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John Brown's Execution—
An Eye Witness Account

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Edited by Robert L. Stevens

On October 16, 1859 *one man marched down the road to Harper's Ferry and then marched on to immortality. Writers have called him a horse thief; they have set out to prove him a murderer; some have called him a saint; and some have called him just plain crazy. But after all the dusty words have settled down to book level, after all the excited syllables of a thousand and one voices have dripped like waterdrops into the ocean of history—still "his soul goes marching on." It seems best not to try figuring whether "Old Brown" was right or wrong. He cannot be so simply dismissed. To try to reach a final decision is to dream nightmares.*

Twenty men went along with John Brown to Harper's Ferry, gateway town to the rich Shenandoah Valley at the junction of the great river of that name and the Potomac. Their object was to establish a colony in the mountains of Maryland and Virginia to which slaves and free negroes could resort. They intended to found a new commonwealth with a state constitution and seek admission as a new state in the Union. A convention of Brown's followers and negroes in Chatham, Canada, had drawn up a provisional constitution and elected John Brown commander-in-chief. A necessary step in this movement was the setting up of a southern rallying point at which slaves might assemble preliminary to their migration to their mountain Shangri-La. Harper's Ferry was chosen for this step and its unsuspecting and ill-defended United States Armory fell an easy prey to the fanatic band on the night of October 16-17, 1851.[1]

It did not take long for Colonel Robert E. Lee of the United States Marines to recapture the Armory and make prisoners of Brown and three of his men. They were taken to Charlestown, county seat of Jefferson County, where they were speedily indicted and tried for "treason to the Commonwealth, and for conspiring with slaves to

commit treason and murder." The trial resulted in Brown's conviction. December 2 was set as the day of execution.

Great was the turmoil throughout the nation. The slavery question had long bedevilled the political serenity of the people. Southerners had become supersensitive about criticisms of slavery, claiming that northern anti-slavery and Abolitionist agitation promoted social upheaval and slave insurrection. Brown's raid seemed to prove it. Northerners, for the most part, condemned Brown's resort to force, but there were many, like the philosopher Ralph Waldo Emerson, who believed Brown a martyr, "A pure idealist of artless goodness," and who said of him after his execution that he had "made the gallows glorious like the cross."

Then there were the Republicans, the "Black Republicans", as they were known to Southerners. The Republican Party had come into existence in 1854-55 *on the basis of opposition to the extension of slavery into the new Territories being formed in the West. Many persons with even more radical ideas or feelings about slavery supported the Republican movement. They were not always precise in just what they proposed to do about slavery in the South, but they denounced negro bondage as immoral and were active in the "Underground Railroad," a secret system of rescuing negro slaves from their masters. Many of them sympathized with John Brown and his seemingly humanitarian program. They were what might be called "fellow travelers."*

Such a person was James M. Ashley, newly elected Republican Congressman from the Fifth Congressional District of Ohio.[2] *Ashley was a Toledoan and well known for his outspoken opposition to slavery. He was eventually to become the author of the Thirteenth Amendment to the Constitution abolishing slavery. On December* 2, 1859, *Brown's execution day, Ashley stopped off from his trip to Washington to witness the ghastly ceremony. Charlestown was not far from Washington and it was easy for the new Congressman to attend the execution in spite of the fact that he was suffering from a badly sprained ankle. He found the vicinity of Harper's Ferry and Charlestown under martial law. Before the day was over he had gone to near-by Harper's Ferry and written the following letter to his family. It was published in the Toledo* Blade, *December* 9, 1859.

1. *The Black Republican Congressman from Ohio*

I have not had time to give you the details of all that transpired at the execution, (the first and last execution, I trust, I shall ever witness), and if I had, they will reach you in better shape by telegraph, as soon as the agents of the Associated Press can reach some point not controlled by martial law, with some Gen'l. Taliafero[3] as commander-in-chief. I wrote you a short, but very imperfect account of the difficulty and annoyance I had to encounter in getting about the country, and passing the guards to get into Charlestown, which I did, notwithstanding the orders to the contrary. The whole thing appeared to me so like a farce, and was (with all) not free from danger of personal violence, that no one not on the ground would credit the statement of half the particulars.

It is enough to say, that any Anti-Slavery man would have been safer from personal injury and insult in either Austria or Italy, countries whose language he could not speak, a stranger without a passport, during the prevalence of martial law, than in the town of Charlestown, in my own country, for the past few days. And why? For no other reason than that I was suspected of entertaining the opinion that one man may not of right enslave another. My arrival in town was heralded at once, and, unfortunately for me, my crutch soon pointed me out as the "Black Republican Congressman from Ohio." I was beset on all hands by over anxious gentlemen for my opinions, and one more excited than the rest came up to where I was in conversation in the room, and in a loud voice asked if I "was a Black Republican." I answered, "I am, sir."—From this time until I left, I was not only watched, but gazed at by everybody, as if I were a second JOHN BROWN.

In going from here to Charlestown, I avoided the Railroad, as I learned that persons who got off the cars at that point were immediately arrested and placed in the Guard-house until after due examination by the distinguished commander-in-chief Gen. Taliafero, and when the person or persons, thus detained were either discharged or escorted out of town to Harper's Ferry, and seen safely on board the cars going east or west.

Mr. Edgerton,[4] a Republican member of Congress, from Ohio, and the district in which BROWN formerly resided, and in which many of his relatives and friends now are, was escorted from Charlestown with a strong body-guard to this place the day before I got here, and seen safely

on board the cars for Washington City. For this kind attendance, I suppose the Democracy of the North think he ought to be thankful. MR. EDGERTON was charged with some message to BROWN from his friends, but was not permitted to see or communicate with him.

The way I managed the matter was this: I got an old rickety horse and buggy, the best I could find, and with the son of the United States Marshal for the District, a worthy and gentlemanly young man, for a guide, went "by land," as a waterman would say, and succeeded as I have before written you, in getting within the forbidden limits of Charlestown, without arrest or being brought before Gen. Taliafero. Marshal DONALDSON,[5] of Kansas fame, was also behind in a buggy with a mule, and got by the sentinel by the aid of the Deputy U. S. Marshal as I did—I cannot do less than say that Mr. DONALDSON is a mild, gentlemanly man of about sixty, and has undoubtedly been greatly slandered. To him I am indebted for many acts of kindness, which with pleasure I acknowledge. He will go from here to Washington. Almost, if not quite, every Southern State had a representative on the ground to see the old Kansas hero hung, and it seemed to gratify them very much.

On my way out to Charlestown, I had pointed out to me the place on the Maryland side where BROWN rented the farm which he made his headquarters. I also saw the plantations and dwellings of Col. WASHINGTON[6] and other leading citizens who were made prisoners, and two or three of the premises where property has since been burned.

2. *John Brown's Last Interview With His Wife*

Congressman Ashley had a profound contempt for southern chivalry. The treatment of Mrs. Brown by the Virginian authorities gave him ample opportunity to give vent to his feeling.

Before I left for Charlestown yesterday, I had an interesting interview with Mrs. BROWN, two gentlemen and a lady who accompanied her here, and who expected to go with her to Charlestown on their arrival at the Ferry, notwithstanding they had letters from Gov. WISE[7] granting the request of Mrs. BROWN to have an interview with her husband before his execution and the privilege of taking the body and those of her sons home with her, with an order to the Sheriff to deliver the body to

Mrs. BROWN or her agent at this point in "a plain substantial coffin, unmutilated," besides letters from leading Southern men acquainted with the lady and gentlemen accompanying her, commending them as the friends of Mrs. BROWN to the kind regards of all citizens. They thought best after their arrival here to consult Col. BARBOUR, who is in command of the U.S. Arsenal, and who is one of the most gentlemanly of the very few gentlemen I met since I came here. After Col. BARBOUR and other gentlemen had seen and read Gov. WISE'S[7] letters, they were assured that they could proceed without annoyance or molestation to their destination; but in order to avoid the possibility of any unpleasant occurrences, at the suggestion of one of the gentlemen accompanying Mrs. B., General TALIAFERO was telegraphed, and he replied by telegraph, word for word as follows, as I know, for I obtained a copy of the dispatch. Read it, and then think of the chain set up by the "chivalry," to being the only gallant and polite people among us:

"Detain Mrs. BROWN at the Ferry, and the lady and gentlemen accompanying her, until further order. WATCH THEM."

This is the work of "Chivalry." No language can express their feelings, when this dispatch was read to them. A poor, broken-hearted woman, with two gentlemen and a Quaker lady friend, harmless and unarmed, after having the permission of the Governor to proceed to Charlestown on their errand of love and mercy, are "detained" by order of the commander-in-chief, "until further orders," and instructions given to "watch them." And this, too, when there were two or three hundred U. S. Soldiers stationed at the Arsenal—almost every citizen in the town armed, and at least three thousand persons under arms in the county. Gov. WISE was again telegraphed and late in the afternoon and some time after I had gained admission within the limits of Charlestown, a carriage and detachment of friends. What was my surprise, to find on the return of this grand cavalcade of "fuss and feathers," that Mrs. BROWN came alone, and notwithstanding her earnest entreaties, the military hero in command would not even permit the Quaker lady to accompany Mrs. B., and she was absolutely compelled to sit in a closed carriage with some distinguished individual dressed in regimentals and thus go to Charlestown, or remain and not see her husband. Of course she chose the only alternative left her, and went.

