, 144; Shelburne to Gage, November 14, 1767, P. R. O., Am. and W. I., vol. 123. The whole western problem was before the cabinet during the entire summer and autumn of 1767, when the matter was turned over to the Board of Trade. Note in margin of "Minute" submitted by Shelburne to the cabinet in 1767, Lansdowne MSS., vol. L, p. 185.

<sup>76</sup> Letter of the Company to Cumming, March 1, 1767, P. R. O., Chatham Papers, vol. 97; Petition to the Crown, December 16, 1768, printed in Butler, *Hist. of Ky.*, 381-383.

<sup>77</sup> Letter of the Company to Cumming, September 28, 1763, P. R. O., Chatham Papers, vol. 97. "We are also to observe to you, Sir, that Col. Mercer is now in London soliciting for the Ohio Company, and perhaps he may have under his protection the interest of other Companies whose concerns may possibly interfere with ours, or that he may think so; and thereby be induced to oppose our Scheme; we request you not to converse with Col. Mercer on the subject of our solicitation, nor to let him know that any such plan is projected." *Ibid.* See also Johnson to Lords of Trade, July 8, 1763, P. R. O., Colonial office, class V, 1330, No. Y., 107, p. 511.

<sup>78</sup> Such as the Franklin and Lyman proposals.

<sup>79</sup> For example, the Franklin and Mississippi Company's boundaries.

colonization along broad general lines, Shelburne was doubtless also convinced that under these confusing circumstances, it would be impossible to make any progress toward securing a favorable report from the Board of Trade, whose president was already known to be hostile to the movement.<sup>80</sup> On October 1, 1767, therefore, Shelburne presented a plan providing for the establishment of three distinct colonies in the Northwest.<sup>81</sup> The center of one of the proposed governments was to be "at the Detroit between Lakes Erie and Huron," another "at or near the Mouth of the Ohio," and the third "in the Illinois Country at or near the Mouth of the River of that name."<sup>82</sup> In each colony there were to be one hundred original proprietors, each of whom was to be allowed "to take up twenty thousand acres of land (without paying any fine or consideration to the King for them), and to sell to undertenants; and the proprietors were also to have possessed their lands

<sup>80</sup> Franklin to his son, September 27, 1766, *Works*, ed. Bigelow, IV, 138.

<sup>81</sup> "Settlement on the Ohio River", *ibid.*, V, 45; *Considerations on the Agreement with the Honorable Thomas Walpole*, 21.

<sup>82</sup> "Representation of the Lords of Trade on the State of Indian Affairs, March 7, 1768," *N. Y. Col. Docs.*, VIII, 27. "During the administration of the Earl of Shelburne, several applications were made to his lordship, for grants of land upon the Ohio, at the Illinois and Detroit; and . . . his lordship, at that time proposed the establishment of three new colonies at these places." *Considerations on the Agreement with the Honourable Thomas Walpole*, 21. See also "Settlement on the Ohio River", in Franklin's *Works*, ed. Bigelow, V, 45-46. Both Gage and Amherst had recommended the erection of more than one colony in the West: "His Majesty likewise commands me to refer to Your Lordships Extracts from several Letters of Sir Jeffrey Amherst and General Gage recommending the Establishment of further new Governments on the Mississippi, the Ohio, and at Detroit". Shelburne to Lords of Trade, October 5, 1767, B. T. Papers (Hist. Soc. Pa.); Amherst to Egremont, November 30, 1762, recommending the establishment of a seat of government at Detroit, *Fifth Report, Royal Hist. MSS. Com.*, 217, 218; Franklin to his son, November 25, 1767, *Works*, ed. Bigelow, IV, 144.

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fifteen years, without paying any quit-rent or taxes; . . . at the expiration of the 15 years, they were to have paid a quit-rent to the King of two shillings per hundred acres; and this quit-rent was to have been altogether applied to the payment of the contingencies of the government."<sup>85</sup> What form of government Shelburne had in mind for the new colonies does not appear. It is probable that that question was left in abeyance until the decision of the Board of Trade was made known.

In his communication to the Lords of Trade, in which he presented the question of new settlements, Shelburne called the Board's attention to certain other phases of the western problem just then demanding solution. It was felt by the government that since the danger of an Indian rupture was becoming minimized, the enormous expense attending the administration of the western country should be reduced. The Indian trade, which, since the peace, had been managed by the imperial government acting through the general superintendents, was not fulfilling the expectations of the

<sup>85</sup> *Considerations on the Agreement with the Honourable Thomas Walpole*, 22. It is possible that Shelburne intended the colony "at or near the Mouth of the Ohio" to be undertaken by the Mississippi Company, but there is not enough evidence to prove it. It may be said, however, that the Mississippi Company had petitioned for land, part of which lay south of the Ohio River, while Franklin's proposed grant was all on the northward, so that we might expect some such arrangement. In the meantime the land company organized by Governor Franklin and Baynton, Wharton and Morgan had evidently increased its membership. Provision was made in the Articles of Agreement for at least two additional members, and it was expected that Dr. Franklin would himself choose these two in England. Franklin, however, was so pleased with the proposition, that he recommended a further enlargement in membership, as will appear from the following: "It gives us great pleasure that thou approves the Illinois scheme, and although it was at that time thought it might be prudent to take in two persons, such as thou should approve of, yet I conceive it will by no means be disagreeable to our Company, should thou enlarge the number, if a proportionable number of acres be granted." Thomas Wharton to B. Franklin, November 11, 1766, Sparks MSS., XVI, 81.

ministry.<sup>86</sup> Its management was furthermore becoming more and more expensive and the necessity of supporting garrisons for the protection of that commerce added greatly to the already heavy burdens of the treasury. Shelburne was himself convinced that the management of the Indian trade should be transferred to the individual colonies and that some of the interior posts should be reduced or else supported by the colonies.<sup>87</sup> On these two questions he was in substantial agreement with his colleagues. But he was persuaded in addition that the planting of colonies in the interior of America would tend more than anything else to bring about a proper adjustment of all the discordant elements. Such settlements would, in his mind, form barriers for the old colonies, become markets for the sale of British manufactures, protect the fur trade against French and Spanish emissaries, furnish provisions for necessary military posts, and give to the French subjects of England a stable government.<sup>88</sup> In a very able paper presented to the Cabinet in the early summer of 1767<sup>89</sup> Shelburne had argued that such colonies would not be expensive: that the quit rents would soon be sufficient to maintain them and to create a fund for other purposes, especially if the grants of land were placed under proper supervision. He believed that a very simple system could thus be created for the West through the establishment of new governments<sup>90</sup> and the maintenance of a few military posts, and by leaving the management of Indian affairs to the colonies, subject to

<sup>86</sup> See above, ch. V.

<sup>87</sup> Minutes submitted to cabinet, Lansdowne MSS., vol. L, p. 185.

<sup>88</sup> See quotation from letter of Shelburne to Gage, November 14, 1767, in note 70, above.

<sup>89</sup> Lansdowne MSS., vol. L, p. 185.

<sup>90</sup> At this time he proposed two colonies, one at Detroit and one in Illinois, *ibid.*

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general regulation by the Board of Trade. In answer to those who protested that the Indians would be outraged, Shelburne made the prophetic suggestion that if the Indians did not like to be surrounded by the new colonies they could sell their lands and move westward or become civilized.

Shelburne doubtless had in mind a certain element of opposition to his plan in the Board itself,<sup>88</sup> when, in his letter of October 5th, he placed the heads of inquiry relating to the expense of the imperial management of the Indian trade and of the maintenance of western garrisons first in the list, so that they formed a sort of introduction to his proposition for the western colonies.<sup>89</sup>

Soon after this the Board called for the opinion of the merchants, whether the settlement of colonies in the Illinois country and at Detroit would promote in any way the commerce of Great Britain. Dr. Franklin, who was present at the meeting, says that they answered unanimously in the affirmative.<sup>91</sup>

Whatever may have been the prospect in October or November for a favorable report on the colonial project, the hopes of the promoters were dashed in the following months. In order to understand the situation it is neces-

<sup>88</sup> This opposition was apparent as early as 1766, at the first suggestion of the project. Dr. Franklin was of the opinion that Lord Hillsborough was at the bottom of the opposition at that time, Franklin to his son, September 27, 1766, *Works*, ed. Bigelow, IV, 138.

<sup>89</sup> "The parts of the Service which we are more immediately called upon by the Earl of Shelburne's letter to give Our attention, are First, The present Civil Establishment regarding the Indians; Secondly, the disposition of the Troops for Indian Purposes; and lastly, the Establishment of certain new Colonies." "Representation of the Lords of Trade on the State of Indian Affairs, March 7, 1768," *N. Y. Col. Docs.*, VIII, 20.

<sup>91</sup> Franklin to his son, November 13, 1767, *Works*, ed. Bigelow, IV, 142.

sary to note the political situation in England at the period under discussion. The Chatham ministry, formed in August, 1766, contained several men who favored the cause of the colonies. Chatham himself, Conway, one of the secretaries of state and mover of the repeal of the Stamp Act, and Lord Shelburne, secretary of state for the southern department, were all in favor of adopting a more liberal policy toward the colonies. But with the retirement of Chatham on account of illness a group of men stepped into power who believed that the colonies should bear part of the burden of imperial defence. Prominent among these men was Charles Townshend, author of the Revenue Act of 1767. At that time the management of American affairs was centered in the hands of two men, the secretary of state for the southern department and the president of the Board of Trade. The president of the Board in 1766 was Lord Hillsborough, a thoroughgoing advocate of restriction. The Board at this time, however, had but little power, it having become a mere "Board of Report upon reference to it for advice or information on the part of the Secretary of State".<sup>92</sup>

Throughout 1767 Shelburne was under the necessity of carrying out the will of the ministry and of Parliament, distasteful though it was. Friction between himself and the cabinet became so pronounced that for months he failed to attend the meetings.<sup>93</sup> In September, Townshend, the most influential minister in the cabinet, died and there was an opportunity for Grafton to reconstruct the policy of the government along the lines advocated by Chatham and Shelburne. But he chose to continue the policy of Town-

<sup>92</sup> Fitzmaurice, *Life of Shelburne*, II, 2. Hillsborough accepted the office on that condition. *Grenville Papers*, III, 73, 254.

<sup>93</sup> *Ibid.*, 58.

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shend and admitted into the ministry members of the Bedford party, who were advocates of the adoption of a firm policy toward the colonies. The retirement of Shelburne as colonial minister was made a condition of the support of Bedford.<sup>94</sup> The King was likewise using his influence against the retention of the liberal minister.<sup>95</sup> Shelburne was finally relieved of his unhappy situation; for in January, 1768, the office of secretary of state for the colonies was created, and Lord Hillsborough was appointed to fill the office.<sup>96</sup> The Board of Trade, now deprived of all its executive powers, was under the nominal direction of Lord Clare, Hillsborough having resigned the presidency in December, 1766.<sup>97</sup>

Hillsborough's opposition to western colonies has already been noted. To men like Franklin, therefore, the adverse report made in March, 1768, must have been no surprise. The Board of Trade, under the inspiration of Hillsborough, indorsed the recommendations of the former colonial minister that the management of the Indian trade should be transferred to the colonies and that certain interior posts might then be reduced,<sup>98</sup> but declared a disbelief in the western colonial plan as a further means of reducing imperial expenses.<sup>99</sup> The elaborate argument against this last proposition may be logically divided into two parts. In

<sup>94</sup> *Grenville Papers*, III, 67.

<sup>95</sup> *Ibid.*, 77.

<sup>96</sup> *Ibid.*, 77; Hunt and Poole, ed., *Pol. Hist. of Eng.*, X, 472.

<sup>97</sup> *Rockingham Memoirs*, I, 78. Later in 1768 he again became president of the Board, thus holding two offices.

<sup>98</sup> "Representation of the Lords of Trade on the State of Indian Affairs, March 7, 1768", *N. Y. Col. Docs.*, VIII, 19-28; Hillsborough to Gage, April 15, 1768, P. R. O., Am. and W. I., vol. 124, Winsor, *Westward Movement*, 41, places the date at 1767, which is incorrect. On p. 40 of the same work he also states that Shelburne laid Franklin's scheme before the Board in October, 1766, which should be 1767.

<sup>99</sup> "Representation of the Lords of Trade on the State of Indian Affairs, March 7, 1768", *N. Y. Col. Docs.*, VIII, 28-31.

the first place the proposal for the establishment of colonies in the interior as a general principle of policy is subjected to a severe criticism. The policy of Great Britain had always been to confine settlements to the seacoast in order better to promote the commerce, navigation, and manufactures of the kingdom.<sup>100</sup> This principle was illustrated by the encouragement given the colonizing of Nova Scotia, and the formation of the colonies of Georgia, East Florida, and West Florida, and by the provision in the proclamation of 1763 whereby the interior country was left to the Indians. The Board declared that this policy had been productive of vast commercial and industrial benefits to the mother country.

In the second place, they proceeded to answer the specific arguments advanced by the advocates of the new propositions: (1) Settlements in the interior, inaccessible to shipping, would be led to manufacture for themselves, instead of becoming a market for English products. (2) The extension of the fur trade depended upon the Indians remaining in possession of their hunting grounds. (3) Instead of affording protection to the old colonies, they would demand protection for themselves. (4) New colonies would undeniably be of advantage in furnishing a supply of provisions for the forts and garrisons in the interior country, but since many of these might be reduced, the advantage would be of doubtful value. (5) They would furnish the French inhabitants of the West with civil government, but that would likewise be of doubtful utility, since these colonies have always been subject to a military government, and therefore needed no other.

Hillsborough was a bitter opponent of colonial expansion ✓

<sup>100</sup> See also Hillsborough to Gage, July 31, 1770, P. R. O., Am. and W. I., vol. 126.

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in general, and the objections summarized in this report represent in a large measure his own opinions as well as the point of view held by a large body of conservative Englishmen of that time, who had not yet reached the broader notions held by Shelburne, Franklin, and Adam Smith as to the end for which colonies ought to be created. The view of the class represented by Hillsborough and Lord Barrington was well defined by a pamphleteer of the time, who declared that "a colony is profitable according as its land is so good, that by a part of the labor of the inhabitants bestowed on its cultivation, it yields the necessaries of life sufficient for their sustenance; and by the rest of their labor produces staple commodities in such quantity, and of such value, as brings for the mother country, in the way of commerce and traffic, all manufactures necessary for the proper accommodation of the colonists, and for the gradual improvement of the colony, as the number of people increase."<sup>101</sup>

There were reasons, however, other than those mentioned by the Board of Trade, which appear to have influenced Hillsborough's attitude, and even that of Gage, who, in 1768, reversed his position on the colonial question. It seems worth while, therefore, to examine whether the arguments in the report of 1768 are an entirely adequate explanation of the rejection of Shelburne's policy. At the same time it must be observed that although Hillsborough was opposed to the creation of new provinces in the interior, he did not at this time disapprove of the gradual extension of the older settlements beyond the Alleghanies. As late as

<sup>101</sup> Quoted by Winsor, but without indication of author or title, *Westward Movement*, 41. See also Lord Barrington's Plan relative to the Out Posts, Indian Trade, etc., May 10, 1766. Lansdowne MSS., vol. L, pp. 49-61.

1768 he stated definitely that no objection could be had to such colonies,<sup>102</sup> and at the first suggestion of the Vandalia grant south of the Ohio, warmly supported it.<sup>103</sup>

It is necessary to bear in mind that the imperial government during the decade under consideration was becoming more and more embarrassed by the many problems of imperial administration. The great war just closed had resulted in bringing upon the government many new responsibilities, not the least of which was the administration of the newly-ceded territories and the defence of the empire. It is not surprising, therefore, that the members of the ministry should hesitate to sanction the establishment of new colonial governments when questions of administration and finance were already causing serious difficulties between the mother country and the established colonies. The factor of expense entered into the consideration of every new project and the colonial schemes were no exception to this rule, especially since the government was asked to bear a certain part of the expense.

The correspondence of Shelburne and Franklin shows that at the first suggestion of the proposed settlements this factor was uppermost in the mind of the former.<sup>104</sup> Shelburne became convinced that ultimately this objection would be

<sup>102</sup> "Representation of the Lords of Trade on the State of Indian Affairs, March 7, 1768", *N. Y. Col. Docs.*, VIII, 28-31.

<sup>103</sup> Franklin to his son, July 14, 1773, *Works*, ed. Bigelow, V, 197. With the reason for Hillsborough's later opposition the present study is not concerned.

<sup>104</sup> Franklin to his son, October 11, 1766, *Works*, ed. Bigelow, IV, 139, quoted above in note 63. "In case your Lordships should think it right to advise his Majesty to establish these New Governments, you will consider whether it will not be practicable to fall upon such a Plan as will avoid great part of the Expense incurred by the Estimates of the New Governments established after the Peace." Shelburne to Lords of Trade, October 5, 1767, *B. T. Papers* (Hist. Soc. Pa.), vol. XXVII; and *N. Y. Col. Docs.*, VII, 981.

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overcome, but Hillsborough was not of that opinion. Writing to Gage shortly after the issuance of the report he dwelt at considerable length upon the necessity of avoiding an increased expense on any account: <sup>106</sup> "It appears to his Majesty that in the present state of the Kingdom its future Safety and Welfare do in great measure depend upon the relieving it from every Expence that is not an absolute necessity, and therefore though his Majesty applauds the Motives which induced the first Institution of the present plan of Indian Superintendency, which was evidently calculated to regain the Confidence, and combine the Force of the Savages against a then powerful Enemy, yet, as in the present State of America, the main object of that Plan, if not entirely removed are at least greatly diminished . . . His Majesty concurs in opinion with his Board of Trade, that the laying aside that part of it [the Plan of Superintendency] which relates to the Indian Trade and entrusting the entire management of that Trade to the colonies themselves will be of Publick Utility and Advantage, as a means of avoiding much Difficulty and saving much Expence to this Country both in present and in future . . . The Propriety therefore of entrusting the Management of the Trade with the Indians to the Colonies, does . . . appear to His Majesty to depend in great measure upon a reduction of such Posts in the Indian Country, as are by their situation, exposed to the Resentment of the Savages, it being evident that in Proportion as the number of such Posts is diminished, the Necessity of carrying on an Indian War at the Expense of this Kingdom will be less. . . . His Majesty has not failed in this great and extensive Consideration to give due attention to Propositions, which have

<sup>106</sup> April 15, 1768, P. R. O., Am. and W. I., vol. 124.

been made with regard to the Establishments on the Rivers Mississippi, Ohio and Illinois. But as his Majesty has doubts concerning the Utility of Establishments in such remote situations, which consequently cannot be kept up, but at an immense Expence, it is the King's pleasure that you should report your Opinion with regard to the continuance of any of the Forts in those situations. . . ."<sup>106</sup>

It should be noted that in the report of the Board of Trade in 1768 great emphasis is placed upon the general commercial and political inutility of the proposed colonies, but there is no suggestion that the matter of expense stood in the way. On the other hand there is an intimation that the clause in the proclamation of 1763, reserving the interior country for the use of the Indians, was inserted there on the principle that all settlements should be confined to the sea-coast. Again in a similar report in 1772 against

<sup>106</sup> A few weeks later Gage replied to Hillsborough: "From what has been represented your Lordship will perceive that I am not of opinion that a Post at the Illinois will be productive of advantages equal to the expence of supporting it." June 16, 1768, P. R. O., Am. and W. I., vol. 124. Two years later he again wrote to Hillsborough: "I conceive that to procure all the commerce it will afford and at as little expence to ourselves as we can, is the only object we should have in view in the interior Country for a century to come. . . . I am of opinion the advantages we might propose to gain from Civil and Military Establishments at the mouths of those Rivers [Ohio and Illinois] would be greatly disproportionate to the Expences, they would be attended with." November 10, 1770, *ibid.*, vol. 126. Hillsborough writes in the same year: "Forts and Military Establishments at the mouths of the Ohio and Illinois Rivers, admitting that they would be effectual to the attainment of the objects in view would yet, I fear, be attended with an Expence to this Kingdom greatly disproportionate to the advantages to be gained and those objections to Civil Establishments which I have above stated, do weigh so strongly against that measure in the scale both of general and local policy, as greatly to discourage that idea." The latter part refers to his argument against the commercial utility of a regular settlement in the West, which he declared, "cannot be of that commercial benefit to the state which it would be of in other places". Hillsborough to Gage, July 31, 1770, *ibid.*

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the proposed Vandalia or Walpole grant,<sup>107</sup> emphasis is placed upon that clause; indeed it is advanced as the chief argument for the rejection of the proposition.<sup>108</sup> But nowhere in the Hillsborough-Gage correspondence is there the slightest intimation that Hillsborough had the proclamation of 1763 in mind. It would seem reasonable to assume that if he believed that the clause in that document

<sup>107</sup> After 1768 the attention of land and colony promoters was turned to the region of the upper Ohio River valley. In 1768 the long-proposed Indian boundary line was determined at the treaty of Fort Stanwix and there was opened up for colonization a wide strip of territory in that region. A company was formed in the same year for the establishment of a colony, some of the members being Benjamin Franklin, Thomas Pownall, Thomas Walpole, and the firm of Baynton, Wharton and Morgan. In 1770, the crown was petitioned for a grant, but in 1772 the Board of Trade, still under the leadership of Hillsborough, reported adversely. This report called for a vigorous answer from Dr. Franklin, which completely demolished the arguments of Hillsborough. His successor, Lord Dartmouth, began at once to make arrangements for the establishment of a colony, but the whole matter was dropped on the outbreak of the American Revolution. For a full account see Alden, *New Governments West of the Alleghenies before 1780*, 19-35. The following writers have confused the Walpole grant with the plan of 1766: Hinsdale, *Old Northwest*, 133; Peyton, *Hist. of Augusta Co., Va.*, 144 ff.; Fitzmaurice, *Life of Shelburne*, II, 31; Bigelow, in *Franklin's Works*, IV, 136; Perkins, *Annals of the West*, 127; Adams, *Maryland's Influence upon the Land Cessions to the U. S.*, 13.

<sup>108</sup> This interpretation by Hillsborough may be entirely disregarded. He was not responsible for that particular clause in the proclamation. It was conceived and written by Lord Shelburne himself, as has been pointed out by Alvord, "Genesis of the Proclamation of 1763", in *Mich. Pioneer and Hist. Colls.*, XXXVI, 31 ff. He has shown that Shelburne did not have in mind the principle of confining the colonies to the sea-coast. Coffin, in *Province of Quebec and the Am. Rev.*, 428, and Alden, in *New Governments West of the Alleghenies before 1780*, 43-44, have also rejected Hillsborough's interpretation. For the old view that the proclamation was intended to confine the colonies to the sea-coast, see for example Hinsdale, *Old Northwest*, ch. VIII, and the same author, "The Western Land Policy of the British Government from 1763 to 1775", in *Ohio Archaeological and Historical Quarterly*, December, 1887. There is positive proof of Shelburne's position in a minute submitted by him to the cabinet in 1767, Lansdowne MSS., vol. L, p. 185.

stood in the way, some mention of it would have been made in his many communications to General Gage and Sir William Johnson. Nor does Franklin intimate it in any of his private correspondence on the subject. In order to justify his position with some appearance of legality, it is probable that Hillsborough brought forward that clause in the proclamation, which had been interpreted by nearly every one else as merely temporary in character.

There was still another important reason for the rejection of interior settlements, which comes to light in contemporary correspondence, but which is not contained in the report of the Board of Trade. During this period Louisiana, with New Orleans commanding the mouth of the Mississippi River, was in the hands of Spain. New Orleans was practically the only outlet for the western country, and it was the settled conviction of many that so long as it remained in the possession of a foreign power, it was useless to expect much from the West. In 1768 Lieutenant George Phyn of the regular army was sent from Fort Pitt down the Ohio and Mississippi rivers to Mobile, and in writing to Sir William Johnson he declared that the country in and about the Illinois region would never be settled "with any advantage to England" unless New Orleans were procured.<sup>109</sup>

In a communication to Secretary Hillsborough in 1770, in which he argued at length against the establishment of settlements or of any additional military posts in the West, General Gage declared that no further time or money should

<sup>109</sup> April 15, 1768, Johnson MSS., vol. XXV, no. 109. He affirmed that a settlement "will never happen with any advantage to England until we can procure the Ideal Island of Orleans: . . . could we find passage for even small craft to go to the Sea, the Country of the Illinois would be worthy of attention, but had we the Island of Orleans, that country would in a very short time I believe be equal to any of our Colonies." *Ibid.*

Carter, Clarence Edwin (author). Great Britain and the Illinois Country 1763-1774. Washington: The American Historical Association (1910).

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be expended on that country, and particularly the Illinois country, because it would be of no conceivable "advantage to the King's subjects, unless New Orleans was added to His Majesty's Possessions".<sup>110</sup>

In the same year Lord Hillsborough himself mentioned one of the chief objections which he considered to "lie against Colonies in the Illinois with a view to the Peltry Trade, which is the peculiar Commerce of that Country." "This Commerce", he affirmed, "cannot (I apprehend) be useful to Great Britain otherwise than as it furnishes a material for her Manufactures, but it will on the contrary be prejudicial to her in proportion as other Countries obtain that material from us without its coming here first; and whilst New Orleans is the only Port for Exportation of what goes down the Mississippi, no one will believe that that town will not be the market for Peltry or that those Restrictions, which are intended to secure the Exportation of that Commodity directly to G. Britain, can have any effect under such circumstances."<sup>111</sup>

In this connection it should be noted that throughout this decade there were serious thoughts of an attack upon Louisiana and New Orleans should a war with Spain afford the opportunity. One of the reasons offered by Governor Franklin in 1766 for the establishment of a colony in the Illinois country was that such a colony would enable the English to get possession of the whole of Louisiana "should a future war make it expedient".<sup>112</sup> We find Gage himself discussing with General Haldimand, who was stationed in

West Florida during the latter half of this period, possible plans for an attack in case war should be declared.<sup>113</sup>

In 1770 the cherished opportunity seemed to have arrived. In that year the dispute between England and Spain over the possession of certain of the Falkland Islands, lying near the Strait of Magellan, brought the two nations to the verge of war.<sup>114</sup> Hillsborough evidently expected war, for in January, 1771, he communicated secret instructions to Gage in New York<sup>115</sup> to mobilize an army and to prepare for the invasion of Louisiana. He commissioned Gage as commander of the invading forces and instructed him to use his own judgment as to the time and method of attack. Gage replied<sup>116</sup> that he would at once assemble a body of troops and prepare for the invasion. He further

<sup>110</sup> Hamilton, *Colonial Mobile*, 2-29. The English officers in West Florida were instructed to inform Gage as to the number of troops and inhabitants the Spaniards might bring to Louisiana, and whether any of the old French colonial troops entered the Spanish service, Gage to Brigadier Taylor, June 10, 1766; B. M. Add. MSS., 21, 662, fol. 214. In 1767, General Haldimand sent Captain Marsh from Pensacola to New Orleans to make a special inquiry relative to the British trade, the disposition of the French and Acadians towards the Spanish, and the treatment of the Indians and French by the Spaniards, J. Marsh to Haldimand, November 20, 1767, *ibid.*, 21, 728. The keenest interest was always taken in the movements of the Spanish, especially with reference to how many troops were to be sent up the Mississippi and how many and what ports on that river were to be garrisoned. See for example, Captain Innis to Haldimand, October 11, 1769, *Can. Arch.*, series B, vol. 69, p. 60. Haldimand wrote to Gage, June 12, 1770, that "although on the one hand the military Force, which you are informed General O'Reilly intends to leave in the Colony, is too small to create much alarm, yet on the other the appointment of a Company of French under the Command of an Active French Officer for the upper Posts of the Mississippi is a circumstance that wears a suspicious appearance." P. R. O., Am. and W. I., vol. 126.

<sup>111</sup> Hunt, *Pol. Hist. of Eng.*, X, 112-114.

<sup>112</sup> January 2, 1771, P. R. O., Am. and W. I., vol. 127. See Documentary Appendix, no. 3.

<sup>113</sup> Gage to Hillsborough, April 2, 1771, P. R. O., Am. and W. I., vol. 127. See Documentary Appendix, no. 4.

<sup>110</sup> November 10, 1770, P. R. O., Am. and W. I., vol. 126.

<sup>111</sup> Hillsborough to Gage, July 31, 1770, *ibid.*

<sup>112</sup> Reasons for the Establishment of a Colony, Franklin Papers (*Am. Phil. Soc.*), vols. XXVII, XXVIII; same idea expressed in Remarks on Lord Barrington's Plan, no. 2, Lansdowne MSS., vol. L, p. 80.

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declared his intention of approaching Louisiana and New Orleans by way of the Ohio and Mississippi rivers, and actually sent reinforcements to Fort de Chartres.<sup>117</sup> Soon after the despatch of Hillsborough, however, Spain acceded to the demands of England, and the attack upon New Orleans was given up.<sup>118</sup>

In conclusion it may be observed that after 1768 the attention of those most interested in the colonizing of Illinois was turned in another direction. In that year, at the treaty of Fort Stanwix, the boundary line between the Indians and the whites was determined, thus opening for settlement a large tract of land in the region south of the Ohio River. There was formed in the same year a company, called the Walpole or Vandalia Company, for the purpose of establishing a colony there. Although Hillsborough again opposed the scheme, he was overruled, and the grant was made. But the Revolution put an end to further progress in the scheme. In the Illinois country there was another revival of land speculation in 1773, which, however, was simply an attempt of individuals and companies to purchase large tracts of land from the Indians without applying to the crown, a proceeding manifestly contrary to the proclamation of 1763.<sup>119</sup>

<sup>117</sup> "I have advices that the Artillery and Stores sent down the Ohio for Fort Chartres, have got into the Mississippi, and were going up to the Fort. The prospect of a war with Spain could not be concealed, for the news had been conveyed by many hands." Gage to Hillsborough, August 6, 1771, P. R. O., Am. and W. I., vol. 127.

<sup>118</sup> Gage to Hillsborough, March 7, 1771, *ibid.*

<sup>119</sup> It is of interest to note that in 1770, Dr. Connolly, a nephew of George Croghan, and a prominent land speculator in the West, proposed to George Washington that a colony ought to be erected south of the Ohio River, "to be bounded . . . by the Ohio northward, and westward, the ridge that divides the waters of the Tennessee or Cherokee River southward and westward, and a line to be run from the falls of Ohio, or above, so as to cross the Shawna River above the fork of it". "Washington's Tour on the Ohio", *Writings*, ed. Ford, II, 315.

Carter, Clarence Edwin (author). Great Britain and the Illinois Country 1763-1774. Washington: The American Historical Association (1910).

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Gr. Brit. Board of Trade *S. Wharton*

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REPORT  
OF THE  
BOARD OF TRADE.

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[Price TWO SHILLINGS.]

REPORT  
OF THE  
LORDS COMMISSIONERS for  
TRADE and PLANTATIONS  
ON THE  
PETITION  
OF THE

Honourable THOMAS WALPOLE, BENJAMIN  
FRANKLIN, JOHN SARGENT, and SAMUEL  
WHARTON, Esquires, and their ASSOCI-  
ATES;

FOR

A Grant of Lands on the RIVER OHIO, in North  
America; for the purpose of Erecting a new  
Government.

WITH

OBSERVATIONS and REMARKS.

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L O N D O N :

Printed for J. ALMON, opposite Burlington-House, in  
Piccadilly.

MDCCLXXII.

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99



# APPENDIX, N<sup>o</sup> II.

## STATE of the KING'S QUIT-RENTS IN NORTH AMERICA.

	Consideration money paid to King for the lands.	The time the lands are exempted from quit-rent.	Quit-rents received.	Expence totius country for the support of the civil government of the colonies.
Isl. of St John	None	20 years	None	—
Nova Scotia	None	10 years	And yet no quit-rents have been received, tho' the colony was established 22 years ago.	707,320 19 7 1/2
Canada	None	—		
Maffachusetts } Connecticut } Rhode Island } N. Hampshire }	None	Wholly exempt from quit-rents and all payments to the crown.		
New York	None	This colony was restored to the crown in the year 1693-4, and yet from that time very little quit-rents have been received	—	None
New Jersey } Pennsylvania } Maryland }	None	Wholly exempt from quit-rents and all payments to the crown.	None	None
Virginia	None	This colony was re-assumed by the crown in the year 1626; and yet for a great number of years, the quit-rents were not paid at all;—never with any regularity till within a very few years; and now from what is paid there is a deduction of at least 20 per cent.	—	—
N. & S. Carolina }	None	—	—	—
Georgia	None	This colony was settled in the year 1735, and yet no quit-rents have been received.	None	214,610 3 1/2
E. & W. Florida	None	10 years	None	90,900 0 0
Baris proposed to pay for the colony on the Ohio	£. 20450 7 3/4	The quit-rents to commence in 20 years from the time of the survey of each lot or plantation, and to be paid into the hands of such persons as his Majesty shall appoint to receive the same, less and clear of all deductions whatsoever, for collection or otherwise.	—	All the expences of the civil government of this colony, to be borne and paid by the proprietors.

# R E P O R T

O F

## The Lords Comissioners for Trade and Plantations.

O N T H E

### PETITION of the Honourable THOMAS WALPOLE and his Associates, for a Grant of Lands on the River OHIO in NORTH AMERICA.

MY LORDS,

**P**URSUANT to your lordships order of the 25th May 1770, we have taken into our consideration the humble memorial of the honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, Esquires, in behalf of themselves and their associates, setting forth (among other things) " That they pre-  
B " fented

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“ sented a petition to his Majesty, in coun-  
 “ cil, for a grant of lands in America  
 “ (*parcel* of the lands purchased by go-  
 “ vernment of the Indians) in considera-  
 “ tion of a price to be paid in purchase of  
 “ the same; *that in pursuance of a sug-  
 “ gession which arose when the said petition  
 “ was under consideration of the Lords Com-  
 “ missioners for trade and plantations, the  
 “ memorialists presented a petition to the  
 “ Lords Commissioners of the treasury,  
 “ proposing to purchase a larger tract of  
 “ land on the river Ohio in America, suf-  
 “ ficient for a separate government; where-  
 “ upon their lordships were pleased to ac-  
 “ quaint the memorialists, they had no  
 “ objection to accepting the proposals made  
 “ by them with respect to the purchase-  
 “ money and quit-rent to be paid for the  
 “ said tract of land, if it should be thought  
 “ advisable by those departments of go-  
 “ vernment, to whom it belonged to judge  
 “ of the propriety of the grant, both in  
 “ point of policy and justice, that the  
 “ grant should be made; in consequence  
 “ whereof the memorialists humbly renew  
 “ their application that a grant of said  
 “ lands may be made to them, reserving  
 “ therein to all persons their just and legal  
 “ rights to any parts or parcels of said lands  
 “ which may be comprehended within the  
 “ tract*

“ tract prayed for by the memorialists;”  
 whereupon we beg leave to report to your  
 lordships,

I. That according to the description of  
 the tract of land prayed for by the memo-  
 rialists, which description is annexed to  
 their memorial, it appears to us to contain  
 part of the dominion of Virginia, to the  
 south of the river Ohio, and to extend se-  
 veral degrees of longitude westward from  
 the western ridge of the Appalachian moun-  
 tains, as will more fully appear to your  
 Lordships from the annexed sketch of the  
 said tract, which we have since caused to  
 be delineated with as much exactness as  
 possible, and herewith submit to your  
 Lordships, to the end that your Lordships  
 may judge with the greater precision of the  
 situation of the lands prayed for in the me-  
 morial.

II. From this sketch your Lordships  
 will observe, that a very considerable part  
 of the lands prayed for, lies beyond the  
 line, which has, in consequence of his  
 Majesty's orders for that purpose, been set-  
 tled by treaty, as well with the tribes of  
 the Six Nations, and their confederates, as  
 with the Cherokee Indians, as the boun-  
 dary line between his Majesty's territories

B 2

and

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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and their hunting grounds; and as the third of the crown is pledged in the most solemn manner both to the Six Nations and to the Cherokees, that notwithstanding the former of these nations had ceded the property in the lands to his Majesty, yet no settlements shall be made beyond that line, it is our duty to report to your Lordships our opinion, that it would on that account be highly improper to comply with the request of the memorial, *so far as it includes any lands beyond the said line.*

It remains therefore, that we report to your Lordships our opinion, how far it may consist with good policy and with justice, that his Majesty should comply with that part of the memorial which relates to those lands which are situated to the east of that line, and are part of the dominion of Virginia.

III. And first with regard to the policy, we take leave to remind your Lordships of that principle which was adopted by this Board, and approved and confirmed by his Majesty, immediately after the treaty of Paris, *viz.* the confining the western extent of settlements to such a distance from the sea coast, as that those settlements should lie *within the reach of the trade and*  
com-

*commerce of this kingdom*, upon which the strength and riches of it depend, and also of the exercise of that authority and jurisdiction, which was conceived to be necessary for the preservation of the colonies, in a due subordination to, and dependance upon, the Mother Country; and these we apprehend to have been two capital objects of his Majesty's proclamation of the 7th of October 1763, by which his Majesty declares it to be his royal will and pleasure to reserve under his sovereignty, protection, and dominion, for the *use* of the Indians, all the lands not included within the three new governments, the limits of which are described therein, as also all the lands and territories lying to the westward of the sources of the rivers which shall fall into the sea from the west and north-west, and by which, all persons are forbid to make any purchases or settlements whatever, or to take possession of any of the lands above reserved, without special licence for that purpose.

IV. It is true indeed, that partly from *want of precision* in describing the line intended to be marked out by the proclamation of 1763, and partly from a consideration of justice *in regard to legal titles to lands*, which had been settled beyond that  
line,

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line, it has been since thought fit to enter into engagements with the Indians, for fixing a more precise and determinate *boundary* between his Majesty's territories and their hunting grounds.

V. By this *boundary*, so far as it regards the case now in question, your Lordships will observe, that the hunting grounds of the Indians are reduced within narrower limits than were specified by the proclamation of 1763; we beg leave however, to submit to your Lordships, that the same principles of policy, in reference to settlements *at so great a distance* from the sea coast *as to be out of the reach of all advantageous intercourse with this kingdom*, continue to exist in their full force and spirit; and, though various propositions for erecting new colonies in the interior parts of America have been, in consequence of this extension of the boundary line, submitted to the consideration of government (particularly in that part of the country wherein are situated the lands now prayed for, with a view to that object) yet the dangers and disadvantages of complying with such proposals have been so obvious, as to defeat every attempt made for carrying them into execution.

## VI. Many

VI. Many objections, besides those which we have already stated, occur to us to propositions of this kind; but as *every argument* on this subject is *collected together with great force and precision*, in a representation made to his Majesty by the Commissioners for Trade and Plantations in March 1768, we beg leave to state them to your Lordships in their words.

In that representation they deliver their opinion upon a proposition for settling new colonies in the interior country as follows, *viz.*

“ The proposition of forming inland colonies in America is, we humbly conceive, entirely new: it adopts principles in respect to American settlements, different from what have hitherto been the policy of this kingdom, and leads to a system which, if pursued through all its consequences, is, in the present state of that country, of the greatest importance.

“ The great object of colonizing upon the continent of North America, has been to improve and extend the commerce, navigation, and manufactures of this kingdom, upon which its strength and security depend.

1. “ By

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1. “ By promoting the advantageous fishery carried on upon the northern coast.

2. “ By encouraging the growth and culture of naval stores, and of raw materials, to be transported hither in exchange for perfect manufactures and other merchandise.

3. “ By securing a supply of lumber, provisions, and other necessaries, for the support of our establishments in the American islands.

“ In order to answer these salutary purposes, it has been the policy of this kingdom to confine her settlements as much as possible to the sea coast, and not to extend them to places inaccessible to shipping, and consequently more out of the reach of commerce; a plan, which, at the same time that it secured the attainment of these commercial objects, had the further political advantage of guarding against all interfering of foreign powers, and of enabling this kingdom to keep up a superior naval force in those seas, by the actual possession of such rivers and harbours as were proper stations for fleets in time of war.

“ Such, may it please your Majesty, have been the considerations inducing that plan of policy hitherto pursued in the

“ the settlement of your Majesty's American colonies, with which the private interest and sagacity of the settlers cooperated from the first establishments formed upon that continent: It was upon these principles, and with these views, that government undertook the settling of Nova Scotia in 1749; and it was from a view of the advantages represented to arise from it in these different articles, that it was so liberally supported by the aid of parliament.

“ The same motives, though operating in a less degree, and applying to fewer objects, did, as we humbly conceive, induce the forming the colonies of Georgia, East Florida, and West Florida, to the South, and the making those provincial arrangements in the proclamation of 1763, by which the interior country was left to the possession of the Indians.

“ Having thus briefly stated what has been the policy of this kingdom in respect to colonizing in America, it may be necessary to take a cursory view of what has been the effect of it in those colonies, where there has been sufficient time for that effect to discover itself; because, if it shall appear from the present state of these settlements, and the progress they have made, that they are likely to produce the advantages above  
C “ stated,

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“ stated, it will, we humbly apprehend,  
 “ be a very strong argument against forming settlements in the interior country ;  
 “ more especially, when every advantage,  
 “ derived from an established government,  
 “ would naturally tend to draw the stream  
 “ of population ; fertility of soil and temperature of climate offering superior incitements to settlers, who, exposed to few hardships, and struggling with few difficulties, could, with little labour, earn an abundance for their own wants, but without a possibility of supplying ours with any considerable quantities.  
 “ Nor would these inducements be confined in their operation to foreign emigrants, determining their choice where to settle, but would act most powerfully upon the inhabitants of the northern and southern latitudes of your Majesty’s American dominions ; who, ever suffering under the opposite extremes of heat and cold, would be equally tempted by a moderate climate to abandon latitudes peculiarly adapted to the production of those things, which are by Nature denied to us ; and for the whole of which we should, without their assistance, stand indebted to, and dependant upon other countries.  
 “ It is well known that antecedent to the year 1749, all that part of the sea-coast of the British empire in America,  
 “ which

“ which extends north-east from the province of Main to Canseau in Nova Scotia, and from thence to the mouth of St. Laurence river, lay waste and neglected ; though naturally affording, or capable by art of producing, every species of naval stores ; the seas abounding with whale, cod, and other valuable fish, and having many great rivers, bays, and harbours, fit for the reception of ships of war. Thus circumstanced, a consideration of the great commercial advantages which would follow from securing the possession of this country, combined with the evidence of the value set upon it by our enemies, who, during the war which terminated at that period, had, at an immense expence, attempted to wrest it from us, induced that plan, for the settlement of Novia Scotia, to which we have before referred ; and which, being prosecuted with vigour, though at a very large expence to this kingdom, secured the possession of that province, and formed those establishments which contributed so greatly to facilitate and promote the success of your Majesty’s arms in the late war.  
 “ The establishment of government in this part of America, having opened to the view and information of your Majesty’s subjects in other colonies the great commercial advantages to be derived  
 C 2 “ from

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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“ from it, induced a zeal for migration;  
 “ and associations were formed for taking  
 “ up lands, and making settlements, in  
 “ this province, by principal persons re-  
 “ siding in these colonies.

“ In consequence of these associations,  
 “ upwards of ten thousand souls have  
 “ passed from those colonies into Nova  
 “ Scotia; who have either engaged in the  
 “ fisheries, or become exporters of lumber  
 “ and provisions to the West Indies. And  
 “ further settlements, to the extent of  
 “ twenty-one townships, of one hundred  
 “ thousand acres each, have been engaged  
 “ to be made there, by many of the prin-  
 “ cipal persons in Pennsylvania, whose  
 “ names and association for that purpose  
 “ now lie before your Majesty in council.

“ The government of Massachusetts  
 “ Bay, as well as the proprietors of large  
 “ tracts to the eastward of the province of  
 “ Main, excited by the success of these  
 “ settlements, are giving every encourage-  
 “ ment to the like settlements in that va-  
 “ luable country, lying between them and  
 “ Nova Scotia; and the proprietors of the  
 “ twelve townships lately laid out there,  
 “ solicit your Majesty for a confirmation  
 “ of their title.

“ Such, may it please your Majesty, is  
 “ the present state of the progress making  
 “ in the settlement of the northern parts  
 “ of

“ of the sea coasts of North America, in  
 “ consequence of what appears to have been  
 “ the policy adopted by this kingdom.  
 “ And many persons of rank and substance  
 “ here are proceeding to carry into execu-  
 “ tion the plan which your Majesty  
 “ (pursuing the same principles of com-  
 “ mercial policy) has approved for the set-  
 “ tlement of the islands of St. John and  
 “ Cape Breton, and of the new established  
 “ colonies to the south. And, therefore,  
 “ as we are fully convinced, that the en-  
 “ couraging settlements upon the sea coast  
 “ of North America is founded in the true  
 “ principles of commercial policy; as we  
 “ find upon examination, that the happy  
 “ effects of that policy are now beginning  
 “ to open themselves, in the establish-  
 “ ment of these branches of commerce;  
 “ culture, and navigation, upon which the  
 “ strength, wealth, and security of this  
 “ kingdom depend; we cannot be of opi-  
 “ nion, that it would in any view be ad-  
 “ viseable, to divest your Majesty's sub-  
 “ jects in America from the pursuit of  
 “ those important objects, by adopting  
 “ measures of a new policy, *at an expence*  
 “ *to this kingdom, which in its present state*  
 “ *it is unable to bear.*

“ This, may it please your Majesty,  
 “ being the light in which we view the  
 “ proposition of colonizing in the interior  
 “ country, considered as a general prin-  
 “ ciple

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“ ciple of policy ; we shall, in the next  
 “ place, proceed to examine the several  
 “ arguments urged in support of the parti-  
 “ cular establishments now recommended.  
 “ These arguments appear to us re-  
 “ ducible to the following general propo-  
 “ sitions, viz.

First, “ That such colonies will promote  
 “ population, and increase the demands for  
 “ and consumption of British manufactures.”

Secondly, “ That they will secure the  
 “ fur trade, and prevent an illicit trade,  
 “ or interfering of French or Spaniards  
 “ with the Indians.”

Thirdly, “ That they will be a defence  
 “ and protection to the old colonies against  
 “ the Indians.”

Fourthly, “ That they will contribute  
 “ to lessen the present heavy expence of  
 “ supplying provisions to the different forts  
 “ and garrisons.”

Lastly, “ That they are necessary in  
 “ respect to the inhabitants already residing  
 “ in those places where they are proposed  
 “ to be established, who require some form  
 “ of civil government.”

“ After what we have already stated  
 “ with respect to the policy of encouraging  
 “ colonies in the interior country as a ge-  
 “ neral principle, we trust it will not be  
 “ necessary to enter into an ample discus-  
 “ sion of the arguments brought to sup-  
 “ port the foregoing propositions.

“ We

“ We admit as an undeniable principle  
 “ of true policy, that with a view to pre-  
 “ vent manufactures, it is necessary and  
 “ proper to open an extent of territory for  
 “ colonization proportioned to the increase  
 “ of people, as a large number of inha-  
 “ bitants, cooped up in narrow limits,  
 “ without a sufficiency of land for produce,  
 “ would be compell'd to convert their at-  
 “ tention and industry to manufactures ;  
 “ but we submit whether the encourage-  
 “ ment given to the settlement of the co-  
 “ lonies upon the sea coast, and the effect  
 “ which such encouragement has had,  
 “ have not already effectually provided for  
 “ this object, as well as for increasing the  
 “ demand for, and consumption of British  
 “ manufactures, an advantage which, in  
 “ our humble opinion, would not be pro-  
 “ moted by these new colonies, which  
 “ being proposed to be established, at the  
 “ distance of *above fifteen hundred miles from*  
 “ *the sea*, and in places which, upon the  
 “ fullest evidence, are found to be utterly  
 “ inaccessible to shipping, will, from their  
 “ inability to find returns wherewith to  
 “ pay for the manufactures of Great Bri-  
 “ tain, be probably led to manufacture for  
 “ themselves ; a consequence which expe-  
 “ rience shews has constantly attended in  
 “ greater or less degree every inland set-  
 “ tlement, and therefore ought, in our  
 “ humble opinion, to be carefully guarded  
 “ against,

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“ against, by *encouraging* the settlement of  
 “ that extensive tract of sea coast hitherto  
 “ unoccupied; *which, together with the li-*  
 “ *berly that the inhabitants of the middle co-*  
 “ *lonies will have (in consequence of the*  
 “ *proposed boundary line with the Indians)*  
 “ *of gradually extending themselves back-*  
 “ *wards, will more effectually and bene-*  
 “ *ficially answer the object of encouraging*  
 “ *population and consumption, than the*  
 “ *erection of new governments; such gra-*  
 “ *dual extension might through the me-*  
 “ *dium of a continued population, upon*  
 “ *even the same extent of territory, preserve*  
 “ *a communication of mutual commercial*  
 “ *benefits between its extreme parts and*  
 “ *Great Britain, impossible to exist in colonies*  
 “ *separated by immense tracts of unpeopled de-*  
 “ *sart.*—As to the effect which it is sup-  
 “ posed the colonies may have to increase  
 “ and promote the fur trade, and to pre-  
 “ vent all contraband trade or intercourse  
 “ between the Indians under your Majesty’s  
 “ protection, and the French or Spaniards;  
 “ it does appear to us, that the extension  
 “ of the fur trade depends entirely upon  
 “ the Indians being undisturbed in the pos-  
 “ session of their hunting grounds; that  
 “ all colonizing does in its nature, and  
 “ must in its consequences, operate to the  
 “ prejudice of that branch of commerce,  
 “ and that the French and Spaniard would  
 “ be

“ be left in possession of a great part  
 “ of what remained; as New Orleans  
 “ would still continue the best and surest  
 “ market.  
 “ As to the protection which it is supposed  
 “ these new colonies may be capable of af-  
 “ fording to the old ones, it will, in our  
 “ opinion, appear on the slightest view of  
 “ their situation, that so far from affording  
 “ protection to the old colonies, they will  
 “ stand most in need of it themselves.  
 “ It cannot be denied, that new colo-  
 “ nies would be of advantage in raising  
 “ provisions for the supply of such forts  
 “ and garrisons as may be kept up in  
 “ the neighbourhood of them; but as the  
 “ degree of utility will be proportioned  
 “ to the number and situation of these  
 “ forts and garrisons, which upon the re-  
 “ sult of the present enquiry it may be  
 “ thought adviseable to continue, so the  
 “ force of the argument will depend upon  
 “ that event.  
 “ The present French inhabitants in the  
 “ neighbourhood of the Lakes will, in  
 “ our humble opinion, be sufficient to fur-  
 “ nish with provisions whatever posts may  
 “ be necessary to be continued there; and  
 “ as there are also French inhabitants set-  
 “ tled in some parts of the country lying  
 “ upon the Mississippi, between the rivers  
 “ Illinois and the Ohio, it is to be hoped  
 “ that a sufficient number of these may be  
 “ induced

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“ induced to fix their abode, where the  
 “ same convenience and advantage may be  
 “ derived from them; but if no such cir-  
 “ cumstance were to exist, and no such  
 “ assistance to be expected from it, the ob-  
 “ jections stated to the plan now under our  
 “ consideration are superior to this, or any  
 “ other advantage it can produce; and al-  
 “ though civil establishments have fre-  
 “ quently rendered the expence of an  
 “ armed force necessary for their protec-  
 “ tion, one of the many objections to  
 “ these now proposed, yet we humbly  
 “ presume there never has been an in-  
 “ stance of a government instituted merely  
 “ with a view to supply a body of troops  
 “ with suitable provisions; nor is it neces-  
 “ sary in these instances for the settle-  
 “ ments, already existing as above described, which  
 “ being formed under military establish-  
 “ ments, and ever subjected to military au-  
 “ thority, do not, in our humble opinion,  
 “ require any other superintendance than  
 “ that of the military officers commanding  
 “ at these posts.”

“ In addition to this opinion of the  
 “ Board of Trade, expressed in the fore-  
 “ going recital, we further beg leave to  
 “ refer your Lordships to the opinion of  
 “ the Commander in Chief of his Majes-  
 “ ty’s forces in North America, who, in  
 “ a letter laid before us by the Earl of  
 “ Hillsborough, delivers his sentiments  
 “ with

“ with regard to the settlements in the  
 “ interior parts of America in the follow-  
 “ ing words, viz.

VII. “ As to increasing the settlements  
 “ to respectable provinces, and to colo-  
 “ nization *in general terms* in the *remote*  
 “ countries, I conceive it altogether in-  
 “ consistent with sound policy; for there  
 “ is little appearance that the advantages  
 “ will arise from it which nations expect  
 “ when they send out colonies into *fo-*  
 “ *reign countries*; they can give no encour-  
 “ agement to the fishery, and though the  
 “ country might afford some kind of naval  
 “ stores, the distance would be too far to  
 “ transport them; and for the same reason  
 “ they could not supply the sugar islands  
 “ with lumber and provisions. As for the  
 “ raising wine, silk, and other commodi-  
 “ ties, the same may be said of the pre-  
 “ sent colonies without planting others for  
 “ the purpose at so vast a distance; but on  
 “ the supposition that they would be raised,  
 “ their very long transportation must pro-  
 “ bably make them too dear for any mar-  
 “ ket. I do not apprehend the inhabitants  
 “ could have any commodities to barter  
 “ for manufactures except skins and furs,  
 “ which will naturally decrease as the  
 “ country increases in people, and the de-  
 “ serts are cultivated; so that in the course  
 “ of a few years necessity would force them  
 “ to provide manufactures of some kind for  
 “ them-

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“ themselves; and when all connection  
 “ upheld by commerce with the mother  
 “ country shall cease, it may be expected,  
 “ that an independancy on her government  
 “ will soon follow; the pretence of forming  
 “ barriers will have no end; wherever  
 “ we settle, however remote, there must  
 “ be a frontier; and there is room enough  
 “ for the colonists to spread within our  
 “ present limits, for a century to come.  
 “ If we reflect how the people of them-  
 “ selves have gradually retired from the  
 “ coast, we shall be convinced they want  
 “ no encouragement to desert sea coasts,  
 “ and go into the back countries, where  
 “ the lands are better, and got upon easier  
 “ terms; they are already almost out of  
 “ the reach of law and government; neither  
 “ the endeavours of government, or fear of  
 “ Indians, has kept them properly with-  
 “ in bounds; and it is apparently most for  
 “ the interest of Great Britain to confine  
 “ the colonies on the side of the back coun-  
 “ try, and to direct their settlements along  
 “ the sea coast, where millions of acres  
 “ are yet uncultivated. The lower provin-  
 “ ces are still thinly inhabited, and not  
 “ brought to the point of perfection that  
 “ has been aimed at for the mutual benefit  
 “ of Great Britain and themselves. Al-  
 “ though America may supply the mother  
 “ country with many articles, few of them  
 “ are yet supplied in quantities equal to  
 “ her

“ her consumption; the quantity of iron  
 “ transported is not great, of hemp very  
 “ small, and there are many other  
 “ commodities not necessary to enu-  
 “ merate, which America has not yet  
 “ been able to raise, notwithstanding  
 “ the encouragement given her by boun-  
 “ ties and premiums. The laying open  
 “ new tracts of fertile territory in mode-  
 “ rate climates might lessen her present  
 “ produce; for it is the passion of every  
 “ man to be a landholder, and the people  
 “ have a natural disposition to rove in search  
 “ of good lands, however distant. It may  
 “ be a question likewise, whether colo-  
 “ nization of the kind could be effected  
 “ *without an Indian war, and fighting for*  
 “ *every inch of ground.* The Indians have  
 “ long been jealous of our power, and  
 “ have no patience in seeing us approach  
 “ their towns, and settle upon their hunt-  
 “ ing grounds; atonements may be made  
 “ for a fraud discovered in a trader, and  
 “ even the murder of some of their tribes,  
 “ but *encroachments* upon their lands have  
 “ often produced serious consequences.  
 “ The springs of the last general war are  
 “ to be discovered near the Allegany  
 “ mountains, and upon the banks of the  
 “ Ohio.  
 “ It is so obvious, that settlers might  
 “ raise provisions to feed the troops cheap-  
 “ er than it can be transported from the  
 “ country

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“ country below, that it is not necessary  
 “ to explain it; but I must own I know  
 “ no other use in settlements, or can give  
 “ any other reason for supporting forts,  
 “ than to protect the settlements, and  
 “ keep the settlers in subjection to govern-  
 “ ment.

“ I conceive, that to procure all the  
 “ commerce it will afford, and as little ex-  
 “ pence to ourselves as we can, is the only  
 “ object we shall have in view in the inte-  
 “ rior country, for a century to come;  
 “ and I imagine it might be effected, by  
 “ proper management, without either  
 “ forts or settlements. Our manufactures  
 “ are as much desired by the Indians, as  
 “ their peltry is sought for by us; what  
 “ was originally deemed a superfluity, or  
 “ a luxury by the natives, is now become  
 “ a necessary; they are difused to the bow,  
 “ and can neither hunt, or make war  
 “ without fire-arms, powder, and lead.  
 “ The British provinces can only supply  
 “ them with their necessaries, which they  
 “ know, and for their own sakes would  
 “ protect the trader, which they actually  
 “ do at present. It would remain with us  
 “ to prevent the trader’s being guilty of  
 “ frauds and impositions, and to pursue  
 “ the same methods to that end, as are  
 “ taken in the Southern district; and I  
 “ must confess, though the plan pursued  
 “ in that district might be improved by  
 “ proper

“ proper laws to support it, that I do not  
 “ know a better, or more œconomical  
 “ plan for the management of trade;  
 “ there are neither forts nor settlements,  
 “ in the Southern department, and there  
 “ are both in the Northern department;  
 “ and your Lordships will be the best  
 “ judge, which of them has given you  
 “ the least trouble; in which we have had  
 “ the fewest quarrels with, or complaints  
 “ from the Indians.

“ I know of nothing so liable to bring  
 “ on a serious quarrel with Indians as an  
 “ invasion of their property. Let the sa-  
 “ vages enjoy their desarts in quiet; little  
 “ bickerings that may unavoidably some-  
 “ times happen, may soon be accommo-  
 “ dated; and I am of opinion, independ-  
 “ ent of the motives of common justice  
 “ and humanity, that the principles of  
 “ interest and policy, should induce us ra-  
 “ ther to protect than molest them: were  
 “ they driven from their forests, the pel-  
 “ try trade would decrease; and it is *not*  
 “ impossible that worse savages would take  
 “ refuge in them, for they might then be-  
 “ come the asylum of fugitive Negroes,  
 “ and idle vagabonds, escaped from justice,  
 “ who in time might become formidable,  
 “ and subsist by rapine, and plundering  
 “ the lower countries.”

VIII. The opinions delivered in the  
 foregoing recitals are so accurate and pre-  
 cise,

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cise, as to make it almost unnecessary to add any thing more : But we beg leave to lay before your Lordships the sentiments of his Majesty's Governor of Georgia, upon the subject of large grants in the interior parts of America, whose knowledge and experience in the affairs of the colonies give great weight to his opinion.

In a letter to us, on the subject of the mischiefs attending such grants, he expresses himself in the following manner, viz.

“ And now, my Lords, I beg your patience a moment, while I consider this matter in a more extensive point of view, and go a little further in declaring my sentiments and opinion, with respect to the granting of large bodies of land, in the back parts of the province of Georgia, or in any other of his Majesty's Northern colonies, at a distance from the sea-coast, or from such parts of any province as are already settled and inhabited.

“ And this matter, my Lords, appears to me, in a very serious and alarming light ; and I humbly conceive may be attended with the greatest and worst of consequences ; for, my Lords, if a vast territory be granted to any set of gentlemen, who really mean to people it, and actually do so, it must draw and carry out a great number of people from

“ Great

“ Great Britain ; and I apprehend they will soon become a kind of separate and independent people, and who will set up for themselves ; that they will soon have manufactures of their own ; that they will neither take supplies from the mother country, or from the provinces, at the back of which they are settled ; that being at a distance from the seat of government, courts, magistrates, &c. &c. they will be out of the reach and controul of law and government ; that it will become a receptacle and kind of asylum for offenders, who will fly from justice to such new country or colony ; and therefore crimes and offences will be committed, not only by the inhabitants of such new settlements, but elsewhere, and pass with impunity ; and that in process of time (and perhaps at no great distance) they will become formidable enough to oppose his Majesty's authority, disturb government, and even give law to the other or first settled part of the country, and throw every thing into confusion.

“ My Lords, I hope I shall not be thought impertinent, when I give my opinion freely, in a matter of so great consequence, as I conceive this to be ; and, my Lords, I apprehend, that in all the American colonies, great care should be taken, that the lands on the sea-coast, should

E

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“ should be thick settled with inhabitants,  
 “ and well cultivated and improved; and  
 “ that the settlements should be gradually  
 “ extended back into the province, and as  
 “ much connected as possible, to keep the  
 “ people together in as narrow a compass  
 “ as the nature of the lands, and state of  
 “ things will admit of; and by which  
 “ means there would probably become  
 “ only one general view and interest  
 “ amongst them, and the power of go-  
 “ vernment and law would of course nat-  
 “ urally and easily go with them, and  
 “ matters thereby properly regulated, and  
 “ kept in due order and obedience; and  
 “ they would have no idea of resisting or  
 “ transgressing either without being ame-  
 “ nable to justice, and subject to punish-  
 “ ment for any offences they may com-  
 “ mit.

“ But, my Lords, to suffer a kind of *pro-*  
 “ *vince within a province*, and one that  
 “ may, indeed must in process of time be-  
 “ come superior, and too big for the head,  
 “ or original settlement or seat of govern-  
 “ ment, to me conveys with it many ideas  
 “ of consequence, of such a nature, as I  
 “ apprehend are extremely dangerous and  
 “ improper, and it would be the policy of  
 “ government to avoid and prevent, whilst  
 “ in their power to do so.

“ My ideas, my Lords, are not chime-  
 “ rical; I know something of the situa-  
 “ tion

“ tion and state of things in America;  
 “ and from some little occurrences or in-  
 “ stances that have already really happen-  
 “ ed, I can very easily figure to myself  
 “ what may, and, in short, what will  
 “ certainly happen, if not prevented in  
 “ time.”

IX. At the same time that we submit  
 the foregoing reasoning against coloniza-  
 tion in the interior country to your Lord-  
 ships consideration, it is proper we should  
 take notice of one argument, which has  
 been invariably held forth in support of  
 every proposition of this nature, and upon  
 which the present proponents appear to lay  
 great stress. It is urged, that such is the  
 state of the country now proposed to be  
 granted, and erected into a separate govern-  
 ment, that no endeavours on the part of the  
 crown can avail, to prevent its being set-  
 tled by those who, by the increase of po-  
 pulation in the middle colonies, are con-  
 tinually emigrating to the Westward, and  
 forming themselves into colonies in that  
 country, without the intervention or con-  
 trol of government, and who, if suffered  
 to continue in that lawless state of anar-  
 chy and confusion, will commit such abuses  
 as cannot fail of involving us in quarrel  
 and dispute with the Indians, and thereby  
 endangering the security of his Majesty's  
 colonies.

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We admit, that this is an argument that deserves attention; and we rather take notice of it in this place, because some of the objections stated by Governor Wright *lose their force, upon the supposition that the grants against which he argues are to be erected into separate governments.* But we are clearly of opinion, that his arguments do, in the general view of them, as applied to the question of granting lands in the interior parts of America, stand unanswerable; and *admitting* that the settlers in the country in question are *as numerous as report states them to be,* yet we submit to your Lordships, that this is a fact which does, in the nature of it, operate strongly in point of argument *against* what is proposed; for if the foregoing reasoning has any weight, it certainly ought to induce your Lordships to advise his Majesty to take every method to *check* the progress of these settlements, and *not* to make such grants of the land as will have an immediate tendency to encourage them; a measure which we conceive is altogether as unnecessary as it is impolitic, as we see nothing to hinder the government of Virginia from extending the laws and constitution of that colony to such persons as may have already settled there *under legal titles.*

X. And there is one objection suggested by Governor Wright to the extension of settlements

in the interior country, which, we submit, deserves your Lordships particular attention, viz. the encouragement that is thereby held out to the emigration of his Majesty's European subjects; an argument which, in the present peculiar situation of this kingdom, demands very serious consideration, and has for some time past had so great weight with this Board, that it has induced us to deny our concurrence to many proposals for grants of land, even in those parts of the continent of America where, in all other respects, we are of opinion, that it consists with the true policy of this kingdom to encourage settlements; and this consideration of the certain bad consequences which must result from a continuance of such emigrations, as have lately taken place from various parts of his Majesty's European dominions, added to the constant drains to Africa, to the East Indies, and to the new ceded Islands, will, we trust, with what has been before stated, be a sufficient answer to every argument that can be urged in support of the present memorial, so far as regards the consideration of it in point of policy.

XI. With regard to the propriety in point of *justice* of making the grant desired, we presume this consideration can have reference only to the case of such persons who have already possession of lands in that part

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

part of the country under legal titles derived from grants made by the Governor and Council of Virginia; upon which case we have only to observe, that it does appear to us, that there are *some* such possessions held by persons who are not parties to the present Memorial; and therefore, if your Lordships shall be of opinion, that the making the grant desired would, notwithstanding the reservation proposed in respect to such titles, have the effect to disturb those possessions, or to expose the proprietors to suit and litigation, we do conceive, that, in that case, the grant would be objectionable in point of justice.

XII. Upon the whole, therefore, we cannot recommend to your Lordships to advise his Majesty to comply with the prayer of this Memorial, either as to the erection of any parts of the lands into a separate government, or the making a grant of them to the Memorialists; but, on the contrary, we are of opinion, that settlements in that distant part of the country should be as much discouraged as possible; and that, in order thereto, it will be expedient, not only that the orders which have been given to the Governor of Virginia, not to make any further grants beyond the line prescribed by the proclamation of 1763, should be continued and enforced, but that another proclamation should be issued,

issued, declaratory of his Majesty's resolution not to allow, for the *present*, any new settlements beyond that line, and to forbid all persons from taking up or settling any lands in that part of the country.

We are,

My Lords,

Your Lordships most obedient and

Most humble servants,

WHITEHALL,  
April 15, 1772.

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99



OBSERVATIONS on,  
and ANSWERS to, the  
foregoing REPORT.

I. THE first paragraph of the Report, we apprehend, was intended to establish two propositions as facts;—viz.—

First, That the tract of land agreed for with the Lords Commissioners of the Treasury, contains *part* of the dominion of Virginia.

Second, That it extends several degrees of longitude *Westward* from the Western ridge of the *Alleghany* mountains.

On the first proposition we shall only remark, that no part of the above tract is to the *Eastward* of the Alleghany mountains;—and that these mountains must be considered as the true Western boundary of *Virginia*;—for the King was *not* seized and possessed of a right *to the country Westward* of the mountains, until his Majesty purchased it, in the year 1768, from the Six Nations:

Nations: and since that time, there has not been any annexation of such purchase, or of any part thereof, to the colony of Virginia.

On the second proposition,——we shall just observe, that the Lords Commissioners for Trade and Plantations appear to us to be as erroneous in this as in the former proposition; for their Lordships say, that the tract of land under consideration *extends several degrees* of longitude *Westward*. The truth is, that it is not more, on a medium, than one degree and a half of longitude from the Western ridge of the Alleghany mountains to the river Ohio.

II. It appears by the second paragraph, as if the Lords Commissioners for Trade and Plantations apprehended,——that the lands South-westerly of the *boundary line*, marked on a map annexed to their Lordships *report*,——were either claimed by the Cherokees, or were their hunting grounds, or were the hunting grounds of the Six Nations and their confederates.

As to any claim of the Cherokees to the above country, it is altogether new and indefensible; and never was heard of, until the appointment of Mr. Stewart to the superintendency of the Southern colonies, about the year 1764; and this, we flatter ourselves, will not only be obvious from the following state of facts, but that the  
F right

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

right to *all the country* on the Southerly side of the river Ohio, quite to the Cherokee River, is *now* undoubtedly vested in the King, by the grant which the Six Nations made to his Majesty at Fort Staawix, in November 1768.—In short, the lands from the *Great Kenbawa* to the *Cherokee river* never were, either the dwelling or hunting grounds of the *Cherokees*;—but formerly belonged to, and were inhabited by the *Shawanesse*, until such time as they were conquered by the Six Nations.

Mr. Colden, the present Lieutenant Governor of New York, in his History of the Five Nations, observes, that about the year 1664, “the Five Nations being amply supplied by the English with fire-arms and ammunition, gave a full swing to their warlike genius. They carried their arms *as far South as Carolina*, to the Northward of New England, and *as far West as the river Mississippi*, over a vast country,—which extended 1200 miles in length from North to South, and 600 miles in breadth,—where they entirely destroyed whole nations, of whom there are no accounts remaining among the English.”

In 1701,—the Five Nations put all their hunting lands under the protection of the English, as appears by the records, and by the recital and confirmation thereof, in their

their deed to the King of the 4th September 1726;—and Governor Pownal, who many years ago diligently searched into the rights of the natives, and in particular into those of the Northern confederacy, says, in his book intituled; the *Administration of the Colonies*, “The right of the Five Nation confederacy to the hunting lands of Ohio, Ticûckfouchronkite and Scaniaderiada, by the conquest they made, in subduing the *Shawanaes*, Delawares (as we call them) Twictwees and Oilinois, may be fairly proved, as they stood possessed thereof at the peace of Reswick 1697.”—And confirmatory hereof, Mr. Lewis Evans, a gentleman of great American knowledge, in his map of the middle colonies, published in America in the year 1755, has laid down the country on the *South-easterly side* of the river Ohio, as the *hunting lands of the Six Nations*; and in his Analysis to this map, he expressly says,—“The *Shawanesse*, who were formerly one of the most considerable nations of those parts of America, whose seat extended from *Kentucke* South-westward to the *Mississippi*, have been subdued by the confederates (or Six Nations) and the country since became their property. No nation,” Mr. Evans adds, “held out with greater resolution and bravery; and although they have been scattered in all parts for a while, they are again collected

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

“ collected on *Ohio*, under the dominion  
“ of the confederates.”

At a congress held in the year 1744, by the provinces of Pennsylvania, Maryland, and Virginia with the Six Nations,—the Commissioners of Virginia, in a speech to the Sachems and Warriors of that confederacy, say, “ tell us what nations of Indians you conquered any lands from in Virginia, how long it is since, and what possession you have had; and if it does appear, that there is any land on the borders of Virginia that the Six Nations have a right to, we are willing to make you satisfaction.”

To this speech the Six Nations gave the following animated and decisive answer:—“ All the world knows we conquered the several nations living on Sashquehanna, Cohongoranto [*i. e.* Powtomack] and on the back of the great mountains in Virginia;—the Conoy-uck-suck-roona, Cock-now-was-roonan, Tohoairough-roonan, and Connutskin-ough-roonaw feel the effects of our conquests; being now a part of our nations, and their lands at our disposal. We know very well, it hath often been said by the Virginians, that the King of England and the people of that colony conquered the people who lived there; but it is not true. We will allow, they conquered the Sachdagughronaw, and drove  
“ back

“ back the Tuskaroras [the first resided  
“ near the branches of James's River in  
“ Virginia, and the latter on these  
“ branches] and that they have, on that  
“ account, a right to some parts of Vir-  
“ ginia; but as to what lies beyond the  
“ mountains, we conquered the nations resid-  
“ ing there, and that land, if the Virgini-  
“ ans ever get a good right to it, it must be  
“ by us.”

In the year 1750, the French seized four English traders, who were trading with the Six Nations, Shawanessé and Delawares, on the waters of the Ohio, and sent them prisoners to Quebeck, and from thence to France.

In 1754, the French took a formal possession of the river Ohio, and built forts at Venango,—at the confluence of the Ohio and Monongehela, and at the mouth of the Cherokee River.

In 1755, General Braddock was sent to America with an army, to remove the French from their possessions over the Allegany mountains, and on the river Ohio; and on his arrival at Alexandria, held a council of war with the Governors of Virginia, Maryland, Pennsylvania, New York, and the Massachusetts Bay;—And as these gentlemen well knew, that the country claimed by the French, over the Allegany mountains, and South-westerly to the river Mississippi, was the unquestionable property  
of

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

of the *Six Nations*, and *not* of the Cherokees, or any other tribe of Indians,—the General gave instructions to Sir William Johnson, to call together the Indians of the *Six Nations*, and lay before them their before-mentioned grant to the King in 1726, —wherein they had put all their hunting lands *under his Majesty's protection; to be guaranteed to them, and to their use:—*And as General Braddock's instructions are clearly declaratory of the right of the *Six Nations* to the lands under consideration, we shall here transcribe the conclusive words of them,—“ And it appearing that  
 “ the French have; from time to time, by  
 “ fraud and violence, built strong forts  
 “ *within the limits of the said lands*, con-  
 “ trary to the covenant chain of the said  
 “ deed and treaties, you are, in my name;  
 “ to assure the said nations, that I am  
 “ come by his Majesty's order, to destroy  
 “ all the said forts, and to build such  
 “ others, *as shall protect and secure the said*  
 “ *lands to them, their heirs and successors for*  
 “ *ever*, according to the intent and spirit  
 “ of the said treaty; and I do therefore  
 “ call upon them to take up the hatchet,  
 “ *and come and take possession of their own*  
 “ *lands.*”

That General Braddock and the American Governors, were *not* singular in their opinion, as to the right of the *Six Nations* to the land *over the Allegany mountains*, and

and on both sides of the river Ohio, quite to the Mississippi,—is evident, from the memorials which passed between the British and French Courts in 1755.

In a memorial delivered by the King's Ministers on the 7th June 1755, to the Duke Mirepoix, relative to the pretensions of France to the above-mentioned lands, they very justly observed—“ As to the ex-  
 “ position, which is made in the French  
 “ memorial of the 15th article of the treaty  
 “ of Utrecht, the Court of Great Britain  
 “ does not think it can have any founda-  
 “ tion, either by the words or the inten-  
 “ tion of this treaty.

1st, “ The Court of Great Britain can-  
 “ not allow of this article, relating only  
 “ to the persons of the Savages, and *not*  
 “ *their country*: The words of this treaty  
 “ are clear and precise, that is to say, the  
 “ *Five Nations* or Cantons, are subject to  
 “ the dominion of Great Britain,—which,  
 “ by the received exposition of all treaties,  
 “ must relate to the *country*, as well to the  
 “ persons of the inhabitants;—it is what  
 “ France has acknowledged in the most  
 “ solemn manner:—She has well weighed  
 “ the importance of this acknowledge-  
 “ ment, at the time of signing this treaty,  
 “ and Great Britain can never give it up.  
 “ The countries possessed by these Indians,  
 “ *are very well known, and are not at all*  
 “ *so undetermined*, as it is pretended in the  
 “ memo-

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

“ memorial: they possess and make them  
 “ over, as other proprietors do, in all other  
 “ places.”

5th, “ Whatever pretext might be al-  
 “ ledged by France, in considering these  
 “ countries as the appurtenances of Cana-  
 “ da; it is a certain truth, that they have  
 “ belonged, and (as they have not been  
 “ given up, or made over to the English)  
 “ belong still to the same Indian nations;  
 “ which, by the 15th article of the treaty  
 “ of Utrecht, France agreed not to mo-  
 “ lest,—Nulla in posterum impedimento,  
 “ aut molestia afficiant.”

“ Notwithstanding all that has been ad-  
 “ vanced in this article, the Court of Great  
 “ Britain cannot agree to France having  
 “ the least title to the river Ohio, and the  
 “ territory in question.” [N. B. This was  
 all the country, from the Allegany moun-  
 tains to the Ohio, and down the same, and  
 on both sides thereof to the river Missi-  
 sippi.]

“ Even that of possession is not, nor  
 “ can it be alledged on this occasion;  
 “ since France cannot pretend to have had  
 “ any such before the treaty of Aix-la-  
 “ Chapelle, nor since, unless it be that of  
 “ certain forts, unjustly erected lately on  
 “ the lands which evidently belong to the  
 “ Five Nations, or which these have made  
 “ over to the Crown of Great Britain or  
 “ its subjects, as may be proved by treaties  
 and

“ and acts of the greatest authority.—What  
 “ the Court of Great Britain maintained, and  
 “ what it insists upon, is, That the Five Na-  
 “ tions of the Iroquois, acknowledged by  
 “ France, are, by origin, or by right of con-  
 “ quest the lawful proprietors of the river  
 “ Ohio, and the territory in question: And as  
 “ to the territory, which has been yielded and  
 “ made over by these people to Great Britain  
 “ (which cannot but be owned must be  
 “ the most just and lawful manner of  
 “ making an acquisition of this sort) she  
 “ reclaims it, as belonging to her, having  
 “ continued cultivating it for above 20 years  
 “ past, and having made settlements in se-  
 “ veral parts of it, from the sources even of  
 “ the Ohio to Pichawillanes, in the center  
 “ of the territory between the Ohio and the  
 “ Wabache.”

In 1755, the Lords Commissioners for  
 Trade and Plantations were so solicitous to  
 ascertain the territory of the Six Nations,  
 that Dr. Mitchel, by their desire, published  
 a large map of North America; and Mr.  
 Pownal, the present Secretary of the Board  
 of Trade, then certified, as appears on the  
 map,—That the Doctor was furnished with  
 documents for the purpose from that Board.  
 —In this map Dr. Mitchel observes, “ That  
 “ the Six Nations have extended their terri-  
 “ tories, ever since the year 1672, when they  
 “ subdued and were incorporated with the an-  
 “ tient Shawanese, the native proprietors of  
 G “ these

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

“ these countries, and the river Ohio: Besides which, they likewise claim a right of conquest over the Illinois, and all the Mississippi, as far as they extend. This,” he adds, “ is confirmed by their own claims and possessions in 1742, which include all the bounds here laid down, and none have ever thought fit to dispute them.” And, in confirmation of this right of the Six Nations to the country on the Ohio, as mentioned by the King’s Ministers, in their memorial to the Duke of Mirepoix in 1755, we would just remark, that the Six Nations, Shawanessie and Delawares, were in the *actual occupation* of the lands *Southward* of the Great Kenhawa for some time after the French had encroached upon the river Ohio; and that in the year 1752, these tribes had a large town on Kentucke River, 238 miles below the Sioto:—That in the year 1754, they resided and hunted on the *Southerly* side of the river Ohio, in the *Low Country*, at about 320 miles *below* the Great Kenhawa;—and in the year 1755, they had also a large town opposite to the mouth of Sioto;—*at the very place*, which is the *Southern boundary* line of the tract of land applied for by Mr. Walpole and his associates.—But it is a certain fact, that the Cherokees *never* had any towns or settlements in the country, *Southward* of the Great Kenhawa;—that they do *not* hunt there, and that neither the Six Nations, Shawanessie nor Delawares, do *now* reside or hunt

on

\* or Catauba, The Southern Bounds  
of Vandalia; and 238 Miles below  
the Purchase of Mr. Walpole and  
his Associates.

on the Southerly side of the river Ohio, nor did *not* for several years *before* they sold the country to the King.—These are facts, which can be easily and fully proved.

In October 1768, at a congress held with the Six Nations at Fort Stanwix, they observed to Sir William Johnson: “ Now, brother, you who know all our affairs, must be sensible, that *our* rights go much farther to the *Southward* than the *Kenhawa*,—and that we have a very good and clear title as far *South* as the *Cherokee River*, which we cannot allow to be the right of any other Indians, without doing wrong to our posterity, and acting unworthy those warriors who fought and conquered it;—we therefore expect this our right will be considered.”

In November 1768, the Six Nations sold to the King all the country on the Southerly side of the river Ohio, as far as to the Cherokee river; but notwithstanding that sale, as soon as it was understood in Virginia, that government *favoured* the pretensions of the Cherokees, and that Dr. Walker and Colonel Lewis (the commissioners sent from that colony to the congress at Fort Stanwix) had returned from thence, the late Lord Botetourt sent these gentlemen to Charles-town, South-Carolina, to endeavour to convince Mr. Stuart, the Southern superintendent of Indian affairs, of the necessity of enlarging the boundary line, which he had settled with

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the

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

the Cherokees;—and to run it from the *Great Kenbarwa* to Holston's river.—These gentlemen were appointed commissioners by his Lordship, as they had been long conversant in Indian affairs, and were well acquainted with the actual extent of the Cherokee country.—Whilst these commissioners were in South Carolina, they wrote a letter to Mr. Stuart, as he had been but a very few years in the Indian service, (and could not, from the nature of his former employment, be supposed to be properly informed about the Cherokee territory), respecting the claims of the Cherokees to the lands *Southward* of the Great Kenhawa, and therein they expressed themselves as follows:

“ Charles-town, South Carolina,  
“ February 2, 1769.

“ The country *Southward* of the *Big Kenhawa* was never claimed by the Cherokees, and now is the property of the Crown, as Sir William Johnson purchased it of the Six Nations at a very considerable expence, and took a deed of cession from them at Fort Stanwix.”

In 1769, the house of burgeses of the colony of Virginia represented to Lord Botetourt, “ That they have the greatest reason to fear the said line,” (meaning the boundary line, which the Lords Commissioners for Trade and Plantations have referred to, in the map annexed to their Lordships report) “ if confirmed, would constantly open to the

“ the Indians, and others *enemies* to his Majesty, a free and easy ingress to the heart of the country on the Ohio, Holston's river, and the Great Kenhawa; whereby the settlements which may be attempted in these quarters will, in all probability, be utterly destroyed, and *that great extent of country* [at least 800 miles in length] *from the mouth of the Kenbarwa to the mouth of the Cherokee river* extending Eastward as far as the Laurell Hill, *so lately ceded to his Majesty, to which no tribe of Indians at present set up any pretensions, will be entirely abandoned to the Cherokees*; in consequence of which, claims, *totally destructive* of the true interest of his Majesty, may at some future time arise, and *acquisitions justly ranked among the most valuable of the late war be altogether lost.*”

From the foregoing detail of facts, it is obvious,

1st. That the country *Southward* of the *Great Kenbarwa*, at least as far as the Cherokee river, originally belonged to the Shawanessé.

2d. That the Six Nations, in virtue of their conquest of the Shawanessé, became the lawful proprietors of that country.

3d. That the King, in consequence of the grant from the Six Nations, made to his Majesty at Fort Stanwix in 1768, is *now* vested with the undoubted right and property thereof.

4th.

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

4th. That the Cherokees *never* resided, nor hunted in that country, and have *not* any kind of right to it.

5th. That the House of Burgesses of the colony of Virginia have, upon good grounds, asserted, [such as properly arise from the nature of their stations, and proximity to the Cherokee country], that the Cherokees had not any just pretensions to the territory *Southward* of the Great Kenhawa.

