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THE ADMINISTRATION OF ARTHUR ST. CLAIR, GOVERNOR OF THE NORTHWEST TERRITORY, (1787-1802)

BY

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A THESIS

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With the enactment of the Northwest Ordinance in 1787, Congress laid down a series of fundamental principles which were of great significance in the development of the Union and the government of the territories west of the mountains. This document laid the foundation for the American territorial system and introduced a new conception of the relation between colonies and the parent state. In contrast with former systems—in which the colonies either were subordinate or quite independent—the American plan had as its basis political equality between the original states and the new territory.

The task of giving life and meaning to the principles of this important document was entrusted to Arthur St. Clair. St. Clair, a Scotchman of noble descent, had served as a general in the Revolutionary War. He was a friend of George Washington and a Federalist in politics. In 1786 he served as a delegate from Pennsylvania to the Continental Congress. In recognition of his marked ability during the session, he was elected president of the Congress on
February 22, 1787. The passage of the Northwest Ordinance was the greatest work of the session. In view of St. Clair's later position in the Northwest, it is especially significant that he should have served as president of the Congress that passed it. St. Clair, in particular, recognized the scope of the document and used his influence to bring about its passage. The Ordinance became a law by the unanimous vote of eight states present in Congress on July 13, 1787.

The terms of the Ordinance included a scheme for partitioning the land, a plan of government and a bill of rights. The territory was organized into one district, subject, however, to a later redistricting at the will of Congress. The Act provided for three distinct stages of government. During the first stage, an autocratic territorial government was to be created by Congress. When the population reached 5000 free, adult, male inhabitants, they were authorized to elect an assembly. When the population increased to 60,000 adult males, a constitution was

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1. William H. Smith, The St. Clair Papers, I, 117
2. Frederick L. Paxson, History of the American Frontier, 67
to be framed and the territory to enter the Union as a full participating state, enjoying equal rights with the original states.

The Act provided for a governor who was appointed by Congress for a three year term. For the time being, he was to act as commander-in-chief of the militia and, in conjunction with the judges, to adopt and publish those criminal and civil laws of the original states, which were deemed best suited to the needs and circumstances of the district. These laws were to remain in force unless the General Assembly saw fit to alter them. The governor was authorized to appoint such magistrates and other civil officers in each county or township as he found necessary for the preservation of good order. He was to divide the district into townships or counties as circumstances required, subject, however, to such alteration as might be made thereafter by the legislature.

Congress was to appoint a secretary whose commission was to continue in force for four years. He was to keep the acts and laws of the legislature, the public records, and the proceedings of the governor. Copies of these were to be sent to the Secretary of Congress every six months. Provision was also made for a court
which was to consist of three judges. They were to reside in the district and enjoy common law juris-
diction.

Upon giving proof to the governor that there were 5000 free male inhabitants of full age within the territory, the people were authorized to elect a legislature and enter the second stage of government. This legislature, or General Assembly, was to consist of the governor, the Legislative Council, and a House of Representatives. The Legislative Council consisted of five members nominated by the representatives and appointed by the United States Congress for a term of five years. To qualify for membership in the House, it was necessary to be a citizen of the United States for three years, a resident of the district, and to hold 200 acres of land in the district. There was to be one representative for every five hundred free male inhabitants, until the number reached twenty-five. After that time the number and proportion of representatives was to be regulated by the Legislature. In order to qualify as an elector for a representative a man had to be a resident of the district, have been a citizen of one of the states,
and to possess a freehold of fifty acres of land. The governor, legislative council, and house of representatives were given authority to make laws in all cases for the good government of the territory, the laws being not repugnant to the principles and articles established in the Ordinance. All bills passed by the House and Council were to be referred to the governor for his assent. No bill was to of any force without it.

The bill of rights which was incorporated into the document gave religious freedom to the inhabitants, prohibited legislative interference with private contracts, secured the benefit of habeas corpus, trial by jury, and of the common law in judicial proceedings. The inflicting of cruel and unusual punishments was forbidden. The third of the articles in the bill of rights stated that, "as religion, morality, and knowledge are necessary to the good of mankind, schools and the means of education should be encouraged and good faith observed toward the Indians." The fourth article provided that the territory should remain forever a part of the United states, pay their just proportion of the federal debts, not interfere with the primary disposal of the soil by the general government nor tax non-resident pro-
prioters higher than resident, and make navigable waters free forever to all citizens of the United States. The fifth article provided for the division of the territory into states—not more than five, nor less than three—and for their admission into the Union. The sixth article in regard to slavery, set forth that "There shall be neither slavery nor involuntary servitude within the territory, otherwise than as punishment of crime, whereof the party shall have been duly convicted, provided always that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such as fugitives may be lawfully reclaimed and conveyed to the person claiming his or her labor or services as aforesaid".