I assure you that her entry into the town of Charlestown beggars all

description. Before the arrival of Mrs. BROWN, but two brass cannon were planted in front of the prison. As soon as her approach was announced, however, three other brass pieces, making five in all, were planted in the street in front of the jail, and from eight hundred to a thousand men, with glittering bayonets, pistols and swords, stood on all sides from four to six men deep, and formed a hollow square through which the carriage passed with Mrs. BROWN. Through this file of bayonets the poor woman at last entered the jail, hoping at once to see her husband, as her stay was to be short, in compliance with orders. Here again she was doomed to disappointment, for the distinguished Commander-in-chief took it into his military head, that Mrs. BROWN might possibly give her husband some poison, and he and the chivalry might be deprived of the extreme pleasure of choking the old man to death. So he had Mrs. B. stripped and her clothing all subject to a rigid scrutiny. Nothing, however, was discovered on or about her person more formidable or dangerous than ladies usually wear, and she was permitted a moment alone, although the jail was guarded by at least a thousand soldiers and five brass cannon. The pretext that Mrs. B. might, notwithstanding the search, give him something with which to commit suicide, is simply preposterous. John Brown's whole life and every act from the day of his arrest until that hour, was a guaranty against his committing self-murder. If they had feared that she might give him some terrible weapon, by which he would put to flight the gallant General and his immense body of troops, perhaps their conduct would be justifiable—certainly on no other hypothesis can such a formidable military array which surrounded the prison and the close inspection of Mrs. B.'s clothing be accounted for. The whole conduct exhibited more fear on the part of those in charge of this manacled, unarmed old man, than ever the despots of Europe exhibited when NAPOLEON terrified the whole world with his feats of heroism and daring.

During Mrs. B.'s stay with her husband, her conversation was principally upon business matters, which I have not time to give you. After about two hours, she was compelled to leave, although she desired to remain all night. As soon as the interview terminated, she was reconducted to the carriage and escorted by the same or a similar guard back to this place, to remain until the body of her husband should be delivered to her. It is due to Gov. WISE to say, that he undoubtedly intended the friends of Mrs. BROWN to accompany her, and had he been here, everybody concedes that no such outrage would have been thought of. For,

whatever may be said of Gov. WISE, his letter to Mrs. BROWN not only vindicates that his heart is right, but that he is in truth a high-toned gentleman.

3. *"God Bless You, Old Man. If I Could Help You I Would; But I Can't."*

There were many negroes in the crowds that gathered in Charlestown on John Brown's execution day. Whether free or slave, they were, of course, peaceful in their conduct. But deep down in the hearts of many was a profound sympathy for the man who was giving his life in a vain attempt to liberate them. Ashley has preserved for us incontrovertible evidence of this fact.

Thousands all over the country will ask, and be unable to answer the question, "Why has there been so much excitement and so much fear exhibited by the Southern people at this Harper's Ferry affair?" I answer, it is inseparable from the system of slavery. A servile insurrection is always to be feared, because it is the most terrible of all the evils that can befall a people who claim to own their laborers. Men may talk as they will, but I tell you there is a smoldering volcano burning beneath the crust, ready to burst forth at any moment; and an enemy to the peace of almost every hearth-stone, is lurking in the heart of the apparently submissively lashed slave, and only those who have passed through an outbreak like this or the Southampton insurrection,[8] can comprehend the danger and know for a certainty that it exists. Today, as the old chief was brought from the prison to be put into the wagon and taken to the place of execution, a slave woman, having perhaps heard me spoken of as an Abolitionist, said in my hearing, and I suppose so that I should hear it, just as the old man seated himself on his coffin, "God bless you, old man; if I could help you, I would; but I can't." The countenances of all the Slaves told too plainly of their sympathy.

Although the military display may have been, as is claimed by many, too large, and has increased the excitement, a military force of some kind was not only necessary, but it was absolutely indispensable to keep the Slave masters at hand, to watch their "property," not from fear of the Northern "Abolitionist," but simply from fear of the "property" itself.

My interview with Mrs. BROWN and her friends who were anxiously awaiting my return to communicate the conclusion of the matter, was such as cannot be put upon paper. I was undoubtedly the only one, who, among all that throng, watched sympathizingly every move and sought for every word, while beholding the horrid sight, that I might truthfully report to her, who was suffering anguish worse than death, every word and action that should comfort and bind up the bleeding wounds of a heart already too deeply bruised by sorrow. When I told her how like a man he acted—how like a hero he died—and that to the question again asked him, if he "desired the services of a clergyman," he replied,—"No. I do not desire the prayers of any minister who approves of the enslavement of one of God's children," and added, "I want to go to the scaffold only in company with the necessary officers of the law, and if possible, some good old Slave Mother with her children, weeping and praying to the God of all to receive my soul."—These words, with a detailed statement of every movement, and especially the words of the poor slave woman already quoted, "God bless you, old man, if I could help you I would; but I can't," seemed to afford Mrs. B. great comfort and consolation, and she and her friends thanked me with much feeling for the interest I, stranger that I was to them, had taken in their behalf.

Now, that the old man is gone, what will be said of him? Who shall reconcile the conflicting statements? What will be the verdict of History?

All concede to him courage of the highest order, and many even here admit his honesty of purpose. That he had no desire for wealth, is evident from the fact that every dollar he could control was expended in getting Slaves to Canada. Simple in his manners, and with but few wants, he lived only to help the helpless. However much I condemn and lament, as I most sincerely do, his attack on this place, I cannot but admire his heroism, his straight-forward independence, and his undoubted courage.

FOOTNOTES

1. The material on John Brown is based on Robert Penn Warren, *John Brown, The Making of a Martyr* (New York, 1929), pp. 277-284.
2. For a sketch of the life of Ashley see Allen Johnson (ed.), *Dictionary of American Biography* (New York 1928), vol. I, pp. 389-390.
3. General William B. Taliafero was in command of the Virginia militia.
4. Sydney Edgerton, of Akron, representing the 18th Ohio Congressional District.
5. I. B. Donaldson, United States Marshal for the Territory of Kansas, who led

the pro-slavery posse which sacked the anti-slavery town of Lawrence on May 21, 1856. This act was the beginning of the period of civil war which has given rise to the phrase "Bleeding Kansas." It was retaliation for the sack of Lawrence that John Brown led the Potawatomie Massacre of May 24-25.

6. Colonel Lewis Washington in command of the Armory, Harper's Ferry when Brown captured it. Brown held Washington a prisoner.
7. Governor Henry A. Wise of Virginia.
8. The Southampton Insurrection is better known as Nat Turner's Rebellion. It was a slave revolt which took place in Southampton, Virginia on August 21, 1831.

The Jesup W. Scott Family and the Idea of a Municipal University

By Randolph C. Downes

1. *A Rich Man's Dream*

THE UNIVERSITY'S ORIGIN: A CONFESSION BY JESUP W. SCOTT. The idea of the University of Toledo was born in the mind of a repentant land monopolist, who, near the close of his life, sought to make reparation for whatever harm his monopolistic activities may have caused his fellow men. Jesup W. Scott, founder of the Toledo University of Arts and Trades, is himself the source of this amazing confession. In a letter to the editor of the Toledo *Morning Commercial* of July 22, 1869, he unburdened his troubled spirit as follows:

> *. . . I believe our laws, especially our land laws are grossly unjust in many respects to the laborers, and I would bring our law-makers to my opinion by giving them the means of enlightenment. I desire the abolition of monopoly. This and other needed reforms will take time, probably a long time, for success. My good intentions go no further than to provide a land fund to accumulate by increase of value (which I think will be great) which I wish to devote to such reforms. I have been, and I yet am, a land monopolist. The law permitted it and public opinion sanctioned it. The effect of this monopoly has to some extent been recompensed to the laborer, in my case, by taxation for general education and for the city improvements. A bad law is soonest made odious by its use and execution. But I cannot claim this as the motive. There had been a selfish desire to monopolize. Now I wish, if land monopoly is continued, that it shall be devoted to public ends, and I wish the voters to take the matter into their own hands and elect, for law makers, anti-monopolists—anti-monopolists in their life as well as in their language. Whether I shall make due reparations for my share of unjust appropriation may depend on the extension of a life, now near its end,*

and being able, in time, to come to a definite conclusion as to the best mode of doing it. When it has been done it will be time for the press to publish and commend it.

It is apparent from this letter by Jesup Scott that there were at least three motives behind his plan to endow a municipal university. One was personal and brought on, perhaps, by the approach of death (he was 70 years old in 1869). This made him anxious, before he died, to undo any wrong that he felt his land speculations may have caused. For few men had accumulated so much land in Toledo as had Jesup W. Scott since his settlement in Maumee in 1835 and his moving to Toledo a few years later. And few were more susceptible than he to the criticism of having blocked the progress of his adopted city by withholding these lands for too high a price. As a matter of fact Scott was land poor. But this he could not know until the Panic of 1873 had blasted his hopes and reduced the value of his lands—and of all Toledo as well—to an unexpected low level.