And lastly, That neither the Six Nations, the Shawanese nor Delawares, do *now* reside, or hunt in that country.

From these considerations, it is evident no possible injury can arise to his Majesty's service,—to the Six Nations and their confederacy,—or to the Cherokees, by permitting us to settle the *whole* of the lands comprehended within our contract with the Lords Commissioners of the Treasury:—If, however, there has been any treaty held with the Six Nations, *since* the cession made to his Majesty at Fort Stanwix, whereby the faith of the crown is pledged, both to the Six Nations and the Cherokees, that no settlements should be made beyond the line, marked on their Lordships report; we say, if such agreement has been made by the orders of government with these tribes, (notwithstanding, as the Lords Commissioners have acknowledged, “ *the Six Nations had ceded the property in the lands to his Majesty*”)—We flatter ourselves, that the objection of their Lordships

Lordships in the second paragraph of their Report, will be entirely obviated, by a specific clause being inserted in the King's grant to us, *expressly prohibiting us from settling any part of the same*, until such time as we shall have *first* obtained his Majesty's allowance, and the full consent of the Cherokees, and the Six Nations and their confederates, for that purpose.

III. In regard to the third paragraph of their Lordships Report, that it was the *principle* of the board of trade, *after* the treaty of Paris, “ *to confine the western extent of settlements to such a distance from the sea-coast, as that these settlements should lie within the reach of the trade and commerce of this kingdom,*” &c. we shall not presume to controvert;—but it may be observed, that the settlement of the country *over* the Allegany mountains, and on the Ohio, was *not* understood, either *before* the treaty of Paris, nor intended to be so considered by his Majesty's proclamation of October 1763, “ *as without the reach of the trade and commerce of this kingdom,*” &c.;—for, in the year 1748, Mr. John Hanbury, and a number of other gentlemen, petitioned the King for a grant of 500,000 acres of land *over* the Allegany mountains, and on the river Ohio and its branches; and the Lords Commissioners for Trade and Plantations were *then* pleased to *report* to the Lords committee of

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99



of his Majesty's most honourable privy council, " *That the settlement of the country, lying to the westward of the great mountains, as it was the center of the British dominions, would be for his Majesty's interest, and the advantage and security of Virginia and the neighbouring colonies.*"

And on the 23d of February 1748-9, the Lords Commissioners for Trade and Plantations again reported to the Lords of the committee of the privy council, that they had " *fully set forth the great utility and advantage of extending our settlements beyond the great mountains (" which Report has been approved of by your Lordships").*—And as, by these new proposals, " *there is a great probability of having a much larger tract of the said country settled than under the former, we are of opinion, that it will be greatly for his Majesty's service, and the welfare and security of Virginia, to comply with the prayer of the petition.*"

And on the 16th of March 1748-9, an instruction was sent to the Governor of Virginia to grant 500,000 acres of land over the Allegany mountains to the aforesaid Mr. Hanbury and his partners (who are now part of the company of Mr. Walpole and his associates); and that instruction sets forth, That " *such settlements will be for our interest, and the advantage and security of our said colony, as well as the advantage of the neighbouring*"  
" *ones;*"

" *ones;*—inasmuch as our loving subjects will be thereby enabled to cultivate a friendship, and carry on a more extensive commerce with the nations of Indians inhabiting those parts; and such examples may likewise induce the neighbouring colonies to turn their thoughts towards designs of the same nature."

—Hence we apprehend, it is evident, that a former board of trade, at which Lord Halifax presided, was of opinion, that settlements over the Allegany mountains were not against the King's interest, nor at such a distance from the sea-coast, as to be without " the reach of the trade and commerce of this kingdom," nor where its authority or jurisdiction could not be exercised.—But the Report under consideration suggests, that two capital objects of the proclamation of 1763 were, to confine future settlements to the sources of the rivers which fall into the sea from the West and North-West," (or, in other words, to the Eastern side of the Allegany mountains) and to the three new governments of Canada, East Florida, and West Florida;—and to establish this fact, the Lords Commissioners for Trade and Plantations recite a part of that proclamation.

But if the whole of this proclamation is considered, it will be found to contain the nine following heads; viz. \*

H 1st, To

\* Vide the Proclamation in the Appendix, No. 1.

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

1st, To declare to his Majesty's subjects, that he had erected four distinct and separate governments in America; viz. Quebec, East Florida, West Florida, and Grenada.

2d, To ascertain the respective boundaries of these four new governments.

3d, To testify the royal sense and approbation of the conduct and bravery, both of the officers and soldiers of the King's army, and of the reduced officers of the navy, who had served in North America, and to reward them, by grants of lands in Quebec, and in East and West Florida, without fee or reward.

4th, To hinder the governors of Quebec, East Florida and West Florida, from granting warrants of survey, or passing patents for lands, *beyond* the bounds of their respective governments.

5th, To forbid the governors of any other colonies or plantations in America, from granting warrants or passing patents for lands, *beyond* the heads or sources of any of the rivers, which fall into the Atlantic Ocean from the west or north-west, or upon any lands whatever, "*which, not having been CEDED to or purchased by the King, are reserved to the said Indians, or any of them.*"

6th, To reserve, "*for the present,*" under the King's sovereignty, protection, and dominion, *for the use of the said Indians,* all the lands *not* included within the limits of the said three new governments, or within the limits of the Hudson's Bay company; as  
also,

also, all the lands lying to the westward of the sources of the rivers, which fall into the sea from the west and north-west, and forbidding the King's subjects, from making any purchases of settlements whatever, or taking possession of the lands *so reserved,* without his Majesty's leave and licence first obtained.

7th, To require all persons, who had made settlements on lands, *not* purchased by the King from the Indians, to remove from such settlements.

8th, To regulate the future purchases of lands from the Indians, within such parts as his Majesty, by that proclamation, permitted settlements to be made.

9th, To declare, that the trade with the Indians should be free and open to all his Majesty's subjects, and to prescribe the manner how it shall be carried on.

And lastly, To require all military officers, and the superintendants of Indian affairs, to seize and apprehend all persons who stood charged with treasons, murders, &c. and who had fled from justice, and taken refuge in the reserved lands of the Indians, to send such persons to the colony, *where* they stood accused.

From this proclamation, therefore, it is obvious, that the sole design of it, independent of the establishment of the three new governments, ascertaining their respective boundaries, rewarding the officers and soldiers,

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

and regulating the Indian trade, and apprehending felons, was to *convince* the Indians “ of his Majesty’s justice and determined resolution to remove all reasonable cause of discontent,” by interdicting all settlements on land, not *ceded to or purchased by his Majesty*; and declaring it to be, as we have already mentioned, his royal will and pleasure, “ for the present, to reserve, under his sovereignty, protection, and dominion, for the use of the Indians, all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and north-west.”—Can any words express more decisively the royal intention?—Do they not explicitly mention, That the territory is, *at present*, reserved under his Majesty’s protection, *for the use of the Indians*?—And as the Indians had *no use* for those lands, which are bounded *westerly* by the *south-east side* of the river Ohio, either for residence or hunting, they were willing to sell them; and accordingly did sell them to the King in November 1768, (the occasion of which sale will be fully explained in our observations on the succeeding paragraphs of the *Report*).—Of course, the proclamation, so far as it regarded the settlement of the lands included within that purchase, has absolutely and undoubtedly ceased.—The late Mr. Grenville, who was, at the time of issuing this proclamation, the minister of this kingdom, always admitted, that the design

of it was totally accomplished, *so soon as the country was purchased of the natives.*

IV. In this paragraph, the Lords Commissioners for Trade and Plantations mention two reasons for his Majesty’s entering into engagements with the Indians, for fixing a *more precise and determinate boundary line*, than was settled by the proclamation of October 1763, viz.

1st, Partly for want of *precision* in the one intended to be marked by the proclamation of 1763.

2d, And partly from a consideration of justice in regard to *legal titles to lands.*

We have, we presume, fully proved, in our observations on the third paragraph,—That the design of the proclamation, so far as it related to lands *westward* of the Allegany mountains, was for no other purpose than to *reserve* them, under his Majesty’s protection, *for the present, for the use of the Indians*; to which we shall only add, That the line established by the proclamation, so far as it concerned the lands in question, could *not* possibly be fixed and described with more *precision*, than the proclamation itself describes it; for it declares,—That “ all the lands and territories lying to the westward of the sources of the rivers, *which fall into the sea from the west and north-west,*” should be reserved under his Majesty’s protection.

Neither, in our opinion, was his Majesty induced to enter into engagements with the Indians

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

Indians for fixing a more *precise* and determinate boundary “ *partly from a consideration of justice, in regard to legal titles to lands,*” —for there were *none* such (as we shall prove) comprehended within the tract *now* under consideration.

But for a full comprehension of ALL the reasons for his Majesty’s “ entering into engagements with the Indians, for fixing a more precise and determinate boundary line,” than was settled by the royal proclamation of Oct. 1763, we shall take the liberty of stating the following facts:—In the year 1764, the King’s ministers had it *then* in contemplation, to obtain an act of parliament for the proper regulation of the Indian commerce; and providing a fund, (by laying a duty on the trade) for the support of superintendants, commissaries, interpreters, &c. at particular forts in the Indian country, *where* the trade was to be carried on:—And as a part of this system, it was thought proper, in order to avoid future complaints from the Indians, on account of encroachments on their hunting grounds, to purchase a large tract of territory from them, and establish, with their consent, a respectable *boundary line*, beyond which his Majesty’s subjects should *not* be permitted to settle.

In consequence of this system, orders were transmitted to Sir William Johnson, in the year 1764, to call together the Six Nations, —lay this proposition of the *boundary* before them,

them, and take their opinion upon it.—This, we apprehend, will appear evident from the following speech, made by Sir William to the Six Nations, at a conference which he held with them, at Johnson Hall, May the 2d, 1765.

BRETHREN,

“ The last but the most important affair I have at this time to mention, is with regard to the *settling a boundary between you and the English*. I sent a message to some of your nations some time ago, to acquaint you, that I should confer with you at this meeting upon it. The King, whose generosity and forgiveness you have already experienced, *being very desirous to put a final end to disputes between his people and* YOU CONCERNING LANDS, and to do you strict justice, has fallen upon the plan of a boundary between our provinces and the Indians (which no white man shall dare to invade) as the best and surest method of ending such like disputes, and *securing your property* to you, beyond a possibility of disturbance. This will, I hope, appear to you so reasonable, so just on the part of the King, and so advantageous to you and your posterity, that I can have no doubt of your cheerfully joining with me in settling such a division-line, as will be best for the advantage of both white men and Indians, *and as shall best agree* with

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

“ *with the extent and increase of each province, and the governors, whom I shall consult upon that occasion, so soon as I am fully empowered; but in the mean time I am desirous to know in what manner you would choose to extend it, and what you will heartily agree to, and abide by, in general terms. At the same time I am to acquaint you, that whenever the whole is settled, and that it shall appear you have so far consulted the increasing state of our people, as to make any convenient cessions of ground where it is most wanted, that then you will receive a considerable present in return for your friendship.*”

To this speech the Sachems and Warriors of the Six Nations, after conferring some time among themselves, gave an answer to Sir William Johnson, and agreed to the proposition of the boundary line;—which answer, and the other transactions of this conference, Sir William transmitted to the office of the Lords Commissioners for Trade and Plantations.—

From a change of the administration, which formed the above system of obtaining an act of parliament for regulating the Indian trade, and establishing the *boundary line*, or from some other public cause, unknown to us,—no measures were adopted, until the latter end of the year 1767, for completing the negotiation about this boundary line.—But in the mean time, viz. between the years  
1765

1765 and 1768,—the King’s subjects removed in great numbers from Virginia, Maryland, and Pennsylvania, and settled *over* the mountains,—upon which account, the Six Nations became so irritated, that in the year 1766 they killed several persons, and denounced a general war against the middle colonies; and to appease them, and to avoid such a public calamity, a detachment of the 42d regiment of foot was *that year* sent from the garrison of Fort Pitt, to remove such settlers as were seated at *Red Stone Creek*, &c.—but the endeavours and threats of that detachment proved ineffectual, and they returned to the garrison, without being able to execute their orders.—The complaints of the Six Nations however continuing and *increasing*, on account of the settling of their lands *over* the mountains, General Gage wrote to the Governor of Pennsylvania on the 7th of December 1767, and after mentioning these complaints, he observed, “ *You are a witness how little attention has been paid to the several proclamations that have been published; and that even the removing those people from the lands in question, which was attempted this summer by the garrison at Fort Pitt, has been only a temporary expedient. We learn they are returned again to the same encroachments on Red Stone Creek and Cheat River in greater numbers than ever.*”\*

I

On

\* Vide p. 47.

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

On the 5th of January 1768, the governor of Pennsylvania sent a message to the general assembly of the province with the foregoing letter from General Gage,—and on the 13th the assembly in the conclusion of a message to the governor on the subject of Indian complaints, observed, “ To obviate which cause  
 “ of their discontent, and effectually to establish between them and his Majesty’s subjects a durable peace, we are of opinion,  
 “ that a speedy *confirmation* of the *boundary*,  
 “ and a just satisfaction made to them for their lands on this side of it, are absolutely  
 “ necessary. By this means all their present  
 “ complaints of encroachments will be removed, and the people on our frontiers will  
 “ have a sufficient country *to settle or hunt in*,  
 “ *without interfering with them.*”

On the 19th of January 1768, Mr. Galloway, the speaker of the assembly in Pennsylvania, and the committee of correspondence, wrote on the subject of the Indians’ inquietude, by order of the house, to their agents Richard Jackson and Benjamin Franklin, Esquires, in London, and therein they said, “ That  
 “ the delay of the confirmation of the *boundary*, the natives have warmly complained  
 “ of, *and that although they have received no consideration for the lands agreed to be ceded  
 “ to the crown on our side of the boundary, yet that its subjects are daily settling and occupying those very lands.*”

In

In April 1768, the legislature of Pennsylvania finding that the expectations of an Indian war were hourly increasing, *occasioned by the settlement of the lands over the mountains*, not sold by the natives; and flattering themselves, that orders would soon arrive from England for the perfection of the boundary line, they voted the sum of one thousand pounds, to be given as a present, in blankets, strouds, &c. to the the Indians upon the Ohio, with a view of moderating their resentment, until these orders should arrive:— and the governor of Pennsylvania being informed, that a treaty was soon to be held at Fort Pitt by George Croghan, Esq; deputy agent of Indian affairs, by order of General Gage and Sir William Johnson, he sent his secretary and another gentleman, as commissioners from the Province, to deliver the above present to the Indians at Fort Pitt.

On the 2d of May 1768, the Six Nations made the following speech at that conference :

“ BROTHER,  
 “ It is not without grief that we see our  
 “ country *settled by you*, without our knowledge or consent; and it is a long time since  
 “ we complained to you of this grievance,  
 “ which we find has not yet been redressed;  
 “ but *settlements* are still *extending further  
 “ into our country*: some of them are made  
 “ directly on our war-path, leading to our  
 “ ene-

I 2

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

“ enemies country, and we do not like it.  
 “ Brother, you have *laws among you* to govern  
 “ your people by; and it will be the strong-  
 “ est proof of the sincerity of your friend-  
 “ ship, to let us see that you remove the  
 “ people from our lands; as we look upon  
 “ it, *they will have time enough to settle them,*  
 “ *when you have purchased them, and the*  
 “ *country becomes yours.*”

The Pennsylvania commissioners, in answer to this speech, informed the Six Nations, that the governor of that province had sent four gentlemen with his proclamation and the act of assembly (making it *felony of death* without benefit of clergy, to continue on Indian lands) to such settlers *over* the mountains as were seated, within the limits of Pennsylvania, requiring them to vacate their settlements, but all to no avail:—That the governor of Virginia had likewise, to as little purpose, issued his proclamations and orders, and that General Gage had twice *ineffectually* sent parties of soldiers to remove the settlers from Red Stone Creek and Monongehela.

As soon as Mr. Jackson and Dr. Franklin received the foregoing instructions from the general assembly of Pennsylvania, they waited upon the American minister, and urged the expediency and necessity of the boundary line being speedily concluded; and in consequence thereof, additional orders were immediately trans-

transmitted to Sir William Johnson for that purpose.

It is plain therefore, that the proclamation of October 1763 was *not* designed, as the Lords Commissioners for Trade and Plantations have suggested, to signify the policy of this kingdom, *against* settlements *over* the Allegany mountains, *after* the King had actually purchased the territory; and that the *true* reasons for purchasing the lands comprized within that boundary, were to avoid an Indian rupture, and give an opportunity to the King's subjects, quietly and lawfully to settle thereon.

V. Whether the Lords Commissioners for Trade and Plantations are well founded in their declarations, That the lands under consideration “ *are out of all advantageous inter-  
 “ course with this kingdom,*” shall be fully considered in our observations on the sixth paragraph;—and as to “ the various propo-  
 “ sitions for erecting new colonies in the  
 “ *interior parts,* which their Lordships say,  
 “ have been, in consequence of the extension  
 “ of the boundary line, submitted to the  
 “ consideration of government, particularly  
 “ in *that part of the country,* wherein are situ-  
 “ ated the lands now prayed for, and the dan-  
 “ ger of complying with such proposals have  
 “ been so obvious, as to *defeat every attempt*  
 “ for carrying them into execution,”—we shall only observe on this paragraph, that as we do not know what these propositions were,  
 or

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

or upon what principle the propofers have been *defeated*, it is impoffible for us to judge, whether they are any ways applicable to our cafe.—Confiftent however with our knowledge, no more than one propofition, for the fettlement of a *part* of the lands in queftion, has been prefented to government, and that was from Dr. Lee, 32 other Americans, and two Londoners, in the year 1768, praying that his Majesty would *grant* to them, without any *purchase-money*, 2,500,000 acres of land in *one or more furveys*, to be located between the 38th and 42d degrees of latitude, *over the Allegany mountains*, and on condition of their poffeffing thefe lands 12 years *WITHOUT the payment of any quit-rent*, (the fame *not* to begin until the whole 2,500,000 acres were furveyed) and that they fhould be obliged to settle only 200 families in 12 years.—Surely, the Lords Commiffioners did not mean this propofition as one that was fimilar, and would *apply* to the cafe now *reported* upon;—and efppecially as Dr. Lee and his affociates did not propofe, as we do, either to purchafe the lands, or pay the quit-rents to his Majesty, *neat and clear of all deductions*, or be at the *whole* expence of eftablifhing and maintaining the civil government of the country.

VI. In the fixth paragraph the Lords Commiffioners obferve, That “*every argument on the fubject*, refpecting the fettlement of the lands in that part of the country now prayed for, *is collected together with great force*”

“*force and precision in a representation made to his Majesty* by the Lords Commiffioners for Trade and Plantations, in March 1768.”

That it may be clearly underftood, what was the occafion of this *representation*, we fhall take the liberty of mentioning, that on the firft of October 1767, and during the time that the Earl of Shelburne was Secretary of State for the fouthern department, an idea was entertained of forming, “*at the expence of the crown*,” three *new governments* in North America, *viz.* one at *Detroit* [on the waters between Lake Huron and Lake Erie]; one in the *Illinois Country*, and one on the *lower part* of the River Ohio; and in confequence fuch idea, a *reference* was made by his lordfhip to the Lords Commiffioners for Trade and Plantations, for their opinion upon thefe propofed *new governments*.

Having ~~explained~~ explained the caufe of the *representation*, which is fo very ftrongly and earneftly infifted upon by the Lords Commiffioners for Trade and Plantations, as containing “*every argument on the fubject* of the lands which is at prefent before your lordfhips;” we fhall now give our reafons for apprehending, *that it is fo far from applying againft our cafe*, that it actually declares a permission would be given to settle the very lands in queftion.

Three principal reafons are affigned in the *representation*, “*as conducive to the great object*”

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99



“ object of colonizing upon the continent of North America, *viz.*

1st. “ Promoting the advantageous fishery carried on upon the *northern coast*.”

2dly. “ Encouraging the growth and culture of naval stores, and of *raw materials*, to be transported hither, in exchange for perfect manufactures and other merchandize.”

3dly. “ Securing a supply of lumber, provisions, and other necessaries, for the support of our establishments in the American islands.”

On the first of these reasons, we apprehend, it is not necessary for us to make many observations; as the provinces of New Jersey, Pennsylvania, Maryland, and Virginia, and the colonies *southward* of them, have *not*, and from the nature of their situation and commerce will *not*, promote the *fishery*, more, it is conceived, than the proposed Ohio colony. — These provinces are, however, beneficial to this kingdom, in the culture and exportation of different articles;—as it is humbly presumed the Ohio colony *will* likewise be, if the production of *staple commodities* is allowed to be within that description.

On the 2d and 3d general reasons of the *Representation* we shall observe, that no part of his Majesty’s dominions in North America will require less *encouragement* “ for the growth and culture of naval stores and raw materials; and for the supplying the islands “ with

“ with lumber, provisions,” &c. than the solicited colony on the Ohio;—and for the following reasons:

First, The lands in question are excellent, the climate temperate, the native grapes, silk-worms, and mulberry trees, are every where; hemp grows spontaneously in the valleys and low lands; iron-ore is plenty in the hills; and no soil is better adapted for the culture of tobacco, flax, and cotton, than that of the Ohio.

Second, The country is well watered by several navigable rivers, communicating with each other; and by which, and a short land-carriage of *only 40 miles*, the produce of the lands of the Ohio can, even *now*, be sent *cheaper* to the sea-port town of Alexandria, on the river Potomack (where General Braddock’s transports landed his troops) than any kind of merchandize is at this time sent *from Northampton to London*.

Third, The river Ohio is, at *all* seasons of the year, navigable for large boats, like the West Country barges, rowed only by four or five men; and from the month of January to the month of April, large ships may be built on the Ohio, and sent laden with *hemp, iron, flax, silk, &c.* to this kingdom.

Fourth, Flour, corn, beef, ship-plank, and other necessaries, can be sent down the stream of Ohio to West Florida, and from thence to the islands, much cheaper, and in better order, than from New York or Philadelphia.

K

Fifth.

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

Fifth, Hemp, tobacco, iron, and such bulky articles, can also be sent *down the stream* of the Ohio to the *sea*, at least 50 per centum cheaper than these articles were ever carried by a land carriage, of only 60 miles, in Pennsylvania;—where *waggonage* is cheaper than in any other part of North America.

Sixth, The expence of transporting British manufactories from the sea to the Ohio colony, will *not* be so much, as is now paid and must ever be paid, to a great part of the counties of *Pennsylvania, Virginia, and Maryland.*

From this state of facts, we apprehend, it is clear, that the lands in question are altogether capable, and will advantageously admit, from their fertility, situation, and the small expence attending the exporting the produce of them to this kingdom,—“ of conducting “ to the great object of colonizing upon “ the continent of North America:”—But that we may more particularly elucidate this important point, we shall take the freedom of observing,—That it is *not* disputed, but even acknowledged, by the very *Report* now under consideration,—that the climate and soil of the Ohio are as favourable, as we have described them;—and as to the native silk worms,—it is a truth, that *above 10,000* weight of cocoons was, in August 1771, sold at the public filature in Philadelphia;—and that the silk produced from the *native worm*

is of a good quality, and has been much approved of in this city.—As to *hemp*, we are ready to make it appear, that it grows, as we have represented, spontaneously, and of a good texture on the Ohio,—When, therefore, the *increasing* dependance of this kingdom upon *Russia*, for this very article, is considered, and that none has been exported from the *sea coast American colonies*, as their soil will not easily produce it,—this dependance must surely be admitted as a subject of great national consequence, and worthy of the serious attention of government. Nature has pointed out to us, *where* any quantity of hemp can be soon and easily raised, and by that means, not only a large amount of specie may be retained *yearly* in this kingdom, but our own subjects can be employed most advantageously, and paid in the *manufactures* of this kingdom. The state of the Russian trade is briefly thus:

From the year 1722 to 1731,	
—250 ships were, on a medium, sent each year to St. Petersburg, Narva, Riga, and Archangel, for <i>hemp</i> ,	250 Ships.
And from the year 1762 to 1771,—500 ships were also sent for that purpose,	500
	<hr/>
<i>Increase</i> in ten years,	250 Ships.
K 2	Here

Lord Hillsborough (1718-1793) for British Board of Trade and Franklin, Benjamin (1706-1790) for American memorialists (authors). Report of the Lords commissioners for trade and plantations: on the petition of the Honourable Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, esquires, and their associates; for a grant of lands on the River Ohio, in North America; for the purpose of erecting a new government; with observations and remarks. London: J. Almon (1772).

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Here then, it is obvious that in the last *ten* years there was, on a medium, an increase of 250 ships in the Russian trade. Can it be consistent with the wisdom and policy of the greatest naval and commercial nation in the world, to depend wholly on *foreigners* for the supply of an article, in which is included the very existence of her navy and commerce? Surely not; and especially when God has blessed us with a country yielding *naturally* the very commodity, which draws our money from us, and renders us *dependent* on Russia for it\*.—

As

\* “ It is in settlements on the Mississippi and Ohio that we must look for *hemp and flax*, which may in those fertile tracts be cultivated in such abundance, as to enable us to *undersell* all the world, as well as supply our own consumption. It is on those *high, dry, and healthy* lands, that vineyards would be cultivated to the best advantage, as many of those hills contain quarries of stone, and not in the *low, unhealthy sea coasts* of our present colonies. Of such infinite consequence to Britain is the *production of staples* in her colonies, that were all the people of the *Northern* settlements, and all of the *tobacco* ones (except those actually employed in raising tobacco) now spread over those parts of our territories to the Southward and *Westward*, and consequently employed in the same manner as the few are who do reside therein, Britain, in such a case, would export to the amount of above *nine millions more* in manufactures, &c. than she does at present, without reckoning the infinite increase in *public revenue, freight, and seamen*, which would accrue. To enlarge upon all the advantages of such a change, would be *impertinence* itself.”

*Political Essays concerning the British Empire.*

As we have only hitherto *generally* stated the *small* expence of carriage between the waters of Potomack and those of the Ohio, we shall now endeavour to shew how very ill founded the Lords for Trade and Plantations are, in the fifth paragraph of their report, viz. That the lands in question “ are out of all advantageous intercourse with this kingdom.” In order however, that a proper opinion may be formed on this important article, we shall take the liberty of stating the particular expence of carriage, *even during* the last *French war* (when there was no *back* carriage from the Ohio to Alexandria) as it will be found, it was even *then* only about a *halfpenny per pound*, as will appear from the following account, the truth of which we shall fully ascertain, viz.

From Alexandria to Fort	<i>l.</i>	<i>s.</i>	<i>d.</i>
Cumberland, by water.	0	1	7 <i>per cwt.</i>
From Fort Cumberland to Redstone Creek, at 14 dollars <i>per</i> waggon load; each waggon carrying 15 cwt.		0	4 2
		0	5 9

Note, The distance was *then* 70 miles, but by a *new* waggon road, *lately* made, it is *now* but forty miles—a saving of course, of above one half the *5s. 9d.* is at *present* experienced.

If

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If it is considered that this rate of carriage was *in time of war*, and *when* there were no inhabitants on the Ohio, we cannot doubt but every intelligent mind will be satisfied, that it is now much *less* than is daily paid in London for the carriage of *coarse woollens, cutlery, iron ware, &c.* from several counties in England.

The following is the cost of carriage from Birmingham, &c. *viz.*

From Birmingham to London, is	4s. per cwt.
From Walsall in Staffordshire	5s.
From Sheffield	8s.
From Warrington	7s.

If the lands which are at present under consideration are, as the Lords Commissioners for Trade and Plantations say, “*out of all advantageous intercourse with this kingdom,*” we are at a loss to conceive by what standard that Board calculates the rate of “*advantageous intercourse.*”—If the King’s subjects, settled *over* the Allegany mountains, and on the Ohio, within the *new-erected* county of Bedford, in the province of Pennsylvania, are altogether clothed with British manufacture, as is the case, is that country “*out of all advantageous intercourse with this kingdom?*”—If merchants in London are *now* actually shipping British manufactures for the use of *the very settlers* on the lands in question, does that exportation come within the Lords Commissioners description of what is “*out of all advantageous intercourse with*” this

“*this kingdom?*” In short, the Lords Commissioners admit, upon their own principles, that it is a political and advantageous intercourse with this kingdom, *when* the settlements and settlers are confined to the *Eastern* side of the Allegany mountains. Shall then the expence of carriage, even of the very coarsest and heaviest cloths, or other articles, from the *mountains* to the Ohio, only about 70 miles, and which will not, at most, *encrease* the price of carriage *above a halfpenny a yard*, convert the trade and connexion with the settlers on the Ohio, into a predicament “*that shall be, as the Lords Commissioners have said, out of all advantageous intercourse with this kingdom?*”—On the whole, “*if the poor Indians in the remote parts of North America are now able to pay for the linens, woollens, and ironware, they are furnished with by English traders, though Indians have nothing but what they get by hunting, and the goods are loaded with all the impositions fraud and knavery can contrive, to inhance their value; will not industrious English farmers, employed in the culture of hemp, flax, silk, &c. be able to pay for what shall be brought to them in the fair way of commerce?*” and especially when it is remembered, that there is *no other allowable* market for the sale of these articles than in this kingdom?—And if “*the growths of the country find their way out of it, will not the manufactures*

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litate against the subject in question ; but that they were intended, and do solely apply to “ new colonies proposed to be established,” as the *representation* says, “ at an expence to *this kingdom,*” at the distance of “ above 1500 miles from the sea, which from their inability to find returns, *wherewith* to pay for the manufactures of Great Britain, will be probably led to manufacture for themselves, *as they would,*” continues the *representation,* “ be separated from the old colonies by immense tracts of unpeopled desert.”—

It now only remains for us to enquire, whether it was the intention of the Lords Commissioners for Trade and Plantations in 1768, that the territory, which would be included within the *boundary line*, then negotiating with the Indians (and which was the one that was *that year* perfected) should continue a useless wilderness, or be settled and occupied by his Majesty’s subjects.—The very *representation* itself, which the present Lords Commissioners for Trade and Plantations say, contains “ *every argument on the subject,*” furnishes us an ample and satisfactory solution to this important question.—The Lord Commissioners in 1768, after pronouncing their opinion *against* the *proposed three new governments*, as above stated, declare, “ They ought to be carefully guarded against, by encouraging the settlement of that extensive tract of sea coast hitherto unoccupied; “ which,

“ which, say their Lordships, *together with the liberty, that the inhabitants OF THE middle colonies WILL HAVE* (in consequence of the proposed *boundary line* with the Indians) *of gradually extending themselves backwards, will more effectually and beneficially answer* the object of encouraging *population and consumption,* than the erection of new governments; such gradual extension might, through the medium of a continual population, upon even the same extent of territory, *preserve* a communication of mutual commercial benefits between its extremest parts and Great Britain, *impossible to exist in colonies separated by immense tracts of unpeopled desert.*”—Can any opinion be more clear and conclusive, in favour of the proposition which we have humbly submitted to his Majesty?—for their Lordships positively say, that the inhabitants of the middle colonies *will have liberty of gradually extending themselves backwards;*—but is it not very extraordinary, that after near *two years* deliberation, the present Lords Commissioners for Trade and Plantations should make a *report* to the Lords of the Committee of the Privy Council, and therein expressly refer to that opinion of 1768, in which, they say, “ *every argument on the subject is collected together with great force and precision,*” and yet that, almost in the same breath, their Lordships “ should contravene that very opinion, and advise his Majesty

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“ Majesty to check the progress of their settle-  
 “ ments ?”---And that “ settlements in that  
 “ distant part of the country ought to be  
 “ discouraged as much as possible, and ano-  
 “ ther proclamation should be issued decla-  
 “ ratory of his Majesty’s resolution, not to  
 “ allow, for the present, any new settlement  
 “ beyond the line;”---to wit, beyond the  
 Allegany mountains?---How strange and  
 contradictory is this conduct?---But we for-  
 bear any strictures upon it;---and shall con-  
 clude our remarks on this head, by stating  
 the opinion, at different times, of the Lords  
 Commissioners for Trade and Plantations, on  
 this subject.

In 1748, their Lordships expressed the  
 strongest desire to promote settlements *over*  
 the mountains and on the Ohio.-----

In 1768---The then Lords Commissioners  
 for Trade and Plantations declared, (in con-  
 sequence of the boundary line at that time  
 negotiating)---That the inhabitants of the  
*middle colonies would have liberty of gradually*  
*extending themselves backwards.*

In 1770---The Earl of Hillsborough actu-  
 ally recommended the purchase of a tract of  
 land *over* the mountains, sufficient for a new  
 colony, and then went down to the Lords  
 Commissioners of the Treasury, to know,  
 whether their Lordships would treat with Mr.  
 Walpole and his associates, for such pur-  
 chase.

In

In 1772---The Earl of Hillsborough, and  
 the other Lords Commissioners for Trade and  
 Plantations, made a *report* on the petition of  
 Mr. Walpole and his associates, and referred  
 to the *representation* of the Board of Trade in  
 1768, “ as containing every argument on the  
 “ subject, collected together with force and pre-  
 “ cision;”---which *representation* declared, as  
 we have shewn, “ That the inhabitants of the  
 “ middle colonies WILL have liberty to extend  
 “ backwards,” on the identical lands in ques-  
 tion; and yet, notwithstanding such *reference*,  
 so strongly made from the present Board of  
 Trade to the opinion of that Board,---the  
 Earl of Hillsborough, and the other Lords  
 Commissioners for Trade and Plantations,  
 have now, in direct terms, *reported against* the  
 absolute engagement and opinion of the Board  
 in 1768.

It may be asked, What was intended by  
 the expressions in the *representation* of 1768,  
 of *gradually extending themselves backwards*?  
 It is answered, They were only in contradic-  
 tion to the proposal of erecting at that  
 time *three new governments at Detroit, &c.*  
 and thereby exciting, as the *representation*  
 says, the stream of population to *various* dis-  
 tant places.---In short, it was, we think, be-  
 yond all doubt, the “ *precise*” opinion of  
 the Lords Commissioners in 1768, That the  
 territory, within the boundary line, then ne-  
 gotiating, and since completed, would be suf-  
 ficient at that time---to answer the object of  
 population

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

population and consumption; and that, until that territory was fully occupied,—it was not necessary to erect the proposed *three new governments* “at an expence to this kingdom,” in places, as their Lordships observed, “separated by immense tracts of unpeopled desert.”

To conclude our observations on the 6th paragraph, we would just remark,—That we presume we have demonstrated, that the inhabitants of the Middle Colonies cannot be compelled to *exchange* the soil and climate of these colonies, either for the severe colds of Nova Scotia and Canada, or the unwholesome heats of East and West Florida. Let us next enquire, what would be the effect of *confining* these inhabitants (if it was practicable) within narrow bounds, and thereby preventing them from exercising their natural inclination of cultivating lands?—and whether such restriction would not force them into *manufactures*, to rival the Mother Country?—To these questions, the Lords Commissioners have, with much candour, replied in their representation of 1768,—We “admit,” said their Lordships, “as an undeniable principle of *true policy*, that, with a view to *prevent manufactures*, it is necessary and proper to *open* an extent of territory for colonization, *proportioned* to an *increase* of people, as a large number of inhabitants cooped up in narrow limits, without a sufficiency of land for *produce*, would be  
“compelled

“compelled to *convert* their attention and industry to *manufactures*.”—But their Lordships at the same time observed,—“That the *encouragement* given to the settlement of the Colonies upon the sea coast, and the effect which such encouragement has had, has already *effectually* provided for this object.”—In what parts of North America this *encouragement* has thus *provided* for *population*, their Lordships have not mentioned. If the establishment of the governments of Quebeck, Nova Scotia, and the Island of St. John’s, or East and West Florida, was intended by their Lordships as that effectual provision,—we shall presume to deny the proposition, by asserting, as an undoubted truth,—that although there is at least a *million* of subjects in the Middle Colonies, none have emigrated from thence, and settled in these *new* provinces;—and for that reason, and from the very nature of colonization itself, we affirm that none *will ever* be induced to *exchange* the healthy, temperate climate of Virginia, Maryland, and Pennsylvania, for the extreme colds or heats of Canada and Nova Scotia, or East and West Florida:—In short, it is not in the power of Government to give any encouragement, that can compensate for a desertion of friends and neighbours,—dissolution of family connexions, and abandoning a soil and climate infinitely superior to those of Canada, Nova Scotia, or the Floridas.—Will not therefore the inhabitants of  
the

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the middle provinces, whose population is great beyond example\*, and who have already made some advances in manufactures, “ by confining them to their present narrow limits,” be necessarily compelled to convert their whole attention to that object? How then shall this, in the nature of things, be prevented, except, as the Lords Commissioners have justly remarked, “ by opening an extent of territory proportioned to their increase?”—But *where* shall a territory be found proper for “ the colonization of the inhabitants of the Middle Colonies?” We answer,---in the very country, which the Lords Commissioners have said that the inhabitants of these colonies would have liberty to settle in;---a country which his Majesty has purchased from the Six Nations;---one, *where* several thousands of his subjects are already settled;---and one, *where* the Lords Commissioners have acknowledged, “ a gradual extension might through the medium of a continued population, upon even the same extent of territory, preserve a communication

\* “ Besides staple commodities, there is another more material point to be considered in the colonies, which is their great and daily increase; and for which, unless we make provision in time, they can never subsist by a dependance on Britain. There are at present (in the year 1770) nigh three millions of people in them, who may, in twenty or thirty years, increase to six millions, as many as there are in England.”

*Wynne's History of the British Empire in America, vol. ii. page 398.*

“ *munication* of mutual commercial benefits between its extremest parts and Great Britain\*.”

VII. This paragraph is introduced, by referring to the extract of a letter from the Commander in chief of his Majesty's forces in North America; laid by the Earl of Hillsborough before the Lords Commissioners for Trade and Plantations;---but as their Lordships have *not* mentioned either the general's name, or the time *when* the letter was written, or what occasioned his delivering his opinion upon the subject of *colonization in general*, in the “ *remote countries*”---we can only conjecture, that General Gage was the writer of the letter, and that it was wrote about the year 1768,---*when* the plan of the *three new governments* was under the consideration of the then Lords Commissioners for Trade and Plantations, and *before* the

M lands.

\* Thus the use the nation has for *new settlements* and acquisitions in North America is for the *great increase* of the people who are already there, and to enable them to subsist by a *dependance upon her*; which they can never do, *unless they extend their settlements.*

*Wynne's History, vol. ii. p. 399.*

“ Unprejudiced men well know, that all the penal and prohibitory laws that ever were thought of, will not be sufficient to *prevent manufactures* in a country whose inhabitants surpass the number that can subsist by the husbandry of it; and this will be the case *soon*, if our people remain confined within the mountains,” &c.

*The Interest of Great Britain considered with regard to the Colonies, page 17. Published in 1767.*

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

lands on the Ohio were bought from, and the boundary line established with the Six Nations.—Indeed, we think it clear, That the General had *no* other lands, at that time, under his consideration, than what he calls “*remote countries*,” such as the *Detroit, Illinois*, and the *lower* parts of the Ohio;—for he speaks of “*foreign countries*,” from which it “*would be too far to transport some kind of naval stores*,” and for the same reason could *not*, he says, supply the sugar islands “*with lumber and provisions*.” He mentions also, “*planting colonies at so vast a distance, that the very long transportation [of silk, wine, &c.] must probably make them too dear for any market*,” and *where* “*the inhabitants could not have any commodities to barter for manufactures, except skins and furs*.” And what, in our opinion, fully evinces that the general was giving his sentiments upon settlements at *Detroit, &c.* and *not* on the territory in question, is, that he says “*it will be a question likewise, whether colonization of this kind, could be effected without an Indian war, and fighting for every inch of the ground*.” Why the Lords Commissioners for Trade and Plantations should encumber their *report* with the opinion of General Gage, on what he calls the settlement of a “*foreign country*” that could not be effected without “*fighting for every inch of ground*,” and how their Lordships could apply that case, to the settlement of a territory,

territory, purchased by his Majesty near four years ago, and *now* inhabited by several thousand British subjects, whom the Indians themselves, living on the Northern side of the Ohio [as shall be fully shewn in the course of these observations] have earnestly requested may be immediately governed, we confess we are wholly at a loss to comprehend.

VIII. The eighth paragraph highly extols, not only the *accuracy and precision* of the foregoing representation of the Lords of Trade in 1768, [which, as has been before observed, expressed, that the inhabitants of the middle colonies *would have liberty to settle over the mountains, and on the Ohio*], but also the above mentioned letter from the commander in chief in America; and at the same time introduces the sentiments of Mr. Wright, Governor of Georgia, “*on the subject of large grants in the interior parts of America*.”

When this letter was written, what was the occasion of the Governor's writing it,—whether he was *then*, from his own knowledge, acquainted with the situation of the country *over the mountains*,—with the disposition of the inhabitants of the middle colonies,—with the capability of the Ohio country, from its soil, climate, or communication with the river Powtomack, &c. to supply this kingdom with *silk, flax, hemp, &c.*—and whether the principal part of Mr. Wright's estate is on the *sea-coast in Georgia*,

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

—are facts which we wish had been stated, that it might be known whether Governor Wright's "knowledge and experience in the affairs of colonies ought, as the Lords of Trade mention, to give great weight to his opinion" on the present occasion.

The doctrine insisted on by Governor Wright appears to us reducible to the following propositions:

1st, That if a *vast* territory be granted to any set of Gentlemen, who really mean to people it,—and actually do so, *it must* draw and carry out a great number of people from *Great Britain*.

2d. That they will soon become a kind of separate and independant people; who will set up for themselves,—will *soon* have manufactures of their own,—will *neither* take supplies from the mother country, nor the provinces at *the back* of which they are settled:—That being at such a distance from the seat of government, from courts, magistrates, &c. and out of the controul of law and government, they will become a receptacle for offenders, &c.

3d. That the sea-coast should be *thick* settled with inhabitants, and be well cultivated and improved, &c.

4th. That his ideas are *not* chimerical; that he knows *something* of the situation and state of things in America; and, from some *little* occurrences that have happened, he can very easily figure to himself *what may*, and  
in

in short, *what will* certainly happen, if not prevented in time.

On these propositions we shall take the liberty of making a few observations.

To the *first* we answer,—We shall, we are persuaded, satisfactorily prove, that in the middle colonies, *viz.* New Jersey, Pennsylvania, Maryland, and Virginia, there is hardly any *vacant land*, except such as is monopolized by great landholders, for the purpose of selling *at high prices*;—that the poor people of these colonies, with large families of children, *cannot* pay these prices;—and that several thousand families, for that reason, have *already* settled upon the Ohio;—that we do not wish for, and shall not encourage one single family of his Majesty's *European subjects* to settle there [and this we have no objection to be prevented from doing], but shall *wholly* rely on the voluntary superflux of the inhabitants of the middle provinces for settling and cultivating the lands in question.

On the *second*,—It is not, we presume, necessary for us to say more, than that all the conjectures and suppositions "of being a kind of separate and independant people," &c. entirely lose their force, on the proposition of a government being established on the grant applied for, as the Lords of Trade have themselves acknowledged.

On the *third*,—We would only briefly remark, that we have fully answered this objection  
tion

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

tion in the latter part of our answer to the sixth paragraph.

And as the *fourth* proposition is merely the Governor's declaration of his *knowledge* of *something* of the situation and state of things in America, and what, from some *little* occurrences, that have already really happened, he can very easily *figure* to himself what may and *will* certainly happen, if not prevented in time:—We say, that as the Governor has not mentioned what these *little* occurrences are,—we cannot pretend to judge, whether what he *figures* to himself, is any ways relative to the object under consideration, or, indeed, what else it is relative to.

But as the Lords Commissioners for Trade and Plantations have thought proper to insert in their *Report* the above-mentioned letters from General Gage and Governor Wright, it may not be improper for us to give the opinion of his Majesty's house of burgesses of the dominion of Virginia, on the *very point* in question, as conveyed to his Majesty in their address of the 4th of August 1767, and delivered the latter end of that year, to the Lords Commissioners for Trade and Plantations, by Mr. Montague, agent for the colony.—The house of burgesses say,—“ We humbly  
“ hope, that we shall obtain your royal in-  
“ dulgence, *when we give it as our opinions,*  
“ that it will be *for your Majesty's service,*  
“ and the interest of your American dominions  
“ in general, to continue the encouragements”  
(which

(which were a *total exemption from any consideration-money whatsoever, and a remission of quit-rent for ten years, and of all kinds of taxes for fifteen years*) “ for settling those frontier lands.” By this means the house observed,  
“ New settlements will be made by people of  
“ property, obedient subjects to government;  
“ but if the present restriction should con-  
“ tinue, we have the strongest reason to be-  
“ lieve, that country will become the resort of  
“ fugitives and vagabonds, defiers of law and  
“ order, and who in time may form a body  
“ dangerous to the peace and civil government  
“ of this colony.”

We come now to the consideration of the 9th, 10th, and 11th paragraphs.

In the 9th, the Lords Commissioners for Trade and Plantations observe, “ That ad-  
“ mitting the settlers over the mountains, and  
“ on the Ohio, to be as numerous as *report*  
“ states them to be,” [and which we shall, from undoubted testimony, prove to be not less than five thousand families, of at least six persons to a family, independent of some thousand families, which are also settled over the mountains, within the limits of the province of Pennsylvania] yet their Lordships say, “ It operates strongly in point of argu-  
“ ment *against* what is proposed.” And their Lordships add, “ if the foregoing reasoning  
“ has any weight, it ought certainly to in-  
“ duce the Lords of the Committee of the  
“ Privy Council, to *advise* his Majesty to  
“ take

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Observations on, and answers to, the foregoing report. [By Benjamin Franklin]: p. 34-99

“ take every method to CHECK the progress  
 “ of these settlements; and *not* to make such  
 “ grants of the land, as will have an imme-  
 “ diate tendency to encourage them.”

Having, we presume, clearly shewn, that the country *southward* of the Great Kenhawa; quite to the Cherokee river, belonged to the Six Nations, and *not* to the Cherokees;—that *now* it belongs to the king, in virtue of his Majesty’s purchase from the Six Nations;—that neither these tribes, *nor* the Cherokees; do hunt between the Great Kenhawa and the land opposite the Sioto River;—that, by the present boundary line, the Lords Commissioners for Trade and Plantations would sacrifice to the *Cherokees* an extent of Country of at least 800 miles in length—which his Majesty has bought and paid for; that the real limits of Virginia do *not* extend westward, beyond the Allegany mountains;—that since the purchase of the country from the Six Nations, his Majesty has not annexed it, or any part of it, to the colony of Virginia;—that there are no settlements made under *legal titles*, on any part of the lands we have agreed for, with the Lords Commissioners of the Treasury;—that in the year 1748, the strongest marks of royal encouragement were given to settle the country *over* the mountains; that the *suspension* of this encouragement, by the proclamation of October 1763, was merely *temporary*, untill the lands were purchased from the natives;—that the avidity to settle these lands was so  
 great,

great, that large settlements were made thereon, *before they were purchased*;—that although the settlers were daily exposed to the cruelties of the savages, neither a military force, nor repeated proclamations could induce them to vacate these lands;—that the soil of the country *over* the mountains is excellent, and capable of easily producing *hemp, flax, silk, tobacco, iron, wine, &c.*;—that these articles can be cheaply conveyed to a seaport for exportation;—that the charge of carriage is so very small, it cannot possibly operate to the prevention of the use of British manufactures; that the king’s purchasing the lands from the Indians, and fixing a *boundary line* with them, was for the very purpose of his subjects settling them; and that the Commissioners for Trade and Plantations in 1768, —declared, That the *inhabitants of the middle colonies* would have liberty for that purpose.—

And to this train of facts,—let us add, —that the congress, held with the Six Nations at Fort Stanwix in 1768,—*when* his Majesty purchased the territory on the Ohio, Messrs. Penn. also bought from these nations a very extensive tract of country *over* the Allegany mountains and on that river (*joining* the very lands in question).—That in the spring 1769, Messrs. Penn. opened their *land-office* in Pennsylvania, for the *settling* the country which they had so bought at Fort Stanwix: and all such settlers as had seated them-  
 N selves

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elves *over the mountains*, within the limits of Pennsylvania, *before* the lands were purchased from the natives, have *since* obtained titles for their plantations:—That in 1771, a petition was presented to the assembly of the province of Pennsylvania, praying that a *new* county may be made *over* these mountains:—That the legislature of that province, in consideration of the great number of families settled *there*, within the limits of that province, did that year enact a law, for the *erection* of the lands *over the mountains into a new county*, by the name of *Bedford County*: That in consequence of such law, William Thompson, Esq; was chosen to represent it in the General Assembly: That a sheriff, coroner, justices of the peace, constables, and other civil officers are appointed and do reside *over* the mountains: That all the king's subjects, who are not less than five thousand families, who have made locations and settlements on the lands, *southward* of, and adjoining to the *southern* line of Pennsylvania, live *there*, without any degree of order, law, or government: That being in this lawless situation, continual quarrels prevail among them: That they have already infringed the *boundary line*, killed several Indians, and encroached on the lands, on the opposite side of the Ohio; and that disorders of the most dangerous nature, with respect to the Indians, the *boundary-line* and the *old colonies*, will soon take place among these settlers,

tlers, if law and subordination are not immediately established among them.—Can these facts be possibly perverted so as to operate, either in point of argument or policy, *against* the proposition of governing the king's subjects on the lands in question?

It ought to be considered also, that we have agreed to pay as much for a small *part* of the cession made at Fort Stanwix, as the *whole* cession cost the crown, and at the same time be at the entire expence of establishing and supporting the proposed new colony\*.

The truth is, the inhabitants settled on this tract of country are in so ungoverned and lawless a situation, that the very Indians them-

N 2

selves

\* The parliamentary grants for the civil establishment of the provinces of Nova Scotia, Georgia, and East and West Florida, amount to *one million twelve thousand eight hundred and thirty-one pounds two shillings and eight-pence half-penny*, as the following account shews;—and notwithstanding this vast expence, the king has *not* received any quit-rents from these provinces. How different is the present proposition, for the establishment of the Ohio colony?—In this case, the crown is to be paid for the lands, (and which is the first instance of *any* being sold in North America). Government is to be *exempted* from the expence of supporting the colony, and the king will receive his quit-rents, *neat and clear* of all deductions, (which deductions in the *old* colonies are at least 20 per centum) as will more particularly appear by a *state* of the king's quit-rents annexed hereto.

The parliamentary grants above-mentioned are as follow:

To Nova Scotia	- -	£. 707,320	19	7½
To Georgia	- -	214,610	3	1¼
To East Florida	- -	45,400	0	0
To West Florida	- -	45,400	0	0

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“ selves complain of it ; so that, if they are *not*  
 “ soon governed, an Indian war will be the in-  
 “ evitable consequence. This, we presume,  
 “ is evident both from the correspondence of  
 “ general Gage with the Earl of Hillsborough ;  
 “ —and a speech of the chiefs of the *Delawares*,  
 “ *Munfies*, and *Mobickons*, living on the Ohio,  
 “ to the governors of Pennsylvania, Maryland,  
 “ and Virginia ; lately transmitted by the ge-  
 “ neral to his lordship.

“ In this speech these nations observe, that  
 “ since the sale of the lands to the king on the  
 “ Ohio,—“ *Great numbers more of your people*  
 “ have come *over* the great mountains and  
 “ settled throughout this country, and we are  
 “ sorry to tell you, that several quarrels have  
 “ happened between your people and ours,  
 “ *in which people have been killed on both sides*,  
 “ and that we now see the nations round us  
 “ and your people *ready to embroil in a quar-*  
 “ *rel*, which gives our nations great con-  
 “ cern, as we, on *our* parts, want to live in  
 “ friendship with you. As you have always  
 “ told us, *you have laws to govern your*  
 “ *people by*,—but we do not see that you  
 “ have ; therefore, brethren, *unless you can*  
 “ *fall upon some method of governing your peo-*  
 “ *ple, who live between the great mountains*  
 “ *and the Ohio river, and who are very nu-*  
 “ *merous*, it will be out of the Indians’ power  
 “ *to govern* their young men ; for we assure  
 “ you, the black clouds begin to gather fast  
 “ in this country, and *if something is not soon*  
 “ *done*,

“ *done*, these clouds will deprive us of seeing  
 “ the sun. We desire you to *give the*  
 “ *greatest attention* to what we now tell you ;  
 “ *as it comes from our hearts*, and a desire we  
 “ have to live in peace and friendship with  
 “ our brethren the English, and therefore it  
 “ grieves us to see some of the nations  
 “ about us and your people *ready to strike*  
 “ *each other*. We find your people are very  
 “ fond of our rich land ;—we see them quar-  
 “relling with each other every day about  
 “ land, and burning one another’s houses,  
 “ so that we do not know how soon *they*  
 “ *may come over the river Ohio*, and drive us  
 “ from our villages ; *nor do we see you, bro-*  
 “ *thers, take any care to stop them.*”

“ This speech, from tribes of such great in-  
 “ fluence and weight upon the Ohio, conveys  
 “ much useful information—It establishes the  
 “ fact of the settlers *over* the mountains being  
 “ *very numerous*—It shews the entire approba-  
 “ tion of the Indians, in respect to a colony  
 “ being established on the Ohio—It patheti-  
 “ cally complains of the King’s subjects *not*  
 “ being governed, and it confirms the assertion  
 “ mentioned by the Lords Commissioners for  
 “ Trade and Plantations in the eighth paragraph  
 “ of their report, “ That if the settlers are  
 “ suffered to continue in the lawless state of  
 “ anarchy and confusion, they will commit  
 “ such abuses as cannot fail of involving us in  
 “ quarrels and disputes with the Indians, and  
 “ *thereby*

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“ *thereby endanger the security of his majesty's colonies.*”

The Lords Commissioners for Trade and Plantations however pay no regard to all these circumstances, but content themselves with observing, “ We see nothing to hinder the government of Virginia from extending the laws and constitution of that colony to *such persons as may have already settled there under legal titles.*” To this we repeat, that there are *no such persons*, as have settled *under legal titles*, and even admitting there were, as their Lordships say in the 10th paragraph, “ *it appears to them, there are some possessions derived from grants made by the Governor and Council of Virginia;*” and allowing that the laws and constitution of Virginia *did*, as they unquestionably *do not*,—*extend* to this territory, have the Lords Commissioners proposed any expedient for governing those many thousand families, who have *not settled under legal titles*, but only agreeably to the ancient *usage of location*?—Certainly not.—But, on the contrary, their Lordships have recommended, that his Majesty should be advised to take every method to *check* the progress of their settlements;—and thereby leave them in their present lawless situation, at the risk of involving the Middle Colonies in a war with the natives, pregnant with a loss of commerce, and depopulation of their frontier counties.

Having

Having made these observations, it may next be proper to consider *how* the laws and constitution of Virginia can possibly be *extended*, so as effectually to operate on the territory in question? Is not Williamsburgh, the capital of Virginia, at least 400 miles from the settlements on the Ohio?—Do *not* the laws of Virginia require, that all persons guilty of capital crimes *shall* be tried *only* in Williamsburgh?—Is not the General Assembly held there?—Is not the Court of King's-Bench, or the superior Court of the dominion, kept there?—Has Virginia provided any fund for the support of the officers of these *distant* settlements, or for the transporting offenders, and paying the expence of witnesses travelling 800 miles (*viz.* going and returning), and during their stay at Williamsburgh?—And will not these settlers be exactly (for the reasons assigned) in the situation, described by Governor Wright in the very letter which the Commissioners for Trade and Plantations have so warmly recommended, *viz.* “ *such persons as are settled at the back of the provinces, being at a distance from the seat of Government, Courts, Magistrates, &c. they will be out of the reach and controul of law and government, and their settlement will become a receptacle, and kind of asylum for offenders?*”

On the 11th paragraph we apprehend it is not necessary to say much.—The reservatory clause

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clause proposed in our Memorial is what is usual in royal grants; and in the present case, the Lords of the Committee of the Privy Council, we hope, will be of opinion, it is quite sufficient, more especially as we are able to prove to their Lordships, that there are no "possessions," within the boundaries of the lands under consideration, which are held "under legal titles."

To conclude: As it has been demonstrated, that neither royal nor provincial proclamations,—nor the dread and horrors of a savage war,—were sufficient (even before the country was purchased from the Indians) to prevent the settlement of the lands over the mountains—can it be conceived, that, now the country is purchased, and the people have seen the proprietors of Pennsylvania, who are the hereditary supporters of *British policy* in their own province, give every degree of encouragement to settle the lands *Westward* of the mountains,—the legislature of the province, at the same time, effectually corroborate the measure, and several thousand families, in consequence thereof, settle in the *new county* of Bedford,—that the inhabitants of the Middle Colonies will be restrained from cultivating the luxuriant country of the Ohio, joining to the *Southern* line of Pennsylvania? But, even admitting that it might formerly have been a question of some propriety, whether the country should be permitted to be settled.—that cannot surely become a subject  
of

of enquiry now, when it is an obvious and certain truth, *that at least thirty thousand British subjects are already settled there.*—Is it fit to leave such a body of people *lawless and un-governed?*—will sound policy recommend this manner of colonizing and encreasing the wealth, strength, and commerce of the empire? or will it not point out, that it is the indispensable duty of government to render *bad subjects useful subjects*; and for that purpose *immediately* to establish law and subordination among them, and thereby *early* confirm *their* native attachment to the laws, traffic, and customs of this kingdom?

On the whole, we presume that we have, both by facts and sound argument, shewn, that the opinion of the Lords Commissioners for Trade and Plantations on the object in question, is *not* well founded, and that, if their Lordships opinion should be adopted, it would be attended with the most mischievous and dangerous consequences to the commerce, peace, and safety of his Majesty's colonies in America:

We therefore hope, the expediency and utility of erecting the lands agreed for into a separate colony, without delay, will be considered as a measure of the soundest policy, highly conducive to the peace and security of the old colonies, to the preservation of the *boundary line*, and to the commercial interests of the Mother Country.

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APPEN-

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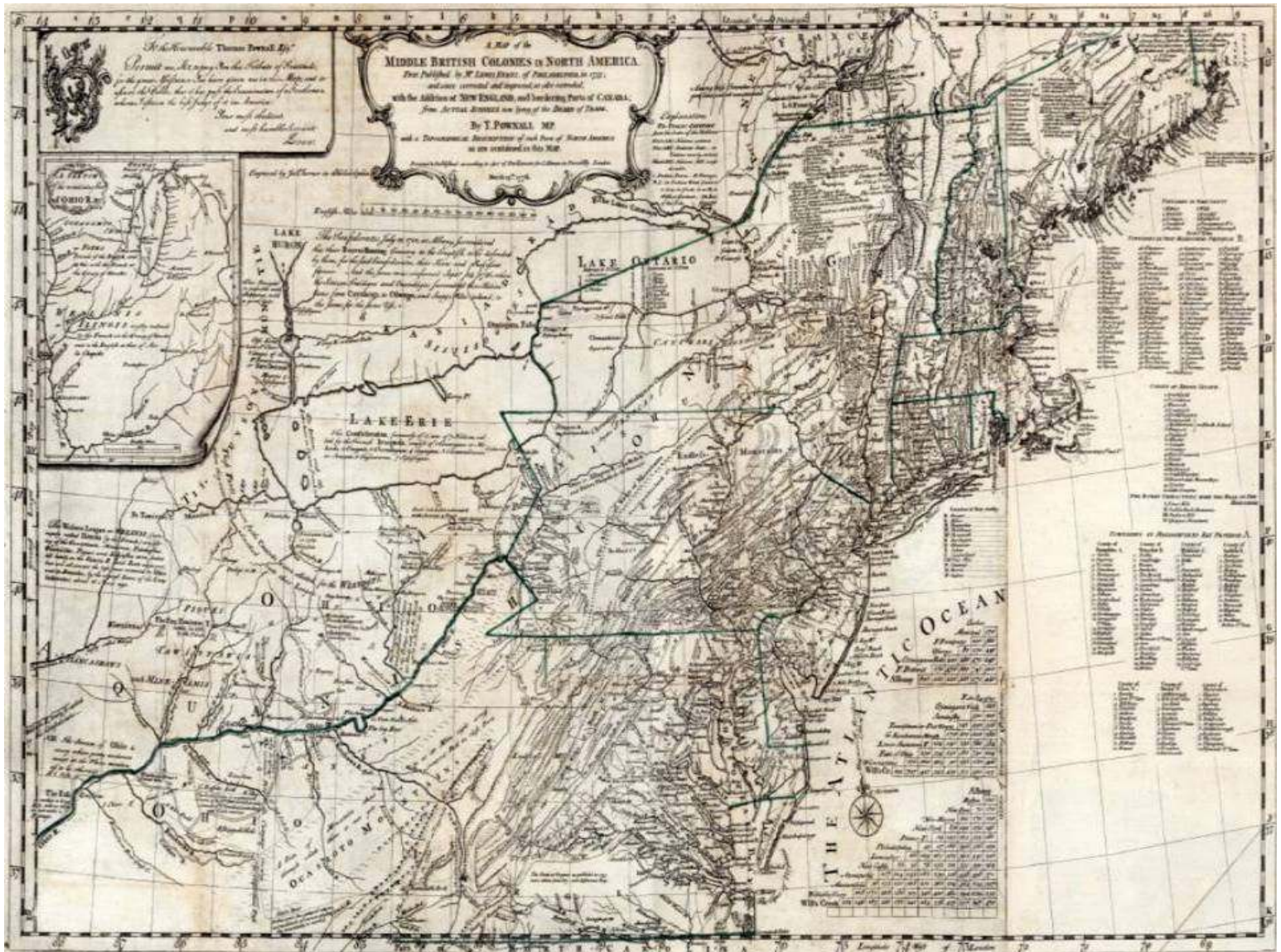
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Pownall, Thomas (1722-1805) (former governor of Massachusetts & South Carolina; former lieutenant governor of New Jersey; surveyor); Gist, Christopher (d. 1750); Turner, James (d. 1759) (engraver). Map of the Middle British Colonies in North America. Philadelphia (PA): Lewis Evans (1755); London: John Almon (1776)

This work contains an updated version of Lewis Evans' important 1755 "Map of the Middle British Colonies in North America," using the original plate engraved by James Turner with revisions and adding an eastern extension to cover New England; and Pownall's "Topographical Description" which describes the areas contained in the updated map; and six important appendices of writings by explorers in the region plus parts of Evans' original essay on his 1755 edition of the map - I. The account of Capt. Anthony Van Schaick of the ground between the entrance of lake Chaplain at Crown point, and the mouth of Otter creek -- II. Captain Anthony Van Schaik's journal, 1756 -- III. Captain Hobb's account of the way from No. 4. in New Hampshire, to the mouth of Otter creek -- IV. Extracts from the journal of Captain Harry Gordon...who was sent from Fort Pitt...to Illinois, in 1766 -- V. Extract from Mr. Lewis Evans' journal. 1743 -- VI. A journal of Christopher Gist's journey.

Evans is considered "America's greatest eighteenth century cartographer" by Schwartz and Ehrenberg, and Pownall was hugely accomplished in pre-Revolutionary America, serving as Governor General of Massachusetts and traveling widely in the colonies in various roles in the British colonial administration. Pownall's map is considered the best updated edition of the Evans 1755 map, of the many later copies of Evans that were issued by Jefferys, Sayer, and others. In the prospectus, Pownall criticizes Jefferys' copy of Evans saying it "might as well be a map of the face of the moon."

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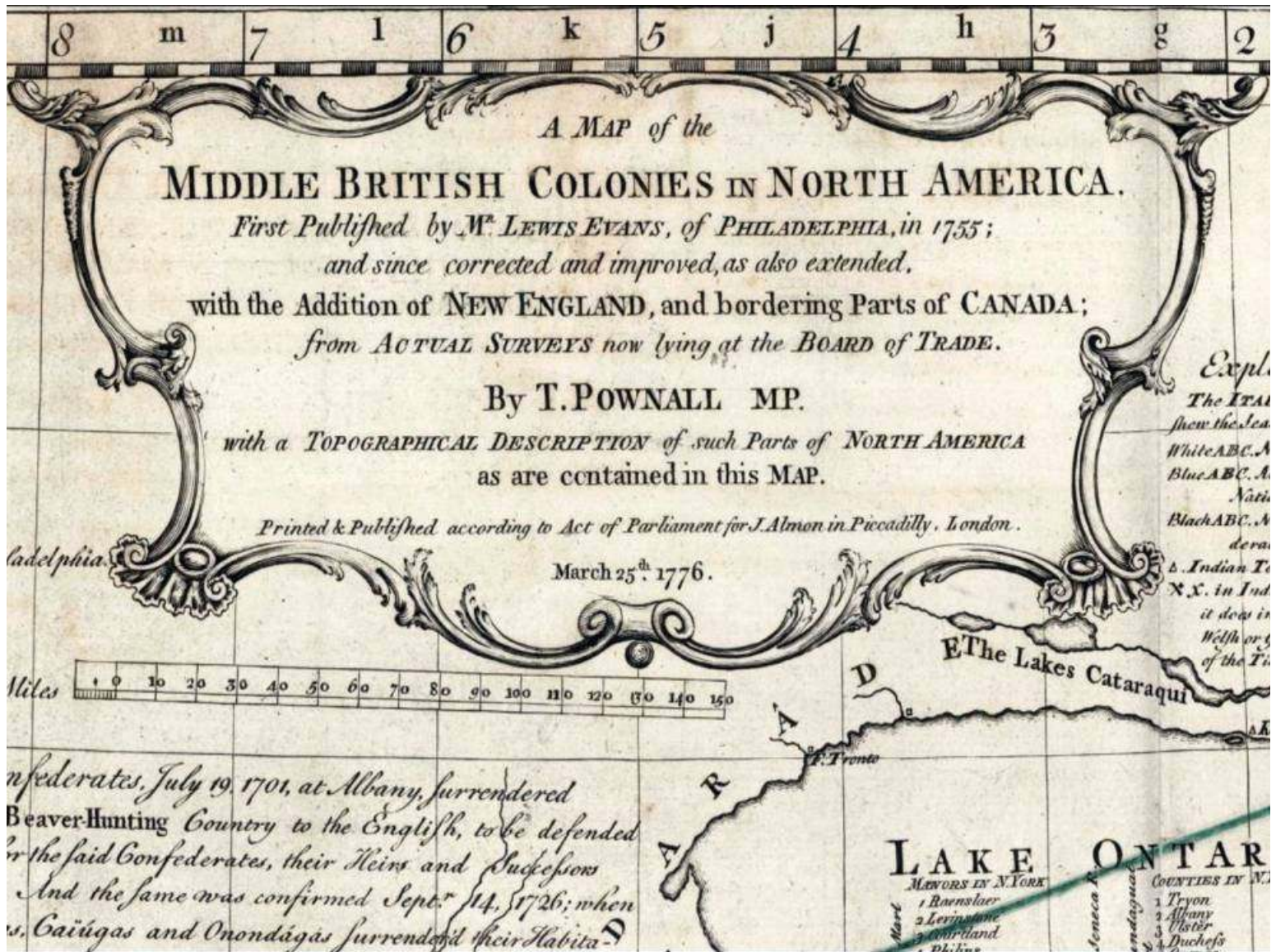
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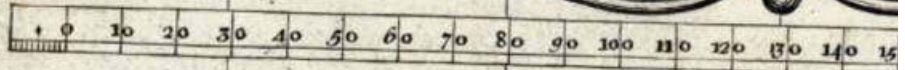
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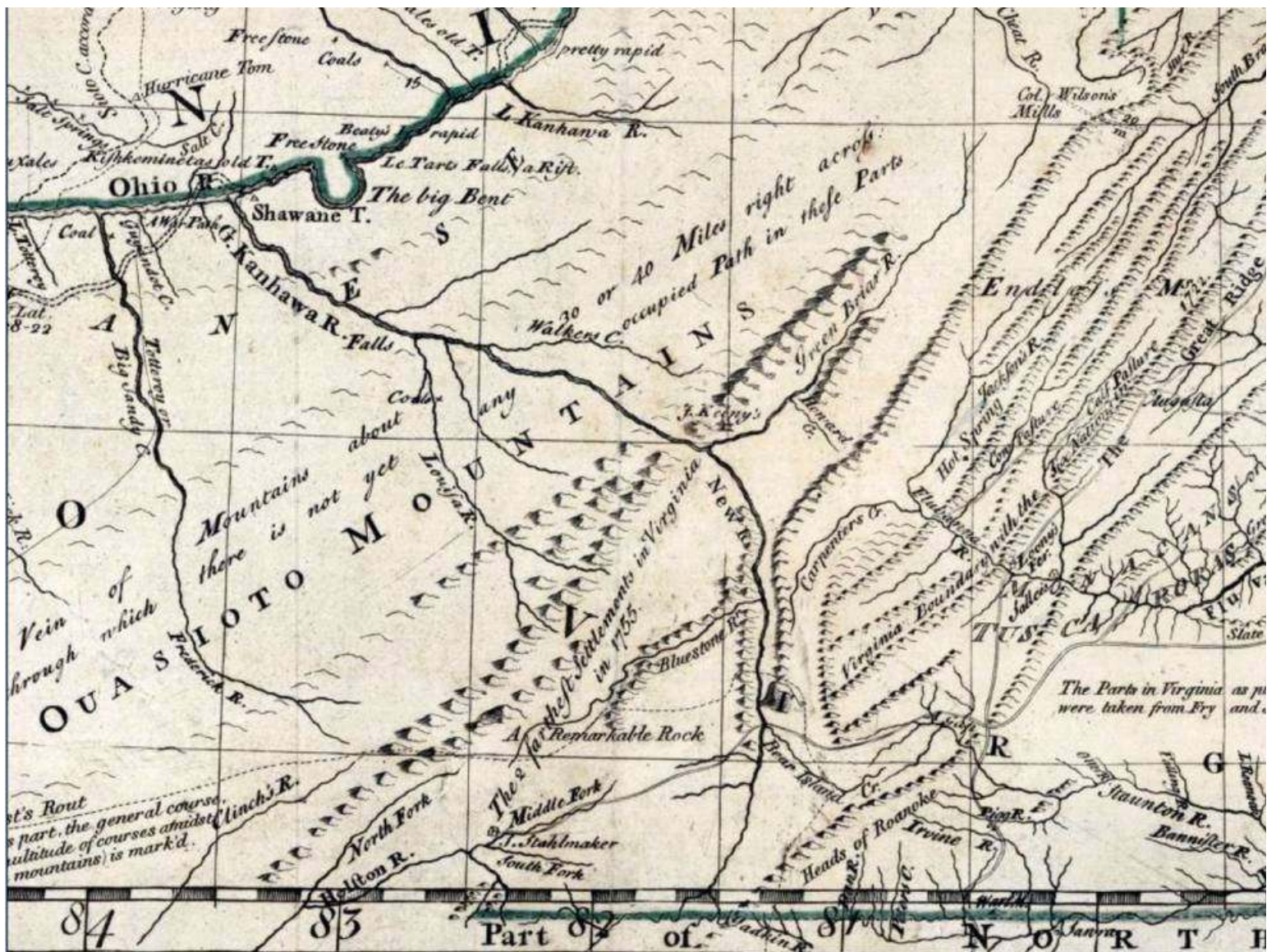
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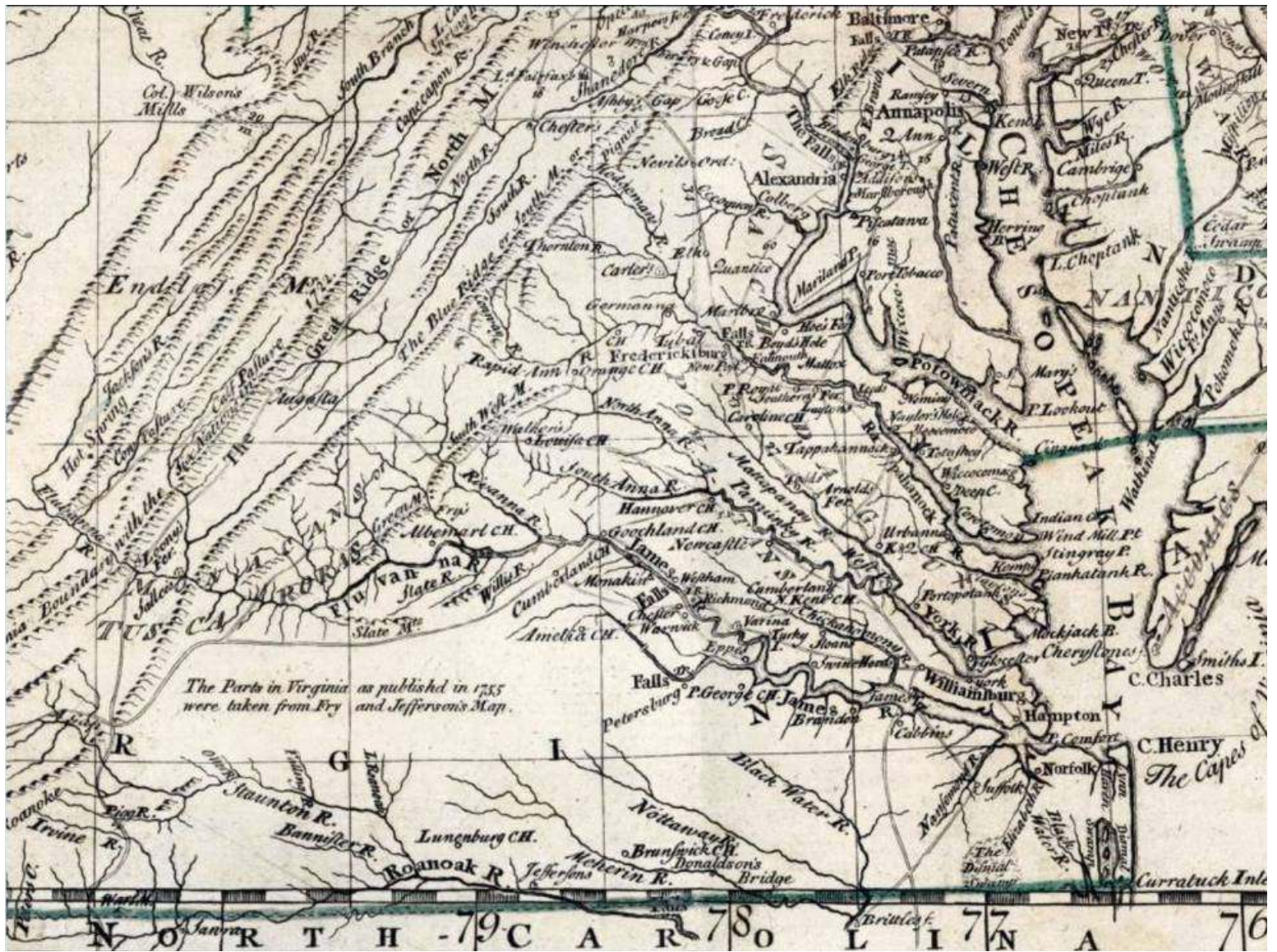




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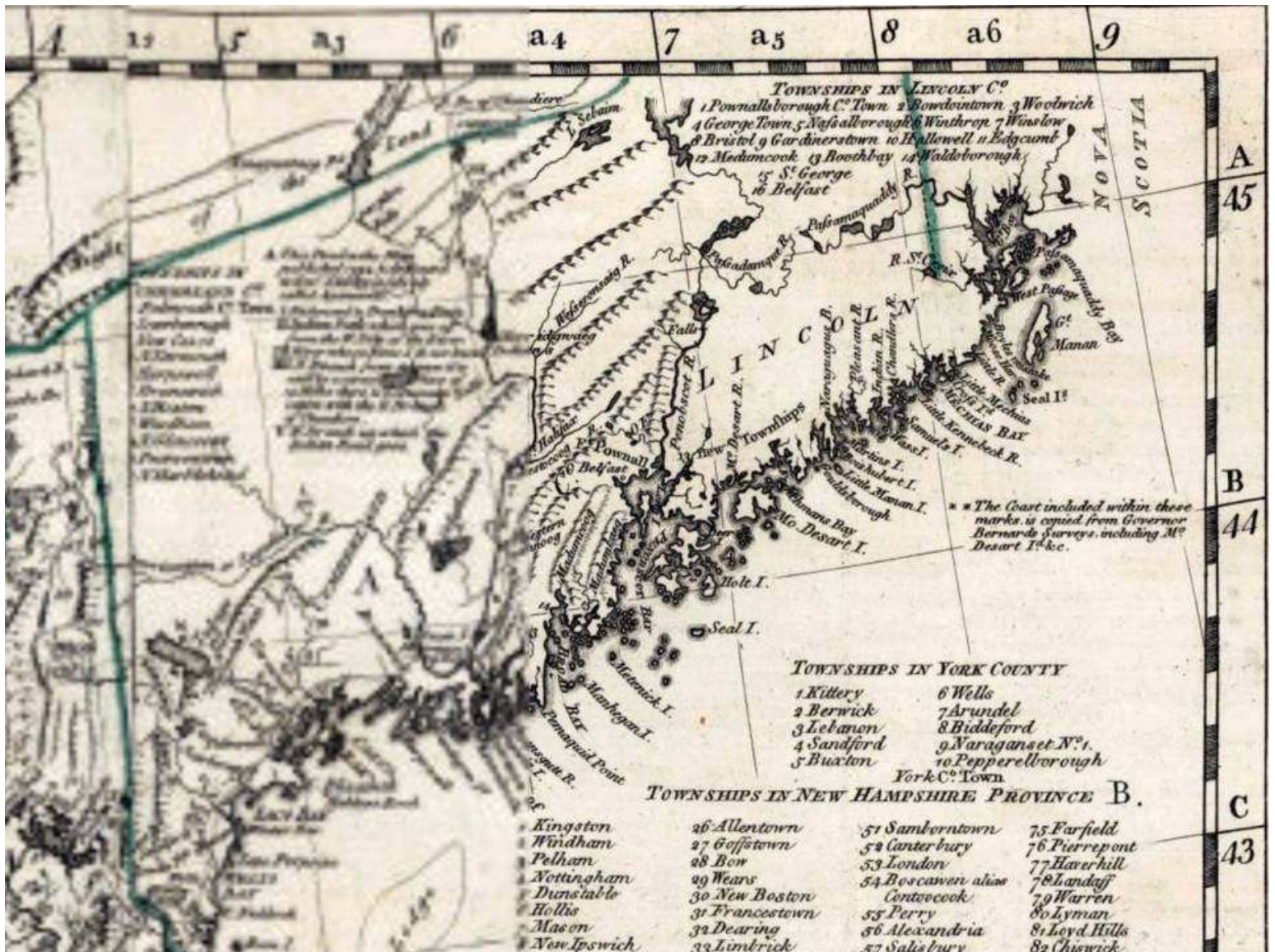
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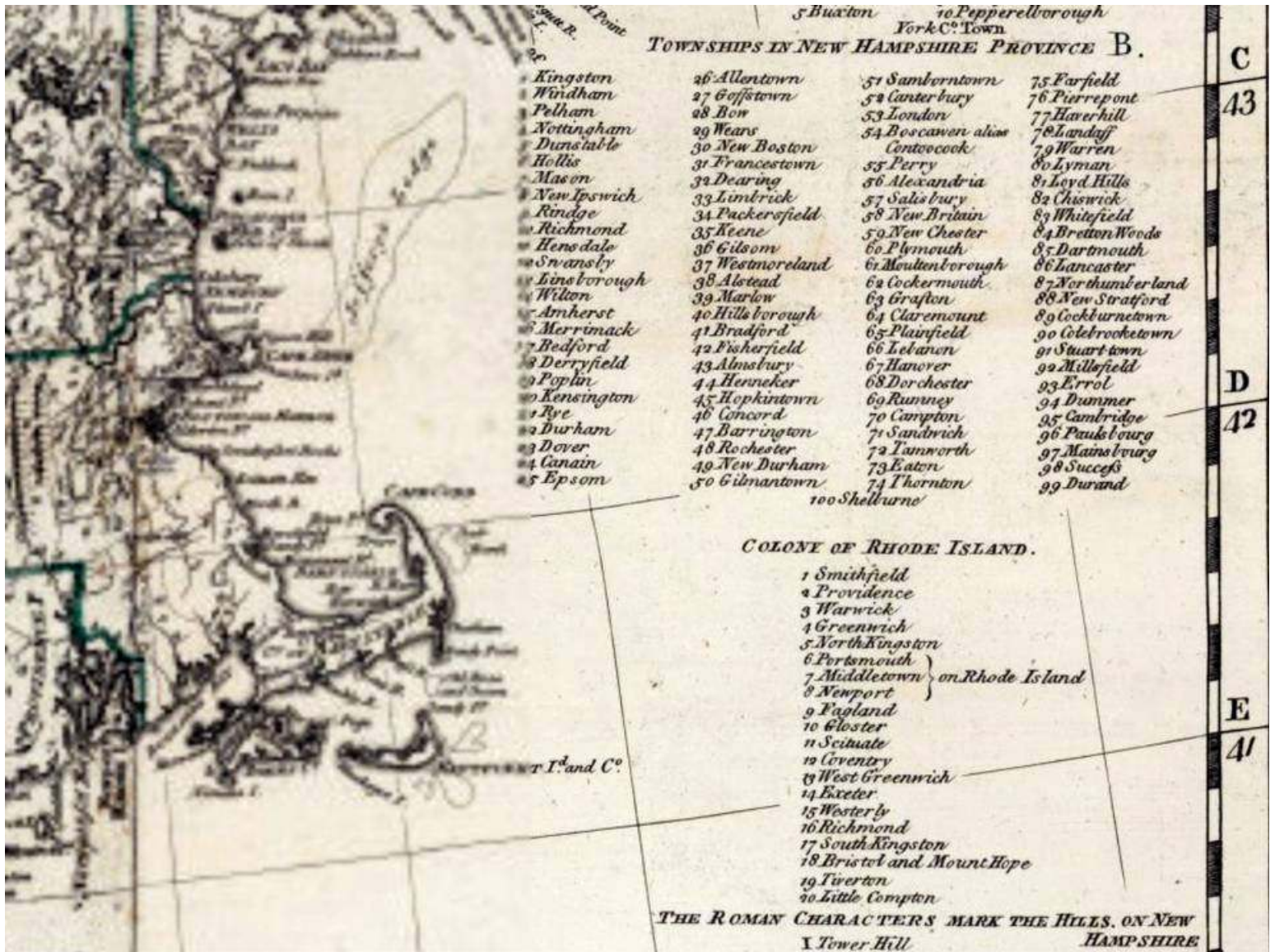
Pownall, Thomas (1722-1805) (former governor of Massachusetts & South Carolina; former lieutenant governor of New Jersey; surveyor); Gist, Christopher (d. 1750); Turner, James (d. 1759) (engraver). Map of the Middle British Colonies in North America. Philadelphia (PA): Lewis Evans (1755); London: John Almon (1776)

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TOWNSHIPS IN MASSACHUSETTS BAY PROVINCE. A.