The document is chiefly the work of Edward Carrington and Richard Henry Lee of Virginia and Nathan Dane of Massachusetts in committee, following the outline made by Manasseh Cutler of Massachusetts. Its genesis may be found in Jefferson's Ordinance of 1784. Dr. Cutler, agent of the Ohio Company was very

4. John Fiske, Critical Period of American History, 204
5. Cf. text in Journals Continental Congress, XXVI, 276-278
influential in bringing about the approval of the Northwest Ordinance. Before his arrival in Congress on July 5, 1787, an ordinance was being considered which contained none of the grand principles of freedom, protection of property, importance of education, religion and morals, which were incorporated into the document finally passed. Four days after his arrival a new committee was appointed and the new ordinance drafted and passed.

Cutler hoped to make suitable arrangements with Congress to buy for himself and his associates a million and a half acres on the Ohio River. Since Congress had no money, the members were anxious to bring about the sale of some of the government lands. Cutler understood the situation and took means to secure his ends. He sought the friendship of the president of the Congress, but was coolly received. One writer, William Frederick Poole, who has made use of the manuscript journal which Dr. Cutler kept during the period says the reason for this was that "He found General St. Clair wanted to be governor of the Northwest Territory and Dr. Cutler, representing the interests of the Ohio Company, intended that General Parsons of Connecticut should have the office, but he must have St. Clair's influence and found it necessary to pay the price.

6. St. Clair Papers, I, 124
From the moment he communicated this decision, General St. Clair was warmly engaged in his interests." (7)

Cutler has made reference in his diary which would lead to this conclusion, such as the notation of July 26th:

General St. Clair assured me that he would make every possible exertion to prevail with Congress to accept the terms contained in our letters. He appeared much interested and very friendly; but said we must expect opposition. I was now fully convinced that it was good policy to give up Parsons and appear openly solicitous that St. Clair might be appointed governor. Several gentlemen have told me that our matters went on much better since St. Clair and his friends have been informed that we had given up Parsons, and that I had solicited the eastern members for his appointment. (8)

In spite of the evidences in Cutler's diary, it seems improbable that Cutler's backing of St. Clair was a predominating influence in the forming of St. Clair's policies of government. Such an attitude would be inconsistent with St. Clair's character. According to those who knew him, he was frank, upright and honest and not scheming and worldly. St. Clair was probably cautious at first in regard to Cutler's plans and was finally won over when the

7. William F. Poole, "Dr. Cutler and the Ordinance of 1787," North America Review, CXXII, 229-265
(Robert E. Riegel in America Moves West, 50, says: "St. Clair aided in the act which provided for the government of the new west in part because he had been promised the governorship of the new territory").
speculator related the blessings of a free government over such a great territory. William H. Smith, who edited the St. Clair Papers, substantiates this opinion. It seems that St. Clair's purpose in cooperating with Cutler was to bring about the securing of an enlightened government for the territory. He seems convinced that Cutler worked for this also.

St. Clair was in New Jersey when the Ordinance was passed. General Irvine, who returned to New York with him, refers to the Ordinance in a letter to Colonel Richard Butler on July 19th: "Who the officers of the new government will be, I have not heard nor inquired". If St. Clair's name had been canvassed, or if he had any understanding with the New England people, Irvine, his close friend, would have known of it. St. Clair himself said the office was more or less forced on him by friends, who felt it would repay him to some extent for sacrifices he had made for his country.

9. St. Clair Papers, 126
10. Ibid., I, 126
11. Letter of William Irvine to General Richard Butler, St. Clair Papers, I, 604
In securing the passage of the Ordinance, doubtlessly Cutler and certain others were anxious that it would be such that they might share in the profits which the speculation might produce. According to his own testimony, St. Clair had "neither the genius nor the taste for speculation in land, nor did he consider it consistent with the office" (of governor).

The Ordinance of 1787 and the Ohio purchase were parts of the same transaction. The purchase would not have been made without the Ordinance. Unless the laws of the territory contained provisions which harmonized with the moral, social, and political ideas of those who were to buy the lands, they would not have commercial value. So, provisions were included in the Ordinance to satisfy buyers of the lands.