PHILANTHROPIC EXAMPLES. Another motive of Scott's was the desire to follow the philanthropic example of many well-known American land holders who had endowed institutions of learning in his life time. Such were Abbott Lawrence, endower of the Lawrence School of Science at Harvard, and John Jacob Aster, founder of the great Astor Library in New York City. Especially noteworthy in respect to philanthropy benefitting the workingman were Stephen Girard of Philadelphia, by whose will Girard College for the education of orphan boys was made possible; George Peabody whose magnificent gifts led to the creation of the Peabody Education Fund for the promotion of education in the post-Civil War South; and Peter Cooper whose greatest monument is the Cooper Institute of New York City, where free courses in practical, as well as cultural subjects, were offered for the improvement of laboring people.[2]

SCOTT'S PROPHECY OF THE FUTURE GREAT CITY OF THE WORLD. A third motive was Scott's profound belief in the achievement by Toledo of first place among the cities of America. Only a year before the appearance of his letter to the *Commercial* he had published *his Future Great City of the World*.[3] This aimed to show that American population growth and distribution, the developing strategy of railroad building, the meeting of the lines of delivery of such raw materials as

iron ore, coffee and coal, and the concentration of industrial production on a mass scale would eventually make Toledo the central city of the continent. He believed that Toledo would be larger than New York City by 1900 and larger than any other city in the world by the year 2000.

Scott was encouraged in these rather extravagant predictions by his fellow townsmen. Toledoans were even more enthusiastic in the 1860's and 1870's about the future greatness of their city than they are today. This optimism was reflected on October 17, 1872 by the editor of the Toledo *Blade* who placed the seal of approval on Scott's prophecy in the following words:

> *It shows a careful study and extensive research of the author. While many did not comprehend the facts and were disposed to jeer and laugh at his conclusions, careful readers and observers of the laws of trade and the influences which combine to make great cities, were struck with the force of his facts and arguments, and there is no doubt but Toledo is much indebted for her rapid growth, during the past few years, largely to the influence of Mr. Scott's pamphlet.*

2. *Toledo: A City With a Future*

THE RECURRING ILLUSION. This was not the first time that Toledoans had dreamed dreams of greatness. Toledo thrived on such illusions. At least twice before 1872 its people had stood at the threshold of new eras in the confident hope that the world would beat a path to the great city at the mouth of the Maumee. In the early days of its founding, from 1832-1837, Toledo had brought forth its first crop of speculators (including Jesup W. Scott) who saw the city as the great focus of the lake and canal trade of the Middle West. The projected Miami and Erie Canal to Cincinnati and the Wabash and Erie Canal into the heart of Indiana and Illinois would pour the riches of the West into Toledo for transfer to the Erie Canal at Buffalo. And these same canals would bear rich cargoes of manufactured goods from the East to the West —always, of course, via Toledo. The supposed natural superiority of Toledo in the coming Canal Age led the *Blade* editor, on May 23, 1837, to exclaim, "The Almighty is the great sire of Toledo . . . The Great Father of all through the instrumentality of enterprising and energetic men has built up Toledo as He builds up all other cities on the natural sites

intended for them." And then came the Panic of 1837 reducing all these plans to dust and ashes.[4]

But hope quickly revived. The canals were built with extra large dimensions at the Toledo end to provide water power to turn the mills and factory wheels of the future. It was young, hopeful Jesup Scott himself who revived the canal illusion. Said he in a magazine article in the Columbus *Hesperian* of June, 1838, describing the advantages of the canalization of the Maumee Valley, "For purposes of trade it commands . . . an extent of country large enough for a powerful empire . . . making altogether more than ninety thousand square miles of the richest land in North America, scarcely no acre of which is unfit for cultivation, a territory capable of sustaining a population of seventeen million inhabitants; and nearly four times as extensive as the two kingdoms of Belgium and Holland together numbering about seven millions of people." Within five years the canal to Indiana was opened and two years later Toledo was linked by waterway with Cincinnati. And with what result? Everyone knows the story. Canals were doomed; they were a snare and a delusion. A great city could not possibly be built in America on the basis of them. Railroads and cheap coal were to take care of that. And so Toledo found itself a small town of 3600 people in 1850, and of only 13,768 in 1860.[5]

But Toledoans were still undaunted. They were too deeply conscious of the obvious natural advantages of their city to give up their hopes. Confidence quickly reasserted itself in the boom times that set in after the Civil War. This time Toledo simply could not miss because the plans were based on the realities: coal, iron, industries and the railroads. In 1870 the ten lines that already focussed on the metropolis and the assurance of seven more to come were signs enough of this. It was not just one slow-moving canal with its obviously restricted back country, its seasonal limitations and its dependence on the similarly limited lake shipping for inlet and outlet. It was ten, and more, fast moving railroads operating all the year round, leading in all directions, penetrating all the back countries, and capable of carrying such loads as would make the canal boat seem mighty small business indeed.

TOLEDO IN 1872: A CITY AT THE THRESHOLD OF GREATNESS. A great railroad junction and a great factory district—that was what Toledo was about to become in 1872. With so many main railroad

lines meeting at this city the area seemed ideal for the location of large scale manufacturing establishments. Entrepreneurs would be able to equip their factories with admirable switching facilities. There was plenty of space within and without the city limits to house an abundant labor supply. The latest developments in real estate were transforming the Detroit Avenue area between Monroe Street and the Air Line Junction into a workingman's residential district. This junction, key to the entire system, located near what is now Detroit Avenue and Campbell Streets, was begun by the Lake Shore Railroad in 1869 and planned as one of the great terminals of the Middle West. The Dorr Street horse-car line from downtown Toledo reached Detroit Avenue not far from the Junction about 1870, and connected with the Monroe Street line by a horse omnibus. In 1872 this area up to the Lake Shore's branch to Detroit (including the Air Line Junction) was added to the city of Toledo. Thus, by 1872, Toledo was ready to take the next great step in its unfolding destiny: welcome factory builders to the Detroit Avenue Air Line Junction area, receive new railroads at the Junction (the Canada Southern was to be next) and annex new industrial and residential divisions to the city. A population which had increased from 12,768 in 1860 to 31,584 in 1870 was sure to double or triple by 1880.

3. *The Scott Land Grant.*

THE UNIVERSITY LAND GRANT IN THE HEART OF THE NEW TOLEDO. At the very heart of this Toledo of Tomorrow Jesup W. Scott projected the University of his dreams. In the angle formed by the two western branches of the Lake Shore Railroad Scott owned 160 acres of land. These acres are now the city-owned Scott Park, but were then just outside the city line and adjacent to the proposed terminal facilities of the Air Line Junction. By a deed of trust, executed on October 21, 1872 by Jesup Scott and his wife, Susan, this land was granted to the Trustees of the Toledo University of Arts and Trades. The trustees included his three sons, William H., Frank J., and Maurice A., his son-in-law, Albert E. Macomber, Charles W. Hill, Chairman of the Board of Education, Richard Mott, a prominent capitalist as well as former Mayor and Congressman, and Sarah R. L. Williams, woman suffrage advocate. A central circle 500 feet in diameter was designated for the erection of University buildings. The rest of the land was to be divided into residential lots 20 feet wide on which dwelling houses were to be built under the administration of the Board of Trustees.[6]

THE ARTICLES OF INCORPORATION. To give the new institution complete legal status it was necessary to incorporate the University. The articles of incorporation were drawn up on October 12, and were received for record in the Lucas County Recorder's office on October 14, 1872. The document remained the legal foundation of the University for many years and was eventually the basis of much litigation. This charter simply stated that Jesup W. Scott, William H. Scott, Frank J. Scott, William Raymond, Sarah R. L. Williams, Charles W. Hill and Albert E. Macomber, had met on October 12, 1872 and organized under the laws of Ohio enabling trustees of colleges, academies, universities and other institutions to incorporate for the purpose of promoting education.[7]

WAS THE SCOTT LAND GRANT WELL LOCATED? There is something very peculiar about the University land grant. In the first place the wisdom of locating such an institution in the angle of a railroad junction might well be questioned—and it was. In the second place the requirement of surrounding the University with houses built on 20-foot lots looks almost ridiculous to modern eyes. It seems obvious that such houses would be occupied by people in rather humble circumstances. Old real estate plat books show the prevalence of rather small lots of 30 to 40 feet, but rarely are there to be found 20-foot lots. According to Frank Scott, his father expected the lots nearest the University buildings to be used for residences for officers, professors and teachers. Beyond them would gather students and their parents. "A University," said Frank, "gradually builds up a village or a suburb of its own." He added, "Father had a shrewd knowledge of prospective values and in platting the 160 acres with the central 40 acres devoted to the College buildings, he felt assured that, if the University project should ever find the means to materialize into buildings and their corps of teachers, the circuit of property around them would develop into value for leasing lot by lot."[8]

FRANK SCOTT'S DEFENSE OF THE AIR LINE JUNCTION LOCATION OF THE UNIVERSITY. Frank Scott never could get it out of his mind that his father's judgment was not so good after all. In 1903 he wrote:

