

Northwest Ohio Quarterly

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Northwest Ohio Quarterly



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—In This Issue

ANDREW J. TOWNSEND

The article on Judge Silas E. Hurin, well known to residents of Toledo and to members of the Historical Society of Northwestern Ohio, has been contributed by Dr. R. Lincoln Long, pastor of Collingwood Avenue Presbyterian Church. Dr. Long has been intimately associated with Judge Hurin for many years as his pastor.

Mrs. Mildred M. Shepherst, the capable and energetic head of the Local History department at the Toledo Public Library, has written an interesting account of the work of her department. This will be of great interest to members of the Society, not only because that department houses the library of the society, but because it carries on much activity in the field of local history.

Dr. Benjamin H. Pershing is Professor of History and Dean of Students at Wittenburg College, Springfield, Ohio. His article on "Winthrop Sargent and the American Occupation of Detroit" presents an interesting documented account of Sargent's activities while Secretary and Acting-Governor of the Northwest Territory which is at variance with the point of view of a number of recent writers. It is well worth the attention of historical students.

President's Page

Due Process of Law

“. . . nor be deprived of life, liberty, or property without due process of law; . . .”

THIS fourth clause of the Fifth Amendment of the Federal Constitution confirms the principle underlying our system of Government that it is a Government of laws and not of men. This is the distinguishing feature between our system and that now in effect in Russia and until recently in Germany and Italy.

The Ten Amendments of the Federal Constitution were adopted to place restraints only upon the National Government. But Due Process of Law being of the very essence of government under law, the same prohibition was placed in the Fourteenth Amendment of the Federal Constitution, as a limitation on the powers of the States, in these words: “. . . nor shall any State deprive any person of life, liberty, or property, without due process of law; . . .” Thus the clause in the Fourteenth Amendment prevents any State through its Constitution, its Legislature, or otherwise, from denying this protection to its citizens.

While the expression “due process of law” is a technical one, there has never been any doubt as to its meaning. It has always been considered synonymous with “the law of the land.”

One of the earliest references to this guarantee against arbitrary power is in the famous Twenty-ninth Chapter of Magna Charta, which was forced on King John by the barons on June 15, 1215. There it is said, “No free man shall be taken, imprisoned, disseised, outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him except by lawful judgment of his peers or the law of the land.”

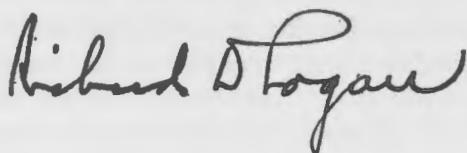
During the reign of Edward Third, the English Parliament in 1355, declared and enacted that no man of what Estate or Con-

dition that he be, should be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought to answer by Due Process of Law.

And again in the Petition of Right presented to Charles I of England in 1628, it was declared that no man, "be destroyed, or put to death contrary to the Laws and Franchise of the Land."

What is Due Process of Law? A legal proceeding must afford the guarantees contained in our Constitution as well as those contained in the English Common Law and Statutes which, by adoption, have become a part of the law of the land of this country. This Clause protects any citizen against procedure of the Judiciary, as well as against any action by the Executive or Legislative branches of the government, or any Department thereof, which may deny rights to which he is entitled under the Law of the Land.

A trial in court however may not be essential to Due Process of Law, for Due Process may be administered under duly enacted Congressional Legislation and the Procedure adopted pursuant thereto, before Commissions and other legally appointed Boards and Officers.

A handwritten signature in cursive script, reading "Richard Stogard". The signature is written in dark ink and is centered on the page.



JESSE R. LONG
Editor

Forest Established for World War II Shrine

Contributions from approximately 50,000 members of the Ohio Federation of Women's Clubs have made possible the building of a shrine honoring the dead of World War II in the Memorial Forest near Loudonville in Ashland County.

Ohioans are being asked to make additional gifts for development of the 3,500 acre tract and toward the native stone building which will shelter two huge books, one containing the names of all Ohio casualties and the other of individuals and organizations contributing to the memorial.

Dedication of trees planted in honor of the men and women who lost their lives is scheduled for the coming fall.

The Memorial Forest is near the intersection of State Routes 3 and 97.

Fort Meigs Park Addition Dedicated

Governor Frank J. Lausche was the principal speaker at dedication ceremonies May 16 for a 101½ acre addition to the state park at the historic Maumee River site of Fort Meigs.

Afterwards at a dinner in the Perrysburg First Methodist Church, the Governor told an audience of 240 persons that there is a sacredness to the Maumee Valley "when we understand the sacrifices made on battlefields such as Forts Meigs and Fallen Timbers, but these sacrifices mean nothing unless we can draw from them a lesson which will make us more vigilant and patriotic to our state and nation."

Participants included Ralph W. Peters, Defiance, chairman of the Fort Meigs Memorial Commission; Grove Patterson, editor-in-chief of *The Toledo Blade*; Richard Thornton, Perrysburg mayor; Arthur C. Johnson, president of the Ohio State Archaeological and Historical Society; and Erwin C. Zepp, vice-director of the state society.

The Fort Meigs site now totals 55 acres. Plans for its improvement are under the sponsorship of the Ohio State Archaeological and Historical Society, the Fort Meigs Memorial Commission, and the Maumee River Scenic and Historical Highway Association.

One of the projects now being considered is the erection of a memorial for Major Amos Stoddard, highest ranking officer to lose his life at the fort in 1813 and who is buried there.

Historical Displays at Toledo Public Library

An exhibition of old maps, documents, and other materials from the Local History department of the Toledo Public Library is on display in the main court until the middle of July.