County of Hampshire A.	County of Worcester B.	County of Middlesex C.	County of Suffolk D.
1 Canada	1 Dudley	1 Townshend	1 Roxbury
2 Andover	2 Stourbridge	2 Hollis	2 Dorchester
3 Salem	3 Western	3 D	3 Needham
4 Petersham	4 Haverhill	4 Dunstable	4 Medway
5 Narraganset	5 New Ipswich	5 Chelmsford	5 Bellingham
6 Greenwich	6 Canada to Denchster	6 Reading	6 Wrentham
7 Brimfield	7 Lunenburg	7 Malden	7 Medfield
8 Kingstown	8 Bolton	8 Medford	8 Walpole
9 Pelham	9 Shrewsbury	9 Groton	9 Stoughton
10 Sunderland	10 Westborough	10 Billerica	10 Brantree
11 Hadley	11 Hopkinton	11 Westford	11 Weymouth
12 Northampton	12 Grafton	12 Bedford	12 Hingham
13 Springfield	13 Mendon	13 Tewksbury	13 Milton
14 C <sup>o</sup> Town	14 Uxbridge	14 Lexington	14 Dedham
15 Northfield	15 Douglas	15 Woburn	Bolton C <sup>o</sup> Town
16 Hatfield	16 Oxford	16 Marlborough	
17 Deerfield	17 Sutton	17 Stow	
18 Amherst	18 Worcester C <sup>o</sup> Town	18 Concord	
19 Landford	19 Gore	19 Waltham	
20 Granville	20 Brookfield	20 Weston	
21 Westfield	21 Brantree	21 Sherburne	
	22 West Wing	22 Holliston	
	23 Rutland	23 Cambridge	
	24 Holden	C <sup>o</sup> Town	

County of Essex E.	County of Bristol F.	County of Plymouth G.
1 Beverly	1 Attleborough	1 Hanover
2 Lynn C <sup>o</sup> Town	2 Rehoboth alias Sea Rank	2 Abington
3 Middleton	3 Barrington	3 Duxbury
4 Topsfield	4 Swansea	4 Kingston
5 Andover	5 Dighton	5 Halifax
6 Bradford	6 Taunton C <sup>o</sup> Town	6 Pembroke
7 Rowley	7 Raynham	7 Bridgewater
8 Newbury	8 Easton	8 Middleborough
9 Ambury	9 Norton	9 Rochester
10 Haverhill	10 Berkley	10 Wareham
11 Methuen	11 Free-town	11 Plympton
12 Dracut	12 Dartmouth	12 Plymouth C <sup>o</sup> Town

Pownall, Thomas (1722-1805) (former governor of Massachusetts & South Carolina; former lieutenant governor of New Jersey; surveyor); Gist, Christopher (d. 1750); Turner, James (d. 1759) (engraver). Map of the Middle British Colonies in North America. Philadelphia (PA): Lewis Evans (1755); London: John Almon (1776)

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F  
40

G  
39

H  
38







SAMUEL WHARTON.

GENEALOGY  
OF THE  
**Wharton Family**  
OF  
PHILADELPHIA.

1664 to 1880.

BY  
*Hollingsworth*  
ANNE H. WHARTON.  
MEMBER OF THE HISTORICAL SOCIETY OF PENNSYLVANIA.

PHILADELPHIA:  
1880.

Wharton, Anne Hollingsworth (1845-1928) (author). Genealogy of the Wharton family of Philadelphia 1664-1880. Philadelphia (PA): Collins, printer (1880).

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## PREFACE.

BEFORE presenting this volume to the notice of my family, it seems only just to myself to say that the task, which I undertook a few years since, was not to find the connecting link between the Philadelphia Whartons and those of Westmoreland, England; but simply to gather together a record of the descendants of Thomas Wharton and Rachel Thomas his wife, who came to this city about 1688. While engaged in this study, however, so much material has come into my hands that it has been pursued with deepening interest, and at greater length than was at first proposed, numerous biographical sketches having been added to, or interwoven with, the genealogy. Thus, although I have accomplished all that I set out to do, even more, I lay down my pen with a sense of incompleteness, and an earnest hope that some member of the family will take up the broken chain where I have left it with that infant Thomas, baptized in Orton Parish in 1664, and turning back among the centuries find the connecting link between his father, Richard Wharton, and the family of the same name which inhabited the region in and about that ancient Parish as early as the reign of Edward I. If what I have collected with regard to these eight generations of Whartons shall inspire any one else with a desire to set forth on a second voyage of discovery, on the other side of the sea and in remoter times, I shall know that this, my contribution to family history, has not been in vain.

For the satisfaction of those who, with me, will continue to hold that such a connection exists, until the reverse is demonstrated, I have collated, from various reliable sources, some facts relative to the Westmoreland Whartons, which will be found in a separate chapter.

## THE WHARTON FAMILY.

BY ANNE H. WHARTON.

THOMAS WHARTON,<sup>2</sup> who emigrated to Pennsylvania at an early date, was the son of Richard Wharton,<sup>1</sup> of Kellorth, in the Parish of Orton (or Overton),\* Westmorelandshire, England. His parents were members of the Church of England, and on the 16th of October, 1664, he was baptized in All Saints Church, Orton. At what period he adopted the tenets of the Friends I am unable to discover, but at the time of his marriage he was certainly in full membership with their Society. The marriage took place January 20, 1688-9, O. S., at the Bank Meeting House in Philadelphia, where he and Rachel Thomas, in the quaint phraseology of their marriage certificate, "having declared their Intentions of taking each other in marriage before several public meetings of the People of God, called Quakers," . . . "according to the good order used amongst them, whose Proceedings therein, after a deliberate Consideration thereof, were approved by the said Meetings: They appearing Clear of all others. Now these are to Certify all whom it may concern, that for the full accomplishing of their said Intentions, this Second day of the Eleventh month, called January, in the Year One thousand Six Hundred, Eighty and Eight. They" . . . "appeared in a public Assembly of the aforesaid People and others mett together for that end and purpose . . . and (according to the Example of the holy men of God recorded in the Scriptures of Truth) in a Solemn manner, he the said Thomas taking the said Rachel by the hand, did openly declare as followeth—Friends, in the presence of God and before you his people do I take Rachel Thomas to be my wife and do promise to be a faithful and loving husband, until death separate us." After recording a similar declaration on the part of Rachel, the certificate

\* See Clark's British Gazetteer, London, 1852.

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proceeds—"And the said Thomas Wharton and Rachel Thomas, as a further Confirmation thereof, did then and there to these Presents set their hands,  
 THOMAS WHARTON.  
 RACHEL WHARTON."

Among the witnesses were Micah and James Thomas, Sen., also Samuel Richardson, William Salway, and William Southeby, about that time members of the Provincial Council, John White, then speaker of the Assembly, and William Bradford, the celebrated printer.

Rachel Thomas was born Sept. 1, 1664, in Monmouthshire, Wales. She survived her husband nearly thirty years, and died in Philadelphia, June 10, 1747.

Thomas Wharton was principally engaged in mercantile pursuits, and was unambitious of political distinction; he was, however, on October 6, 1713, elected a member of the Common Council of the city of Philadelphia, and gave an active attendance to his duties in that position until his death. He remained during his life an earnest member of the religious denomination to which, in his youth, he had attached himself. He died in Philada. July 31, 1718, leaving a considerable estate to be divided between his children.

Thomas and Rachel Wharton had eight children, all b. in Philada.

3. JOSEPH, b. Nov. 25, 1689; bu. July 24, 1690.

4. RICHARD, d. unm. Philada. Mar. 5, 1721.

5. MARY, d. unm. Philada. Jan. 10, 1763, aged 67.

6. JAMES.

7. THOMAS, m. Christ Church, Philada. Sept. 12, 1728, Mary Curry. In his will, proved 1730, he styles himself "Mariner," and bequeathes all his estate to his wife. She m. 2dly, in 1736, Richard Grafton.

8. RACHEL, d. unm.; bu. Aug. 7, 1735.

9. JOHN, m. Mary Dobbins.

10. JOSEPH, b. Aug. 4, 1707; m. 1st, Hannah Carpenter; and 2dly, Hannah Ogden.

9. JOHN WHARTON<sup>3</sup> (Thomas,<sup>2</sup> Richard<sup>1</sup>) m., Chester Co., Nov. 2, 1727, Mary, dau. of James Dobbins. She was b. 1696, and d. Philada. Jan. 10, 1763. After his marriage he resided for

many years in Chester Co., of which from 1730 to 1737 he was annually selected coroner. He had five children.

11. JAMES, bu. Philada. May 4, 1785, aged 53 years; m. 1st, Mary Hogg; and 2dly, Christiana Redd.

12. THOMAS, b. Chester Co., 1735; m. 1st, Susannah Lloyd; and 2dly, Elizabeth Fishbourne.

13. JOHN, d. Oct. 22, 1799, aged 67; m. Rebecca Chamless.

14. RACHEL, m. William Crispin.

15. MARY, m. — Baxter.

10. JOSEPH WHARTON<sup>3</sup> (Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Philada. Aug. 4, 1707; m. 1st, Philada. March 5, 1729-30, Hannah, dau. of John Carpenter,\* by his wife, Ann Hoskins. She was b. Philada. Nov. 23, 1711, and d. July 14, 1751. He m. 2dly, June 7, 1752, Hannah, wid. of John Ogden, and dau. of Robert Owen, by his wife, Susannah Hudson.† She was b. Phila. March 16, 1720-1, and d. Jan. 1791. He was a very successful merchant, but towards the close of his life retired from business, and lived at his country seat, Walnut Grove, which soon after his death was made famous as the scene of the Meschianza. He d. in Philada. and was bu. in Friends Ground, July 27, 1776. By his 1st wife he had eleven children, all b. in Philada.

16. THOMAS, b. Jan. 15, 1730-1; m. Rachel Medcalf.

17. SAMUEL, b. May 3, 1732; m. Sarah Lewis.

18. JOSEPH, b. March 21, 1733-4; m. Sarah Tallman.

19. RACHEL, b. June 7, 1736; bu. Jan. 6, 1736-7.

20. JOHN, b. Jan. 17, 1737-8; d. 1770.

21. WILLIAM, b. March 12, 1740; m. Oct. 15, 1767, Susannah, dau. of Jacob Medcalf by his wife Susannah Hudson, b. June 6, 1734. He d. s. p. Will proved, Philada. Jan. 21, 1805.

22. GEORGE, b. March 13, 1741-2; bu. March 17, 1741-2.

23. CHARLES, b. Jan. 11, 1743-4; m. 1st, Jemima Edwards; 2dly, Elizabeth Richardson; and 3dly, Hannah Redwood.

24. ISAAC, b. Sept. 15, 1745; m. Margaret Rawle.

25. CARPENTER, b. Aug. 30, 1747; m. Elizabeth Davis.

26. BENJAMIN, b. Feb. 12, 1749-50; d. Sept. 8, 1754.

\* Son of Samuel Carpenter, many years a member of the Provincial Council, and Treasurer of the Province, by his wife, Hannah, dau. of Abraham Hardiman.

† Daughter of William Hudson, sometime Mayor of Philada., by his wife, Elizabeth, dau. of Samuel Richardson. Richardson was a member of the Provincial Council, 1688-93.

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By his 2d wife he had seven children.

27. MARY, b. April 3, 1755; m. William Sykes.
28. ROBERT, b. Jan. 12, 1757; m. Salome Chancellor.
29. BENJAMIN, b. April 29, 1759; d. April 9, 1764.
30. JAMES, b. Jan. 3, 1761; d. Jan. 9, 1761.
31. RACHEL, b. Aug. 27, 1762; m. William Lewis.
32. HUDSON, b. Feb. 21, 1765; d. Aug. 10, 1771.
33. FRANKLIN, b. July 23, 1767; m. Mary Clifton.

11. JAMES WHARTON<sup>4</sup>(John,<sup>3</sup>Thomas,<sup>2</sup>Richard<sup>1</sup>)m. 1st, Mary, dau. of Peregrine Hogg, sometime of Philada. but finally of London, Mercer, by his wife Mary Fitzwater.\* She was bu. Philada. April 13, 1772, aged about 35 years. He m. 2dly, Sept. 14, 1773, Christiana Redd, who d. before him. During the Revolution he was the proprietor of a rope-walk, and furnished a large portion of the cordage for the vessels of the State Navy. He was bu. in Friends Ground, Philada. May 4, 1785, aged 53 years. Of his seven children all but the last named were certainly by his first wife.

34. REYNOLD, m.
35. JAMES.
36. REBECCA, d. unm. Aug. 31, 1807, aged 46.
37. PEREGRINE, b. Feb. 14, 1765; m. Jane Brown.
38. GEORGE, m. Mary Doughty.
39. MORRIS.
40. DEBORAH CLAYPOOLE, m. Philada. May 7, 1795, Isaac H. Jackson.

12. THOMAS WHARTON,† Junr.<sup>4</sup>(John,<sup>3</sup>Thomas,<sup>2</sup>Richard<sup>1</sup>), b. Chester County, 1735; m. 1st, Christ Church, Philada. Nov. 4, 1762, Susannah, dau. of Thomas Lloyd,‡ by his wife, Susannah Kearney.§ She d. Oct. 24, 1772, and he m. 2dly,

\* Daughter of George Fitzwater, who, with his parents, Thomas and Mary Fitzwater, of Hamworth, Middlesex, Eng., was among the companions of Penn on his first visit to Penna. in 1683.

† A biographical sketch of Gov. Wharton will be published hereafter.

‡ Son of Thomas Lloyd, and grandson Thomas Lloyd, President of the Council, 1684 to 1688, and again 1690 to 1693.

§ Daughter of Philip Kearney, of Philada., by his wife Rebecca, daughter of Lionel Britton. In the "Hill Family," by J. J. Smith, Philada., 1854, she is said to have been *Susannah Owen*; but Susannah, wife of Thomas Lloyd and daughter of Philip Kearney, is a party to a deed from Rebecca Kearney, et al., to Edmund Kearney, and in the will of Joanna Kearney, who was also a party to the deed, Susannah Wharton is named as a niece of the testatrix.

Dec. 7, 1774, Elizabeth, dau. of William Fishbourne,\* by his wife, Mary Tallman. She was b. Sept. 1752, and d. Philada. April 24, 1826. He d. at Lancaster, May 22, 1778. By his first wife he had five children.

41. LLOYD WHARTON, m. Mary Rogers and d. s. p.
42. KEARNEY, d. Jan. 4, 1848, aged 82; m. Maria Salter.
43. WILLIAM MOORE, d. Aug. 14, 1816, aged 49; m. 1st, Mary Wain; and 2dly, Deborah Shoemaker.
44. SARAH NORRIS, d. 1836, aged 64; m. 1st, Dr. Benjamin Tallman; and 2dly, Samuel Courtauld.
45. SUSANNAH, bu. Philada. Feb. 2, 1773.

By his 2d wife he had three children.

46. Mary, b. Sept. 7, 1775; d. unm. Philada. June, 1799.
47. THOMAS FISHBOURNE, b. Nov. 10, 1776; d. unm. Philada. Jan. 1865.
48. FISHBOURNE, b. Aug. 10, 1778; m. 1st, Susan Shoemaker; and 2dly, Mary Ann Shoemaker.

13. JOHN WHARTON<sup>4</sup>(John,<sup>3</sup>Thomas,<sup>2</sup>Richard<sup>1</sup>) m. Philada. June 24, 1761, Rebecca Chamless. He was a shipbuilder in Philada., and during the Revolution, built for the Pennsylvania Navy two men-of-war, the Experiment and the Washington. He was a member of Continental Navy Board, 1778-1780. He d. Philada. Oct. 22, 1799, aged 67 years. His children were

49. CHANLESS, b. 1769; d. April 20, 1775.
50. CHANLESS, d. unm. Philada. Oct. 22, 1802, aged 22 years.

14. RACHEL WHARTON<sup>4</sup>(John,<sup>3</sup>Thomas,<sup>2</sup>Richard<sup>1</sup>) m. Friends Meeting, Philada. Dec. 10, 1762, William Crispin, son of Silas Crispin, of Burlington, N. J. He was a commissary of the American Army. Collector of Excise. He d. Philada. April 24, 1797, aged 60 years. They had six children.

51. WILLIAM.
52. SARAH, m. William Lewis.

\* His father, William Fishbourne, a member of the Provincial Council, 1723 to 1731, was born in Talbot County, Md., where his parents, Ralph and Sarah (Lewis) Fishbourne, then resided. William Fishbourne, the elder, settled in Philada. before 1700, and in 1702 married Hannah, daughter of Samuel Carpenter—see note, page 326.

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53. ESTHER.  
 54. RACHEL.  
 55. MARY.  
 56. THOMAS, bu. Sept. 23, 1781, aged 3 years.

16. THOMAS WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Phila. Jan. 15, 1730-1; m. Friends Meeting, Philada. Rachel, dau. of Jacob Medcalf, by his wife Hannah Hudson. She was b. Feb. 21, 1729-30. "He was a merchant of great wealth and influence, and of the sect of Quakers. In the enterprise of Galloway and Goddard to establish "The Chronicle," a leading newspaper, he was their partner; and the parties supposed that Franklin, on his return from England, would join them. Previous to the Revolution, Franklin and Mr. Wharton were correspondents. In 1774, Washington records that he "dined with Thomas Wharton." (*Sabine's Loyalists*.) Like many other Friends, he was at first actively opposed to the oppressive measures of the British Government, and a signer of the non-importation agreement in 1765; but when the colonies resorted to arms his sympathy was entirely withdrawn from their cause. His prominence among the Friends, the majority of whom had pursued a similar course in regard to the active prosecution of the Revolution, made him an object of suspicion to the authorities of the newly arisen commonwealth, and in Aug. 1777 he and several other Friends were arrested, who, on their refusing to sign a parole, were in the following month exiled to Virginia. In April, 1778, they were allowed to return to Philada. Mr. Wharton, however, was proscribed as an enemy to his country, and lost his estate under the Confiscation Act of Penna. He d. near Philada. in the winter of 1782.

ISSUE OF THOMAS WHARTON and RACHEL MEDCALF.\*

57. HANNAH, b. Sept. 3, 1753; m. James C. Fisher.  
 58. MARY, b. Jan. 22, 1755; m. Philada. May 17, 1780, Owen, son of Owen Jones, by his wife Susannah Evans, b. in Philada. March 15, 1744-45. By her he had one child; bu. in Friends Ground, Jan. 22, 1784. Mrs. Jones d. soon after, and he m. 2dly, Hannah Foulke, and d. s. p. His will was proved May 14, 1825.  
 59. RACHEL, b. Nov. 29, 1756; d. Nov. 8, 1759.  
 60. JOSEPH, bu. Aug. 1, 1766, aged 6 years.  
 61. JACOB, bu. Dec. 21, 1769, aged 9 years.  
 62. MARTHA, d. unm.; bu. April 7, 1788, aged 24 years.  
 63. FRANKLIN, bu. Aug. 1, 1766, aged 4 mo.  
 64. SUSANNAH, d. unm. June 5, 1786. The following obituary appeared in the "Pennsylvania Mercury," of June 9, 1786, which we give as a curious specimen of a certain style of composition.

"On Monday last, the 5th of June, the amiable, the blooming Miss Susannah Wharton, in the bud of life, resigned her breath. Amongst the many sacrifices that are hourly made at the altar of the grim monster, few possessed more real accomplishments than this lovely victim. Born under the smiles of nature—educated in the paths of prudence and virtue—she rose like the sun—illuminating with her knowledge, and cherishing with her philanthropy.

"To a mild condescending disposition, she added those generous sentiments, which characterize the worthy part of her sex, and mark the Christian. In her pastime she was cheerful, in her devotion she was serious. A perfect consistency was seen in her conduct.

"If the frailty of her companions was the topic of conversation, she spoke but to vindicate; when their virtues were admired she joined with a fervency that testified her liberality. In the common occurrences of life she was neither too much elevated, nor too much depressed; she turned with a smile from the casualties of human life to Nature's God, and into His hands she resigned herself with pleasure. No motives influenced her conduct, but the happiness of her fellow-creatures. The heart-rending sighs, the sorrowful looks of all who knew her, manifest their loss. The effusions of esteem in one of her acquaintance has given birth to this imperfect sketch of her character. It wants no aid of the pen to be beloved—she need only to have been known."

65. WILLIAM HUDSON, bu. Sept. 13, 1781, aged 10 years.

17. SAMUEL WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. May 3, 1732; m. Sarah, dau. of Stephen Lewis, by his wife, Rebecca,

\* Thomas Wharton was a man of influence in Philadelphia as early as 1762; his name appears as one of the managers of the Pennsylvania Hospital, at that time, which position he held until 1769, and again 1772-1779. He was also treasurer of that institution 1769-1772. Silas Dean, while in Philadelphia as delegate to the Congress of 1774, thus speaks of him. "This evening spent at Mr. Thomas Wharton's, who was extremely civil and complaisant, and insisted on our using his horses and carriage while in town, or rather his Convenience, which is the name of a Friend's or Quaker's Coach."—*Correspondence of Silas Dean*.

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Hussey. Mr. Wharton was one of the signers of the Non-Importation Resolutions of 1765, a member of the City Councils of Philada., of the Committee of Safety of the Revolution, and of the Colonial and State Legislatures. He was a prominent member of the Ohio Company, whose plan of forming a settlement on the Ohio River was projected by Sir William Johnson, Governor Franklin, and others. In 1767, Dr. Franklin, then in England, mentions his correspondence with Mr. Wharton on this subject. Lord Hillsborough, in his "Report of the Lord's Commissioners for Trade and Plantations," in which he considered the "humble memorial of the Hon. Thomas Walpole, Benjamin Franklin, John Sargent, and Samuel Wharton, Esquires, in behalf of themselves and their associates," strenuously opposed the passing of the bill confirming the grant of land (known as Walpole's Grant), in reply to which Dr. Franklin put forth his powers to such purpose that the petition was finally granted, June 1, 1772. In consequence, however, of revolutionary troubles the project was not realized.

Mr. Wharton was a partner in the house of Messrs. Baynton, Wharton & Morgan, one of the most respectable commercial associations in the Colonies. At one time, the Indians destroyed upwards of £40,000\* worth of their goods; as indemnification for which depredation, the chiefs made over to the firm all the lands which, at present, compose the State of Indiana.† "Mr. Wharton, being an accomplished gentleman and scholar, was deputed by his partners to pass over to England for the purpose of soliciting a confirmation of this grant, in which he so far succeeded that the day was appointed by the Minister for him to attend at Court, and kiss the King's hand on receiving the grant.‡ Unfortunately, however, in the interim, some of his correspondence with Franklin, in furtherance of the Revolution, was discovered, and instead of the consummation he expected, he was obliged to fly for his life, and was fortunate in reaching the shores of France in

\* Penna. currency.

† See Appendix.

‡ The Penna. Gazette announced Mr. Wharton's appointment as Governor of the new province of Pittsylvania.

safety, where he was joined by his old friend Dr. Franklin."\* In 1780, Samuel Wharton returned to Philada., and on Feb. 9, 1781, he took the oath of allegiance to the State of Penna. He was a member of the Continental Congress during the years 1782 and 1783. In 1784, he was appointed a Justice of the Peace for the District of Southwark, he having, a short time before, retired to his country seat, in that suburb, where he anticipated ending his days in peace and quietness. His will was admitted to probate, March 26, 1800. His children were—

66† STEPHEN, d. Philada. March 24, 1755.

67. SAMUEL LEWIS, b. Philada. Feb. 14, 1759; m. Mrs. Rachel Musgrave.

68. HANNAH, d. Philada. April 6, 1764, aged 2 years.

69. REBECCA, m. June 7, 1798, Chamless Allen, and d. s. p. Soon after he d. 2dly, Rachel, widow of Samuel L. Wharton.

70. MARTHA, m. Samuel B. Shaw.

71. RICHARD, d. unm.

18. JOSEPH WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Philada., March 21, 1733-4; m. Philada., June 18, 1760, Sarah, dau. of Job and Sarah Tallman, b. Aug. 25, 1740, and d. before her husband. Before the Revolution, Mr. Wharton was an active and successful merchant; but losses during the war, and a series of reverses attending his mercantile ventures, after the establishment of peace, obliged him to retire from business.

The following is an obituary notice, which appeared in Poulson's "Advertiser," Dec. 30, 1816:—

Died, on the 25th instant, in the eighty-third year of his age, Joseph Wharton, Esq., long a respectable inhabitant of this city, and deeply and sincerely lamented by those who enjoyed the advantage of his friendship.

The protracted term of life, and the lingering illness through which this gentleman had passed, had neither impaired the original vigour of his mind, nor lessened the uncommon warmth of his affections. His understanding, naturally quick and powerful, was improved to an extent little common with the past generation. Few men, perhaps, possessed such an intimate acquaintance with the language and literature of Greece

\* "Daily Advertiser."

† 66a. Joseph living 1770.

Wharton, Anne Hollingsworth (1845-1928) (author). Genealogy of the Wharton family of Philadelphia 1664-1880. Philadelphia (PA): Collins, printer (1880).

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and Rome, and still fewer have, like him, retained an undiminished attachment to them, at an advanced stage of existence, and while suffering under an accumulation of physical evils. In the early part of his life he had enjoyed the peculiar good fortune of an intercourse with many of the most celebrated literary men of Europe. In latter years disease and misfortune caused his retirement from the world, but lessened not his zeal for the welfare of society, his duties toward which he discharged with exemplary propriety. It only remains perhaps to add, that he was a sincere and devout believer in the great truths of our religion, and closed a well-spent life in the firm persuasion of a removal to a better state of being.

He had nine children, all b. in Philada.

72. JOSEPH TALLMAN, b. July 16, 1761; d. Dec. 17, 1762.  
 73. SARAH, b. Nov. 20, 1763; d. Aug. 27, 1764.  
 74. THOMAS PARR, b. Nov. 18, 1765. He d. unm., and in the "Daily Advertiser," Dec. 3, 1802, the event is thus noticed:—

"Died on Wednesday, the 1st instant, in the 37th year of his age, Thomas Parr Wharton. A vigorous and highly-cultivated understanding, united to a just and benevolent disposition, rendered the deceased peculiarly agreeable and dear to his friends and family. A series of misfortunes taught him the uncertainty of all human pursuits and attachments as the means of happiness, and a tedious and painful illness became, in the hands of a kind Providence, the means of conveying to him the knowledge of his Redeemer, in whose mercy alone he placed his hopes of acceptance beyond the grave; his last words were, 'I die in peace.'"

75. HANNAH, b. Nov. 4, 1767; m. William Chancellor.  
 76. NANCY, b. Aug. 2, 1770; m. James Cowles Fisher (his 1st wife was Hannah Wharton, No. 57) and d. s. p. Jan. 1852.  
 77. SARAH, b. April 23, 1772; m. Jonathan Robeson.  
 78. MARTHA, b. Feb. 18, 1774; d. unm. March, 1861.  
 79. RACHEL, b. Aug. 8, 1775; d. Jan. 29, 1784.  
 80. ELIZA, b. Sept. 18, 1781; d. unm. April 7, 1869.

23. CHARLES WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Philada. Jan. 11, 1743; m. 1st, March 12, 1772, at Christ Church, Jemima Edwards, who was bu. in Philada. Nov. 13, 1772, aged 21 years. He m. 2dly, at Friends Meeting (Oct. 22, 1778), Elizabeth Richardson, who d. May 23, 1782, aged 30 years. His third wife was Hannah, dau. of William Redwood, by his wife Hannah, dau. of Samuel Holmes. They were m. at Friends Meeting, Oct. 13, 1784. She was b. in Newport, R. I., Sept. 25, 1759; d. Philada. April 11, 1796.

Mr. Wharton was a most successful merchant, and extensively engaged in the importing business of the city. He took the oath of allegiance to the State of Penna. July 3, 1778; and d. in Philada. March 15, 1838. His children, all by his third wife and b. in Philada., were—

81. JOSEPH, b. Aug. 17, 1785; d. unm. June 27, 1803.  
 82. WILLIAM, d. infant, March 8, 1788.  
 83. SARAH REDWOOD, b. June 1, 1789; m. William Craig.  
 84. WILLIAM, b. June 27, 1790; m. Deborah Fisher.  
 85. CHARLES, b. Sept. 20, 1792; m. Anne M. Hollingsworth.  
 86. HANNAH REDWOOD, b. Nov. 15, 1794; m. Thomas G. Hollingsworth.

24. ISAAC WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Philada. Sept. 15, 1745; m. Friends Meeting, Philada. Nov. 14, 1786, Margaret, dau. of Francis Rawle, by his wife Rebecca Warner. He died, Philada. March 31, 1808. His children were—

87. FRANCIS RAWLE, b. Jan. 11, 1788; m. Juliana M. Gouverneur.  
 88. HANNAH MARGARET, b. July 17, 1789; d. unm. Philada. Oct. 14, 1875.  
 89. THOMAS ISAAC, b. May 17, 1791; m. Arabella Griffith.  
 90. JOSEPH, b. April 29, 1793; d. unm. 1822.  
 91. REBECCA SHOEMAKER, b. Sept. 1, 1795; m. Joseph R. Smith.

25. CARPENTER WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Philada. Aug. 30, 1747; m. Christ Church, April 13, 1771, Elizabeth Davis, who d. May, 1816. He d. April 6, 1780, leaving issue—

92. JOHN, m. Nancy Craig.  
 93. THOMAS CARPENTER, m. June 21, 1806, Ann, dau. of William Green, by his wife Mary, dau. of Ellis Lewis, and d. s. p. She d. 1857.

27. MARY WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. April 3, 1755; m. Friends Meeting, May 17, 1786, William Sykes, son of Samuel and Elizabeth Sykes.

94. JOSEPH, d. Philada. March 26, 1789.  
 95. ELIZABETH, d. Philada. Dec. 6, 1791.  
 96. WILLIAM, d. Philada. Sept. 1, 1791.  
 97. ROBERT WHARTON, b. July 26, 1796; m. 1st, Mrs. Frenaye, and 2dly, Lucy, dau. of Lemuel Lamb. He d. s. p.

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28. ROBERT WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>) was born, Jan. 12, 1757, at his father's country seat in Southwark. Although his future career proved him to be possessed of abilities of a superior order, Robert Wharton early evinced a decided distaste for learning; consequently, at the age of fourteen, his studies were relinquished, and he was apprenticed to a hatter. During his mayoralty, he frequently alluded to this portion of his life, remarking that he greatly respected those who were masters of a trade, which sentiment being generally known, it became convenient for those, who desired to avoid the penalties of the law, to declare themselves hatters. Pleasant as this may have been, as a matter of conversation in later years, Mr. Wharton, after serving his time, left his trade to enter the counting-house of his half-brother, Charles.\* While in this position, he gratified his taste for field sports, and became a member of the "Gloucester Fox Hunting Club," instituted in 1766, of which he was President when it disbanded in 1818. In 1790, Mr. Wharton became a member of the "Schuylkill Fishing Company, of the State in Schuylkill." In 1812, on the death of Samuel Morris, the venerable Governor of the Company, he was elected to fill the unexpired term, to which honorable position he was re-chosen for sixteen successive years, when, in consequence of the increasing infirmities of age, he tendered his resignation of office and membership.†

Mr. Wharton was a member of City Councils from 1792 to 1795. With him the power to rule and organize was a gift of nature, capable of constant improvement from contact with living men, and the moving world around him; hence it is not strange that Robert Wharton, after filling the position of Councilman for several years with dignity and honor, should have been advanced to one of greater responsibility, and that to the close of his life he should have held offices of high trust. His more prominent career began in 1796, when he

\* Robert Wharton's name appears in the Philada. Directory of 1785 as flour merchant, Water, between Walnut and Spruce Streets.

† Memoir of the Schuylkill Fishing Company.

was appointed alderman for the city, under the mayoralty of Hilary Baker, Esq. During this year a formidable riot occurred, which threatened to interfere seriously with the commercial interests of Philadelphia, as sailors, in large numbers, took part in the *melée*, and held possession of the wharves on the Delaware. Robert Wharton was empowered by Mr. Baker to act in his stead, and in meeting and quelling this insurrection, he signally displayed the executive ability and great personal courage, which were his distinguishing characteristics.

Another incident, which took place during Mr. Wharton's term of office as alderman, speaks most eloquently of his disregard of danger in the discharge of his duty. In 1798, the yellow fever broke out in the Walnut Street Prison, where several hundred persons were confined. Mr. Smith, the jailer, resigned his position, as did several deputy jailers, upon which Mr. Wharton volunteered his services as jailer, taking up his residence in the prison and fulfilling all the duties of the office. While the fever raged within the prison walls, some of the more desperate of its inmates planned an insurrection, in order to escape from confinement and the much dreaded pestilence.\* Being warned of the danger, Mr. Wharton, armed with a fowling-piece, and accompanied by several keepers provided with muskets, prepared to meet the insurgents. His company consisted of not more than seven or eight men, one of them being a colored prisoner, detailed for outside prison work, who entreated Mr. Wharton to permit him to bear arms in his service; after kneeling and taking the most solemn oath to defend the supporters of the law, this man was provided with a musket, and acquitted himself so bravely that he was subsequently pardoned. Passing through the first gate of the prison, Mr. Wharton turned the key of the gate which communicated with the cells in the west wing of the building, by which forethought he secured himself from trouble from that quarter; and entering the second gate, with

\* "The mutiny occurred in the yard, some of the prisoners, taking advantage of the visit of the physician, escaped from their cells and called upon the convicts in the yard to assist them."—*History of the Yellow Fever, 1798.*

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his handful of men stood ready to meet the convicts, who advanced armed with crow-bars, pickaxes, etc. The order was given to halt and surrender, and, being disregarded, Mr. Wharton gave the order to his own men to fire, which was immediately obeyed. Fire-arms, as usual when opposed to an undisciplined rabble, proved an all-sufficient argument, and the rioters finally yielded, two of their number having fallen mortally wounded. One of these men sent for Mr. Wharton, when dying, and said, "It is well for you that you conquered us, for if successful, we intended to plunder and burn the city." This prisoner had been wounded in two places, one ball being from Mr. Wharton's fowling-piece, the other from a musket; an autopsy proved that the ball which entered the vital part was a musket ball; this is Mr. Wharton's own account of the affair,\* although he was wont to add that he should not have hesitated to kill the man, as he was discharging his duty, and had taken aim with that purpose in view. Upon the assembling of the grand jury of the "Court of Oyer and Terminer" in the next year, Robert Wharton, who was then Mayor of the city, addressed the foreman, by letter, and requested an investigation of the circumstances connected with the rebellion in the prison, in these words: "Permit me, Sir, through you to request that the grand jury will be pleased to investigate the transaction; for although the verdict of the Coroner's inquest was clear and satisfactory, as far as laid with them, yet it certainly is a matter of too much importance (as the lives of two fellow creatures were taken) to last without a minute enquiry being made by your highly respectable body." The grand jury made a special presentment to the Court in Feb. 1799. . . . After relating the circumstances they presented "Robert Wharton and all his associates, as doing an act which was of imperious necessity and their duty as officers, men, and citizens, were not only fully justified, but which we further present as highly meritorious and deserving the thanks of their fellow citizens."

\* Communicated by his nephew, Mr. G. W. Wharton.

The Court received this document and ordered it to be put upon record.\*

The City Councils met Oct. 16, 1798, when Robert Wharton was unanimously elected Mayor of Philadelphia, succeeding Hilary Baker, who died of yellow fever Sept. 25, 1798. Mr. Wharton held this honorable position during the following years: 1798-99; 1806-07; 1809-10; 1814-19; 1820-24. Of the success and popularity of Mayor Wharton's several terms of administration, it is needless to dwell, his frequent re-elections to office proving the esteem in which he was held by his fellow-citizens. Many incidents are related of him, of his suppressing insurrections, preventing escapes from prison, and of ferreting out plots and counter-plots against the established authorities, all indicative of constant vigilance, keen insight into character, great presence of mind, and a singular intrepidity of spirit; qualities, which gained for him the confidence and affection of the people, and which, added to a good share of common sense and a jealous care of all that nearly concerned the interests of the city which he governed, have caused Mr. Wharton to be acknowledged, by thinking men, then and since, as one of Philadelphia's best mayors.

The following, which appeared in one of our journals, Jan. 18, 1829, proves that the earnestness in vindicating the law, which distinguished Mr. Wharton as a young man, was not wanting in later years.

On the evening of the 9th inst., about 4 o'clock, whilst the fire was raging at the warehouse of Mr. Albrecht, directly opposite the dwelling of the subscriber, in Third Street below Spruce, the front door of his house was repeatedly and violently assaulted by a mob of from ten to fifteen persons, who insisted on entering to obtain, as they said, victuals and drink. At that time a number of citizens, firemen, and others, whose presence on the occasion was known to be for useful purposes, had been admitted into the subscriber's house to partake of refreshment. Though frequently cautioned to desist, the mob persisted, and so far succeeded in the first instance as to prevent the door being shut, notwithstanding the efforts of several gentlemen to close it. The undersigned was then compelled to resort to

\* *Philada. Gazette*, March, 1799.

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more efficient means of defence. He threw open his door, and armed with an instrument of defence, he advanced to meet these lawless intruders: he again admonished them to desist, and assured them he would, at all hazards, defend his house from their intrusion. They were for a moment checked, but one of them, more resolute than the rest, swore he would enter, and at the head of his associates advanced for the purpose; a severe blow received by him at the threshold of the door, stopped, however, their progress. The door was then closed and fastened. Shortly after they renewed the attack, and by violence, split and started one of the panels of the door. A gentleman in the entry heard them propose to set fire to my house, and they immediately introduced fire under the door, which was extinguished by the same individual. The undersigned deems it a duty he owes to his fellow-citizens, as well as to himself, publicly to state these circumstances, and to offer a reward of Twenty Dollars for the discovery and conviction of all or any of the individuals concerned in the outrage.

ROBERT WHARTON.

In politics he was an ardent federalist. The following is an extract from a letter written to his brother, Colonel Franklin Wharton, in 1808.

"Our city as to traffic is almost a desert, wharves Crowded with empty Vessels, the noise and buz of Commerce not heard, whilst hundreds of labourers are ranging the streets without employ, or the means of getting bread for their distressed Families, this is the blessed fruit of Creeping within our Own Shell—not so in the days of Washington, when difficulties approached, our Country assumed a bold attitude, gave employ to our brave seamen, mechanics, and others, and convinced our opponents we were not to be Dragooned into their Views."

Mr. Wharton was elected a member of the City Troop, June 19, 1798, and became its Captain Aug. 15, 1803, "without having served in any of the intermediate grades." Subsequently, on the formation of a regiment of cavalry by the city and county of Philadelphia, he was elected its Colonel, and was then, June 14, 1810, placed upon the Honorary Roll of the Troop. In 1811, Colonel Wharton was elected Brigadier-General of the 1st Brigade Pennsylvania Militia. In 1814, when the troop went into active service, although fifty-seven years of age, he volunteered, and served in the field as a private

soldier, under his former lieutenant, Captain Ross. In October, of the same year, when a Committee of Councils of Philadelphia waited on him to inform him of his recent re-election as mayor of the city, they found him in camp, busily engaged, taking his turn as company cook. It was only upon their earnest solicitation that he was induced to accept his discharge and return to Philadelphia.\*

Mr. Wharton was vice-president of the Washington Benevolent Society, his name being first on the list of original subscribers. He was m. Philada. Dec. 17, 1789, by Bishop White, to Salome dau. of William Chancellor, by his wife, Salome Wistar. He d. in Philada., March 7, 1834. He had two children, who d. before him.

98. JOSEPH, b. May 31, 1791; d. June 4, 1791.

99. ROBERT OWEN, m. Charlotte Musgrave, and d. s. p. She afterwards m. Tyler.

31. RACHEL WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Aug. 27, 1762; m. Dec. 13, 1781, William son of Robert Lewis, by his wife, Mary Pyle, and d. 1836. He d. Nov. 6, 1801, aged 53. They had seven children.

100. JOSEPH WHARTON, b. Jan. 27, 1783; d. Oct. 20, 1805.

101. ROBERT MORTON, b. Aug. 20, 1786; m. Martha R. Stocker.

102. WILLIAM, b. Sept. 15, 1788.

103. WHARTON, b. July 23, 1791; m. Frances Cuthbert, and d. s. p. Nov. 8, 1857.

104. FRANKLIN, b. June 12, 1794; d. June 26, 1794.

105. HANNAH OWEN, b. June 6, 1795; m. Richard Wistar.

106. ANNA MARIA.

33. FRANKLIN WHARTON<sup>4</sup> (Joseph,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. July 23, 1767; m. at Christ Church, Philada. Oct. 1, 1800, Mary dau. of William Clifton. She d. in Washington, Aug. 31, 1813. He was appointed Colonel Commandant of the U. S. Marine Corps, under the administration of James Madison.

Colonel Wharton died in New York, Sept. 1, 1818, and was buried in the churchyard of old Trinity. The following is

\* "His 'First Troop City Cavalry.'"

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the announcement of his death in the Washington "National Intelligencer."

"At New York, on the 1st instant; Lieutenant-Colonel Franklin Wharton, Commandant of the Marine Corps, and for many years a resident of the headquarters of the corps in this city. His conduct through life was marked with every virtue that could dignify the man; and the sincere affection of his numerous relatives and friends bears ample testimony to the amiable and honorable qualities of his heart. He has left six sons to lament the loss of a father whose paternal care and kindness were most exemplary. Respected and beloved by those who knew him well, the society of Washington will long lament, in the decease of Colonel Wharton, the loss of one of its most benevolent and hospitable members."

He had eight children.

- 107. CLIFTON, b. Oct. 22, 1801; m. Oliveretta Ormsby.
- 108. GEORGE WASHINGTON, b. May 12, 1803; m. Emmeline D. Stout.
- 109. FRANKLIN, b. June 3, 1804; m. 1st, — Baylor; 2dly, — Walker; 3dly, Octavia Coycault.
- 110. WILLIAM LEWIS, b. Dec. 17, 1805; m. Ellen J. Brearley.
- 111. ELLEN CLIFTON, b. May 18, 1807; d. Jan. 7, 1808.
- 112. ANNA MARIA, b. 1808; d. Aug. 22, 1809.
- 113. ALFRED, b. June 1, 1810; m. Adelaide C. Passage.
- 114. HENRY WILLIAMS, b. Sept. 27, 1811; m. Ellen G. Nugent.

34. REYNOLD WHARTON<sup>5</sup> (James,<sup>4</sup> John,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>). His name appears in Philada. Directory, 1785, as shipbuilder, Front St., Kensington. He had two sons, who are named in their grandfather's will.

- 115. JAMES.
- 116. JOSEPH.

37. PEREGRINE HOGG WHARTON<sup>5</sup> (James,<sup>4</sup> John,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), b. Feb. 14, 1765; m. Jane, dau. of Benjamin Brown, b. May 17, 1776. He d. May 27, 1811. They had ten children.

- 117. ANTHONY MORRIS, b. June 19, 1794; d.
- 118. PEREGRINE, b. Dec. 2, 1795; d. Dec. 7, 1795.
- 119. WILLIAM, b. Nov. 13, 1796.
- 120. FREDERICK AUGUSTUS, b. August 13, 1798.
- 121. HENRY, b. Sept. 4, 1800; d. March 5, 1804.
- 122. LEWIS, b. Oct. 24, 1802.
- 123. MARY ANN, b. Aug. 17, 1804; m. Samuel P. Griffiths.

- 124. CLEMENTINE, b. Oct. 26, 1806; d. May 1, 1810.
- 125. CHARLESS, b. Dec. 16, 1808; d. Dec. 18, 1808.
- 126. JANE, b. Nov. 12, 1809; d. infant.

38. GEORGE WHARTON<sup>5</sup> (James,<sup>4</sup> John,<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), m. Mary, dau. of James Doughty. She d. Oct. 31, 1832, aged 55 years, 9 mo. They had nine children.

- 127. JANE, m. 1st Daniel Morris; 2dly, Thomas Pickering.
- 128. CHARLES DOUGHTY, b. Feb. 27, 1798; m. Maria Donnel.
- 129. JOSEPH, m.
- 130. GEORGE, d. infant.
- 131. MARGARET DOUGHTY, m. David Stuart.
- 132. REBECCA LOUISA, d. unm.
- 133. GEORGE, m.
- 134. WILLIAM.
- 135. EDWIN, d. infant.

42. KEARNEY WHARTON<sup>5</sup> (Thomas, Junr.,<sup>4</sup> John<sup>3</sup> Thomas,<sup>2</sup> Richard<sup>1</sup>), m. Nov. 11, 1795, at Magnolia Grove, her father's house on the Delaware, Maria dau. of John Saltar, by his wife Elizabeth Gorden. She d. June 16, 1867, aged 92. Mr. Wharton was elected President of the Common Council of Philada. Oct. 16, 1798. In 1799, his name is affixed to an address from the Select and Common Councils, on the subject of supplying the city with wholesome water, and subsequently to "An Ordinance Providing for the raising of a Sum of Money on Loan," for the same purpose.\* He d. Jan. 4, 1848, aged 82, and was bu. at Oxford Church. He had six children.

- 136. THOMAS LLOYD, b. 1799; m. Sarah A. Smith.
- 137. LLOYD, b. Feb. 25, 1801; m. Margaret A. Howell.
- 138. JOHN SALTAR, d. unm. Aug. 10, 1835, aged 36.
- 139. ELIZABETH SALTAR, b. 1803; m. Thomas Morris.
- 140. GEORGE SALTAR, d. unm. Aug. 7, 1844, aged 33.
- 141. JAMES SALTAR, b. 1817.

\* "True American," Feb. 1799.

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THOMAS WHARTON, JUNR.

FIRST GOVERNOR OF PENNSYLVANIA UNDER THE CONSTITUTION OF '76.

[REPRINTED FROM THE PENNSYLVANIA MAGAZINE.]

It seems strange that the history of Thomas Wharton, Junr., a man, whose life was so closely linked with that of the Commonwealth of Pennsylvania, whose affairs he administered during the darkest period of the great struggle in which she and her sister Colonies were engaged, is not more widely and intimately known. One most obvious reason for this is to be found in the circumstance of his early death, which abruptly terminated a useful and honorable career; for considerable as were the services which he had already rendered his country, the potentialities of the future were even greater, and without doubt he, who had acquitted himself so creditably, would, had he lived to see the new government permanently established, have continued to hold positions of honor and trust in his native State. Furthermore, it has been said: "Full justice has never been done to the magnanimity and ability of Pennsylvania statesmen and warriors during the Revolutionary contest. The quiet and unpretending character of her population has caused the historian, in a measure, to overlook their merit in the council and in the field."<sup>1</sup> This is doubtless true; and true it certainly is, that, at this period, as in all such national epochs, some characters stood forth in strong relief, their very presence moved assemblies, their words resounded like clarion notes through the length and breadth of the land; while others, not less important, filled in and balanced the picture, among the latter was Thomas Wharton, whose public record has never been separately transcribed. It is only by reading the history of Pennsylvania, during those momentous years from 1774 to 1778, that

<sup>1</sup> Gordon's *History of Pennsylvania*.

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we trace that of Governor Wharton. From the pages of her records and archives, full of important orders emanating from him at trying crises; or in glancing over the journals of the day, which abound in proclamations that even now stir us by their tone of deep and earnest patriotism, their ringing calls to arms and their eloquent appeals to the nobler impulses of mankind, we gain some insight into the character of the man, of which few written expressions are left us.

John Wharton, the father of Thomas, was a resident of Chester County, certainly, from the time of his marriage in 1727 until 1740, as his name appears in the assessment lists of the county during those years. In the marriage records of Chester meeting he is set down as "John Wharton, saddler, son of Thomas of Philadelphia," from which we learn that he, in common with others of his family, and many fellow-members of the Society of Friends, carried out the views of William Penn in this matter of the learning of trades; the Proprietary having left directions in his family memoirs that his children should be brought up in the practical knowledge of trades; "so that they should not only respect the useful occupations of persons who were dependent upon them, but have them to resort to in the vicissitudes of life." The exact location of the dwelling of John Wharton has not been determined, as many early deeds were unrecorded; those still extant tell us that he, in 1733, purchased a lot on Front Street and Chester Creek, in the old town of Chester (now in Delaware County), next his other property; and that, in 1736, he bought eight and a quarter acres of marsh and upland in Chester from James Sandelands.

Brief and scant is the chronicle left us of the early life of Thomas Wharton, Junr., so called to distinguish him from a cousin some five years his senior. Born about 1735, it is reasonable to conclude that his home for some years was his father's house in Chester; and, from the position occupied by him in after years, that he subsequently enjoyed better educational advantages than that borough then afforded. He certainly removed to Philadelphia previous to 1755, as he was then an apprentice to Reese Meredith, in confirmation of which

we have a receipt bearing that date signed "Thomas Wharton, Junior, for my Ma<sup>r</sup> Reese Meredith." During the years that followed he was actively engaged in mercantile pursuits in this city, having at one time a business connection with Anthony Stocker, of whom he speaks in a letter written from Lancaster, December, 1777, as "my late partner, Mr. Stocker," lamenting the death of this gentleman "in its consequences to the firm of Stocker & Wharton." In 1762 Mr. Wharton's business had increased to such an extent that he was known as one of the principal importers of the city, as is shown by Custom House Bonds of that date. That he, during the years in which he was free from public responsibilities, entered into the social life of the capital there can be little doubt, as he numbered among his friends men of influence and culture; in 1760 his name appears among the members of the Schuylkill Fishing Company, of which exclusive little Colony his brother James was then "sheriff."

Although his grandfather was a member of the Society of Friends, at the time of his marriage in 1688, and some years anterior to that event, Thomas Wharton, Junr., was descended from a family originally belonging to the Church of England; whether or not he ever *formally* gave back his allegiance to the faith of his fathers is not known. His marriage with Miss Lloyd was solemnized in Christ Church, Nov. 4, 1762; and through the whole of his public career he was known, if not as a member of that congregation, as in sympathy with its order of worship. The Lloyd family, with which Thomas Wharton allied himself, was descended from the ancient Welsh stock of Lloyds of Dolobran in Montgomeryshire. Susannah Lloyd was the daughter of Thomas Lloyd, and consequently the great-granddaughter of Thomas Lloyd, who, as President of the Council, acted as Deputy-Governor of the Province during the absence of William Penn.

On the passage of the Stamp Act, Thomas Wharton espoused the cause of the Colonies, taking a resolute stand on the side of the opposition with which the attempt to enforce it was met. His name was one of the first to be affixed to the Non-Importation Resolutions and Agreements of 1765, where it

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appeared in company with that of Thomas Wharton, Senr., and other members of his family. During the years of comparative tranquillity succeeding this important step, he carried on his business in Philadelphia, daily increasing his reputation as a man of practical ability, and winning the confidence of a community that later placed its highest interests in his keeping. Finally, when moderate measures seemed no longer expedient or justifiable, when, in the spring of 1774, the news of the blocking up of the Boston harbor sounded through the land a sad requiem for the liberties of the Colonies, Wharton, with many leading spirits of the day, recognizing that the hour had arrived for vigorous and sustained opposition to British aggression, and acting consistently with former professions, openly ranked himself with the Revolutionary party, from which position no side issues or private interests ever caused him to swerve.

Great was the sympathy felt for the Bostonians, when news of this fresh act of tyranny reached Philadelphia, in consequence of which a meeting of some of her influential citizens was called hastily together, in the long room of the City Tavern, to confer upon measures for their relief. This meeting of the 20th of May has occupied so prominent a place in the history of the time, that it needs no more than passing mention, and justly does it hold its high rank, being of immense importance, as a first step, a primal act in the grand drama of the Revolution. On this occasion, letters from the Boston Committee were read, after which it was "Agreed, That a Committee be appointed to correspond with our sister Colonies." Among those chosen to form this Committee of Correspondence was Thomas Wharton, Junr., who was present when the letter to Boston was prepared;<sup>1</sup> a letter, says Mr. Bancroft, which "for the coming year was to control the councils of America." One of the duties of the Committee was to call on the Governor to convene the As-

<sup>1</sup> In Force's *American Archives*, vol. i. iv. Series, p. 340, it is stated that Thomas Wharton, Junr., was absent from this meeting; we, however, learn from the MS. of Rev. William Smith, D.D., that he was present at the drawing up of the Boston letter.

sembly of Pennsylvania. This, as was anticipated, the Governor refused to do, saying that he did not consider that the exigencies of the case warranted such a measure. Meetings of the citizens in large numbers, however, continued to be held. On the 22d of June, Thomas Wharton, Junr., was again placed on a committee with Joseph Reed and John Nixon, whose duty it was to call upon the Speaker of the Assembly, and request him to summon its members to meet on the 1st of August to consult on public affairs.<sup>1</sup> The refusal of Governor Penn to convoke the Assembly gave the patriotic citizens of Philadelphia an opportunity for independent action, which they signalized by calling together a convention of representatives from the different counties of the Province, for the 15th of July, 1774. At this Provincial Convention of deputies Thomas Wharton, Junr., and Thomas Wharton, Senr., were present as representatives from the city and county of Philadelphia.<sup>2</sup> At some of the important meetings ensuing, the name of Thomas Wharton, Junr., is noticeable from its absence; the only explanation of this fact that suggests itself is the quaint Scriptural excuse given to a Judean host, in the parable spoken more than 1800 years ago: "I have married a wife: and therefore I cannot come;" his second marriage, with Miss Fishbourne, being entered into in December, 1774.

Like the first wife of Thomas Wharton, Elizabeth Fishbourne belonged to a family which numbered among its members men distinguished in the early history of the Colony; her grandfather was William Fishbourne, a member of the Provincial Council, while her great-grandfather was the well-known and much-honored Samuel Carpenter.

On the 30th of June, 1775, when the news of the battle of Bunker Hill was a fresh story to the community, the Assembly of Pennsylvania resolved that a Committee of Public Safety should be appointed. Thomas Wharton, Junr., was one of the twenty-five citizens who formed this Committee, whose duties were arduous and important. From the number

<sup>1</sup> Gordon's *Hist. Penna.* p. 490.

<sup>2</sup> Force's *Am. Archives*, vol. i. iv. Series, p. 555.

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and variety of the sub-committees on which he was placed, we learn that he early became one of its most active and efficient members. The Committee of Safety, appointed by the Resolves of the Assembly of Pennsylvania, was re-appointed October, 1775, with the addition of several new members; and continued in active administration of the military affairs of the Province until the momentous summer of 1776, when the Convention of the Commonwealth, called together to frame a new Constitution for the Province of Pennsylvania, (in accordance with the Resolve of Congress of May 10th),<sup>1</sup> assumed entire political power. On the 24th of July, a Council of Safety was established, in which the Convention vested the executive authority of the government until the new Constitution should be put into operation. Thomas Wharton, Junr., who had given abundant proof of his zeal and ability when a member of the late Committee of Safety, was now chosen President of this newly formed Council. He was duly inaugurated the following month, with David Rittenhouse as Vice-President.

Although it is not our purpose to attempt a thorough discussion of what have been fitly named, "the tangled politics of those 'days;'" or to fully consider the merits of the Constitution of '76 and the vigorous opposition which it encountered, it seems to fall within the province of the biographer of Thomas Wharton to touch briefly upon such public events as are intimately connected with his history, and finally led to his election to the office of Chief Executive of the Commonwealth under the Constitution.

The political record of Pennsylvania at this period presents so curious a page, that it is difficult now to unravel its intricacies sufficiently to discover what were the vital points at issue. A new order of things was about to be in-

<sup>1</sup> "That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general."—*Journals of Congress*, 1776, vol. ii. p. 158.

augurated; old party lines had been obliterated, the Declaration of Independence having compelled many Tories to take refuge with the enemy, or, for present security, to seek shelter in silence. There also remained the Quakers, a large and opulent class, who, as the original settlers of the soil, had in the early days of the Province held high trusts in the community; men who loved liberty, who had left their native land to secure it, yet who disapproved of fighting for it. Unwilling to take oaths, or take up arms, they yet owned themselves content to render passive obedience to the authorities in power—a difficult element to deal with, as we shall see. Naturally, those Friends who conformed strictly to the tenets of the Society entirely withdrew from public life.

The citizens, therefore, who took an active part in the affairs of the day, entertained but one idea with regard to the prosecution of the war, although in State politics they were sadly divided. No sooner was the Constitution promulgated than it met with the most violent opposition; some of those who had been instrumental in calling together the Convention that framed it now taking a stand against it, because they disapproved of the manner in which the work had been performed. Others, and among them many leading public men, clung with affection to the old Provincial Charter, and could not think that the Resolution of Congress applied to Pennsylvania. Deeply impressed with the greatness of the issues pending and of the importance of doing nothing hastily or rashly, they paused, amid the rush and jar of rapidly succeeding events, to consider how much the new regime must of necessity encroach upon the old, and were only tolerant of such changes in the legislation of the Commonwealth as seemed absolutely essential to its existence and growth. These statesmen contended that, with some slight alterations, the old government could be made to answer the requirements of the hour, and with them sided the residue of the Tory element, and such members of the Society of Friends as took any part in politics.

Many and various were the arguments brought to bear against the Constitution, for instance, that in it, the "Christian

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religion was not treated with proper respect;" that it unnecessarily deviated from all former government of the State, etc. Probably the most forcible plea of the opposition, was, that the Provincial Conference which called the Convention had *usurped* the power to use legislative authority, and that the Constitution itself had been put in force without being submitted to the consideration of the people. These facts could undoubtedly be substantiated, and it must be confessed that the only rights possessed by the Convention were those of revolution. The unpopularity of the Constitution was augmented by the resolution, that no plan for its amendment should be formally considered, until after the expiration of seven years, and then only on the agreement of a two-thirds majority, to be convened within two years after that date. Hence, there being no means of speedy redress, its indignant opponents gathered together in large numbers to rehearse their wrongs; while the newspapers of the day, with prophetic vision, and in language suited to the occasion, declared that they saw, in the near future, the oppression and tyranny of the Middle Ages rising, phoenix-like, from the ashes of their desecrated liberties, in brief, that the yoke of Great Britain was preferable to that of the legislators of Pennsylvania.

On the other hand, the Constitution was not without its warm advocates, and to these the authority under which it was formed appeared ample. They saw in it the means of giving the cause of the Colonies all the aid Pennsylvania could yield. It strengthened the hands of a class to whom participation in public affairs was new, and the honors of office sweet, and, as it increased the number of electors, it is not surprising that it called to its support all who were indebted to it for the right of suffrage.

The new frame of government vested the Legislative power in a House of Assembly, and the Executive power in a Council to be composed of twelve members, one from each county of the State and one from the city of Philadelphia. At a town meeting, held in the latter place, October 21st, it was urged that no Councillors should be chosen, and that the Assemblymen should be absolved from taking the oaths re-

quired of them; also, that the Constitution should be at once amended, and then submitted to the people. This course was so far successful that it prevented the new government from being put into effect until five months after it had been declared the law of the land. Councillors were not chosen in Philadelphia, city or county, and, of those elected elsewhere, the number sufficient to form a quorum do not appear to have been willing to serve. While this political conflict was running highest in and around Philadelphia, the invasion of New Jersey by the British, and rumored advance toward that city, caused great confusion in Pennsylvania. The Assembly, which had met on the 28th of November, separated on the 14th of the following month, not to re-unite until the 13th of January. To provide for the exigencies of this trying period, when even Washington almost despaired; when he wrote to his brother: "If every nerve is not strained to recruit the new army with all possible expedition, I think the game is pretty nearly up;" Thomas Wharton, as President of the Council, issued numerous orders to hasten the advance of the militia; calling upon the inhabitants of the Commonwealth, who had been accused of lack of enthusiasm, to come forth without delay to the assistance of their "worthy General Washington and their invaded brethren in the Jerseys;" entreating them to suspend their ordinary occupations and engage solely in guarding their liberties, to consider that, and that only, the business of the hour. To the Commander-in-Chief he wrote, a few days later, "I assure you, Sir, this Council will not suffer anything to abate their exertions, but that they will use every hour which the enemy shall delay their approach, in preparing for the defence of this city and State in the best manner possible, and shall most cheerfully afford your Excellency every assistance in our power."

Mr. Wharton remained in Philadelphia during this time of suspense, exercising the authority vested in him, and must by his presence, as well as by his prompt and judicious measures, have contributed not a little to encourage the people, and to

<sup>1</sup> *Forbes's American Archives*, 5th Series, vol. iii. p. 1276.

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inspire them with the confidence of which they were soon to give proof.

On the 27th of December, came Washington's letter to Congress, announcing his victory at Trenton, on the morning of the 26th, whereupon Thomas Wharton wrote at once to the President of Congress: "We are sending off reinforcements of Militia, in hopes that this very important blow may be followed up. The great advantage which will arise to our cause must be apparent. Our Militia were turning out by degrees, but this will give them a new stimulus; and we are in hopes our worthy General will not remain without proper succours . . . We have it also from good authority that many of the British light-horse are taken; the riders thinking their situation rather dangerous took to their heels and escaped."

Immediate danger to the capital being averted, Congress, which had adjourned to Baltimore, resumed its sessions in Philadelphia. The humiliating position in which Pennsylvania had been placed by this ill-timed dispute, which was only suspended by the threatening of danger from without, seems to have turned the tide of popular opinion in favor of the new government. When, in February, 1777, an election was held for the choice of Assemblymen in place of several who had declined to act, Thomas Wharton, Junr., was elected Councillor from Philadelphia, which city the November previous had decided, by two-thirds of her votes, that no such officer should be chosen. With Mr. Wharton added to their number, the Councillors who were willing to serve were enabled to organize the Supreme Executive Council, and thus complete the new government; this was done on the 4th of March; General Assembly and Council then uniting to elect Thomas Wharton, Junr., President of the latter body, with George Bryan as Vice-President. Although Thomas Wharton has been spoken of as an ardent Constitutionalist, we find nothing to justify such a statement beyond the circumstance of his having acceptably filled the position of first Constitutional Governor of Pennsylvania, and are disposed to rank him among the more moderate supporters of the new system,

Indeed, the fact of his being brought into the political arena at that time tends to confirm the idea that he was regarded as a conservative—a candidate, whom it was held men of conflicting views would unite to elect, trusting to his being less influenced by party prejudice than by his desire to serve the State.

His views on this subject seem fairly set forth in the following letter, addressed to Arthur St. Clair soon after the adoption of the Constitution: "True it is, there are many faults which I hope one day to see removed; but it is true that, if the Government should at this time be overset, it would be attended with the worst consequences, not only to this State, but to the whole continent in the opposition we are making to Great Britain. If a better frame of government should be adopted, such a one as would please a much greater majority than the present one, I should be very happy in seeing it brought about; and any gentleman that should be thought by the public qualified to take my seat, should have my hearty voice for it. My ardent ambition never led me to expect or ask for it; if I have any, it is to be thought, and to merit, the character of an honest man. I feel myself very inadequate to the station I am in; but some that were fit for it have either withdrawn themselves entirely, or are opposing the Government. However, as it is in the power of every man to act with integrity and uprightness, he that does that will at least have the approbation of his own conscience, and merit that of the public."<sup>1</sup>

The earnest and manly spirit of this letter, read in the light of his previous and subsequent career, makes the character of Thomas Wharton stand out in some sort of relief against the confused background of the labyrinthine politics of the day, and is of value to us as it explains clearly his motives in accepting the position under the Constitution to which he was elected.

Those of the people in choosing him, at this time, are more

<sup>1</sup> From a MS. letter furnished by G. M. Wharton, Esq.; first published in *Armor's Lives of the Governors of Pennsylvania*.

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obvious; in addition to that already given, we find a stronger reason for this selection in the fact that hitherto he had proved himself entirely worthy of the confidence reposed in him. As President of the late Council of Safety, Mr. Wharton had filled with honor a position of trust, hence it is not strange that he should have been offered one of greater responsibility under the new government. It seemed, indeed, as if by mutual attraction, the best minds in the country were drawn together; and that with an insight born of the necessities of the hour men recognized each other's worth, and discerned in what field their talents would be best developed for the good of the common cause: Thomas Wharton's were pre-eminently administrative; from one important position in the State he was raised to another, until finally called upon, amid the bitter political disputes of 1777, to fill the most elevated she could offer him, as President of the newly-formed Supreme Executive Council of Pennsylvania. This body, while discharging the duties of Council of Safety, embraced a much wider range of power; the latter was little more than a revolutionary committee, charged with the raising and equipping of troops; while upon the former devolved all important functions of the Commonwealth.

On the 5th of March, the new President was duly inaugurated, with the following imposing ceremonies:—

“Wednesday, at noon, ‘His Excellency, THOMAS WHARTON, Junr., Esq., President of the Supreme Executive Council of the Commonwealth of Pennsylvania, Captain-General and Commander-in-Chief in and over the same,’ was proclaimed at the Court House, in the presence of a vast concourse of people, who expressed the highest satisfaction on the occasion by unanimous shouts of acclamation.

The procession began at the State House, and was conducted in the following order, viz.:—

Constables with their staves,  
Sub-Sheriffs,  
High Sheriff and Coroner,  
Sergeant-at-Arms,  
The Hon. Speaker of the House—Clerk of the House on his right hand,  
Members of the Assembly,  
President and Vice-President,  
Members of the Supreme Executive Council,  
Gentlemen Members of the Council of Safety and Navy Board.

Proclamation being made by the High Sheriff commanding silence, on pain of imprisonment, the President and the Hon. Speaker of the House of Assembly came forward. The Clerk of the House then published the election of the President and Vice-President, as made and declared by the General Assembly and Supreme Executive Council, and proclaimed the President.

On the signal from the acclamations of the people, thirteen cannon were fired from the brass field-pieces taken from the Hessians at Trenton.

The procession then returned:—

Constables with their staves,  
Sub-Sheriffs,  
High Sheriff and Coroner,  
His excellency the President and the Vice-President  
Members of the Supreme Executive Council,  
Sergeant-at-Arms,  
The Hon. Speaker of the House—Clerk of the House on his left hand,  
Members of the General Assembly,  
Gentlemen Members of the Council of Safety, and the Navy Board.

And dined together at the city tavern, where an entertainment was provided by order of the House. The Members of Congress then in the city, and the General Officers of the Army of the United States of America being also present. [After dinner 17 toasts were drunk under the discharge of cannon.] The bells of the city were rang, and the whole was conducted with the utmost decency, and no accident happened of any kind.<sup>21</sup>

<sup>1</sup> *Penna. Gazette*, March 12, 1777.

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Thus, from certain circumstances of position and traits of character, it became Thomas Wharton's appointed task to draw together the adverse elements in his native State; and nowhere do we read his eulogium more eloquently pronounced than by the voice of the people, who met the announcement of his election with shouts of joy. This unanimity of sentiment, at a time when the elevation to the Chief-Magistracy of one who supported the Constitution might have been met with disapprobation and opposition, speaks volumes for the popularity of the man, and was of great benefit to the country. In his union of the various parties in the community, in his imbuing them with a sense of the oneness of their interests; in his husbanding and developing the resources of the Commonwealth, and in placing her welfare, as part of the great national whole, before every other consideration, we read the story of a wise administrator and disinterested patriot.

An immense amount of business, civil, military and financial, was executed by the Council during the calm of this summer, which, like the breathless stillness that precedes a storm in nature, was the harbinger of the tempestuous and eventful fall and winter of '77 and '78.

## CHAPTER II.

The 4th of July, 1777, was celebrated in Philadelphia with public demonstrations of joy; a few days later news reached the city of Sir William Howe having sailed from Sandy Hook, and various were the surmises as to his destination, which were turned into murmurs of alarm when it was ascertained that he had landed his army at the Head of Elk, less than a hundred miles from the capital.

In the midst of active military preparations, while the threatening of invasion hung like a cloud over the city, a perplexing matter of home discipline was laid before President Wharton and the Council: Congress, deeming the continuing at large of certain disaffected persons, in Pennsylvania and Delaware, inimical to the cause of the Colonies, ordered the arrest of such by the executive officers of those Provinces. On the 31st of August, David Rittenhouse, Colonel William Bradford and others waited upon the Council, in consequence of an invitation from that body, when a Resolve of Congress of the 28th instant was read to them, in confidence, and their assistance requested in making out a list of persons suspected of being dangerous to the State.<sup>1</sup> The list, then formed, contains the names of some forty highly respectable citizens, most of whom belonged to the Society of Friends, although among the number were those of two clergymen, and that of one Thomas Pike (dancing

<sup>1</sup> Nearly at the same time, as appears in the Minutes of Congress, Aug. 28, 1777, there had been transmitted to it a letter from Gen. Sullivan, enclosing a paper said to have been found among baggage taken at Staten Island. This paper professed to contain information from a yearly meeting of Friends, said to have been held at Spanktown, N. J., Aug. 19th.—*Exiles in Virginia*, p. 36.

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master). Some of these gentlemen were paroled, giving a verbal promise not to leave their houses, write, or give any intelligence to the enemies of the Colonies; among the latter was no less patriotic personage than Samuel Shoemaker, who earnestly protested to his disapproval of the proceedings of certain leading Friends. Although, as appeared from the report presented to Council on the 3d of September, no papers of a dangerous character were found in the possession of the persons named, some twenty of them were put under arrest, and confined in the Free Mason's Lodge in this city. On the 5th of September, a remonstrance from the prisoners was laid before Council by President Wharton, upon which it was ordered that the said remonstrance be presented to Congress, and that the question of the release of the gentlemen in the Lodge, on their subscribing to the oath of allegiance to the State, be also referred to that body.<sup>1</sup>

Without pausing to dwell on the smaller details of this affair; or to quote the numerous and pathetic remonstrances of the Friends, or the correspondence that passed between Congress and the Council,<sup>2</sup> whose pleasure it seemed to be to bandy the matter between them, for a time, without approaching any adjustment of the difficulty; it is sufficient to say that the prisoners refusing to comply with the terms proposed, the Supreme Executive Council, on the 9th of September, in view of the approach of the enemy, issued an order for their speedy removal to Staunton, Virginia. On the 14th of September, when the prisoners had advanced on their journey as far as Pottsgrove, Levi Hollingsworth and Benjamin Bryant overtook them with writs of *habeas corpus* for nine of their number, granted by Thomas McKean. Two days later, however, a bill passed the House of Assembly, which justified the President and Council in their proceedings against the prisoners. "It was," says one of their number, "to suspend the Habeas Corpus Act, and deprive us and others from a trial, and the rights and privileges secured by the law to

<sup>1</sup> Minutes of Supreme Executive Council.

<sup>2</sup> All of which are given at length in the "Minutes of the Supreme Executive Council," and in Thomas Gilpin's *Exiles in Virginia*.

freemen." Such, indeed, it seemed, when, empowered by this bill, President Wharton, disregarding the writs "allowed" by the Chief-Justice of the Commonwealth, issued a second order for the removal of the Friends, this time naming Winchester, Virginia, as the place of their exile. Thus, these twenty citizens, numbering among them such men as Edward Penington, the Fishers, Thomas Gilpin and Thomas Wharton (own cousin of the President), were banished from the Province which their ancestors had settled, a little less than a hundred years before, and which it had been their pleasure, and part of their religion, to hold as an asylum for the oppressed and persecuted from all nations.

This, in brief, is the outline of a transaction that must have caused excitement, dismay and indignation in the Quaker City, only exceeded by that produced by the entrance of the British a few days later. A transaction, which viewed with the impartiality that a hundred years lend to those who scan the pages of history (due allowance being made for the fact that in the hurry and confusion of the hour, the President and Council had little time to deliberate upon the matter), can scarcely be considered as other than an act of flagrant injustice. The banishment of these gentlemen from their homes, without allowing them time or opportunity to provide for the support of their families during the coming winter, without fully informing them of the "head and front of their offending;" because they refused to take certain oaths (it being against the tenets of their religion to take an oath), or to sign the prescribed parole; and who perhaps became *irritatingly conscientious* when the matter was pressed home to them, seems to us a violation of the rights of citizenship: a measure more worthy of John Adams and John Hancock of Massachusetts, by tradition antagonistic to Quakers, than of the Pennsylvanians then at the head of affairs. It is not strange that the former should have considered them dangerous and turbulent citizens; but it does seem remarkable that those who lived in daily intercourse with them should have permitted men of known reliability

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and integrity of character to rest under charges which they could not themselves have believed.<sup>1</sup> This, too, when had milder measures been used toward them, from the outset, instead of the military rule which seemed in itself an insult to their profession, they would doubtless have yielded to the necessities of the case. Be it remembered, also, that citizens far more inimical to the interests of the Commonwealth were allowed to remain in their homes in peace and security, there to receive the red-coated warriors with greater demonstrations of joy than would have been consistent from "them that are clothed in drab," and to enjoy with them the comforts of the Capital during the winter of '77 and '78. Although it has been urged, in extenuation of the course pursued by him, that President Wharton acted *ex officio*, he has been severely censured, and not alone by Friends. That he himself instigated any of the stringent measures used toward the banished citizens has never been charged against him; yet his most partial biographer cannot excuse him for not throwing the weight of his influence on the side of the Friends, who were, as far as known, taking no means to aid the enemy. Aside from the arbitrary nature of the proceeding, what possible benefit to the Commonwealth could the President have expected to result from it? If an example were needed, certainly a more noted one could have been found than these peace-loving citizens, of whom even John Adams remarks, and with singular inconsistency in view of the part taken by him in the expulsion of the Quakers: "From these neither good is to be expected, nor evil to be apprehended. They are a kind of neutral tribe, or the race of the insipids." On the other hand, although these are days when no biographer is expected to be a Boswell, it is but just to say that President Wharton's conduct in this affair was in perfect conformity with his views and professions; none, who are familiar with his letters and proclamations, can remain ignorant of the fact that his patriotism was of so intense and

<sup>1</sup> Nine of these gentlemen had signed the Non-importation Agreement of 1765.—*Exiles in Virginia*, p. 46.

devoted a nature that he could brook no half-way measures in others; in his eyes those who did not dedicate themselves heart and soul to the cause of liberty deserved to be ranked with her declared enemies. It must also be taken into consideration, that the seeming lack of consistency in many of the Friends led to the gathering of the vials of wrath that were now poured upon their devoted heads; admitting as they did the injustice of Great Britain, they had, from the beginning, opposed hostile measures, and had repeatedly called upon their members to refrain from taking part in the same, crying out, "Peace, peace, when there was no peace." Furthermore, the Friends formed but a small portion of those who were apprehended during this fall and winter; the large number of disaffected persons in and around Philadelphia seeming to call for vigorous action on the part of the Council, in view of the approach of General Howe toward the capital. Thus, with the sound of the enemy's gun in their ears, expecting each morning that the sun rose upon the city that it would set upon a foe encamped within her gates, some excuse may be found for those at the head of affairs in Pennsylvania, if, like others in similar positions, in order to escape the labor of solving a perplexing question, they banished it far from sight and hearing.

On the 10th of September, 1777, a proclamation was issued over the signature of the President, which concluded with the following spirited period:—

"The Council therefore most humbly beseech and intreat all Persons whatsoever, to exert themselves without delay, to seize this present opportunity of crushing the foe, now in the bowels of our Country, by marching forth instantly under their respective officers, to the assistance of our great General, that he may be able to environ & demolish the only British army that remains formidable in America, or in the World. Animated with the hope that Heaven, as before it has done in all times of difficulty & danger, will again crown our righteous efforts with success, we look forward to the prospect of seeing our insulting foe cut off from all means of

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escape, & by the goodness of the Almighty, the Lord of Hosts and God of Battles, wholly delivered into our hands.

"Attest, THO'S WHARTON, jun'r, Presd't."

"TIMOTHY MATLACK, Secretary."

"GOD SAVE THE PEOPLE."

On the 14th, public money and papers were removed to Easton; but it was not until the 23d, when the sad tidings of the surprise and massacre of the troops under Wayne, at Paoli, reached Philadelphia, accompanied by positive intelligence that Howe's army was *en route* for the city, that the Supreme Executive Council consented to leave it; the British entering three days later. Christopher Marshall makes the following record in his diary, Lancaster, Sept. 29, 1777: "Took leave of sundry of the Congress, who were setting off for Yorktown. . . . Many of the inhabitants of Philadelphia came to-day and yesterday to this place, as did our President or Governor, the Executive Council, and the Members of Assembly, who met here this day in the Court House." On establishing themselves at Lancaster, the Council instituted regular expresses to pass and repass from Council to camp once in two days, that co-operation between the government of the State and General Washington's army might be ensured. Constant communication with Congress was kept up, and earnest and continuous efforts made by the President to raise in the minds of the people an enthusiastic determination to expel the enemy from the State. In reply to a letter from Colonel Tench Tilghman, announcing the news of Burgoyne's defeat in the north, Thomas Wharton wrote the following:—

LANCASTER, Oct. 17, 1777.

"SIR: The Council express their sense of the obligation they are under to you for the intelligence contained in yours of the 15th, which has given the highest satisfaction to every friend

<sup>1</sup> Mr. C. H. A. Esling has communicated to me the fact that on this occasion, his great-grandmother, Mary Baker, rowed the Governor of Pennsylvania from her home, "The Chapels of Point No Point," on the Delaware near Bridesburg, across the river to the Jersey Shore.—A. H. W.

of liberty here. They have no expectation of regular correspondence with you, but they cannot forbear expressing a wish that you will give a line on such interesting events as deserve particular notice. These expresses are intended to gain the intelligence necessary to keep up the spirits of the people, and excite them, if it be possible, to some degree of vigor. Every possible means will be used for this purpose."<sup>1</sup>

On the 20th of November, the Assembly and Council, at Lancaster, met, and re-elected Thomas Wharton President, with George Bryan Vice-President, for the ensuing year. At no period in her history was the position of Chief Executive of Pennsylvania surrounded with greater difficulties than during the winter of '77 and '78. Congress, having lost some of its most influential members, was filled with petty rivalries, and proved a far less efficient body than formerly. The enthusiasm that once inspired the army had, in large measure, faded away before the reverses of Brandywine, Paoli, and Germantown, while Pennsylvania—resting under the near shadow of these defeats, with Sir William Howe and his officers comfortably lodged in her capital, offering gold to the producers of the surrounding country for what her Governor could only give paper—was called upon to raise troops, as if by magic, equip them, and send supplies to headquarters to meet the ever-recurring demands of a large and destitute army. Although loud and bitter were the complaints filed against the Commonwealth for her tardiness in answering the demands made upon her, we read of no personal attack made upon her Chief-Magistrate. Indeed, the blame heaped upon this State far exceeded her deserts, the fact being frequently overlooked that her resources had been already drained for the sustenance of the army during the past months, and that, after being the battle ground of the Republic during that time, she was not in a condition to be an unfailing source of supplies. The following extract from a letter, written by Wayne to Wharton, in December, proves to us that Pennsylvania was sometimes found to be acting the

<sup>1</sup> *Penna. Archives*, 2d Series, vol. iii.

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part of a too liberal hostess: "Whilst other States are exerting every power (under a Resolve of Congress) to provide for their own troops only, you are following the generous course of providing for the whole. This, Sir, is being generous out of time!"<sup>1</sup>

The cause of the Colonies was that for which he labored, and to which he dedicated his best energies; but dear to Thomas Wharton's heart as a Pennsylvanian, a matter of pride, or of deep humiliation and regret, was the conduct of the troops of this Commonwealth. December 12th, he writes to General Armstrong, referring to a recent engagement at Whitmarsh, when Howe moved out from Philadelphia with the threat that he would drive Washington beyond the Alleghenies: "The precipitate retreat of the enemy after so much Gasconading is a convincing proof that their army is not so formidable as they would wish us to believe, or they put great dependence in our want of bravery, and therefore, expected our army would retreat from hill to hill as soon as they approached; they have, however, been disappointed, and I trust we shall benefit by this last movement of theirs. The conduct of our militia gives me real pain, Council is informed from various hands that they have behaved very infamously. The loss of our worthy General Irwin,<sup>2</sup> I have been informed, was owing entirely to their base behavior."<sup>3</sup>

General Reed, who was on a visit to headquarters at this time, describes the same engagement in a letter to President Wharton (the place alluded to was Mr. Wharton's country seat, Twickenham, in Cheltenham Township, Montgomery County):—

"We first saw them [the enemy] at Ottinger's, near your house, but in a moment they moved, crossing your meadows in considerable numbers, but scattered. General Potter, Cadwalader, and myself endeavored to draw up the troops in the woods back of your house in order to flank that wing."

<sup>1</sup> *Penna. Archives*, vol. vi. p. 142.

<sup>2</sup> General James Irvine of the Pennsylvania Militia.

<sup>3</sup> *Penna. Archives*, vol. vi. p. 85.

Elias Boudinot, writing to Thomas Wharton, Dec. 9, 1777, says: "The enemy continued to advance, and posted their pickets about half a mile from our army, their main body lying back of your house. In this manner we lay watching their motions and they ours, when, on Monday, to our great surprise, they moved off by the Old York Road, and got into town about midnight, burning a house or two on their way. Yours is not among the number. I believe the damage done to you is very inconsiderable."<sup>1</sup>

In a letter to Elias Boudinot, written December 13, 1777, Thomas Wharton says: "I hope our troops may not retire to winter quarters, and leave our country open to the ravages and insults of the enemy, possibly some opportunity may turn up in the course of the winter for our army, if they should be near the enemy, to attack them with a good prospect of success, which, if scattered, or at a great distance, cannot be put in execution."

Writing to Joseph Reed a few days later, he says: Our army withdrawing its protection from the inhabitants of Phila., and Bucks Counties fill'd the House of Assembly and Council with the utmost distress and anxiety for their safety, and induced them to remonstrate to congress against their retiring to such a distance from the enemy as to leave the inhabitants an easy prey to their wanton and savage treatment, I however hope the General Officers have altered their plan and that they have reconsidered the situation of our country and will afford that relief to those who they are bound to protect as they have an undoubted right to expect. . . . I hope with the blessing of providence we shall enjoy peace and tranquillity in the course of a few months, is it not disgraceful that a handful of men should possess the capital of one of the most wealthy States, and with all our exertions not have force sufficient to destroy every man in the twinkling of an eye, if we were so dispos'd?"<sup>2</sup>

Although such were his views on the subject of the army going into winter quarters, President Wharton's co-operation

<sup>1</sup> *Life and Correspondence of President Reed*, vol. i. pp. 351, 352.