> *It is claimed that the location is a bad one. I think otherwise. I doubt if there is any location adjoining the city having more advantages. Its proximity to a great railway center by which it can be reached without first going through the city will ultimately be an*

advantage. Whenever the course of studies in the Arts and Trades may be inadequate it will be profitable to the students to be in close proximity to where practical problems in railway work of all kinds may be studied. "The Air Line Junction" is one of the great railway crossings of the city. It is to be one of the great railway ganglions of the country. Its works will be a school of themselves. To have the practical problems side by side with the scientific study of the same problems will be an advantage to the University. Its site is not too near. Eighty acres intervene between the extensive landholdings of the Michigan Southern Railway Company and the University land. Only the Detroit branch cuts the corner of it. That fact will give the University a railway station of its own land. Toledo is becoming a great manufacturing center, quite varied in its products. While the arts of railroading, of steam and electrical appliances, of iron working, of architecture and civil engineering are important studies in such a University, it is evident that proximity to great mechanical works of all kinds is advantageous to the study of the theory and science of all these industries. Where would 160 *acres of land be better placed?*[9]

OTHER PRIVATE FINANCIAL AID EXPECTED. It must be emphasized that neither Scott nor Toledoans in general expected the support of the University of Arts and Trades to come entirely from the income of the lands near the Air Line Junction. The Toledo *Commercial* of October 24, 1872 reflected this spirit of beginnings when its editor, Clark Waggoner, wrote, "The success of this highly important enterprise depends upon the support which it shall receive at the hands of other friends of education in Toledo. Mr. Scott's munificent donation—liberal and valuable as it certainly is—can be regarded in no other light than as an initial step, the structure of the proposed institution." In 1874 after Jesup Scott's death, his sons, in settling their father's estate provided for further grants to the University of properties scattered throughout Toledo, and estimated at the time to be worth $60,000[10]. And, as will be pointed out, it was William H. Raymond who undertook to erect the first structure actually used for classroom instruction.

THE IDEA OF THE MUNICIPAL UNIVERSITY: A MERGING OF PRIVATE AND PUBLIC RESOURCES. It would be a mistake to think that Scott envisaged a university entirely dependent upon private philanthropy. The idea of a municipal university, supported by public moneys

in the form of land grants and tax funds, was also Scott's. In fact, the practicability of the whole project depended on the joining of both public and private resources. Scott and his sons were impressed with the great federal land grants made by the United States in 1864 for the endowment of state schools for the teaching of agricultural and vocational arts. Moreover, they were especially impressed with the establishment of Cornell University in 1868 when Ezra Cornell supplemented New York's share of the public land grants with millions of his own endowment.

THE AMENDATORY DEED. Thus, on December 16, 1872, Scott and his wife executed an amendatory deed making it possible for the University Trustees to accept public funds. The main clause read:

> *Now we do hereby qualify said limitation so that these funds may be used in conjunction with and as a part of any educational fund for the promotion of the kind of education embraced in the Deed of Trust which may hereafter be furnished by state or city or by the general government of the United States, subject to such conditions and agreements as the Trustees of the University and the authorities having the disbursement of the public funds may unite in making.*[11]

The proof that the Scott family had consciously thought out this concept of public and private support of a municipal university is found in an article written in the April, 1869 Boston *Radical* by Frank J. Scott:

> *The great donation of public lands made a few years since by Congress to the several states, for the purpose of founding agricultural colleges, may be used as a basis for state universities on a noble scale, —such as Cornell University of Ithaca, N. Y., seems likely to grow into. But even this fund would prove inadequate to perfect anything more than the specific department of education for which it was donated, unless supplemented by a fund derived from annual taxation for that purpose. Individual donations, however generous or useful, should never be relied on to do what it is the first duty of the people to do for themselves. The levy of a mill on the dollar in each state for the support of one grand state university would be a tax almost unfelt by individuals; and yet, with the rapidly increasing wealth of the country it would soon produce vast sums to build up, year by year, to several departments of our ideal free universities.*[12]

It should be pointed out that Frank J. Scott, with his brothers William H. and Maurice A., became strong influences in promoting the fortunes of the University after the death of their father in 1874. In fact, they were so during the life of Jesup Scott. The plan for a university, as drawn up in the deed of trust and articles of incorporation, seems to have been the work of Frank J. Scott. It was at Frank's suggestion the elder Scott prepared the Amendatory Deed.[13]

THE HIGH SCHOOLS, LIBRARIES, ATHLETICS, AND PARK SYSTEM AS PART OF THE MUNICIPAL UNIVERSITY. It is well known that the University of Toledo, for a long period in its history, was only a manual training high school. This was in keeping with the Scott idea. Indeed, it was on land donated to the city by Jesup Scott that Central High School was built in the 1850's, and it was his expectation that the high school should grow into a great educational system including art museums, libraries, gymnasiums, athletic fields, rinks and park facilities. In the article just quoted F. J. Scott wrote:

> *The high schools of our large cities must grow by accretion into vast metropolitan universities. Their libraries and reading rooms must be the largest and best ordered in the city—not merely for the use of young students, but free for all citizens during life . . . our ideal city university is not to be devoted to the boys and girls any more than the Central Park to the exclusive use of children. It is to be the club house of all the people, of every age and condition, from child to gray grandsire. Gymnasiums have everywhere become a part of our schools. All citizens, old as well as young, should have free use of them at all times. Great pleasure-grounds must be provided for all the athletic sports of men and graceful games for women as well as for youth . . . Arboretums, botanical gardens, zoological gardens, models for home shrubberies and parterres, play-grounds, skating rinks, and boating waters, all belong to our free-university systems in the great cities, and must be a part of its surroundings. Libraries, reading rooms, gymnasiums, chemical laboratories, lecture halls, music rooms, museums of architecture, of sculpture and painting, of machinery, of nautral history, and all the sciences, must be its interior attractions.*[14]

THE TERM "UNIVERSITY." The breadth of the Scott conception of the University is amazing. It may seem to many a perversion to confer

the term "university" upon a system or a collection of municipal facilities that include the high schools, the playgrounds, and the public libraries. But it must not be forgotten that this sort of thing was happening in other parts of young America. The Territory of Michigan set up, in 1817, an elaborate system of education known as the Catholepistemiad of Michigania. Ever since 1784, the educational system of the state of New York has been organized under the title of the University of the State of New York. Moreover, in the days when the Manual Training School was the only unit in the Toledo University of Arts and Trades it should be remembered that, in the eyes of its founders, this was but a stage of arrested development toward a true University goal.

4. *A Workingman's University*

PRACTICAL EDUCATION. A fundamental idea in the minds of all the Scotts, father and sons, was that education must be practical. Back in 1846, when Jesup Scott was editor of the *Blade*, he showed his enthusiasm for the mechanics and farmers institutes that were being set up by philanthropists. He was especially impressed by the establishment of Rensselaer Institute in Troy, New York (now Rensselaer Polytechnic Institute) by Stephen Van Rensselaer for "instructing the sons and daughters of farmers in the application of science to the common purposes of life." On October 21, 1846 Scott wrote in the *Blade*.

> *All our young men should be educated physically and morally; and if they have stout hearts and good hands they can educate themselves, thoroughly, by means of manual labor institutions. The first one of the kind established in this country was founded by that good man Stephen Van Rensaleer, near Troy, New York. There are now quite a number scattered widely over the States, but they ought to be far more numerous. There should be at least one in every county, and if possible, we should have one in every mile square of settled country. What noble minded man will give himself a great name and the county of Lucas the lasting benefit of an agricultural school in this county, by donating a sufficient farm for the purpose. We know several men without children, who might do it without loss to their comfort in this life, and with greatly improved prospects of eternal happiness in the next.*

INDUSTRIAL SCHOOLS AND POPULATION READJUSTMENT.

In later years Jesup Scott was led to favor industrial education more than agricultural education. In the early 1870's, when the Toledo University of Arts and Trades was being founded, he was particularly concerned with the seeming over-production of farm products which gave rise to the Granger Movement, and the effort to reduce agricultural freight rates on the railroads. "What farmers need," wrote Scott in the Toledo *Commercial* of August 12, 1873, "is not more Granges but more balance between town and country." To accomplish this there was need for a farm-to-city migration, and this could only be made possible by industrial education. Farmers should "have their sons and daughters in large numbers instructed in operations other than farming." There was a need for more "compact communities" to restore a property city-country balance. He warned that there were too many middlemen, too many clerks, lawyers, druggists. "The so-called learned professions are filled to repletion."

THE NEED FOR NATIONAL INDUSTRIAL SELF-SUFFICIENTY. The first public function of the Trustees of the University was the sponsoring of a public lecture at Odeon Hall on December 10, 1872 by George B. Stebbins, Detroit industrialist. Stebbins emphasized the need for the training of industrial leadership in order to keep pace with industrial developments in foreign countries. "We must train our skill and develop our artisan tastes or we fall behind in the great peaceful strife of national industries; and to be dull laggards in this noble emulation were sure disaster, bringing bankruptcy, dependence and poverty . . . We are too complacent in view of our great national resources and the quick aptitude of our people; and if we long neglect such education as proposed by the University of Arts and Trades, we shall fall far behind and be but the poor producers of raw material—the hewers of wood and the drawers of water for other nations . . . It is impossible without scientific, artistic and practical education, for any nation to hold honorable and permanent places in the progress of our modern civilization." He commended the "wise beneficence of those among you who have helped to found your University of Arts and Trades."