Letters, documents, and other materials belonging to members of Fort Industry chapter of the Daughters of the American Revolution are on display on the second floor until July 10, to be followed by an exhibit of antique glass until September 1.

Mrs. Mildred Shepherst is in charge of the Local History department. See an article by her on the work of that department on page 108 of this issue of the *Quarterly*.

History Honorary Initiates Five

Alpha Kappa chapter of Phi Alpha Theta, national honorary history fraternity have initiated five new members at the University of Toledo. They are Florence M. Bradley, Alice Huebner, Lloyd B. Lapp, Harold Lieberman, and Dr. F. James Schrag. The ceremony on May 17 was preceded by a social hour at the home of Dr. Andrew J. Townsend, adviser.

Officers for the group for the coming year are Rhoda H. Harris, president; Dr. Gardner Williams, vice-president; Lois Martin, historian; and Herbert Schering, secretary.

Mrs. Bradley, one of the new members, is the widow of Dr. Glenn D. Bradley, Professor of History at the University of Toledo. He came to the University in 1916, was an active member of the Historical Society of Northwestern Ohio, and at the time of his death in 1930 he was editor of the *Quarterly Bulletin* of the society, predecessor of the NORTHWESTERN OHIO QUARTERLY. Mrs. Bradley has taken an M.A. degree in history at the University of Toledo and further graduate work in history at the University of Michigan.

Another initiate, Mr. Lieberman, is a returned veteran, a student at the University who was recently awarded the Raoul Floripe award, given to an outstanding student of the junior class.

Toledo Organizations Honor Retiring Professor

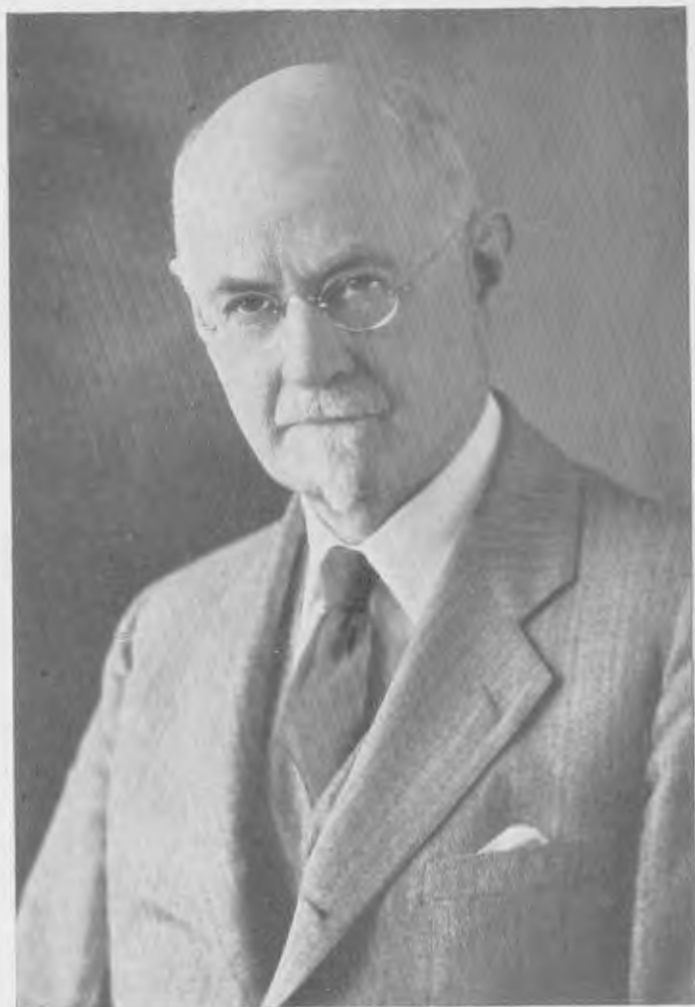
Miss Alemda May Janney, Professor of History at the University of Toledo, was honored at Commencement exercises June 8 at the completion of 24 years of teaching at the institution. Miss Janney was made professor emeritus.

Alpha Kappa chapter of Phi Alpha Theta, national honorary history fraternity, presented Miss Janney with a jeweled badge at a dinner meeting on May 17, and she was honored by the Toledo chapter of the American Association of University Professors at a dinner on May 24 with an appropriate gift.

Members of Chi Omega fraternity, of which she has been adviser for 23 years, are establishing a fund in her name with which they will equip and maintain a faculty women's lounge. The announcement was made at a dinner of actives and alumnae on June 12 at the Toledo Woman's Club.

Miss Janney attended State Normal College, Ypsilanti, Michigan, the University of Michigan, the University of Chicago, and Teachers College, Columbia University. Before coming to Toledo she taught at State Teachers College, Mankato, Minnesota, State Teachers College, Warrensburg, Missouri, and State Normal, Lock Haven, Pennsylvania.

She is a past president of the Toledo League of Women Voters and has been active in various historical and archaeological or-



Judge Silas E. Hurin
1859 to 1946

ganizations—including the Historical Society of Northwestern Ohio—and the American Association of University Women.

History Staff Enlarged at Bowling Green

Dr. Grover Cleveland Platt will join the Bowling Green State University history faculty in September. A native of Texas, Dr. Platt will teach European history. He and Mrs. Platt, both of whom received their doctorates at the University of Iowa, have been on the faculty at Western College in Oxford, Ohio.

Other new members of the department are Dr. Walter S. Sanderlin, whose degrees are from American University and the University of Maryland, and I. William Miller, Bowling Green graduate, who is also director of the Bureau of Alumni Relations.

History courses dealing with Canada, Oriental civilizations, Africa and the Near East, Modern Russia and the United States, and the United Nations have been added to the curriculum.