<sup>2</sup> *Penna. Archives*, vol. vi. p. 120.

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with the Commander-in-Chief, against whom formidable cabals were organized during this winter, seems to have been ever earnest and vigorous. In a letter written to General Washington, March 10, 1778, he says: "There is not any State on this continent which has been so oppressed with Continental business as this has been, from the beginning of the present controversy to this hour. Its exertions have been so zealous and unremitting that no time has been lost in inquiries after groundless charges of neglect made against it, which have been generally calculated to excuse indolent or improvident officers, or to disgrace the government established in it. The amazingly difficult task which your Excellency has to perform while you are embarrassed with perpetual applications and complaints of officers, who are not fully acquainted with their duty, must, too forcibly, convince you how near to an impossibility it is to conduct a very extensive business without the subordinate officers discharging, in some sort, their duty; and it is from the example of your Excellency alone that it is believed to be possible to conduct the affairs of a large army under the difficulties which you have had to contend with. Equal abilities or success in attempts of this kind are not to be expected in many instances. . . . There is at present an absolute dependence on the Council to supply the common rations of the soldiery now in this borough. An earnest desire to serve the general cause, and a zealous attachment to its interest, are the only motives which could possibly induce the Council to undertake such business in any extremity."<sup>1</sup>

Indeed, the demands made upon Council during this campaign were not only extensive, but so unreasonable as to have led President Wharton to indulge in some mild sarcasm at the expense of the applicants. Writing to Washington, Jan. 1778, he says: "The officers, whose wants it is believed are very pressing, will be in some measure relieved; but it cannot be expected that powers of this extraordinary nature, can be exerted to procure any other goods than warmth and decency

<sup>1</sup> *Penna. Archives*, vol. vi. pp. 353, 354.

require. Lieutenant Peterson, of the eighth Pennsylvania battalion, applied to the Council for clothing for himself and several officers. At the foot hereof we transcribe, from his application, a specimen of their wants. The call upon the State was thought to be for covering for the naked part of the army; and as no idea that fine ruffled shirts, laced hats, or even fine ones of beaver, silken stockings, or fine scarlet cloth, came under this description, no provision has been made, nor can be expected."<sup>2</sup>

In view of the onerous and perplexing duties at this time devolving upon Thomas Wharton, and the promptness and faithfulness with which they were discharged, it is impossible to regard Marshall's unamiable soliloquies without a smile: "An invitation made by the President at Major Wirtz's, to which was invited scarcely any other but a parcel of Tories in this place, some of them inhabitants, and some who reside here from Philadelphia. Poor Dr. Phyle and some of his principals, were not counted worthy to taste of the dainties, and thereby they escaped being intoxicated and made drunk, and next day sick, etc."<sup>2</sup> From which a certain amount of pique is obvious on the part of Mr. Marshall, at not having, himself, been counted worthy to partake of these same dainties and potations, from which he chose to consider that Dr. Phyle had made a happy escape. "Last Sixth day another Ball or Assembly in Lancaster, where, it's said cards were played at a hundred dollars a game, President there, O poor Pennsylvania!"<sup>3</sup>

In accordance with a recommendation of Congress, setting apart Thursday, December 18th, to be observed as a day of solemn thanksgiving and praise, President Wharton called upon the good people of the Commonwealth to keep it as such, in remembrance of former mercies of God, and in the firm trust that He, who had blessed them thus far, would continue to aid them in the prosecution of a just and necessary war. Great and noble were those spirits, in council and

<sup>1</sup> Sparks's *Correspondence of the Revolution*, vol. ii. p. 71.

<sup>2</sup> Christopher Marshall's *Diary*, p. 140.

<sup>3</sup> *Idem*. p. 170.

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in camp, which discerned causes for thankfulness and hope amid the thick clouds and darkness that hung over the patriot cause at the opening of the campaign of '78, when the torch of liberty burned so dimly that, seen no longer a blazing beacon on the hill-tops, it flickered like a feeble rushlight in her watch-tower, menaced by every passing breeze. Brave and true were the statesmen and soldiers, who labored cheerfully in this cheerless hour for the good of the Colonies; when continued disappointments and defeats had attended their councils and armies; when, with a depleted treasury, uncertain credit, and troops ill fed, and poorly provided to endure the rigors of winter, they strove to hold out against a powerful and opulent nation, possessing all the sinews of war. Well, indeed, might Pennsylvania, in the words of her warrior parson, prepare herself, by solemn prayer, to meet the Lord her God at the beginning of this winter, destined to be a winter of sorrows to her, and to the army which so sadly and wearily encamped upon the bleak hill-sides of Valley Forge. With what interest and admiration Thomas Wharton, at Lancaster, watched that army, in which seemed centred the hope of the future of America, we learn from his letters to Washington. If the soldiers suffered, as suffer they did, from cold, hunger and exposure, it was, as we have seen, from no neglect on his part; but because, under the existing state of affairs, it was impossible to furnish them with adequate supplies, there being elements in the population of Pennsylvania that seriously militated against such a general and enthusiastic uprising of the people as the exigencies of the case demanded.<sup>1</sup> Stretching between the camp and the invading army in Philadelphia was a rich and populous country, so largely inhabited by Tories, however, that the benefit was far greater to the enemy's troops than to those of Washington; while, as Reed says in writing to Wharton from Valley

<sup>1</sup> Joseph Nourse wrote from the War Office at York, Nov. 1777: I am to inform you, Sir, that the Board have undoubted information that part of several Townships in the vicinity of this place are notoriously disaffected to the cause of America, and under the influence of —, and Mr. Rankin, who is now with the enemy.—*Penna. Archives*, vol. vi. p. 42.

Forge, in February: "The intercourse between the country and the town has produced all the consequences foreseen by many in the beginning of the winter. The supply of provisions to recruit and refresh our enemies, I count the least pernicious. The minds of the inhabitants are seduced, their principles tainted, and opposition enfeebled; a familiarity with the enemy lessens their abhorrence of them and their measures; even good Whigs begin to think peace, at some expense, desirable."

But the story of these months has been told us, and so fitly and beautifully told, that none need ever again essay a recital of the noble endurance and matchless courage of that ragged and starving army, and the heroism of its leaders, which have been immortalized by the eloquent, almost inspired words of the gifted orator, who, standing amid the historic shadows of the old encampment, sang her grand and solemn epic; giving back to the listening hills and the valleys that had known them, in tones of thrilling enthusiasm or tender sadness, the century-old story of the sufferings and triumphs of her heroes.<sup>1</sup>

Of the patience with which the army at Valley Forge bore the hardships attending their situation during this severe winter, President Wharton says: it "is an honor which posterity will consider as more illustrious than could have been derived to them by victory obtained by any sudden and vigorous exertion."

On the 11th of May, news of the signing of the Treaty of Versailles reached Lancaster, and was received with public demonstrations of joy. A few days later, a shadow was cast over these rejoicings by the sudden death of the President. On the 13th Mr. Matlack writes to Mr. Peters: "His Excellency, the President, is much indisposed;" on the following day we notice the last record of his name as presiding over the sessions of the Council.<sup>2</sup>

George Bryan thus announced this sad event, in a letter written to General Washington, from Lancaster, on the 23d:

<sup>1</sup> *Valley Forge Oration* by Henry Armitt Brown.

<sup>2</sup> *Colonial Records*, vol. ix. p. 488.

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"This morning early, his Excellency, Thomas Wharton, Junior, Esquire, died here very unexpectedly. The State suffers by the loss of the worthy president. But tho' Council sensibly feel the want of his presence in their deliberations, your Excellency may be assured of their most spirited exertions," etc.

To which General Washington replied from Headquarters at Valley Forge, May 28th: "I received your favor of the 23<sup>d</sup> instant, and sincerely condole with the Council and state on the loss of so worthy a citizen and president."<sup>1</sup>

On the 25th instant the funeral of President Wharton was solemnized with civil and military honors; his remains, which were interred in the Evangelical Trinity Church of Lancaster, being followed to the grave by a large escort. All due respect was paid, on this occasion, to his Excellency's character and station; the Council attending in a body, also the Honorable Speaker of the House of the General Assembly, in company with other persons of distinction in Lancaster at that time. Why the Lutheran Church was chosen as the final resting-place of Thomas Wharton, appears from the following entry made by Marshall in his diary: "May 24th. Preparations making, it's said, at [the] Court House for a grand interment of Pres. Wharton this afternoon at the Lutheran Church. It's said the vestry of that church gave an invitation and permission to be buried there, which the vestry of the Episcopal Church neglected, and the Friends were not applied unto for leave to be buried in their ground. . . . In the afternoon went to the burial of Pres. T. Wharton, attended with military honors to the Lutheran Church."

The following extract, from a memorial volume of this Lutheran Church of Lancaster, taken in connection with the statement in the minutes of the Executive Council, and elsewhere, proves conclusively that Thomas Wharton was interred literally "in the Evangelical Trinity Church," and that his remains occupy the grave in front of the old altar and pulpit:—

<sup>1</sup> *Penna. Archives*, vol. vi. pp. 546, 553.

"We had frequently heard that some person had been interred immediately in front of the old pulpit and altar, and that when the brick pavement of the aisle was removed, the grave was disclosed; but no one appeared to know who it was. When the repairs were commenced in the autumn of 1853, the removal of the floor again brought it to light; but nothing about the grave or in the church records afforded any clue to the name of the occupant.

"A few days ago the writer found a small memorandum by Dr. G. H. E. Muhlenberg, in which he sets forth 'Data for the granting of a lottery to the members of the Lutheran congregation at Lancaster;' the fifth being as follows: 'The congregation have been from the beginning good Americans; they have received President Wharton in their Church, and Gov. Mifflin on their burial ground without any gratuity. Does not one good turn deserve another?'"

We are surprised to learn that even British journals deemed the death of the Governor of Pennsylvania worthy of a passing notice, as an announcement appeared in the list of deaths of the *Gentleman's Magazine* of August, 1778.

Although to Thomas Wharton it was given to conduct his native State through the darkest year of her history, amid toil and discouragements of which we can now form no adequate conception, he was not permitted to behold the full dawn of victory and peace soon to break upon the cause for which he labored. To him Germantown and Brandywine were as "twice told tales;" but not for him were the brighter pages of Mounmouth and of Yorktown.

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## SAMUEL WHARTON. (17.)

To represent the interests of the Ohio and Indiana Companies, Samuel Wharton went to England some time previous to June, 1769.<sup>1</sup>

We learn from a letter written by the Rev. William Hanna, then in England, to Sir William Johnson, that, after Dr. Franklin had replied to the objections of Lord Hillsborough, and Mr. Walpole had made some pertinent observations on the subject in general, "Mr. Wharton spoke next for several Hours and replied distinctly to each particular Objection, and through the whole of the proceedings he so fully removed all Lord Hillsborough's Objections, and introduced his Proofs with so much Regularity and made his Observations on them with so much Propriety, Deliberation, and Presence of mind that fully convinced every Lord Present, and gave Satisfaction to the Gentlemen concerned; and I must say it gave me a particular Pleasure to Hear an American and a Countryman act his Part so well before such a Number of great Lords and such an August Board; and now I have the great pleasure to inform you that their Lordships have overruled Lord Hillsborough's Report, and have reported to his Majesty in favor of Mr. Wharton and his Associates. This is looked upon here as a most extraordinary matter, And what no American ever accomplished before. Indeed, no one from America had so much interest, and was so attended to by the great Lords as Mr. Wharton."<sup>2</sup>

<sup>1</sup> For the following correction of a statement made on p. 14, I am indebted to William M. Darlington, Esq. The lands, which were at the Treaty of Fort Stanwix (Nov. 3, 1768), made over to the firm of Baynton, Wharton, & Morgan, and others by the chiefs of the Six Nations, were not those which now comprise the State of Indiana, but included a large tract of land bordering on the Ohio River above the Little Kanawha, about one-fourth of the present State of West Virginia. To this grant, however, the traders then gave the name of Indiana.

<sup>2</sup> *Documentary Hist. of New York.*

"The announcement of the completion of the business was daily looked for both in England and America. An extract of a letter from a gentleman in London, dated March 3, 1773, to a friend in Virginia appears in the Pennsylvania Gazette of June 9th, stating that, 'I can inform you for certain that the new Province on the Ohio is confirmed to the Proprietors by the name of Pittsylvania in honor of Lord Chatham. Mr. Wharton, of Philadelphia, will be appointed Governor in a few days; all other appointments to be made by the King. The seat of government is to be fixed at the Fork of the Great Kanawha and Ohio Rivers.'"

The failure of this transaction, which opened so auspiciously, must have been a great disappointment to Samuel Wharton. It necessitated an absence from home of about ten years, and was never, as far as known, settled to his advantage.<sup>1</sup>

During his residence in Europe he wrote many letters of public interest to his friends in Philadelphia. His family letters also are most interesting, bearing, as they do, the impress of a liberal and cultured mind, and of a deeply affectionate nature. Some of these, addressed to his brother Isaac, abound in allusions to the absorbing political events of the day, although the subjects upon which the writer dwells most are the welfare of his family and the education of his sons. He is delighted that "Sammy" promises to be so good a scholar, and wishes that "Jos" would improve in his spelling and the choice of words to express his ideas, adding: "As He proposes to appear at the Bar, He ought diligently to read *Cato's Letters*, *Cicero's* and *Demosthenes' Orations*, &c., as They would impress Him with pure and elegant Language."

The following extract from a letter, written to Dr. Cadwalader Evans by Samuel Wharton, in September, 1770, gives us an interesting picture of the times, and of some of the prominent men of the day. . . . "Some have been of opinion, that the most scrupulous obedience to the Non-Importation Agreement, would have produced a favor-

<sup>1</sup> Samuel Wharton was in Philadelphia, Sept. 26, 1773, as appears in a letter from Mrs. Sarah Bache to Dr. Franklin.

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able Effect on high personages on *this Side*. In this, I am persuaded, they were deceived, if I can judge from their constant and earnest Enquiries and the high Joy, which appeared in their Countenances and Declarations, as soon as they heard of the Conduct of New York. What the Event will now be, I dare not presume to give my Ideas fully on; But I should imagine, there will be no Relaxation on the part of the present Rulers, and if they continue, that they will use every method to excite a farther Disunion amongst us, and then exert their power *where* it will be most sensibly felt. \* \* \* \* \*

“About six weeks ago, L<sup>d</sup> Northington came to Town, and it is beyond a Doubt, that he was often in private with the K., and strongly recommended a change in A—n, and that the Reins should be given to the Temple Family and their Friends. He was also frequently with Lord Ch—m, Lord Camden, &c.; But they would hear of no Composition nor Coalition. They insisted on a total abdication of the present Set. Lord Chatham is certainly in better Health, than He has been for many years, and discovered wonderful abilities last winter in the House of Peers. His manner, Language, and Boldness, and Justness of Sentiment, surpass my strongest Ideas of Him, and command the most respectfull attention from every Lord in the House; and next to him, Lord Camden justly attracted their Admiration. The Duke of Grafton is a very pleasing, sensible and engaging Speaker and will in a few years make the first Figure in the House of Peers. He is now quite private; lives chiefly at Woburn Abbey, and is happy in his last marriage. He is fond of New Market; But yet is very industrious in acquiring Knowledge.

“Lord Mansfield is in a bad State of Health, and is not beloved by either Side (having weak Nerves, no Resolution and is always wavering) and it is thought will soon retire. Lord North is a manly, bold and nervous Speaker and an excellent Financier; is a Friend to America and if he continues in Office and is *firmly fixed*, will certainly do much good to both Countries. I find I am giving a loose [rein] to my Pen and therefore, must check its Career, and reserve a farther

Description of men and Characters until I have the Happiness of meeting you and tête-a-tête chatting over these Subjects. Our invaluable Friend Dr. Franklin, enjoys good Health, and the more I know of him, the more I am persuaded, there is not so truly great, good and independent a man in the Kingdom. He is actuated by no sinister motive, and all his propositions are for the certain Benefit of the King's subjects *everywhere*. What a happy Nation would this be, if only, one Minister, possessed of such unequalled Abilities and Integrity had the Direction of it? . . . ”

#### LETTERS OF JOSEPH WHARTON, JUNR.

While in England Joseph Wharton acted as correspondent to the *Penna. Journal*, his letters appearing over the signature “Wigwam.” The following is an extract from a letter addressed to Col. William Bradford, written from London, April 25, 1775:—

“The General [Gage] also wrote, that the Standard was hoisted by the People at Salem; and multitudes flocked to it, which would not be the case should the Royal Standard be erected. [Erased.] added, that He now believed America would carry their Point—that many of the Administration were of the same mind, and sincerely wished they had pursued more gentle measures with the Colonies. He said Lord North was evidently uneasy, and that Government dreaded the news by the April Pacquet, that they suppressed this intelligence from General Gage, because of the instant effect it would have on the Stocks. He acknowledged the Nation was ready for a Revolution, if any enterprising Genius would step forth, and which would certainly be the Case if Blood was once drawn in America. . . .

“My intelligencer wishes if this letter should be published, that [Erased.] name might be omitted, as the information was confidential. I am sorry to join in the Request; because [Erased.] has lately basely deserted America, and joined Government, but let *Us* be honorable.

“I shall only add, that my Country may be free if she will,

Wharton, Anne Hollingsworth (1845-1928) (author). Genealogy of the Wharton family of Philadelphia 1664-1880. Philadelphia (PA): Collins, printer (1880).

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and that she may have the virtue to play the Man, is the aspiration of  
 Sir, your most obed. hb. Serv't

"WIGWAM."

"Wrote in haste, excuse the Language."

Joseph Wharton not only expressed his political views thus freely to his American friends, but wrote some strong papers on the attitude of Great Britain toward the Colonies, which appeared in English journals and attracted much attention. For some time their authorship was not known; but being discovered, a friend came to him and said: "It is known that you are the author of those articles, and the King's messengers are now after you. You must go to Dover immediately and escape to France." He heeded the warning; but when he reached Dover so furious a storm was raging that he found that it would be impossible for a vessel to venture forth for some days. In this extremity he went to a hotel, and throwing himself on the mercy of the landlord revealed to him his secret. To his surprise, the man declared himself in favor of the cause of the Colonies, and assured the fugitive that he would protect him. "I will put you in a room," he said, "to which no person else shall have access, and will bring you your meals myself." He took him to his room, and locking the door left him; returning, after a time, he said, "You are a lucky man! The King's messengers have been here in search of you; but I have put them off and they are gone." The storm continued some time; at length the landlord reported that the wind was favorable, and a vessel about to set forth, adding, "You will have to run for it." As the weather was extremely cold, he threw his own coat over Joseph Wharton's shoulders. When he reached the wharf, the tide was so low that his only chance of getting on board the vessel was by jumping into the rigging, which he succeeded in doing. He thus escaped to France, and subsequently returned to his own country.<sup>2</sup>

<sup>1</sup> *Bradford Papers*, vol. ii. p. 186.

<sup>2</sup> For the details of this incident I am indebted to the good memory of my great-aunt, Mrs. Deborah F. Wharton.—A. H. W.

During his residence abroad, Joseph Wharton was much in the society of his distinguished countryman, Benjamin West. It is said that the suggestion that West's painting of "Christ Healing the Sick" should be given to the Pennsylvania Hospital was made by him. He certainly was deeply interested in this project, and actively corresponded with the artist on the subject of the removal of the picture to the Hospital. The following is an extract from a letter to Mr. West, written by Joseph Wharton within a few days of his death:—

"PHILADELPHIA, December 9, 1816.

"DEAR SIR: From the rapid decline in my health during the last three weeks, and from the advice of my Physician, and my family, I did not expect ever to write to you again. But my friend, Mr. John Sergeant, at the request of Mr. Samuel Coates, having desired a letter of recommendation from me to you, I give it, &c. . . . ."

"Mr. Coates has read to me two letters from himself respecting the House for the Picture one from Mr. Sully on the same occasion he recommended that the Picture, should be sent out early in the Spring in the Ship *Electra* and in which recommendation I sincerely unite with him, because every pursuit toward the completion of the House is advancing in the most rapid and best manner and because it would be a misfortune to deprive the inhabitants of America of the gratification, and the Hospital in particular of this long expected donation, from the emolument it will receive from it. . . . ."

After Joseph Wharton's death, Benjamin West wrote the following letter to his daughter, Mrs. Jonathan Robeson:—

"LONDON, No. 14 Newman Street, Oxford St.,  
 August 5, 1817.

"MY DEAR MADAM: Your letter to me bearing date on the 8th of May last I received, communicating to me the demise of your highly respected and honored Parent: this information became a second affliction to the feelings of one who had a great attachment to him—knowing as I did his great

Wharton, Anne Hollingsworth (1845-1928) (author). *Genealogy of the Wharton family of Philadelphia 1664-1880*. Philadelphia (PA): Collins, printer (1880).

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attachment and his sincere friendship. The first information of his death I allude to, was communicated to me by Mr. Sargent then in London, by a correspondent of his in Philadelphia not many days after the demise took place of that much lamented and sincere friend; his last letter which I was honored with, was that by the hands of Mr. Sargent,<sup>1</sup> as his introduction to me. Which letter I shall ever hold with a most sacred regard, and with profound respect to his Memory.

“By the same conveyance which this letter goes to you, in Philadelphia by the ship *Electra*, Capt. Williams: I send the Picture of our Saviour receiving the Sick and Blind in the Temple to Heal them, for the Pennsylvania Hospital: what a real joy would this occurrence have afforded your venerable Father; it being a work in one of the branches of the Fine Arts in which he took so lively an interest; and for which I have in my Paper of Instructions to the President and Managers of the Hospital Registered his name—Nathaniel Falcknor’s<sup>2</sup> with my own, and that of Mrs. West, All mutual friends and Natives of Pennsylvania. These Names I always held in mind should be transmitted to subsequent ages with that Picture, for the lively interest they had for its being placed in the Pennsylvania Hospital. . . .

“With this letter I inclose a Medal, of one in copper your Father did me the honor to accept—and the present one is finished in a tasteful stile most fit for a Lady—and which I request you will honour me by giving it a place in your possession as a Token of that great respect for the Daughter of my friend Joseph Wharton, which this Medal will stand as a lasting Pledge amongst his Relatives, for my sincerity.

“And be assured My dear Madam, that I am most truly  
your greatly obliged

“MRS. SARAH ROBESON.

BENJAMIN WEST.”

<sup>1</sup> John Sergeant, M.C., 1815 to 1823, from 1827 to 1829, and again 1837 to 1842.

<sup>2</sup> Captain Nathaniel Falconer, sometime Manager of the Penna. Hospital. His name appears with that of Joseph Wharton, Jr., in Mr. West’s letter to the Managers of the Hospital, written Aug. 1817.—A. H. W.

Wharton, Anne Hollingsworth (1845-1928) (author). *Genealogy of the Wharton family of Philadelphia 1664-1880*. Philadelphia (PA): Collins, printer (1880).

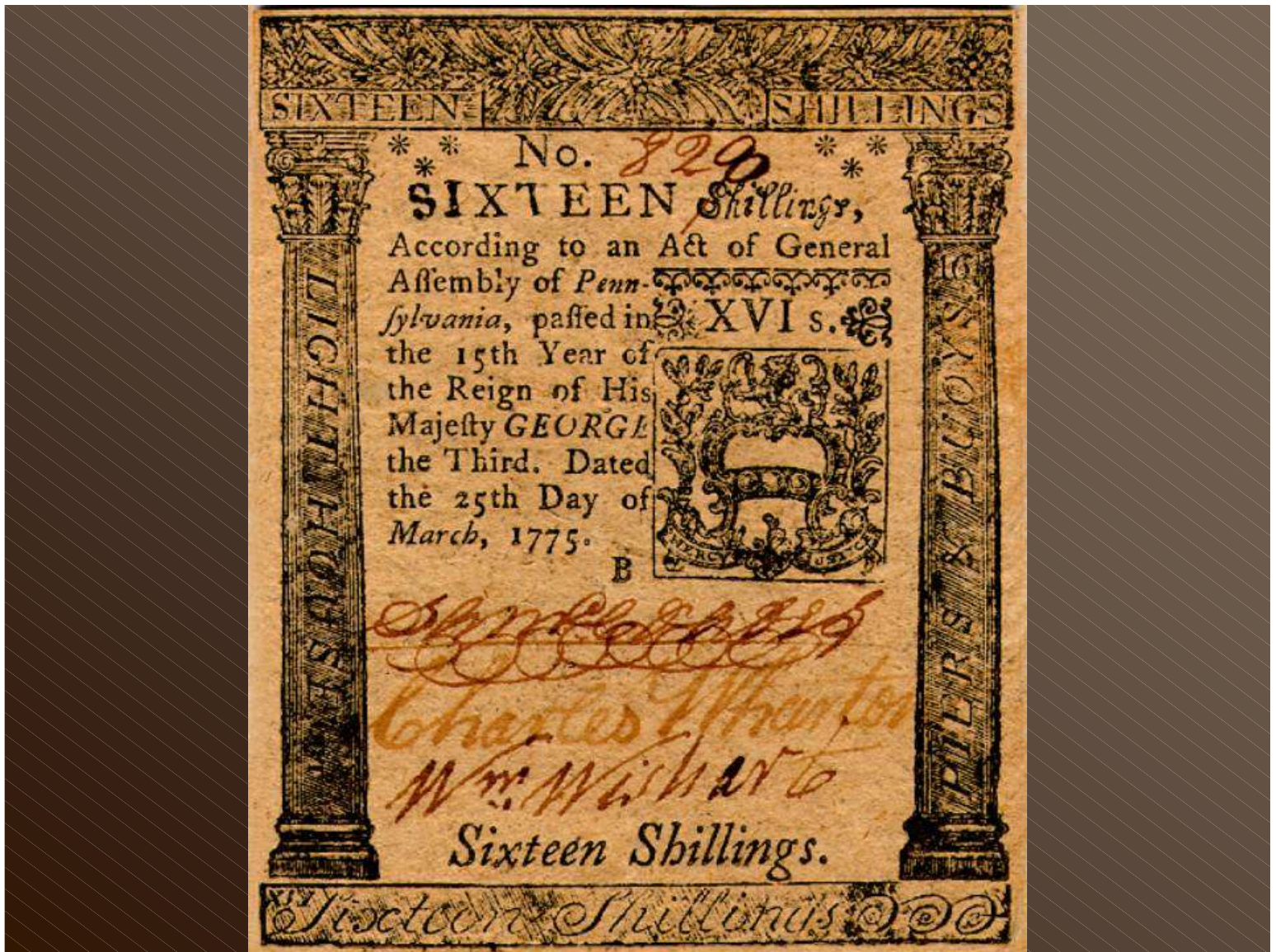
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Pennsylvania Currency (16 shillings)

Signers: Samuel Coates, Charles Wharton (in red ink), William Wishart.

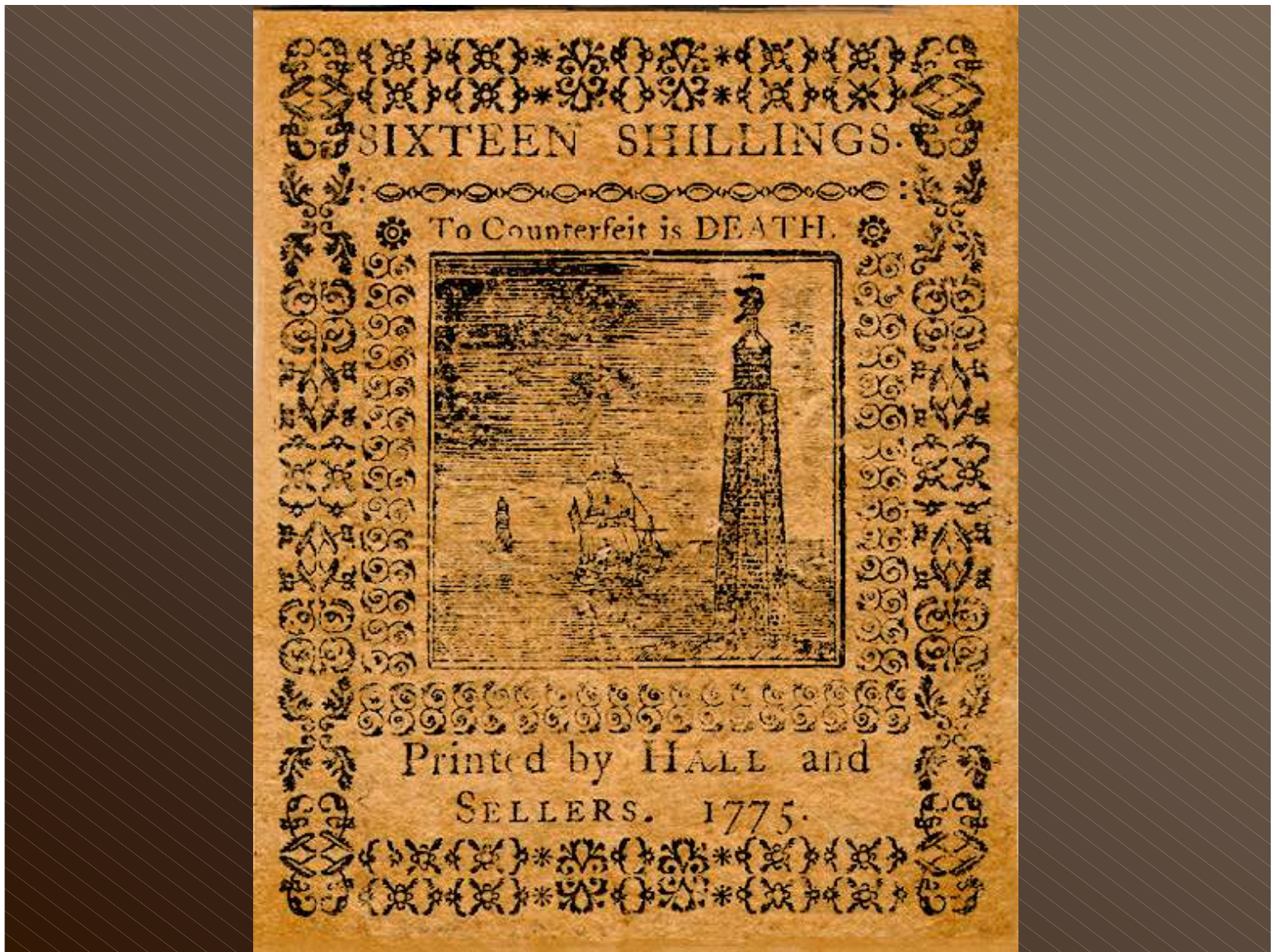
March 25, 1775

An emission of £6,000 in bills of credit for the continued construction of the Cape Henlopen Lighthouse and buoys and piers. Similar to the first lighthouse issue of March 20, 1773. The back displays a cast cut of a lighthouse with the denomination of the bill incised in the plate in roman numerals, found in the lower left corner of the picture. Four border cuts and the Penn shield on the front. Printed by Hall and Sellers in Philadelphia on paper containing mica flakes. Each denomination has plates A and B. In each denomination the spelling of the colony name "Pennsylvania" is found in a different form. This is the continuation of an anti-counterfeiting measure used by Franklin and Hall. Usually numbered in red ink and at least one of the three signatures in red. Denominations issued were: 4s, 6s, 14s and 16s.

Comments: Numbered in black ink. Second signature in reddish-brown ink; others in black ink. The left column on the front reads downward: "Lighthouse" followed by a small xvi and the right column reads upward: "Piers & Buoy." followed by 16. The front also contains the Penn family arms with the motto "Mercy Justice." The back, which is inverted, displays a cast cut of a lighthouse with the denomination of the bill incised in roman numerals (see lower left corner of the picture). Colony name appears as "Pennsylvania". The paper contains mica flakes.

<http://www.coins.nd.edu/ColCurrency/CurrencyImages/PA/PA-03-25-75-16s.obv.jpg>





Pennsylvania Currency (16 shillings)

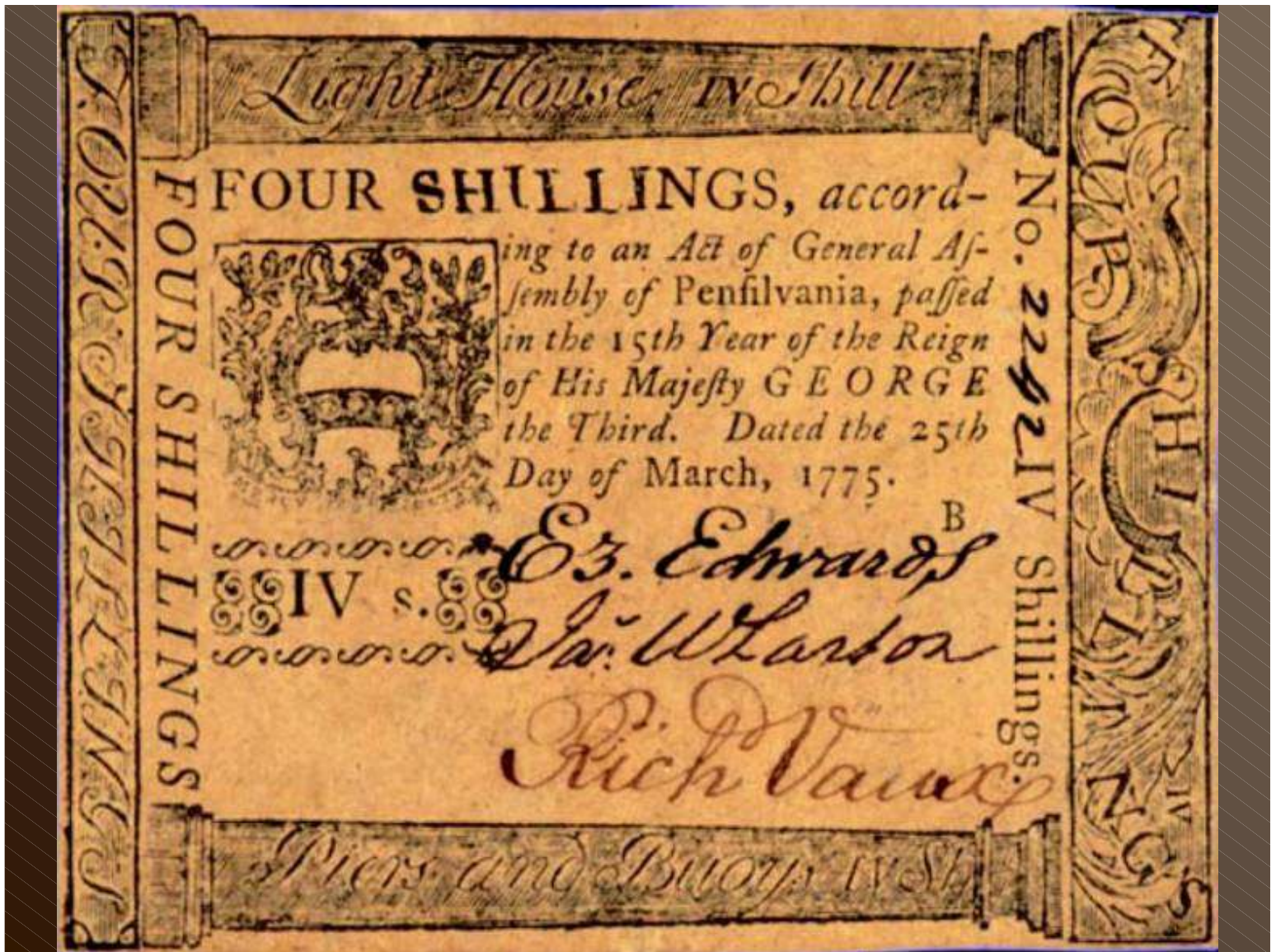
Signers: Samuel Coates, Charles Wharton (in red ink), William Wishart.

March 25, 1775

An emission of £6,000 in bills of credit for the continued construction of the Cape Henlopen Lighthouse and buoys and piers. Similar to the first lighthouse issue of March 20, 1773. The back displays a cast cut of a lighthouse with the denomination of the bill incised in the plate in roman numerals, found in the lower left corner of the picture. Four border cuts and the Penn shield on the front. Printed by Hall and Sellers in Philadelphia on paper containing mica flakes. Each denomination has plates A and B. In each denomination the spelling of the colony name "Pennsylvania" is found in a different form. This is the continuation of an anti-counterfeiting measure used by Franklin and Hall. Usually numbered in red ink and at least one of the three signatures in red. Denominations issued were: 4s, 6s, 14s and 16s.

Comments: Numbered in black ink. Second signature in reddish-brown ink; others in black ink. The left column on the front reads downward: "Lighthouse" followed by a small xvi and the right column reads upward: "Piers & Buoys." followed by 16. The front also contains the Penn family arms with the motto "Mercy Justice." The back, which is inverted, displays a cast cut of a lighthouse with the denomination of the bill incised in roman numerals (see lower left corner of the picture). Colony name appears as "Pennsylvania". The paper contains mica flakes.

<http://www.coins.nd.edu/ColCurrency/CurrencyImages/PA/PA-03-25-75-16s.rev.jpg>



Pennsylvania Currency (4 shillings)

Signers: Ezekiel Edwards, Charles Wharton, Richard Vaux (in red).

March 25, 1775

An emission of £6,000 in bills of credit for the continued construction of the Cape Henlopen Lighthouse and buoys and piers. Similar to the first lighthouse issue of March 20, 1773. The back displays a cast cut of a lighthouse with the denomination of the bill incised in the plate in roman numerals, found in the lower left corner of the picture. Four border cuts and the Penn shield on the front. Printed by Hall and Sellers in Philadelphia on paper containing mica flakes. Each denomination has plates A and B. In each denomination the spelling of the colony name "Pennsylvania" is found in a different form. This is the continuation of an anti-counterfeiting measure used by Franklin and Hall. Usually numbered in red ink and at least one of the three signatures in red. Denominations issued were: 4s, 6s, 14s and 16s.

Comments: Numbering and first two signatures in black ink, third signature in red ink. The top (or left) column on the front reads: "Light House" followed by "iv Shill." and the bottom (or right) column reads: "Piers and Buoy" followed by "iv Sh." The front also contains the Penn family arms with the motto "Mercy Justice." Colony name appears as "Pensilvania". No image of the back is available. The back of this denomination, which is inverted, displays a cast cut of a lighthouse with the denomination of the bill incised in roman numerals. The paper contains mica flakes.

<http://www.coins.nd.edu/ColCurrency/CurrencyImages/PA/PA-03-25-75-4s.obv.jpg>



President's House in Philadelphia.

[http://williamdbailey.files.wordpress.com/2012/11/clip\\_image00154.jpg](http://williamdbailey.files.wordpress.com/2012/11/clip_image00154.jpg)

The President's House, at 524-30 Market Street in Philadelphia, Pennsylvania, was the third Presidential Mansion. It housed George Washington from November 27, 1790 to March 10, 1797, and John Adams from March 21, 1797 to May 30, 1800. The three-and-a-half-story brick mansion on the south side of Market Street was built in 1767 by widow Mary Lawrence Masters. In 1772, she gave it as a wedding gift to her elder daughter, who married Richard Penn, the lieutenant-governor of the Colony and a grandson of William Penn. The Penns and the Masterses moved to England during the early days of the Revolutionary War. During the September 1777 – June 1778 British occupation of Philadelphia, the house was headquarters for General Sir William Howe. Following the British evacuation, it housed the American military governor, Benedict Arnold, and it was here that he began his treason. Following the war, it was purchased and expanded by Robert Morris, who lived here while Superintendent of Finance. Washington lodged here with Morris during the 1787 Constitutional Convention. In 1790, Morris gave up the house for his friend to use as the Executive Mansion, moving to the house next door. President Washington occupied it from November 1790 to March 1797, and President Adams, from March 1797 to May 1800. Adams oversaw the transfer of the federal government to the District of Columbia, and first occupied The White House on November 1, 1800. The main house was demolished in 1832, although the 4-story east and west walls survived as party walls shared with the adjoining buildings. These, along with surviving sections of the back buildings, were demolished in the 1950s during the creation of Independence Mall. A public toilet was built on the site. A memorial opened in 2010 at the site of the President's House, designed to acknowledge the slaves and their place in history.

(continued on next slide)



President George Washington's House in Philadelphia (1790s).

<http://publicpleasuregarden.blogspot.com/2013/05/american-public-grounds-walkways-in.html>

(continued from previous slide)

Washington had a household staff of about 24, plus an office staff of 4 or 5, all of whom lived and worked in the house. His wife Martha and two of her grandchildren, "Wash" Custis and Nelly Custis, were part of the First Family. The house was too small for the 30-plus occupants, so the President made additions: Although Pennsylvania had begun an abolition of slavery in 1780, it permitted slaveholders from other states to hold slaves in the state for up to six months. Members of Congress were exempt from Pennsylvania's Gradual Abolition Act, but not officers of the executive and judicial branches. Washington and other slaveholders rotated their slaves out of the state to prevent the slaves from establishing the 6-month residency needed to qualify for manumission. The President gradually replaced most of his slaves in Philadelphia with indentured servants who were German immigrants. In 2002, it was learned that Washington had kept nine slaves at the house, and that the LBC's entrance was to be five feet from the former slave quarters. As news spread of the discovery, scholars such as the historian Gary Nash, members of the African-American community, and activists and interest groups in Philadelphia began to push for recognition of Washington's slaves and slavery in US history in exhibits at the new center.

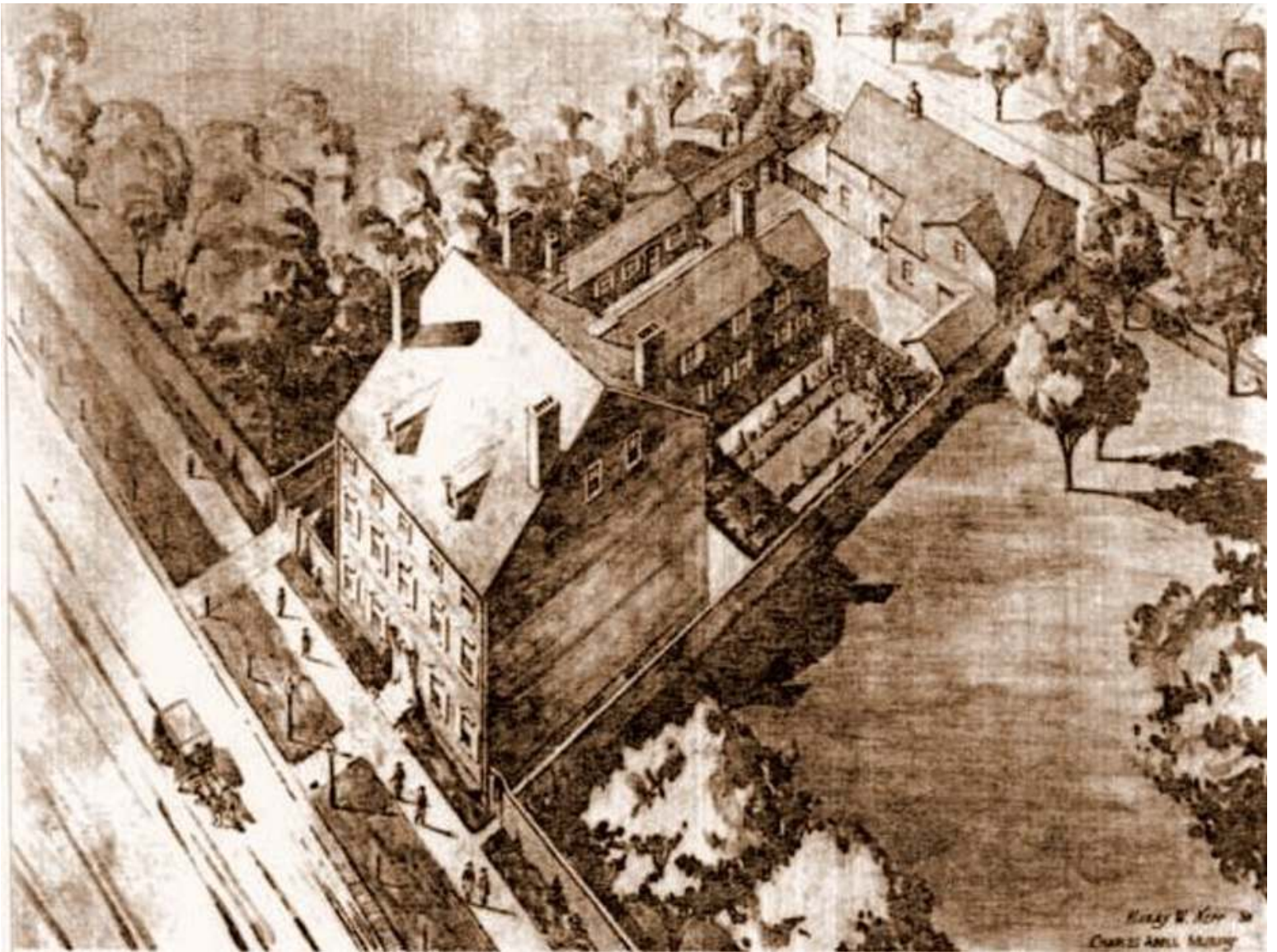
#### References

1. Edward Lawler, Jr., "A Brief History of the President's House in Philadelphia", US History, updated May 2010
2. Rebecca Yamin, *Digging in the City of Brotherly Love: Stories from Philadelphia Archeology*, Yale University Press, 2008, pp. 46-53
3. *Philadelphia Inquirer*, March 24, 2002
4. Yamin (2008), *Digging*, p. 52
5. Yamin (2008), *Digging*, p. 50
6. Yamin (2008), *Digging*, p. 50
7. Yamin (2008), *Digging*, pp. 53-54
8. "President's House Opens on Independence Mall in Philadelphia", Press Release, City of Philadelphia and Independence National Historical Park



Okie, R. Brognard (artist). Sketch of the President's House Replica for the Sesquicentennial Exposition, 1925.

Figure 14.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



Neff, Harry W and Murphy, Charles Abell (artists) (1938). Robert Morris House (known as Washington Mansion) 190 High Street.

Based on the designs of David H. Morgan  
Free Library of Philadelphia

Figure 15.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>

*Washington's Residence, High Street Philadelphia.*

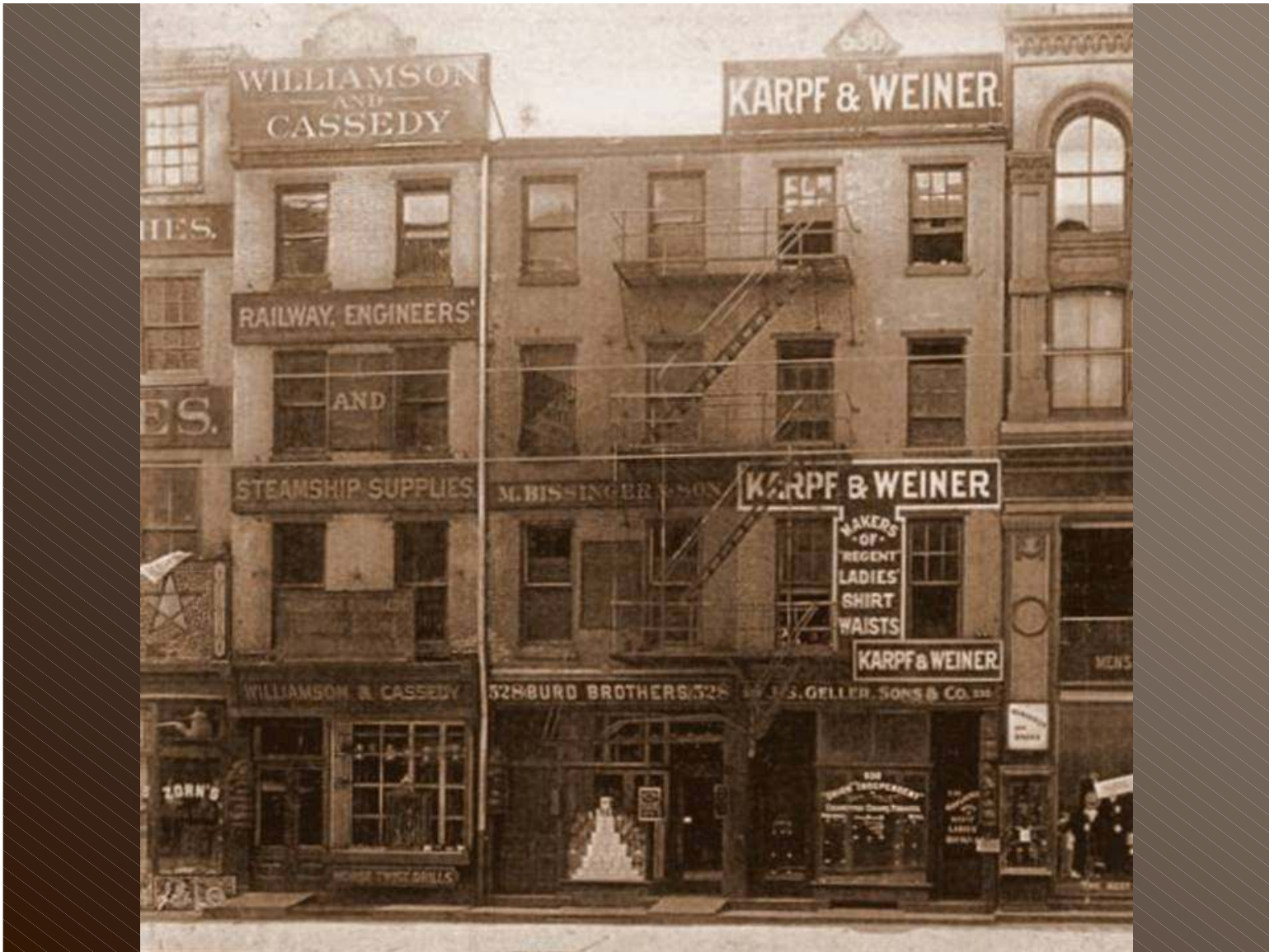


Mason, William G. (artist) (1832). Washington's Residence, High Street, Philadelphia.

The architectural features of the President's House's first story were removed as early as 1804 when the building was converted into stores. This view shows the building as it looked just prior to demolition.

Figure 10.

<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



Market Street between Fifth & Sixth Streets, south side (photographed circa 1903-1908). in Philadelphia Rapid Transit Photo Albums. Historical Society of Pennsylvania. Gift of Clarence D. Jones, 1966.

Figure 12.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>





The Present-day Appearance of the Site upon Which the Presidential Mansion Stood, One Block North of Independence Hall (circa 1947). Page 270 in Peterson, Charles E., Final Report to the United States Congress by the Philadelphia National Shrines Park Commission (December 1947), vol. 7

Independence National Historical Park Archives.

Figure 19.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



Demolition of 524-36 Market Street (1951 November 1).

Evening Bulletin Newspaper Collection, Urban Archives, Temple University.  
Figure 18.

<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



Levin, Jed (photographer) (National Park Service archeologist). Excavation of the icehouse pit from the President's House in Philadelphia (2001 December).

Figure 21.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



Demolition of the Public Toilet (2003 May 27)

The public toilet was constructed on the President's House site in 1954.

Figure 3.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph1.htm>



Overlay of President's House as it was in 1790 on the site in 2003.

[ushistory.org](http://ushistory.org)



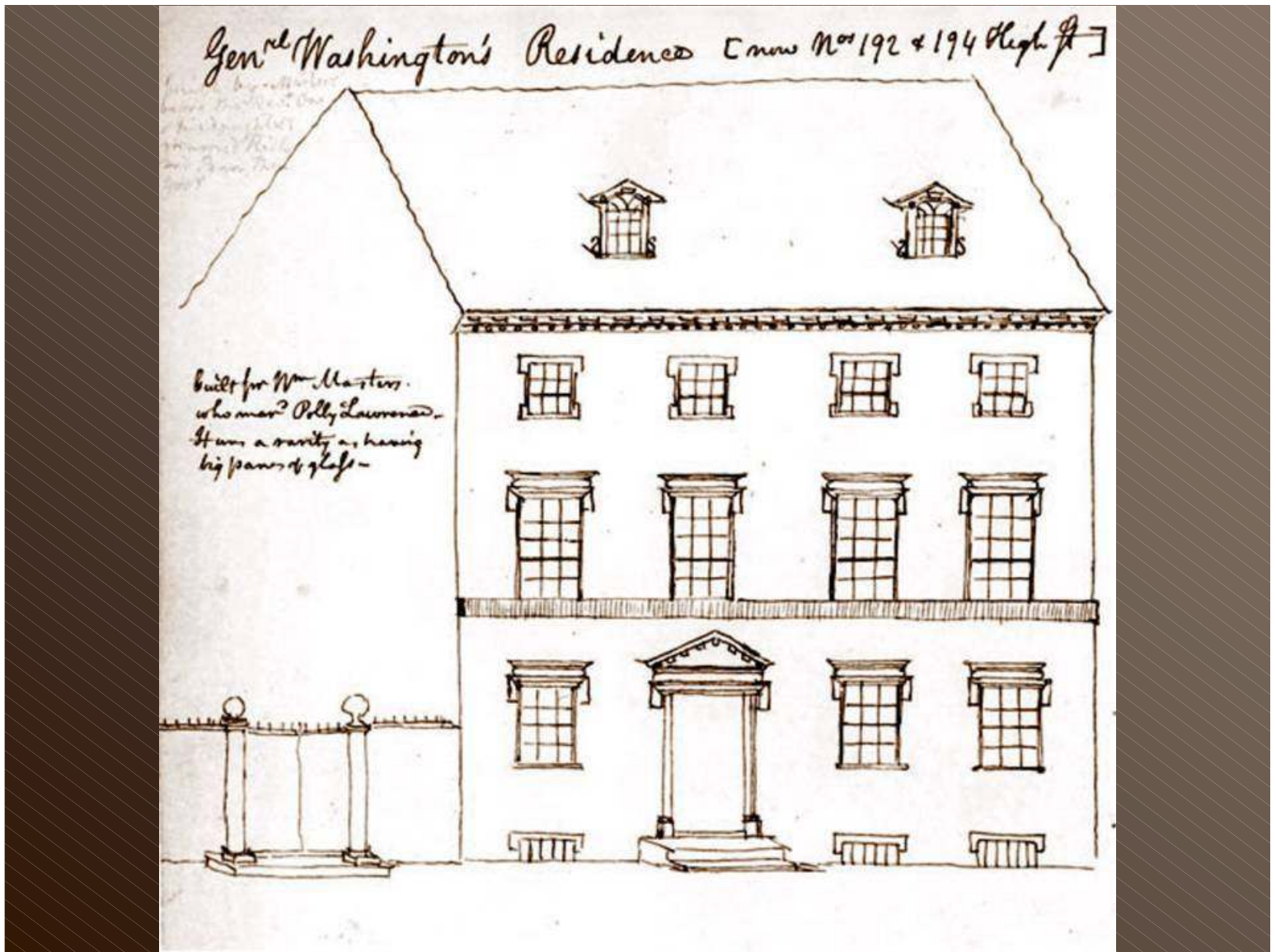
Though George Washington was integral to the founding of the country and he made a large impact on the world, our nation has done a poor job of preserving the artifacts of his life.

George Washington Parke Custis, Washington's adopted son, kept many relics of his father's life in his Arlington, Virginia home as a living museum.

Custis's daughter, Mary, was Mrs. Robert E. Lee. The Union Army seized the estate from the Lees during the Civil War and looted the home. They turned the property into Arlington Cemetery; and the Lees couldn't return to a working farm after the war. Mrs. Lee saved what she could, including the bed on which George Washington died. Other relics were taken as trophies of war. For someone so integral to the founding of the country and his impact on the world, our nation has done a pretty poor job preserving artifacts from his life.

After his death, Washington's adopted son, George Washington Parke Custis, kept many of relics of his father's life at his home in Arlington, Virginia, as kind of a living museum. His daughter Mary was Mrs. Robert E. Lee. During the Civil War, the Union Army seized the estate from the Lees and looted the home (they also turned the property into Arlington Cemetery so the Lees couldn't return to a working farm after the war). Mrs. Lee saved what she could, including the bed on which Washington died. Remaining relics disappeared or were destroyed, though some were taken as trophies of war and displayed in the Patent Office.

[http://www.natemaas.com/2012\\_02\\_01\\_archive.html](http://www.natemaas.com/2012_02_01_archive.html)



Watson, John Fanning (1779-1860) (artist). The President's House. Page 115 in *Annals of Philadelphia* (1823).

Earliest known drawing of the President's House in Philadelphia.

Watson was an antiquarian, an amateur historian who began studying colonial records and writing down the anecdotes and early recollections of elderly people in the first decade of the 1800s. He collected his information avidly over some fifty years, and published three editions of the *Annals*, first in 1830, then in expanded and corrected editions in 1844, and 1857. The later editions had multiple printings, including many of the 1857 edition made after Watson's death.

Figure 9.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



Lawler, Edward Jr. (draftsperson) (2005). Revised Conjectural Elevation of the President's House in Philadelphia.

Added: Third floor room atop the President's Office and the change in the icehouse roof.

Figure 20.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>

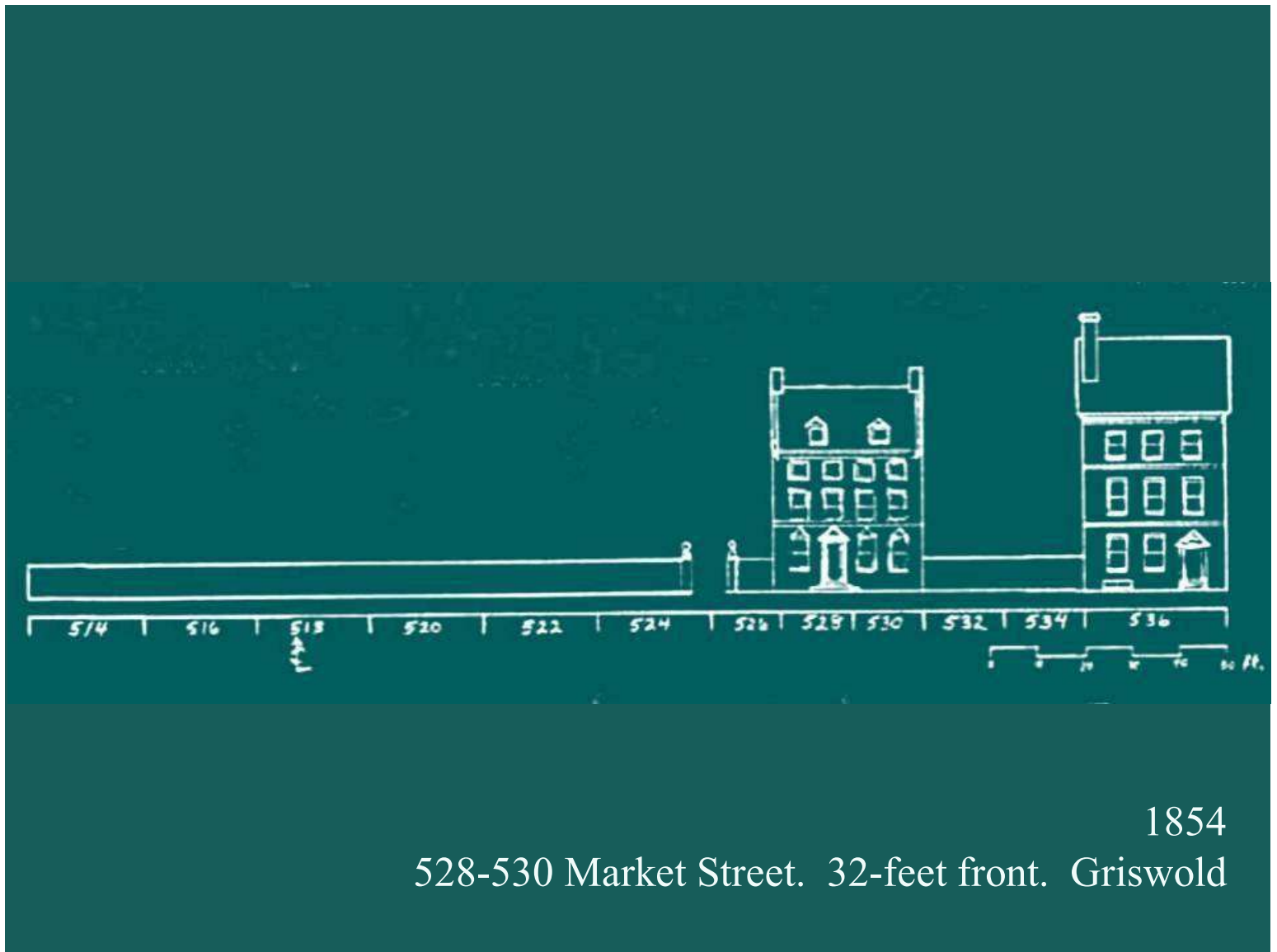




1823  
526-530 Market Street. 45-foot front. Watson

Lawler, Edward Jr. (draftsperson). Comparison of the Market Street elevations for five conjectural views of the President's House from the nineteenth and early-twentieth centuries.

Figure 17.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



Lawler, Edward Jr. (draftsperson). Comparison of the Market Street elevations for five conjectural views of the President's House from the nineteenth and early-twentieth centuries.

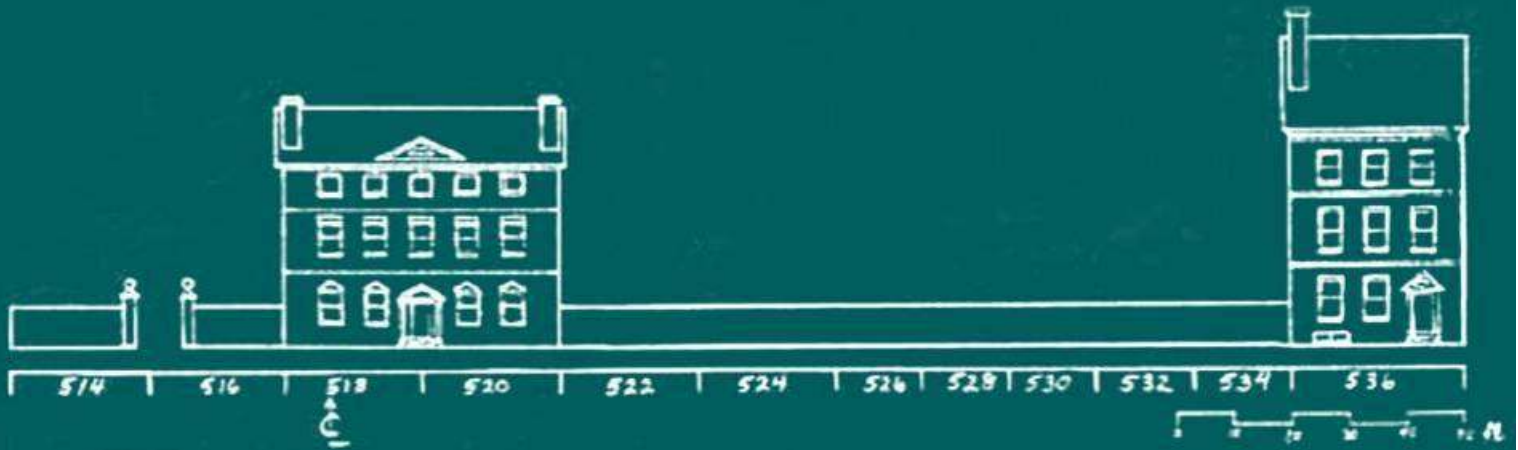
Figure 17.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



1850-1865  
524-528 Market Street. 56-foot front. Poulson

Lawler, Edward Jr. (draftsperson). Comparison of the Market Street elevations for five conjectural views of the President's House from the nineteenth and early-twentieth centuries.

Figure 17.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



1899-1937

518-520 Market Street. 48-foot front. Murphy from Finn

Lawler, Edward Jr. (draftsperson). Comparison of the Market Street elevations for five conjectural views of the President's House from the nineteenth and early-twentieth centuries.

Figure 17.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



1939

526-530 Market Street. 45-foot front. Morgan for WPA

Lawler, Edward Jr. (draftsperson). Comparison of the Market Street elevations for five conjectural views of the President's House from the nineteenth and early-twentieth centuries.

Figure 17.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph2.htm>



George Washington's House in Philadelphia. in Hunter, Frances (author), The Citizen Genet Affair, Part II (2009 December 7).

[http://franceshunter.files.wordpress.com/2009/12/gw\\_res\\_1793.jpg](http://franceshunter.files.wordpress.com/2009/12/gw_res_1793.jpg)



Deshler-Morris House, Germantown, Pennsylvania.

President George Washington lived in the Deshler-Morris house to seek refuge from the Yellow Fever Epidemic (1793) and as a summer retreat for the First Family (1794).

New exhibits offer a glimpse into the daily life of the President's large household, including the enslaved Africans.

<http://www.freedomsbackyard.com/historic-attractions/germantowns-white-house/>



Birch, William Russell and Birch, Thomas (engravers). The House intended for the President of the United States, in Ninth Street, Philadelphia. plate 13 in *The City of Philadelphia .. As It Appeared in the Year 1800*. Philadelphia (1799).

The president declined to move to the house.

Figure 2.  
<http://www.ushistory.org/presidentshouse/plans/pmhb/ph1.htm>



# PLAIN FACTS:

BEING

## AN EXAMINATION

INTO THE

RIGHTS of the INDIAN NATIONS of AMERICA,  
to their respective Countries;

AND

## A VINDICATION of the GRANT,

FROM

The SIX UNITED NATIONS of INDIANS,

TO

The PROPRIETORS of INDIANA,

AGAINST

## THE DECISION

OF THE

LEGISLATURE OF VIRGINIA;

TOGETHER WITH

AUTHENTIC DOCUMENTS,

PROVING

That the TERRITORY, Westward of the Allegany  
Mountain, never belonged to VIRGINIA, &c.

PHILADELPHIA:

Printed and Sold by R. AITKEN, BOOKSELLER, in Market-  
Street, Three Doors above the COFFEE-HOUSE.

M.DCC.LXXXI.

# PLAIN FACTS, &c.

THE year succeeding that, in which America was first discovered, Pope Alexander the Sixth, by his bulls, dated 2d and 3d of May, 1493, munificently gave the whole of the vast Continent,\* of which but a small part was then known in Europe, to Ferdinand and Isabella of Spain; following the example of one of his predecessors, who, in 1440, had granted Africa to king Alphonso the Fifth, of Portugal; not because this Continent was uninhabited, but because the nations subsisting there were *infidels*, and consequently *unjust possessors* of the country where their Creator had formed and placed them. †

The disposing power which had been in these instances assumed by Saint Peter's pretended successors, over the countries of unchristian nations, was, however, too glaringly absurd to be regarded by Popish princes themselves, even in that superstitious age; ‡ and several of them in defiance of these papal grants, soon after, undertook discoveries and settlements in Africa and America, and particularly Henry the Seventh of England, who was a zealous Roman Catholic, and who, within

\* A former infallible Pope had declared that no such Continent as America did or could exist, and had denounced excommunication against all who should believe the contrary opinion.

† " Thus the Romish Pontiffs did not scruple to break the rules of common justice and equity, to serve the purposes of their own worldly interest and glory. They dethroned princes, dispossessed whole nations of their rightful inhabitants, transferred the properties of one people to another, turned out those, whom God and nature put in possession, for their own votaries." History of peopling several parts of the world, and particularly of America. By John Harris, A. M. F. R. S.

‡ We are told by *Herrero*, that Ferdinand and Isabella accepted the papal grant in question from some particular reasons, contrary to the advice

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within three years after, viz. in 1496, granted John Cabot and his three sons, with their associates, a commission to navigate all parts of the ocean, in five ships, under the banners of England, for the purpose of discovering ("ad inveniendum suis eorum propriis sumptibus et expensis," &c.) such *heathen or infidel* ("gentilium et infidelium," &c.) regions, countries or islands, *wherever situated*, as were unknown to Christian states; with power to set up the king's standard in any lands, islands, &c. which they might discover, *not previously occupied by Christians*, and to seize, conquer, and possess all such lands, islands, &c. and as his liege vassals, governors, locumtenentes or deputies, to hold dominion over, and have exclusive property in the same.

Under this commission (which could convey no territorial property, as none had been then acquired) the Cabots discovered Newfoundland, with some other parts of the coast of North America, and thereby gave the crown of England all the rights which could result from the discovery of countries, then inhabited and shared by large nations or tribes of mankind; which however could at most be no other than the privilege of forming establishments in these countries, with the consent of the native proprietors, in preference to the subjects of any other state; for, "No man" says Sidney,

See of the Spanish civilians and canon lawyers; and we find Bartholemew Delas Cases, Bishop of Chiapa, in a Treatise written and dedicated to the Emperor Charles the Fifth, represented, "That the natives (of America) "having their own lawful kings and princes, and a right to make laws "for the good government of their respective dominions, could not be "expelled out of them, or deprived of what they possess, without doing violence to the laws of God, as well as the law of nations." State Facts, v. 3. "An empire" says the illustrious Sidney, "founded upon the donation "of the Pope, which, amongst those of the Romish religion, is of great "importance, and the entire conquest of a people, with whom there had "been no former contract, do degenerate into a most unjust and detestable tyranny. What then shall we say of those, who pretend to a right "of dominion over free nations?"

Sidney, "can give what he has not. Whoever therefore will pretend, that the King has bestowed this (landed) property, must prove, that he, first, had it himself. I confess, that the Kings of Spain and Portugal obtained from the Pope, grants of the territories they possess in the West Indies; and that this might be of some strength, if the Pope, as Vicar of Christ, had an absolute dominion over the whole earth; but if that fail, the whole falls to the ground, and he was ridiculouly liberal of that, which no ways belonged to him." Patents however for promoting discoveries and settlements in America were afterwards granted by queen Elizabeth, and king James and his successors, who all denied the Pope's authority over countries, on account of their being inhabited by infidels; yet, as some pretence was necessary to justify these usurpations, they, after the example of king Henry the Seventh, adopted the exploded distinction between the rights of Christians and those of Infidels, and made it the only foundation of their respective American grants; all of which contained *this*, and only this provision, that the territories and districts so granted, *be not previously occupied and possessed by the subjects of any other Christian prince or state.*" But if the princes and people of Europe, in more ignorant and superstitious ages, were so far misled by the emotions of avarice, ambition, or religious pride, as to believe it justifiable for them to cross the Atlantic, and usurp the possessions of unoffending nations, only because they did not believe in religious doctrines, of which they had never heard, yet the pervading liberal influence of philosophy, reason, and truth, has since given us better notions of the rights of mankind, as well as of the obligations of morality and justice; which certainly are

not

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not confined to particular modes of *faith*, but extend universally to Jews and Gentiles, to Christians and Infidels. And, indeed, the injustice of these attempts to usurp the aboriginal possessions of so many of our fellow creatures, from a defect in their religious opinions, was so manifest, that they never could have been suggested by any other than the detestable policy, and unchristian ambition, which for many ages governed the measures of the *Papal See*.

“ Avides ravisseurs des richesses des autres  
 “ Ils quittent leur pais, pour inonder les notes.”

RACINE.

The Divine Author of our holy religion, when on earth, assumed no temporal dominion or property, but submitted himself on every occasion, even when criminally arraigned, to the jurisdiction and authority of Infidel magistrates, declaring *that his kingdom was not of this world*; and surely none of his disciples can justly arrogate to themselves powers which their great Master has disclaimed, nor pretend, that he has any where authorized them to expect earthly dominion or riches as the rewards of piety and virtue; much less can they plead his permission to acquire them by injustice and violence.

The great universal Parent of mankind, when he gave existence to the native inhabitants of America, commanded them, by the first immutable law of nature to preserve that existence; and that they might be enabled to do it, he must have given them an indefeasible right to enjoy the countries where his providence had placed them; humbly awaiting that progress of events, by which in due time they would probably have advanced, as our progenitors have done, from the rude ignorance of a state of nature, to the splendid acquirements of civilization.

All

All the nations of Europe, and indeed of the world, have been as unchristian and as savage as the aborigines in America; \* and if ignorance either in matters of religion or science, could defeat the title of a people to their country, the *English* must be unjust possessors of the British soil, and incapable of conveying it to their posterity.-----The right of territory in a community is, however, founded on the great natural law of self-preservation, and arises neither from the perfection of our religious opinions, nor from our progress in the refinements of civilization; being antecedent to all these adventitious circumstances. Let it be, says Lord Bolingbroke, “ That the *Aborigines*, the “ *Getulians*, the *Lybians*, and the inhabitants of the “ inward parts of *Africa* had neither *written laws*, “ nor civil magistrates, will it follow, *that they had no* “ *customs*,

\* “ The Grecians derive their own origin from unsettled tribes, whose frequent migrations are a proof of the rude and infant state of their communities. The Gauls and Germans are come to our knowledge with the marks of a similar condition; and the inhabitants of *Britain*, at the time of the first Roman invasions, resembled in many things the present natives of North America. They were ignorant of agriculture, they painted their bodies, and used for cloathing the skins of beasts.” Ferguson’s Hist. of Civil Society.

Ferdinand, King of Spain, in the year 1509, established two governments upon the continent of America. One extending from Cape de Vela to the Gulph of Darien, and the other from thence to Cape Gracias a Dios. The former was given by patent to Alonso de Ojeda; the latter to Diego de Nicuesa. The celebrated Dr. Robertson remarks, in his History of America, vol. I, “ That in order to give their *title* to those countries “ *some appearance* of validity, several of the most eminent divines and “ lawyers in Spain, were employed to prescribe the mode in which they “ should take possession of them. They instructed *those invaders*, as soon “ as they landed on the continent, to declare to the natives the principal “ articles of the christian faith; to acquaint them in particular “ with the supreme jurisdiction of the *Pope* over all the kingdoms of the “ earth; to inform them of the grant which this Holy Pontiff had made “ of *their country*, to the King of Spain, &c. As the inhabitants of the “ continent could not at once yield assent to doctrines too refined for “ their uncultivated understandings, and explained to them by interpreters imperfectly acquainted with their language, they did not conceive *how a foreign priest* (the *Pope*) of whom they had never heard, “ could have any right to dispose of their country; or how an unknown “ prince should claim jurisdiction over them, as his subjects;—they, “ therefore, fiercely opposed the *new invaders* of their territories.”

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" customs, which were among them, equivalent to laws; " no Fathers, no Elders, that supplied the place of civil " magistrates; no forms of government, because they " had not those of civil government."\* The produce of the earth is necessary to subsist its inhabitants; and if the Creator of mankind had made it justifiable for Christians to deprive unbelieving nations of their native countries, we must, from his acknowledged attributes presume, that he would have so formed the latter, as to enable them to subsist without food. But as he has made no difference between the natural wants and faculties of Christians and those of Infidels, we may safely affirm, that whatever spiritual advantages are allotted to the former, our common Parent has made no distinction between the temporal rights of his creatures; and indeed all distinctions of this nature have been either overlooked or rejected by every approved writer on the laws of nature or of nations; and Mr. Hume pertinently observes, " That all the laws of nature, " which regulate property, as well as all civil laws, " are general, and regard alone some essential circumstances of the case, without taking into consideration the characters, situations and connections of " the persons concerned. Public utility requires, that " property should be regulated, not by partial, but by " general, inflexible rules." These distinctions can have no foundation in the civil law, which was instituted before Christianity: And they are by no means even justifiable on the principles of jurisprudence.† Nothing more can therefore be necessary to reprobate a claim, which

\* Bolingbroke's Philosophical Works, Vol. 4.

† At an important trial of Campbell against Hall, in the court of King's Bench, England respecting the duty of four and an half per cent. imposed in the Island of Grenada by royal prerogative, this opinion, that Christians have a right to Heathen countries being casually mentioned, was ridiculed by Lord Mansfield, and the other judges, as well as by all the council present.

which is not only unsupported by any divine or human authority, but is in itself most unreasonable, unjust, and cruel. It may not be improper, however, to subjoin the following extract from an opinion jointly given by Lord Chancellor Camden and the late Mr. Yorke (afterwards Lord Chancellor Morden) respecting the right of the Heathen Asiatic States to their respective territories. In 1757, the East India Company of London petitioned the King, that in a new charter which was then soliciting, a clause might be inserted, for enabling them to hold and enjoy, subject to the King's right of sovereignty, all such districts and territories as they had acquired, or might hereafter acquire, (in Asia) from any nation, state, or people, by treaty, grant, or conquest: upon which these respectable lawyers (being then the King of England's Attorney and Solicitor General) officially advised him, " that in respect to such territories as have been, or shall be acquired by treaty " or grant from the Great Mogul, or any of the Indian " princes or governments, your Majesty's letters patent " are not necessary: the property of the soil vesting in the " Company by the Indian grant subject only to your Majesty's right of sovereignty over the settlements, as " English settlements, and over the inhabitants, as English subjects, who carry with them your Majesty's laws wherever they form colonies, and receive your Majesty's protection by virtue of your royal charters."-----This most respectable opinion in favour of the absolute right of Heathen Asiatics to their several territories, applies directly to support the same right, as vested in Heathen Americans; for if the title of the latter were defective on account of their infidelity, the same cause must destroy the right of the people of Hindostan, China, and every other Infidel nation, to the countries they inhabit.

B

Having

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Having thus sufficiently refuted the pretence on which the Pope, and several European princes, assumed a power of granting away the soil of America, and having thereby vindicated the title of the aborigines of this Continent from all impeachment, on account of their ignorance of Christianity, let us next examine how far their right to the countries inhabited by them, is in other respects valid, according to the *laws of nature* and of *nations*.

America, at its first discovery, was found to be inhabited and possessed by numerous tribes or nations of people, who had divided this Continent between themselves, allotting to each its known and determinate share: how long these people had thus occupied their respective districts, is altogether unknown; this however is certain, that no knowledge remains of the time or manner of their introduction, and whatever might have been their origin, they undoubtedly were the original and first occupants and possessors of the country, and consequently must have had the best and most unexceptionable title to it; as none else could possibly have a claim prior to their own. In this state then, no European prince could derive a title to the soil of America from *discovery*,\* because that (as all civilians, &c. agree) can give a right only to lands and things, which have either never been owned and

\* "It is universally acknowledged, that *discovery*, the only title that any European state could allege to the lands of America, affords no just claim to any but *derelict*, or *uninhabited* lands, which those of America are not. It has indeed been suggested by papal ingenuity in superstitious ages, that *grace* was the only just foundation of dominion;—the *christians* alone had a right to inherit the earth, and that unbelieving nations ought to be regarded as unjust possessors of the country, where God had placed them; and such were the pretences on which Pope Eugene the Fourth, in 1440, granted *Africa* to *Alphonso*, King of Portugal; and on the same pretence, Pope Alexander the Sixth, and several European princes afterwards, disposed of the countries of America: but all distinctions between the *temporal* rights of *christian* and *infidel* nations have long since been exploded." Griffith, vol. 10.

possessed, or which, after having been owned and possessed, were voluntarily *deserted* by the owner, as not worth the trouble of keeping; and so clearly were the *English* commissioners of this opinion, that they observed to the *French* commissioners at Paris, the 15th of November, 1751, relative to the island of *Saint Lucea*, "That there can be no *absolute dereliction* of any country, but where the *last* possessor leaves it voluntarily, and without any apparent necessity; that to make such dereliction in *one* people a foundation of right in *any other* coming after them, it is necessary that the acquiescence of the *first* power, under the possession of the latter, must have been an acquiescence intended *voluntarily*, and clearly manifested; and that neither a desertion forced upon any people by an enemy, nor a temporary acquiescence under that expulsion occasioned by necessity, *do extinguish* the right of any people to the country they so abandon." Property, however, when found in these circumstances, without an owner, may be appropriated and possessed by the first finder, who thus renders it his own property by *occupancy*.--- "Quod enim est nullius per occupationem acquiritur ejus dominium;" et "quod quisque occupasset, id proprium haberet."\* *Primus acquirendi modus, qui juris gentium a Romanis dicitur, est occupatio eorum, que nullius sunt.* Grotius, lib. 2, ch. 2. Idem, l. 1, and Puffendorf, lib. 4, ch. 6, sect. 12. Cicero also observes, "Quod cuique obtiget, id quisque teneat."--- But as the Continent of America was neither *derelict* nor *uninhabited*, we may safely conclude, that the first European emigrants to America had no right to establish

\* Puffend. de Jur. Nat. & Gent. lib. IV. cap. 7.

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blish themselves there,\* *without the consent of the native proprietors,*† and that the several grants of American territory, which they received from their respective sovereigns, could afford only *nominal sanctions* for these undertakings. The ingenious Mr. Dummer, in his defence of the New England charters, maintains, that the crown neither *did* nor *could* grant the soil of America, having in itself no right thereto. The first English settlement having been there by a patent from queen Elizabeth to Sir Walter Raleigh, he asks “ if she had any right, what was it, and from whence derived, It was not” adds he, “ a right of inheritance, because those countries did not descend to her from her ancestors;—not of conquest, because she neither conquered, nor attempted to conquer them; besides, it would be hard to conceive how a conquest

\* Judge Blackstone, speaking of the right of migration, or of sending colonies to find out new habitations, when the mother country was overcharged with inhabitants, says, “ so long as it was confined to the stocking and cultivation of *desert uninhabited* countries, it kept strictly within the limits of the law of nature. But (continues he) how far the seizing on countries already peopled, and driving out the innocent and defenceless natives, merely because they differed from their invaders in language, in religion, in customs, in government, or in colour; how far such conduct was consonant to nature, to reason, or to Christianity, deserved well to be considered by those who have rendered their names immortal by *thus civilizing mankind.*”

† L'Abbé Reynal, the ingenious author of the History of the settlements of the Europeans in the East and West-Indies, remarks, “ That Kiebeck, the Founder of the Dutch Colony at the Cape of Good Hope, in conformity to the notions then unhappily prevailing among the Europeans, began to take possession of the most commodious part of the territory of the Hottentots, and he afterwards designed to fix himself there. This behaviour (the Abbe observes) displeased the natives.— On what pretence, said their Envoy to these strangers, have you sown our lands? Why do you employ them to feed your cattle? How would you behave, if you saw your own fields invaded in this manner? You fortify yourselves with no other view than to reduce the Hottentots to slavery. These remonstrances (continues our author) were followed by some hostilities, which brought the founder of the colony back to those principles of justice and humanity, that were agreeable to his natural character. He purchased the country he wanted to occupy for the sum of 95,000 livres (£ 3937 : 10 sterling) which was paid in merchandize. All parties were reconciled, and from that time to this, there has been no farther disturbance.”