THE PROPOSED PROFESSORSHIPS OF FOOD PREPARATION AND OF THE ARTS OF BUILDING. This same practical emphasis was brought out in papers read to the Board of Trustees on March 25, 1874 by Frank J. and William H. Scott. This was the first meeting after the death of their father on January 22, 1874, and the junior Scotts were anxious to set the wheels of the University in motion. Frank, who was

an architect, proposed the immediate creation of two professorships: one of Food Preparation and one of the Arts of Building. The basic needs of mankind are of food, shelter and clothing; hence the choice. But he omitted the professorship of clothing because the costs of machinery, models and other equipment would be too great. He told how he and his brother-in-law, Albert E. Macomber, attended a cooking lecture at the Kensington Museum in London. The Professor of Cooking, a Mr. Buckmaster, occupied a pulpit looking down on a battery of stoves attended by students. The professor gave directions to the uniformed cooks and attendants, explaining what to do. Soups, omelets, breads, vegetables, meats appeared in appetizing forms and were distributed among the fashionable audience seated in raised tiers looking down on the busy students. Graduates of these schools were watched and bargained for by Englishmen with some rivalry. "They have a marked advantage," said Scott, "(other things being equal) over those who spend the same time in classical courses, in finding ready employment."[16]

THE NEED FOR MECHANICAL DRAWING. William H. Scott emphasized the need of mechanical drawing and design. He painted a dark picture of the inefficiency of the American laboring class resulting from their inability to understand work drawings. He quoted a professor of the Worcester, Massachusetts, Training School as saying that the "production efficiency of every machine shop would be increased 33% if every journeyman could read any common working drawing and work by it." "Every branch of our manufacturing is suffering from want of just this intelligence and skill . . . The whole nation is developing the lack of good ornamental designers. We are becoming tired of sending so many millions to Europe for articles that we might produce more cheaply at home if we had skillful designers." According to Scott, E. P. Morgan, "an eminent engineer," stated that "the time lost in doing what must be done again because of error, the loss of material, the misuse of power, and the wear and tear of tools to no good purpose, the time of engineers and foremen spent in explaining drawings which would have been understood at a glance had the workmen been instructd in drawing, and the time consumed in these explanations, it is safe to say, cost this country millions of dollars annually."[15]

THE UNIVERSITY BOARD SEEKS TO TRANSFER ITS TRUST TO THE CITY. Everything depended on a good start. And that depended on the support of the University by the city in keeping with

Jesup Scott's expressed intention in the Amendatory Deed of 1872. For a while everything went well. On April 9, 1873 the State legislature empowered the City Council to accept trust funds given for special educational purposes and to levy a tax for the University of not over a half mill on the dollar on the assessed valuation of all properties. Eventually, on March 21, 1874 the University Board made application to the city offering the trust funds to its care for the establishment of a municipal university. Albert E. Macomber, Jesup Scott's son-in-law, presented an abstract of the law of April 9, 1873 and real a report in support of the advisability of operating under that law. He went so far as to suggest the form in which the trust should be exercised: attaching to Toledo High School "a school to afford the proposed instruction in technical knowledge." The proposal met a favorable response from the rest of the directors, especially Superintendent of Toledo Schools Daniel F. DeWolf and Mayor William W. Jones. Mayor Jones even suggested that the city appropriate some of its old abandoned canal property for the support of the University—a proposal enthusiastically supported by William H. Scott. However, Scott pointed out that, although the present Board of Education was to be entirely trusted, he hoped the time would never come when it would become as corrupt as New York City's under the Tweed Ring. Nevertheless, he favored the principle of the transfer of the trust because the University "for want of present means is yet scarcely more than a name" and because the Toledo free school system was well known for its efficiency.[17]

THE CITY COUNCIL DECLINES TO ACCEPT THE TRUST OF THE UNIVERSITY. But the best laid plans "gang aft agley" and that is what happened to the Toledo University of Arts and Trades. On August 3, 1874 a resolution to accept the trust was introduced into the Board of Aldermen which was the upper house of the City Council and referred to the committee on education. Two weeks later it was reported back favorably, but on a vote of the Board members the resolution was rejected 4-3.[18] The reasons are not recorded. But it is quite likely that they were economic in nature. The panic of 1873 and its aftermath had fallen like a blight over the city whose debt was approaching the unprecedented size of $2,000,000. The city had sunk hundreds of thousands of dollars in subsidizing new railroads, buying the Cherry Street bridge, grading and paving streets, building the waterworks and enlarging the school system. Under the circumstances many thought that a municipal university was an unnecessary luxury.

The Jesup W. Scott Family and the Idea of a Municipal University[1]

5. *The Feeble Years: The School of Design.*

The rejection of the University by the city of Toledo in 1874 was a stunning blow. The institution managed to make a feeble beginning in 1875 and to eke out a precarious existence for about three years. But in 1878 it withered and all but died, and did not come to vigorous life again until 1884 when the city finally came to its rescue.

THE PANIC OF 1873 BLIGHTS THE UNIVERSITY'S PROSPECTS. The story of the University during these "feeble years"—1875-1878—is testimony to the fact that private philanthropy was insufficient to establish a dynamic institution. The Scotts and their friend, William H. Raymond, did their best but their resources were too limited. The blame, of course, is not to be ascribed to niggardliness of the founders or of the city fathers. It is to be laid at the door of the Panic of 1873 which blighted the rosey hopes of Toledo's greatness that had cheered the optimists of 1870-73. Men of wealth were frightened and dismayed and did not feel free to share their fortunes when they were not sure of just how much those fortunes were worth. And the taxpayers certainly could not be expected to bear the burden in view of the widespread unemployment and property devaluation.

THE OPENING DELAYED. In the days before the panic it was planned to open the University in the fall of 1873. For this purpose there were available the services of a friend of Jesup Scott, a former Toledo clerk who had made good in California and had returned to his old home town with a large fortune and a desire to spend it for the public welfare. This was William H. Raymond who had become possessor by foreclosure of the half-finished Unitarian Church on the corner of Tenth and Adams Streets on which he held a mortgage. This church had been begun in 1867 but had suffered from a split in the congregation between the moderate Unitarians and the radical Free Religionists led by Francis E. Abbott. In the fall of 1872 Raymond donated it to the University and set about completing it for library and class room purposes. According to the *Commercial* (November 20, 1872) the main floor was to be made into "a mammoth and magnificent library room after the plan of the most complete and convenient in the country." It was to be called "The Raymond Library." The basement was to be made into a lecture hall for the University with adjacent rooms for apparatus, study and recitation purposes. This was to be known as The Raymond Lecture Hall.

Both were but the beginning of what Raymond planned to become the Raymond School of Mines and Mining. However, these buildings were meant to be used by the University only until the structures near the Air Line Junction were ready in accordance with the Scott plans. Eventually it was planned to turn the Raymond building over to the city to become the Toledo Public Library. None of these things ever happened. The Toledo Public Library was built elsewhere: the panic ruined Scott's plans for the lands near the Air Line Junction as well as Raymond's plans for the School of Mines; the Raymond Lecture Hall became the main (and only) room of the University; and the Raymond Library was eventually restored to the reunited Unitarians as their place of worship. The income of the University was reduced to the pittance obtained from renting the lands at the Junction to truck farmers. Thus the rosey dreams of grandeur for Toledo, the University and the Air Line Junction were reduced to nightmares, and corn and tomato raising substituted for a college campus.

ANTI-CLIMAX. The University actually opened in February, 1875 under circumstances befitting a disillusioned community and a depression-ridden people—no budding School of Mines, no "mammoth and magnificent library," no swarms of students crowding the halls at all hours of the day. Instead, a mere "school of design" for instruction in drawing, one teacher, and classes held entirely in the evening in the basement of a church.

The newspapers, of course, did their best in thumping for the new University. The *Blade* led off, on December 22, 1874, with a build-up entitled "Our University." It contained the statements about the need for American designers as against foreigners made in 1872 by William H. Scott, as well as his points about the waste resulting from the ignorance of workers in reading drawings. "We expect," said the editor, "to see the University made by the constant interest of our citizens, and by occasional donations and bequests, that may as well remain in Toledo as go to the institutions of learning abroad, one of the most useful and creditable of our Toledo enterprises." On December 27 the Toledo *Daily Democrat and Herald* commended the project as "sure to secure such accretions of capital through donations and bequests as well make it one of the most useful and civilizing institutions of the city. By promising higher intellectual outcome and surer returns to the trades for which it prepares our youths, it will lead many of them, it is hoped, to lives of remunerative industry instead of professional starvation, and thus tend to the establish-

ment of additional manufactories in our midst, as well as to increased efficiency in those now existing."