Other Personal Notes

A host of friends in the Toledo community were saddened by the news of the death of Judge Silas E. Hurin, former president of the Historical Society of Northwestern Ohio and editor of its *Quarterly Bulletin*. See the article about Judge Hurin on page 106 of this issue.

J. Arthur MacLean, retiring curator of the Toledo Art Museum and member of the board of trustees of the Ohio State Archaeological and Historical Society, has been appointed Lecturer in Oriental Studies at the University of Toledo. He will teach day and evening sections next year on Social and Cultural Backgrounds of India, to be followed by similar courses in succeeding years no other areas of oriental culture.

Silas E. Hurin

R. LINCOLN LONG

SILAS E. HURIN, president of the Historical Society of Northwestern Ohio and editor of its *Quarterly Bulletin* from 1937 to 1942, died at the age of 87 following a heart attack at noon June 5 in Toledo Hospital.

Judge Hurin was a native of Hamilton County, Ohio, and a graduate of Princeton University in 1882. Up to within a few years of his death he was very regular in attendance at class reunions, and he and Mrs. Hurin attended the Williamstown conferences for many years.

He began his career teaching near Cincinnati, but entered law school in 1885. He practiced law in Hancock County for twenty years and served on the Circuit bench for six years, having been elected in 1904. In 1910 and 1912 he was a candidate before the Republican State Convention for nomination as an Ohio Supreme Court Justice. He came to Toledo in 1915, and until very recently practiced law in the Nicholas Building, one of Toledo's famous office buildings and old landmarks.

His wife, Mary Locke Hurin, died April 21, 1945. She was a cousin of the late Robinson Locke and at one time a regular contributor to the *Toledo Blade*. She began her journalistic career as club editor and developed into one of the most popular and best informed current events lecturers in Northwestern Ohio. Together with her husband, she contributed greatly to education of the community in civic affairs, and both took a great interest in foreign relations. Judge Hurin was a strong advocate of American entry into the World Court. Judge and Mrs. Hurin were constant collaborators in study and writing.

Upon the death of W. J. Sherman, president of the Historical Society of Northwestern Ohio, in 1937, Judge Hurin succeeded him as president and editor of the *Quarterly Bulletin*.

Judge Hurin was most conscientious in all of his practice and frequently forfeited career advantage for principle. Of him it could readily be said that he had "zest and joy in sincerity."

He was an active member of Presbyterian churches in Cincinnati, Findlay, and of the Collingwood Avenue Presbyterian Church in Toledo. As a Trustee of Toledo Presbytery (involving more than forty churches), a trustee, deacon, Bible class teacher, and elder in three local churches, he served most faithfully. Recently he referred to his vow taken when ordained as an elder more than fifty years ago, to which he held steadfastly.

Some time before his death he spoke with great satisfaction of his enjoyment of the work in the Historical Society and discussed the *Quarterly* with clear and eager memory. He showed special concern to his pastor regarding the "present national trends" as compared to early American historic fundamentals. William Tyler Page's "American Creed" was certainly substantially his conviction.

From the time of his high school valedictory address to the close of his career Judge Hurin could truly be called Mr. "Valiant-for-truth." "After this it was noised abroad that Mr. Valiant-for-truth was taken with a summons by the same post as the other, and had this for a token that the summons was true, 'That his pitcher was broken at the fountain.' Eccl. 12:6. When he understood it, he called for his friends, and told them of it. Then said he, I am going to my Father's; and though with great difficulty I have got hither, yet now I do not repent me all of the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me that I have fought His battles who will now be my rewarder. When the day that he must go hence was come, many accompanied him to the riverside, into which as he went, he said, 'Death, where is thy sting?' And as he went down deeper, he said, 'Grave, where is thy victory?' 1 Cor. 15:55. So he passed over, and all the trumpets sounded for him on the other side."¹

¹ John Bunyan, *The Pilgrim's Progress* . . . (Philadelphia: Porter and Coates, n.d.), pp. 471, 472.

Local History and Genealogy in the Toledo Public Library

MILDRED M. SHEPHERST

THE people of Toledo have always been proud of the part that the Maumee Valley has played in our country's history and have been interested in marking historic sites and collecting information about events of the past. The Toledo Public Library, too, has felt a responsibility and has for many years purchased histories, maps, and manuscripts, and encouraged gifts of historical material. In this way begin the collection now housed in the Local History and Genealogy Room. The room contains three distinct collections: the reference works on Ohio, Toledo, and the Maumee Valley; the library of the Historical Society of Northwestern Ohio; and the genealogy collection.

The rigors of pioneer life were not conducive to prolific writing, but the few who did find time kept detailed accounts and so have left to us something of the atmosphere of those early days. Thaddeus M. Harris made an excursion into the territory northwest of the Ohio in 1803 and in his *Journal* gives a careful account of all the towns that he visited and the strange people that he saw. Christopher Gist was sent by the Ohio Company of Virginia to make a survey of conditions in the Northwest Territory, and as a part of his commission he made a report on his findings. *The History of the Backwoods, or, The Region of Ohio*, by A. W. Patterson, tells of early life in this unknown country. These records, and others similar to them, are aids to the serious students of early Ohio history. County histories, reports on various sections of the state, and several comprehensive Ohio histories, trace the development of Ohio through the years.

The file of Toledo City Directories includes the first issue, 1858, when the population of the city was about 12,000. The great lament of the editors was the lack of house numbers. "We have approached as near precision as circumstances would admit, and for want of numbers to designate places of business and

abode, have given blocks, leaving the enquirer to complete the search for himself." The slender volume of 294 pages includes a history of the Maumee Valley and a description of the new High School building "on the upland, beyond the Canal on Adams Street, one of the most sightly and central locations in the city." Now, nearly a century later, the new main library building occupies that site.