“ conquest, where there was no preceding injury or provocation, could create a right:—nor did it arise by purchase, no money or other valuable consideration having been paid: nor could the claim by prior discovery, or preoccupation, because *they give a right only to uninhabited lands,*† which these were not, being full of inhabitants, who undoubtedly had as good a right to their own country, as the Europeans had to theirs. And sure no body will say, in plain terms, that we have any claim upon the foot that we are Christians, and they are Heathens.‡ Rome itself (continues he) imperious as she is, never carried her pretences to this height; for though some of her doctors have taught, absurdly enough, that *dominion* is founded in grace, none of them have

“ said

\* See Bulemaqui, vol. 2.

† The following authoritative facts establish and confirm this doctrine. On the 27th of April, 1610, King James the First granted by charter Newfoundland to the Earl of Northampton and others; and as the grounds for such grant, it is declared in the said charter, “ That being assured the country adjoining to which, where our subjects have been used to fish, remaineth so desolate and desolate of inhabitants, that scarce any one savage person hath in many years been seen in most parts thereof, and well knowing, that the same lying and being so vacant, is as well for the reasons aforesaid, as for many other reasons, very commodious for us, and our dominions; and that by the law of nature and nations, we may of our royal authority possess ourselves, and make grant thereof, without doing wrong to any other prince or state, considering they cannot justly pretend any sovereignty or right thereunto, in respect that the same remaineth so vacant, and not actually possessed and inhabited by any christian, OR OTHER WHATSOEVER.”

‡ In 1629, “ Divers of the English nation finding the islands of *Cataline* and *Tortuga* unpossessed and empty of inhabitants, did thereupon seize, and begin to plant colonies on them, giving to the former the name of the island of *Providence*, and to the latter the name of the island of *Association*; and which they continuing to inhabit and occupy, after the establishment of peace between his Britannic Majesty and the Catholic King, anno 1630, the Spaniards became thereat offended, and therefore complained thereof to King Charles the First, by their Ambassador, who gave in answer to the said complaint, that his subjects having found those islands, both unpossessed by the Spaniards, and uninhabited by any other people WHATSOEVER, had thereupon, by the laws of nature, as well as of nations, a liberty and right to sit down and plant there.”—Defence of the Scots Settlement at Darien, &c. in 1699, p. 69, 60.

† See Puffendorf, page 98.

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“ said that *property* is. There remains then, (he adds) *no other right*.\* but what is derived from the native lords of the soil, and that is what the first New England planters relied on, having purchased it, &c.”

The several nations or tribes of America, having been 'till then unknown to all other princes or states could not possibly have owed either subjection or allegiance to any earthly power and consequently must have been independent communities, and as such, must have been capable of acquiring territories, and other kind of property, in the same manner, and by the same means as other communities make the like acquisitions. The most common and effectual means, by which a nation and people may acquire the property of a country is *original or primitive occupancy*. “ A nation says Dr. Rutherford.† by settling upon any tract of land, which at the time of such settlement had no other owner, acquires, in respect of all other nations, an exclusive right of full or absolute property, not only in the land, but in the waters likewise “ that

\* The patriotic and learned Dr. Price, in answer to such courtly writers as asserted “ The land, on which the Americans had settled, was *ours*” — asks, “ But how came it *ours*? If sailing along a coast can give a right to a country, then might the people of Japan become, as soon as they please, the proprietors of Britain. Nothing can be more chimerical than property founded on such a reason. If the land on which the colonies first settled, had any proprietors, they were the natives; the greatest part of which they (the colonists) bought of the natives.” — Observations on the Nature of Civil Liberty, &c. London, 1776.

“ Although Spain, by an imaginary title or gift from the Pope, had laid a formal claim to the whole of America, yet every other nation that pleased, took the liberty to occupy and possess in their own right, such vacant and uninhabited lands in America, as they happened from time to time to discover by their own industry, and at their own proper expense, establishing their respective titles in conquest, in lawful war, treaty, purchase, or some kind of amicable agreement with the natives, which to do the English nation justice, has been the only foundation of their equitable and solid claim to all the possessions, which they hold at this time in America.” History of the British Plantations in America. Part the 1st, by Sir William Keith, Baronet, London, 1738.

† Institutes of Natural Law, B. II. cap. 9.

“ that are included within the land, such as rivers, pools, creeks, or bays. This absolute property of a nation, in what it has thus seized upon, is its right of territory.” “ Occupancy, (adds he) in the gross, gave the nation, from the first, a right of absolute property in the land where it settled. But a subsequent distribution and assignment, or a subsequent occupancy in parcels, gives the several members of the nation private property in their respective shares.”

Judge *Blackstone* also says that “ as *occupancy* gave the right to the temporary use of the soil, so it is agreed upon all hands, that *occupancy* gave also the original right to the permanent property, in the substance of the earth itself, which excludes every one else but the owner, from the use of it. There is, indeed, (observes he) some difference among the writers on natural law, concerning the reason why *occupancy* should convey this right, and invest one with this absolute property; *Grotius* and *Puffendorf* \* insisting, that this right of *occupancy* is founded upon a tacit and implied assent of all mankind, that the first occupant should become the owner. And *Barbeyrac*, *Titian*, *Mr. Locke*, and others, holding there is no such implied assent; neither is it necessary that there should be, for that the very act of *occupancy* alone, being a degree of bodily labour, is from a principle of natural justice, without any “ consent

\* “ After men came to a resolution of quitting the primitive communion, upon the strength of a previous contract, they assigned to each person his share out of the general stock, either by the authority of parents, or by universal consent, or by lot, or sometimes by the free choice of the party receiving. Now it was at the same time agreed, that whatever did not come under this grand division, should pass to the first occupant, that is, to him who, before others, took bodily possession of it, with intention to keep it as his own.” These are the words of *Puffendorf*, who concludes with *Grotius*, that whereas original acquisition was at first made by division, “ it can be now made only by *occupancy*.”

Wharton, Samuel (1732-1800). Plain facts: being an examination into the rights of the Indian nations of America, to their respective countries; and a vindication of the grant, from the Six united nations of Indians, to the proprietors of Indiana, against the decision of the legislature of Virginia: together with authentic documents, proving that the territory, westward of the Allegany mountain, never belonged to Virginia, &c Philadelphia (PA): R. Aitken (1781).

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“ consent or compact, sufficient of itself to gain a title.  
 “ A dispute (continues he) that favours too much of  
 “ nice and scholastic refinement; however both sides  
 “ agree in this, that *occupancy* is the thing by which  
 “ the title was in fact originally gained: every man  
 “ saving to his own continued use such spots of ground  
 “ as he found most agreeable to his own convenience,  
 “ provided he found them *unoccupied* by any one else.”  
 And of this opinion was *Woolaston*, who says, “ That  
 “ the first possession of a thing gives the possessor a  
 “ greater right to it, than any other man has, or can  
 “ have, ’till he and all that claim under him, *are ex-*  
 “ *tingit*. To say *prime occupancy* gives no right, is  
 “ inconsistent with the peace and happiness of mankind  
 “ in general.”\*

These authorities (though abundance of others might be cited) will sufficiently prove, that *occupancy* has been univerfally admitted, as sufficient to vest the property of a country, or district in a nation, or tribe occupying the same; and consequently, that the aborigines of America have an absolute exclusive right to the countries they possess;—they, by the immemorial, uninterrupted exercise of every act, which is necessary to constitute *occupancy*, either by the laws of nature, or of nations, must have acquired a valid title to their territories, if even the possession had been at first unjustly gained. But surely this was not the case; for whether we consider them as having been, by divine providence, first transplanted to America, or as having been (according to their own belief) *created there*, † yet, in either case, their possession must have been obtained without those crimes, or that injustice, on which

\* See *Woolaston's Religion of Nature*.

† “ For we must tell you, that long before one hundred years, our ancestors came out of this very ground, and their children have remained here ever since.” *Speech of the six nations at the treaty of Lancaster.*

which European titles are frequently founded:—for it must have been given by the hand of that BEING, who created the world, and is the most rightful disposer of it. And notwithstanding the princes of Europe arrogantly assumed the dominion and property of America, still the right of the Indian natives has been so evident, and the injustice of taking it from them has been so sensibly felt, that most of the sovereigns of Europe have been compelled, by the force of truth and justice, to acknowledge the Indian tribes or nations to be independent communities; and to recognize their right to the several countries inhabited by them, but also to purchase under that right.

In 1662 King Charles the Second granted the charter of *Rhode Island*, &c. and therein is recited, that, “ They the said John Clerk, Benjamin Arnold, &c. and the rest of the purchasers and inhabitants of our island, called *Rhode Island*, and the rest of the colony of *Providence* plantations, did transplant themselves into the midst of the *Indian nations*, who, as we are informed, are the most potent princes and people of all that country, where, by the good providence of God upon their labour and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, rivers, harbours and roads, as are very convenient both for plantations, and building ships,” &c. And in 1663, the following circular letter was transmitted by the King's command, June the 21st, 1663, to the Governor and Associates of the *Massachusetts's*, *Plymouth*, *New Haven*, and *Connecticut* colonies.

C

Charles

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Charles R.

TRUSTY and well beloved, We greet you well.

**W**HEREAS, We have been given to understand, that our good subjects, Thomas Chiffinch, John Scott, John Winthrop, Daniel Dennison, Simon Bradstreet, Thomas Miller, Richard Smith, Edward Hutchinson, Amos Richardson, John Alcock, William Hudson, and their Associates, having, in the right of Major Asherton, a just propriety in the Narraganset country in New England, by grants from the native princes of that country, and being desirous to improve it into an English colony and plantation, to the enlarging of our empire, and the common good of our subjects, they are yet daily disturbed, and unjustly molested in their possession and laudable endeavours, by certain unreasonable and turbulent spirits of Providence colony, of New England aforesaid, to the great scandal of justice and government, and the imminent discouragement of that hopeful plantation.

We have therefore thought fit hereby effectually to recommend the said proprietors to your neighbourly kindness and protection; the proprietors to be permitted peaceably to improve their colony and plantation, in New England, willing you, on all occasions to be assisting to them, against such unjust oppressions and molestations, that so they may be secured in the full and peaceable enjoyment of THEIR SAID COUNTRY, according to the right and title they have to it, wherein we will not doubt of your readiness and care, and shall, on all good occasions, express how graciously we accept of your compliance with our recommendation; and so we bid you farewell.

Given at our Court at Whitehall, the 21st day of June, 1663, in the 15th year of our reign.

By his Majesty's command,

HENRY BENNET.

Minister of Council,—Whitehall.

King Charles the Second also granted a charter of incorporation to Lord Willoughby of Parham, for the colony of Surinam, and therein, in the most explicit manner, acknowledged the original right of the Indians to the same. The charter mentions "the lawful possession, and title of him the said Lord Willoughby and his heirs, of, in, and to the aforesaid part of the main land within the rivers and limits aforesaid, so acquired by, and contracted for with the native owners, and inhabitants thereof," and declares, that the said colony "ought to be encouraged and provided of good and necessary laws for the orderly government thereof, that so, not only the trade, but also the dominion of this our kingdom may be thereby much augmented and increased," and that for the purpose "of ratifying and confirming, AS MUCH AS IN US LIES, THE JUST AND LAWFUL title and right of him the said Lord Willoughby, and his heirs and assigns, of and into the same, in as ample a manner as hath at any time heretofore been granted to any person or persons, owner or owners, proprietor or proprietors, lord or lords of any other plantation in America.

"We do therefore," &c.\*

Soon after the English had established themselves in America, the Dutch made settlements at New York, and at the mouth of the river Delaware, and also at the entrance of Connecticut river; and at each of these settlements, they purchased the soil of its native Indian inhabitants:† they, however, deserted the two last settlements, but extended that of New York. The Dutch had not long abandoned the river Delaware, before a number of Swedes and Finns, encouraged by Gustavus

\* Recorded in the Rolls Chapel,—Chancery Lane, London.  
† See Smith's History of New York.

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*Gustavus Adolphus*, transported and established themselves there, and “purchased of the Indians the lands from Cape *Inlopen* to the Falls of *Delaware*, on both sides of the river, which they called New Swedeland Stream, and made presents to the Indian chiefs to obtain peaceable possession of the land so purchased.”\* The Dutch notwithstanding asserted their pretensions to the country, (having previously established themselves on a part of it within the Capes of Delaware) and grounded their claim on a purchase, which they had made, July 19, 1651, from the Indian owners of all the lands “beginning at the west side of the *Muniqua* or *Christiana Kill*, in the Indian Language named *Suspecough*, and extending to the mouth of the bay or river called *Boomp Hook*, in the Indian language *Cannareffe*, and so far inland as the bounds and limits of the *Muniquas* land, with all the streams, appurtenances and dependencies thereof.”†---And the Court of Sweden apprehended also, that no legal or just title could be acquired for lands in America, except by grant or cession from the native proprietors thereof; and therefore that Court, in 1656, presented the following Memorial to their High Mightinesses the States General of Holland.---

“THE underwritten Resident of Sweden doth find himself obliged, by express order, to declare unto their High and Mighty Lordships herewith, that the commissioners of the West India company in this country in the New Netherlands, now, the last summer, did unexpectedly assault, by force of arms, the Swedish colony there; taking from them their forts, and drove away the inhabitants, and wholly dispossessed the

\* Smith's History of New Jersey.

† Smith's History of New York, and the Assembly of Pennsylvania in 1682, declared “this land to have been possessed by the Dutch, and bought by them of the natives.”

“the Swedish company of their district;---it is true and without dispute.”

(The Resident further observed) “That the Swedish company did acquire, OPTIMO TITULO JURIS, that part which they possessed, and did buy it of the natives, and consequently have had possession of it for several years; and WITHOUT THAT (purchase) the West India company of these countries did never pretend to any thing. Wherefore the said Resident doth not doubt but these hostilities will very much displease their High and Mighty Lordships; and doth desire, in the name of his most gracious King and Lord (of Sweden) that their High and Mighty Lordships would be pleased to take some speedy order for the redressing of such unlawful proceedings,---as the justice, the mutual amity between both nations, and the consequence of the business require, and is expected from their High Wisdoms, whereby the Swedish company may be restored undemanded. Done at the Hague the 22d March, 1656. [N. S.] Signed, H. Appleboom.”\*

In 1664, Colonel Nichols, Sir Robert Carre, and two other British commissioners, with a small fleet and army, reduced all the Dutch possessions in that part of America, to the dominion of the crown of England, and when these forces were before the city of New Amsterdam (since New York) and had summoned the Governor and Magistrates to surrender to the King, they answered, that they “had purchased the land of the natives, princes of the country, and had continued in the uninterrupted possession thereof, and that they made no doubt, that if his Majesty of Great Britain were truly informed of these facts, he was too judicious to give any order, that the places and fortresses in their hands should be given up,” &c.

After

\* Thurloe's State Papers, vol. 5.

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After the *Dutch* settlements in this part of America were reduced, Colonel Richard Nichols, Sir Robert Carre, George Cartwright, and Samuel Maverick, Esqrs. set out, agreeable to a special commission from King *Charles the Second*, to visit the several New England colonies, and enquire into particular abuses which had been complained of, in the administration of justice and of government in these colonies: and the instructions which they received from the King, respecting the objects of their visit, afford another proof, that he considered the *Indian nations* of America as *independent states*, intitled to the general benefits of property, and of justice:---Part of these instructions were as follow, viz.

“ You shall inform yourselves of the state of the neighbouring *Indian princes*, and enquire what treaties have been made between them and any of the King’s subjects; and if there has been any failure on the part of any of his Majesty’s subjects, you shall take effectual course, that *reparation* and *satisfaction* be made for any injury sustained thereby; and shall use all ways and means to let those *princes*, and other *Indians*, know of his Majesty’s charge in their behalf.”\*

In the year 1684, the Lord *Howard* of *Effingham*, then Governor of *Virginia*, went with two of his Counsel from thence to *Albany*, to conclude a treaty with the *Six Nations*; and on the 13th of July, in the presence of the Governor of *New York*, and the magistrates of *Albany*, he addressed a speech to them, containing proposals for a future alliance and friendship, which were formally accepted and ratified. And here it is proper to observe, that the *Six Nations* had been frequently at war with the *French*, and were considered

as

\* Hutch. Hist. Massachusetts Bay, vol. 1.

as a most important barrier to our frontier American settlements; and it therefore became expedient not only to perpetuate their union with the English Colonies, but also to prevent the losses of strength and of numbers, which they daily suffered from the hostilities of the French and their Indian allies, whilst the crowns of England and France were at peace. For this purpose Colonel *Dungan*, then Governor of *New York*, strongly advised and solicited them to put their country under the King’s protection, as an expedient that would preserve them from the attacks of the French, who were then endeavouring totally to extirpate them, chiefly on account of their former fidelity to the English: this the *Indians* consented to do, expecting thereby to acquire a new security, without losing either their property or independency; and instruments were at two subsequent treaties executed for submitting their lands to the crown of England, “ to be protected and defended by his Majesty, his heirs and successors for ever, to and for the use of them (the said *Indians*) their heirs and successors;”† by which the public faith was solemnly pledged to guaranty, and maintain these nations in the

\* This will appear by the following extract from the speech which the *Onondagas* and *Cayugas*, upon that occasion, addressed to the two Governors, viz. “ We have put our lands and ourselves under the protection of the great Duke of York, the brother of your great Sachem, who is likewise a great Sachem. We have annexed the *Susquehannah River*, which we won with the sword, to this Government (New York)—we will not, that any of the great Penn’s people settle there, for we have no other land to leave our children.—Let your friend that lives on the other side of the great lake, know this, that we being a free people, though united to the English, may give our lands, and be joined to the Sachem we like best.” Colden’s Hist.

† In the year 1684, when the *Indians* were persuaded to put their lands under the protection of the crown of England, the governor of *New York*, says Mr. Colden, “ gave them the Duke’s arms to be put up at each of their castles, in hopes it might deter the French from attacking them (as they were threatened from Canada) by this so manifest a declaration of their being under the protection of the crown of England, when the two crowns were in the strictest friendship; but (continues he) it is probable the French chose this very time to attack them, to bring them off from that confidence they seemed to have in the English.”

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the full enjoyment of their freedom and property; though these very instruments were afterwards perverted to justify a claim of dominion over them: for at the treaty of *Utrecht*, when the power of France had been depressed by the duke of Marlborough's and other victories, the following article was exacted of the French, who had till then always asserted the absolute independency of the Six Nations, viz. "The subjects of France, inhabiting Canada and others, shall hereafter give no hindrance or molestation to the Five Nations, or Cantons of Indians, *subject to the dominion of Great Britain*, nor to the other natives of America, who are friends to the same." It appears, indeed, that this claim was only intended to secure the peace and property of the Six Nations. and strengthen their connexion with the British Crown. There are however a multitude of treaties and public transactions subsequent to that period, which fully shew, that neither the Crown or people of Great Britain ever really considered or treated the Six Nations as any other than *allies*.\* And whenever they had been told of our claim of dominion over them, they have never failed to resent it in the most sensible manner. This particularly happened after the peace of *Ryswick*, when Captain Scyler being sent to Canada, by the Government of New York, to settle some disputes respecting the independency of the Six Nations (which the Governor of Canada resolutely maintained) he imprudently asserted, that they were in a state of subjection to the Province of New York, which being afterwards reported to them

\* L'Abbé Reynal observes, "That in his computation of French subjects in Canada, he did not include the many INDIAN ALLIES. None of these were ever considered as *subjects*, though they lived in the midst of a great European colony: the smallest clans still preserved their independence.--It is, he says, his own species,---it is mankind,---it is his equal, that the Indian loves and respects, but he would hate a master, and destroy him." Vol. 4.

them was, as Governor Colden observes, "so much resented by the Five Nations, that a deputation of the most considerable Sachems was sent to Albany, in June 1699, to complain of it; and they sent at the same time deputies to Canada, to conclude the peace independently of the English." And if ever they have seemed *not* displeas'd at being called subjects of Great Britain, it was because they did not understand the meaning of the term, having no word in their language capable of conveying any ideas of our kinds of political subjection. They speak of all their allies and friends in terms that express the natural relations of consanguinity, calling them fathers, brothers, nephews or cousins. The English they stile brothers, and the King they call father. In a message which they sent to the Governor of New York, they said, "You say, that we are subjects of the King of England and Duke of York, but we say, we are *brothers* (*allies* and *EQUALS*) we must take care of ourselves," and in support of this just opinion,---we need only refer to the apposite and energetic words of the *United States*, "We hold these truths to be self-evident, THAT ALL MEN ARE CREATED EQUAL; that they are endowed by their Creator with certain unalienable rights;---that among these are life, liberty and PURSUIT OF HAPPINESS."\*

D

" He

\* Declaration of Independence, on the fourth of July, 1776. "Though the powers of Europe have disputed about the dependency of the Confederates (or Six Nations) on the crown of England, and whether they are *subjects*, or not,---the same will not bear disputing in this city, where we know,---that they are not subject to our laws;---that they have no magistrates appointed over them by our King;---that they have no representatives in our assemblies;---that their own consent is necessary to engage them in a war on our side:---But that they have the power of life and death, peace and war, in their own councils, without being accountable to us. *Subjection* is what they are unacquainted with." See *Evan's* Political and Mechanical Essays, printed in 1756.

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“ *He gave us only over beast, fish, fowl,  
 “ Dominion absolute; that right we hold  
 “ By his donation;---but man over man  
 “ He made not Lord;---such title to himself  
 “ Reserving, human left from human, free.”\**

The Five Nations added upon the foregoing occasion,  
 “ *These arms (the Duke of York’s) fixed upon the  
 “ posts, cannot defend us from the arms of La Barre,*”  
 then Governor of Canada, who was marching a considerable army against them, but despairing of success, he invited them to treat of *peace*, and accordingly *Garangula*, a chief Sachem of the Onondagoes, in behalf of the Confederacy, told La Barre, at the head of his army, “ *We are born free.---We neither depend on Ton-*  
 “ *nondio (meaning the Governor of Canada) nor on*  
 “ *Corlear, the English Governor. We may go*  
 “ *where we please, carry with us whom we please, &c.*  
 “ *If your allies be your slaves, use them as such; com-*  
 “ *mand them to receive no other but your people.*  
 “ *We have done less than either the English or French,*  
 “ *who have usurped the lands of so many nations, and*  
 “ *chased them from their own country.”†*

It is time however to close this review of transactions, tending to evince the right of the native Indians of America to their respective countries: for though many other facts of the like import exist, enough have already been cited to produce the fullest conviction on this subject. It has now been seen, and proved, that the several Indian nations of America, at the discovery of this continent, were free and independent communities, owing neither allegiance nor subjection to any foreign state; that they have neither ceded nor forfeited their freedom and independency by any subsequent act; that they were the *original and just possessors*

\* Milton’s *Paradise Lost*.

† See *La Hontan*, &c.

*fors* of their several territories, and lived in the exercise of every act necessary to invest them with all the rights of occupancy; and therefore that they, by the laws of nature and of nations, *had*, and where it has not been otherwise specially ceded or relinquished, *still have* an absolute, indefeasible title to the exclusive jurisdiction of their persons, and to the *dominion and property*\* of their several countries. *This*, by all civilians and natural law writers, is divided into *original or derivative*; the latter species, as it depends on a conveyance from others, may have been conveyed under particular entailments or limitations, sufficient to restrain the free disposal of it.--But *all original property* and especially that which a nation has in a territory, rightfully acquired and possessed, must necessarily be what is called “ *full property*,” and certainly the property of the Indians of America, in their several countries, must be considered as *original and full*, in the most perfect degree;---they were the primitive occupiers and owners of this continent, and received possession thereof *from the divine Creator himself, free from the constraint of any human limitation or power.* “ *Full property*” (says the judicious Dr. Rutherford)†

“ *in*

\* The learned Author of the *Vindication of the Settlements of the Colony at Darien*, printed in London, in the year 1699, observes,---  
 “ That the native proprietors and possessors of a country are vested with a  
 “ power inherent in themselves, by which they may rightfully and authorita-  
 “ tively, without being accountable to any other, admit and receive strangers,  
 “ foreigners, aliens and others, into their territories, and within their own  
 “ proper and peculiar jurisdictions, and allow them the privilege and rights  
 “ of settling, inhabiting and trading among them; for it is one of the first  
 “ principles, both of the laws of nature and nations, that they who are the  
 “ original and primitive proprietors of a country and soil, may admit, wel-  
 “ come, and take in others, into the inhabiting, planting, cultivating and im-  
 “ proving the same;---but no man can give, dispose, and alienate to another,  
 “ that which he neither has in possession, nor can pretend any legal claim of title  
 “ and right unto;---which the Pope both betrayed his pride and folly in  
 “ doing, when he took upon him the granting of all the West Indies to  
 “ the King of Spain, being therein ridiculously liberal of that, which did us  
 “ ways appertain to him.”  
 † Institutes of Natural Law.

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" in any thing, is a perpetual right to use it to any purpose, and to dispose of it at pleasure. Property (continues he) in the strict notion of it, is such a right to a thing, as excludes all persons, except the proprietor, from all manner of claim upon it. No person therefore can, consistently with such a right, take the thing from him, at any time, or hinder him in the free use of it, or prevent him from disposing of it, as he pleases."---And the learned and accurate *Woolaston* remarks, " To have the property of any thing, and to have the sole right of using and disposing of it, are the same thing;----they are equivalent expressions."\*

It has also been seen, and will be more fully shewn in the succeeding pages, that this, the title of the natives, by frequent purchases, numerous treaties, alliances and other publick transactions, has been, in the fullest manner, asserted and confirmed.

Upon the whole, therefore, as the Indian Nations of America are unquestionably intitled to all the rights of " full property" in their several countries, it results as a necessary and final conclusion, that they have an indefeasible right freely to sell, and grant to any person whatsoever; and that all sales and conveyances made by any Indian tribe or nation of their lands, are in every respect, sufficient to afford the most valid and perfect title to the same.

Having thus, we hope, fairly and fully established the right of the natives to their several territories, we shall next

\* Religion of Nature.

*Puffendorf* says, " *La est vis Domini, ut de rebus que tanquam propria, et in solidum ad nos pertinent pro arbitrio nostro disponere possimus. Ut quis rem suam possit alienare, seu in alterum transferre, id ipsum ex domini pleni nature resultat. Cum enim hoc Domino sit facultatem de re pro arbitrio disponendi, utique vel præcipua jus facultatis pars videtur, si ita placeat, eam in alterum posse transferre (sic juris nates gent.)*"-----  
A multitude of authorities of the like import might be cited, but the fact here asserted, is too notorious to need confirmation.

## APPENDIX, No. I.

WHILE the matters (mentioned in pages 141, 142, 143, 144) were transacting in Virginia, a company was formed in London, consisting of many gentlemen, residing both in England, and America, for the purpose of endeavouring to buy from the King, part of the lands ceded to him, by the treaty, and deed of *Fort Stanwix*, and the honorable *Thomas Walpole*, Doctor *Benjamin Franklin*, and Messieurs *John Sergeant*, and *Samuel Wharton*, were appointed a committee to manage their application.--In June 1769, These gentlemen presented a petition to his Britannic Majesty for the purchase of two Millions and four Hundred Thousand acres of these lands, and their petition being referred by the King in council to the Earl of *Hillsborough* and the other lords commissioners for trade and plantations, Mr. *Walpole* and his associates attended their lordships, in December 1769, when the Earl of *Hillsborough*, recommended to them to contract, if possible, with the lords of the treasury, for such part of the purchase from the Six Nations, lying on the river *Ohio*, as would be sufficient in extent to form a separate government upon. The Earl of *Hillsborough*, offered to go immediately to the treasury, and know their lordship's opinion upon the subject, and the petitioners expressing their approbation, his lordship went, and reported, that the lords of the treasury, would be glad to receive the gentlemen's proposals.--- Accordingly, on the 4th of January 1770, a memorial was presented, proposing to buy from the King, the tract of land hereafter described, and to pay the sum

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sum of £ 10460: 7s: 3d. sterling, and a quit rent of two Shillings like money for every hundred acres of cultivable land within the said tract;---The quit rent not to commence 'till after the expiration of twenty years.---Their lordships took into consideration the memorial and paper, containing a description of the lands applied for, and unanimously *agreed to accept* the price, and quit rent offered.

On the 8th of May 1770, Mr. *Walpole* and his associates, presented a petition to King in council, praying that a grant for the lands might be made to them.-- On the 25th of the same Month, the lords of the committee of council referred this petition to the lords commissioners for trade and plantations, and on the 15th of July following, the Earl of *Hillsborough* desired the attendance of Messrs. *Walpole*, *Franklin*, *Sargent* and *Wharton* at the board of trade, when he informed them, that as there were, perhaps, some settlers from *Virginia* seated on part of the tract under consideration, he was of opinion, that that colony should be acquainted with the contract made with the treasury; and therefore the report of the Lords of Trade would be delayed only until it was known, whether *Virginia* had any thing to say upon the subject; but, in the mean time, he had the King's express commands to repeat, in the strongest manner, his Majesty's former orders, *forbidding the governor of Virginia to pass warrants for, or suffer any surveys or settlements to be made over the Allegany Mountain, and especially on any of the lands, which the company had contracted for.*

On the 25th of February, 1771, Mr. *Walpole* was informed by a note from the Earl of *Hillsborough*, that he had directed copies to be made, and sent him, of such parts of the letter he had received from *Virginia*, as related to his and his associates application for lands

on

on the *Ohio*; and his lordship observed, he should be very glad to concur in reporting upon that application, as soon as a full board of trade could be had. The letter here alluded to, was from the Honourable Mr. *Nelson*, president of his Majesty's council of *Virginia*, and dated the 18th of October 1770, the president wrote.---- that on the evening of that day, his lordship's letter of the 20th of July to the governor, was delivered to him;-- And as it contained matter of great variety and importance, *it had been read in council*, and together with the several papers inclosed in it, had been *maturely considered*, and that " he then troubled his lordship " with their, as well as his own opinion on the subject of them."---He acknowledged the propriety, and justice of his lordship, and my lords commissioners of the treasury, in delaying to report in favour of Mr. *Walpole*, and his associates for a grant of lands, ON THE BACK OF VIRGINIA, until the country should be made acquainted with it, and their reasons, if they had any, in objection should be heard.---He then mentioned the affair of the late *Ohio* company, governor *Dunwiddie's* proclamation, and promise of two Hundred thousand acres of land to the officers and soldiers of *Virginia*, who had served in the former war between *France* and *England*, and supposed, that the same quantity would be allowed to all the other officers and soldiers upon the continent.--He also observed, *besides these*, we have been told, (tho' we have not had an authentic copy of the treaty at *Fort Stanwix*,) that the *Indians* made it an express condition in the deed of cession to his Majesty, that a quantity of land should be granted to *Colonel Croghan* and to the traders, as a recompence to them for the injuries, and damages sustained from the *Indians*.-----These he said were to the northwards;---And at the same time remarked, that

" 11

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" In all the *other* grants, I do not find, that any steps  
 " have been taken, towards surveying and seating  
 " them;---of course, *they are*, or will become *lapsed*,  
 " except in the two to *John Lewis* for 800,000 acres  
 " called the *loyal company* and to *James Patten* and  
 " others for 100,000 acres."\*---

On these lands, the president remarked, " there  
 " are many hundred families settled. The late war,  
 " and the prohibition by proclamation, have been the  
 " causes, that these lands have not been more fully  
 " peopled, which I have reason to think, will be ef-  
 " fected soon after leave is given to grant patents for  
 " such parts as are settled. These one million seven  
 " hundred thousand acres, which I have taken notice  
 " of in *all*," (the quantity the president and council  
 " apprehended, the above mentioned grants to the *Old*  
 " *Ohio Company*, the *Officers*, Colonel *Croghan*, the *traders*,  
 " &c. would amount to,---" I SUPPOSE WILL TAKE  
 " PLACE OF ALL NEW ADVENTURERS.---We do not  
 " presume to say, to whom our gracious Sovereign  
 " shall grant HIS VACANT LANDS; nor do I set my-  
 " self up as an opponent to Mr. *Walpole* and his asso-  
 " ciates.

\* Before the president of the council wrote the above letter to the Earl of *Hillsborough*, he desired *John Blair*, Jun. Esq; clerk of the council, to report to him the situation of all orders of council for lands; and the following is the report made by him to the president:

" In obedience to the commands of His Honor the President, I have  
 " examined the council journals, and find, that no grant has been made  
 " to any person whatever, since the said 12th of February, 1755, nor even  
 " since the 27th of August, 1754, of a larger quantity of land lying to the  
 " westward of the said mountains, than 1000 acres; and but few grants at  
 " all of any of these Lands, as will more particularly appear by the foregoing  
 " List of all the grants or orders of council, which have passed, located as  
 " above mentioned." [See the address of the House of Burgesses of *Virginia*,  
 " &c. in p. ge. ] " And I also find, that no grants of those lands  
 " in any quantity whatever, have been made since the 7th of October,  
 " 1763, being the date of the royal proclamation forbidding the seating of  
 " that country, but that the petition of the *Loyal Company* for a renewal  
 " of their grant of 800,000 acres was rejected in 1763, as being contrary to  
 " the royal instructions, respecting the quantity to be granted to any one  
 " person.

JOHN BLAIR, Jun. Cl. Coun."

X Case of the Loyal and Frontier Companies  
 Calls Virginia's Separate Lands 1763 &c.

" ciates. All that I can, consistently with my duty,  
 " hope for, is, that all prior rights, whether *equitable*  
 " or legal, may be preserved and protected." The  
 " president further mentioned, " That with respect to the  
 " establishment of a new colony ON THE BACK OF  
 " VIRGINIA, it is a subject of too great political im-  
 " portance for me to presume to give an opinion upon.  
 " ---However permit me, my Lord, to observe, that  
 " when that part of the country shall become suffi-  
 " ciently populated, it may be a wise and prudent  
 " measure."

On the first of July, 1772, the Lords of the Com-  
 " mittee of Council represented to the King, that it was  
 " their opinion a grant should be made to Mr. *Walpole*  
 " and his associates; and on the 14th of August, the  
 " King approved thereof, and ordered the Lords of Trade  
 " to report to him in Council, if any, and what terms of  
 " settlement and cultivation, and what restrictions and  
 " reservations were necessary to be inserted in the grant  
 " to these gentlemen, exclusive of the money AGREED to  
 " be paid by them, as a consideration for the tract of  
 " land in question, with a clause to save and preserve to  
 " the respective occupiers, all prior claims within its li-  
 " mits, whether derived under *equitable* or legal titles:  
 " And also to prepare a plan for establishing a new go-  
 " vernment on the said lands, together with an estimate  
 " of the expence, and the ways and means by which the  
 " same should be defrayed by Mr. *Walpole* and his asso-  
 " ciates. The same day the King in Council, by a further  
 " order, gave the necessary directions to the Lords Com-  
 " missioners for trade and plantations, for carrying the  
 " above into execution; and that the Earl of *Dartmouth*  
 " should direct his Majesty's Superintendent for *Indian*  
 " affairs, to apprise the Chiefs of the *Six Nations* and  
 " their Confederates, of his Majesty's intentions to form

U

a settle-

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a settlement upon the lands, *which he purchased of them in 1768.* Accordingly the Earl of Dartmouth sent instructions to Sir William Johnson, the Superintendent for Indian affairs; and in obedience thereto, the Six Nations were informed, and much approved of the settlement; and the Deputy Agent residing on the river Ohio, in conformity to the orders given him, did, on the 3d of April, 1773, assemble the Chiefs of the Western Tribes at Scioto, and in the King's name made the same communication to them, as Sir William Johnson had done to the Northern Nations; with which they also expressed their hearty approbation, and desired the King might be assured, it would give them the highest satisfaction to take the person appointed to govern them, by the hand, and afford him all the assistance in their power.

On the 6th of May, 1773, the Earl of Dartmouth, and the other Lords of Trade, reported to the King, that as the measures, which his Majesty had been pleased to adopt, in regard to his possessions on the Ohio, had, they supposed, been principally founded on the necessity there was of introducing some regular form of government in a country incapable of participating the advantages arising from the civil institution of Virginia, they had made that the first object of their attention; and accordingly submitted the form and constitution of the new colony, which they named *Vandalia*, to his Majesty, and at the same time, and in the same report,---they observed, "That pursuant to his Majesty's order in Council of the 14th day of August, 1772, so much, and such part of the land included within the new colony, as is herein after mentioned, be granted to the Honorable Thomas Walpole, Samuel Wharton, and other their associates, that is to say, all the lands included within the following lines, viz.---

" Beginning

" Beginning at the south side of the river Ohio, opposite to the mouth of Scioto, then southerly through the pass of the Ouassito Mountains, to the south side of the said Mountains; thence along the side of the said Mountains north easterly to the fork the Great Kenhawa, made by the junction of Green Briar River and New River, thence along the said Green Briar River, on the easterly side of the same, unto the head or termination of the north easterly branch thereof; thence easterly to the Allegany Mountains, thence along the said Allegany Mountains to Lord Fairfax's line; thence along the same to the spring head of the north branch of the river Potomack; thence along the western boundary line of the province of Maryland, to the southern boundary line of the province of Pennsylvania; thence along the said boundary line of the province of Pennsylvania to the end thereof; thence along the western boundary line of the said province of Pennsylvania, until the same shall strike the river Ohio; thence down the said river Ohio, to the place of beginning.

" That the grant should be made on the following conditions and reservations, that is to say;

" That the grantees should, upon the day of the date of the grant, pay into the receipt of his said Majesty's exchequer, the sum of Ten thousand four hundred and sixty pounds, seven shillings and three pence, pursuant to the agreement made with his Majesty's treasury, on the 4th of January, 1770.

" That all prior claims to the said lands, within the limits of the said grant, whether derived under equitable or legal titles, should be saved and reserved to the respective occupiers and possessors, with the exception however to all occupancy of what nature or kind whatsoever, taken or made subsequent to the agreement for the purchase of the said grant made with the lords of the Treasury, on the 4th of January, 1770, by Messrs. Walpole,

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Walpole, Wharton, Sargent and Franklin, on behalf of themselves and their associates; and provided also, that the grant of 200,000 acres to be made to the officers of the regiment raised and paid by the colony of Virginia in 1754, in consequence of the engagement made to them, be located in one contiguous tract."---" But the Lords Commissioners for trade and plantations, humbly craved leave to represent to his Majesty, that they had omitted any restriction upon the proprietors, from settling to the west of the line agreed upon in October, 1770,---that restriction having, as they conceived, become altogether unnecessary. The district reserved to his Majesty being far distant from any settlement,--- should be bounded on the south west by the river Louisa or Catawba River, which is very far west of the utmost extent of the tract to be granted in propriety." \*

On the 19th day of May, 1773, his Britanic Majesty, by an order in Council of that day, referred the preceding report of the Earl of Dartmouth, and the other Lords of Trade, to the Lords of the Council.

On the 3d day of July, 1773, their Lordships of the Council, by an order under the Privy Seal, directed to his Majesty's Attorney and Solicitor General, were pleased to order them to prepare, and lay before them a proper instrument to be passed under the Great Seal of Great Britain, containing a grant to the Hon. Thomas Walpole, Esq; and others his associates, of the lands aforesaid, inserting in the same, the conditions and reservations proposed in the report of the Lords Commissioners for trade and plantations, a copy whereof was annexed to the said orders.---And on the 16th of July, 1773, the King's Attorney and Solicitor General made a report to the Lords of the Council, and after due consideration of the same, their Lordships were pleased to issue the following decisive order. AT

\* The boundaries of the colony of Pennsylvania, extend westerly to Louisa or Catawba, or Cattawa, river.

AT THE COUNCIL CHAMBER, WHITEHALL,  
the 28th day of October, 1773.

BY THE RIGHT HONORABLE THE LORDS COMMITTEE OF COUNCIL FOR PLANTATION AFFAIRS.

WHEREAS there was this day laid before their Lordships, a report from his Majesty's Attorney and Solicitor General, upon taking into consideration an order of this Committee, bearing date the 3d of July last, whereby they were directed to prepare a draught of a proper instrument to be passed under the Great Seal of Great Britain, containing a grant to the Honorable Thomas Walpole, Esq; and others his associates, of certain lands on the river Ohio, in North America, inserting in the said draught, the conditions and reservations proposed in a report of the Lords Commissioners for trade and plantations, bearing date the 6th of May, 1773, a copy whereof was annexed to the said order.---In which report of his Majesty's said Attorney and Solicitor General, it is humbly submitted, that the granting the said lands in joint-tenancy, will probably render it impossible to make any undergrants with complete titles: That the description of the Thing to be granted, is much more loose and uncertain, than hath been usual in royal grants, or than hath been practised, so far as they know, in any but the grants which were made for the erection of colonies, to the first adventurers in America, while it was wholly unknown; and further, that the quit-rents will not be so well secured to his Majesty, if they are not reserved from the lands under granted, instead of being made payable by the grantees. The Lords of the Committee this day took the said report into consideration, and are hereby pleased to ORDER, that his Majesty's Attorney and Solicitor General, do prepare and lay before this Committee, the draught of a proper instrument, to be passed under the Great

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*Great Seal of Great Britain, containing a grant to the Honorable Thomas Walpole, Samuel Wharton, Benjamin Franklin and John Sargent, Esqrs. and their heirs and assigns, of the lands prayed for by their memorial; (they being the persons who, in behalf of themselves and their associates, CONTRACTED for the said lands, with the Lords Commissioners of his Majesty's treasury) inserting in the said draught the conditions and reservations proposed in the said report of the Lords Commissioners for trade and plantations, dated the 6th of May, 1773, excepting that part of the said report, which proposes, that the grantees do pay the quit rents to his Majesty, his heirs and successors; and in respect thereof, the Lords of the Committee are hereby pleased to order, that the said quit rents be reserved from the lands, which shall be leased, sold, demised, planted or settled, whether the said lands be settled and planted by the said grantees themselves, or by their heirs or assigns, or under tenants; the said payment of the quit-rents not to commence until the expiration of twenty years after such leasing, demising, planting or settling respectively. And, for the better ascertaining the bounds of the said tract of land to be granted as aforesaid, their Lordships are hereby pleased to transmit the map\* of the tract of land prayed for by the memorialists and TO ORDER, that his Majesty's Attorney and Solicitor General do INSERT the bounds in the same manner as they are described and ascertained in the said report of the Lords Commissioners for trade and plantations, dated the 6th of May, 1773.*

While these solemn and ulterior measures were taking in England, the Earl of Dunmore, Governor of Virginia, presumed in violation of his instructions to pass several

\* The map here mentioned, is annexed to the order of the privy council under the great seal thereof, now in Philadelphia.

several orders of Council for lands, to the westward of the Allegany Mountain; and upon a representation thereof being made to the Earl of Dartmouth, Secretary of State for America, his Lordship, by the King's express command, wrote to Lord Dunmore, as follows:

“ Whitehall, October the 5th, 1774.

“ My Lord,

“ AS your Lordship says, that you was intirely ignorant of the claim of Mr. Walpole and his associates, otherwise than by common report, I think fit to inclose your Lordship a copy of Lord Hillsborough's letter to Lord Botetourt, of the 31st of July, 1770, the receipt of which was acknowledged by Mr. President Nelson, a few days after Lord Botetourt's death, and appears by his answer to it, to have been laid before the Council. That board therefore, could not be ignorant of what had passed here on Mr. Walpole's application, nor of the King's express commands, contained in Lord Hillsborough's letter, that no land whatever should be granted beyond the limits of the Royal proclamation of 1763, until the King's further pleasure was signified, and I have only to observe, that it must have been a very extraordinary neglect in them, not to have informed your Lordship of that letter, and these orders.

Signed Dartmouth.”

In the spring of the year 1775, the draught of a royal grant for the lands agreed for by Mr. Walpole and his associates, being prepared, agreeable to the last order of the Privy Council, and having undergone the examination of Lord Camden, and others of the proprietors, the execution thereof was suspended, by desire of the Lord President, until hostilities had ceased, which had then begun between Great Britain and the United Colonies;---and in the beginning of the month of March, 1781, a memorial signed by the Honorable

Benjamin

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*Benjamin Franklin and Samuel Wharton*, (two of the persons to whom the royal grant in question was to have been made by the *British* government) was presented to the Honorable the *United States* in Congress assembled,---setting forth all the proceedings, which had been had in the premises, and that they (the memorialists) and their associates had incurred a great loss of time, (particularly *Samuel Wharton*, in an absence of more than eight years from his family and affairs) and expended a very large sum of money, in conducting the business through the offices and departments of the *British* government, &c. whereby together with the before recited *contract*, they acquired an equitable title to the lands in question, notwithstanding the instrument for conveying the same was not completed, by reason of the foregoing hostilities.

Dr. *Franklin* and Mr. *Wharton* also represented, that as the *United States* had succeeded to the sovereignty of the territory, which they had contracted for, they considered, that they would think it just and reasonable to consider the said territory, as *subject* to such *contracts* and *dispositions* as were made concerning it, while it confessedly belonged to the *British* crown, and that they might not suffer so great an injury by a change of sovereignty, as to be deprived of their equitable right to the said lands; and lastly they prayed, that the lands might be granted to them, and to their heirs and assigns (in trust for themselves and associates) upon the terms and conditions of their *contract*, and of the order of the *privy council* (under the *great seal thereof*) or upon such other terms, as may be convenient to the interests of the *United States*, and not injurious to them.

*Observations.*

IT will have been seen in the foregoing pages, that *Virginia*, in the fullest manner, recognized the treaty of

of *Fort Stanwix*:---That she was a humble suitor to the *King*, for a part of the country ceded by it to the crown, and endeavoured to extend her government over the *Alleghany Mountain*,---but by a royal proclamation and repeated instructions, was forbidden:---That she had *early and official notice of the contract* of Mr. *Walpole* and associates, and gave such answer as appears in the preceding pages, but never presumed to lay any claim to the ceded lands, nor object to the grant of *Indiana*.---On the contrary, supposed, that this grant and the one to Mr. *Croghan*, “ would take place of all new adventurers,” and declared, that she did not presume to say, “ to whom his most gracious Majesty should grant his vacant lands, nor set herself up as an opponent to Mr. *Walpole* and his associates;---all that was hoped for, was, that all rights, whether equitable or legal, should be preserved and protected.”---And the same just regard was also shewn by the *privy council of England* and the *Lords for trade*, &c. towards the equitable rights of all persons, for spots of land within the tract to be granted to Mr. *Walpole* and his associates.

If the proceedings, in the case of Messrs. *Franklin*, *Wharton*, *Trent* and their associates, are considered, and the great expence and loss of time incurred in the prosecution of their *contract*, and that nothing prevented their obtaining a grant for the same, under the great seal of *England*, but the change of sovereignty from the *King* thereof to the *United States of America*. Must not all impartial persons concur in saying, that these gentlemen have the fairest claim upon the justice of *Congress*, as they are the equitable purchasers and owners of the lands in question? For their *contract* is acknowledged by all departments of the *British* government, under the seal of the *privy council*.---This fact

W

cannot

Wharton, Samuel (1732-1800). Plain facts: being an examination into the rights of the Indian nations of America, to their respective countries; and a vindication of the grant, from the Six united nations of Indians, to the proprietors of Indiana, against the decision of the legislature of Virginia: together with authentic documents, proving that the territory, westward of the Alleghany mountain, never belonged to Virginia, &c Philadelphia (PA): R. Aitken (1781).

This pamphlet, which has been variously attributed to Anthony Benezet, Benjamin Franklin and Thomas Paine, was prepared by Samuel Wharton, as is attested by P.E. Du Simitière in his note-books preserved in the Library of Congress. It relates to a large tract of land within the limits of the present state of West Virginia, granted by the Indians in 1768 to certain traders, including Wharton, and called by them "Indiana." The present pamphlet is an enlargement of one published by Wharton in 1776, under title: View of the title to Indiana. cf. Boston athenæum, Catalogue of the Washington collection, 1897, p. 223-224

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cannot be denied, as public and indisputable authorities *are ready* to be produced to prove it.---The glorious *revolution* of these states was not made to destroy, but among other things, to *protect* private property; and as the grant to Messrs. *Franklin, &c.* would have passed under the *British* government,---can it be supposed, that the Congress of *America*, so famed for wisdom, fortitude and liberality, will be less sensible to the influence of justice, *than the King of England was?*---Forbid it virtue;---forbid it equity:---The mind revolts at an idea so injurious to the national honour and probity of the *United States*,---who abound in too much wisdom not to know,---that after all the proceedings had upon the contract so recognized by the privy council, &c.---if there had been any denial of justice in *England*, the court of chancery of that kingdom, upon the application of Messrs. *Franklin, &c.* would have decreed a *specific performance of the agreement* on the part of the crown. This the most celebrated judges and lawyers of that kingdom, have uniformly declared, as "IT IS A  
 " KNOWN AND ESTABLISHED RULE IN EQUITY,  
 " THAT FROM THE TIME OF THE CONTRACT, *the*  
 " Vendor is a TRUSTEE for the *Vendee*, 'till the CON-  
 " VEYANCE IS EXECUTED, and if the vendor should  
 " afterwards *sell* the same lands to another, having  
 " notice of the precedent contract,----*Equity still*  
 " TRANSFERS the TRUST, and *the first vendee* may,  
 " in such case, bring his bill against the second vendee  
 " for a *specific performance.*"\*

## APPEN-

\* Cases in Equity, vol. 2. printed in 1769.

Wharton, Samuel (1732-1800). Plain facts: being an examination into the rights of the Indian nations of America, to their respective countries; and a vindication of the grant, from the Six united nations of Indians, to the proprietors of Indiana, against the decision of the legislature of Virginia: together with authentic documents, proving that the territory, westward of the Allegany mountain, never belonged to Virginia, &c Philadelphia (PA): R. Aitken (1781).

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Good Order Established  
IN  
Pennsilvania & New-Jerfey  
IN  
**A M E R I C A,**  
Being a true Account of the Country;  
With its Produce and Commodities there made.

And the great Improvements that may be made by means of **Publick Store-houses** for **Hemp, Flax** and **Linnen-Cloth**; also, the Advantages of a **Publick-School**, the Profits of a **Publick-Bank**, and the Probability of its arising, if those directions here laid down are followed. With the advantages of publick **Granaries**.

Likewise, several other things needful to be understood by those that are or do intend to be concerned in planting in the said Countries.

All which is laid down very plain, in this small Treatise; it being easie to be understood by any ordinary Capacity. To which the *Reader* is referred for his further satisfaction.

---

By *Thomas Budd*.

---

Printed in the Year 1685.

Budd, Thomas (1685). Good Order Established in Pennsylvania.

page 40 in Morrison, Hugh Alexander (born 1863) (cataloguer). The Leiter library. A catalogue of the books, manuscripts and maps relating principally to America, collected by the late Levi Ziegler Leiter. Washington: The Leiter family (1907). Levi Zeigler Leiter (1834-1904). University of California Libraries. Found at <http://www.archive.org/details/leiterlibrarycat00leitrch>.



Franklin, Benjamin and Hartley, David (1783). Map of original states and proposed new states northwest and southwest of the Ohio River.

page 340 in Morrison, Hugh Alexander (born 1863) (cataloguer). The Leiter library. A catalogue of the books, manuscripts and maps relating principally to America, collected by the late Levi Ziegler Leiter. Washington: The Leiter family (1907). Levi Zeigler Leiter (1834-1904). University of California Libraries. Found at <http://www.archive.org/details/leiterlibrarycat00leiterich>.



Beard, James Henry (1812-1893) (artist). Promulgation of the first law in the Northwestern Territory. Created 1834-1870. No known restriction on publication. Inscribed in ink on verso: J.H. Beard to Chas. Lanman. Charles Lanman presented the print to Peter Force probably 1835-1855.

Print of drawing shows men in colonial dress nailing a broadside onto a tree. Other figures, including some which appear to represent historical figures such as George Washington and Patrick Henry, and some Indians, watch. The drawing probably refers to the 1787 Northwest Ordinance which created the Northwest Territory as a part of the United States.

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Call # DRWG/US - Beard, no. 1 (B size) [P&P]

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<http://lcweb2.loc.gov/service/pnp/cph/3c30000/3c37000/3c37400/3c37465v.jpg>





Rentschler, F. Historical map of the Old Northwest Territory with Ordinance of 1787. (also United States; Works Progress Administration of Ohio; Northwest Territory Celebration Commission of Ohio; Federal Art Project). Marietta (OH):Northwest Territory Celebration Commission (1937).

Map includes text and insets: How the United States came into possession of Northwest Territory ; Thomas Jefferson's conception ; How the Northwest Territory became states

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Taber (photographer). San Francisco--unveiling of the Francis Scott Key Monument in the Golden Gate Park, San Francisco, July 4th. page 377 in Frank Leslie's illustrated newspaper (1888 July 28).

The centennial of the settlement of the Northwest Territory--early methods of navigation on the Ohio River, from an old print

Reproduction # LC-USZ62-102387 (b&w film copy neg.)

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Library of Congress. Prints and Photographers.

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<http://lcweb2.loc.gov/master/pnp/cph/3c00000/3c02000/3c02300/3c02387u.tif>

THE  
JOURNAL OF A TOUR

INTO THE  
*Territory Northwest of the Alleghany  
Mountains ;*

Made in the Spring of the Year 1803.

WITH  
A GEOGRAPHICAL AND HISTORICAL ACCOUNT OF  
THE

**State of Ohio.**

*Illustrated with Original Maps and Views.*

BY  
THADDEUS MASON HARRIS, A. M.  
Member of the Massachusetts Historical Society.

"Profuit et varios mores, hominumque locorumque  
Explorasse situs, multas cum peregrinavit  
Aut vidisse ipsum urbes, aut narrantis illas  
Ex aliis novisse." *VID.E., poct.*

---

Boston :  
PRINTED BY MANNING & LORING, NO. 2, CORNHILL.  
1805.

3375  
District of Massachusetts, to wit.

BE IT REMEMBERED, that on the first day of February, in the twenty-ninth year of the Independence of the United States of America, THADDEUS MASON HARRIS, of the said District, hath deposited in this office the title of a Book, the right whereof he claims as Author, in the words following, *to wit* :—"The Journal of a Tour into the Territory Northwest of the Alleghany Mountains; made in the Spring of the year 1803. With a geographical and historical Account of the State of Ohio. By THADDEUS MASON HARRIS, A.M. Member of the Massachusetts Historical Society.—Illustrated with 1. An original Map of the Alleghany, Monongahela, and Yohiogany Rivers. 2. A Map of the State of Ohio, by the Hon. Rufus Putnam, Esq. Surveyor General of the United States, made from actual Surveys. 3. A Map of the Tract appropriated by Congress for Military Services; on which the Sections are laid down and marked by Numbers, &c. 4. A Ground Plat of the City Marietta. 5. A View of the Ancient Mounds and Fortifications on the Muskingum."

IN Conformity to the Act of the Congress of the United States, entitled, "An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts, and Books, to the Authors and Proprietors of such Copies, during the Times therein mentioned;" and also to an Act, entitled, "An Act supplementary to an Act, entitled, An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts, and Books, to the Authors and Proprietors of such Copies, during the Times therein mentioned; and extending the Benefits thereof to the Arts of Designing, Engraving, and Etching, Historical and other Prints."

N. GOODALE, Clerk of the District of Massachusetts.

A true Copy of Record. Attest:  
N. GOODALE, Clerk.

Harris, Thaddeus Mason (1768-1842) (author). The journal of a tour into the territory northwest of the Alleghany Mountains ; made in the spring of the year 1803: with a geographical and historical account of the state of Ohio; illustrated with original maps and views. Boston: Manning & Loring (1805).

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July 27, 1787.

“ORDERED, That the above letter from Manasseh Cutler and Winthrop Sargent to the Board of Treasury, containing proposals for the purchase of a tract of land, described in the Act of Congress of the 23d instant, be referred to the Board of Treasury to take order; *provided*, that after the date of the second payment therein proposed to be made, the residue shall be paid in six equal and half yearly instalments, until the whole thereof shall be completed, and that the purchasers stipulate to pay interest on the sums due from the completion of the survey to be performed by the Geographer.

*The Contract of the Ohio Company with the Honorable Board of Treasury of the United States of America, made by the Rev. Mr. Manasseh Cutler, and Major Winthrop Sargent as agents for the Directors of said Company. At New-York, October 27, 1787.*

“THIS INDENTURE made the 27th day of October, in the year of our Lord one thousand seven hundred and eighty-seven, between *Samuel Osgood, Walter Livingston, and Arthur Lee*, Esquires, (the Board of Treasury for the United States of America,) acting by and under the authority of the Honorable the Congress of the said States of the one part, and *Manasseh Cutler and Winthrop Sargent*, both of the Commonwealth of Massachusetts, as agents for the Directors of the Ohio Company of Associates, so called, of the other part: Whereas the Congress of the United States aforesaid, in and by their several resolutions and votes of the twenty-third and twenty-seventh days of July last past, did authorize and empower the Board of Treasury aforesaid to contract with any person or persons for a grant of the tract of land in the said resolutions mentioned, upon such terms and conditions, for such considerations, and under such reservations as in the said resolutions is expressed. And whereas by virtue and in consequence of the said resolutions and votes, the said parties of the first part have contracted and agreed with the said parties of the second part, agents as aforesaid, for a grant of the tract of land herein

after mentioned. *Now therefore this indenture witnesseth*, That the said parties of the first part, in order to carry their said agreement, as far as possible, into effect, and for and in consideration of the sum of five hundred thousand dollars, well and truly paid into the treasury of the said United States by the said parties of the second part, before the sealing and delivery of these presents, the receipt where-by the said Board of Treasury do hereby acknowledge, and thereof, and of and from every part and parcel thereof, do hereby, on the behalf of the said United States, acquit, release, exonerate, and forever discharge the said parties of the second part, and the said Ohio Company of Associates, and every of them, their and every of their heirs, executors, administrators, and assigns forever, by these presents; and also in consideration of the further sum of five hundred thousand dollars, secured to be paid as hereinafter is mentioned, Have in behalf of the said United States and the Congress thereof, covenanted and agreed, and do hereby covenant and agree to and with the said parties of the second part, their heirs and assigns, that within one month after the payment of the said last mentioned sum of five hundred thousand dollars, in the manner hereinafter prescribed, a full and ample grant and conveyance shall be executed in due form of law, under the seal of the said United States, whereby the people of the said United States or the Congress thereof, or such officer or officers as shall be duly authorized for that purpose, shall grant, convey and assure to the said parties of the second part, their heirs and assigns forever, (as agents to the Directors of, and in trust for the persons composing the said Ohio Company of Associates, according to their several rights and interests under the said association,) and to their heirs and assigns forever, as tenants in common, in fee simple, all that certain tract or parcel of land, Beginning at the place where the western boundary line of the seventh range of townships, laid out by the authority of Congress, intersects the Ohio and extending thence along that river southwesterly, to the place where the western line of the seventeenth range of townships, to be laid out according to the land ordinance of the 20th of May, 1785, would intersect the said river, and extending thence northerly on the western boundary line of the said seventeenth range of townships, so far that a line drawn due east to the western boundary line of the said seventh range of townships, will with the other lines of this

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tract, include one million and a half of acres of land, besides the several townships, lots, and parcels of land hereinafter mentioned to be reserved or appropriated to specific purposes, thence running east to the western bounds of the said seventh range of townships, and thence southerly along those bounds, to the place of beginning; with the rights, members and appurtenances thereof, which said tract shall be surveyed by the Geographer or some other officer of the said United States, to be authorized for that purpose, who shall plainly mark the said east and west line, and shall render one complete plat or map of the said tract to the Board of Treasury of the United States, for the time being, or such other person as Congress may appoint, and another plat or map thereof to the said parties of the second part, their heirs or assigns. *Provided always, and it is hereby expressly stipulated,* That in the said grant, so to be executed as aforesaid, a proper clause or clauses shall or may be inserted for the purpose of reserving in each township, or fractional part of a township, which upon such surveys as hereinafter are mentioned, shall be found to fall within the bounds of the tract, so to be granted as aforesaid, lot number sixteen, for the purposes mentioned in the said ordinance of the 20th of May, 1785; lot number twenty-nine to be appropriated to the purposes of religion; and lots number eight, eleven, and twenty-six for the use, and subject to the disposition of the Congress of the United States; and also reserving out of the said tract, so to be granted, two complete townships to be given perpetually for the purposes of an University, to be laid off by the said parties of the second part, their heirs or assigns, as near the centre as may be, so as the same shall be of good land, to be applied to the intended object, in such manner as the Legislature of the State, wherein the said townships shall fall, or may be situated, shall, or may think proper or direct. And the said parties of the second part, do hereby for themselves, and the Directors, and Ohio Company of Associates aforesaid, and every of them, and their and every of their heirs, executors, administrators and assigns, covenant and grant to, and with the said parties of the first part, their heirs, executors, and administrators, (acting as aforesaid, for and on behalf of the said United States, by virtue of the authority so as aforesaid to them delegated and assigned,) that within the space of seven years, from and after the outlines of the said tract shall have been so as aforesaid run out by

the Geographer, or other officer of the United States to be for that purpose appointed, and the plat thereof given as aforesaid, (if they are not prevented by incursions or opposition from the savages, or if they are so prevented, then as soon as the same can be conveniently thereafter accomplished) the said Directors and Ohio Company of Associates, or some of them, their or some of their heirs or assigns, shall and will cause the said tract of land to be surveyed, laid out, and divided into townships, and fractional parts of townships, and also subdivided into lots, according to the directions and provisions of the land ordinance of the 20th of May, 1785, issued by Congress, and shall and will make, or cause to be made, complete returns of such divisions and subdivisions to the Treasury Board of the United States, for the time being, or such other person or persons as Congress shall or may appoint: And also shall and will, within one month after the outlines of the said tract shall have been so as aforesaid surveyed, well and truly pay or cause to be paid into the Treasury of the said United States, the sum of five hundred thousand dollars in gold or silver, or in securities of the said United States, without fraud or further delay: And inasmuch as it was the true intent and meaning of the said parties to these presents, and of the Congress of the United States that the said Ohio Company of Associates should immediately cultivate, if they thought proper, a part of the said tract of land, proportionable to the payment which they have so as aforesaid already made; and should have full security for the undisturbed enjoyment of the same. *Now this indenture further witnesseth,* That the said parties of the first part, by virtue of the power and authority to them given by Congress as aforesaid, have covenanted, promised, and agreed, and do hereby covenant, promise, and agree to and with the said parties of the second part, their heirs and assigns, in trust for the said Ohio Company of Associates, their heirs and assigns, that it shall and may be lawful for the said Ohio Company of Associates, so called, their heirs and assigns, to enter upon, take possession of, cultivate, and improve at their pleasure all that certain tract or parcel of land, part of the tract herein before described; Beginning at the place where the western boundary line of the said seventh range of townships intersects the Ohio, thence extending along that river southwesterly to the place where the western boundary line of the fifteenth range of town-

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ships, when laid out agreeable to the ordinance aforesaid, would touch the said river, thence running northerly on the western bounds of the said fifteenth range of townships, till a line drawn due east to the western boundary line of the said seventh range of townships, will comprehend, with the other boundary lines of this tract, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land hereinafter mentioned to be reserved or appropriated to particular purposes; thence running east to the western boundary line of the said seventh range of townships, and thence along the said line to the place of beginning, with the rights, members, and appurtenances thereof, according to the terms of the said association. Reserving always, and excepting out of the said tract last mentioned and the permission to cultivate the same in each township, and fractional part of a township which shall fall within the same, according to the land ordinance herein before mentioned, lot number sixteen, for the purposes specified in the said ordinance; lot number twenty-nine for the purposes of religion; lots number eight, eleven, and twenty-six subject to the disposition of the Congress of the United States, and also reserving and excepting two complete townships for the purposes of an University, to be laid off in the manner herein before mentioned, and to be applied in such manner to that object as the Legislature of the State wherein the said townships shall fall, or be situated, shall or may think proper or direct. And the said parties of the first part do hereby, for and on behalf of the said United States, promise and agree, to and with the said parties of the second part, their heirs and assigns, that the said Ohio Company of Associates, their heirs and assigns shall and may, from time to time, and at all times hereafter, freely and peaceably hold and enjoy the said last mentioned tract of land, except the said lots and parcels of land and townships so as aforesaid excepted; *provided*, that the covenants and agreements herein before contained on the part of the said parties of the second part, are observed, performed, and fulfilled. And the said parties of the first part, do hereby pledge the faith of the UNITED STATES to the said parties of the second part, their heirs and assigns, and to the said Ohio Company of Associates, to called, for the performance of all the grants, promises, and agreements herein before contained, which on the part of the said parties of the first part, or of the said States, are or ought to be

kept and performed. *In witness* whereof, the parties to these presents have interchangeably set their hands and seals, and the said parties of the first part have caused their seal of office to be hereunto affixed the day and year first herein before mentioned.

*Samuel Osgood, L. S. Arthur Lee, L. S.*  
*Manasseh Cutler, L. S. Winthrop Sargent, L. S.*

*At a Meeting of the Directors and Agents of the Ohio Company, at Mr. Brackett's Tavern, the 21st of November, and continued by adjournment to the 22d.*

RESOLVED,

**T**HAT the lands of the Ohio Company be allotted and divided in the following manner; any thing to the contrary in former resolutions notwithstanding, *viz.*

FOUR thousand acres near the confluence of the Ohio and Muskingum rivers, for a city and commons, and contiguous to this, one thousand lots of eight acres each, amounting to eight thousand acres.

UPON the Ohio, in fractional townships, one thousand lots of one hundred and sixteen acres and  $\frac{4}{10}$ , amounting to one hundred and sixteen thousand, four hundred and eighty acres.

IN the townships on the navigable rivers, one thousand lots of three hundred and twenty acres, amounting to three hundred and twenty thousand acres. And,

IN the inland towns, one thousand lots of nine hundred and ninety-two acres each, amounting to nine hundred and ninety-two thousand acres, to be divided and allotted as the agents shall hereafter direct.

THAT there be the following reservations, *viz.*

ONE township at the falls of the great Hockhocking river.

ONE township at the mouth of the Great or Little river of that name; and one township opposite to the mouth of the Great Kenhaway river. Which reservations may hereafter be divided and allotted as the Directors and agents shall see fit.

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At a Meeting of the Directors of the Ohio Company, at Mr. Brackett's Tavern in Boston, November 23, 1787, for the purpose of carrying into effect the surveys, and other business of the Ohio Company, as agreed upon by the Directors and Agents, at their meetings of the 29th of August last, and the 21st instant,

ORDERED,

THAT four surveyors be employed, under the direction of the Superintendent hereinafter named.—That twenty-two men shall attend the surveyors.—That there be added to this number twenty men, including six boat-builders, four house-carpenters, one blacksmith, and nine common workmen.

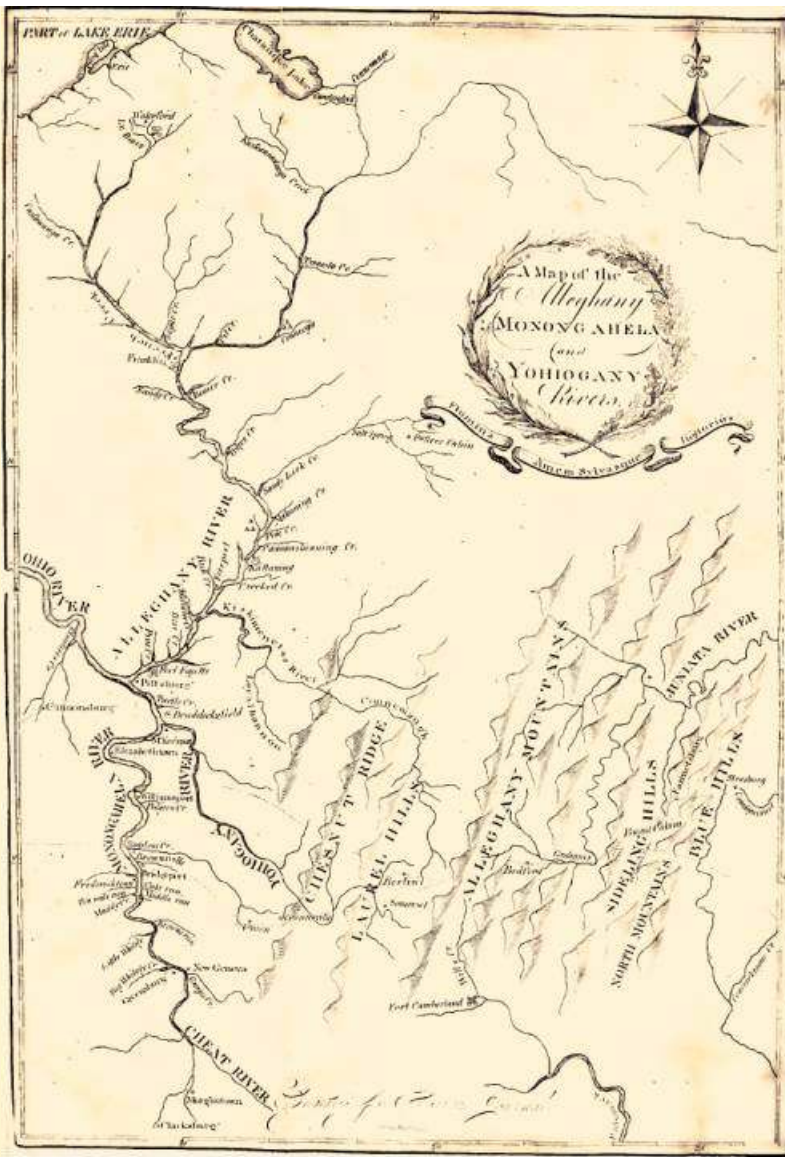
THAT the boat-builders shall proceed on Monday next; and the surveyors rendezvous at Hartford, the first day of January next, on their way to the Mulingum.

THAT the boat-builders and men, with the surveyors, be proprietors in the Company.—That their tools, and one ax, and one hoe, to each man, and thirty pounds weight of baggage, shall be carried in the Company's waggons; and that the subsistence of the men on their journey be furnished by the Company.

THAT upon their arrival at the places of destination, and entering upon the business of their employment, the men shall be subsisted by the Company, and allowed wages at the rate of four dollars (each) per month, until discharged.—That they be held in the Company's service until the first of July next, unless sooner discharged; and that if any of the persons employed shall leave the service, or wilfully injure the fame, or disobey the orders of the Superintendent, or others acting under him, the person so offending shall forfeit all claim to wages.

THAT their wages shall be paid the next autumn in cash, or lands, upon the same terms as the Company purchased them.—That each man furnish himself with a good small arm, bayonet, six flints, a powder-horn and pouch, priming-wire and brush, half a pound of powder, one pound of balls, and one pound of buck-shot. The men so engaged shall be subject to the orders of the Superintendent, and those he may appoint as aforesaid, in any kinds of business

F f



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they shall be employed in, as well for boat-building and surveying as for building houses, erecting defences, clearing land and planting, or otherwise for promoting the settlement: and as there is a possibility of interruption from enemies, they shall also be subject to orders as aforesaid in military command, during the time of their employment.

THAT Col. *Ebenezer Sproat* from Rhode Island, Mr. *Anselm Tupper* and Mr. *John Matthews* from Massachusetts, and Col. *R. J. Meigs* from Connecticut, be the surveyors.

THAT General *Rufus Putnam* be the Superintendent of all the business aforesaid, and he is to be obeyed and respected accordingly.

*Extracts from the Journals,*

WINTHROP SARGENT, Sec'y.  
to the Ohio Company.

*An Ordinance for the Government of the Territory of the United States northwest of the river Ohio.*

BE it ordained by the United States in Congress assembled, That the said Territory, for the purposes of temporary government, be one district; subject however to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

BE it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said Territory dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have in equal parts among them their deceased parent's share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the Legislature of the district. And until the

ARTICLE VI.

THERE shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted; *Provided always*, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

DONE by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.

WILLM. GRAYSON, *Chairman*

CHARLES THOMSON, *Secretary.*

*A Treaty of Peace between the United States of America, and the Tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimes, Miamis, Eel-river, Weeas, Kickapoos, Piankashaws, and Kaskasies.*

TO put an end to a destructive war, to settle all controversies, and to restore harmony and a friendly intercourse between the said United States, and Indian tribes; Anthony Wayne, Major-General, commanding the army of the United States, and sole Commissioner for the good purposes abovementioned, and the said tribes of Indians, by their sachems, chiefs, and warriors, met together at Greenville, the head-quarters of the said army, have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the said Indian tribes.

ARTICLE I.

HENCEFORTH all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place, between the said United States and Indian tribes.

G g

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## ARTICLE II.

ALL prisoners shall on both sides be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof, to the General or commanding officer at Greenville, Fort Wayne, or Fort Defiance; and ten chiefs of the said tribes shall remain at Greenville as hostages, until the delivery of the prisoners shall be effected.

## ARTICLE III.

THE general boundary line between the lands of the United States, and the lands of the said Indian tribes, shall begin at the mouth of Cayahoga river, and run thence up the same to the portage between that and the Tuscarawas branch of the Muskingum; thence down that branch to the crossing-place above Fort Lawrence; thence westerly to a fork of that branch of the Great Miami river running into the Ohio, at or near which fork stood Loromie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucke or Cuttawaga river. And in consideration of the peace now established; of the goods formerly received from the United States; of those now to be delivered, and of the yearly delivery of goods now stipulated to be made hereafter, and to indemnify the United States for the injuries and expenses they have sustained during the war; the said Indian tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes or any of them, of war or injury to the United States, or any of the people thereof.

AND for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land; to wit. (1.) One piece of land six miles square, at or near Loromie's store before mentioned: (2.) One

piece two miles square at the head of the navigable water or landing on the St. Mary's river, near Girty's town: (3.) one piece six miles square at the head of the navigable water of the Au Glaize river: (4.) One piece six miles square at the confluence of the Au Glaize and Miami rivers, where Fort Defiance now stands: (5.) One piece six miles square at or near the confluence of the rivers St. Mary's and St. Joseph's, where Fort Wayne now stands, or near it: (6.) One piece two miles square on the Wabash river at the end of the portage from the Miami of the lake, and about eight miles westward from Fort Wayne: (7.) One piece six miles square at the Quatanon or Old Weeca towns on the Wabash river: (8.) One piece twelve miles square at the British fort on the Miami of the lake at the foot of the rapids: (9.) One piece six miles square at the mouth of the said river where it empties into the lake: (10.) One piece six miles square upon Sandusky lake, where a fort formerly stood: (11.) One piece two miles square at the lower rapids of Sandusky river: (12.) The post of Detroit and all the land to the north, the west and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine on the south, Lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of Lake Erie, and Detroit river: (13.) The post of Michillimackinac, and all the land on the island, on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measure six miles on Lake Huron, or the freight between Lakes Huron and Michigan, and to extend three miles back from the water of the Lake or freight, and also the island De Bois Blanc, being an extra and voluntary gift of the Chippewa nation: (14.) One piece of land six miles square at the mouth of Chicago river emptying into the southwest end of Lake Michigan, where a Fort formerly stood: (15.) One piece twelve miles square at or near the mouth of the Illinois river, emptying into the Mississippi: (16.) One piece six miles square at the Old Piorias fort and village, near the south end of the Illinois lake on said Illinois river: And whenever the United States shall think proper to survey and mark the boundaries of the

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lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

AND the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned; that is to say, from the commencement of the portage aforesaid at or near Loromie's store, thence along the said portage to the St. Mary's, and down the same to Fort Wayne, and then down the Miami to Lake Erie: Again from the commencement of the portage at or near Loromie's store along the portage from thence to the river Au Glaize, and down the same to its junction with the Miami at Fort Defiance: Again from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and Lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake; and from thence to Detroit: Again from the mouth of Chikago, to the commencement of the portage between that river and the Illinois, and down the Illinois river to the Mississippi, also from Fort Wayne along the portage aforesaid which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States the free use of the harbours and mouths of rivers along the lakes adjoining the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes, where necessary for their safety.

#### ARTICLE IV.

IN consideration of the peace now established and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual; the United States relinquish their claims to all other Indian lands, northward of the river Ohio, eastward of the Mississippi, and westward and southward of the great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the King of Great Britain, in the treaty of peace made between them in the year one thousand seven hundred and eighty-three. But from this relinquishment by the United States, the following tracts

of land are explicitly excepted. 1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes, on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished as mentioned in the third article: And 4th. The post of Fort Massac towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

AND for the same considerations and with the same views as above mentioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge; and henceforward every year forever the United States will deliver at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of nine thousand five hundred dollars; reckoning that value at the first cost of the goods in the city or place in the United States, where they shall be procured. The tribes to which those goods are to be annually delivered, and the proportions in which they are to be delivered, are the following:

1st. To the Wyandots, the amount of one thousand dollars. 2d. To the Delawares, the amount of one thousand dollars. 3d. To the Shawanese, the amount of one thousand dollars. 4th. To the Miamis, the amount of one thousand dollars. 5th. To the Ottawas, the amount of one thousand dollars. 6th. To the Chippewas, the amount of one thousand dollars. 7th. To the Putawatimes, the amount of one thousand dollars. 8th. To the Kickapoo, Weca, Eel-river, Piankashaw and Kaskaskias tribes, the amount of five hundred dollars each.

PROVIDED, That if either of the said tribes shall hereafter, at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall at the subsequent annual deliveries be furnished accordingly.

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## ARTICLE V.

To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States and no other power whatever.

## ARTICLE VI.

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit; and because such settlements, made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein before stipulated.

## ARTICLE VII.

THE said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the Territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

## ARTICLE VIII.

TRADE shall be opened with the said Indian tribes; and they do hereby respectively engage to afford protection to such persons, with their property, as shall be duly licensed to reside among them for the purpose of trade, and to their agents and servants; but no person shall be permitted to reside at any of their towns or hunting camps as a trader, who is not furnished with a license for that purpose, under

the hand and seal of the superintendent of the department northwest of the Ohio, or such other person as the President of the United States shall authorize to grant such licenses; to the end that the said Indians may not be imposed on in their trade. And if any licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a trader without such license, the said Indians shall take and bring him before the superintendent, or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall at least once a year give information to the superintendent, or his deputies, of the names of the traders residing among them.

## ARTICLE IX.

LEST the firm peace and friendship, now established, should be interrupted by the misconduct of individuals, the United States, and the said Indian tribes agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured to the other: By the said Indian tribes, or any of them, to the President of the United States, or the superintendent by him appointed; and by the superintendent or other person appointed by the President, to the principal chiefs of the Indian tribes, or of the tribe to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the Legislature (or Great Council) of the United States, shall make other equitable provision in the case, to the satisfaction of both parties. Should any Indian tribes meditate a war against the United States, or either of them, and the same shall come to the knowledge of the before mentioned tribes, or either of them, they do hereby engage to give immediate notice thereof to the General or officer commanding the troops of the United States, at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavour to prevent the same, and in like manner give information of such attempt, to the General or officer commanding as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner the United States shall give notice to the said Indian tribes of

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any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

## ARTICLE X.

ALL other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease and become void.

DONE at Greenville, in the Territory of the United States, northwest of the river Ohio, on the third of August, one thousand seven hundred and ninety-five.

ANTHONY WAYNE. (L.S.)

## WYANDOTS.

Tar-hé, (or Crane)	×	(L.S.)	Aw-me-ye-ray,	×	(L.S.)
T. Williams, jun.	×	(L.S.)	Stayé-tah,	×	(L.S.)
Tey-yagh-taw,	×	(L.S.)	Sha-tey-ya-ron-yah,		
Ha-ro-en-you, (or half king's son)	×	(L.S.)	(or Leather lips)	×	(L.S.)
Te-haaw-to-reus,	×	(L.S.)	Daugh-shut-tay-ah,	×	(L.S.)
			Sha-aw-run-the,	×	(L.S.)

## DELAWARES.

Teta-bokfk-ke, (or Grand Glaize king)	×	(L.S.)	Pee-kee-télé-mund, (or Thomas Adams)	×	(L.S.)
Le-man-tan-quis, (or Black King)	×	(L.S.)	Kith-ko-pe-kund, (or Captain Buffalo)	×	(L.S.)
Wa-bat-thoe,	×	(L.S.)	Ame-na-hehan, (or Captain Crow)	×	(L.S.)
Magh-pi-way, (or Red Feather)	×	(L.S.)	Que-Shawk-sey, (or George Washington)	×	(L.S.)
Kik-tha-we-nund, (or Anderson)	×	(L.S.)	Wey-Win-quis, (or Billy Sifcomb)	×	(L.S.)
Bu-kon-ge-helas,	×	(L.S.)	Mofes,	×	(L.S.)
Pee-kee-lund,	×	(L.S.)			
Welle-baw-kee-lund,	×	(L.S.)			

## SHAWANOES.

Mif-qua-Coo-na-caw, (or Red pole)	×	(L.S.)	Way-the-ah, (or Long-shanks)	×	(L.S.)
Cut-the-we-ka-faw, (or Black hoof)	×	(L.S.)	Wey-a-pier-sen-waw, (or Blue Jacket)	×	(L.S.)
Kay-fe-wa-e-fe-kah,	×	(L.S.)	Ne-que, taugh-aw,	×	(L.S.)
Wey-tha-pa-mat-tha,	×	(L.S.)	Hah-goo-fee-kaw, (or Captain Reed)	×	(L.S.)
Nia-nym-fe-ka,	×	(L.S.)			

## OTTAWAS.

Au-Gooft-away,	×	(L.S.)	Ma-chi-we-tah,	×	(L.S.)
Kee-No-lha-Meek,	×	(L.S.)	Tho-wo-na-wa,	×	(L.S.)
La Malice,	×	(L.S.)	Se-Caw,	×	(L.S.)

## CHIPPEWAS.

Mash-i-pi-nash-i-wish, (or Bald bird)	×	(L.S.)	Pe-shaw-kay, (or Young ox)	×	(L.S.)
Nah-sho-ga-she, (from Lake Superior)	×	(L.S.)	Nan-guey,	×	(L.S.)
Ka-tha-wa-fung,	×	(L.S.)	Mee-ne-doh-gee-fogh,	×	(L.S.)
Ma-fafs,	×	(L.S.)	Pee-wan-she-me-nogh,	×	(L.S.)
Ne-me-kafs, (or Little thunder)	×	(L.S.)	Wey-me-gwas,	×	(L.S.)
			Gob-ma-a-tick,	×	(L.S.)

## OTTAWA.

Che-go-Nickka, (an Ottawa from Sandusky)	×	(L.S.)
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## PUTAWATIMES of the RIVER ST. JOSEPH.