Congress was considering the Ohio purchase at the same time the Ordinance was under consideration. Colonel Carrington was Chairman of the Committee which reported and carried both measures through. The Ordinance became a law on July 13, 1787 while the ordinance of sale of nearly seven million acres of land was passed on July 27th, only two weeks later. Both Cutler and

13. Ibid., 127
St. Clair were prominent in shaping the legislation in regard to the Northwest, St. Clair exerting his influence through Colonel Carrington, Chairman of the Committee to consider the Ordinance and also of the Committee on Lands. Carrington was a personal friend of St. Clair's and had been with him in the Revolution. In the Ordinance which was passed, St. Clair saw provision for a wise and just government of a vast territory. Cutler seemed to realize as well the fact that the liberal terms of the Ordinance would encourage settlers to move into the Northwest and buy lands there, and the shrewd bargain for the purchase of the land seemed uppermost in his mind. An explanation of the clause in the Ordinance in regard to contracts has been suggested to the effect that the Ohio Company desired protection against any law that would interfere with the contracts which the company was proposing to erect in order to dispose of its large estate. Although the two men worked together to bring about the creation of a government for this land they were related to it in different ways—for Cutler shared in its profits and St. Clair in the labors of administration.

According to the provisions of the Ordinance, Congress, on October 5, 1787 elected officers for the new government, Arthur St. Clair being chosen governor. The other officers included: James M. Varnum, Samuel H. Parsons and John Armstrong as Judges; Winthrop Sargant was chosen as secretary. Since Mr. Armstrong declined, John Cleves Symmes was appointed to his place. In July, 1789 a bill was passed by the First Congress under the Federal Constitution which gave the sanction of the national government to all the important provisions of the Ordinance. However, by that time, the officers had taken up their duties in the territory and the new government was well on its way to being firmly established.

17. Journals Constitutional Congress, XXXIII, 610
18. A. C. McLaughlin, Confederation and Constitution, 124
19. Rufus King, Ohio, First Fruits of the Ordinance of 1787, 129
CHAPTER II.

FIRST STAGE OF GOVERNMENT IN THE NORTHWEST

In 1788 the country north of the Ohio was a wilderness. The only inhabitants were warlike Indians, squatters living in small villages, and white missionaries here and there. The Indians controlled the Northwest and refused to be bound by restrictions agreed to by a few at Fort McIntosh in 1785. They hated the Americans and were determined to hold the Ohio River. The British still held posts along the lakes, and they encouraged the Redmen to attack the American settlers. The French, too, supplied them with arms. This territory was far from the supporting power of the federal government and the means of communication were most inadequate. To this field St. Clair was sent to begin the work of administering the Ordinance, making peace with the Indians, and trying to convince settlers that it was unsafe to build homes in the remote interior. He landed at the Muskingum bank on July 9th \(^1\) and was received with civic and military honors.

The civil government was first established west of the Ohio River on July 15th. Colonel Sargent,

\[^1\] B. A. Hinshdale, The Old Northwest, 286
the Secretary, brought the official transcript of the Ordinance and the commissions of the Governor and Judges. An Assembly of the inhabitants was convoked at the city of Marietta. St. Clair, attended by the Judges Parsons and Varnum, presided over this body. The credentials of the various officials were read and the government of the Northwest Territory was inaugurated.

St. Clair was received with sincere and unreserved congratulations by all of the inhabitants. In his opening address, the new Governor spoke of his aims and ideas in regard to the government for the territory.....

From the Ordinance for the establishment of civil government in this quarter, you have a proof, gentlemen, of the attention of Congress to the welfare of the citizens of the United States, how remote soever their situation may be....A good government well administered is the first of blessings to a people. Everything desirable in life is thereby secured to them, and from the operation of wholesome and equal laws the passions of men are restrained within due bounds; their actions receive a proper direction; their virtues are cultivated, and the beautiful fabric of civilized life is reared and brought to perfection.... The executive part of the administration of this government has been entrusted to me, and I am truly sensible of the importance of the trust, and how much depends upon the due execution of it to you, gentlemen, over whom it is to be immediately exercised, to your

2. St. Clair Papers, I, 139
posterity—perhaps to the whole community of America. Would to God I were more equal to the discharge of it! But my best endeavors shall not be wanting to fulfill the desire and the expectation of Congress, that you may find yourselves happy under it; which is the surest way for me at once to meet their approbation and to render it honorable to myself.(3)

The people replied to St. Clair's address and spoke of the blessing they were receiving in having civil government established among them. They recognized it as the only foundation for the enjoyment of life, liberty, and property, and added "We feel a particular satisfaction in having a gentlemen of your Excellency's distinguished character in the administration thereof, to whom we have confidence to look as to a patron, a father and a friend". (4)

According to the provisions in the Ordinance, the governor and judges set to work as a temporary legislature to form a new code of laws. In this work they did not keep strictly within the limits of their legislative authority—which was to make selections of laws from the statutes of the original states. In many cases no law could be found which fitted the conditions in the territory, so the governor

3. Ibid., II, 53
5. St. Clair Papers, I, 145
and the judges enacted new laws. This action they defended on the grounds of necessity. St. Clair did not like this practice, but he acquiesed reluctantly.