In the collection of about 100 maps that show the progress of this area from a "backwoods" to a thriving community, are several maps of forgotten villages of the Maumee Valley. These towns sprang up when plans to connect the Ohio River and Lake Erie by a canal gave promise of great business activity. The original plats of these villages show the fond hopes of their proprietors. Today the names Port Lawrence, Vistula, Manhattan, Orleans, Oregon, Yondota, Marengo, and Miami are only memories. Port Lawrence and Vistula united to form Toledo, some died an early death, and the limits of Toledo have extended to include the others. An interesting feature of Hough's map of Ohio, published in 1814, is the designation of the 'Black Swamp, that boggy area which made travel in this section so difficult in the early days. Maps of Ohio during the 1830's show two northern boundaries: the Harris Line, claimed by Ohio, and the Fulton Line, some eight miles to the south, claimed by Michigan. The Library also has copies of the official maps showing the final survey for the boundary that confirmed the Harris Line, giving Toledo to Ohio and ending the "Toledo War."

Since the Maumee Valley was the scene of great activity during the War of 1812, a special effort has been made to acquire documents of this period. The most valuable item in the manuscript collection is the Orderly Book kept by Capt. Daniel Cushing at Fort Meigs in 1813. Two muster rolls of soldiers who served at Fort Meigs were purchased recently.

The Clark Waggoner scrap books and letters are important sources of political data. Mrs. Waggoner, who was at one time editor of the *Toledo Blade*, kept copies of all his correspondence with state and federal officials and members of his family. These

letter-press copies are bound in 11 volumes. The scrap books, thirty of them, show the infinite care and diligence essential to the work of an editor and author. They cover the years 1880 to 1899 and include thousands of clippings from papers all over the country. Mr. Waggoner was recognized as an able scholar with strong opinions on various subjects. The clippings reflect his views on political and social questions and include also much material of local historical value.

Toledo history is being made each day and some way must be provided to gather facts and record events as they slip from the present into the past. Clippings from the two local papers keep the city's history up to date and supplement the information in books. Clipping the papers is an important part of each day's routine. Items relating to new buildings, industries, changes in municipal affairs, biographical information and other accounts of local interest are marked and clipped. Articles of permanent value, history in the making, are pasted into loose-leaf scrap books. The scrap books now number 70 of Toledo history and 40 of Toledo Biography.

The newspapers also furnish information on local clubs and civic groups and lists of their officers. The file of these organizations now has about 1200 entries.

An alphabetical index to all of the death notices that have appeared in the *Toledo Blade* from 1837 to date is useful not only because it gives the date of death but it serves also as an aid in genealogical research. The index was begun as a WPA project and is now continued by the library staff.

To record Toledo's part in World War II, all of the notices of induction, changes in rank, acts of heroism, and awards, were clipped from the newspapers, pasted onto cards and arranged in one alphabetical file. Separate lists were made noting casualties and those missing in action. Now that the war is over the word "Discharged" has been stamped on many of the cards. The Gold Star Mothers made extensive use of this file in compiling a list of those who had died in the service, and other organizations, such as the American Legion, church groups, and the Chamber

Local History and Genealogy in Toledo Library

of Commerce, as well as many individuals, consult it frequently. In years to come, these records will, we feel sure, be of interest and value to the descendants of the men and women of this community who served in the war.

Due to the foresight of an early editor who deposited copies of his paper in the Library, the file of the *Toledo Blade* is almost complete from 1837 to date. Microfilm copies have been made as a precautionary measure and also to save wear on the bound volumes.

A number of years ago by arrangement with the Public Library Board of Trustees, the library of the Historical Society of Northwestern Ohio was deposited in the Toledo Public Library. It is kept as a separate unit but is housed in the Local History Room and used by the public for research. The library includes state and county histories, publications of other historical societies, biographies, accounts of early explorations and other books relating to American history. Especially noteworthy is the 32 volume set of *Early Western Travels*, edited by Reuben Thwaites. This work makes available reprints of contemporary accounts of travel in the middle and far west during the years 1748 to 1846.

Among the interesting manuscripts belonging to the Society is a deed of gift of land near Detroit from the Ottawa Indians to John Dodemead dated May 22, 1795. It is signed with the picturesque symbols of several Indian chiefs. Another important item in this collection is the large portrait of Peter Navarre painted by William H. Machen. Visitors to the Library are always interested in the picture of the venerable scout who served under William Henry Harrison in the War of 1812. His name is familiar to many since a park, a street, and a school are named for him.

Much credit for the extent of the holdings of the Society is due to the efforts of Mr. Walter Sherman. He gave generously, and his enthusiasm inspired others to contribute to the library. After his death a large part of his personal library was presented to the Society by Mrs. Sherman.

A specialized service in the field of genealogy was made possible when the building of a new main library provided more adequate quarters for research. The books which formed the nucleus of the collection included such standard sets as the New England Historical and Genealogical Register, the New York Genealogical and Biographical Record, the Lineage books of the Daughters of the American Revolution, the Pennsylvania Archives, and several hundred volumes of Revolutionary War Records, family histories, books on heraldry, and the origin of names. By grants from the Libbey Book Fund and through generous gifts from groups and individuals, the collection has been increased to 3,500 volumes.

Of especial value is the set of Massachusetts Vital Records in which are given the birth, marriage, and death records of nearly 200 towns. County histories of New York and Pennsylvania, and many New England town histories have been added. Files of the *Virginia Magazine of History and Biography*, *Tyler's Quarterly Historical and Genealogical Magazines*, and the *William and Mary Quarterly* provide much of interest to those whose ancestors came from Virginia.