Thu-pe-ne-bu,	×	(L.S.)	Wab-shi-caw-naw,	×	(L.S.)
Naw-ac, (for himself and brother A-si-me-the)	×	(L.S.)	La Chasse,	×	(L.S.)
Ne-Nan-fe-ka,	×	(L.S.)	Me-she-ge-the-nogh, (for himself and Brother Wa-wa-fek)	×	(L.S.)
Kee-fafs, (or Sun)	×	(L.S.)	Hin-go-fwash,	×	(L.S.)
Ka-ba-ma-faw, (for himself and Brother Chi-fau-gan)	×	(L.S.)	A-ne-we-faw,	×	(L.S.)
Sug-ga-nunk,	×	(L.S.)	Naw-budgh,	×	(L.S.)
Wap-me-me, (or White Pigeon)	×	(L.S.)	Mif-fe-no-go-maw,	×	(L.S.)
Wa-che-nefs, (for himself and Brother Pe-da-go-fhok,	×	(L.S.)	Wa-we-eg-she,	×	(L.S.)
			Thaw-me, (or Le Blanc)	×	(L.S.)
			Gee-que, (for himself and Brother She-win-fe)	×	(L.S.)

## PATAWATIMES of HURON.

O-ki-a,	×	(L.S.)	Na-naw-me, (for himself and Chamung,	×	(L.S.)
Se-ga-ge-wan,	×	(L.S.)	Brother A. Gin)	×	(L.S.)
			Mar-chand,	×	(L.S.)
			We-Na-me-ac,	×	(L.S.)

## MIAMIES.

Na-goh-quan-gogh, (or Le Gris)	×	(L.S.)	Me-she-kun-nogh-quoh, (or Little Turtle)	×	(L.S.)
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## MIAMIS AND EEL-RIVER.

Pee-jee-wa, (or Richard Ville)	×	(L.S.)	Coch-ke-pogh-togh,	×	(L.S.)
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## H h

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EEL-RIVER TRIBE.

Sha-me-kun-ne-fa, (or Soldier) X (L.s.)

MIAMIS.

Wa-pa-man-gwa, (or the White Loon)	X (L.s.)	A-Ma-Cun-fa, (or Little Beaver)	X (L.s.)
Wee-as, for themselves and the Piankashaws,		A-Coo-la-tha, (or Little Fox)	XX (L.s.)
		Francis,	X (L.s.)

KICKAPOOS AND KASKASKIAS.

Kee-aw-hah,	X (L.s.)	Pai-kee-ka-nogh,	X (L.s.)
Ne-migh-ka, (or Joseph Renard)	X (L.s.)		

DELAWARES of SANDUSKY.

Haw-kin-pum-is-ka,	X (L.s.)	Reyn-tue-co, (of the Six Nations, living at Sandusky)	X (L.s.)
Pey-a-mawk-fey,	X (L.s.)		

In presence of, (the word "good" in the sixth line of the third article; the word "before" in the twenty-sixth line of the third article; the words "five hundred" in the tenth line of fourth article, and the word "Piankashaw" in the fourteenth line of the fourth article, being first interlined.)

H. De Butts, first A. D. C. and Secretary to M. G. Wayne.  
Wm. H. Harrison, Aid-de-Camp to M. G. Wayne.

I. Lewis Aid-de-Camp to M. G. Wayne.

James O'Hara, Quarter-Master General.

John Mills, Major of Infantry and Adjutant-General.

Caleb Swan, P. M. T. U. S.

Geo. Demter, Lieut. Artillery.

Vigo.

P. fris La Fontaine.

Ant. Laffelle.

H. Laffelle.

Jn. Beau. Bien.

David Jones, Chaplain of the U. S. I.

Lewis Beufait.

R. Lachambre.

Jas. Pepen.

Baties Coutien.

P. Navarre.

Sworn Interpreters.

Wm. Wells.	Christopher Miller.
Jacques Laffelle.	Robert Wilson.
M. Morins.	Abraham X Williams.
Bt. Sans Crainte.	Isaac X Zane.

*An Act to enable the People of the Eastern Division of the Territory northwest of the river Ohio, to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes.*

SECT. 1. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the inhabitants of the eastern division of the Territory northwest of the river Ohio, be, and they are hereby authorized to form for themselves a Constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States in all respects whatever.

SECT. 2. *And be it further enacted,* That the said State shall consist of all the Territory included within the following boundaries, to wit: Bounded on the east by the Pennsylvania line, on the south by the Ohio river to the mouth of the Great Miami river, on the west by the line drawn due north from the mouth of Great Miami aforesaid, and 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 aforesaid: *Provided,* that Congress shall be at liberty at any time hereafter, either to attach all the Territory lying east of the line to be drawn due north from the mouth of the Miami aforesaid, to the territorial line and north of an east and west line drawn through the southerly extreme of Lake Michigan, running east as aforesaid to Lake Erie, to the aforesaid State, or dispose of it otherwise in conformity to the fifth article of compact between the original States and the people and States to be found in the Territory northwest of the river Ohio.

SECT. 3. *And be it further enacted,* That all that part of the Territory of the United States northwest of the river Ohio, heretofore included in the eastern division of the said Territory and not included within the boundary herein prescribed for the said State, is hereby attached to and

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made a part of the Indiana Territory, from and after the formation of the said State, subject nevertheless to be hereafter disposed of by Congress, according to the right reserved in the fifth article of the ordinance aforesaid: and the inhabitants therein shall be entitled to the same privileges and immunities, and subject to the same rules and regulations in all respects whatever with all other citizens residing within the Indiana Territory.

SECT. 4. *And be it further enacted,* That all male citizens of the United States, who shall have arrived at full age and have resided within the said Territory at least one year previous to the day of election, and shall have paid a territorial or county tax, and all persons having in other respects the legal qualifications to vote for representatives in the General Assembly of the Territory, be, and they are hereby authorized, to choose representatives to form a Convention, who shall be apportioned amongst the several counties within the eastern division aforesaid, in a ratio of one representative to every twelve hundred inhabitants of each county, according to the enumeration taken under the authority of the United States, as near as may be, that is to say, from the county of Trumbull, two representatives; from the county of Jefferson, seven representatives, two of the seven to be elected within what is now known by the county of Belmont, taken from Jefferson and Washington counties; from the county of Washington, four representatives; from the county of Ross, seven representatives, two of the seven to be elected in what is now known by Fairfield county, taken from Ross and Washington counties; from the county of Adams, three representatives; from the county of Hamilton, twelve representatives, two of the twelve to be elected in what is now known by Clermont county, taken entirely from Hamilton county. And the elections for the representatives aforesaid shall take place on the second Tuesday of October next, the time fixed by a law of the Territory, entitled "An Act to ascertain the number of free male inhabitants of the age of twenty-one, in the Territory of the United States northwest of the river Ohio, and to regulate the elections of representatives for the same," for electing representatives to the General Assembly, and shall be held and conducted in the same manner as is provided by the aforesaid Act, except that the qualifications of electors shall be as herein specified.

SECT. 5. *And be it further enacted,* That the members of the Convention thus duly elected, be, and they are hereby authorized to meet at Chillicothe, on the first Monday of November next, which Convention when met, shall first determine by a majority of the whole number elected, whether it be or be not expedient at that time, to form a Constitution and State government for the people within the said Territory, and if it be determined to be expedient, the Convention shall be and hereby are authorized to form a Constitution and State government, or if it be deemed more expedient, the said Convention shall provide by ordinance for electing representatives to form a Constitution or frame of government, which said representatives shall be chosen in such manner and in such proportion, and shall meet at such time and place as shall be prescribed by the said ordinance, and shall form for the people of the said State a Constitution and State government, provided the same shall be republican and not repugnant to the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, between the original States and the people and States of the Territory northwest of the river Ohio.

SECT. 6. *And be it further enacted,* That until the next general census shall be taken, the said State shall be entitled to one representative in the House of Representatives of the United States.

SECT. 7. *And be it further enacted,* That the following propositions be, and the same are hereby offered to the Convention of the eastern State of the said Territory, when formed, for their free acceptance or rejection, which if accepted by the Convention, shall be obligatory upon the United States.

*First,* THAT the section No. 16, in every township, and where such section has been sold, granted or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such township for the use of schools.

*Second,* THAT the six miles reservation, including the salt springs, commonly called the Scioto salt springs, the salt springs near the Muskingum river, and in the military tract, with the sections of land which include the same, shall be granted to the said State for the use of the people thereof, the same to be used under such terms and conditions and regulations as the Legislature of the said State shall direct, provided the said Legislature shall never sell nor lease the same for a longer period than ten years.

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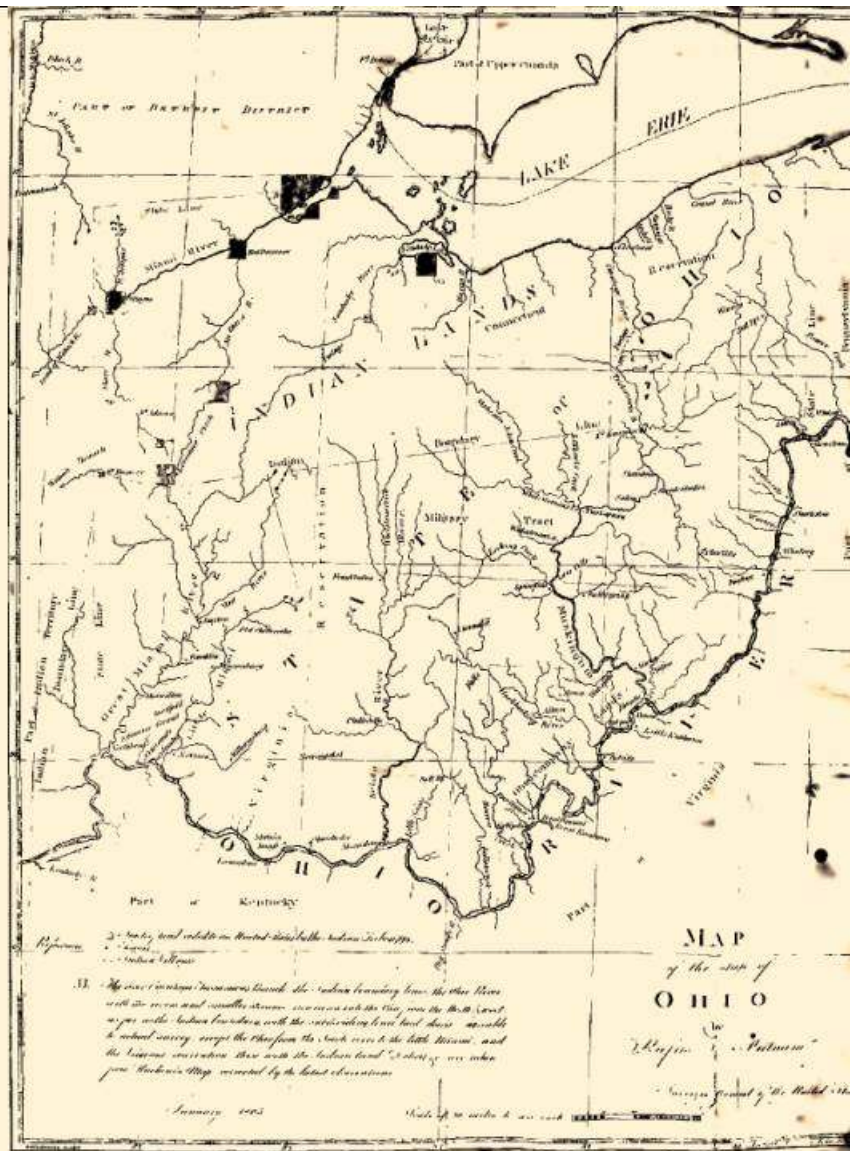
Third, THAT one twentieth part of the nett proceeds of the lands lying within the said State, sold by Congress after the thirtieth day of June next, after deducting all expenses incident to the sale, shall be applied to the laying out and making public roads leading from the navigable waters emptying into the Atlantic to the Ohio, to the said State, and through the same; such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass; *provided always*, that the three foregoing propositions herein offered are on the condition that the Convention of the said State shall provide by an ordinance irrevocable without the consent of the United States, that every and each tract of land, sold by Congress from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years after the day of sale.

Approved the 30th of April, 1802.

TH. JEFFERSON,  
President of the United States.

*Constitution of the State of Ohio.*

WE the People of the eastern division of the Territory of the United States northwest of the river Ohio, having the right of admission into the General Government as a member of the Union, consistent with the Constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and the law of Congress, entitled "An Act to enable the people of the eastern division of the Territory of the United States northwest of the river Ohio, to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and to our posterity, Do ordain and establish the following Constitution or Form of Government; and do mutually agree with each other to form ourselves into a free and independent State by the name of the State of OHIO.



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north line from the mouth of the Great Miami river as aforesaid, thence northeast to the territorial line, and by the said territorial line to the Pennsylvania line.

ARTICLE VIII.

THAT the general, great and essential principles of liberty and free government may be recognized and forever unalterably established, we declare :

SECT. 1. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, pursuing and obtaining happiness and safety; and every free, republican government being founded on their sole authority and organized for the great purpose of protecting their rights and liberties, and securing their independence; to effect these ends, they have at all times a complete power to alter, reform or abolish their government whenever they deem it necessary.

SECT. 2. There shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, or female person, arrived at the age of eighteen years, be held to serve any person under pretence of indenture, or otherwise, unless such person shall enter into such indenture when in a perfect state of freedom, and on condition of a bona fide consideration, received or to be received for their services, except as before excepted; nor shall any indenture of any negro or mulatto hereafter made and executed out of the State, or if made in the State where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships.

SECT. 3. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of conscience; that no human authority can in any case whatever control or interfere with the rights of conscience; that no man shall be compelled to attend, erect or support any place of worship, or to maintain any minister against his consent; and that no preference shall ever be given by law to any religious society or mode of worship; and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality and knowledge being essentially necessary to good government and the happiness of mankind, schools and the means of instruction

shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.

SECT. 4. Private property ought and shall be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

SECT. 5. That the people shall be secure in their persons, houses, papers and possessions, from unwarrantable searches and seizures, and that general warrants whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and without oath or affirmation, are dangerous to liberty and ought not to be granted.

SECT. 6. That the printing-presses shall remain open and free to every citizen, who wishes to examine the proceedings of any Branch of Government, or the conduct of any public officer; and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write or print upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecution for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels the jury shall have a right to determine the law and the facts, under the direction of the Court, as in other cases.

SECT. 7. That all Courts shall be open, and every person for an injury done him in his lands, goods, person or reputation shall have remedy by the due course of law, and right and justice be administered without denial or delay.

SECT. 8. That the right of trial by jury shall be inviolable, nor shall any law vest authority in any man or set of men, which shall in any case prevent at common law, or otherwise where the value in controversy shall exceed twenty dollars, the right of trial by jury, and no fact tried by a jury shall be otherwise re-examined.

SECT. 9. That no power of suspending laws shall be exercised unless by the Legislature.

SECT. 10. That no person arrested or confined in gaol shall be treated with unnecessary rigour, or be put to answer any criminal charge but by presentment, indictment or impeachment.

SECT. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to de-

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mand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favour, and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury in the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, nor shall he twice be put in jeopardy for the same offence.

SECT. 12. That all persons shall be bailable by sufficient sureties, unless for capital offences where the proof is evident or the presumption great, and the privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

SECT. 13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

SECT. 14. All penalties shall be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to that of murder and treason. When the same undistinguishing severity is exercised against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reasons a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform and not to exterminate mankind.

SECT. 15. The person of a debtor, where there is not strong presumption of fraud, shall not continue in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

SECT. 16. No ex post facto law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood nor forfeiture of estate.

SECT. 17. That no person shall be liable to be transported out of this State for any offence committed within this State.

SECT. 18. That a frequent recurrence to the fundamental principles of civil government, is absolutely necessary to preserve the blessings of liberty.

SECT. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common

good, to instruct their Representatives, and to apply to the Legislature for a redress of grievances.

SECT. 20. That the people have a right to bear arms for the defence of themselves and the State; and as standing armies, in time of peace, are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

SECT. 21. That no person in this State, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporal punishment under the military law.

SECT. 22. That no soldier in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in the manner prescribed by law.

SECT. 23. That the levying taxes by the poll, is grievous and oppressive, therefore the Legislature shall never levy a poll tax for county or State purposes.

SECT. 24. That no hereditary emoluments, privileges or honours shall ever be granted or conferred by this State.

SECT. 25. That no law shall be passed to prevent the poor in the several counties and townships within this State from an equal participation in the schools, academies, colleges and universities within this State, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies and universities shall be open for the reception of scholars, students and teachers of every grade, without any distinction or preference whatever, contrary to the intent for which the said donations were made.

SECT. 26. That laws shall be passed by the Legislature, which secure to each and every denomination of religious societies, in each surveyed township which now is or may hereafter be formed in this State, an equal participation according to their number of adherents, of the profits arising from the lands granted by Congress for the support of religion, agreeably to the ordinance or act of Congress, making the appropriation.

SECT. 27. That any association of persons, when regularly formed within this State, and having given themselves a name, may, on application to the Legislature, be entitled

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to receive letters of incorporation, to enable them to hold their estates, real and personal, for the support of their schools, academies, colleges, universities, and other purposes.

SECT. 28. To guard against the transgressions of the high powers which we have delegated, we declare, that all powers, not hereby delegated, remain with the people:

*Extract from an Oration, pronounced at Marietta on the 4th of July, 1789, by Return J. Meigs, Esq. Attorney at Law.*

ENOUGH of tributary praise is paid,  
To virtue living, or to merit dead;  
To happier themes, the rural muse invites,  
To calmest pleasures, and serene delights.  
To us, glad fancy, brightest prospects shows,  
Rejoicing nature, all around us glows;  
Here late the *Savage* hid in ambush lay,  
Or roam'd th' uncultur'd vallies for his prey;  
Here frown'd the forest with terrific shade,  
No cultur'd fields expos'd the opening glade.  
How chang'd the scene! See nature cloth'd in smiles  
With joy repays the labourer for his toils:  
Her hardy gifts rough industry extends,  
The groves bow down, the lofty forest bends;  
On every side the cleaving axes found,  
The oak and tall beech *thunder* to the ground.

AND see the spires of MARIETTA rise,  
And domes and temples swell into the skies:  
Here Justice reign, and foul diffension cease,  
Her walks be pleasant, and her paths be peace.

HERE swift Muskingum rolls his rapid waves;  
There fruitful vallies fair Ohio laves;  
On its smooth surface gentle zephyrs play,  
The sun-beams tremble with a placid ray.  
What future harvests on his bosom glide,  
And loads of commerce swell the "downward tide,"  
Where Mississippi joins in length'ning sweep,  
And rolls majestic to the Atlantic deep.

ALONG our banks, see distant villas spread;  
*Here* waves the corn, and *there* extends the mead;  
Here found the murmurs of the gurgling rills;  
There bleat the flocks upon a thousand hills.  
Fair opes the lawn—the fertile fields extend,  
The kindly showers from smiling heaven descend;  
The skies drop fatness on the blooming vale,  
From spicy shrubs ambrosial sweets exhale;  
Fresh fragrance rises from the flow'ret's bloom,  
And ripening vineyards breathe a "glad perfume."  
Gay swells the music of the warbling grove,  
And all around is melody and love.

HERE may religion fix her blest abode,  
Bright emanation of creative God;  
Here charity extend her liberal hand,  
And mild benevolence o'erspread the land;  
In harmony the social virtues blend;  
Joy without measure, rapture without end!

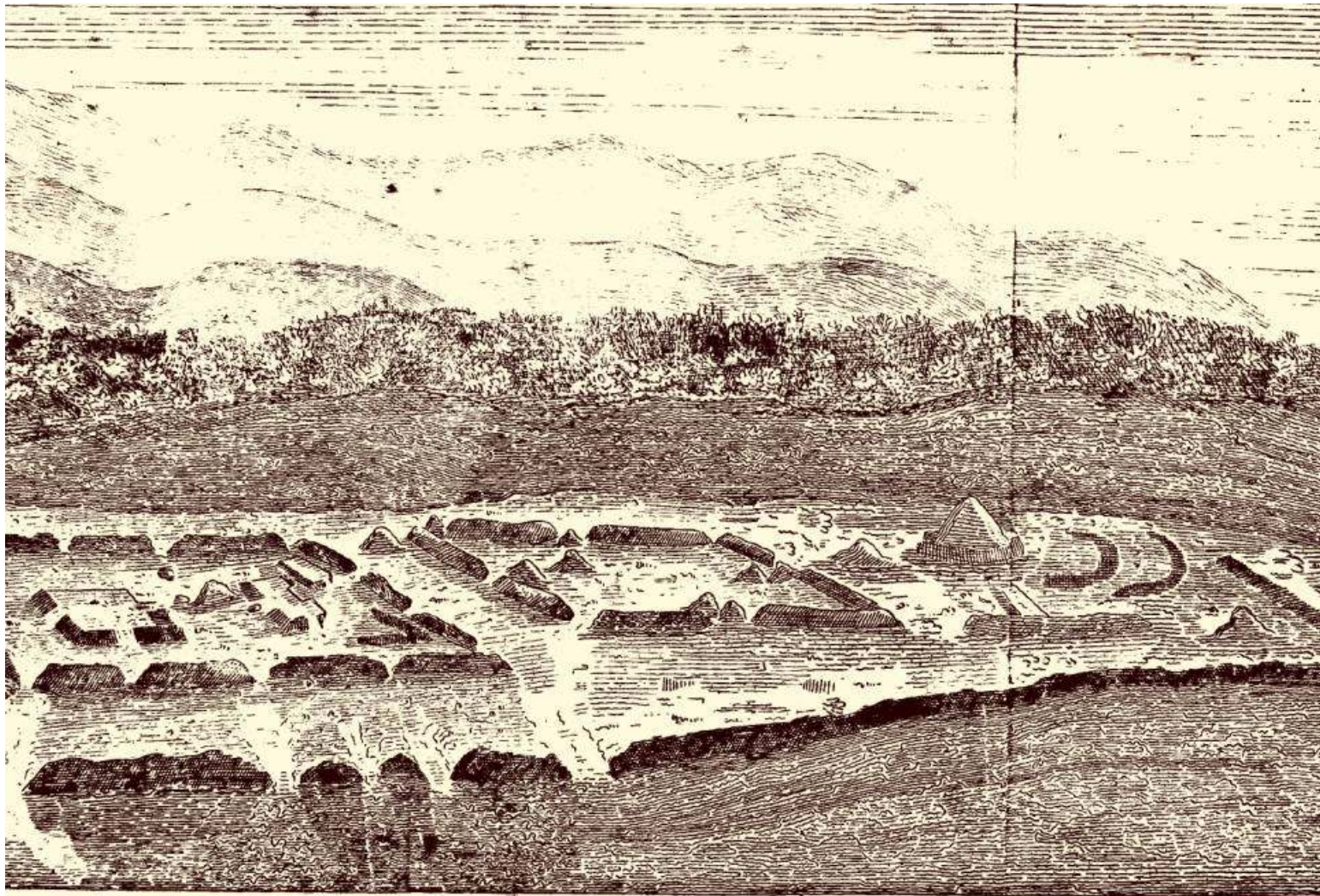
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*A birds eye view of the ancient Works on the Muskingum*

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Pages 147-176 describe the remains of ancient inhabitants and review various explanations of who the ancient inhabitants were, where they came from, and where they went.

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THE  
Treaty of Greenville

BEING AN OFFICIAL ACCOUNT OF THE SAME, TOGETHER WITH  
THE EXPEDITIONS OF

GEN. ARTHUR ST. CLAIR

— AND —

GEN. ANTHONY WAYNE

AGAINST THE NORTHWESTERN INDIAN TRIBES, AND AN HIS-  
TORICAL SKETCH OF THE TERRITORY NORTHWEST  
OF THE OHIO RIVER, PREVIOUS THERETO

— BY —

FRAZER E. WILSON

ILLUSTRATED

PIQUA OHIO  
THE CORRESPONDENT PRESS  
1894

I.

THE OLD NORTHWEST.

The territory which was the field of action for the expeditions of Harmar, St. Clair, and Wayne, is situated northwest of the Ohio River, east of the Mississippi, and south of the Great Lakes.

Nature has blessed it bountifully, and before the axe and plow of the white man changed its primeval appearance, a mighty forest, broken here and there by stretches of prairie and meadow, and watered by numerous streams, covered its vast expanse.

Here and there along the margins of the streams, the native Indian made settlements, and cultivated small open areas. Depending mainly on the chase for subsistence, he followed the trails of the forest, and when pressed by necessity or expediency, wandered from place to place and lived in rude huts or wigwams.

Besides his willful, independent, free and crafty nature, he possessed many seeming inconsistencies. Although haughty and reserved, he would beg a morsel from the traveler, or bedeck his body with shining trinkets and gaudy ochres.

To him the wind, the blizzard, and the fever were spirits which he tried to influence through the wild machinations of the medicine man.

Wilson, Frazer Ellis (born 1871) (author). The treaty of Greenville, being an official account of the same, together with the expeditions of Gen. Arthur St. Clair and Gen. Anthony Wayne against the northwestern Indian tribes, and an historical sketch of the territory northwest of the Ohio River, previous thereto. Piqua (OH): The Correspondent Press (1894). No copyright.

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Although many tribes composed one family, his independent spirit counteracted alliances, and the most powerful confederacies dissolved in a few years.

The display of power attracted his attention and was a cause of his wavering decision, and a factor in his various alliances. At seasons, when home from the chase, or preparing for war, he would make the forest resound with his dance and yell.

His government was very simple. The sachem was the civil and generally the hereditary head of the tribe. The chief, or warrior who led in battle, was, however, chosen for his prowess.

Within the territory under consideration dwelt part of two great families, the Algonquin, and the Iroquois.

The former spread from the Atlantic to the Mississippi, and from Hudson Bay to the Carolinas. The following tribes, which will be mentioned further on, belonged to this family. The Delawares, who called themselves the parent tribe, dwelt along the river now bearing their name; the Shawanese were their neighbors; the Miamis dwelt along the Wabash river and its branches, and the Illinois, near the Mississippi.

In the early part of the seventeenth century the whole family numbered probably 250,000, but had commenced to deteriorate when the first European settlers landed on our shores. Disease, together with the arms, whisky and vices of the white man, played such havoc among them that they now number but a few thousand.

The Iroquois family occupied the peninsula between Lakes Huron, Erie and Ontario, and a portion of the region south of the latter two. One tribe, the Tuscaroras, dwelt further south but joined them later on.

The Five Nations dwelling south of Lake Ontario drove

their brothers, the Wyandots, from the peninsula above mentioned, and exterminated the Eries and Andastes living south of Lake Erie. They were fierce, eloquent, and powerful, and held in subjection the tribes as far as the Mississippi.

They claimed the ownership of the lands northwest of the Ohio, by right of conquest, and considered the Indians occupying them as tenants. The latter, however, valued them very highly as may be judged from the long wars which they waged for their retention. "In the days of their greatest triumphs their united cantons could not have mustered 4,000 warriors," and yet one of their number falling among some Algonquins, exclaimed, "must I, who have made the whole world tremble, now die by the hand of children?" (Parkman's Conspiracy of Pontiac). While these inhabitants of the forest dwelt almost unmolested save by their own kindred, England was planting a chain of colonies along the Atlantic coast, and France gaining a foothold on the St. Lawrence. In 1497-98 the Cabots explored the Atlantic coast from Labrador to beyond Chesapeake Bay and took possession in the name of England. In 1607 the first permanent English settlement was planted at Jamestown, Virginia, and in 1620 the Puritan Pilgrims founded Plymouth, Massachusetts. Settlements were afterwards made from Maine to the Carolinas, and the hardy colonists built substantial habitations and subsisted mainly on the products of their own toil. They subdued the red man or drove him away, and gradually advanced the frontier westward.

France, however, was not idle all this time. In 1534 James Cartier discovered the St. Lawrence and reached the site of Montreal. In 1603 Champlain, the "Father of Canada," sailed down the St. Lawrence, and, desiring to

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plant a colony to extend the Catholic Church and the domain of France, he returned in 1608 and planted a settlement on the rock of Quebec. From this place the missionaries, fired with a zeal to convert the savages, and the explorers, anxious to find new lands, penetrated to the Mississippi.

In 1615 Le Caron and Champlain discovered Lake Huron by ascending the Ottawa River and crossing over to Lake Nipissing. Lake Ontario was seen the same year. Lake Superior was probably discovered before 1629, Lake Michigan in 1634, and Lake Erie by 1640. The latter, however, was probably not navigated until Joliet and La Salle returned from Lake Superior. Detroit, the best site on the Lakes for the purposes of the French, was not occupied until 1701. This, together with the fact that the territory now comprising Ohio was the last explored by the French, is explained by the shortness of the route from Quebec up the Ottawa River, and the hostility of the Iroquois dwelling along the lower Lakes.

From the Lakes, the Jesuit missionaries crossed by easy portages to the head waters of the branches of the Mississippi and planted missions along their shores. Although it is said that they were not very successful in converting the savages in the true sense, yet they exercised an influence over them favorable to France, and many of the posts established by them were afterwards fortified and garrisoned, and commanded the entrances to the territories.

In 1663 the most remote route, that by way of Green Bay, the Fox and Wisconsin Rivers, was discovered. Others were afterwards established as follows:

From Lake Michigan, by the Chicago and Illinois rivers; by the St. Joseph and Kankakee; and by the St.

Joseph and Wabash. From Lake Erie, by the Maumee and Wabash, and finally, at the outbreak of the French and Indian War, an attempt was made to hold the upper Ohio by forts on a branch of the Alleghany.

Important settlements were made at Kaskaskia, Ft. Chartres and Cahokia, in what is now Illinois; Vincennes and Ouiatenon on the Wabash, and at Detroit; and in 1682, La Salle took formal possession of the Mississippi.

Following in the wake of the missionaries came the fur traders. Pliant in disposition, they readily adopted the manners of the Indians, married their women, learned their dialects, and won their confidence. We can only measure the influence they exerted by noting the freedom with which they penetrated beyond the Mississippi, planted a chain of posts reaching several hundred miles beyond Lake Winnipeg, and spread their wares from the frozen North to the plains of the South.

They established forts at Frontenac, the east entrance to Lake Ontario, at Niagara, at Detroit, at Michilimackinac and at Sault St. Marie, the entrance to Lake Superior.

The English and Dutch also tried to plant posts on the upper Lakes, but were thwarted by the French bush-rangers. They carried on trade with the Indians to a limited extent, but dealt with them in a cold, repulsive manner, confiscating their lands and driving them further westward. However, they possessed a sturdiness and prowess that were finally to win respect and alliance. Steadily advancing the frontier line, they were climbing the eastern slope of the Alleghanies, which seemed a natural barrier between them and the Western Country. At the close of King George's War, in 1748, the question as to the boundaries of the French and English was still left open, the commissioners appointed to settle it having failed to

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accomplish this purpose. In that year the first regular English settlement was made on western waters, an exploring party penetrated Kentucky and Tennessee, and the Ohio Company was organized to speculate in land, and traffic with the Indians.

Two years later this Company sent Christopher Gist down the northern shore of the Ohio as far as the falls, to make a careful examination of the country and observe the strength of the Indians. In the following year he explored the southern shore as far as the mouth of the Kanawha, and his reports stimulated the interest already manifested in this country.

The English claimed this territory by virtue of their early settlement of the Atlantic coast at a corresponding latitude; on their construction of the treaties of Ryswick, Utrecht, and Aix-La-Chapelle; and on the alleged cessions by the Indians. The French, on the other hand, claimed the same territory on account of the explorations of Marquette and La Salle, their occupation, and their opposite construction of the same treaties.

In 1749, the Governor of Canada sent Bienville to take formal possession of the Ohio valley, to conciliate the Indians, and to thwart the English. He went down the Ohio planting lead plates at the mouths of some of the principal tributaries. Returning by way of the Great Miami and Maumee he stopped at Pickawillany, about four miles above the present site of Piqua, where several hundred Miami Indians and their head chief lived. Some English traders had built a stockade here in 1740 and were carrying on quite a trade. They were also established near the mouth of the Scioto and were gaining the favor of the Indians.

In 1752 a Frenchman of Michilimackinac sent about

250 Chippewas and Ottawas to destroy Pickawillany. They surprised the place and killed fourteen Indians and one Englishman.

The time had come to fortify the forks of the Ohio, but this important step was delayed on account of the disputes of the governors of Pennsylvania and Virginia as to jurisdiction.

In 1753, while these disputes were still unsettled, Du Quesne, the Governor of Canada, sent a force to seize and hold the northern branches of the Ohio. Crossing over from Presque Isle, on Lake Erie, they cut a road to French Creek, a branch of the Alleghany, and built Ft. Le Boeuf. They also garrisoned a place at the old Indian town of Venango further down.

This was the signal for decisive action and Governor Dinwiddie, of Virginia, who claimed jurisdiction in this territory, sent George Washington on his famous expedition to the commander, St. Pierre, to remonstrate against the French occupation of the Ohio valley. Washington was courteously received, but informed that the movement had been made by instructions from the Governor General of Canada, and that the message would be referred to him, but the posts held in the meantime. In the following spring the English attempted to build a fort on the present site of Pittsburgh, but were driven off, and the place taken by the French, who built Fort DuQuesne. Thus began the French and Indian War.

The Indians, who had a natural love for war, and whose interests were at stake, soon allied themselves according to their inclinations. Those of the Northwest, with few exceptions, joined their fortunes with the French.

The war now assumed larger proportions, and England

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sent Braddock over with a large army of regulars. The slaughter of the latter while moving toward Fort DuQuesne, encouraged many more Indians to join the cause of the French, and even some of the Iroquois wavered as they saw the English defeated time after time, but when the scales turned they resumed their old alliance.

During the course of the war the Miamis, Wyandots, Ottawas and other northern tribes which had adhered to the French, fortified Pickawillany where they were attacked by the Delawares, Shawanese and other tribes adhering to the English. After several days' siege the latter abandoned the attempt but the Miamis soon left this valley, where they claimed to have originated, and settled about the Maumee. They were followed by the Shawanese who occupied this site until driven further north by the whites.

During the first years of the conflict the French and their allies won victory after victory, but in 1758 the English gained the ascendancy, taking Louisburg and Fort DuQuesne. In the following year Wolf stormed the Heights of Abraham, and took the citadel of Quebec, the backbone of Canada. This was the climax of the struggle on the continent that won for the Anglo-Saxon the supremacy in the New World, and deprived France of her American possessions. John Fiske wrote of it: "The triumph of Wolf marks the greatest turning point as yet discoverable in modern history," (*American Political Ideas*, p. 56.)

In 1760 the surrender of Montreal virtually ended the war in this country, but the conflict continued on the ocean for two or three years longer. A treaty of peace was signed at Paris in 1763 and nearly all the French possessions east of the Mississippi passed into the hands of the British.

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In the meantime, however, the savages, fearing the encroachments of the English, the destruction of their fur trade, and the curtailment of their supplies of food and firearms, formed a confederacy under the leadership of Pontiac, an Ottawa chieftain, and planned the simultaneous capture and destruction of all their forts west of the Alleghanies. The plot against Detroit was revealed, but before the middle of the summer of 1763 all the posts except Niagara, Ft. Pitt, and Detroit had been taken. In the following spring Pontiac again laid siege to Detroit, and the attacks on the frontier were renewed.

Gen. Gage, in command of the British Colonial Army, sent Col. Bradstreet with a force of 1200 men against the Indians of the Lakes. Meeting representatives of several tribes which Sir Wm. Johnson, the British Indian Agent for the North, had induced to assemble at Niagara, he concluded treaties and proceeded to Presque Isle. At this place he met some Delawares and Shawanese with whom he concluded a peace on condition that they would meet him at Sandusky in 25 days and deliver up their prisoners. He then sent a message to Boquet, who had been sent with a large force against the latter tribes, to abandon his expedition. Proceeding to Sandusky, Bradstreet met some Ottawas, Wyandots, and Miamis who promised to meet him at Detroit.

At this latter place he afterwards met the Indians of the Northwest, who pledged themselves to relinquish their title to the British posts, to surrender prisoners, and to acknowledge the sovereignty of England. On returning to Sandusky he found that the Ohio Indians had deceived him, and still waged war on the borders, but, owing to the lateness of the season, and other circumstances, he returned to Niagara.

Col. Boquet was not deceived by the message from Bradstreet, but proceeded to Ft. Pitt, and thence to the Tuscarawas river, where he met in conference the Delawares, Shawanese, and Senecas, and by his decisive action caused them to deliver up a great number of prisoners, and to promise to meet Sir Wm. Johnson the following spring to treat for peace.

The army returned to Ft. Pitt, and the Indians kept their word.

After the Northwest passed into the possession of England a new policy was commenced. "No provision was made for the government of nine-tenths of the new territory acquired by the Treaty of Paris in 1763. The purpose was to reserve as crown lands the Northwest Territory, the region north of the great lakes, and the country between the Alleghanies and the Mississippi, and to exclude them from settlement by the American Colonists. They were left, for the time being, to the undisputed possession of the savage tribes." (Narrative and Critical History, VI, p. 687.) Peaceful relations with the Indians, the extension of the fur trade, and the safety of the Colonies were the reasons assigned for this policy.

The settlers now began to pour over the mountains, and irritate the Indians. Sir Wm. Johnson saw the necessity of conciliating the latter, and in 1768 a treaty was signed at Ft. Stanwix by which the whole country south of the Ohio and Alleghany, to which the Six Nations had any claim, was transferred to the British. This region was being explored but it was twenty years before the lines of emigration were directed north of the Ohio.

The following years witnessed the opening scenes of the Revolution in the East and attention was attracted in that direction. The West, however, was not wholly neg-

lected. Boone, Harrod, Logan and other pioneers built fortified stations near the upper Kentucky River and the romantic days of Kentucky dawned. The Indians were not disposed to allow this valuable piece of ground, where they had hunted the buffalo and met each other in many a bloody conflict, to be quietly taken from them; and when they saw the white emigrants floating down the Ohio they resolved to dispute their advance. Matters soon assumed such a serious turn that in 1774 Governor Dunmore of Virginia called out the militia but before the forces were united a division of about one thousand men was attacked by a similar number of Shawanese warriors under Cornstalk. After a severe battle the Indians retreated and, with few exceptions, soon sought peace.

The devastations of the war in the east caused many to seek new homes south of the Ohio. However, they did not escape the influence of the British who sent out war parties from Detroit to harass them.

At that time Henry Hamilton was commandant at the above post, and as such, the military and civil head of the Northwest. He employed the notorious renegades Elliott, McKee, and Simon Girty who, it is said, sought commissions in the American army, were disappointed and went over to the enemy, and sent out several war parties against the borders.

To check these incursions Geo. R. Clarke was sent on a secret expedition against Kaskaskia, situated in territory claimed by Virginia by virtue of the charter of 1609. He succeeded in securing this place, and Cahokia and proceeded to subdue the neighboring Indians.

In the meantime Hamilton had arrived on the upper Wabash to influence the Indians. He had with him a small force of regulars and French, and about 400 Indians.

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Proceeding down stream, he captured Vincennes, where he was besieged by Clarke and forced to surrender.

The whole country along the Mississippi and Wabash was now in possession of Virginia, but Detroit remained in the hands of the enemy.

"Hamilton had made arrangements to enlist the Southern and Western Indians for the next spring's campaign, and if Mr. Stone be correct in his suppositions, Brant and his Iroquois were to act in concert with him. Had Clarke, therefore, failed to conquer the governor, there is too much reason to fear that the West would have been, indeed, swept from the Mississippi to the mountains, and the great blow struck, which had been contemplated from the outset, by Britain.

"The conquest of Clarke changed the face of affairs in relation to the whole country north of the Ohio river, which in all probability would have been the boundary line between Canada and the U. S. The conquest was urged by the American Commissioners in negotiating the definite treaty of 1783." (Annals of the West, p. 295.) Especially does the significance of this statement appear when taken in connection with the fact that after England had obtained possession of Canada and the West she organized the province of Quebec, and in 1774 promulgated an act extending its borders to the Ohio and Mississippi, thus preparing to establish interior colonies dependent upon a government on the St. Lawrence instead of on the Atlantic coast. This deprived the colonies of their charter lands in the West, and was one of the causes of the Revolution.

In 1772 the Moravians, a peculiar religious sect, who had followed the Delaware Indians from Pennsylvania, built a place of worship in what is now Tuscarawas County, Ohio. They purchased small tracts of land from the

Indians and cultivated a portion of it. Later they were joined by more of their brethren, and four towns built in the same neighborhood. Many of the neighboring tribes were converted to their doctrines, but in 1781, on account of the danger incurred by their location, they were removed to the neighborhood of Sandusky by order of the commandant at Detroit. Their crops were left standing, a party returned to harvest them in the following spring, were there attacked by a band under Col. Williamson and 94 of their number murdered.

In the fall of 1778 Brig. Gen. McIntosh, of the Continental Army, built a fort 30 miles below Ft. Pitt. He proceeded with a force of 1000 men to attack Sandusky, but stopped upon reaching the Muskingum, where he built Ft. Laurens, and, leaving a garrison, returned to Ft. Pitt. Both of these posts were afterwards abandoned, leaving no American defences in the West except Ft. Pitt and Kaskaskia.

In the summer of 1780 Col. Byrd of Detroit invaded Kentucky by way of the Miami and Licking rivers with six cannon, a small force of Canadians and a large band of Indians. They attacked and took a couple of stations but abandoned the expedition. Clarke soon raised a large force, crossed the Ohio, and marched up the Miami valley to chastise the Indians. He destroyed the old Indian town of Piqua on Mad river about twelve miles above the present site of Chillicothe, together with several other villages further up the river and some corn. This gave security to the Kentucky settlers for a short time but in the following year attacks were made along quite a line of stations and Col. Brodhead led an expedition up the Muskingum, capturing and killing a few Indians. Col. Lochry of Pennsylvania also led an expedition, but failing

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to meet Clarke with his men at the mouth of the Kanawha, crossed over with a small force near the Miami where he was surprised, several of his men killed, and the rest made prisoners.

In 1781 Spain, jealous of the spread of Anglo-Saxon power, and fearing the safety of her Gulf Colonies, sent an expedition to seize the post of St. Joseph. Having accomplished this, she took formal possession of the region commanded by it and the Illinois river. Strange as it may seem, France supported Spain, but this can be explained by saying that France assisted the Americans during the Revolution because of her hatred of England.

In 1782 Simon Girty was sent from Dertoit with Major Caldwell and a party of Indians and militia against Bryant's station near the upper Kentucky. Failing to take this place they were pursued by a force of Kentuckians whom they defeated. Aroused at this raid a thousand riflemen arose under the leadership of Clarke and desolated the Miami valley to a point beyond Pickawillany. This cooled the ardor of the savages who began to realize their danger and fall back to the interior. During the same year the frontiers of Pennsylvania and western Virginia were sorely harassed, but the close of the Revolution caused these incursions to abate.

After the struggle for liberty was over and Great Britain acknowledged the independence of the Colonies, she still retained possession of the various forts in the Northwest, contrary to the stipulations of the treaty of 1783. The reasons assigned were, that the United States had violated the 4th, 5th, and 6th articles of the same treaty, in allowing the debts owing British subjects, which had been contracted before the war, to remain unpaid; and in confiscating their estates. The Americans, however, con-

tended that they had done all that they had promised, viz; recommended to the States what was stipulated in the treaty, and that the reluctance of the States in complying was due to the difficulties encountered in changing their laws to conform to new conditions. Later developments indicated that these posts were held to retain the fur trade, and to influence the Indians against the Americans.

The French, who depended principally on the fur trade for a livelihood during their possession of the Northwest, purchased only small tracts from the natives, and at the Treaty of Paris, in 1763, transferred the small grants about the posts which they had established.

At the close of the Revolution, Great Britain, having acquired nothing more from the Indians north of the Ohio, transferred what she had received from France. Congress, however, looked at this matter in a different light and proceeded to grant peace to the Indians, and fix the boundaries without purchasing their lands which were regarded as forfeited on account of hostilities during the Revolution, and the British cession.

In 1784, the Iroquois, who had aided England during the war, and whose power had been broken by the expedition of Gen. Sullivan in 1779, met the commissioners of the United States at Ft. Stanwix, (Rome N. Y.) and ceded all their western lands.

At Ft. McIntosh, in 1785, a treaty was made with the Wyandot, Delaware, Chippewa and Ottawa nations, by which the land in the southern part of what is now the state of Ohio was relinquished.

The next treaty of the United States was with the Shawanese at Fort Finney (Mouth of the Miami), in 1786. A very bad spirit was manifested at this treaty, and the Wabash Indians, whose presence was especially

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desired, were probably influenced by the British, and absented themselves. The remoter Indians, however, did not cease their depredations and two expeditions were set on foot; one in command of Gen. Clarke, against the Indian towns of the Wabash; the other under Col. Logan against the Shawanese between the Great Miami and Scioto rivers. On account of the delay in the arrival of provisions, the discontent of the soldiers, and the desertion of a large body of the latter, Clarke's expedition was abandoned. Logan, however, succeeded in destroying several towns, a lot of corn, and in killing and capturing several Indians.

Finally at Ft. Harmar (on the Muskingum, opposite Marietta) two treaties of confirmation were made, one with the Six Nations, and the other with the Wyandots, Delawares, Ottawas, Chippewas, Pottawattomies, and Sacs.

"Thus then stood the relations of the Indians and the United States in 1789. Transfers of territory had been made by the Iroquois, the Wyandots, the Delawares, and the Shawanese, which were open to scarce any objection; but the Chippewas, Ottawas, Kickapoos, Weas, Piankeshaws, Pottawattomies, Eel River Indians, Kaskaskias, and above all the Miamis, were not bound by any existing agreement to yield the lands north of the Ohio.

"They wished the Ohio to be a perpetual boundary between the white and red men of the West, and would not sell a rod of the region north of it. So strong was this feeling that their young men, they said, could not be restrained from warfare upon the invading Long-Knives, and thence resulted the increasing attacks upon the frontier stations and the emigrants." (Annals of the West, pp. 525-526.)

During the course of the Revolution Congress offered

grants of land to volunteers in the American service, but Virginia, New York, Massachusetts, and Connecticut claimed portions of the West by virtue of the old Colonial Charters, conquest, and purchases from the Indians.

After the war was over and interest was again awakened in the western country, Congress decided to open it for settlement, but was confronted by the conflicting claims of these States. The old Colonial charters, given when the extent of North America was unknown, extended the grants of land "from sea to sea." The Crown, however, claimed the country between the Alleghanies and the Mississippi after the French and Indian War, and the United States, after the Revolution, by virtue of conquest. The States that had no western claims desired that those of the others be ceded to the United States government for the general welfare.

A lengthy controversy ensued which threatened the stability of the confederation, but the whole matter was settled satisfactorily in 1786 when Connecticut followed the example of the other states interested and completed the cession of these western claims, except a tract between the 41st parallel and Lake Erie, reserved by Connecticut, and one between the Scioto and Little Miami rivers, reserved by Virginia for her soldiers.

In 1787, while the last Congress under the Articles of Confederation was in session, a petition was presented by Dr. Cutler in behalf of a company of New Englanders, organized to purchase lands and make a settlement north and west of the Ohio.

In the meantime the famous "Ordinance of 1787" was passed. It provided for the organization and government of the "Territory Northwest of the river Ohio." Among its provisions were the prohibition of slavery, the promo-

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tion of education, morality, and religion, and the formation of not less than three nor more than five states, as conditions suggested.

The grant of land asked for was made to the New England Company, and soon afterwards John Cleves Symmes negotiated for the purchase of land between the Miamis. In the following year emigrants floated down the Ohio to the mouth of the Muskingum and founded Marietta, which became the capital of the new country.

Thus the initial step was taken and from this time a steady flow of emigration set in. In a few years Gallipolis, Manchester, Columbia, and Fort Washington dotted the northern shore of the Ohio, and the soldiers of the Revolution, whose fortunes had been lost in the struggle for liberty, found a new home.

Early in 1790, Arthur St. Clair, who had been appointed Governor, left Marietta to organize a government for the new territory. He went first to Ft. Washington, thence by trail to Vincennes, and thence to Kaskaskia. While all this was being accomplished the Indians, incensed at these invasions of their ancient domains and goaded on by the British agents, commenced to attack the frontier.

Along the Wabash River dwelt the Piankeshaws, Kickapoos, Weas, Miamis and Eel River Indians, who inhabited several villages, the most important of which were Ouiatenon, Quitepiconnae, Kikiapongai and Kekionggay.

Major Hamtramck, in charge of Vincennes, had sent a French trader to pacify these Indians. His efforts were not successful, and shortly after his return a party of traders from the upper Wabash reported that war parties from the north had joined the Indians along that river and had gone to attack the settlements.

When St. Clair heard of this he immediately left for Ft. Washington where he consulted Gen. Harmar, the commander of the United States Infantry, and decided to send an expedition against the Indians. He requested the militia of western Pennsylvania, Virginia and Kentucky to co-operate with the federal forces, and addressed a message to the commandant at Detroit stating that the expedition about to be started was not intended against any British post, but aimed at the punishment of the Indians who had been harassing the frontiers; requesting him to restrain the latter and assuring him of the peaceful intent of the United States.

The plan of Harmar's campaign was as follows: 300 of the militia were to join Major Hamtramck at Ft. Knox (Vincennes), and proceed against the Wabash Indians; 700 were to rendezvous at Ft. Washington, and 500 below Wheeling, to join the regular army and proceed against the Maumee villages.

Major Harmar's command, when ready to move, was made up as follows: Three battalions of Kentucky militia under Col. Trotter, one battalion of Pennsylvania militia under Col. Trubley and Major Paul, and one battalion of mounted riflemen. Col. Hardin had the command of all the militia subject to the orders of Gen. Harmar. The whole force numbered 1453 men, but the ranks contained many boys and infirm men. They were very poorly armed and equipped, being almost destitute of axes, camp utensils, etc. Besides this, jealousy existed between the militia and regulars, and threatened trouble.

The army left Ft. Washington September 30th, and on October 14th, being near the Maumee, Hardin was sent forward with 600 militia and one company of regulars to surprise the enemy and keep them in their forts

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until the artillery should arrive. Reaching the villages the following afternoon he found them deserted.

The main army arrived on the 17th. and by the 21st had destroyed the chief town, several other villages, and about twenty thousand bushels of corn.

However, no enemy was found, and Harmar thought of attacking some of the Wabash Indians, but abandoned this plan on account of a lack of horses, many of which had been stolen by the Indians. Col. Trotter, who had been sent to scour the woods in search of an enemy on the 18th, and had made an unsuccessful skirmish, was succeeded by Hardin. The latter was also defeated on the 19th, and when, on the 21st, the army began its homeward march, he prevailed upon Harmar to send back a detachment under the command of himself and Major Wyllys, to the site of the destroyed villages. Arriving at the Maumee near the forks a little after sunrise, spies discovered the enemy and plans were arranged to surround and surprise them. All went well until Col. Hall, who had gained the position assigned him undiscovered, fired at a single Indian and alarmed the enemy. The latter fled in different directions and were pursued by the militia, who, being dispersed, were defeated and returned to the camp.

Hardin again asked Harmar to send a detachment or take the entire force to the scene of the engagement, but the latter desisted, and on the following morning the army resumed its march for Ft. Washington. During the return the inharmonious feeling of the officers manifested itself, and this, coupled with the two defeats of Hardin and the tame conduct of Harmar, caused the expedition to be unpopular.

"The army, as a whole, effected all that the popular

expeditions of Clarke in 1782, and of Scott and Wilkinson in 1791 did: the annihilation of towns and corn, and was by Harmar and St. Clair considered very successful, but in reality, in the view of the Indians, it was an utter failure and defeat." (Annals of the West, p. 552).

The Government, seeing the inefficiency of its first attempt in dealing with the Indians, adopted stronger measures. It was decided to offer peace to the Western Indians; to organize expeditions in the West against the villages of the Miamis, Shawanese and Weas, should they refuse to make peace; and to send a large force to build forts and take possession of the enemy's land.

The British, who now seemed disposed to a peaceful settlement, urged Brant to use his influence in presenting the matter to the Five Nations, thinking that the United States would allow these tribes to retain their possessions along the Maumee. However, the agents and savages were puzzled at the threefold action of the United States, viz.: sending Proctor to sue for peace, Scott against the Wabash, and St. Clair to the Maumee. Distrust arose, and, on account of the time and difficulty of sending dispatches and receiving reports of the true condition of affairs, a misunderstanding followed.

Brant, whom the Government wished to employ in securing peace, was in the West, and, while held in suspension as to his intentions, it was learned that he was arousing the Miamis to war.

After Harmar's expedition, the settlements were again attacked and terror spread among the people south of the Ohio.

Delegates from several of the western counties of Virginia, which were exposed to the depredations of the Indians, presented the matter to the governor, and the

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Legislature authorized him to make temporary provision for the protection of the frontier until the United States Government should take proper steps in the same direction. Chas. Scott was appointed brigadier general of the militia of Kentucky. then a part of Virginia, orders were given him to raise a volunteer force for its protection, and also to the commanders of the western counties, to enlist several companies of rangers.

Congress, seeing the necessity for prompt action, passed an act adding another regiment to the military department of the United States, and the President appointed Gov. St. Clair Commander in Chief of the Army of the Northwest, and authorized him to raise an army of 3,000 men, to be employed against the hostile Indians of that territory.

As a prompter step, Gen. Scott was ordered to raise a volunteer force of about 750 men, and to proceed against the Wea villages on the Wabash, near the present site of La Fayette. The expedition was delayed until May 23rd awaiting the return of Proctor, but, hearing nothing from him by that time, Gen. Scott crossed the Ohio at the mouth of the Kentucky with 800 mounted men, and on the 1st of June arrived at Ouiatenon.

"Many of the inhabitants of the village were French, and lived in a state of civilization. A large quantity of corn, a variety of household goods, peltry, and other articles were burned with this village, which consisted of about seventy houses, many of them well furnished."

Lieut. Col. Commandant Wilkinson was sent with a detachment of 360 on foot against Keth-tep-e-ca nunk (Tippecanoe), the most important village of that region, and succeeded in destroying it.

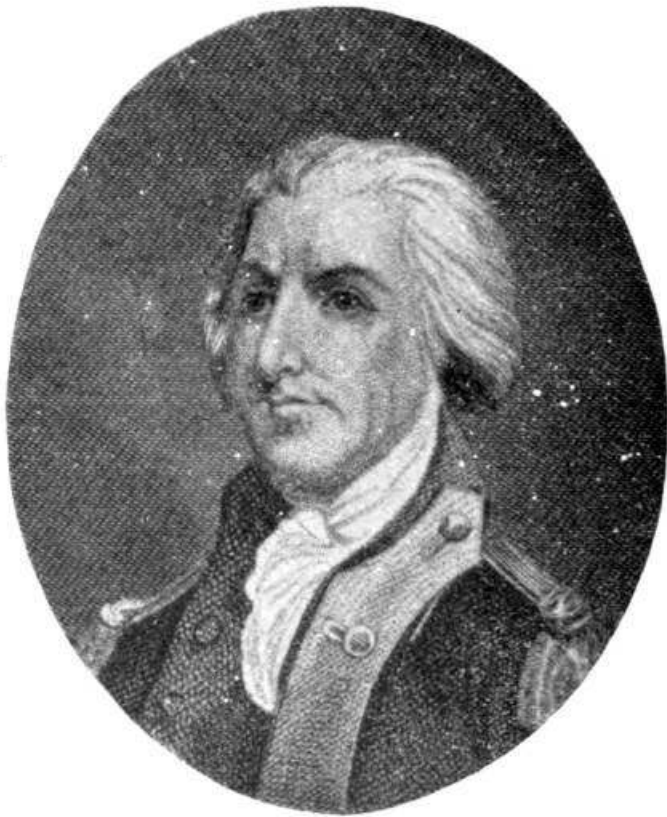
The army started south with several prisoners, and

reached the Ohio in twelve days with the loss of only two men who had been drowned. On the 1st of August an expedition was sent against the Indians of the Eel river. Col. Wilkinson was placed in command and left Ft. Washington with 525 mounted men. Great difficulty was encountered on the march on account of bogs which impeded the horses.

The village at the mouth of the Eel river was attacked, a few Indians killed and some captured. The army pushed on to Tippecanoe and destroyed the corn which had been planted since Scott's raid. Finding the horses worn out, provisions scarce, and soldiers complaining, Wilkinson abandoned his proposed march to Kickapoo town and proceeded to Ouiatenon where he destroyed several cornfields. After having marched 451 miles from Ft. Washington, the army reached the rapids of the Ohio on the 21st.

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**GENERAL ARTHUR ST. CLAIR.**

## II.

### ST. CLAIR'S EXPEDITION.

After the expeditions mentioned in the last chapter, the Indians against whom they had been sent became greatly exasperated and set about a desperate undertaking.

Little Turtle, chief of the Miamis, a warrior of intelligence and prowess, who led the attack against Harmar and who had great influence among the western tribes, together with Blue Jacket, the great chief of the Shawanese, and Buck-on-ge-he-las, chief of the Delawares, formed a confederacy of the northwestern savages to drive the white settlers beyond the Ohio.

These chiefs, with the assistance of Girty, McKee and Elliott, headed a band of warriors whose discipline has probably never been equaled in Indian warfare.

In the meantime preparations were being made by the U.S. Government for the final subjection of the northwestern tribes, and on March 21st, 1791, the following instructions to Gen. Arthur St. Clair were issued from the War Office:

"The President of the U. S. having, by and with the advice and consent of the Senate, appointed you a major general in the service of the U. S., and of consequence invested you with the chief command of the troops to be employed upon the frontiers during the ensuing campaign, it is proper that you should be possessed of the views of

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the Government respecting the objects of your command. I am, therefore, authorized and commanded by the President of the U. S. to deliver you the following instructions, in order to serve as the general principles of your conduct.

"But it is only general principles which can be pointed out. In the execution of the duties of your station, circumstances which cannot now be foreseen may arise to render material deviations necessary. Such circumstances will require the exercise of your talents. The Government possesses the security of your character and mature experience that your judgments will be proper on all occasions.

"You are well informed of the unfavorable impressions which the issue of the last expedition has made on the public mind, and you are also aware of the expectations which are formed of the success of the ensuing campaign.

"An Indian war under any circumstances is regarded by the great mass of people of the U. S. as an event which ought, if possible, to be avoided. It is considered that the sacrifices of blood and treasure in such a war far exceed any advantages which can possibly be reaped by it.

"The great policy, therefore, of the General Government is to establish a just and liberal peace with all the Indian tribes within the limits and in the vicinity of the territory of the U. S. \* \* \* \*

"If all the lenient measures taken, or which may be taken, should fail to bring the hostile Indians to a just sense of their situation, it will be necessary that you should use such coercive means as you shall possess, for that purpose.

"You are informed that, by an act of Congress, passed the 2nd instant, another regiment is to be raised, and added to the military establishment, and provision made for raising two thousand levies, for the term of six months, for the service of the frontiers. \* \* \* \*"

Here follows instructions which were carried out in the expeditions of Scott and Wilkinson.

"While you are making such use of desultory operations as in your judgment the occasion may require, you will proceed vigorously, in every preparation in your power, for the purpose of the main expedition; and having assembled your force, and all things being in readiness, if no decisive indications of peace should have been produced, either by the messengers, or by the desultory operations, you will commence your march for the Miami village, in order to establish a strong and permanent military post at that place.

"In your advance you will establish such posts of communication with fort Washington, on the Ohio, as you may judge proper.

"The post at the Miami village is intended for the purpose of awing and curbing the Indians in that quarter, and as the only preventive of future hostilities. It ought, therefore, to be rendered secure against all attempts and insults of the Indians.

"The garrison which should be stationed there ought not only to be sufficient for the defence of the place, but always to afford a detachment of five or six hundred men, either to chastise any of the Wabash, or other hostile Indians, or to secure any convoy of provisions.

"The establishment of said post is considered as an important object of the campaign, and it is to take place in all events. In case of a previous treaty, the Indians are

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to be conciliated upon this point, if possible; and it is presumed, good arguments may be offered to induce their acquiescence.

"The situation, nature and construction of the works you may direct, will depend upon your own judgment. Major Ferguson, of the artillery, will be fully capable of the executions.

"He will be furnished with three five-and-a-half-inch howitzers, three six-pounders, and three three-pounders, all brass, with a sufficient quantity of shot and shells for the purpose of the expedition. The appropriation of these pieces will depend upon your orders.

"Having commenced your march upon the main expedition, and the Indians continuing hostile, you will use every possible exertion to make them feel the effects of your superiority; and after having arrived at the Miami village, and put your work in a defensible state, you will seek the enemy with the whole of your remaining force, and endeavor, by all possible means, to strike them with great severity.

"It will be left to your discretion whether to employ, if attainable, any Indians of the Six Nations, and the Chickasaws or other Southern nations. \* \* \* \*

"The force contemplated for the garrison of the Miami village, and the communications, has been from a thousand to twelve hundred noncommissioned officers and privates. This is mentioned as a general idea, to which you will adhere, or from which you will deviate, as circumstances may require.

"The garrison stationed at the Miami village and its communications must have in store at least six months good salted meat, and flour in proportion.

"It is hardly possible, if the Indians continue

hostile, that you will be suffered quietly to establish a post at the Miami village; conflicts, therefore, may be expected, and it is to be presumed that disciplined valor will triumph over the undisciplined Indians. In this event it is probable that the Indians will sue for peace. If this should be the case, the dignity of the U. S. will require that the terms should be liberal.

"In order to avoid future wars, it might be proper to make the Wabash, and thence, over to the Miami, and down the same to its mouth at lake Erie, the boundary, excepting so far as the same should relate to the Wyandots and Delawares, on the supposition of their continuing faithful to the treaties. But if they should join in the war against the U. S., and your army be victorious, the said tribes ought to be removed without the boundary mentioned.

"You will also judge whether it would be proper to extend the boundary, from the mouth of the river au-Pansee of the Wabash, in a due west line to the Mississippi. Few Indians, besides the Kickapoos, would be affected by such a line; this ought to be tenderly managed.

"The modification of the boundary must be confided to your discretion, with this single observation, that the policy and interest of the United States dictate their being at peace with the Indians. This is of more value than millions of uncultivated acres, the right to which may be conceded by some, and disputed by others.

"The establishment of a post at the Miami village will probably be regarded by the British officers on the frontiers as a circumstance of jealousy; it may, therefore, be necessary that you should at a proper time, make such intimations as may remove all such dispositions. This intimation had better follow than precede the pos-

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session of the post, unless circumstances dictate otherwise. As it is not the inclination or interest of the U. S. to enter in a contest with Great Britain, every measure tending to a discussion or altercation must be prevented. The delicate situation of affairs may therefore make it improper at present to make any naval arrangements upon Lake Erie.

"After you shall have effected all the injury to the hostile Indians of which your force may be capable, and after having established the posts and garrison at the Miami village and its communications, and placing the same under the orders of an officer worthy of such a high trust, you will return to fort Washington, on the Ohio.

\* \* \* \* \*

"You will please to appoint some skillful person to make actual surveys of your march, to be corrected, if the case will admit of it, by proper astronomical observations, and of all posts you may occupy, and transmit them to this office. \* \* \* \* \*

"Although it is expected that you will have assembled at fort Washington, by the tenth of July next a force of three thousand effectives, consisting of regular troops and levies, besides a sufficient number for the occupancy of the posts on the Ohio and Wabash, yet circumstances may possibly arise to prevent the expedition from being realized.

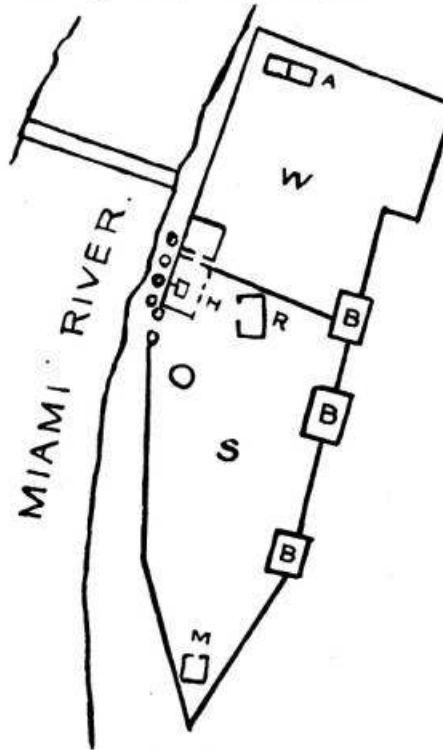
"In this event, the expedition must not languish.

"In order, therefore, to supply the numbers essential for the expedition, you must call forth, in the name of the President of the U. S., the militia of Pennsylvania, Virginia, or the district of Kentucky, for the purpose."

St. Clair proceeded to Pittsburgh where he arrived the latter part of April. This place had been selected as a

rendezvous for troops. The population of the West at this time was scattered in three or four groups; one in southwestern Pennsylvania of about 60,000 people; two in western Virginia, around Wheeling and the mouth of the Kanawha, of about 55,000; and one in Kentucky, below the Licking river, of about 70,000. It was hoped that the troops

would be assembled by Aug. 1st, but there was much delay and it soon appeared that the expedition could not move before September. St. Clair proceeded to Ft. Washington May 15th, and awaited the assembling of the western troops which were but few in number and located at different posts. General Butler was placed second in command and obtained recruits during part of April and May. On July 15th the first regiment of 299 men arrived. Much delay was caused in the arrival of troops from Pittsburgh, and in the meantime, the idle recruits became intemperate and were removed to Ludlow's station, six miles from the fort.



FT. HAMILTON.  
 S. Built by St. Clair. M. Magazine.  
 W. Addition. A. Artificers shop.  
 B. Blockhouses. O. Well.  
 H. Headquarters.

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Here they remained until the 17th of September, when the army marched northward to the Great Miami, where a fort was built, garrisoned, and named Hamilton.

On the sixth of October St. Clair addressed the following communication to the Secretary of War from Ft. Washington:

"SIR:—I have now the satisfaction to inform you that the army moved from Ft. Hamilton, \*\*\* on the 4th, at eight in the morning, under the command of General Butler. The order of march and encampment I had regulated before, and on the 3rd returned to this place to get up the militia; they marched yesterday, and consist of but about three hundred men. \* \* \* \*

"I have reason to believe, however, that at least an equal number will be up here by the 10th, and I have left orders for their following us. \* \* \* \*

"Our numbers, after deducting the garrisons of this place and fort Hamilton, are about two thousand, exclusive of the militia. I trust I shall find them sufficient, and should the rest of the militia come on, it will make the matter pretty certain; but the season is now so far advanced, that I fear the intermediate posts, which would indeed have been highly necessary, it will be impossible to establish. In that, however, I must be governed by circumstances, of which I will take care that you shall be apprised in due time. Should the enemy come to meet us, which seems to be expected, and be discomfited, intermediate posts become more essential. \* \* \* \*

"Gen. Butler informs me that no less than twenty-one went off the night the army moved from fort Hamilton. I am at this moment setting out for the army, which I hope to overtake to-morrow evening. \* \* \* \*

On Nov. 1st St. Clair wrote to the Secretary of War as follows:

"Camp, eighty-one miles advanced of Fort Washington.

"SIR:—Since I had the honor to write to you on the 21st instant, nothing very material has happened; and, indeed, I am at present so unwell (and have been so for some time past) that I could ill detail it, if it had happened. Not that that space of time has been entirely barren of incidents, but, as few have been of the agreeable kind, I beg you to accept a sort of journal account of them, which will be the easiest for me.

"On the 22nd, the indisposition that had hung about me for some time, sometimes appearing as a bilious colic, and sometimes as a rheumatic asthma, to my great satisfaction, changed to a gout in the left arm and hand, leaving the breast and stomach perfectly relieved, and the cough, which had been excessive, entirely gone. This day Mr. Ellis, with sixty militia from Kentucky, joined the army, and brought up a quantity of flour and beef.

"23rd—Two men taken in the act of deserting to the enemy, and one for shooting another soldier and threatening to kill an officer, were hanged upon the grand parade, the whole army being drawn out. Since the army has halted, the country around this and ahead for fifteen miles, has been well examined; it is a country which, had we arrived a month sooner in it, and with three times the number of animals, they would have been all fat now.

"24th—Named the fort Jefferson, (it lies in lat. 40 degrees, 4 minutes, 22 seconds north,) and marched, the same Indian path serving to conduct us, about six miles, and encamped on good ground and an excellent position

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—a rivulet in front and a very large prairie, which would at the proper season afford forage for a thousand horses, on the left. So ill this day that I had much difficulty in keeping with the army.

"25th—Very hard rains last night; obliged to halt to-day, on account of provision; for, though the soldiers may be kept pretty easy in camp, under the expectation of provisions arriving, they cannot bear to march in advance, and take none along with them. I received a letter from Mr. Hodgson by express: thirteen thousand pounds of flour will arrive on the 27th.

"26th—A party of militia, sent to reconnoitre, fell in with five Indians, and suffered them to slip through their fingers; in their camp, articles to the value of twenty-five dollars were found and divided. The Virginia battalion is melting down very fast, notwithstanding the promises of the men to the officers; thirteen have been discharged by Colonel Darke to-day.

"27th—Gave order for enlisting the levies, with the condition of serving out their time in their present corps. Piomingo arrived in camp with his warriors; I was so unwell I could only see him and bid him welcome, but entered on no business; considerable dissatisfaction among the levies about their enlistments.

"28th—Some clothing sent for to Fort Washington for the recruits, arrived; was begun to be distributed, and will have a good effect; but the enlisting the levies does not meet with the encouragement that might have been expected. It is not openly complained of by the officers, but it is certainly, privately, by some of high rank, and the measure of tempting them with warm clothing condemned. Mr. Hodgson writes me that he is sending forward a quantity of woolen overalls and socks,

by General Butler's orders. I have ordered them to be deposited at fort Jefferson. Some few Indians about us, probably those the militia fell in with a day or two ago. Two of the levies were fired upon about three miles off; one killed, two of the militia likewise, one of them got in, the other missing, supposed to be taken.

"29th—Piomingo and his people accompanied by Captain Sparks and four good riflemen, gone on a scout; they do not propose to return under ten days, unless they sooner succeed in taking prisoners and scalps.

"30th—The army moved about nine o'clock, and, with much difficulty, made seven miles, having left a considerable part of the tents by the way; the provisions made by the quarter-master for that purpose were not adequate; three days' flour issued to the men, to add the horses that carried it to his arrangements; the Indian road is still with us, the course this day north 25 degrees west.

"31st—This morning about sixty of the militia deserted; it was at first reported that one-half of them had gone off, and that their design was to plunder the convoys which were upon the roads; detached the first regiment in pursuit of them, with orders to Major Hamtramck to send a sufficient guard back with Benham, whenever he met with him, and follow them about twenty-five miles below fort Jefferson, or until he met the second convoy, and then return and join the army.

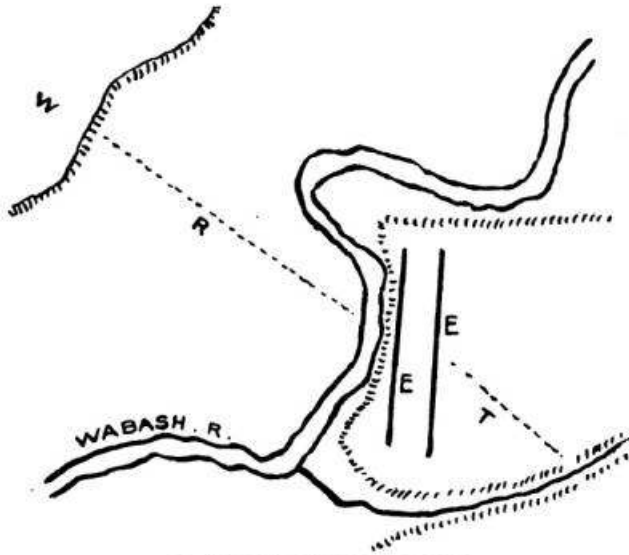
"Benham arrived last night, and to-day, November 1st, the army is halted to give the road cutters an opportunity of getting some distance ahead, and that I might write to you. I am this day considerably recovered, and hope that it will turn out what I at first expected it would be, a friendly fit of the gout come to relieve me from every other complaint."

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On the 9th of November, St. Clair addressed the following communication, which explains itself, to the Secretary of War:

"Yesterday afternoon, the remains of the army under my command got back to this place, and I have now the painful task to give you an account of as warm and unfortunate an action as almost any that has been fought, in which every corps was engaged and worsted, except the first regiment. That had been detached upon a service I had the honor to inform you of in my last dispatch, and had not joined me.



ST. CLAIR'S BATTLE GROUND.

W. Place where militia encamped    E., E. Position of the regulars.  
R. Line of their retreat.            T. Road.

"On the 3rd instant, the army had reached a creek about twelve yards wide, running to the southward of

west, which I believe to have been the river St. Mary, that empties itself into the Miami of the lake at Miami village, about four o'clock in the afternoon, having marched near nine miles, and were immediately encamped upon a very commanding piece of ground, in two lines, having the above mentioned creek in front. The right wing, composed of Butler, Clarke, and Paterson's battalions, commanded by Major General Butler, formed the first line, and the left wing, consisting of Bedinger and Gaither's battalions, and the second regiment, commanded by Lieutenant Colonel Darke, formed the second line, with an interval between them of about seventy yards, which was all the ground would allow. The right flank was pretty well secured by the creek; a steep bank, and Faulkner's corps, some of the cavalry, and their picquets, covered the left flank.

"The militia were thrown over the creek, and advanced about one quarter of a mile, and encamped in the same order. There were a few Indians who appeared on the opposite side of the creek, but fled with the utmost precipitation, on the advance of the militia. At this place, which I judged to be about fifteen miles from the Miami village, I had determined to throw up a slight work, the plan of which was concerted that evening with Major Ferguson, wherein to have deposited the men's knapsacks, and every thing else that was not of absolute necessity, and to have moved on to attack the enemy as soon as the first regiment was come up. But they did not permit me to execute either; for, on the fourth, about half an hour before sunrise, and when the men had been just dismissed from the parade, (for it was a constant practice to have them all under arms a considerable time before day light) an attack was made upon the militia.

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Those gave way in a very little time, and rushed into camp through Major Butler's battalion, which together with part of Clarke's, they threw into considerable disorder, and which, notwithstanding the exertion of both those officers, was never altogether remedied, the Indians following close at their heels. The fire however, of the front line, checked them, but almost instantly a very heavy attack began upon that line, and in a few moments it was extended to the second likewise. The great weight of it was directed against the center of each, where the artillery was placed, and from which the men were repeatedly driven with great slaughter. Finding no great effect from our fire, and confusion beginning to spread, from the great number of men who were falling in all quarters, it became necessary to try what could be done by the bayonet. Lieutenant Colonel Darke was accordingly ordered to make a charge with part of the second line and to turn the left flank of the enemy. This was executed with great spirit. The Indians instantly gave way, and were driven back three or four hundred yards; but for want of a sufficient number of riflemen to pursue this advantage, they soon returned, the troops were obliged to give back in their turn. At this moment they had entered our camp by the left flank, having pushed back the troops that were posted there. Another charge was made here by the second regiment, Butler's and Clarke's battalions, with equal effect and it was repeated several times, and always with success; but in all of them, many men were lost, and particularly the officers, which, with so raw troops was a loss altogether irremediable. In that I just spoke of, made by the second regiment and Butler's battalion, Major Butler was dangerously wounded and every officer of the second regiment fell except three, one of

which, Mr. Greateon was shot through the body. Our artillery being now silenced, and all the officers killed except Captain Ford, who was very badly wounded, and more than half the army fallen, being cut off from the road, it became necessary to attempt the regaining it, and to make a retreat, if possible. To this purpose, the remains of the army was formed as well as circumstances would admit, towards the right of the encampment, from which, by the way of the second line, another charge was made upon the enemy as if with the design to turn their right flank, but in fact, to gain the road. This was effected, and as soon as it was open the militia took along it, followed by the troops; Major Clarke, with his battalion, covering the rear. The retreat in those circumstances was, you may be sure, a very precipitate one. It was, in fact, a flight. The camp and the artillery were abandoned; but that was unavoidable for not a horse was left alive to have drawn it off, had it otherwise been practicable. But the most disgraceful part of the business is, that the greatest part of the men threw away their arms and accoutrements, even after the pursuit, which continued about four miles, had ceased. I found the road strewn with them for many miles, but was not able to remedy it, for having had all my horses killed, and being mounted upon one that could not be pricked out of a walk, I could not get forward myself and the orders I sent forward, either to halt the front or to prevent the men from parting with their arms, were unattended to. The rout continued quite to fort Jefferson, twenty-nine miles, which was reached a little after sun-setting. The action began about half an hour before sunrise, and the retreat was attempted at half an hour after nine o'clock. I have not yet been able to get returns of

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the killed and wounded; but Major General Butler, Lieutenant Colonel Oldham of the militia, Major Ferguson, Major Heart, and Major Clarke, are among the former; Colonel Sargent, my Adjutant General, Lieutenant Colonel Darke, Lieutenant Colonel Gibson, Major Butler, and the Viscount Malartie, who served me as an aid-de-camp, are among the latter, and a great number of captains and subalterns in both.

"I have now, sir, finished my melancholy tale, a tale that will be felt sensibly by every one that has sympathy for private distress, or for public misfortune. I have nothing, sir, to lay to the charge of the troops, but their want of discipline, which from the short time they had been in service, it was impossible they should have acquired, and which rendered it very difficult when they were thrown into confusion, to reduce them again to order, and is one reason why the loss has fallen so heavy upon the officers, who did everything in their part to effect it. Neither were my own exertions wanting; but, worn down with illness, and suffering under a painful disease, unable either to mount or dismount a horse without assistance, they were not so great as they otherwise would, and perhaps ought to have been. We were overpowered by numbers; but it is no more than justice to observe, that, though composed of so many different species of troops, the utmost harmony prevailed through the whole army during the campaign.

"At fort Jefferson, I found the first regiment, which had returned from the service they had been sent upon without either overtaking the deserters, or meeting the convoy of provisions. I am not certain, sir, whether I ought to consider the absence of this regiment from the field of action, as fortunate or otherwise. I incline to

think it was fortunate, for I very much doubt whether, had it been in the action, the fortune of the day had been turned; and if it had not, the triumph of the enemy would have been more complete, and the country would have been destitute of every means of defence.

"Taking a view of the situation of our broken troops at fort Jefferson, and that there was no provision in the fort, I called upon the field officers, viz: Lieutenant Colonel Darke, Major Hamtramck, Major Zeigler and Major Gaither, together with the Adjutant General, for their advice what would be proper further to be done; and it was their unanimous opinion that the addition of the first regiment, unbroken as it was, did not put the army on so respectable a foot as it was in the morning, because a great part of it was now unarmed; that it had been then found unequal to the enemy, and should they come on, which was probable, would be found so again. That the troops could not be thrown into the fort, both because it was too small, and that there were no provisions in it. That provisions were known to be upon the road, at the distance of one, or at most two marches; that, therefore, it would be proper to move, without loss of time, to meet the provisions, when the men might have the sooner an opportunity of some refreshment, and that a proper detachment might be sent back with it, to have it safely deposited in the fort. This advice was accepted, and the army was put in motion again at ten o'clock, and marched all night, and the succeeding day met with a quantity of flour. Part of it was distributed immediately, part taken back to supply the army on the march to fort Hamilton, and the remainder, about fifty horse loads, sent forward to fort Jefferson. The next day, a drove of cattle was met with for the same place, and I have informa-

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tion that both got in. The wounded who had been left at that place, were ordered to be brought here by the return horses.

"I have said sir, in a former part of this letter, that we were overpowered by numbers. Of that, however, I have no other evidence but the weight of the fire, which was



LITTLE TURTLE.

always a most deadly one, and generally delivered from the ground, few of the enemy showing themselves a foot except when they were charged; and that, in a few min-

utes, our whole camp, which extended above three hundred and fifty yards in length, was entirely surrounded and attacked on all quarters.

"The loss, sir, the public has sustained by the fall of so many officers, particularly General Butler and Major Ferguson, cannot be too much regretted; but it is a circumstance that will alleviate the misfortune in some measure, that all of them fell most gallantly doing their duty. \* \* \* \*

"In this engagement thirty-nine officers were killed, and twenty-two wounded, and the entire loss was estimated at 677 killed, including thirty women, and 271 wounded." The loss of the Indians was about 150 killed and several wounded. After pursuing the army a few miles they returned and plundered the camp obtaining the equipments, cannon, baggage and several hundred horses.

This was one of the greatest defeats ever suffered by United States troops at the hands of the red men, both on account of the number killed and the effect on the frontier. To the leadership of Little Turtle is assigned the behavior of the savages. Stone, however, in his "Life of Brant" would make it appear that this warrior was present with a number of his tribe and led the attack. The number of Indians engaged is also variously estimated but it is said to have been current among them that about seven hundred only took part.

Various causes were assigned for the failure of this campaign; the lateness of the season, the poor equipment of the army, the lack of discipline among the soldiers, and the ill feeling existing between Butler and St. Clair being the principal ones.

The new Government was experimenting in Indian warfare and had much to learn.

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A long line of frontier was now exposed to the mercy of the exultant savages, and St. Clair everywhere condemned for his conduct. Even President Washington was angered when he received the news, as the following extracts from an anecdote derived from his private secretary, Col. Lear, by Richard Rush, of Philadelphia, will indicate. The President received the dispatch while eating dinner, but continued his meal and acted as usual until all the company had gone and his wife had left the room, leaving no one but himself and Col. Lear. He now commenced to walk back and forth in silence and after some moments sat down on a sofa. His manner now showed emotion and he exclaimed suddenly: "St. Clair's defeated—routed; the officers nearly all killed, the men by wholesale, the rout complete! too shocking to think of—and a surprise in the bargain." Pausing again, rising from the sofa, and walking back and forth he stopped short and again broke out with great vehemence. "Yes! here on this very spot I took leave of him; I wished him success and honor. 'You have your instructions,' I said, 'from the Secretary of War; I had a strict eye to them, and will add but one word, beware of a surprise! you know how the Indians fight us.' He went off with that as my last solemn warning thrown into his ears. And yet, to suffer that army to be cut to pieces—hacked by a surprise, the very thing I guarded him against! \* \* \*"

The President again sat down on the sofa and his anger subsided. At length he said: "This must not go beyond this room." After a while he again spoke in a lowered tone. "General St. Clair shall have justice. I looked hastily through the dispatches—saw the whole disaster, but not all the particulars. I will hear him

without prejudice, he shall have full justice." (This anecdote however is refuted.) A committee of the house of representatives investigated the causes of St. Clair's defeat and acquitted him with honor.