Behind this barrage of publicity the University Board's secretary, Daniel F. DeWolf, approached the citizens for subscriptions to sustain operating expenses. The newspapers represented his campaign as being so successful that, on January 15, 1875, the board had enough money to hire one teacher to hold classes in drawing for four months five nights a week and on Saturday afternoons. At Mayor Jones' suggestion William Young, an English architect and local real estate dealer, was employed. And so there began to appear, daily the following advertisement in all of the papers:

TOLEDO UNIVERSITY OF ARTS AND TRADES
SCHOOL OF DESIGN

The Trustees, having made all required arrangements for opening a School of Design in the Raymond Building, Adams Street, they call the attention of Artizans and the youth of both sexes to the advantages to be derived from the course of Art Education provided for them, and cordially invite applications for admission. The course of study will include Freehand Drawing, Architectural and Mechanical Drawing, Perspective Designing for Textile and other Fabrics, Furniture, ironfounding &c., &c. Classes will be held as follows: Monday and Thursday Evenings, 7 to 9—Elementary. Tuesday and Friday Evenings, 7 to 9—Architectural and Mechanical. Wednesday Evening, 7 to 9, and Saturday morning, 10 to 12—Design and advanced studies. Forms of application can be obtained from the Master, W. Young at the school during the sessions, or at his office, 14 Fort Industry Block.

THE OPENING: FEBRUARY 4, 1875. Thus at seven o'clock on the evening of Thursday, February 4, 1875 architect Young met his first class of 26 students in elementary drawing. Although the outside temperature was well below zero the room was described as "well-lighted, pleasant and convenient." There were 80 small tables with adjustable lids and a chair at each. This "looks like business," commented the reporter. And, indeed it was "business", if we may judge by the rules set down by Master Young for his pupils:

1. *No applicant will be received under 14 years of age.*

2. *They have a good moral character.*
3. *They present the attached form of recommendation, filled in and signed by some responsible citizen.*
4. *On entering the school they have their names registered, and obtain their card of admission whenever demanded.*
5. *They observe strict silence during the sessions.*
6. *They maintain in good order the desk and their appliances provided for their use.*
7. *Absence, without reasonable excuse, for six consecutive sessions of the class to which they belong, shall be considered sufficient cause for dismissal.*
8. *Any student absenting himself for more than one-third of the sessions of the term, without reasonable cause, shall be excluded from future terms without special action and permit of the Trustees.*
9. *Any insubordination on the part of a student shall subject such student to instant dismissal.*
10. *Students in the elementary classes shall occupy at least one term in such classes.*
11. *Any student in the higher classes shall, at times, when deemed desirable by the Master, take part in the elementary classes.*
12. *Students provide themselves with all requisite drawing materials, at their own expense. These can be obtained at the School at the usual cost.*

The above conditions being fulled, any person resident in the city may enter the school as a student, on payment, in advance, for each term of four months, for the purpose of covering expenses of fuel and light, the sum of three dollars.

The fee by special arrangement, be paid monthly in advance.[19]

TEACHER PROBLEMS. Teacher turnover soon became a serious problem. None of those who taught in the period of 1875 to 1878 seem to have lasted over a year. Early in May Young left town, causing an interruption of classes for several days. It was not stated what caused his departure, but the *Blade* for April 2 carried an item which may indicate part of this trouble: "Mr. W. Young, the Architect, was attacked by three ruffians on Michigan Street, about half-past nine, Wednesday evening last, on his way home from the School of Design. The sight of a

six-shooter put them to flight. This is the third time Mr. Young has been annoyed." Young was succeeded by Charles J. Shipley who continued as sole teacher for a year. Shipley dropped the advanced work carried out by Young and concentrated on three basic courses: one in free-hand drawing, one in mechanical drawing (each meeting three nights a week), and a Saturday afternoon class in "drawing for ladies." In July, 1876, Shipley retired "to accept a more lucrative position at Detroit." The School of Design was then divided into two departments: architectural and mechanical drawing under E. O. Fallis, local architect, and free hand during under Albert Wunder, local artist. They were assisted by Charlotte Williams, daughter of trustee Sarah R. L. Williams. Wunder was succeeded, in January, 1877, by Romeo Berra who advertised himself as "Architectural Decorator and Artist in Fresco & Scenographer." Berra was called "the leading fresco artist in Toledo" in 1876, and designed residences for many prominent citizens and for the Ursuline Convent.[20]

MISCELLANEOUS ACTIVITIES. The activities of the School of Design received newspaper notice from time to time during the years 1875 to 1877. On July 7, 1875 the *Commercial* listed over 500 items in the gift of architectural books, models and plates made to the University by Frank J. Scott who selected them in France in 1873 for use in "a practical school of design such as we desired to inaugurate." On June 30, 1875 the *Blade* announced Albert E. Macomber's gift of busts of Theodore Parker and Charles Sumner to be used as models by the drawing classes. In the autumn of 1875 Raymond Hall was completed under Shipley's direction and leased to the Unitarian Church. There are occasional references to receptions, addresses and prize awards at the University rooms. The enrollment in the fall of 1875 was twenty-nine. On October 1, 1875 William Albright, aged 16, was awarded $15 for the best show card for H. R. Owens' Eucalyptus Cordial. On February 1, 1876 an anniversary reception was held—under the usual adverse weather conditions for major university events. The first half of the evening was spent in an inspection of the work of the pupils, observing the models and studies on exhibition, and listening to the volunteer renderings of local vocalists. The drawing tables were then pushed out of the way, an orchestra tuned up and the rest of the evening spent by the guests and students "mingling in the mazes of the dance." The School of Design was represented at the Philadelphia Centennial Exposition which opened on July 4, 1876. Included were: a drawing of "Raphael's Daniel" (later referred to as "Angelo's Daniel") by E. D. Hurle, "framed in black walnut, rustic

carved, ebony and gilt lines"; a drawing of the forearm of Diana by S. E. Des Jardines; and two mechanical drawings: one of a Knowles pump by P. B. Laidlow and the other of an emery lathe by J. C. Burnay.[21] At this time the University was advertised as the "Raymond School of Design" and the "Raymond University of Arts and Trades." As the months passed newspaper references to the School of Design grew more and more infrequent. What seems to be final one appeared in the *Commercial* on January 6, 1877 when the organization of Romeo Berra's class in "oil painting, water coloring and free hand drewing" was announced.

HARD TIMES. But money was running short. By 1878 there was not a dollar in the treasury. The lots scattered throughout the city which were given by Jesup Scott's sons proved to be of little value. As Frank Scott said, "This property though well scattered throughout the business and residential part of the city, was depreciating and unsalable, like all other real estate at that time; while taxes and assessments accumulated upon it." Macomber and Frank Scott sought to come to the rescue by buying some of these lots. Macomber taking one for $1800 and Scott taking one for $1600. The University Board was unable to make any additional sales. In 1903 Frank Scott wrote, "The school had to be run out of the pockets of some of the trustees:—Father's estate, Mr. Richard Mott, president of the board and myself being the pockets . . . The Raymond School of Design had to be suspended about 1878. There being not a dollar to do with, the University Trustees were powerless for several years to do anything."[22]

LOW ESTEEM. In the spring of 1876 an event took place which showed conclusively how little the University had found its way into the hearts and minds of the citizens of Toledo. On March 6, Mayor Guido Marx submitted a long message—a sort of "state of the city" report to the City Council. Under the heading "In Intellectual Fields" he summarized the outstanding achievements of Toledoans in cultural matters. They included the public school system, the fame of editors of Toledo newspapers (meaning David Ross Locke, national known for his Nasby Papers), a reference to local clergymen who had become bishops, "physicians at the head of their profession," the legal profession having brought forth the famous Toledoan, Morrison R. Waite, Chief Justice of the United States Supreme Court, and the intellectual and business activity of the city as shown by the volume of the transactions of the local post office. Not one reference was made to the Toledo University of Arts and Trades. Sure-

ly the efforts of Jesup W. Scott to establish a great university in the "future great city of the world" had fallen far, far short of accomplishment.