Various motives prompt the pursuit of family history. The great interest in hereditary patriotic societies brings many persons to the Library to supplement with facts the meagre information handed down from generation to generation. The tradition that great, great-grandfather Jones fought in the Revolution may take many weeks and a great amount of research to prove. To others genealogy is a fascinating hobby that leads into all sorts of by-paths of history. The increased use of the genealogy collection by the people of northwestern Ohio indicates the desirability of enlarging the facilities for research.

Interest in genealogy was stimulated by the organization of the Association of Historical and Ancestral Societies, a group made up of patriotic and historical societies. The purpose of the Association is to collect books and manuscripts relating to the history of this area and to assist in enlarging the genealogy collection of the Public Library.

Local History and Genealogy in Toledo Library

A historical library is dependent for much of its success on the cooperation of its patrons in helping to locate and collect early documents, maps, pictures, manuscripts, and genealogies. The Local History and Genealogy Room has been fortunate in having friends who have been interested in preserving our history. We hope that in the future people will consider the Library a safe and logical depository for records of the history of the Maumee Valley.

Winthrop Sargent and the American Occupation of Detroit

BENJAMIN H. PERSHING

ON JUNE 22, 1795, the United States Senate ratified the treaty with Great Britain that John Jay had negotiated the previous year. Among the vexing problems that this veteran diplomat had been instructed to solve none was settled with more satisfaction to Americans than that relating to the posts along the Canadian border which the British had continued to occupy in violation of the treaty of 1783. The British now promised to withdraw all troops before June 1, 1796¹. The military arrangements for the transfer of the posts in what is now the state of Michigan naturally fell to General Anthony Wayne, then in command of the American troops in the Old Northwest. The inauguration of civil government took place under the direction of Winthrop Sargent, then Acting Governor of the Old Northwest, a responsibility which devolved by law on him as Secretary at such times as the Governor, Arthur St. Clair, was absent from the Territory. It is with the latter that this paper is concerned.

Few events in connection with the history of the Old Northwest have been more grossly misinterpreted than the course of Sargent on this occasion. Writers of the present day continue to repeat errors that in justice to Sargent and out of fidelity to historical truth need to be corrected. A few of these misconceptions only need be cited to show the general nature of the errors. One writer has written, "On August 13 he [Wayne] reached Detroit, to find that before his coming and without orders from Congress, the Secretary of the Northwest Territory, Winthrop Sargent, had visited Detroit and erected the county of Wayne.² Availing himself of the absence from the Territory of Gov. St. Clair Sargent as Acting Governor, had started for the north and on August 15 had drawn the boundaries of Wayne County."² The historian of Detroit has repeated this error.

"Gen. St. Clair, Governor of the Territory, did not arrive until September 5, but Winthrop Sargent arrived earlier on the scene, and on August 15, without any authority at all, he organized the County of Wayne, in honor of General Wayne."³ A recent widely-publicized biography of Wayne makes no mention of Sargent, but bestows the credit for the erection of Wayne County on St. Clair.⁴ Another current biography of Wayne states that Sargent was in Detroit previous to the arrival of Wayne and continues, "In August, without orders from Congress, Sargent, always generous and charming, had taken it upon himself to go to Detroit and to draw up the boundaries of a great territory which in the name of the government he had christened Wayne County."⁵ While presenting some of the evidence favorable to Sargent, the recent biographer of St. Clair yet suggests improper action on the part of Sargent when he concludes that "Sargent had taken it upon himself to perform the Governor's part."⁶ Reference to other writers may be found in the notes. The general trend of all is to suggest that Sargent acted in haste and without authority and thus provoked implications that might have led to unfortunate consequences.

A more candid and impartial examination of the evidence, however, places Sargent in a more favorable light. That tension existed between St. Clair and Wayne appears clear.⁷ This was not shared by Sargent, who was on more friendly terms with the General. On December 4, 1794, Sargent, who was then in Cincinnati, wrote to Wayne at Greenville a confidential letter giving some information concerning personal enemies of the General who were not rejoicing over the victory at Fallen Timbers.⁸ Later Wayne invited Sargent to be present at the treaty council about to convene in Greenville. To this invitation Sargent replied on March 18, 1795, expressing his inability to attend. His only reason for attendance would be to pay his respects to the General in person. The lack of his horses for transportation would make this impossible.⁹ According to the report then current in the west, St. Clair was sick at his home in Ligonier, Pennsylvania, and hence out of the Territory. This

placed on Sargent the responsibility for serving as Acting Governor.

The next spring as Wayne prepared to march to Detroit he solicited the presence of the Secretary. His reasons for doing so were stated in a letter to the Secretary of War, James McHenry, on July 22, 1796. He then wrote:¹⁰

From the recommendations of the President of the U. S. to Congress, to make a certain Appropriation for the purpose of extending Civil Government to Detroit & its Dependencies as well as from a conviction of the expediency & propriety of the measure, at this Crisis, I have presumed to advise & invite the Secretary of the Territory North West of the Ohio (in the Absence of the Governor) to accompany me to Detroit, with offers of accomodation for himself & the necessary means of transport for the Records & expect his arrival accordingly in the course of a day or two.

Sargent accepted the invitation and prepared to journey north. Despite the fact that the relations of the Governor and General were no too harmonious it is a valid inference that the invitation would have been given to St. Clair had he been in the Territory. Whether he would have accepted is another question.