President Washington denied his request for an investigation by a court of inquiry on the ground that there were not enough officers in the army of the requisite rank to form a legal court for that purpose. He also refused, though with reluctance, to allow him to retain his commission until some kind of an investigation could be had, because there could be but one Major General at a time, and the crisis demanded the immediate appointment of his successor. It is said, however, that St. Clair retained the confidence of Washington to the last.

He was a native of Scotland, emigrated to North America in 1755, having joined the Sixtieth British Regiment. He served under Gen. Amherst at Louisburg in 1758 and carried a standard at Quebec in 1759. After the close of the French and Indian War he settled in western Pennsylvania, where he resided until the outbreak of the Revolution. He espoused the cause of the Colonies and was commissioned a colonel of militia in 1775. Early in 1776 he joined Gen. Sullivan and by his counsel saved the army after the defeat at Three Rivers. He rose to the rank of Major General in 1777. He rendered service at Trenton, Princeton and Hubbardstown, but, being driven from Ticonderoga and Mt. Independence in 1778, was courtmartialled and exonerated, and continued in the service until the peace. In 1786 he was elected President of Congress, and later served as before noted. He died at Greensburg, Penn., August, 1818.

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### III.

#### WAYNE'S EXPEDITION.



GENERAL ANTHONY WAYNE.

The defeat of St. Clair caused great alarm along the frontier, but the Indians did not seem immediately disposed to make a united stand, although many predatory bands attacked the settlers. Early in the following year the U. S. Government took measures and made overtures to procure peace with them.

The chiefs of the Five Nations were invited to Philadelphia for the purpose of attaching them to, and convincing them of, the justice and humanity of the U. S.; and also, to influence them to repair to the hostile tribes, in order to use their efforts to bring about peace. A deputation of fifty arrived early in March and were addressed by President Washington and Commissioner Colonel Pickering, but did not set out for the hostile Indians until September. Capt. Alex. Truman, of the 1st U. S. Regiment, was sent with a message to the Miami village, by the way of Fort Washington. Captain Hendrick, of the Stockbridge Indians, was instructed to repair to the great Indian council to be held on the Maumee.

Brig. Gen. Rufus Putnam was also sent on a similar mission, and given special authority. He was given copies of the treaties of forts Stanwix, McIntosh, Finney and Harmar, and instructed to convince the Indians that the

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U. S. desired peace; renounced all claim to Indian land not ceded by fair treaties; conceived the treaty of Fort Harmar made with the proper tribes in good faith; required the safety of the frontiers; and assured protection, justice, humanity and liberality; also, that this was not done because of St. Clair's defeat, or any fear of the issue of war.

Captain Joseph Brant, an educated and intelligent chief of the Mohawks, was also invited to Philadelphia to receive assurance of the humane disposition of the President, and to exert his influence in behalf of peace at the coming council. Captain Peter Pond and William Steedman were sent as secret spies.

Among other things, the latter were instructed to repair to Niagara and Detroit; assume the character of Indian traders; mingle with the Miami and Wabash Indians; find their views and intentions: insinuate the humane disposition of the United States; and if circumstances justified, declare the readiness of the Government to receive the Indians with open arms regardless of the past.

These spies, however, could get no further than Niagara. Truman was murdered; Brant did not arrive at the Au Glaize until after the council had broken up; and Hendricks delivered the message, belt and map with which he had been intrusted, to McKee, and did not repair to the council. Putnam however proceeded to Ft. Washington, where he arrived July 2nd. General Wilkinson, who had been placed in charge of this post after St. Clair's defeat, was absent at Fort Jefferson, and, on his return, reported that a party of about 100 Indians had made an attack upon a body of men near the above place, and that 16 were killed and missing. News of the murder of four other whites also arrived, and seeing the necessity of tak-

ing prompt action, Putnam proceeded, on the 17th of August, to Post Vincent on the Wabash, where the chiefs had expressed a willingness to come and treat for peace.

He was accompanied by Heckenwelder, the missionary, and took along several Indian prisoners and presents to be given them.

A treaty was concluded with the Wabash and Illinois tribes on the 27th of September, in which they placed themselves under the protection of the United States; agreed to surrender their prisoners; promised to commit no further hostilities or depredations; and received the guarantee that all the lands to which they held a just claim, should remain in their possession. This treaty, however, was not confirmed by the Senate, because of this last article.

In October a great Indian council was held at the junction of the Au Glaize and the Maumee. It was attended by the chiefs of all the northwestern tribes, about fifty chiefs of the Six Nations, besides many from remoter tribes. The chiefs of the Shawanese were the only speakers for war, and Red Jacket, the Seneca chief, for peace.

The latter urged the unity of the Indian tribes, the desirability of friendly relations with the whites, and of retaining their lands. The former then requested an explanation of the instructions of Congress, which was given to their satisfaction. The Six Nations replied that the Indians had sold all their land east of the Ohio to the British; that they assisted the latter in the Revolutionary War, at the termination of which the States took possession of all the land the English formerly took from the French. They also said that they came with the voice of the U. S., and the advice of the King, and that

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the latter advised them to remain confederated and independent. The Shawanese then related the action of the U. S. in sending out an expedition with instructions to proceed as far as the Miami town, and, thence to Detroit. They also stated that this army had fallen into their hands; that messengers of peace who fell by the way had been sent by these bloody roads; and that consequently the voice of peace must pass through the Six Nations.

They consented to treat with Gen. Washington early in the following spring and lay aside the tomakawk until they should hear from him through the Six Nations. The latter prepared and forwarded a report of these proceedings to the President and urged him to send suitable men to the coming council, and forward a message to the western Indians without delay.

The armistice agreed upon was not kept, for on the 6th of November a party of Indians attacked a body of Kentucky mounted infantry, under command of Major Jno. Adair. The engagement took place about 20 miles south of Ft. Jefferson near the present site of Eaton, Ohio, in sight of Fort St. Clair, a post recently established to assist in the transportation of forage and supplies to the advanced post. Six men were killed, five wounded, and a number of pack-horses taken. About the same number of the enemy fell.

The United States, however, complied with the request of the Indians, and sent Benj. Lincoln, Beverly Randolph, and Timothy Pickering to meet the hostile tribes at the Maumee rapids, early the next spring. "They were also instructed that the Government considered the Six Nations, who claimed the lands by virtue of former conquest, lying between the Ohio and Lake Erie, which were ceded and confirmed to the United States by the treaty of Fort

Harmar, in 1789, with the said Six Nations, together with the Wyandots and Delawares, and Ottawas, and other western Indians, who were actual occupants of the lands, as the proper owners thereof; that they had a right to convey the said lands to the United States; and that they did accordingly make the said conveyance, with their free consent and full understanding." They were also instructed to insist upon the boundary established at Fort Harmar; relinquish certain trading posts northward of the same, or any military posts, which should appear to be established without the same; guarantee the right of soil to all the remaining lands in that region; and pay to the several tribes, proportionately, the sum of fifty thousand dollars, besides ten thousand dollars annually.

Proceeding to Niagara, the commissioners were detained until the 28th of June, when they embarked for the Detroit river, to await the meeting of the Indians at Sandusky. They were detained at Fort Erie by contrary winds, and on the 5th of July, Colonel Butler, a British Superintendent of Indian Affairs, and Captain Brant, with about fifty Indians arrived from the Maumee, being deputed by the Indian Nations assembled at the rapids to confer with the commissioners of the U. S. in presence of the Governor of Upper Canada. Brant explained that the Indians had not assembled at the time and place appointed because of distrust of the warlike movements of the U. S., and asked an explanation of the same. He also inquired if the commissioners were properly authorized to establish a new boundary line between the U. S. and the Indians. The commissioners replied, that all hostilities had been forbidden until the result of the proposed treaty at Sandusky should be known; that peace was desired; and that

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they were authorized to establish boundary lines. They also assured them that as soon as their council at that place was ended, they would send a messenger to the President, asking him to renew and repeat his orders to the military commanders concerning the postponement of hostilities. On the next day Brant replied to these explanations, assuring the commissioners that there was a prospect of agreement; that the minds of the western Indians were one; and that they had not been spoken to unitedly before. Offering to accompany them to the council, they accepted.

To understand more fully the fears of the Indians at this time it is necessary to notice the military movements of the U. S. Government. Upon the withdrawal of St. Clair after his defeat, the President recommended Gen. Anthony Wayne to succeed him, and Congress confirmed the selection. The appointment caused some disgust, but was made after due deliberation. Gov. Lee of Virginia, Generals Morgan and Scott, and Col. Darke, all seem to have figured as possible appointees, but after some deliberation "Mad Anthony" Wayne was selected. His appointment was unpopular in Virginia, but Washington, in answer to an objection raised against him replied: "General Wayne has many good points as an officer, and it is to be hoped that time, reflection, good advice, and above all a due sense of the importance of the trust which is committed to him, will correct his foibles, or cast a shade over them."

Wayne was born in Easttown, Penn., Jan. 1, 1745. At the outbreak of the Revolution he raised the 4th Regiment of Pennsylvania troops and was commissioned a colonel. In Feb., 1777, he was made a brigadier-general. He served at Three Rivers,

Brandywine, Germantown, Valley Forge, Green Springs and Yorktown. His most popular service, however, was at Stony Point, a rocky promontory on the Hudson commanding an important crossing place. He surprised this place on the night of July 15th, 1779, and forced his way into the fort by a bayonet charge.

Congress voted him a gold medal, and the Assembly of Pennsylvania also honored him for his conduct at this place. He was brevetted major-general in Oct., 1783, and retired to private life. Removing to Georgia, he was elected to Congress and after serving about five months, his seat was contested and declared vacant. He refused to be a candidate for re-election and was given the appointment before mentioned.

On the 26th of December, 1791, the Secretary of War submitted a statement, relative to the condition of the northwestern frontiers, setting forth the feeling of the Indians since St. Clair's defeat, and the desirability of increasing the military force of the U. S. to such proportions as to awe the hostile tribes that they might listen to dictates of peace upon the reasonable terms offered them.

To effect this the military establishment was to consist of 5,168 non-commissioned officers, privates, and musicians, organized into one squadron of cavalry, of four troops, each of 76 non-commissioned officers and privates; one battalion of artillery, organized on the same plan; and five regiments of infantry, one to be composed entirely of riflemen, each of three battalions, as above. Beside these, provision was made to engage mounted militia and scouts.

Wayne left for Pittsburgh in June, 1792, and during the summer organized and the army. In the winter the forces were collected about twenty-two miles south of

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Pittsburgh, at Legionville so called because the army had been organized as a legion in order to meet the requirements of the coming campaign. Here the recruits were drilled and disciplined. Descending the Ohio in April 1793, the infantry and artillery encamped near Fort Washington.

The cavalry, composed of four companies, sorrels, grays, bays and chestnuts, camped south of the river where they practised, through the summer, to meet the red man in an appropriate manner.

From this place a road was cut to about six miles beyond Fort Jefferson; the intermediate forts supplied with large quantities of provisions; and herds of horses and cattle gathered beyond the advanced post under the protection of troops.

These movements were closely watched by the Indians assembled on the Maumee, and on the 10th of July the commissioners engaged to make peace sent a letter to the Secretary of War to suspend the military operations until after the council.

The commissioners then proceeded to the mouth of the Detroit river where they arrived on the 21st of July. From this place they communicated with the Indians in council on the Maumee, who, after much negotiation, still insisted upon the Ohio river as their eastern boundary. On the 16th of August the commissioners made their final reply, refusing to accede to the terms of the Indians, thus ending the negotiation.

Returning to Erie, they addressed a letter to Gen. Wayne on the 23rd, to be delivered by way of Pittsburgh with all possible dispatch.

Upon receiving information of the result of the council, the General made preparation for his expedition and

on the 5th of October addressed a letter to the Secretary of War, from his headquarters near Ft. Washington, stating that he had used every means in his power to bring forward the mounted volunteers from Kentucky, but with little success; that a great number of officers and men were debilitated from sickness; that the effective force would be reduced so that after leaving the necessary garrisons at the several posts, he should not be able to advance beyond Fort Jefferson with more than twenty-six hundred effective regulars; and that the auxiliary forces numbered only 36 guides and spies, and 360 mounted militia. He also stated that he would advance on the next day with this force, "in order to gain a strong position about six miles in front of Fort Jefferson, so as to keep the enemy in check until some favorable circumstance or opportunity should present to strike with effect."

"The present apparent tranquility on the frontiers and at the head of the line is a convincing proof to me that the enemy are collected or collecting in force to oppose the legion, either on its march, or in some unfavorable position for the cavalry to act in. Disappoint them in this favorite plan or manœuvre, they may probably be tempted to attack our lines. In this case I trust they will not have much reason to triumph from the encounter. \* \* \*

"Unless more powerfully supported than I at present have reason to expect, I will content myself by taking a strong position advanced of Fort Jefferson and by exerting every power, endeavor to protect the frontiers, and to secure the posts and army during the winter, or until I am honored with your further orders."

Taking up the line of march on the 7th, the army arrived without an accident, near the present site of Green-

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ville, Ohio, on the 13th, and went into camp. From this place Wayne wrote:

"The safety of the western frontiers, the reputation of the legion, the dignity and interest of the nation, all forbid a retrograde manœuvre, or giving up one inch of ground we now possess, until the enemy are compelled to sue for peace.

"The greatest difficulty which at present presents, is that of furnishing a sufficient escort to secure our convoys of provision, and other supplies, from insult and disaster; and at the same time, to retain a sufficient force in camp to sustain and repel the attacks of the enemy, who appear to be desperate and determined.

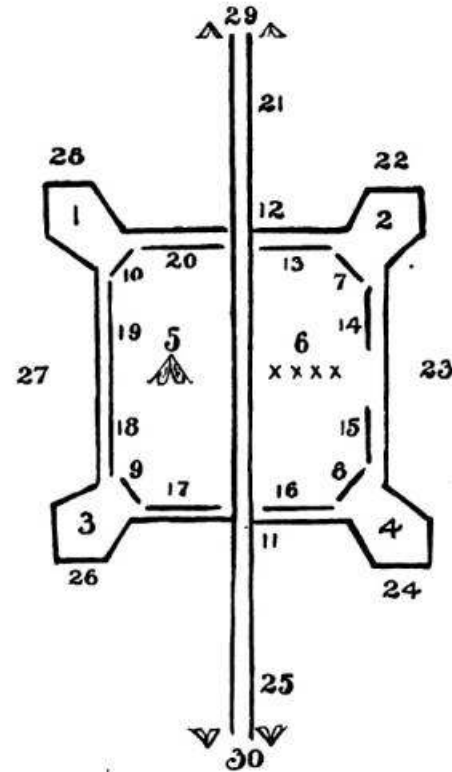
"We have recently experienced a little check to one of our convoys. \* \* \* \* \*

"Lieutenant Lowery, of the 2nd sub-legion, and Ensign Boyd, of the 1st, with a command consisting of ninety non-commissioned officers and privates, having in charge twenty wagons, belonging to the quartermaster general's department, loaded with grain, and one of the contractor's, loaded with stores, were attacked early in the morning of the 17th instant, about seven miles advanced of Fort St. Clair, by a party of Indians; those two gallant young gentlemen, \* \* \* together with thirteen non-commissioned officers and privates, bravely fell, after an obstinate resistance against superior numbers, being abandoned by the greater part of the escort upon the first discharge.

"The savages killed, or carried off, about seventy horses, leaving the wagons and stores standing in the road which have been all brought to this camp without any other loss or damage except some trifling articles.

"One company of light infantry, and one troop of dra-

goons, have been detached this morning to reinforce four other companies of infantry, commanded by Colonel Ham-



PLAN OF WAYNE'S ENCAMPMENT AT GREENVILLE.

- |                             |                           |
|-----------------------------|---------------------------|
| 1. Lieut. Massie's Bastion. | 10. 3rd troop of dragoons |
| 2. " Pope's "               | 11-12. Gateways.          |
| 3. Capt. Porter's "         | 13-14. 3rd Sub. Legion.   |
| 4. " Ford's "               | 15-16. 1st " "            |
| 5. Headquarters.            | 17-18. 2nd. " "           |
| 6. Park of artillery.       | 19-20. 4th " "            |
| 7. 2nd troop of dragoons.   | 21 to 28. Picket Guards.  |
| 8. 1st " " "                | 29. Advance.              |
| 9. 4th " " "                | 30. Rear Guards.          |

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tramck, as an escort to the quartermaster general's and contractor's wagons and pack horses.

"I have this moment received the return of the mounted volunteers under General Scott, recently arrived and encamped in the vicinity of Fort Jefferson; I shall immediately order a strong detachment of those volunteers as a further reinforcement to Colonel Hamtramck.

"I fear that the season is too far advanced to derive that essential service, which, otherwise, might be expected from them; whether they can act with effect, or not, is yet eventual. \* \* \* \* \*

"I anxiously wait the safe return of the escort and convoy, when we shall endeavor to take new ground, which will probably be disputed; be that as it may, the legion will not be too far committed."

Winter being near at hand and the army encamped on a commanding site, the Kentucky militia were dismissed and the army prepared to go into winter quarters.

Accordingly, Fort Greenville was built and headquarters established.

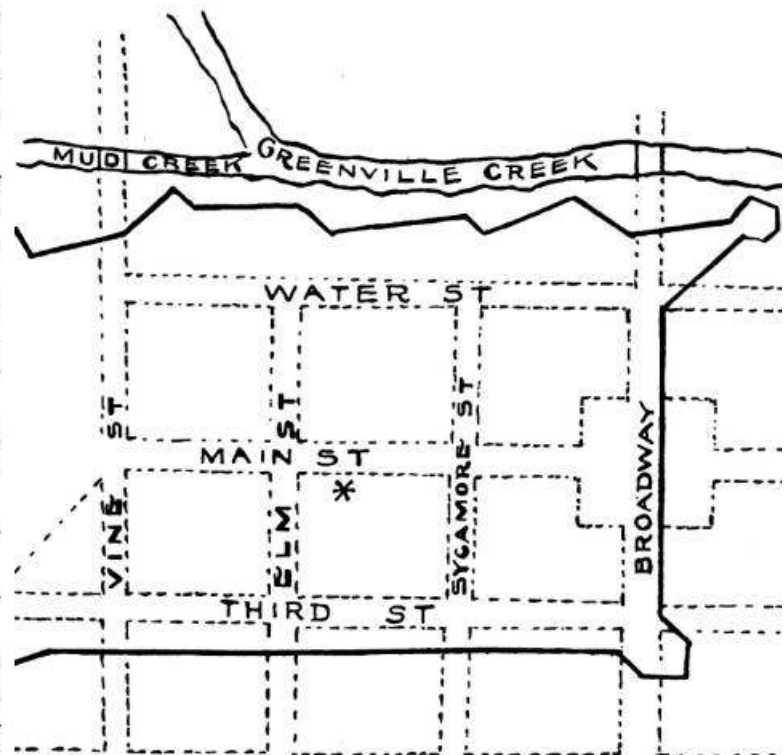
The manner of erecting forts at this time was something like this:

The ground for the site of the fort was cleared, and several hundred feet around it, of all timber. A trench about three feet deep was dug; pickets about a foot in diameter and twenty feet long, cut, hewn and set therein and the dirt returned and packed about them. A ribbon of timber was run around near the top of the pickets and pinned to hold them in position. Log huts, each sheltering six men, were built in rows and each row occupied by one regiment. Store houses, artificer's shops, mess-rooms, officers' headquarters, and a magazine were also erected at suitable places.

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While encamped at Greenville, Wayne drilled and disciplined the army for the exigencies of Indian warfare.



OUTLINE OF FT. GREENVILLE,  
With reference to the Northern part of present city of Greenville, O.  
\*Reputed Site of Wayne's Headquarters.

He sent out a detachment to the site of St. Clair's defeat, to take possession of the place and build a fort. This post

was garrisoned and placed in charge of Captain Alex. Gibson, and named Fort Recovery, in commemoration of its recovery from the Indians.

During the forepart of 1794 he sent out painted scouts and spies among the savages and kept himself informed of their movements and designs. The scouts were about forty in number and served on foot, the spies were six or seven mounted frontiersmen, the most daring of the West. The road-cutters were also working in various directions, leaving the Indians in doubt as to the route to be followed by Wayne on the advance march.

On the 7th of June two Pottawattomies, captured on the Maumee, were examined at Greenville and from them it was ascertained that the British were at the foot of the Maumee Rapids on their way against the Americans; that they numbered 400 exclusive of the Detroit militia, and had two pieces of artillery; that they had fortified Colonel McKee's house and stores and deposited all their stores of ammunition, arms, clothing, and provision, with which they promised to supply all the hostile Indians in abundance, provided they would join, and go with them to war. They also stated that there were probably two thousand warriors of the Chippewas, Wyandots, Shawanese, Tawas, Delawares and Miamis then collected; that if the Pottawattomies should join them there would be over three thousand hostile Indians; and that the British and Indians intended to attack the legion about the last of the month or the first of the next.

On the 26th of June two Shawanese warriors, taken prisoners on the Maumee, were also examined and from them it was ascertained that the warriors of several nations were assembled in great numbers at Grand Glaize; that the chiefs were in council; and that whether there

would be war or peace depended upon the conduct of the British, who were then assembled at the foot of the rapids, and had fortified Roche de Bout; that the Indians would no longer be set on like dogs, unless assisted by the British who had promised to join them.

The truth of these statements will be seen by the following report from Wayne at Greenville to the Secretary of War:

"At seven o'clock in the morning of the 30th ultimo, one of our escorts, consisting of ninety riflemen and fifty dragoons, commanded by Major McMahan, was attacked by a very numerous body of Indians, under the walls of Fort Recovery, followed by a general assault upon the post and garrison, in every direction.

"The enemy were soon repulsed, with great slaughter, but immediately rallied and reiterated the attack, keeping up a heavy and constant fire, at a most respectable distance, for the remainder of the day, which was answered with spirit and effect by the garrison, and that part of Major McMahan's command that had regained the post.

"The savages were employed during the night, (which was dark and foggy) in carrying off their dead, by torchlight, which occasionally drew a fire from the garrison. They, nevertheless, succeeded so well, that there were but eight or ten bodies left upon the field, and those close under the influence of the fire from the fort.

"The enemy again renewed the attack on the morning of the 1st instant, but were ultimately compelled to retreat, with loss and disgrace from that very field where they had, upon a former occasion, been proudly victorious.  
\* \* \* \* \*

"Among the killed, we have to lament the loss of four good and gallant officers, viz: Major McMahan, Captain

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Hartshorne, and Lieutenant Craig, of the rifle corps, and Colonel Torry, of the cavalry, who fell in the first charge. Among the wounded are the intrepid Captain Taylor, of the dragoons, and Lieutenant Drake, of the infantry.

"It would appear that the real object of the enemy was to have carried that post by a *coup de main*; for they could not possibly have received intelligence of the escort under Major McMahon, which only marched from this place on the morning of the 29th ultimo, and deposited the supplies the same evening at Fort Recovery, from whence the escort was to have returned at reveille the next morning; therefore, their being found at that post was an accidental, perhaps a fortunate event. By every information, as well as the extent of their encampments, (which were perfectly square and regular), and their line of march in seventeen columns, forming a wide and extended front, their numbers could not have been less than from fifteen hundred to two thousand warriors.

"It would also appear that they were rather in want of provisions, as they killed and ate a number of packhorses, in their encampment the evening after the assault; also, at their encampment on their retreat, which was but seven miles from Fort Recovery, where they remained two nights, probably from being much incumbered with their dead and wounded. A considerable number of packhorses were actually loaded with the dead."

This letter also states that a party of Indians detached from Greenville to watch the movements of the savages reported that "there were a great number of white men with the Indians," which was corroborated by other evidence; and that the enemy probably "expected to find the artillery that were lost on the 4th of November, 1791, and hid by the Indians in beds of old fallen timber or logs."

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On the 26th of June Major General Scott arrived at Fort Greenville with about 1600 mounted volunteers from Kentucky, and on the 28th the advance of the legion was commenced. Wayne wished to deceive the enemy and probably marched to Ft. Recovery; thence northeast to Girty's town (St. Mary's) on the St. Mary's; thence up that stream as if intending to surprise the Miami Villages; then crossing over (Shane's Crossing) he turned back toward the east, 'proceeded across the Auglaize and thence to the junction of that river with the Maumee. The enemy would probably have been surprised had they not been notified of the advance of the army by a certain Newmnan who deserted at the St. Mary's. What followed is explained by the following letter from Wayne to the Secretary of War on the 14th of August.

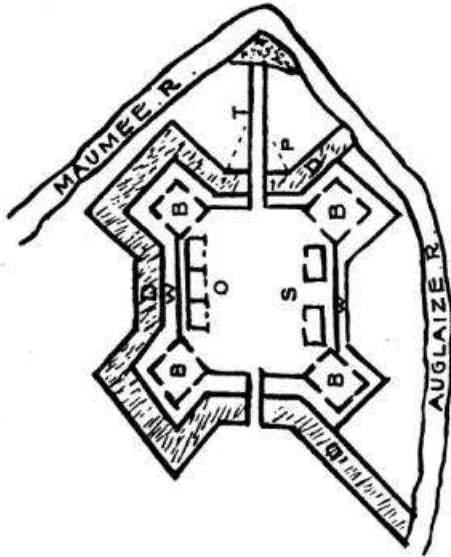
"I have the honor to inform you that the army under my command took possession of this very important post on the morning of the 8th instant—the enemy on the preceding evening having abandoned all their settlements, towns and villages. \* \* \* \* \*

"I had made such demonstrations, for a length of time previous to taking up our line of march, as to induce the savages to expect our advance by the route of the Miami villages to the left, or towards Roche de Bout by the right, which feint appears to have had the desired effect, by drawing the attention of the enemy to those points, and gave an opening for the army to approach undiscovered by a devious route, i. e., in a central direction. \* \* \* \* \*

"Thus, sir, we have gained possession of the grand emporium of the West, without loss of blood. The very extensive and highly cultivated fields and gardens show the work of many hands, the margins of those beautiful rivers, the Miamis of the lake, and Au Glaize, appear like one

continued village for a number of miles, both above and below this place; nor have I ever before beheld such immense fields of corn, in any part of America, from Canada to Florida.

"We are now employed in completing a strong stockade fort, with four good blockhouses, by way of bastions, at the confluence of the Au Glaize and the Miamis, which I have called Defiance. Another fort was also erected on



FT. DEFIANCE.

- |                               |   |
|-------------------------------|---|
| B. Block houses.              | S. Store houses.                          |
| D. Ditch 15 ft. wide.         | P. Two lines of pickets.                  |
| W. Wall of earth 8 ft. thick. | T. Ditch 8 feet deep leading to sand bar. |
| O. Officers' quarters.        |   |

the bank of the St. Mary's, twenty-four miles advanced of

Recovery, which was named Adams, and endowed with provision and a proper garrison.

"Every thing is now prepared for a forward move tomorrow morning, towards Roche de Bout, or foot of the rapids, where the British have a regular fortification, well supplied with artillery, and strongly garrisoned, in the vicinity of which the fate of the campaign will probably be decided; as from the best and most recent intelligence, the enemy are there collected in force, and joined by the militia of Detroit, etc., etc., possessed of ground very favorable for cavalry to act in. Yet, notwithstanding this unfavorable intelligence, and unpleasant circumstances of ground I do not despair of success, from the spirit and ardor of the troops, from the general down to the privates, both of the legion and mounted volunteers.

"Yet I have thought proper to offer the enemy a last overture of peace; and as they have everything that is dear and interesting now at stake, I have reason to expect that they will listen to the proposition mentioned in the enclosed copy of an address, dispatched yesterday by a special flag, who I sent under circumstances that will ensure his safe return, and which may eventually spare the effusion of much human blood.

"But should war be their choice, that blood be upon their own heads. America shall no longer be insulted with impunity. To an all powerful and just God I therefore commit myself and gallant army. \* \* \* \*"

On the 13th of August, Wayne sent Christian Miller, a naturalized Shawanese who had been taken prisoner six months before, with a message of peace to the assembled tribes.

On the 16th, the army which had advanced the day previous, met Miller, returning with the message that the

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Indians would decide for peace or war if the Americans would wait ten days at Grand Glaize. Impatient of delay, Wayne moved forward, and, on the 18th, began to construct some light works, to protect the heavy baggage during the expected conflict. This work was completed on the 19th, and called Fort Deposit. The baggage was left here, and on the 20th the army moved down the north bank of the Maumee. The following letter from Wayne to the Secretary of War, addressed at his headquarters on the Grand Glaize, August 28th, explains what followed:

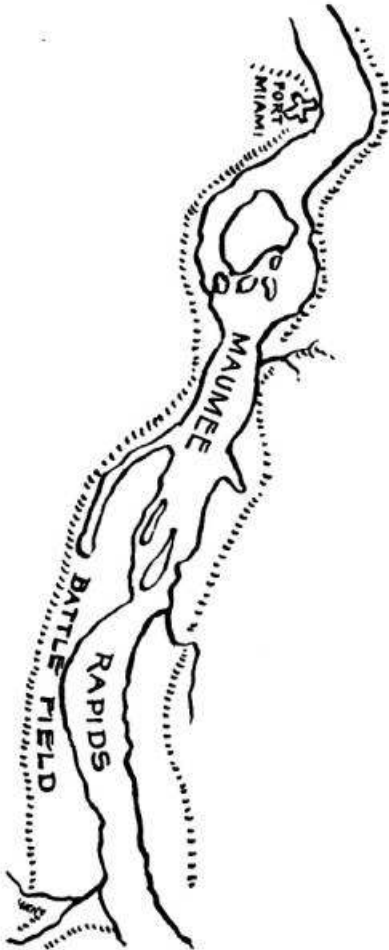
"It is with infinite pleasure that I now announce to you the brilliant success of the Federal army

under my command, in a general action with the combined forces of the hostile Indians, and a considerable number of volunteers and militia of Detroit, on the 20th instant, on the banks of the Miami, in the vicinity of the British post and garrison, at the foot of the rapids.

"The army advanced from this place on the 15th, and arrived at Roche de Bout on the 18th; the 19th we were employed in making a temporary post for reception of our stores and baggage, and in reconnoitering the position of the enemy, who were encamped behind a thick brushy wood and the British fort.

"At eight o'clock on the morning of the 20th, the army again advanced in columns, agreeably to the standing order of march; the legion on the right, its right flank covered with the Miamis, one brigade of mounted volunteers on the left, under Brigadier General Todd, and the other in the rear, under Brigadier General Barbie. A select battalion of mounted volunteers moved in front of the legion, commanded by Major Price, who was directed to keep sufficiently advanced, so as to give timely notice for the troops to form in case of action, it being yet undetermined whether the Indians would decide for peace or war.

"After advancing about five miles, Major Price's corps received so severe a fire from the enemy, who were secreted in the woods and high grass, as to compel them to retreat. The legion was immediately formed in two lines, principally in a close thick wood, which extended for miles on our left, and for a very considerable distance in front, the ground being covered with old fallen timber, probably occasioned by a tornado, which rendered it impracticable for the cavalry to act with effect, and afforded the enemy the most favorable covert for their mode of warfare. The savages were formed in three lines, within supporting



WAYNE'S BATTLE GROUND.

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distance of each other, and extending for nearly two miles at right angles with the river. I soon discovered, from the weight of the fire and extent of their lines, that the enemy were in full force in front, in possession of their favorite ground and endeavoring to turn our left flank. I therefore gave orders for the second line to advance and support the first, and directed Major General Scott to gain and turn the right flank of the savages, with the whole of the mounted volunteers, by a circuitous route; at the same time I ordered the front line to advance and charge with trailed arms, and rouse the Indians from their coverts at the point of the bayonet, and when up deliver a close and well directed fire on their backs, followed by a brisk charge, so as not to give them time to load again.

"I also ordered Captain Mis Campbell, who commanded the legionary cavalry, to turn the left flank of the enemy next the river, and which afforded a favorable field for that corps to act in. All these orders were obeyed with spirit and promptitude; but such was the impetuosity of the charge by the first line of infantry, that the Indians, and Canadian militia, and volunteers, were drove from all their coverts in so short a time, that, although every possible exertion was used by the officers of the second line of the legion, and by Generals Scott, Todd and Barbie, of the mounted volunteers, to gain their proper positions, but part of each could get up in season to participate in the action, the enemy being drove, in the course of one hour, more than two miles, through the thick woods already mentioned, by less than one-half their numbers.

"From every account, the enemy amounted to two thousand combatants. The troops actually engaged against them were short of nine hundred.

"The horde of savages, with their allies, abandoned

themselves to flight, and dispersed with terror and dismay, leaving our victorious army in full and quiet possession of the field of battle which terminated under the influence of the British garrison. \* \* \* \*"

The general then commends the bravery and conduct of all the officers, and makes special mention of Wilkinson, Hamtramck, Lieutenants Powels, Webb, Covington, Harrison, and Smith, Major Mills, and Captains DeButt, Lewis, Slough, Prior, Van Rensselaer, Rawlins, Brock, Campbell, and Ensign Duncan. He then continues further:

"The loss of the enemy was more than double to that of the Federal army. The woods were strewed for a considerable distance with the dead bodies of Indians and their white auxiliaries, the latter armed with British muskets and bayonets.

"We remained three days and nights on the banks of the Miami, in front of the field of battle, during which time all the houses and cornfields were consumed and destroyed for a considerable distance, both above and below Fort Miami, as well as within pistol shot of that garrison, who were compelled to remain tacit spectators to this general devastation and conflagration, among which were the houses, stores, and property, of Colonel McKee, the British Indian agent, and principal stimulator of the war now existing between the United States and the savages.

"The army returned to this place on the 27th, by easy marches, laying waste the villages and cornfields for about fifty miles on each side of the Miami. There remains yet a great number of villages, and a great quantity of corn, to be consumed or destroyed, upon the Au Glaize and the Miami, above this place, which will be effected in the course of a few days.

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"In the interim, we shall improve Fort Defiance, and as soon as the escort returns with the necessary supplies from Greenville, and Fort Recovery, the army will proceed to the Miami villages, in order to accomplish the object of the campaign.

"It is, however, not improbable that the enemy may make one desperate effort against the army, as it is said that a reinforcement was hourly expected at Fort Miami from Niagara, as well as numerous tribes of Indians living on the margin and islands of the lakes.

"This is a business rather to be wished for than dreaded, whilst the army remains in force. Their numbers will only tend to confuse the savages, and the victory will be the more complete and decisive, and which may eventually insure a permanent and lasting peace. \* \* \*"

The official returns of the loss of the American army in this encounter are as follows: twenty-one privates and five officers of the legion killed, and seventy-four privates and seventeen officers wounded, also, seven privates of the Kentucky volunteers killed, and ten privates and three officers wounded.

From a Canadian taken in the battle the following estimates of the number of the enemy were received: About 500 Delawares, 200 Miamis, 300 Shawanese, 250 Tawas and 300 Wyandots. He also stated that 200 militia, and some regulars arrived at Fort Miami a few days before the engagement; that there were 250 regular troops in the fort, exclusive of the militia; that about 70 of the militia were in the action; and that McKee, Elliott, and Simon Girty were in the field, at a respectable distance.

A drummer in the 24th British Regiment gave like testimony, and stated further that "there were four nine-pounders, two large howitzers, and six six-pounders

mounted in the fort, and two swivels, all well supplied with ammunition," and "that the Indians were regularly supplied with provisions drawn from the British magazine, in the garrison, by Col. McKee."

The Indians expected the protection of the fort should the battle turn against them, but in this they were sorely disappointed as the gates were closed.

This act caused them to lessen their faith in the British and look more favorably upon the Americans.

After the battle the army encamped near Fort Miami, built by order of the British Governor in 1794, and commanded at the time by Major Wm. Campbell. The latter addressed Gen. Wayne on the 21st questioning him concerning the action of the army, and stating that he knew of no war existing between Great Britain and America. Wayne answered that the position occupied by him was far within the jurisdiction of the United States; that no such post was established at the commencement of the present war between the Indians and the United States, and demanded him to withdraw the troops, artillery, and stores immediately, and remove to the nearest military post occupied by the British troops at the peace of 1783.

Campbell refused to comply with this demand, and threatened to engage the army, should it approach within reach of his cannon. Upon the receipt of this note everything within reach of the fort was set on fire and destroyed, even under the muzzle of the guns, but the commandant did not execute his threat.

On the night before the battle it is said that the Indians held a council to decide what action should be taken, and that Blue Jacket, the Shawanese warrior, spoke in favor of an engagement, but Little Turtle was inclined to

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peace. The latter is credited by Schoolcraft with arguing as follows: "We have beaten the enemy twice under separate commanders. We cannot expect the same good fortune always to attend us. The Americans are now led by a chief who never sleeps; the night and the day are alike to him. And during all the time that he has been marching upon our villages, notwithstanding the watchfulness of our young men, we have never been able to surprise him. Think well of it. There is something whispers me, it would be prudent to listen to his offers of peace." Being reproached for cowardice, which was foreign to his nature, he laid aside resentment and took part in the battle, but left the leadership to his opponent. The result proved his sagacity.

The army left Fort Defiance on the 14th of September for the Miami village, at the confluence of the St. Mary's and St. Joseph's. Here a fort was built and garrisoned and placed under the command of Major Hamtramck, who called it Fort Wayne.

On the 14th of October the mounted Kentucky volunteers, who had rendered such good service, marched for Ft. Washington to be mustered out of service.

The great number of sick and wounded had exhausted the provisions, the terms of enlistment of many of the legion had expired, and Wayne urged upon the Secretary of War the necessity of prompt and effectual measures on the part of Congress for increasing the garrisons at the western posts.

The legion left for Greenville on the 28th of October, and upon his arrival, Wayne re-established headquarters here. He afterwards sent out detachments to build forts at the upper Piqua village, at Loramie's stores, about 14 miles further up, and at the old Tawa towns at

the head of navigation, on the Au Glaize. These posts were established for the storage of supplies to facilitate their transportation by water in proper seasons, and also with the view of abandoning the old route and adopting this one, "as the most economical, sure and certain mode of supplying those important posts, at Grand Glaize and the Miami villages, and to facilitate an effective operation towards the Detroit and Sandusky, should that measure eventually prove necessary;" also to "afford a much better chain for the general protection of the frontiers," etc.

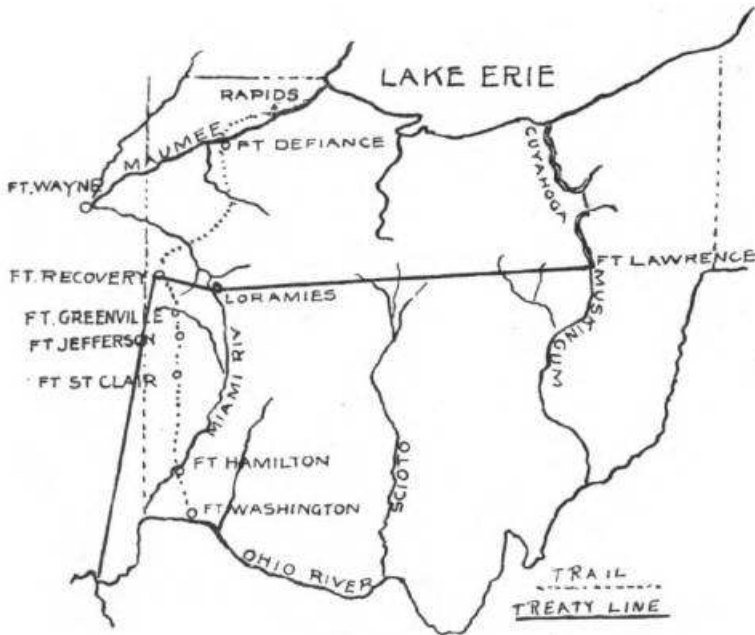
"The battle at the rapids of the Maumee opened the land for the Ordinance of 1787. Measured by the forces engaged it was not a great one, nor was that which had been fought on the heights of Quebec. But estimated by the difficulties overcome, and the consequences which followed, both were momentous. To the bold spirit of Pitt, Earl of Chatham, is due presumably that the people of the Mississippi valley are not to-day Canadian-French. Next in honor with the people of the Northwest, as among their founders, might well be placed the lion-hearted Anthony Wayne, who opened the 'glorious gates of the Ohio' to the tide of civilization so long shut off from its hills and valleys." (American Commonwealths—Ohio—Ruf. King, p. 261.)

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## IV.

### THE TREATY OF GREENVILLE.



After the battle on the Maumee, the Indians of the Northwest still hesitated to seek peace. The British agents, Simcoe, McKee, and Brant, stimulated them to continue hostilities. They strengthened their fort near the rapids, supplied the Indians from their magazines, called a council, and urged the Indians to propose a truce or suspension of hostilities until spring, in order to deceive the Americans, that they might neglect to keep sufficient troops to retain their position. They also advised the savages to convey their land to the King in trust, so as to give the British a pretext for assisting them, and, in case the Americans refused to abandon all their posts and possessions on the west side of the Ohio, to make a general attack and drive them across that river. Brant also told them to keep a good heart; that he would return home, for the present, with his warriors, and come again in the spring, with a larger force, "to fight, kill and pursue the Americans." He also "advised them to amuse the Americans with a prospect of peace, until the tribes should collect in force to fall upon them early in the spring, and when least expected."

Notwithstanding all these propositions, the Indians began to understand their critical condition, and to lose faith in the British.

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Information was received from Kaskaskia, that they were crossing the Mississippi every day, and despaired of withstanding the Americans.

The humane disposition of the victors, however, finally won their confidence, and, on the 28th and 29th of December, the chiefs of several tribes manifested their desire for peace to the commandant at Fort Wayne. Proceeding to Greenville, representatives of the Chippewas, Ottawas, Sacs, Pottawattomies, and Miamis entered, together with the Shawanese, Delawares, and Wyandots, into preliminary articles with General Wayne on the 24th of January, 1795. The first article provided, "that, until articles for a permanent peace shall be adjusted, agreed to, and signed, all hostilities shall cease, and the aforesaid sachems, and war chiefs, for and in behalf of the nations which they represent, do agree to meet the above named plenipotentiary of the United States, at Greenville, on or about the 15th day of June next, with all the sachems and war chiefs of their nations, then and there to consult and conclude upon such terms of amity and peace as shall be for the interest and to the satisfaction of both parties."

Article two provided for the prompt report of any meditated or attempted hostilities of any nation or tribe, against any post or settlement, to the commander in chief, or to the officer commanding troops of the U. S. at the nearest post, should it come to the knowledge of the nations above mentioned. Also, that the commander in chief, and his subordinate officers, should do likewise on behalf of the said Indian Nations.

For the next few months prisoners were exchanged, and the Indians were preparing to meet in June as agreed. Early in that month a large number of Delawares, Ottawas, Pottawattomies, and Eel River Indians, arrived at

Greenville, and on the 16th, General Wayne met them in general council for the first time. After smoking the pipe of peace, the General addressed them. Among other things he said: "I have cleared this ground of all brush and rubbish, and opened roads to the east, to the west, to the north, and to the south, that all nations may come in safety and ease to meet me. The ground on which the council house stands is unstained with blood, and is as pure as the heart of General Washington, the great chief of America, and of his great council—as pure as my heart, which now wishes for nothing so much as peace and brotherly love. I have this day kindled the council fire of the United States; we will now cover it up, and keep it alive, until the remainder of the different tribes assemble, and form a full meeting and representation.

"I now deliver to each tribe present a string of white wampum, to serve as record of the friendship that is this day commenced between us." Te-tā-bosksh-ke, King of the Delawares, responded, assuring him of the friendly feeling of his people; the fire was raked up, and the council adjourned.

On the 17th, forty Pottawattomies arrived, and New Corn, one of their chiefs, said that they had abandoned the British and wished to be on good terms with the Americans. On the 21st, Buck-on-ge-he-las, with a party of Delawares, and Asi-me-the, with a party of Pottawattomies, arrived and were received into the council-house.

On the 23rd, Le Gris, the Little Turtle, and seventeen Miamis arrived, and were presented. The former observed "that the Miamis were united with him in friendly sentiments and wishes for peace."

All these delegations were greeted by the General upon their arrival in an appropriate manner, the customs

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of the garrison explained, and great pains taken to accommodate and entertain them.

On the 26th, thirty-four Chippewas and Pottawattomies arrived, and on the 3rd of July, the General addressed the assembled chiefs concerning the twentieth anniversary of American Independence, to be celebrated on the morrow. He explained the significance of the same and asked them not to be alarmed at the report of the cannon and other demonstrations. A-goosh-a-wav, and twenty-three Ottawas, arrived on the 9th, and after being greeted, the former expressed his belief that all the nations were now represented who might in all probability be reasonably expected.

A council was held on the 9th, in which the General observed that all the Indians were now present except the Wyandots of Sandusky, and the Shawanese; that, although it had been twenty-five days since the council fire was kindled, he had information that the above people were finally on their way, and might be expected to arrive in a few days. He then asked them whether it would be best to name a day upon which to begin work, or await the arrival of the other chiefs. After a few remarks, the Indians agreed to do the latter.

The council adjourned until the 13th, and was again adjourned on that day to accommodate some Wyandot chiefs and others who had arrived on the 12th. Council opened on the 15th with swearing in the interpreters, and the General addressed them at length, showing that he stood there in the place of General Washington, and represented the Fifteen Fires or States of America, and that the meeting was brought about by an application, first from the Wyandots. He also urged the treaty with St. Clair, at Ft. Harmar, as the basis for a lasting peace with

the United States and advised them to consider these matters for a few days.

The fire was then raked up and the council adjourned to the 18th. On that day the Little Turtle observed that the treaty at Ft. Harmar "was effected altogether by the Six Nations, who seduced some of our young men to attend it, together with a few of the Chippewas, Wyandots, Ottawas, Delawares, and Pottawattomies," and "that he was entirely ignorant of what was done at that treaty." Mash-i-pi-nash-i-wish also stated that he "knew nothing of the treaty in question" on account of his remote situation on Lake Michigan.

Tarke (or Crane), the Wyandot chief, arose and remarked that he wished it to be determined what nation should speak, and that a day be appointed when all present, together with those on the way, should meet.

The General answered that he had paid attention to their remarks, and that he would endeavor to fully explain to them, two days hence, the treaty of Muskingum, (Ft. Harmar), of which so many plead ignorance. Also, that he would recall to "the Wyandots, Delawares, Ottawas, Chippewas, Pottawattomies, and Sac nations, what they did at that treaty," and show the names of those who witnessed it. Council adjourned to meet on the 20th.

On the evening of the 18th, Blue Jacket and thirteen Shawanese, and Massas with twenty Chippewas, arrived, and were received into the council house. Massas remarked that they should have come in greater number but for Brant's interference; that the Wyandots and Six Nations were holding council; and, that he had been faithful to the treaty of Muskingum to the best of his knowledge. Blue Jacket then said that he had intended to fulfill his promise, made at the preliminary meeting, but had exper-

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ienced some difficulty in bringing his people forward and was thus delayed. In a private conference on the 19th, he also told the General that McKee had reprimanded him for "seducing his people into the snares of the Americans." When the council opened on the 20th, the Shawanese and Chippewas were present in addition to the rest, and the General read to them his message to the hostile Indians on the 13th of August, 1794. He also read and explained the treaty of Fort Harmar, and pointed out a number of chiefs who were present and signed both that and the treaty of Fort McIntosh, and asked them to consider seriously what he had said, and upon their next meeting, make known their thoughts. After Pe-ke-te-le-mund, a Delaware chief, and Mash-i-pi-nash-i-wish had spoken, the council adjourned, and on the 21st Massas spoke in behalf of the Ottawas, Chippewas and Pottawattomies. He spoke in favor of peace, and stated that the Three Fires which he represented had poor interpreters at the treaty of Muskingum, and that if their uncles, the Wyandots, and grandfathers, the Delawares, had received presents and compensation, they were never informed of it. Tarke, Mash-i-pi-nash-i-wish, the General, and Massas then made some remarks and were followed by Little Turtle, who claimed ignorance of the lands ceded along the Wabash, and that he was surprised to hear "that these lands had been ceded by the British to the Americans, when the former were beaten by and made peace with the latter." On the following day he stated that the line pointed out as the boundary between the Indians and the U. S. cut off from the former a large portion of country, which had been enjoyed by their forefathers from time immemorial, without molestation or dispute; and that he had been charged not to sell it. Tarke then arose and said, that the ground be-

longed to the Great Spirit above, and that they all had an equal right to it; that he always considered the treaty of Muskingum, as formed upon the fairest principles, and as binding upon the Indians and the U. S. Also, that it was true not all the nations now assembled were represented, but that they now wished to establish a permanent peace.

On the 23rd Blue Jacket, A-goosh-a-way, an Ottawa chief, Massas, Mash-i-pi-nash-i-wish, and New Corn addressed the council and showed a desire to bury the hatchet. On the 24th, Blue Jacket opened the council and was followed by the General, who addressed the Ottawas, Chippewas, and Pottawattomies, the claimants of the land sold to the United States at the last treaty, for which they said that they had not been compensated. He remarked that it was always the intention of the United States "that the true owners of those lands should receive full compensation for them;" that if they had not received a due proportion of the goods delivered at that time, it was not the fault of the United States; and, that notwithstanding these lands had been twice paid for, once at Ft. McIntosh, and again at Ft. Harmar, yet the United States would be liberal enough to pay for them again. He then addressed the Miamis, who claimed the land enclosed by lines from Detroit to the Scioto, thence down to the Ohio, thence down to the mouth of the Wabash, and thence to Chicago; and pointed out to them that this included all the land on which all the nations present lived, besides those which had been ceded to the United States. As to the traces left by their forefathers, he said that the French and English also had left very conspicuous marks of their possessions in the same territory, a few of which he designated and remarked further that they had paid but little attention to the injunction of the Great Spirit, who charged

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their forefathers to preserve their lands entire for their posterity. Notwithstanding all this, he assured them that they would receive further valuable compensation for the lands ceded by them at former treaties. Next a part of the treaty of 1783 between the United States and Great Britain was read, showing that the latter had surrendered this land to the former, and had agreed to abandon all the posts therein, but had not fulfilled their promises. This was followed by the reading of the second article of Jay's Treaty, made eight months before, according to which the British promised to retire from all places south of the lakes, in the following June, and leave the same to the full and quiet possession of the United States. The General then committed to the Wyandots a large belt with a string attached, to be delivered, in turn, among the younger tribes, as a token of the blotting out of all former stains; also a large road belt to be preserved and to serve as a password to the Fifteen Fires. Tarke then spoke, and the council adjourned until the 27th.

On that day the General read and commented upon the articles of the proposed treaty, and delivered a belt as an emblem of the ten articles of the same. He was followed by Tarke and Little Turtle, who urged their brothers to deliberate seriously upon them.

On the 28th Tarke said that the Wyandots, Delawares, and Shawanese wished further time to consider so important a matter, and that they would be prepared to answer on the morrow.

The Sun, a Pottawattomie chief, then delivered a war belt that had been presented to his tribe by the British four years previous, and had caused them much trouble, and asked that it be destroyed or transformed so as to prevent its future recognition. He was followed by New

Corn, Little Turtle and Mash-i-pi-nash-i-wish, who urged the other nations to hasten and finish the good work proposed.

On the 29th, Tarke presented a written address, objecting because no provision had been made to protect them from the mischief that might take place among them. He was followed by Little Turtle who desired the proposed boundary line to be run from Recovery to Hamilton, instead of to Loramies.

Asi-me-the then expressed the opinion that this treaty would be lasting, and the council adjourned to the 30th.

On that day Asi-me-the resumed his address; Kee-ah, a Kickapoo chief, arose, and, through Little Turtle, presented a white pipe to the United States, in behalf of the Kickapoos and Kaskaskias, as a token of friendship; Mash-i-pi-nash-i-wish, in behalf of the Three Fires, granted all the reservations asked for in their territory and added to these the Isle de Bois Blanc; the Little Beaver, a Wea chief, then spoke through Little Turtle concerning the reservation at Ouiatenon, and a place called Musquiton; Massas, the Chippewa, followed, with a question concerning the reservation at Detroit, and urged the tribes to sign the treaty and finish their business.

The General then arose, gave satisfactory and final answers to all the previous remarks and objections concerning boundaries, reservations, hostages, trade, etc., and read and explained again the articles of the treaty. He then stated that it was time to conclude the negotiation, and asked each nation individually if they approved and were ready to sign the articles in their present form. Each assented unanimously, and the council adjourned for two or three days, to give time for engrossing the treaty.

On the 31st, Red Pole, with 88 Shawanese, and Tey-

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yagh-tah, with 7 Wyandots, 9 of the Six Nations, and 10 Delawares, arrived from Detroit, and on the 2nd of August, were present at council. Red Pole spoke of his good intentions and was followed by the General who read an address and the invoice of some presents sent by the Quakers as a means of promoting peace. Blue Jacket remarked that all had joined in the peace, and was assured that the President would rejoice at these tidings.

On the 3rd, the council assembled to sign the treaty. General Wayne again read his commissions and explained his authority for holding the same, said that he had fulfilled his instructions, and then read for the third time the articles of the treaty which had been engrossed. The chiefs then signed and were informed that one part should be delivered to the Wyandots for preservation, the other, to the Great Chief, General Washington, and that in addition each nation should receive one copy; also, that the goods to be given them would now be apportioned and delivered in a few days.

The number of the different nations at and parties to the treaty were as follows. Wyandots, 180; Delawares, 381; Shawanese, 143; Ottawas, 45; Chippewas, 46; Potawatatomies, 240; Miamis and Eel Rivers, 73; Weas and Piankeshaws, 12; Kickapoos and Kaskaskias, 10; making a total of 1130.

The following is the text of the treaty:

"ARTICLE 1. Henceforth, all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place between the said United States and Indian Tribes.

"ART. 2. All prisoners shall, on both sides, be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United

and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

"ART. 10. All other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease, and become void,

"In testimony whereof, the said Anthony Wayne, and the sachems and war chiefs of the before mentioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

"Done at Greenville, in the territory of the United States northwest of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five.

ANTHONY WAYNE."

After the Indians had finished signing the treaty they remained until the distribution of the presents.

In the meantime various speeches were delivered and the calumet of peace passed to those who had not yet smoked of it.

As to the faithfulness of the Indians who signed it let us hear the testimony of Rufus King. "And never after that treaty, to their honor be it remembered, did the Indian nations violate the limits which it established. It was a grand tribute to General Wayne that no chief or warrior who gave him the hand at Greenville ever after 'lifted the hatchet' against the United States. There were malcontents on the Wabash and Lake Michigan who took sides with Tecumseh and the Prophet in the war of 1812, perhaps for good cause, but the tribes and their chiefs sat still." (American Commonwealths—Ohio-p. 262.)

The pledge of security given by this treaty encour-

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aged emigration, a hardy population soon settled in the fertile valleys, and gained a foothold which has never since been relinquished, and to-day millions of people live and enjoy the blessings of civilized life where, but a short time since, a few untutored savages dwelt.

The importance of this peace is not measured simply by the amount of land ceded but comprehends also its effect in opening up the Ohio valley for settlement. In fact, viewed in one light, it may be considered the end of the Revolutionary War. It is also true that this was not the last treaty with the northwestern Indian tribes, but measured by results it stands pre-eminent.

Another treaty was held at Greenville, July 22, 1814 by Gen. Wm. H. Harrison and Lewis Cass with the Wyandots, Delawares, Shawanese, Senecas and Miamis. These tribes promised to assist the United States in the war then in progress with Great Britain and her savage allies.

The citizens of Greenville desire a celebration of the one hundredth anniversary of the first treaty and the erection of a suitable memorial near the site of its consummation. Accordingly Hon. H. C. Garber introduced the following resolution, which explains itself, in the Ohio Legislature:

H. J. R.

No.61

## JOINT RESOLUTION

*Relative to the Centennial of the Conquest of the Indian Nations.*

WHEREAS, The year of 1895 marks the centennial epoch of the conquest of the Indian nations and the establishment of peace in the territory now comprised in the

State of Ohio and adjacent country northwest of the Ohio river; and

WHEREAS, Said conquest was made by the army under command of General Anthony Wayne, a gallant and meritorious soldier in the war of the Revolution, and the Indian Wars, the battle of Fallen Timbers, on the Maumee river, August 20th, 1794, completing the chain of victories, and subduing the Indian tribes; and

WHEREAS, The treaty of peace made on the 3rd day of August, 1795, at Fort Greenville, (built on the site of Greenville, Ohio), by Gen. Wayne, on behalf of the United States, and various Indian nations, occupying the territory northwest of the Ohio river, was of national importance and established peace and permitted the extension of American settlements therein; therefore be it

*Resolved*, By the General Assembly of the State of Ohio, that steps be taken to properly observe the one hundredth anniversary of this important event in the history of our western country; that the United States Government should erect a suitable memorial structure on the site of Fort Greenville, to perpetuate the memory of General Anthony Wayne and his gallant army, and that our Senators and Representatives in Congress be requested, through the Governor, to secure such a memorial; that to accomplish the intent of this resolution, the Ohio Archaeological and Historical Society is hereby authorized and directed to take the necessary steps to secure a suitable centennial celebration at Greenville, Ohio, on August 3rd, 1895, and to obtain, if possible, through Congress such a memorial as will fittingly and appropriately perpetuate the centennial of this important event and those conspicuous in its history; that the Governor of Ohio be authorized to invite on behalf of this

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State, the States of Pennsylvania, Virginia and Kentucky, which states furnished most of the soldiers in the campaign of 1794, and to send representatives to participate in such celebration, and also the States of Indiana, Illinois, Michigan, Wisconsin and Minnesota, which States, with Ohio, comprised the territory northwest of the Ohio river, to send representatives to this centennial, and to invite said States to prepare such tablets or other mementoes for such memorial structure as they may desire.

LEWIS C. LAYLIN,  
Speaker of House of Representatives.

ANDREW L. HARRIS,  
President of the Senate.

Passed March 22, 1893.

The above matter has since been brought to the attention of Congress, and a bill drafted appropriating fifty thousand dollars for the purpose mentioned has been laid before the house of Representatives by Hon. F. C. Layton and before the Senate by Hon. Jno. Sherman. It has been referred to the Library Committee, and awaits the action of the next session.

The hero of Fallen Timbers lies buried in Pennsylvania. After leaving Greenville he returned to that State and was appointed sole commissioner to treat with the Indians of the Northwest and to take possession of all the British forts in that territory. In the autumn of 1796, after receiving the surrender of Detroit, he embarked for home but was seized with a severe attack of the gout and died at Erie, Penn. Here his remains were interred, but in 1809, his bones were transferred to the family burying ground in the village of Radnor, Penn. Over this grave the Pennsylvania Society of the Cincin-

nati, erected a small marble monument which was dedicated with appropriate ceremonies, July 4th, 1809. The rest of his remains were reinterred within the grounds of the Soldiers and Sailors Home at Erie. A more fitting memorial is desired, and it is to be hoped that Congress will pay due respect to the memory of General Anthony Wayne.

THE END.

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THE OLD  
NORTHWEST TERRITORY:

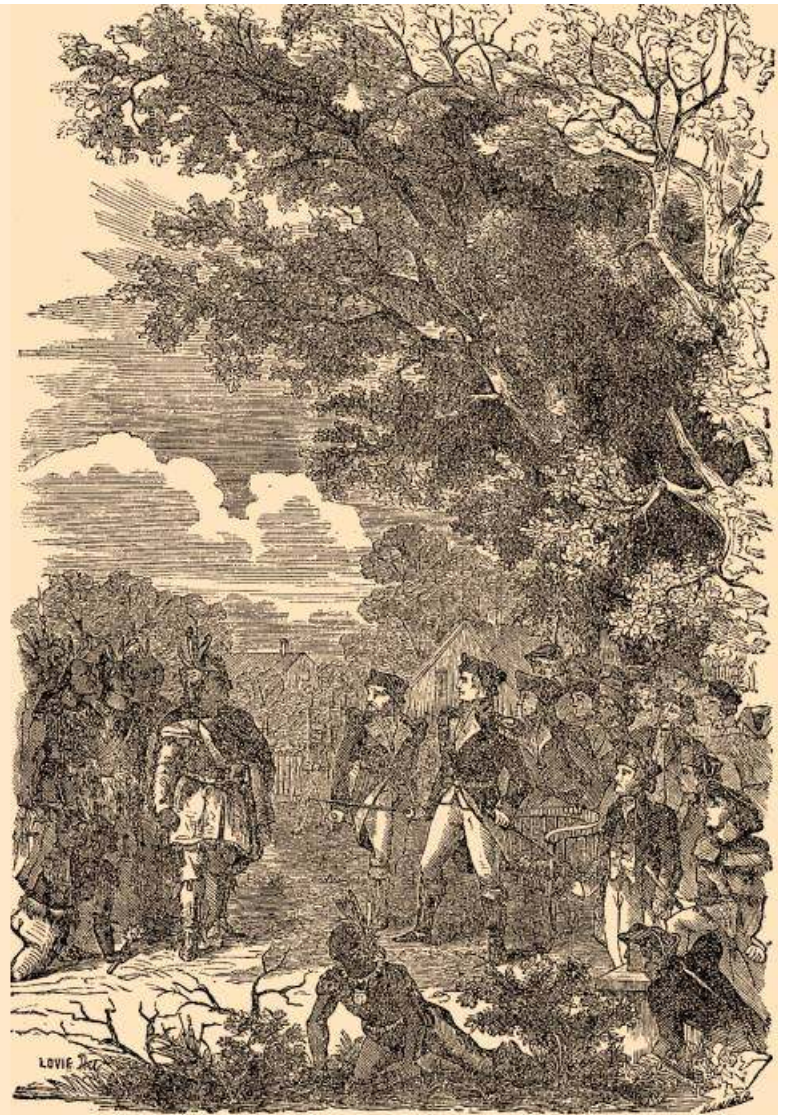
ITS

MISSIONS,  
FORTS, AND TRADING POSTS.

BY CHARLES R. BROWN.

PUBLISHED BY  
BROWN, MOORE & QUALE,  
KALAMAZOO, MICHIGAN.

KALAMAZOO:  
KALAMAZOO PUBLISHING CO., BOOK AND JOB PRINTERS.  
1875.



GOV. HARRISON AND TECUMSEH IN COUNCIL AT VINCENNES, IN 1810.

Brown, Charles R. (born 1836) (author). The old Northwest Territory; its missions, forts and trading posts. Kalamazoo (MI): Brown, Moore & Quale, publishers (1875).

Title of folded map reads: Historical and chronological map of the Territory of the United States northwest of the River Ohio. "This work is intended as an aid in perpetuating a knowledge of the 94 forts and mission stations which it locates in the Northwest Territory."--Thomson

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CHARGE OF COLONEL DAVEISS AT TIPPECANOE.

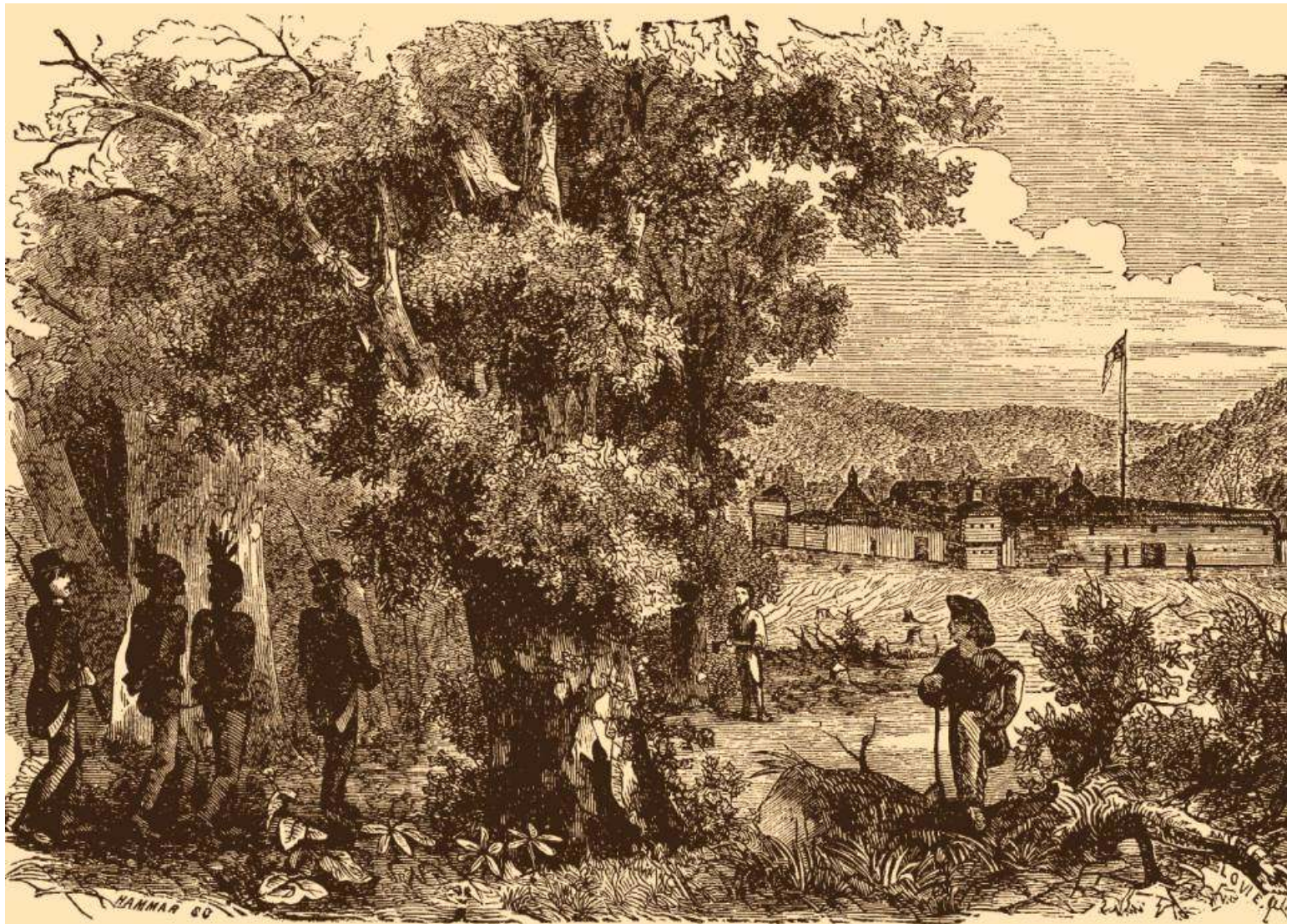
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FORT WASHINGTON IN 1790.

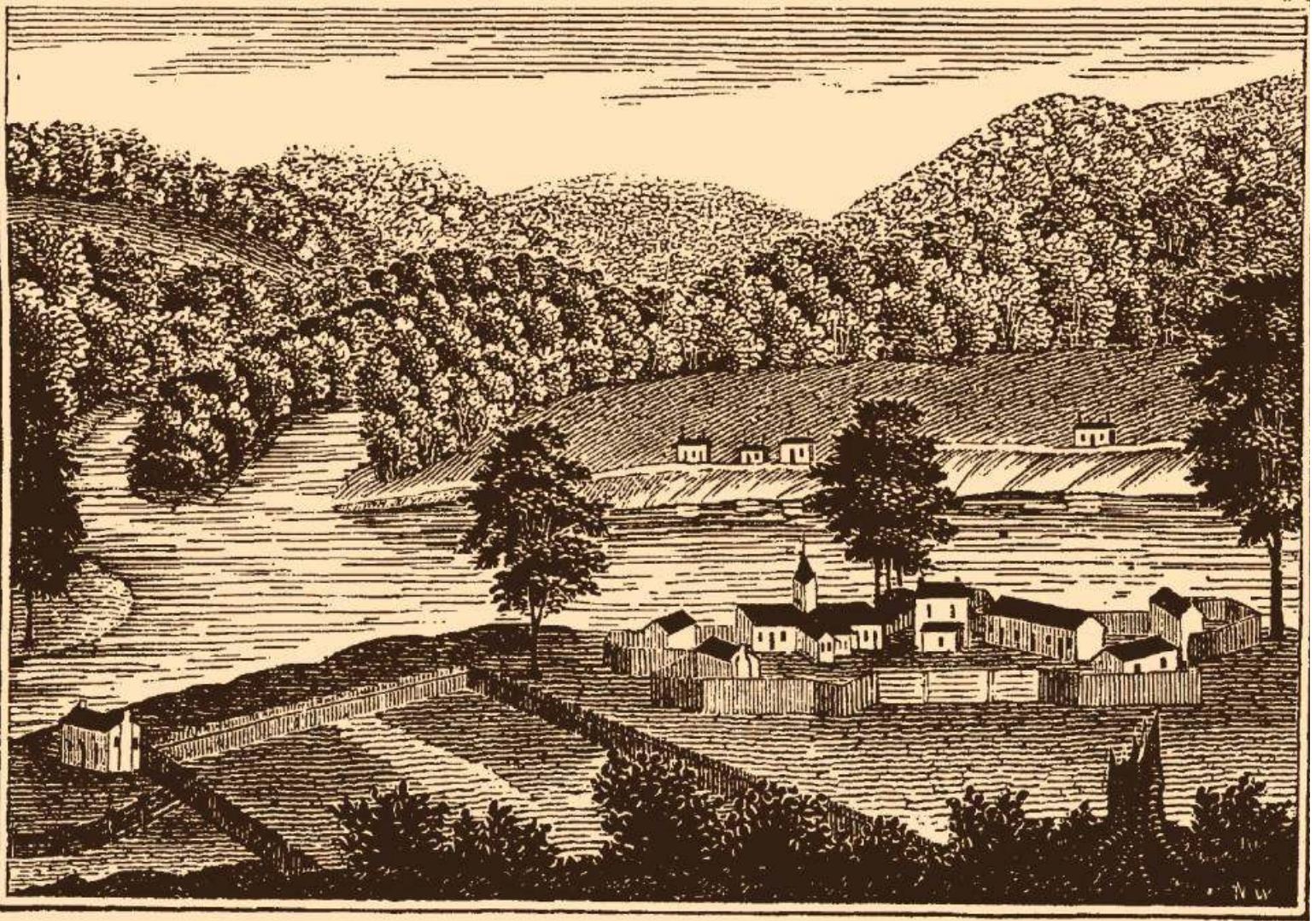
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FORT HARMER.

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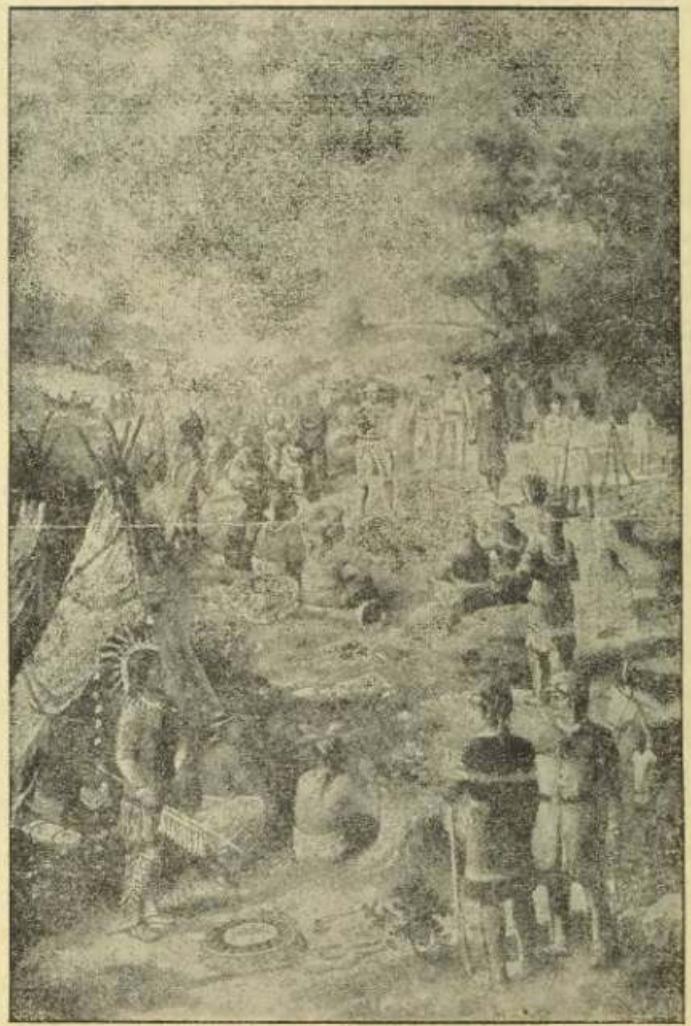
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# THE ROMANTIC STORY OF CAHOKIA, ILLINOIS

FIRST PERMANENT SETTLEMENT OF  
WHITE MEN IN THE ILLINOIS TER-  
RITORY OF THE NORTHWEST COUNTRY  
OF NORTH AMERICA



By ADOLPH B. SUESS, *Author*  
First Edition, May First, A. D., 1943  
Second Edition, August Twentieth, A. D., 1947



TREATY AT CAHOKIA

*George Rogers Clark and Reverend Peter Gibault (Black Robed) treating with Indians in August and September, 1778.—From a painting over the grand stair case on west interior wall of the State House at Springfield, Illinois.*

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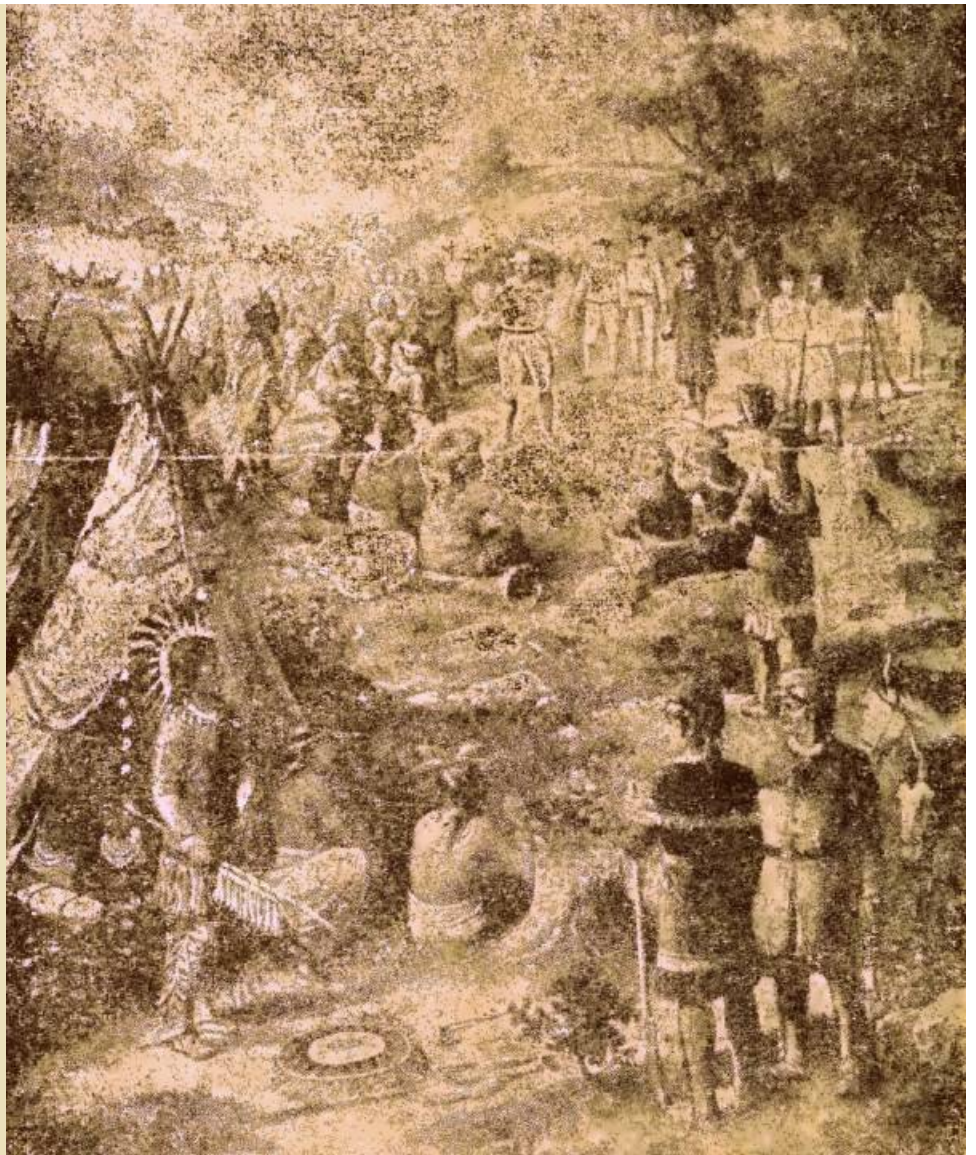
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by Carlos Piaget, Artist Photo-  
grapher. Piaget Studios, 3800  
West Pine St., St. Louis, Mo.



Treaty at Cahokia. George Rogers Clark and Reverend Peter Gibault (black-robed) treating with Indians in 1778 August-September. From a painting over the grand staircase of the west interior wall of the State House, Springfield, Illinois.

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*This picture represents General Arthur St. Clair addressing the people of Cahokia, and surrounding territory, on the event of the "erection" (the language of the proclamation) of St. Clair County, territory of the United States northwest of the Ohio River. This event took place at Cahokia in the Fall of 1790. General Arthur St. Clair was then governor of that territory. Next to him on the right is William St. Clair, clerk of the quarter sessions of the peace. Standing close to Governor St. Clair on the left are Jean Bapt. Barbeau, Antoine Girardin, John Edgar, John Dumoulin, and Phillip Engel, Esquires, Judges of the court of common pleas. In the foreground to the left is Lieut. William Biggs, first sheriff of St. Clair County. Still further to the left is a group of settlers from Virginia, Kentucky and Tennessee. To the right is the group of original French settlers, with their pastor, and their old church and graveyard. In the background is Cahokia, which Mission was established December 8, 1699. The graveyard is the oldest burial place for the race in the state of Illinois. Still further to the right is the Indian group, some Indians still being habitants there at the date of this proclamation (1790). Back of the French group are some negro slaves. This picture is a reproduction of the original painting in the banking room of the First National Bank, Belleville, Illinois.*

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God might grant the cross which had heretofore been but little known in these regions might triumph there." Father Joliett de Montigny, C. F. M., superior of the missions of the Semarist priests spent some time there in 1696.

An interesting surmise has been made that the bald spot on Signal Hill, just east of East St. Louis, and of Cahokia, may have been the historic spot at which this cross was erected, for from said height signal fires could be seen across the entire Bottoms.

#### REVEREND FATHER FRANCOIS PINET, S. J.

So fascinating has become the delving into old tomes and other sources of historical information, anent the early life of the Illinois Mission, of which Cahokia formed so splendid a part, that we can scarce refrain from writing on and on. But we must hasten to the close of this chapter. Father Francois Pinet, S. J., may be looked upon as the real founder of the Holy Family Parish or Mission, now known as "Holy Family Parish" of Cahokia, Illinois. Of him a fellow missionary, Rev. Father Gabriel Marest, S. J., in a letter written to Father Lamberville in July 1702, says:

"Father Pinet, a very holy and zealous missionary, has left the Mission of the Tamaroa in accordance with your directions to me . . . and now has charge of the Kaskaskias."

Father Pinet died at Chicago, July 16, 1704, and he was succeeded in the Tamaroa Mission by Reverend Father Francis Buisson de St. Cosmo, and Reverend Father John Bergier, priests of the Seminary of Foreign Missions, and the Tamaroa Mission, Cahokia, was thereafter until 1763 conducted under the care of that order of priests.

#### REVEREND FATHER GABRIEL MAREST, S. J.

In 1694 Reverend Father Marest, S. J., accompanied the expedition of the renowned D'Iberville from Montreal to Hudson Bay, directed against the English, and after D'Iberville's success began a mission there. In 1695 the

forts were retaken by the English and Father Marest was taken a prisoner to Plymouth, England. But he returned, and in 1699 was again in the Illinois Missions, first at Peoria and afterwards until 1712 at Kaskaskia, from which he frequently visited Cahokia.

And thus we have viewed the Dawn of Cahokia, as a Catholic community, as an outpost of civilization, as a source of development the influence of which should cast its rays of light into the hitherto dark places of our loved land. Cahokia in 1694-1712 a French-Canadian village then had seen the Dawn of a New Day.

#### SIEUR PIERRE LACLEDE AND AUGUSTE CHOTEAU

During the early part of 1764, when the wild flowers were abloom in all the land, and water-lilies were unfolding their petals to the sun, when in some of the primitive gardens of Cahokia the Tiger lilies and violets and roses were spending their perfume, when the dark forest glade was an amphitheatre of blossoming verdure, there came to Cahokia Sieur Pierre Laclede and with Pierre and Auguste Choteau spent some time in this then thriving and bustling village. So impressed with its possibilities was Auguste Choteau that he opened a trading store in its confines. But long time before this the Common Fields of Cahokia had been placed under cultivation. Wheat and corn were raised in large quantities, and mills for the grinding of these cereals were established. Horse mills also were common.

Horses and cattle were introduced very early. We read that the cattle came from Canada, whilst the horses were of the Arabian strain and were imported from the Southwest, from the Spanish settlements. It is not to be understood that the cultivation of the soil was of a very high order. Utensils were crude. The plows were wooden and were usually drawn by oxen. The oxen were fastened together by the horns, by means of a flat piece of wood, and not yoked as was customary with the English settlers.

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in other parts of the country. The wagons were small two-wheeled carts made by the farmers themselves, or by the village smith.

The crops, which grew without much care, due to the richness of the virgin soil, were cultivated by hired or slave labor and chiefly by hand. The French people were given much to the cultivation of small fruits and flowers. Cherry, apple, peach and plum trees grew in every yard. Large beds of flowers were cultivated, and wild flowers were gathered in abundance. As late as 1825, when La Fayette visited Cahokia the French inhabitants searched the woods for wild flowers, and the banquet hall was literally filled with them. . . . The houses were mainly built after one pattern. The "ground plan" was marked off by trenches in which upright posts were set side by side in pallisade style. The tops were sawed off at uniform height.

On top of these posts the roof was placed constructed of simple frame wood work thatched with wild grasses, or in earliest times with the skins of wild animals, and in later years covered with rough hewn, split shingles, about two foot long each. The spaces were filled with mud and grass, and later with mortar made from lime burnt in the bluffs near by.