FOOTNOTES

1. Many ideas in this article were originally suggested by Frank R. Hickerson's "The Founding of the Toledo University of Arts and Trades" NORTHWEST OHIO QUARTERLY (April, 1946) Vol. VXIII, No. 2, pp. 68-91.
2. For Abbott Lawrence, see Dumas Malone (ed.) *Dictionary of American Biography*, vol. XI, pp. 44-46; for Girard see *Ibid.*, vol. pp. 319-322; for Peabody see *Ibid.*, XIV, pp. 336-338; for Cooper see *Ibid.*, vol. IV, pp. 409-410; for Astor see Harvey O'Connor, *The Astors* (New York, 1941), pp. 88-90.
3. J. W. Scott, *A Presentation of Causes Tending to Fix the Position of the Future Great City of the World in the Central Plain of North America; Showing that the Center of the World's Commerce, now Represented by the City of London is Moving Westward to the City of New York and thence, within One Hundred Years to the Best Position on the Great Lakes.* First edition 1868. Second edition 1876 (Toledo, 1876).
4. Randolph C. Downes, *Canal Days* (Toledo, 1949), pp. 55-68.
5. *Ibid.*, pp. 79-90.
6. Deed of Trust, Lucas County Recorder's Office, Deeds Vol. 73, pp. 189-191, October 24, 1872.
7. Lucas County Recirder's Office, Miscellaneous Records, vol. 2, pp. 223-35, October 14, 1872.
8. Frank J. Scott, *The Present Status of the Project for a Toledo University of Arts and Tradees.* (Toledo, 1903), p. 25.
9. *Ibid.*, pp. 23-24.
10. Deed of Scott Heirs to Trustees of Toledo University of Arts and Trades, Lucas County Recorder's Office, Deeds vol. 80, p. 274, February 25, 1874.
11. Amendatory Deed, Lucas County Recorder's Office, Deeds vol. 74, pp. 310-311, December 16, 1872.
12. F. J. Scott, "The Palaces of America", in *The Radical* (Boston, April, 1869), pp. 301-302.
13. "First Annual Report of the Directors of Toledo University," *Annual Statement of Finances of Toledo: The Mayor's Message and Report of Various Municipal Departments* (Toledo: B. F. Wade Company, 1886), p. 717. pp. 301-302.
14. F. J. Scott "The Palaces of America," *op. cit.*
15. Toledo *Morning Commercial*, March 26, 1874.
16. *Ibid.*, March 27, 1874.
17. *Ibid.*, March 23, 1874.
18. Ibid., August 4, 1874.
19. Toledo *Blade*, April 2, 1875. See Hickerson, "Founding of the Toledo University of Arts and Trades," *op. cit.*, pp. 82-83.
20. Toledo *Morning Commercial*, May 10, November 17, 1875; June 30, 1876; January 6, 1877.
21. *Ibid.*, July 7, 1875; February 2, April 4, 1876.
22. Deed of Lot in Stickney Addition, Lucas County Recorder's Office, Deeds vol. 113, p. 570, October 27, 1879; Deed of Lot in Shem Addition, Ibid., Deeds vol. 92, p. 406, February 4, 1876; Frank J. Scott, *The Present Status, op. cit.*, p. 40.

The Toledo Mound— A Preliminary Report

By Albert Schulman

1. *The Problem.*

Toledo Mound is located on the southeastern side of Toledo, one mile outside of the city limits. It is in Oregon Township on Lot A Mound View Park, near the corner of Groll Drive and Drouillard Road. The land is owned by Dorothy E. Lindsey of 2733 Winsted Drive, Toledo, Ohio.

The mound occupies only the northern half of Lot A. Briefly, it appears as a circular, truncated mound with base dimensions approximately forty-three feet by fifty feet. It rises to a height of some twenty-one feet with the sides being rather steeply sheered. The top of the mound is level flat with a surface averaging thirty-eight feet long and thirty-five feet wide.

Thick vegetation covers the mound and there are several large trees growing on the sides. There is debris on the base, sides, and top. Vandals have ravaged it and numerous holes pit the mound. The sides have been dug into apparently for the soil the mound offers and motorcyclists have leveled off the eastern side of the mound for a crude runway.

On the basis of surface topography and the side cuttings the mound appears to consist of clay with little or no stone or wood apparent. While investigating the mound Elliot Latez of Toledo discovered a tooth on the top of the mound. A rough hole had been dug on the eastern side and the tooth was weathering out of the side of this hole at a depth of two feet. The tooth has been identified by Dr. Frank C. Hibben, curator of the Museum of Anthropology at the University of New Mexico, as being the molar of an Eastern Black Bear (*Ursus americanus*). Black bears were formerly found in large numbers all over the wooded parts of North America.[1] With the coming of the white men the black bear rapidly retreated from the more populous and cleared areas and soon became scarce. At the present time they are virtually extinct in Ohio.

No attempt was made to excavate the mound or cut a test trench for the purpose of scientific study. Inasmuch as no paper of any nature could be found concerning the existence of the mound, the purpose of this report is solely to report upon the existence of the mound, state its obvious features and measurements, and generally prepare it for future study. Thus, meagre as the site surveying and research on this mound has been, certain problems do assert themselves. These problems merit consideration inasmuch as they will form the basis for any future investigation.

Briefly they might be listed:

1. The mound is a natural elevation.
2. The mound is artificial and man-made.
   (a) by the Indians.
   (b) by the Whites.

2. *The Mound Was Not Formed Geologically.*

To discuss adequately the first possibility a short resume of Lucas County geology is necessary. Geologically, Oregon Township, as well as the majority of Lucas County, is composed of water lime strata covered by a virtually unbroken flat layer of clay. This clay deposit, having been the longest submerged during the glacial period, accomplished a thorough grading job and resulted in leaving nothing remaining above its level surface. Thus Lucas County is a flat plain broken only by the narrow channels of its streams.[2] (It is this same clay plain that was long known as the notorious "Black Swamp"). Thus, any isolated elevation such as exhibited at the Toledo Mound is entirely out of keeping with the geology and topography of the area. A survey of the entire county reveals no other such solitary protrusion. Certainly further investigation is necessary before any positive statements can be made but it is heartily to be doubted that this mound is natural.

3. *Is It An Indian Mound?*

Assuming then that the mound is artificial and man-made, the obvious possibilities are offered that it was built either by the Indians or the Whites. To discuss logically the possibility that the Indians may have built this mound a simple review of the Indians of this area is demanded. Unfortunately, northwestern Ohio, and especially Lucas County, has been

poorly worked archaeologically. However, on the basis of recent research and excavations, certain data may be summarized.

Ohio is dominated by the Mound Builder Culture. Although this culture occupied at various times more than twenty states and left some 100,000 earthworks scattered throughout this area, Ohio is still considered its center.[3] The Mound Builders general area, however, may be culturally divided into the Upper Mississippi area, the Lower Mississippi area, the Great Lakes area, the Tennessee-Cumberland area, and the Peninsular area.[4]

Over this entire territory the forms of the mounds were generally conical, truncated, built as effigies or for purposes of defense or ceremony. There were also numerous and varied defensive earthworks built.[5]

Briefly the Mound Builders may be described as agricultural Indians who still practiced extensive hunting and gathering. In their technology and in their social structure they achieved surprising stature. They are known for their extensive use of such exotic materials as copper, mica, shark teeth, fresh-water pearls, grizzly-bear teeth, and obsidian. They traded widely and bartered for items ranging in source from the Rocky Mountains to the Gulf and to the Canadian interior. Despite the difficulty of securing these materials the Mound Builders were quite lavish in their use of them. (In Mound 11 of the Ohio State Museum's examinations of the Hopewell Group, the archaeologists found a crematory deposit containing the charred remains of a skeleton accompanied by ornaments of mica and pearl. Adjacent to the burial was a large deposit of several hundred pounds of obsidian in the form of chips, fragments, and chunks.)[6]

In their actual mound-building also they exhibited evidence of having achieved a quite complex culture. The tremendous mounds constructed by these people implies a social structure capable of organizing co-operative labor projects on a massive scale.

It is southern Ohio, however, which is generally concerned with the above-described culture. Of the more than 5,000 Mound Builder remains in Ohio, virtually all are found in the southern two-thirds of the state. The northern portion of Ohio adjacent to Lake Erie has its affinities mainly with the Great Lakes area. This Great Lakes territory is considered a

distinct division and comprises those portions of Canada and the United States immediately adjacent to the Great Lakes. Specifically this includes southern Ontario, western New York, northern Ohio and Indiana, the lower peninsula of Michigan, and probably the lake front regions of Illinois and Wisconsin.

This northern area is characterized by scattering mounds, by small enclosures of indeterminate origin, and by numerous habitation sites and small remains. The Maumee River sites themselves are predominantly in the nature of foundations for palisades and forts.

Archaeologically the origin of these earthworks is still not definite. Little evidence has been found of northwestern Ohio being occupied during the Archaic Period in Ohio archaeology (before 500 A.D.), or the Burial Mound Period (500-1300 A.D.). Only during the late prehistoric period from 1300 to 1700 A.D. can northwestern Ohio definitely be included within the chronology.

During this period the area was occupied by Indians possessing the so-called Whittlesey Culture.[7] These people were of the Sylvid type—long-headed easterners. They built their villages along bluffs and protected them with stockades of posts and earthen walls. Their dwellings were made of saplings, covered with bark or thatch, and were probably square or rectangular in shape. The subsistence was based upon an agricultural economy supplemented by hunting, fishing, and gathering. Their major crops were corn, squashes, beans, and sunflowers. Their only domesticated animal was the dog.

The material aspects of their culture was much simpler than that of the Indians to the south of them. The Whittlesey utilitarian pottery was made of clay with a grit or shell temper. Firing was poorly done and color varied from dark bluish gray to reddish brown. The pottery was probably manufactured by the anvil-and-paddle method. Decorations, always confined to the rim, consisted of geometric patterns. These patterns were linear, extremely simple and in the form of rows, bands, areas, and plats. The bow and arrow was the principal weapon used for hunting and warfare. Arrows were usually tipped with stone points although some antler and bone points have been reported. Agricultural implements were the wooden digging-stick and the musselshell hoe. Fish were caught with various types of bone hooks and the nets used were weighted with notched

stone sinkers. Knives were made of chipped stone and elliptical or lanceolate in form. Wooden mortars and pestles were predominantly used for pounding grain or nuts into meal but the seldom-used stone shallow mortars, hammerstones, and rough pestles are what remain today. For the preparation and sewing of animal skins they made scrapers of numerous shapes, awls of various styles, and also beaming tools and needles. Other tools utilized were axes, and drills, chisels, gouges, and hammers. In all of the above items stone, bone, wood, or antler were the principal materials utilized.