Whether or not his duty as Acting Governor would require him to go to Detroit had been considered by Sargent in June in two letters addressed to Secretary of State Timothy Pickering.¹¹ Since he does not mention the invitation of Wayne the conclusion is that it had not yet been received. He did refer to the message of President Washington to Congress on May 25. His main anxiety is the added expense that he would incur. Could he be assured of reimbursement? "Ought I to consider the immediate Operation of Civil Authority at Detroit and the other posts of so much Importance as to follow the military as early as possible after their possession; and might I in such a case reasonably calculate upon every Facility from Government?" The official reply from Pickering was not made until August 13. No assurance of reimbursement could be given. Previously in a private letter of August 11 Pickering discussed the matter in a manner which was so noncommittal as to lead him to acknowledge that he could be of little help to Sargent, who was then already on his way. A portion of his letter may be quoted.

It will not be proper for me to advise you in what manner you should execute your office, with the duties of which you are better acquainted than I can be. At the same time it seems obvious, that by the authority of the United States, exercised by the proper organs, provision should promptly be made to extend to our new fellow citizens the protection and benefit of the Territory of which they are inhabitants. The operation of the municipal laws will doubtless be indispensable in those new districts. Until such provision shall be made, how will crimes be prevented or punished, or injury redressed?

Since this was written after Sargent had gone to Detroit it could not be used in his explanation. Had it been on hand, there is little doubt as to what he would have read between the lines.

The British evacuated Fort Lernault at Detroit on July 11. Possession was at once taken by a small detachment of Americans under Captain Moses Porter. Two days later Colonel J. F. Ham-tranck arrived and assumed command. Not until August 13 did Wayne and Sargent reach the place. On August 15 Sargent erected Wayne County. While at Detroit the most friendly relations existed between Wayne and Sargent. The Secretary took pains to extend every possible courtesy to the General. Wayne remained at Detroit until November 17. He then started his return to the east but died at Erie, Pennsylvania, on December 15, 1796.

The boundaries of the new county were most extensive and included parts of what are now the states of Ohio, Indiana, Illinois, Wisconsin, in addition to the present state of Michigan. The proclamation read as follows.¹³

To all persons to whom these Presents shall come—Greeting. Whereas by an Ordinance of Congress of the thirteenth day of July, one thousand seven hundred and Eighty seven for the Settlement of the Territory of the United States Northwest of the River Ohio, it is directed *that* for the due Execution of Process civil and criminal, the Governours shall make proper Divisions of the said Territory and proceed from time to time as circumstances may require to lay out the same into Counties and Townships—and *whereas* it appearing to me that a new County should immediately be erected to include the settlements at Detroit etc I do hereby ordain and order that all and singular the Lands lying and being within the following boundaries viz—beginning

At the mouth of the Cayahoga river upon Lake Erie, and with the said river to the portage between it and the Tuscarawa branch of the Muskingum thence down the said branch to the Forks at the carrying place above Fort Lawrence—thence by a West Line to the eastern Boundary of Hamilton County (which is a due North line from the lower Shawonese Town upon the Sciota River) thence by a line west northerly to the southern part of the portage between the miamis of the Ohio and the St Mary's river—thence by a line west northerly to the Southwestern part of the portage between the Wabash and the Miamis of Lake Erie, *where* Fort Wayne now stands—thence by a line westnortherly to the most southern part of Lake Michigan—thence along the western shore of the same to the Northwest part thereof (including the Lands upon the streams emptying into the said Lake) thence by a due north Line to the territorial Boundary in Lake Superior and, with the said Boundary through Lakes Huron, St. Clair, and Erie to the mouth of the Cayahoga river, the place of Beginning—Shall be a County, named, and henceforth to be styled the County of Wayne—which said county shall have and enjoy all and singular the Jurisdiction, rights, Liberties, Privileges and Immunities whatsoever to a County appertaining and which any other county that now is, or hereafter may be erected and laid out shall or ought to enjoy conformably to the ordinance of Congress before mentioned.

Sargent named the various officials, instituted courts, and took steps to adjust the land claims that were in as great confusion as he had found them at Kaskaskia and Vincennes in 1790.¹⁴

With his characteristic energy, which led him to shrink from no hazardous journey that he felt duty demanded, Sargent then proceeded north to Michilimackinac. American troops were already in possession of this post. Sargent especially felt it advisable to meet with the numerous Indians assembled here. He believed that it would be helpful to inform them as to their new masters. His Indian policy that insisted that justice and humanity should control the whites in all relations with the Indians who, in turn, must be peaceful and lawabiding is reflected in his address. In part, he spoke as follows.¹⁵

I am now from a long Journey and before I have rested from the Fatigues of the same I must begin another upon the business of the fifteen great Fires—so that I have but little time to talk to you. . . .

Major Burbeck he is sent to this Post—A good Warrior, whose Duty and will is to prevent harm or Mischief of any kind being done by the White People to His Red Children; and also to prevent Injuries of any kind being offered to the Whites—

There is a certain Liquor you call Milk. which when taken in small Quantities may not be bad, but in Excess makes Fools, and very Bad Men of the Red and White People—We will not however admit this as an Excuse for any Mischief which the White People, may when drunk commit upon you—your Canoes, your Fishing Tackle, your Cornfields, your Horses, Cattle or other property or to the Persons of Yourselves, Wives or Children—

Major Burbeck with Mr. Adamhar and Mr. Young whom I have especially appointed for the purpose and given them Commissions accordingly under the great Seal of the Territory, will upon Complaints made to them always see Justice done to you; And at the same time it is their special Duty to see Justice done to the White People; And if any of your foolish Young Men shall commit upon them any injuries whatsoever, they must and will be forced to make reparations.

Take my Caution my Children and Observe it, And let me recommend to you to go home when we now part and attend to your Cornfields and Your Hunting—This is particularly desired by your Fathers, because they know it will make you happy.