#### MORE PRETENTIOUS DWELLINGS ERECTED

With the coming of wealthier inhabitants the lure of substantial homes and more luxurious surroundings was felt. One of the most pretentious of these dwellings was built by Sieur Francois Saucier, which consisted of four rooms, built of upright posts spaced about two feet apart, and the spaces between filled with walls of lime stone, quarried near what is now Falling Springs. This old home was purchased by the United States government for a Court-house. During the Columbian Exposition held in Chicago, Illinois, this building was transferred to Jackson Park, said city, and it remained there until 1939 when it was brought back and re-erected on its old site. Its builder



OLD COURT HOUSE

This is the old historic Court House, built in early days, scene of many interesting court sessions, when Cahokia was in its golden days. It shines in its first pristine beauty today, December Twenty-fifth, A. D. 1945.

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was one of the leading men of Cahokia, during the troublous times when Reverend Paul de Saint Pierre, C. F. M., ministered at the mission of Cahokia and resided there most of the time between the years 1785-1790. Mr. Saucier on April 22, 1787, in the name of the inhabitants of Cahokia wrote a very spirited letter, in defense of this pastor, to Reverend Peter Huet de la Valinire, who acted as Vicar General of this section of Illinois, under appointment of Right Reverend John Carroll, D. D., in whose diocese or apostolic prefecture the entire territory then comprising the United States was situated.

We now come to the building of a real mansion, one in which the youthful General La Fayette was entertained in 1825. This mansion was built within a stone's throw of the first church of the Holy Family, by the gallant Sieur Nicholas Jarreau (Jarrot) in 1796. It was the most pretentious dwelling in all of this territory, at that time, and probably the first house built of brick in the Mississippi Valley, and was considered one of the wonders of its day. Nearly all the materials of which it was constructed were imported from France, and along with these materials came the men who built the walls. Its glazed window sash were also imported, and in its entire construction symmetry of design and substantial workmanship were evidenced. It is still in a fair state of preservation after almost a century and a half of existence. It is at this time (1947) being used for residence and school purposes by the Sisters of the Precious Blood, who, in 1899, re-opened the parochial school, which had for many years languished.

In referring to old houses in Cahokia, or close thereto, we must not forget the old "Abbey House," built by the parish in about 1836 when Mother Mary Fabronie with Sisters Louise and Stephen of the order of St. Joseph, came from France and opened a school at Cahokia called the institute of St. Joseph. The sisters were welcomed as angels from heaven, and for 24 years their labors were appreciated as several of their old pupils some years ago were still glad to attest. The convent property then consisted of one old

building in the Canadian style, 20 by 40 feet, a new and larger building in the plantation style, 20 by 60 feet, and a small chapel. These buildings have entirely disappeared but the property is still known to the natives as the "Abbey House."

Cahokia never was a very large town. Captain Pittman, reporting to the English government in 1766, says of Cahokia: "The village is long and straggling, being three-fourths of a mile from north to south, with 45 dwellings." In 1832 Reverend Father Doutrelinge counted 31 families. In 1914, Reverend Robert Emmet Hynes stated that 42 houses were within the village limits. But late in the eighteenth century, in the period of which we write Cahokia enjoyed great prosperity as a trading post, and Cahokia merchandise was carried up and down the river from New Orleans to the Falls of St. Anthony, although the town was never much larger than it is at this date, 1947. However its inhabitants were progressive and forward-looking during the days of its Zenith.

We have made reference to the Jarreau (Jarrot) mansion. Let us now learn a little of its master. The lure of Cahokia, and its fascination as a residential pioneer village, early in the year 1790 induced a young French aristocrat to settle there, and to build a mansion beneath the roof of which were to be born and raised a remarkable family, that later on should give to the American Bottoms' village renown and added lustre.

This young man was none other than Sieur Nicholas Jarreau, (Jarrot) noted son of a highly respected family of Vesoul, France-Comte, who was born in 1764; at the age of twenty-six emigrated to the Illinois Territory. He landed at Baltimore, and after visiting New Orleans, journeyed up the Mississippi River, sojourning first at Ste. Genevieve, and three years later settling definitely in Cahokia.

Immediately his high moral character, his splendid education and his business acumen were recognized, and, in 1796, we find his name mentioned as one of the Grand Jury of St. Clair County, then already established. In old

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JARREAU (JARROT) MANSION

This is the old historic mansion in which Gen. de Lafayette and his retinue was entertained in 1825. It is probably the oldest brick building in all the Mississippi Valley. Was purchased by Oliver Parks, President of the Parks Air College in A. D. 1945 and restored to its original pristine glory.

records of 1793-1795 mention is made of land conveyances made to this intrepid pioneer, and subsequently and prior to his death he acquired title in the American Bottoms to upward of twenty-five thousand acres of land, title to which was confirmed by the United States in 1815.

But not alone did Nicholas Jarreau (Jarrot) acquire land and vested interests, he also built a mansion within the limits of Cahokia, that today, in 1943, still stands a splendid vision to behold. Slaves, too, he purchased, and later on when the Illinois Supreme Court decision in the celebrated case, Jarrot vs. Jarrot, liberated all the slaves in this State. . . French or otherwise, his descendants promptly acquiesced in this decision. So kind had been the reign of Nicholas Jarreau (Jarrot) and that of his descendants to their numerous slaves, that all were loath to leave, and some refused to be set free, but choose to serve until their death.

Early after settling in Cahokia Sieur Nicholas Jarreau espoused Mademoiselle Marie Barbeau of Prairie du Rocher. She died a few years later and left a daughter, Elise, who in 1811 became the wife of a Dr. Tiffin. In 1797 Nicholas Jarreau married Mademoiselle Julia Beauvais of Ste Genevieve, originally of Kaskaskia.

Now, indeed, was Nicholas Jarreau considered among the aristocratic French of Illinois. The Beauvais were among the most influential families of Kaskaskia. In 1765 a member of this family owned eighty slaves and furnished to the royal magazine eighty-six thousand weight of flour, which was only a part of one year's harvest.

To Julia Beauvais came the rich heritage of the wedding ring, silver ladle, spoons and cups which had been given to her mother Felicita Janis when she married Vital Beauvais in 1736. Trousseau gowns from France . . . even Cloth of Gold . . . what treasures these things must have been to this proud French bride; proud, yet withal wonderfully kind and humble, as old records reveal. Truly it is written of Julia Beauvais that she shed copious tears when Sieur Nicholas Jarreau led her away from the home of her parents

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in quaint Ste Genevieve, to install her as mistress in his humble house in Cahokia. For their first house was a small frame building across the street from the first church of the Seminary of Foreign Missions, "St. Sulpice." But soon her ambitious and progressive husband began the building of a "Mansion" which still today stands a monument to his efforts.

The site chosen was just east of the Church. Even as the church was the institution around which the lives of the early French pioneers revolved . . . so this house standing within its shadows became the center of hospitality for all the region round about. The kindness of heart and urbanity of manners of Nicholas Jarreau, and the mild and amiable disposition of Madame Jarreau, attracted many visitors to this mansion where they were received and entertained in a polished and elegant manner.

Many week-ends at the "Jarreau Mansion" were spent in games of chance. We can imagine the genial host surrounded by the Bonds, John Reynolds, Governor Ninian Edwards, perhaps Pierre Menard of Kaskaskia, the Choteau Brothers of St. Louis, or visiting friends and relatives seated at a table in the candle light, intent upon their game. The master of the house, Nicholas Jarreau was the accommodating banker. He kept his silver in a large horsehair chest upstairs. A small red trunk held the precious gold pieces. This same little red trunk with the original key may be seen today in the Memorial Hall in Washington, D. C.

Nicholas Jarreau exercised great influence over the wandering Indian tribes. Many anecdotes are told of his exploits, and of his genial disposition. It would lead too far in this small book to enter more extensively into his history. We may only emphasize the fact that Cahokia, in its heyday, was the very center of culture and of industry in all this Illinois Territory, and that its ancient buildings are worthy of preservation, of enduring conservation.

In 1834 Louis Pinconeau, a progressive French-Canadian built the first farm house in the Cahokia commonfields, at a

point near the junction of the Commonfields road and the Illinois Central Railway. Others followed his example and by 1858 farm houses were scattered far and wide over the commonfields. About this time Father Dourelinge thought the church should be moved to a more central location and suggested a point on the Commonfields road where Mrs. Margaret Pluff's residence now stands, and where Reverend Father Savin had lived in a small three-room house from 1811 to 1826. The Cahokians however opposed this plan vigorously and it was dropped for the time being. But the necessity for a church outside the village existed and five years later, Immaculate Conception Church, of Centerville Station was erected. But Cahokia was not to be eclipsed, its old history was not to be obliterated, although dark days were to follow, which days of despair were again to turn to golden sunshine, as we shall see in succeeding pages. Today, in A. D. 1947 hundreds of new homes have been erected, peopled by men and women of diversified nationality—all American in thought and sentiment, and within the flight of an arrow, the splendid buildings and attractive buildings of the Parks Air College lend scholarly distinction to old and romantic Cahokia.

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OLD PARISH HOUSE

*This old parish house is built of brick, in its original part, and is a substantial building, if divested of its annex.*

## CAHOKIA: EARLY EDUCATION

**M**ARVELOUS is the influence of a good example and of a brilliant mind. And still more marvelous is the fact that Cahokia, little hamlet in the American Bottoms should have had so eminent a succession of splendid missionaries and priests and educators, as history reveals.

In its earliest days Cahokia felt the influence of all the great Jesuit and Recollet missionaries, and in the decade 1788 to 1798, it came under the influence of the learned Reverend Gabriel Richard, who later took so prominent a part in the upbuilding of Detroit and the State of Michigan. He it was who brought the first printing press into the state, he published the first newspaper in said state, organized several industries, and who was not only a spiritual but also a civic leader. He was elected to the Federal Congress, being the only Catholic priest ever elected to Congress.

And there came to Cahokia also the learned and brilliant Reverend Donatien Olivier, who though not stationed there definitely, yet exercised great influence toward the development of culture and of education. His brother, Reverend John Olivier was stationed at Cahokia for a number of years. But Father Donatien Olivier for more than thirty years was the leading spirit and the principal proponent of the Christian religion in the states of Illinois, Indiana and Michigan. He became the Vicar-General of Right Rev. Bishop John Carroll, D. D., of Baltimore, in the Illinois Territory and inducted Most Rev. Benedict Joseph Flaget, D. D., into office when the diocese of Bardstown, Kentucky, was established. Father Donatien was the Tribune of the people and the zealous promulgator of the ideals of true education, in the district where his influence was felt.

In 1809, just a year after the first newspaper was establish

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ed in St. Louis, Missouri, there came to Cahokia a lawyer, native of Kentucky, named Samuel Davidson, and he became one of its first teachers although he had studied law and was a qualified lawyer. He did not relish the practice of law, however, and turned his mind to teaching. He opened school in one of the rooms of Major Jarrott's residence, and was paid a salary of four hundred dollars from out of Major Jarrott's private purse. Mr. Davidson entered the military service in the war of 1812, and never returned to Cahokia.

In 1817 plats of ground were surveyed and set aside in Cahokia for school purposes, and certain lands, and the revenues thereof were allotted for school purposes. A quarter of a block was dedicated for a Catholic church and school; a like quarter of a block was set aside for an English church and school, (English was synonymous with Protestant in those days.) A very high and eligible lot was in the very same manner dedicated for public school purposes, and so marked on the plat of the village, and made a matter of record.

#### COMING OF SISTERS OF ST. JOSEPH

On March 25, 1836, there arrived in this country six Sisters of St. Joseph, an Order of Teaching Sisters, established in France. They were domiciled with the Sisters of Charity, at their hospital on Third street, in St. Louis, until April 7, 1836. It was then decided that three of these Sisters go to Cahokia, Illinois, where a parochial school was awaiting teachers. The Sisters chosen for this task were Mother Febronia Fontbonne, Sister Febronie Chaplion and Sister St. Protais Debville.

The parish of Cahokia was at that time under the protection of the Holy Family, and the village was for a long time known as the Mission of the Holy Family. In 1836 the population of Cahokia numbered 1160, and was composed mostly of French-Canadians. The pastor at that time was Reverend P. J. Doutreluingue, S.C.M. He had for a long time been making preparations for the Sisters,

and had secured for a school building and convent a large two-story frame house in the center of a four-acre lot. Each story was divided by a hall way into two large rooms, those on the first floor serving as class rooms and reception rooms; those on the second floor as community room and dormitory. A small one-room log cottage, a short distance from the main building, served as both dining room and kitchen.

The Sisters were accompanied to Cahokia by Most Reverend Bishop Joseph Rosati, C.M., and Reverend Father Fontbonne. Crossing the river on boats, they found the good people of the village waiting for them at the banks of the river, and they were escorted through the woods by a numerous cortege on foot, on horseback as well as in carts and wagons. They reached the convent at noon, April 7, 1836. Their first visit was to the church after which they were conducted to the rectory where dinner awaited them. The rectory was a small, two-room house, and between the rooms a passage way served for a kitchen. After dinner, the Sisters repaired to their own home, where, with the assistance of Bishop Rosati, Father Fontbonne and Father Doutreluingue, they set up their cooking stove.

No time was lost in opening school, for which Father Doutreluingue had made every preparation. The first enrollment consisted of thirty day-pupils, to which number were soon added five boarders. In the following year, 1837, the building was enlarged by the addition of another class room. The people of Cahokia were very kind to the Sisters, and beside sending their children to school, aided materially by the donating of the products of their gardens. Among their benefactors were Mme. Nicholas Jarreau ((Jarrott), Mme. Nicholas Turjon, and Mme. Nicholas Boismenu. Mme. Turjon, a wealthy lady, aided in building a chapel which was erected in 1838. The Sisters had brought from France many things needed for the chapel, and a bell was sent them by Mother John Fontbonne from Lyons, France. (This is taken from the archives of the Sisters of St. Joseph, Mother House, Carondelet.)

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In the Fall of 1836, Sisters St. Protai, on account of ill-health was ordered by Bishop Rosati to return to Carondelet, until she should be able again to resume her work, and in the meantime Sister Philomene Vilaine was sent to Cahokia. Father Doutrelouingue did not remain in Cahokia long after the arrival of the Sisters. He was succeeded by Reverend Father Nat. Condamine. By this time, it seems the unhealthiness of the climate was being felt by priests and Sisters. In August, 1836, Father Condamine fell ill and his death occurred in the Fall of said year. In 1844, the Sisters were obliged to leave Cahokia on account of the high water.

The rise of the Mississippi flooded the village and almost submerged the convent. Mother Celestine, superior at Carondelet, chartered a boat and went with the boatmen to the rescue of the Sisters, who were taken out of the second story window. They returned to Carondelet. Several years later, the Sisters returned to Cahokia, but were again obliged to leave on account of the unhealthy condition of the village. This last move was made sometime in 1860. The property used by the Sisters of St. Joseph, was known for many years as the Abbey House. In a chronicle of Cahokia, written by a learned priest we read: "The only school worthy of the name, with Sisters educated in the best schools of France, was the Institute of St. Joseph, but for this school the Village Trustees had no money. Of the vast fortune of the Cahokians, only a pittance remains to-day, 1914, scarcely enough to buy stamps and stationery for the school board."

In still another old chronicle we read of the hardships these good Sisters that first came to Cahokia, endured. Despite this their work soon began to show results and they soon won the love and respect of the simple and poor Canadian-French, and these welcomed the lessons which led their hitherto poorly instructed children to a knowledge of God. This love was manifested when Mother Fabroiot was lost in the dense woods of La Pointe on a freezing night while trying to reach her convent. Men rushed from their homes when the little convent bell spread the alarm. They

searched the dark woods crying: "Mother of Cahokia, don't be afraid, for your children are seeking you. We are coming . . . we are coming to find you. . . ."

They found her half-frozen, exhausted by hunger and fatigue, and joyfully led her back to the crude convent cloister. The first American novice to join the Order of French Sisters was Miss Anna Eliza Dillon of St. Louis. She was received as a novice in 1837.

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## FRENCH EDUCATION

A BULLETIN ISSUED ABOUT THE SCHOOL IN CAHOKIA.

Notice is given to fathers and mothers who wish their children instructed in the French language, that in this village a school will be opened to afford them that advantage. In it will be taught:

- 1st. Reading in French and Latin in print and writing.
- 2nd. Orthography.
- 3rd. Writing.
- 4th. Arithmetic, practical and reasoned.

Also notions of history and geography to those children who desire it, when they have acquired a sufficient knowledge of the more useful and practical sciences.

The children who have not yet made their first Communion can study their Cathecism without prejudice to their other studies.

Finally, fathers and mothers can rest assured that nothing will be neglected to respond to their expectations.

The monthly tuition is fixed at \$1.00. Diminution will be made when there are two or more children of the same family.

The school will open when 10 scholars can be relied upon.

Inquire at the home of M. Pretard, opposite the church to arrange matters

## EPILOGUE

IN sending forth this second edition of glimpses of historic Cahokia, the author wishes first to acknowledge the kind aid provided by a student of the early history of this section of the Illinois country, and then to point to its two-fold purpose.

The first aim was to set forth in romantic style the aspirations and the trends which led to the founding of this first settlement of white men in the great Mississippi Valley, north of New Orleans. This booklet was to be a brain-child of the author, and not necessarily a deep study in historic lore, yet should it bring to the mind of the reader visions of olden days; visions of scenes once seen by ancient tribes, by couriers-du-Bois, by explorers and missionaries, and lastly by gallant Frenchmen, and amiable French women, who came to make blossom-like the rose these once wild lands.

A second aim was to enthuse men and women, too, to aid in the preservation of the ancient landmarks, the olden buildings, the sacred places which are hallowed by time, and some of which are still in a state of existence which if now reconstructed shall stand as monuments to the integrity, the courage, the ability of the pioneers who braved the dangers of the wilderness, and wrought wonders of progress with frequently inadequate tools. To the consummation of this latter aim this booklet is then dedicated. It shall be the fore-runner of a larger and more comprehensive publication, as opportunity presents itself, and a further study and research may reveal.

Let then men and women, too, resolve to aid energetically in bringing to mind the story of historic Cahokia; the restoration to pristine beauty those remnants of past cultural endeavors, the re-dedication to high purposes of the old church and other old buildings of historic worth, still to be found within the confines of the still slumbering, soon to be revived Cahokia.

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# A THE CAHOKIA COVRT HOVSE

THE OLD CAHOKIA COVRT HOVSE  
AT INTERSECTION OF STATE ROVTES \*157 & 3  
AT CAHOKIA ILLINOIS  
NOW IN JACKSON PARK - CHICAGO ILL.  
SOVTH END OF WOODED ISLAND

SEE ALSO ILL. 42-CAHO, 4  
for later photographs

# B SHADRACH BOND MANTEL

KASKASKIA, ILLINOIS.  
NOW IN THE JOHN T. LONG HOVSE  
929 SHERIDAN ROAD EVANSTON ILL

ILL  
EVANSTON

ERECTED IN 1716  
ARCHITECT NONE  
BUILDER UNKNOWN

SEE ILL, 82-CAHO, 4-

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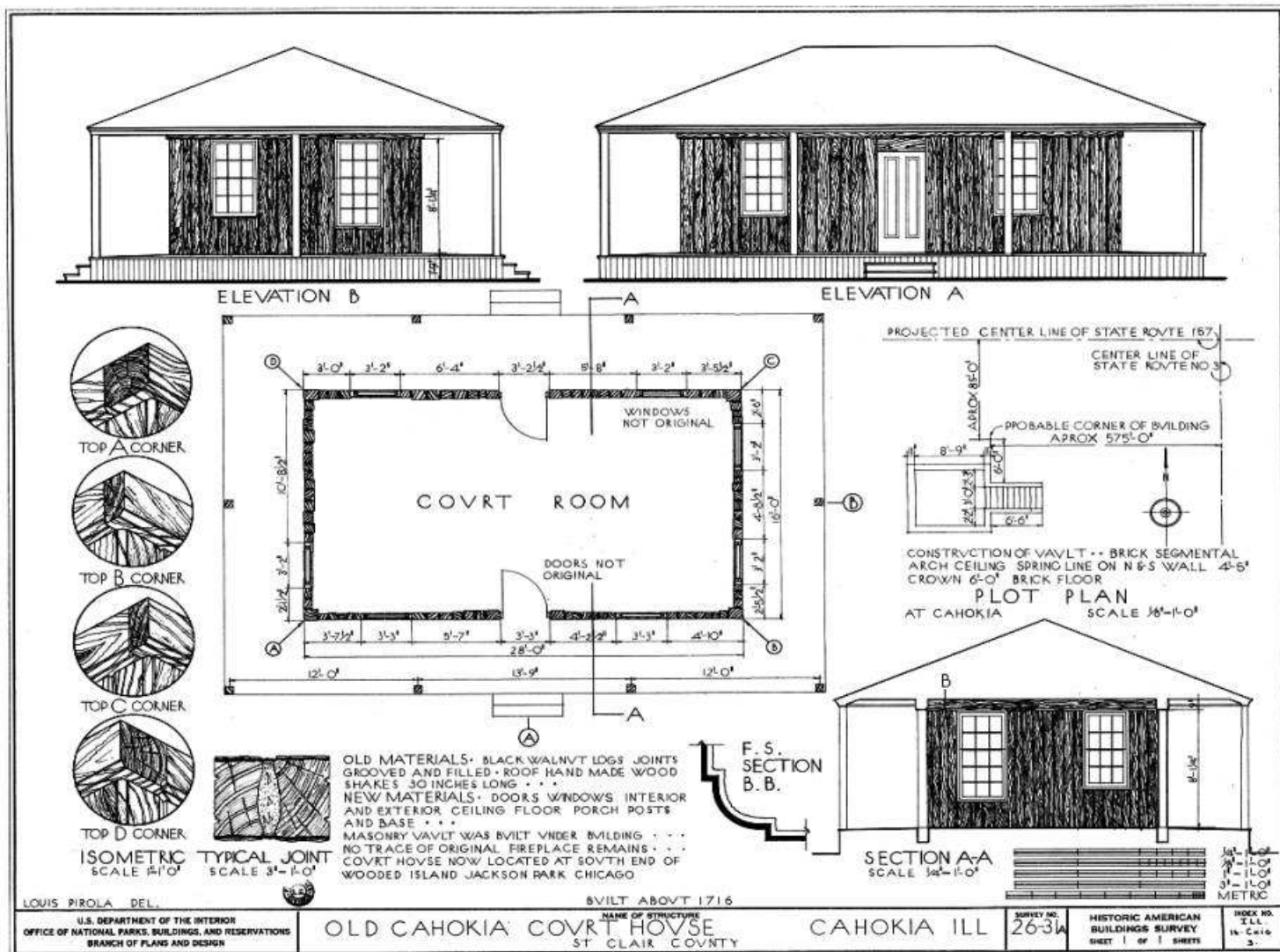
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# The Jefferson-Lemen Compact

## CONTENTS

The Relations of  
Thomas Jefferson and James Lemen  
in the Exclusion of Slavery from Illinois  
and the Northwest Territory  
with Related Documents  
1781-1818.

A Paper read before the  
Chicago Historical Society  
February 16, 1915

By  
Willard C. MacNaul

### INTRODUCTION

1. Sketch of James Lemen . . . . .	7
2. Lemen's Relations with Jefferson in Virginia . . . . .	9
3. Lemen's Anti-Slavery Mission in Illinois—	
Slavery in Illinois until 1787 . . . . .	11
Prohibition of Slavery by Ordinance of 1787 . . . . .	11
The Slavery Conflict under Gov. St. Clair (1787-1800) . . . . .	12
The Slavery Conflict under Gov. Harrison (1801-1809) . . . . .	13
Slavery Question in the Movement for Division of Indiana Territory in 1808-9 . . . . .	16
James Lemen's Anti-Slavery Influence in the Baptist Churches until 1809 . . . . .	16
Slavery under Gov. Ninian Edwards (1809- 1818) . . . . .	19
Slavery in the Campaign for Statehood in 1818 . . . . .	19
4. Available Materials Relating to the Subject . . . . .	23
5. Account of the "Lemen Family Notes" . . . . .	24

### DOCUMENTS

I. DIARY OF JAMES LEMEN, SR. . . . .	26
II. HISTORY OF THE RELATIONS OF JAMES LEMEN AND THOS. JEFFERSON, BY J. M. PECK . . . . .	32
III. HOW ILLINOIS GOT CHICAGO, BY JOS. B. LEMEN . . . . .	37
IV. ADDRESS TO THE FRIENDS OF FREEDOM . . . . .	38
V. RECOLLECTIONS OF A CENTENNARIAN, BY DR. W. F. BOYAKIN . . . . .	39
VI. IN MEMORY OF REV. JAS. LEMEN, SR. . . . .	41
VII. STATEMENT BY EDITOR OF <i>Belleville Advocate</i> . . . . .	41
VIII. LETTER OF REV. J. M. PECK ON THE OLD LEMEN FAMILY NOTES . . . . .	42

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## PIONEER LETTERS

IX.	LETTER OF SENATOR DOUGLAS TO REV. JAS. LEMEN, SR. . . . .	46
X.	ANNOUNCEMENT BY J. B. LEMEN . . . . .	48
XI.	LETTER OF GOV. NINIAN EDWARDS TO JAS. LEMEN, JR. . . . .	49
XII.	LETTER OF A. W. SNYDER TO JAS. LEMEN, SR. . . . .	49
XIII.	LETTER OF ABRAHAM LINCOLN TO JAS. LEMEN, JR. . . . .	50
XIV.	THE LEMEN MONUMENT—LEMEN'S WAR RECORD . . . . .	51
XV.	SKETCH OF REV. JAMES LEMEN, SR., BY J. M. PECK . . . . .	52
XVI.	OLD LEMEN FAMILY NOTES, STATEMENT BY JOS. B. LEMEN . . . . .	56
	REFERENCES . . . . .	59

## INTRODUCTION

## RELATIONS OF JAMES LEMEN AND THOMAS JEFFERSON IN THE EXCLUSION OF SLAVERY FROM ILLINOIS AND THE NORTHWEST TERRITORY

In view of the approaching centenary of statehood in Illinois, the name of James Lemen takes on a timely interest because of his services — social, religious, and political — in the making of the Commonwealth. He was a native of Virginia, born and reared in the vicinity of Harper's Ferry. He served a two-years' enlistment in the Revolutionary War under Washington, and afterwards returned to his regiment during the siege of Yorktown. His "Yorktown Notes" in his diary give some interesting glimpses of his participation in that campaign.<sup>1</sup> His Scotch ancestors had served in a similar cause under Cromwell, whose wedding gift to one of their number is still cherished as a family heirloom.

Upon leaving the army James Lemen married Catherine Ogle, daughter of Captain Joseph Ogle, whose name is perpetuated in that of Ogle county, Illinois. The Ogles were of old English stock, some of whom at least were found on the side of Cromwell and the Commonwealth. Catherine's family at one time lived on the South Branch of the Potomac, although at the time of her marriage her home was near Wheeling. Captain Ogle's commission, signed by Gov. Patrick Henry, is now a valued possession of one of Mrs. Lemen's descendents. James and Catherine Lemen were well fitted by nature and training for braving the hardships and brightening the privations of life on the frontier, far removed from home and friends, or even the abodes of their nearest white kinsmen.

During, and even before the war, young Lemen is reputed to have been the protégé of Thomas Jefferson, through whose influence he became a civil and religious leader in the pioneer period of Illinois history. Gov. Reynolds, in his writings relating to this period,<sup>2</sup> gives various sketches of the man and his family, and his name occurs frequently

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in the records of the times. He was among the first to follow Col. Clark's men to the Illinois country, where he established the settlement of New Design, one of the earliest American colonies in what was, previous to his arrival, the "Illinois county" of the Old Dominion. Here he served, first as a justice of the peace, and then as a judge of the court of the original county of St. Clair, and thus acquired the title of "Judge Lemen."<sup>3</sup> Here, too, he became the progenitor of the numerous Illinois branch of the Lemen family, whose genealogy and family history was recently published by Messrs. Frank and Joseph B. Lemen — a volume of some four hundred and fifty pages, and embracing some five hundred members of the family.

True to his avowed purpose in coming to Illinois, young Lemen became a leader of anti-slavery sentiment in the new Territory, and, undoubtedly, deserves to be called one of the Fathers of the Free State Constitution, which was framed in 1818 and preserved in 1824. His homestead, the "Old Lemen Fort" at New Design, which is still the comfortable home of the present owner, is the birthplace of the Baptist denomination in Illinois; and he himself is commemorated as the recognized founder of that faith in this State, by a granite shaft in the family burial plot directly in front of the old home. This memorial was dedicated in 1909 by Col. William Jennings Bryan, whose father, Judge Bryan, of Salem, Illinois, was the first to suggest it as a well-deserved honor.

James Lemen, Sr., also became the father and leader of the noted "Lemen Family Preachers," consisting of himself and six stalwart sons, all but one of whom were regularly ordained Baptist ministers. The eldest son, Robert, although never ordained, was quite as active and efficient in the cause as any of the family. This remarkable family eventually became the nucleus of a group of anti-slavery Baptist churches in Illinois which had a very important influence upon the issue of that question in the State. Rev. James Lemen, Jr., who is said to have been the second American boy born in the Illinois country, succeeded to his father's position of leadership in the anti-slavery movement of the times, and served as the representative of St. Clair county in the Territorial Legislature, the Constitutional Convention, and the State Senate. The younger James Lemen was on terms of intimacy with Abraham Lincoln at Springfield,

and his cousin, Ward Lamon, was Lincoln's early associate in the law, and also his first biographer. Various representatives of the family in later generations have attained success as farmers, physicians, teachers, ministers, and lawyers throughout southern Illinois and other sections of the country.<sup>4</sup>

The elder James Lemen was himself an interesting character, and, entirely apart from his relations with Jefferson, he is a significant factor in early Illinois history. His fight for free versus slave labor in Illinois and the Northwest derives a peculiar interest, however, from its association with the great name of Jefferson. The principles for which the latter stood — but not necessarily his policies — have a present-day interest for us greater than those of his contemporaries, because those principles are the "live issues" of our own times. Jefferson is to that extent our contemporary, and hence his name lends a living interest to otherwise obscure persons and remote events. The problem of free labor versus slave labor we have with us still, and in a much more complex and widespread form than in Jefferson's day.

According to the current tradition, a warm personal friendship sprang up between Jefferson and young Lemen, who was seventeen years the junior of his distinguished patron and friend. In a letter to Robert, brother of James Lemen, attributed to Jefferson, he writes: "Among all my friends who are near, he is still a little nearer. I discovered his worth when he was but a child, and I freely confess that in some of my most important achievements his example, wish, and advice, though then but a very young man, largely influenced my action." In a sketch of the relations of the two men by Dr. John M. Peck we are told that "after Jefferson became President of the United States, he retained all of his early affection for Mr. Lemen"; and upon the occasion of a visit of a mutual friend to the President, in 1808, "he inquired after him with all the fondness of a father."<sup>5</sup>

Their early relations in Virginia, so far as we have any account of them, concerned their mutual anti-slavery interests. Peck tells us that "Mr. Lemen was a born anti-slavery leader, and had proved himself such in Virginia by inducing scores of masters to free their slaves through his prevailing kindness of manner and Christian arguments."

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Concerning the cession of Virginia's claims to the Northwest Territory, Jefferson is thus quoted, from his letter to Robert Lemen: "Before any one had even mentioned the matter, James Lemen, by reason of his devotion to anti-slavery principles, suggested to me that we (Virginia) make the transfer, and that slavery be excluded; and it so impressed and influenced me that whatever is due me as credit for my share in the matter, is largely, if not wholly, due to James Lemen's advice and most righteous counsel."<sup>6</sup>

Before this transfer was effected, it appears that Jefferson had entered into negotiations with his young protégé with a view to inducing him to locate in the "Illinois country" as his agent, in order to co-operate with himself in the effort to exclude slavery from the entire Northwest Territory. Mr. Lemen makes record of an interview with Jefferson under date of December 11, 1782, as follows: "Thomas Jefferson had me to visit him again a short time ago, as he wanted me to go to the Illinois country in the Northwest after a year or two, in order to try to lead and direct the new settlers in the best way, and also to oppose the introduction of slavery into that country at a later day, as I am known as an opponent of that evil; and he says he will give me some help. It is all because of his great kindness and affection for me, for which I am very grateful; but I have not yet fully decided to do so, but have agreed to consider the case." In May, 1784, they had another interview, on the eve of Jefferson's departure on his prolonged mission to France. Mr. Lemen's memorandum reads: "I saw Jefferson at Annapolis, Maryland, to-day, and had a very pleasant visit with him. I have consented to go to Illinois on his mission, and he intends helping me some; but I did not ask nor wish it. We had a full agreement and understanding as to all terms and duties. The agreement is strictly private between us, but all his purposes are perfectly honorable and praiseworthy."<sup>6</sup>

Thus the mission was undertaken which proved to be his life-work. He had intended starting with his father-in-law, Captain Ogle, in 1785, but was detained by illness in his family. December 28, 1785, he records: "Jefferson's confidential agent gave me one hundred dollars of his funds to use for my family, if need be, and if not, to go to good causes; and I will go to Illinois on his mission next spring and take my wife and children."

Such was the origin and nature of the so-called "Jefferson-Lemen Secret Anti-Slavery Compact," the available evidence concerning which will be given at the conclusion of this paper.<sup>7</sup> The anti-slavery propaganda of James Lemen and his circle constituted a determining factor in the history of the first generation of Illinois Baptists. To what extent Lemen co-operated with Jefferson in his movements will appear as we proceed with the story of his efforts to make Illinois a free State.

The "Old Dominion" ceded her "county of Illinois" to the National domain in 1784. Jefferson's effort to provide for the exclusion of slavery from the new Territory at that date proved abortive. Consequently, when James Lemen arrived at the old French village of Kaskaskia in July, 1786, he found slavery legally entrenched in all the former French possessions in the "Illinois country." It had been introduced by Renault, in 1719, who brought 500 negroes from Santo Domingo (then a French possession) to work the mines which he expected to develop in this section of the French Colonial Empire.<sup>8</sup> It is a noteworthy fact that slavery was established on the soil of Illinois just a century after its introduction on the shores of Virginia. When the French possessions were taken over by Great Britain at the close of the colonial struggle in 1763, that country guaranteed the French inhabitants the possession of all their property, including slaves. When Col. Clark, of Virginia, took possession of this region in 1778, the State likewise guaranteed the inhabitants the full enjoyment of all their property rights. By the terms of the Virginia cession of 1784 to the National Government, all the rights and privileges of the former citizens of Virginia were assured to them in the ceded district. Thus, at the time of Lemen's arrival, slavery had been sanctioned on the Illinois prairies for sixty-seven years. One year from the date of his arrival, however, the Territorial Ordinance of 1787 was passed, with the prohibition of slavery, as originally proposed by Jefferson in 1784.<sup>9</sup> Thus it would seem that the desired object had already been attained. By the terms of the famous "Sixth Article of Compact," contained in that Ordinance, it was declared that "there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes whereof the accused shall have been duly convicted." This looks like a sweeping and final disposition

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of the matter, but it was not accepted as such until the lapse of another fifty-seven years. But neither Jefferson nor his agents on the ground had anticipated so easy a victory. Indeed, they had foreseen that a determined effort would be made by the friends of slavery to legalize that institution in the Territory. Almost at once, in fact, the conflict commenced, which was to continue actively for thirty-seven years. Like the Nation itself, the Illinois country was to be for a large part of its history "half slave and half free"—both in sentiment and in practice.

Two attempts against the integrity of the "Sixth Article" were made during Gov. St. Clair's administration. The trouble began with the appeals of the French slave-holders against the loss of their slaves.<sup>10</sup> As civil administration under the Territorial government was not established among the Illinois settlements until 1790, both the old French inhabitants and the new American colonists suffered all manner of disabilities and distresses in the interval between 1784 and 1790, while just across the Mississippi there was a settled and prosperous community under the Spanish government of Louisiana. When, therefore, the French masters appealed to Gen. St. Clair, in 1787, to protect them against the loss of the principal part of their wealth, represented by their slaves, he had to face the alternative of the loss of these substantial citizens by migration with their slaves to the Spanish side of the river. And, in order to pacify these petitioners, St. Clair gave it as his opinion that the prohibition of slavery in the Ordinance was not retroactive, and hence did not affect the rights of the French masters in their previously acquired slave property. As this view accorded with the "compact" contained in the Virginia deed of cession, it was sanctioned by the old Congress, and was later upheld by the new Federal Government; and this construction of the Ordinance of 1787 continued to prevail in Illinois until 1845, when the State Supreme Court decreed that the prohibition was absolute, and that, consequently, slavery in any form had never had any legal sanction in Illinois since 1787.<sup>11</sup>

It does not appear that Mr. Lemen took any active measures against this construction of the anti-slavery ordinance at the time. He was, indeed, himself a petitioner, with other American settlers on the "Congress lands" in Illinois, for the recognition of their claims, which were

menaced by the general prohibition of settlement then in effect.<sup>12</sup> Conditions in every respect were so insecure prior to the organization of St. Clair county in 1790, that it was hardly to be expected that any vigorous measure could be taken against previously existing slavery in the colony, especially as the Americans were then living in station forts for protection against the hostile Indians. Moreover, Jefferson was not in the country in 1787, and hence there was no opportunity for co-operation with him at this time. Mr. Lemen was, however, improving the opportunity "to try to lead and direct the new settlers in the best way"; for we find him, although not as yet himself a "professor" of religion, engaged in promoting the religious observance of the Sabbath on the part of the "godfearing" element in the station fort where, with his father-in-law, he resided (Fort Piggott). In 1789 Jefferson returned from France to become Secretary of State in President Washington's cabinet, under the new Federal Government. He had not forgotten his friend Lemen, as Dr. Peck assures us that "he lost no time in sending him a message of love and confidence by a friend who was then coming to the West."

St. Clair's construction of the prohibition of slavery unfortunately served to weaken even its preventive force and emboldened the pro-slavery advocates to seek persistently for the repeal, or, at least, the "suspension" of the obnoxious Sixth Article. A second effort was made under his administration in 1796, when a memorial, headed by Gen. John Edgar, was sent to Congress praying for the suspension of the Article. The committee of reference, of which the Hon. Joshua Coit of Connecticut was chairman, reported adversely upon this memorial, May 12, 1796.<sup>13</sup> It is not possible to state positively Lemen's influence, if any, in the defeat of this appeal of the leading citizens of the old French villages. But, as it was in this same year that the first Protestant church in the bounds of Illinois was organized in his house, and, as we are informed that he endeavored to persuade the constituent members of the New Design church to oppose slavery, we may suppose that he was already taking an active part in opposition to the further encroachments of slavery, especially in his own community.

The effort to remove the prohibition was renewed under Gov. Wm. Henry Harrison, during the connection of the

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Illinois settlements with the Indiana Territory, from 1800 to 1809. Five separate attempts were made during these years, which coincide with the term of President Jefferson, who had removed St. Clair to make room for Gen. Harrison. Harrison, however, yielded to the pressure of the pro-slavery element in the Territory to use his power and influence for their side of the question. Although their proposals were thrice favorably reported from committee, the question never came to a vote in Congress. The first attempt during the Indiana period was that of a pro-slavery convention, called at the instigation of the Illinois contingent, which met at Vincennes, in 1803, under the chairmanship of Gov. Harrison. Their memorial to Congress, requesting merely a temporary suspension of the prohibition, was adversely reported from committee in view of the evident prosperity of Ohio under the same restriction, and because "the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier." Referring to this attempt of "the extreme southern slave advocates . . . for the introduction of slavery," Mr. Lemen writes, under date of May 3, 1803, that "steps must soon be taken to prevent that curse from being fastened on our people." The same memorial was again introduced in Congress in February, 1804, with the provisos of a ten-year limit to the suspension and the introduction of native born slaves only, which, of course, would mean those of the border-state breeders. Even this modified proposal, although approved in committee, failed to move Congress to action. Harrison and his supporters continued nevertheless to press the matter, and he even urged Judge Lemen, in a personal interview, to lend his influence to the movement for the introduction of slavery. To this suggestion Lemen replied that "the evil attempt would encounter his most active opposition, in every possible and honorable manner that his mind could suggest or his means accomplish."<sup>14</sup>

It was about this time that the Governor and judges took matters in their own hands and introduced a form of indentured service, which, although technically within the prohibition of *involuntary* servitude, amounted practically to actual slavery. Soon after, in order to give this institution a more secure legal sanction, by legislative en-

actment, the second grade of territorial government was hastily and high-handedly forced upon the people for this purpose. It was probably in view of these measures that Mr. Lemen recorded his belief that President Jefferson "will find means to overreach the evil attempts of the pro-slavery party." Early in the year 1806 the Vincennes memorial was introduced into Congress for the third time and again favorably reported from committee, but to no avail. It was about this time, as we learn from his diary, that Mr. Lemen "sent a messenger to Indiana to ask the churches and people there to get up and sign a counter petition, to uphold freedom in the Territory," circulating a similar petition in Illinois himself.<sup>15</sup>

A fourth attempt to bring the proposal before Congress was made in January, 1807, in a formal communication from the Governor and Territorial Legislature. The proposal was a third time favorably reported by the committee of reference, but still without action by the House. Finally, in November of the same year, President Jefferson transmitted to Congress similar communications from the Indiana government. This time the committee reported that "the citizens of Clark county [in which was located the first Baptist church organized in Indiana], in their remonstrance, express their sense of the impropriety of the measure"; and that they also requested Congress not to act upon the subject until the people had an opportunity to formulate a State Constitution.<sup>16</sup> Commenting upon the whole proceedings, Dr. Peck quotes Gov. Harrison to the effect that, though he and Lemen were firm friends, the latter "had set his iron will against slavery, and indirectly made his influence felt so strongly at Washington and before Congress, that all the efforts to suspend the anti-slavery clause in the Ordinance of 1787 failed."<sup>17</sup> Peck adds that President Jefferson "quietly directed his leading confidential friends in Congress steadily to defeat Gen. Harrison's petitions for the repeal."<sup>17</sup>

It was about this time, September 10, 1807, that President Jefferson thus expressed his estimate of James Lemen's services, in his letter to Robert Lemen: "His record in the new country has fully justified my course in inducing him to settle there with the view of properly shaping events in the best interest of the people."<sup>18</sup> It was during this period of the Indiana agitation for the introduction of

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slavery, as we learn from an entry in his diary dated September 10, 1806, that Mr. Lemen received a call from an agent of Aaron Burr to solicit his aid and sympathy in Burr's scheme for a southwestern empire, with Illinois as a Province, and an offer to make him governor. "But I denounced the conspiracy as high treason," he says, "and gave him a few hours to leave the Territory on pain of arrest."<sup>19</sup> It should be noted that at this date he was not himself a magistrate, which, perhaps, accounts for his apparent leniency towards what he regarded as a treasonable proposal.

The year 1809, the date of the separation of Illinois from the Indiana Territory, marks a crisis in the Lemen anti-slavery campaign in Illinois.<sup>20</sup> The agitation under the Indiana government for the further recognition of slavery in the Territory was mainly instigated by the Illinois slaveholders and their sympathizers among the American settlers from the slave states. The people of Indiana proper, except those of the old French inhabitants of Vincennes, who were possessed of slaves, were either indifferent or hostile towards slavery. Its partisans in the Illinois counties of the Territory, in the hope of promoting their object thereby, now sought division of the Indiana Territory and the erection of a separate government for Illinois at Kaskaskia. This movement aroused a bitter political struggle in the Illinois settlements, one result of which was the murder of young Rice Jones in the streets of Kaskaskia. The division was advocated on the ground of convenience and opposed on the score of expense. The divisionists, however, seem to have been animated mainly by the desire to secure the introduction of slavery as soon as statehood could be attained for their section. The division was achieved in 1809, and with it the prompt adoption of the system of indentured service already in vogue under the Indiana government. And from that time forth the fight was on between the free-state and slave-state parties in the new Territory. Throughout the independent territorial history of Illinois, slavery was sanctioned partly by law and still further by custom. Gov. Ninian Edwards, whose religious affiliations were with the Baptists, not only sanctioned slavery, but, as is well known, was himself the owner of slaves during the territorial period.

It was in view of this evident determination to make of Illinois Territory a slave state, that James Lemen, with Jefferson's approval, took the radical step of organizing

a distinctively anti-slavery church as a means of promoting the free-state cause.<sup>21</sup> From the first, indeed, he had sought to promote the cause of temperance and of anti-slavery in and through the church. He tells us in his diary, in fact, that he "hoped to employ the churches as a means of opposition to the institution of slavery."<sup>21</sup> He was reared in the Presbyterian faith, his stepfather being a minister of that persuasion; but at twenty years of age he embraced Baptist principles, apparently under the influence of a Baptist minister in Virginia, whose practice it was to bar from membership all who upheld the institution of slavery. He thus identified himself with the struggles for civil, religious, and industrial liberty, all of which were then actively going on in his own state.

The name of "New Design," which became attached to the settlement which he established on the upland prairies beyond the bluffs of the "American Bottom," is said to have originated from a quaint remark of his that he "had a 'new design' to locate a settlement south of Bellefontaine" near the present town of Waterloo.<sup>22</sup> The name "New Design," however, became significant of his anti-slavery mission; and when, after ten years of pioneer struggles, he organized The Baptist Church of Christ at New Design, in 1796, he soon afterwards induced that body—the first Protestant church in the bounds of the present State—to adopt what were known as "Tarrant's Rules Against Slavery." The author of these rules, the Rev. James Tarrant, of Virginia, later of Kentucky, one of the "emancipating preachers," eventually organized the fraternity of anti-slavery Baptist churches in Kentucky, who called themselves "Friends to Humanity."

From 1796 to 1809 Judge Lemen was active in the promotion of Baptist churches and a Baptist Association. He labored to induce all these organizations to adopt his anti-slavery principles, and in this he was largely successful; but, with the increase of immigrant Baptists from the slave states, it became increasingly difficult to maintain these principles in their integrity. And when, in the course of the campaign for the division of the Territory in 1808, it became apparent that the lines between the free-state and the slave-state forces were being decisively drawn, Lemen prepared to take a more radical stand in the struggle. With this design in view he asked and obtained the formal sanction

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of his church as a licensed preacher. In the course of the same year, 1808, he is said to have received a confidential message from Jefferson "suggesting a division of the churches on the question of slavery, and the organization of a church on a strictly anti-slavery basis, for the purpose of heading a movement to make Illinois a free state."<sup>21</sup> According to another, and more probable, version of this story, when Jefferson learned, through a mutual friend (Mr. S. H. Biggs), of Lemen's determination to force the issue in the church to the point of division, if necessary, he sent him a message of approval of his proposed course and accompanied it with a contribution of \$20 for the contemplated anti-slavery church.

The division of the Territory was effected early in the year 1809, and in the summer of that year, after vainly trying to hold all the churches to their avowed anti-slavery principles, Elder Lemen, in a sermon at Richland Creek Baptist church, threw down the gauntlet to his pro-slavery brethren and declared that he could no longer maintain church fellowship with them. His action caused a division in the church, which was carried into the Association at its ensuing meeting, in October, 1809, and resulted in the disruption of that body into three parties on the slavery question — the conservatives, the liberals, and the radicals. The latter element, headed by "the Lemen party," as it now came to be called, held to the principles of The Friends to Humanity, and proposed to organize a branch of that order of Baptists. When it came to the test, however, the new church was reduced to a constituent membership consisting of some seven or eight members of the Lemen family. Such was the beginning of what is now the oldest surviving Baptist church in the State, which then took the name of "The Baptized Church of Christ, Friends to Humanity, on Cantine (Quentin) Creek." It is located in the neighborhood of the old Cahokia mound. Its building, when it came to have one, was called "Bethel Meeting House," and in time the church itself became known as "Bethel Baptist Church."

The distinctive basis of this church is proclaimed in its simple constitution, to which every member was required to subscribe: "Denying union and communion with all persons holding the doctrine of perpetual, involuntary, hereditary slavery." This church began its career as "a family church," in the literal sense of the word; but it pros-

pered nevertheless, until it became a numerically strong and vigorous organization which has had an active and honorable career of a hundred years' duration. Churches of the same name and principles multiplied and maintained their uncompromising but discriminating opposition to slavery so long as slavery remained a local issue; after which time they were gradually absorbed into the general body of ordinary Baptist churches.

During the period of the Illinois Territory, 1809 to 1818, Elder Lemen kept up a most energetic campaign of opposition to slavery, by preaching and rigorous church discipline in the application of the rules against slavery. He himself was regularly ordained soon after the organization of his anti-slavery church. His sons, James and Joseph, and his brother-in-law, Benjamin Ogle, were equally active in the ministry during this period, and, before its close, they had two churches firmly established in Illinois, with others of the same order in Missouri.

"The church, properly speaking, never entered politics," Dr. Peck informs us, "but presently, when it became strong, the members all formed what they called the 'Illinois Anti-Slavery League,' and it was this body that conducted the anti-slavery contest."<sup>22</sup> The contest culminated in the campaign for statehood in 1818.

At the beginning of that year the Territorial Legislature petitioned Congress for an Enabling Act, which was presented by the Illinois Delegate, Hon. Nathaniel Pope. As chairman of the committee to which this petition was referred, he drew up a bill for such an act early in the year. In the course of its progress through the House, he presented an amendment to his own bill, which provided for the extension of the northern boundary of the new state. According to the provisions of the Ordinance of 1787, the line would have been drawn through the southern border of Lake Michigan. Pope's amendment proposed to extend it so as to include some sixty miles of frontage on Lake Michigan, thereby adding fourteen counties, naturally tributary to the lake region, to counterbalance the southern portion of the State, which was connected by the river system with the southern slave states. Gov. Thomas Ford states explicitly that Pope made this change "upon his own responsibility, . . . no one at that time having suggested or requested it." This statement is directly contradicted

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in Dr. Peck's sketch of James Lemen, Sr., written in 1857. He therein states that this extension was first suggested by Judge Lemen, who had a government surveyor make a plat of the proposed extension, with the advantages to the anti-slavery cause to be gained thereby noted on the document, which he gave to Pope with the request to have it embodied in the Enabling Act.<sup>24</sup> This statement was repeated and amplified by Mr. Joseph B. Lemen in an article in *The Chicago Tribune*.<sup>25</sup> It is a well-known fact that the vote of these fourteen northern counties secured the State to the anti-slavery party in 1856; but as this section of the State was not settled until long after its admission into the Union, the measure, whatever its origin, had no effect upon the Constitutional Convention. However, John Messinger, of New Design, who surveyed the Military Tract and, later, also the northern boundary line, may very well have made such a plat, either on his own motion or at the suggestion of the zealous anti-slavery leader, with whom he was well acquainted. As Messinger was later associated with Peck in the Rock Spring Seminary, and in the publication of a sectional map of Illinois, it would seem that Peck was in a position to know the facts as well as Ford.

In the campaign for the election of delegates to the Constitutional Convention, slavery was the only question seriously agitated. The Lemen churches and their sympathizers were so well organized and so determined in purpose that they made a very energetic and effective campaign for delegates. Their organization for political purposes, as Peck informs us, "always kept one of its members and several of its friends in the Territorial Legislature; and five years before the constitutional election in 1818, it had fifty resident agents — men of like sympathies — quietly at work in the several settlements; and the masterly manner in which they did their duty was shown by a poll which they made of the voters some few weeks before the election, which, on their side, varied only a few votes from the official count after the election."<sup>23</sup>

It is difficult to determine from the meager records of the proceedings, even including the Journal of the Convention recently published, just what the complexion of the body was on the slavery question. Mr. W. Kitchell, a descendant of one of the delegates, states that there were twelve delegates that favored the recognition of slavery by

a specific article in the Constitution, and twenty-one that opposed such action. Gov. Coles, who was present as a visitor and learned the sentiments of the prominent members, says that many, but not a majority of the Convention, were in favor of making Illinois a slave state.<sup>26</sup> During the session of the Convention an address to The Friends of Freedom was published by a company of thirteen leading men, including James Lemen, Sr., to the effect that a determined effort was to be made in the Convention to give sanction to slavery, and urging concerted action "to defeat the plans of those who wish either a temporary or an unlimited slavery."<sup>27</sup> A majority of the signers of this address were Lemen's Baptist friends, and its phraseology points to him as its author.

James Lemen, Jr., was a delegate from St. Clair county and a member of the committee which drafted the Constitution. In the original draft of that instrument, slavery was prohibited in the identical terms of the Ordinance of 1787, as we learn from the recently published journal of the Convention. In the final draft this was changed to read: "Neither slavery nor involuntary servitude shall hereafter be introduced," and the existing system of indentured service was also incorporated. These changes were the result of compromise, and Lemen consistently voted against them. He was nevertheless one of the committee of three appointed to revise and engross the completed instrument.

The result was a substantial victory for the Free-State Party; and had the Convention actually overridden the prohibition contained in the original Territorial Ordinance, as it was then interpreted, it is evident, from the tone of the address to The Friends of Freedom, that the Lemen circle would have made a determined effort to defeat the measure in Congress.<sup>27</sup>

Dr. Peck, who, like Gov. Coles, was a visitor to the Convention, and who had every opportunity to know all the facts, in summing up the evidence in regard to the matter, declares it to be "conclusive that Mr. Lemen created and organized the forces which confirmed Illinois, if not the Northwest Territory, to freedom." Speaking of the current impression that the question of slavery was not much agitated in Illinois prior to the Constitutional Convention, Gov. Coles says: "On the contrary, at a very early period of the settlement of Illinois, the question was warmly agitated by

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zealous advocates and opponents of slavery," and that, although during the period of the independent Illinois Territory the agitation was lulled, it was not extinguished, "as was seen [from] its mingling itself so actively both in the election and the conduct of the members of the Convention, in 1818."<sup>28</sup>

Senator Douglas, in a letter to James Lemen, Jr., is credited with full knowledge of the "Jefferson-Lemen Anti-Slavery Compact" and a high estimate of its significance in the history of the slavery contest in Illinois and the Northwest Territory. "This matter assumes a phase of personal interest with me," he says, "and I find myself, politically, in the good company of Jefferson and your father. With them everything turned on whether the people of the Territory wanted slavery or not, . . . and that appears to me to be the correct doctrine."<sup>28</sup> Lincoln, too, in a letter to the younger James Lemen, is quoted as having a personal knowledge of the facts and great respect for the senior Lemen in the conflict for a free state in Illinois. "Both your father and Lovejoy," he remarks, "were pioneer leaders in the cause of freedom, and it has always been difficult for me to see why your father, who was a resolute, uncompromising, and aggressive leader, who boldly proclaimed his purpose to make both the Territory and the State free, never aroused nor encountered any of that mob violence which, both in St. Louis and in Alton, confronted and pursued Lovejoy."<sup>29</sup> Of the latter he says: "His letters, among your old family notes, were of more interest to me than even those of Thomas Jefferson to your father."

Jefferson's connection with Lemen's anti-slavery mission in Illinois was never made public, apparently, until the facts were published by Mr. Joseph B. Lemen, of the third generation, in the later years of his life, in connection with the centenary anniversaries of the events involved. However, the "compact" was a matter of family tradition, based upon a collection of letters and notes handed down from father to son. Jefferson's reasons for keeping the matter secret, as Dr. Peck explains, were, first, to prevent giving the impression that he was seeking his own interests in the territories, and, second, to avoid arousing the opposition of his southern friends who desired the extension of slavery. Lemen, on the other hand, did not wish to have it thought that his actions were controlled by political considerations, or

subject to the will of another. Moreover, when he learned that Jefferson was regarded as "an unbeliever," he is said to have wept bitterly lest it should be thought that, in his work for the church and humanity, he had been influenced by an "infidel"; and, sometime before his death, he exacted a promise of his sons and the few friends who were acquainted with the nature of his compact with Jefferson that they would not make it known while he lived.<sup>30</sup> Under the influence of this feeling on the part of their father, the family kept the facts to themselves and a few confidential friends until after the lapse of a century, when the time came to commemorate the achievements of their ancestor.

How much of the current tradition is fact and how much fiction is hard to determine, as so little of the original documentary material is now available. The collection of materials herewith presented consists of what purport to be authentic copies of the original documents in question. They are put in this form in the belief that their significance warrants it, and in the hope that their publication may elicit further light on the subject. These materials consist of three sorts, viz.; a transcript of the Diary of James Lemen, Sr., a manuscript History of the confidential relations of Lemen and Jefferson, prepared by Rev. John M. Peck, and a series of letters from various public men to Rev. James Lemen, Jr. The Diary and manuscript "History" were located by the compiler of this collection among the papers of the late Dr. Edward B. Lemen, of Alton, Illinois. These documents are now in the possession of his son-in-law, Mr. Wykoff, who keeps them in his bank vault. The collection of letters was published at various times by Mr. Joseph B. Lemen, of Collinsville, Illinois, in *The Belleville Advocate*, of Belleville, Illinois. The Diary is a transcript of the original, attested by Rev. James Lemen, Jr. The "History" is a brief sketch, in two chapters, prepared from the original documents by Dr. Peck while he was pastor of the Bethel Church, in June, 1851, and written at his dictation by the hand of an assistant, as the document itself expressly states. Mr. Joseph Lemen, who is responsible for the letters, is the son of Rev. James Lemen, Jr., and one of the editors of the Lemen Family History. The editor of *The Belleville Advocate* states that Mr. Lemen has contributed to various metropolitan newspapers in the political campaigns of his party, from those of Lincoln to those of McKinley.<sup>31</sup> He

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also contributed extended sketches of the Baptist churches of St. Clair county for one of the early histories of that county. He took an active part in promoting the movement to commemorate his grandfather, James Lemen, Sr., in connection with the centenary anniversaries of the churches founded at New Design and Quentin Creek (Bethel).

The originals of these materials are said to have composed part of a collection of letters and documents known as the "Lemen Family Notes," which has aroused considerable interest and inquiry among historians throughout the country. The history of this collection is somewhat uncertain. It was begun by James Lemen, Sr., whose diary, containing his "Yorktown Notes" and other memoranda, is perhaps its most interesting survival. While residing in the station fort on the Mississippi Bottom during the Indian troubles of his early years in the Illinois country, he made a rude walnut chest in which to keep his books and papers. This chest, which long continued to be used as the depository of the family papers, is still preserved, in the Illinois Baptist Historical Collection, at the Carnegie Library, Alton, Illinois. It is said that Abraham Lincoln once borrowed it from Rev. James Lemen, Jr., for the sake of its historical associations, and used it for a week as a receptacle for his own papers. Upon the death of the elder Lemen the family notes and papers passed to James, Jr., who added to it many letters from public men of his wide circle of acquaintance.

As the older portions of the collection were being worn and lost, by loaning them to relatives and friends, copies were made of all the more important documents, and the remaining originals were then placed in the hands of Dr. J. M. Peck, who was at the time pastor of the Bethel Church, to be deposited in the private safe of a friend of his in St. Louis. As the slavery question was then (1851) at white heat, it is not surprising that Dr. Peck advised the family to carefully preserve all the facts and documents relating to their father's anti-slavery efforts "until some future time," lest their premature publication should disturb the peace of his church. As late as 1857 he writes of "that dangerous element in many of the old letters bearing on the anti-slavery contest of 1818," and adds, "With some of those interested in that contest, in fifty years from this time, the publication of these letters would create trouble between the descendants of many of our old pioneer families."<sup>6</sup>

A man by the name of J. M. Smith is suggested by Dr. Peck as the custodian of the originals. When this gentleman died, the documents in his care are supposed to have been either lost or appropriated by parties unknown to the Lemen family. Mr. Joseph B. Lemen relates that a certain party at one time represented to the family that he had located the papers and offered, for a suitable consideration, to recover them. This proved to be merely a scheme to obtain money under false pretenses.<sup>6</sup> Various other accounts are current of the disposition of the original papers; but as yet none of them have been located.

The transcripts of the collection, made by James Lemen, Jr., came into the hands of his son, Joseph Bowler Lemen, who is responsible for the publication of various portions of the story, including some of the letters entire. Even these copies, however, are not accessible at the present time, except that of the Lemen Diary, as located by the present writer. Joseph Lemen's account of the fate of the elusive documents is given in full at the end of this publication. He there states that every paper of any value was copied and preserved, but even these copies were dissipated to a large extent. He also claims that all the facts contained in these documents have been published in one form or another, "except a very few, including Rev. James Lemen's interviews with Lincoln, as written up by Mr. Lemen on ten pages of legal cap paper." This Joseph B. Lemen is now far advanced in years, has long been a recluse, and has the reputation of being "peculiar." In a personal interview with him, the present writer could elicit no further facts regarding the whereabouts of the "Lemen Family Notes." Nevertheless, the discovery of the copy of the Lemen Diary and the manuscript of Dr. Peck's "History" gives encouragement to hope for further discoveries, which should be reported to the Chicago Historical Society.

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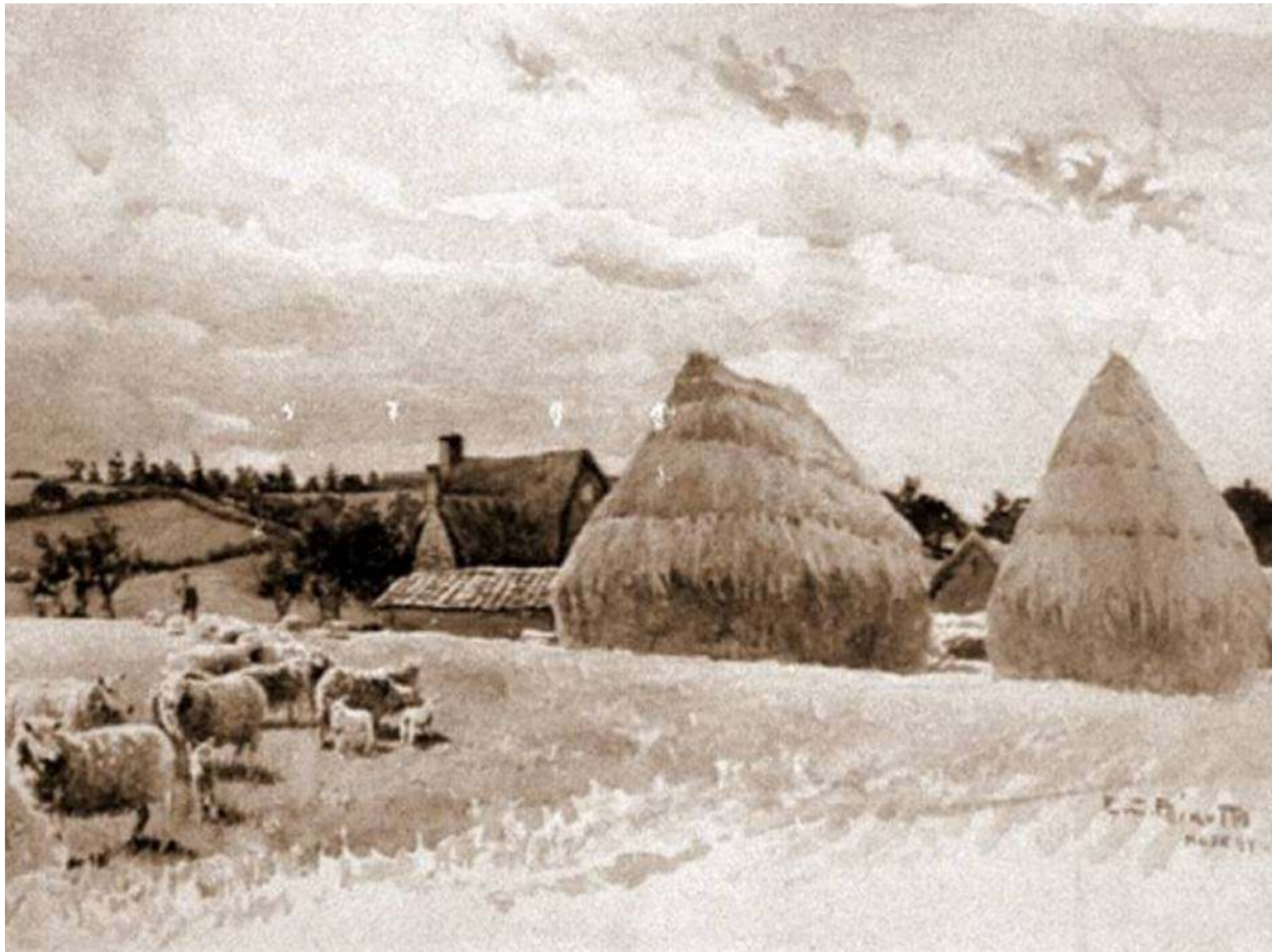
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Peixotto, Ernest C. (1869-1940) (artist). On the Naseby Battlefield, looking toward Mill Hill. in "Oliver Cromwell" by Theodore Roosevelt, Scribner's magazine, 27:153 (1900 February).

2a14064u

Call # CAI - Peixotto, no. 10 (B size) [P&P]

Cabinet of American illustration

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

DLC/PP-1933:0011

<http://www.loc.gov/pictures/item/2010717329/>



Rogers, William Allen (1854-1931) (artist). The first spadeful. in World worthwhile. New York : Harper & Bros., 1922, p. 164.

Theodore Roosevelt standing among ships in harbor and digging and throwing dirt in direction of "Bogota," while small man on hill raises flag "new treaty." Probably in reference to Hay-Herran canal treaty of 1903.

Exhibit loan 4185-L.

Exhibit loan 4408-L: The World of Teddy Roosevelt, Nassau County Museum of Art, Roslyn Harbor, NY, 2002-2003.

2a14577u

Reproduction # LC-DIG-cai-2a14577 (digital file from original) LC-USZC4-7514 (color film copy transparency) LC-USZ62-123074 (b&w film copy neg.)

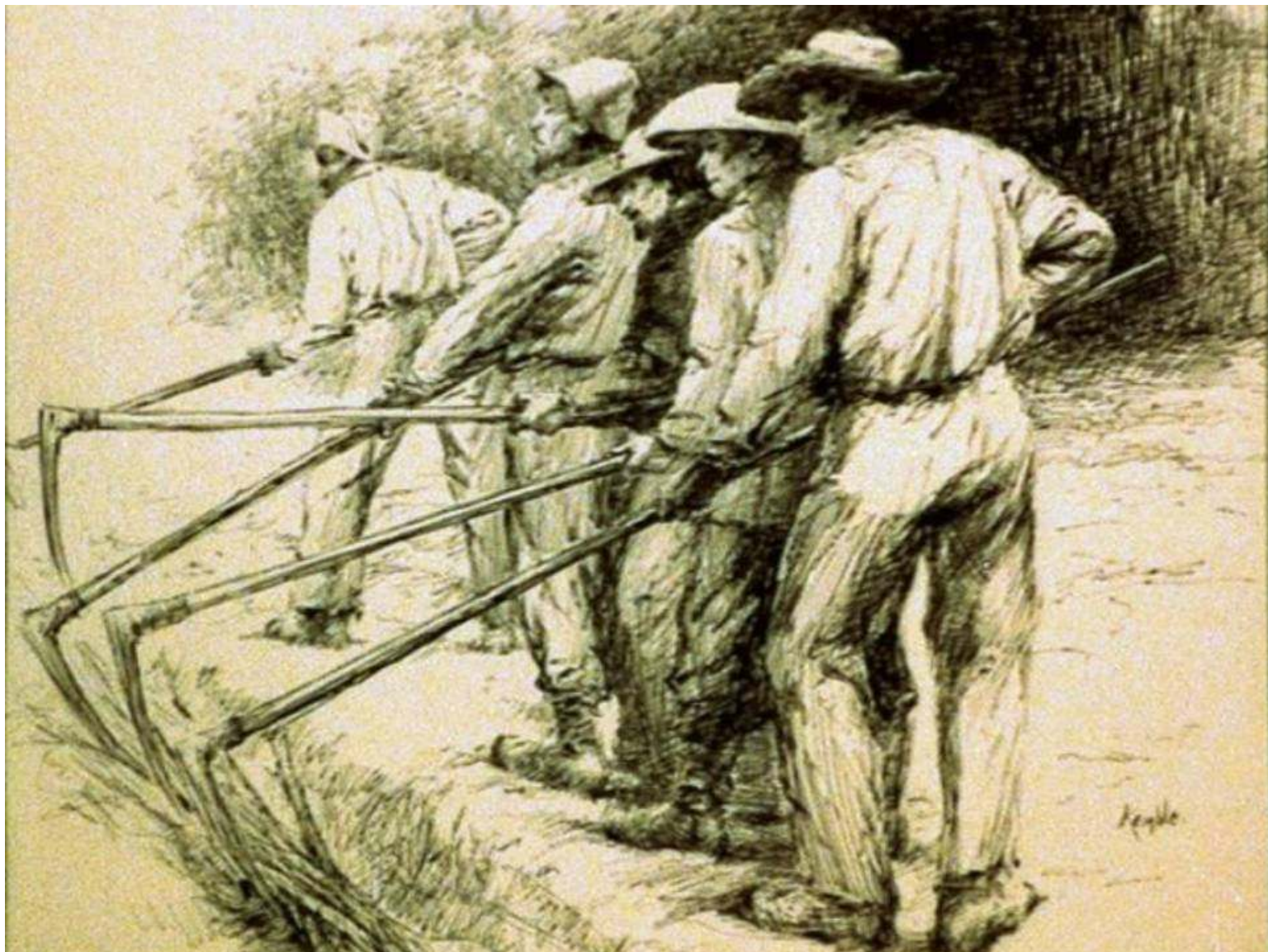
Call # CAI - Rogers, no. 262 (B size) [P&P]

Cabinet of American illustration

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

DLC/PP-1932:0042

<http://www.loc.gov/pictures/item/2010717820/>



Kemble, Edward Windsor (1861-1933) (artist). Hooking up. in "Sugar making in Louisiana," Century magazine, 13:110 1887 November).

2a13769u

Call # CAI - Kemble, no. 33 (B size) [P&P]

Cabinet of American illustration

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

DLC/PP-1933:0126

<http://www.loc.gov/pictures/item/2010717083/>



Millie, four years old and Nellie five years old. Cotton pickers on a farm near Houston, Texas, #3598 (1913 October). No known restrictions on publication.

Millie picks eight pounds a day and Nellie thirty pounds. This is nearly every day. Home conditions bare and bad.

00206v  
Reproduction # LC-DIG-nclc-00206 (color digital file from b&w original print) LC-DIG-nclc-05536 (b&w digital file from original glass negative)  
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National Child Labor Committee Collection  
Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA  
<http://www.loc.gov/pictures/item/ncl2004003994/PP/>



Hine, Lewis Wickes (1874-1940) (photographer). Second picking, Gildersleeve, Connecticut, #4881 (1917 August). No known restrictions on publication.

00714v

Reproduction # LC-DIG-nclc-00714 (color digital file from b&w original print) LC-USZ62-55966 (b&w film copy negative)

Call # LOT 7475, v. 3, no. 4885 [P&P]

Photographs from the records of the National Child Labor Committee (U.S.)

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

<http://www.loc.gov/pictures/item/ncl2004005029/PP/>



Hine, Lewis Wickes (1874-1940) (photographer). Three boys, one of 13 yrs., two of 14 yrs., picking shade-grown tobacco on Hackett farm, #4865 (1917 August 2). No known restrictions on publication.

The "first picking" necessitates a sitting posture.

00694v

Reproduction # LC-DIG-nclc-00694 (color digital file from b&w original print) LC-USZ62-18109 (b&w film copy negative)

Call # LOT 7475, v. 3, no. 4865 [P&P]

National Child Labor Committee Collection

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

<http://www.loc.gov/pictures/item/ncl2004004885/PP/>





Hine, Lewis Wickes (1874-1940) (photographer). Tobacco pickers on Goodrich Farm, Cromwell, Connecticut, # 4878 (1917 August 6). No known restrictions on publication.

Second picking. The tobacco plants are often much taller than the children, and the air close and humid, especially when they are working on the ground.

00707v

Reproduction # LC-DIG-nclc-00707 (color digital file from b&w original print)

Call # LOT 7475, v. 3, no. 4878 [P&P]

National Child Labor Committee Collection

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

<http://www.loc.gov/pictures/item/ncl2004005022/PP/>



Nast, Thomas (1840-1902) (artist). The old "homesteads" lesson to bread winners (1892).

2a13965u

Reproduction # LC-USZ62-135607 (b&w film copy neg.)

Call # CAI - Nast, no. 19 (D size) [P&P]

Cabinet of American illustration

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

DLC/PP-1934:0123

<http://www.loc.gov/pictures/item/2010717241/>



Yohn, Frederick Coffay (1875-1933) (artist). The church was a hard proposition, and it was some time before we made progress against it. in "The Fall of Guaimaro" by Frederick Funston, Scribner's, 48:587 (1910 November).

2a15464u

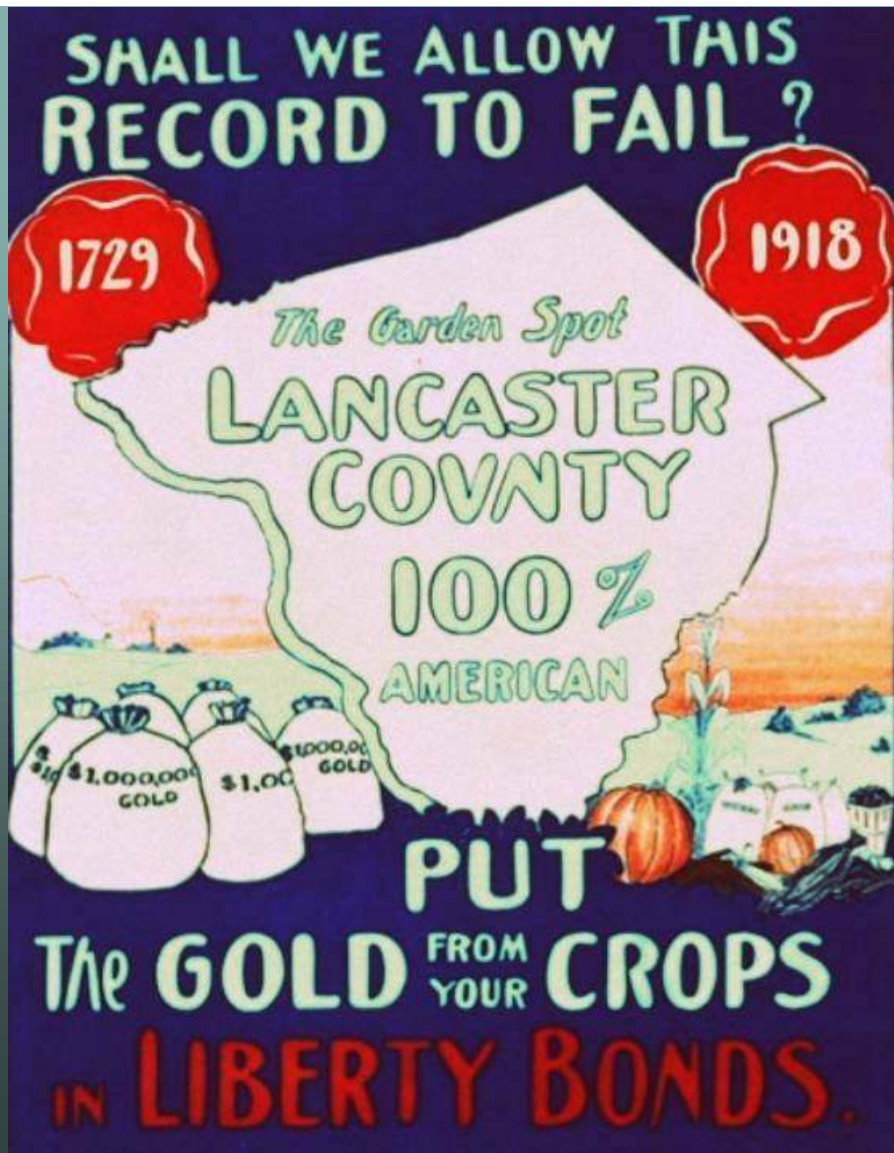
Call # CAI - Yohn, no. 42 (D size) [P&P]

Cabinet of American illustration

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

DLC/PP-1935:0006

<http://www.loc.gov/pictures/item/2010718651/>



Drepperd, C.W. (artist). Shall we allow this record to fail? Put the gold from your crops in Liberty Bonds. (1918)

Poster showing a map, "The garden spot, Lancaster County, 100% American," with fall harvests, bags of money, and dates 1729 and 1918.

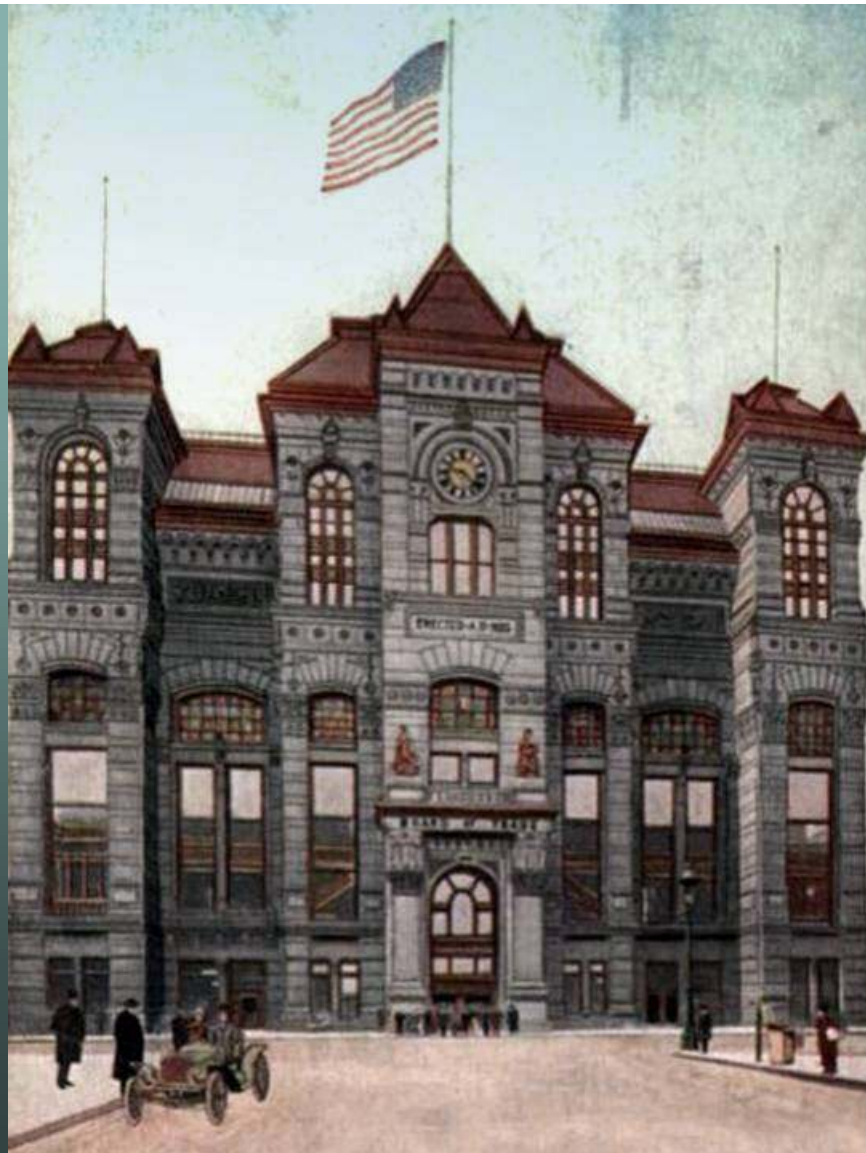
3g08054v

Reproduction # LC-USZC4-8054 (color film copy transparency)

Call # POS - WWI - US, no. 248 (C size) [P&P]

Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA

<http://www.loc.gov/pictures/item/00652901/>



Chicago Board of Trade.  
[http://www.traderpedia.it/wiki/images/6/6d/Cbt\\_918.jpg](http://www.traderpedia.it/wiki/images/6/6d/Cbt_918.jpg)



Meyer, Alvin (sculptor). Chicago Board of Trade, Chicago, Illinois.

Sculptural work by Alvin Meyer rises above the central clock of the nine-story base in the center of LaSalle street. Allegorical figures of: a hooded figure for wheat and a Indian with corn, representing the grains of the Old and the New.

<http://www.flickr.com/photos/metropol2/2662342797/>  
image CHI\_DSCN8224 (copyrighted)



Japan menaces world trade. A British World War II pamphlet warns that Japan threatens the world.

Brown, Roland Elliott. Propaganda: artifice by design. Special To The Japan Times (2013 July 8)  
<http://www.japantimes.co.jp/culture/2013/07/08/arts/propaganda-artifice-by-design/>

LONDON – The word “propaganda” derives its modern use from the name of a 17th-century Roman Catholic institution, the Sacra Congregatio de Propaganda Fide, or Sacred Congregation for the Propagation of the Faith. Established during the Thirty Years War (1618-1648), a sectarian conflict that devastated Europe following the Protestant Reformation), it housed a college that trained priests to advance Church dogma on a divided continent.

The role in contemporary quarrels of a term linked to early modern religious strife is disconcerting because it suggests that even secular politics are, in alarming measure, faith-based. Two exhibitions in London, “Propaganda: Power and Persuasion” (at the British Library from May 17 to Sept. 17) and “The Art of Influence: Asian Propaganda” (at the British Museum from May 30 to Sept. 1) probe this anxiety and, by presenting national styles of persuasion in juxtaposition, reduce antique arguments to examples in the study of a phenomenon.

The British Library exhibition cultivates a slightly paranoid atmosphere that is at odds with the cool-headed understanding of propaganda advanced by the show’s consultant David Welch, who directs the Centre for the Study of Propaganda at the University of Kent, and whose illustrated book, “Propaganda: Power and Persuasion,” accompanies the exhibition. Welch writes that “the word continues to imply something sinister,” but concludes that propaganda is “ethically neutral — it can be good or bad.” Arresting images from revolutionary Russia and China, which were aimed at politicizing illiterate masses, remind viewers that there were times and places in which leaders must have felt like prophets. The innocence of times past is, in any case, relative: Allied propaganda from the two world wars was remarkably crude and married to censorship, and it is to the faith-based deceptions of World War I that Welch attributes propaganda’s bad reputation. Much of the exhibition’s framing is American, with Uncle Sam appearing on the promotional material, and a 1949 U.S. instructional film, “propaganda techniques” screening at the entrance. Disappointingly, the Middle East — ground zero for so many incompatible narratives — gets light treatment. By contrast, Asia is well covered.