The Whittlesey people wore ornaments of necklaces made of stone, bone, shell, or copper, pendants made of stone or animal teeth and claws, as well as gorgets, combs, and numerous smaller articles. For their musical instruments they had drums, flutes, rattles, and rasps. Their pipes consisted of stone bowls with wooden stems. Some of these bowls were keel-shaped while others were in the effigy of stylized birds.

Their dead were buried in cemeteries near the villages. The bodies were either flexed or extended. There have also been reported some bundle burials and ossuaries (deposits of disarticulated bones and skulls). Grave offerings were rare and, when present, are scanty.

Inasmuch as only four Whittlesey villages have been excavated (this culture has been worked virtually solely by Greenman and Griffin of the University of Michigan and only within the past twelve years) the culture is not yet completely understood. However, this much can be ascertained. Longheaded eastern Indians carrying the Whittlesey culture moved into northwestern Ohio around 1400 A.D. These early villagers were probably ancestral Iroquois, i. e., the product of a Hopewell influence on a Woodland culture. The culture could not support a large population and was semi-nomadic by nature. It lasted, however, well into the period when trade materials were obtained from White men. The occupants of the seventeenth-century Whittlesey villages were probably the Erie tribe of the Iroquois people. The Erie were in the area when the French, discovering Lake Erie, named it after the tribe occupying its southern shores.

The Erie, however, were exterminated in 1654 by the warring Iroquois. Following this for almost fifty years there was a period of constant Iroquois-agitated turmoil that left northwestern Ohio virtually devoid of human occupation. With the French treaties of 1701, however,

peace returned to the area and the Miami moved into this territory. The Miami are intimately tied up with the history of northwestern Ohio and it was they who, inadvertently, supplied the name for Lucas County's only river.

Many of the various earthwork defenses in northwestern Ohio were probably built by the Indians of the Whittlesey Culture. The later Erie sites are usually identified by evidences or correlations obtained from the white men. As a result of trade material obtained from white men, one Erie village was dated as having been occupied during the first half of the seventeenth century. These Erie, also, probably built some of the earthworks in this area. The Jesuits recorded that the Hurons, neighbors of the Erie, practiced the custom of depositing their dead in a common grave and building over them a funeral mound. This ceremony is supposed to have taken place every ten or twelve years.[8]

The question of a mound in this area, however, poses a problem. To date, there are no accredited mounds in this territory that have been reported upon and investigated. The Toledo Mound remains to be excavated to determine whether or not it is an authentic Indian mound. If it is a true Indian mound the further problem is posed as to which particular Indian group built this mound and why. Although evidence still needs strengthening it is generally conceded that the various earthworks of northwestern Ohio are attributable to several distinct occupations, but are probably due to the single culture complex of the Iroquois. This same generalization cannot be applied so readily to the Toledo Mound. That type of earthwork lacks precedence in this area. If the mound is not attributable to the Iroquois then the obvious alternatives are that it was built by the Mound Builders or by white men. If it was built by Mound Builders the question then to be answered, of course, is for what purpose did they build a mound so far north in such an isolated area. This simple discussion serves to reveal that, even if the mound were made by the Indians, there are still pertinent problems which remain to be answered.

4. *Was the Toledo Mound Built Entirely by White Men?*

Concerning the possibility that the mound is artificial but has been made by white men in recent times very little of definite proof could be obtained. However, certain tentative evidence has been offered. Mrs.

Lindsey, present owner of the mound, lived in its vicinity when she was a child some forty years ago. She remembers it as having seemed a "little higher" then but as flat on top as it is now. She mentions that there was some sort of a structure on the top of the mound. Even then, she remembers, it was considered an Indian mound.

Tom Hogan, 2306 Woodville Road, supplied the following information. The entire area, according to him, was farm land some seventy-five years ago and owned by a man named Groll. Groll had a pond for his livestock and built a windmill to pump water for it. The windmill was set up on an elevation. A short time after this the land was sold and the windmill was destroyed. The elevation of dirt still remained.

Much of the problem regarding the mound can perhaps be solved. From its height and the plane-table flatness of its top, it may be safely inferred that Groll built the mound and had a windmill on its top. It is to be regretted, however, that Groll is dead and that his heirs are unknown. The important question yet to be answered, is whether or not there was any form of a mound or earthwork there originally. Utilizing former Indian earthworks and mounds for farm and commercial usage is common practice in this country and it is possible that Groll decided to build his windmill upon an existing Indian site. The very height of the mound implies that he might have utilized an earthwork already present and merely added more dirt to increase its size and elevation. Thus the present mound might well enclose an earlier Indian earthwork.

The above data supplied by the local informants, then, is certainly pertinent but unfortunately it does not answer the entire problem. Quite obviously the complete solution will come only with further research and excavation.

FOOTNOTES

1. G. M. Allen, *Extinct and Vanishing Mammals of the Western Hemisphere,* (Lancaster, 1942), pp. 135-37.
2. G. K. Gilbert, "Report on the Geology of Williams, Fulton, and Lucas Counties", *Ohio Geological Survey,* 1870, Nevins and Myers, (Columbus, 1871), pp. 485-496.
3. H. C. Shetrone, *The Mound Builders* (D. Appleton and Co., New York, 1930), p. 39.
4. *Ibid.,* p. 32.
5. *Ibid.,* pp. 32-34.
6. *Ibid.,* p. 76.
7. P. S. Martin, G. I. Quimby, D. Collier, *Indians Before Columbus,* (University of Chicago Press, Chicago, 1947), pp. 281-283.
8. W. S. Hindale, "Primitive Man in Michigan", *Michigan Handbook Series,* No. 1, (University of Michigan, Ann Arbor, 1925), p. 40.

The President's Page

Trial by Jury Shall Be Held in The State
Where Crimes Shall Have Been Committed

THE FOREGOING provision was included in Article III, Section 2, of the Federal Constitution to secure to the accused a trial in circumstances most favorable to him. Under American law the accused is presumed to be innocent until proven guilty.

The development of the judicial function of the jury, which began some 900 years ago in England, was gradual. Juries originally were chosen from the neighborhood in which the facts in issue occurred, because a jury then consisted only of those who had personal knowledge of such facts and who therefore necessarily must have come from the locality in or near which the crime was committed.

A few hundred years later when a jury consisted only of those persons who knew nothing of the facts and who first obtained knowledge of them from other persons called as witnesses at the trial, the law tenaciously clung to the principle that members of the jury must come from the neighborhood.

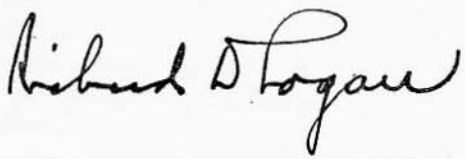
Before the Declaration of Independence, Acts of England's Parliament provided that persons charged with some offenses alleged to have been committed in any of the American Colonies could be indicted and transported to England for trial.

For example, in the Colonial Declaration of Rights of October 14, 1774, an Act of Parliament was condemned which "declares a new offense in America and deprives the American subject of a Constitutional Trial by Jury of the vicinage, by authorizing the trial of any person charged with the committing of any offense described in said Act out of the realm, to be indicted and tried for the same in any shire or county within the realm;" and in the Declaration of Independence, it was said of George III that "he has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws" and he has "given his assent to their acts of pretended legislation . . . for transporting us beyond the seas to be tried for pretended offenses."

So deep was the concern for a jury trial, that a provision for "a jury trial in the State in which the crime was committed" was not only included in the original draft of the Federal Constitution, but an extended provision for a "speedy and public trial by an impartial jury of the State and District wherein the crime shall have been committed," was included in Article VI of the Bill of Rights which became a part of the Federal Constitution by amendment after its ratification by the States.

These provisions relate of course only to trial for offenses against the Federal Constitution and the laws of the United States. Similar guarantees however appear in the Constitutions of each State of the Union. Thus in most instances the accused, under either Federal or State law, will have the benefit at the time of his trial, of his own good character and standing among those with whom he has lived, if he has in fact retained them; he will have the benefit of such knowledge as a local jury may have of the witnesses who testify for him at the trial; and he will have a better opportunity of securing the attendance of such witnesses.

Ordinarily an offense against the United States will be tried in the Federal Judicial District, and that against a State in the County, in which the crime shall have been committed; but Courts are generally empowered upon the application of the *accused* to order a change of venue (change to another district or county for the trial) where for any reason it is made to appear that a fair and impartial trial can not be had in the county in which the offense shall have been committed; and under the law of some jurisdictions, for example Ohio, a change of venue may be had upon the application of the *prosecution,* where it appears to the Court that a fair and impartial trial can not otherwise be had.



President