While Sargent at Detroit was performing these official acts St. Clair had recovered from his illness and prepared to return to his government. When he reached Pittsburgh he was informed by Captain Pierce of the movements of Sargent. The next day (August 15) he wrote Sargent as follows:¹⁶

Yesterday I met with Captain Pierce, from Fort Washington, and by him I learned that you were gone to Detroit. Should the object of that journey be of a public nature, I wish that it had not been undertaken, for tomorrow I shall be in the Territory, and then the powers of the Governor, which devolve upon the Secretary in his absence, will cease as to you, yet it may happen that both you and me are discharging the duties of that office at the same time, and, of course, the acts of one must be void. I think it unfortunate further, as no orders had been received, at least by me, to extend the civil authority to that quarter.

At the time of writing this letter St. Clair planned to go to the

Illinois country and take in Detroit on his way back. He would bring with him the seal of the Territory which would be needed at Detroit. St. Clair assumed this had been left at Cincinnati.

When he reached Cincinnati St. Clair addressed another letter to Sargent on August 28.¹⁷ The information he had now received would force him to cancel the projected Illinois visit. He would come at once to Detroit to meet with Sargent and validate the acts of the Secretary. His failure to find the seal at Cincinnati had forced him to resort to doubtful expedients to give a show of legality to his acts. Before he finished his letter he learned that Sargent had gone to Michilimackinac. The governor could not tarry at Detroit (should he go there) and yet be at Pittsburgh on October 24 for the land sales to be held there. Hence he would leave in ten days and ascend the Ohio. The Secretary of the Treasury had requested the presence of either the Governor or the Secretary at these sales.¹⁸ These developments kept St. Clair from visiting Detroit in 1796.

To these letters Sargent replied on September 20.¹⁹ This letter contains his defense of his acts, the subject in which we are now interested. He felt the letters "intended as very severe reprimand." His previous record should have saved him from "the implications of censure from your Excellency." Then he summed up his reasons for the Detroit journey and his acts while there.

I believed the Ordinance of Congress for our Government—the President's Message to the Senate and House of Representatives, and the pressing necessities of the people as represented to me by the Commander of the Army with his urgent application in print, all combined to make it indispensably incumbent upon me.

He had believed that the law constituted the Secretary the keeper of the seal and of the records. There had been no intention to "contravene Your Excellency's purposes." He had been hurt by the tone of the Governor's messages. "In all my public and private relations towards you, Sir, I have the pleasing consciousness of conducting myself in honour, delicacy, and ingenuously—therefore, not to have merited the shadow of cen-

sure." Sargent called attention to the desirability of Congress taking action to prevent the embarrassments that St. Clair charged would arise from both of them performing the acts of the Executive at the same time. He had been the victim of unmerited and vicious attacks on this account at a previous time.²⁰

Did the habitual impetuosity and quick temper of Sargent lead him to misconstrue the intent of St. Clair? A glimpse of the mind of the Governor may be secured from his letter to James Ross on September 6.²¹ After referring to the work of Sargent at Detroit he continued: "That circumstance gives me satisfaction, though I am displeased at all the proceedings generally, for it was not my intention to have moved in the business until I had received the directions of the President, which I had reasons to expect; and two Governors at one and the same time in the same country (and perhaps counteracting each other) must impress the new subjects unfavorably, with respect to the government they have fallen under." That he did not intend a reprimand is clear from his letter to Sargent on December 1.²²

Little is known of the reaction in Philadelphia to the Detroit affair. One glimpse comes from a source that is not beyond question, as the writer, Samuel Hodgdon, was a business associate of Sargent and no friend of the Governor. Writing on August 8, he reported a conversation with Pickering in which the head of the cabinet was reported as saying that "the thing had been timely thought of and proposed."²³

It is now in order to analyze the defense offered by Sargent. As noted, he defended his courses on three grounds: the appeal of General Wayne, the Ordinance of 1787, and the message of the President to Congress.

The invitation of Wayne has been considered. It clearly shows that Sargent was invited to Detroit by the highest military authority in the west, who believed his presence was indispensable.

The Ordinance of 1787 was intended to apply to all parts of the Territory. There was nothing to indicate that military law should prevail in any section unless a state of insubordination

and invasion rendered this unavoidable. Here was a part of the Territory that otherwise would have been under the control of the army. Military rule as Sargent well knew was harsh and arbitrary. What course should he pursue? The absences of St. Clair had frequently been prolonged. Sargent did not know when he would return. It appeared to him, therefore, to be his duty to go to Detroit and set up civil government there at once so that the inhabitants might enjoy the privileges and blessings of American institutions. Such was his interpretation of his duty, and he acted without hesitation.

On May 25, 1796, President Washington sent this recommendation to Congress.²⁴

The measures now in operation for taking possession of the posts of Detroit and Michilimackinac render it proper that provision should be made for extending to these places and any others alike circumstanced the civil authority of the Northwestern Territory. To do this will require an expense to defray which the ordinary salaries of the governor and secretary of that Territory appear to be incompetent.

The forming of a new county, or new counties, and the appointment of the various officers, which the just exercise of government must require, will oblige the governor and secretary to visit these places, and to spend considerable time in making the arrangements necessary for introducing and establishing the government of the United States. Congress will consider what provision will in this case be proper.

Congress took no action on this recommendation, as the letter of Pickering of August discloses.

This message is open to the interpretation that St. Clair placed upon it. Yet a careful reading will show that such a man as Sargent in the situation in which he found himself could also find sanction for doing what he did. The request of the President for an appropriation was an indication that civil government should be set up. Normally this would be done by the Governor of the Territory or in his absence by the Acting Governor. One might conclude, as St. Clair did, that the territorial executive should await explicit orders from the President. Or he

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might decide, as did Sargent, that the exigencies of the situation demanded the establishment of civil government as soon as the posts were in the possession of the Americans. Especially would this be the case when the posts were in an area already covered by the Ordinance of 1787 and hence within the normal jurisdiction of the territorial officials. As Acting Governor in the absence of St. Clair Sargent accepted this latter interpretation and considered this obligation as devolving upon himself.

It is possible to contend that Wayne had no authority to extend the invitation to Sargent and have civil government set up at once. Even so, it was sent to Sargent by one whose authority he was not disposed to question. If there was no authority for extending the invitation the responsibility rested with Wayne and not with Sargent. The General and not the Acting Governor should be held responsible for usurpation of power. Whatever may be the conclusion on this point, the evidence substantiates the position that Sargent went as one whose presence had been solicited, not as one who unbidden rushed in to gratify his pride and vanity even at the risk of usurpation of authority.

There is evidence that Sargent was reluctant to make the journey and would have been happy had St. Clair been in the Territory. This is contained in a letter of his to Secretary of State on August 9, 1796, written while he was on his way to Detroit.²⁵ "I am really sorry that the Governor was not in the Territory to perform the Duties essential at and about Detroit." The burden of proof rests with those who would question the sincerity of this statement. When the Secretary thought of the hazards of the journey and the additional expense with the uncertainty of reimbursement he would have rejoiced to have been spared the task on which he had embarked.

Thus the evidence does indicate that Sargent has not deserved the adverse criticism that has been heaped upon him. It does not nullify the fact that an undesirable situation was created by the arrival of St. Clair in the Territory while the Secretary as Acting Governor was at Detroit performing such important acts. This, however, was due to the difficulties of communications

and transportation in that day. For the existence of these Sargent must not be held responsible. Whatever he did was done out of a conscientious conviction that it was his duty as he saw it and as others of high rank in the Territory at the same time also conceived it. Undoubtedly the willing disposition of Sargent to act energetically and promptly as Acting Governor did strengthen the charges hurled against him. He was, also, very anxious to appear zealous and capable, as he hoped that a manifestation of his abilities might gain promotion for him. Whether under existing circumstances the presences of the Governor in one part of the Territory while the Secretary functioned as Acting Governor in another part would invalidate the acts of the latter is a legal question that was never determined by the courts. In the summer of 1790 Sargent so acted at Vincennes while St. Clair was in Cincinnati assisting general Harmer in preparation for the Indian campaign of that year. The fact that St. Clair had directed Sargent so to act would not be a differentiating factor of sufficient weight. Had the Governor in 1796 given proper consideration to his acts in 1790 he would have spared himself much anxiety and Sargent undeserved attacks which have impugned his motives.

NOTES

1. William M. Malloy, ed., *Treaties, Conventions, International Acts, Protocols, and Agreements between the United States and Other Powers, 1776-1909*. (Washington, 1910), 590-606.
2. Charles Moore, *The Northwest under Three Flags* (New York, 1900), 377.
3. G. B. Catlin, *The Story of Detroit* (Detroit, 1925), 101.
4. Thomas Boyd, *Mad Anthony Wayne* (New York, 1929), 332.
5. John H. Preston, *A Gentleman Rebel* (New York, 1930), 338.
6. Frazer E. Wilson, *Arthur St. Clair* (Richmond, Va., 1944), 146-150. Henry M. Utley and B. M. McCutcheon, *Michigan as a Province, Territory, and State* (Detroit, 1905), II, 129 repeats the traditional account. Arthur Pound is in error in saying St. Clair visited Detroit after the American occupation, *Detroit, Dynamic City* (New York, 1940), 121.
7. Frazer E. Wilson, *Arthur St. Clair*, 147.
8. Wayne Mss (Penna, Hist. Soc.), XXXVIII, 87.
9. *Ibid.*, XXXIX, 112.
10. *Ibid.*, XLV, 23.
11. Clarence E. Carter, ed., *The Territorial Papers, Northwest Territory* (Washington, 1934), II, 558-560. Referred to hereafter as *Territorial Papers*. While the first letter bears the date of June 9, internal evidence leads Carter to conclude that this is a mistake, since knowledge of the President's Message of

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- May 25 would scarcely have been known in the west by June 9. He suggests June 29 or July 9 as the date of the first. The second letter was written on June 29.
12. *Ibid.*, II, 565, 566.
 13. *Ibid.*, II, 567, 568. The underlining is in the original. An original copy bearing the signature of Sargent is in the Burton Collection in the Detroit Public Library.
 14. *Ibid.*, II, 568, 569; III, 447-460.
 15. Sargent Mss. (Ohio State Arch. and Hist. Soc.).
 16. William H. Smith, ed., *The Life and Public Services of Arthur St. Clair with his Correspondence and other Papers* (Cincinnati, 1882), II, 404. Referred to hereafter as *St. Clair Papers*.
 17. *Ibid.*, II, 405.
 18. Clarence E. Carter, ed., *Territorial Papers*, II, 566.
 19. *Ibid.*, II, 573-5.
 20. The reference is to a proclamation of Sargent warning against illegal cutting of timber on the public lands. At the time of issue Sargent who was at Cincinnati and serving as Acting Governor did not know that St. Clair had reached Marietta, *The Centinel of the Northwestern Territory*, Dec. 15, 1794; Jan. 3, 24, 1795.
 21. William H. Smith, ed., *The St. Clair Papers*; II, 409-411.
 22. *Ibid.*, II, 413-7.
 23. Sargent Mss. (Mass. Hist. Soc.).
 24. James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789-1897* (Washington, 1901), I, 198.
 25. Clarence E. Carter, ed., *Territorial Papers*, II, 563-4.