In 1790 he wrote to the Attorney General:

In a former conversation you had suggested a doubt whether the laws of the western territory that had been made (in contradistinction to being adopted) by the legislature would be binding upon the people—the same doubt had arisen in my mind earlier, but I gave way to the opinion of the judges and to the necessity of the cause. They were decidedly of the opinion that, from a clause in the Ordinance which declares the Laws "adopted or made" by the governor or judges to be binding during the existence of the temporary government, if not disapproved by Congress, gave them full powers to legislate in that manner; and it is certain that, from the peculiar circumstances of the country, in many cases, no laws of the original states could be found to apply to their occasions exactly without alteration and, if they were altered to those occasions, they would cease, it would seem, to be the same laws.(6)

These laws which were newly enacted and not adopted from those of the states were not approved by Congress.

With two exceptions, however, the new enactments remained in force in the territory until it entered on the second stage of government. These laws were necessary to good government in the Northwest, until the formal enactment of the code of laws by the governor and the council.

On July 26th, St. Clair established the county of Washington and appointed the officers. The new county covered all that portion of the territory east of the Scioto and Cuyahoga Rivers. The officers for the militia were appointed—as well as three justices of peace: Rufus Putman, Benjamin Tupper and Winthrop Sargent. On August 30th, a court of Quarter Sessions was established and Return Jonathan Meigs was appointed clerk. General Putman also was made Judge of Probate with Colonel Meigs as clerk. The judiciary was formally inaugurated on September 2, 1788. Laws having been framed, civil officers appointed, a county erected, the judiciary inaugurated, the foundation of the government seemed complete.

At the very beginning of his administration, St. Clair became involved in difficulties with the judges. He kept a rigorous supervision over their acts. The first law provided for the organization of the militia. The draft, which was prepared by Judges Parsons and Varnum, was sharply criticized by St. Clair. Then, unheeding a letter from St. Clair which called their attention to certain important points of

legislation, the judges prepared an extraordinary project for dividing real estate held in common.

Mr. Atwater in his History of the State of Ohio says "this bill was so loosely drawn up that had it become a law, the non-resident owners of land would have been swindled out of all their land by the resident proprietors". St. Clair rejected the project, pointing out that injustice might result to the non-resident property owners and, in this respect, it violated the spirit of the Ordinance. This veto and the caustic criticism of their militia bill annoyed the judges greatly.

In retaliation, the judges declared that a majority of the judges could enact laws without the consent of the governor. They quoted as their authority this sentence from the Ordinance: "The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal or civil, as may be necessary". They claimed that "a majority of them" applied to the governor and judges sitting as a legislative body. In his answer, St. Clair showed that he was familiar with

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9. St. Clair Papers, I, 146
10. Atwater, History of the State of Ohio, 129, quoted in Ibid., I, 146
11. Ibid., I, 147
13. Judges Parsons & Varnum to St. Clair, St. Clair Papers, II, 70
principles of law and government. He wrote:

I am afraid I have the misfortune to differ in opinion with your Honors. It seems to be your opinion that, where three of the judges agree in adopting and publishing a law, it will acquire the requisite validity without the consent of the governor. The passage in the Ordinance is in these words, "The governor and judges, or a majority of them, shall adopt and publish...." It is true that the punctuation would favor the construction you seem inclined to put upon it; but I believe that it is not the true sense, and that Congress intended the assent of the governor to be necessary to all laws adopted during the existence of the stage of the temporary government, as well as to all laws formed by the General Assembly after it shall have been organized. I conceive, gentlemen, Congress thought there would be an impropriety in leaving the adoption of laws by which the people of the district were for a time to be governed solely to the persons who were to expound them. Much greater, however, would that impropriety be, if the clause of the Ordinance goes not only to adoption, but to the formation of laws. The judges, in that case, would be complete legislators, which is the very definition of tyranny, and although that arrangement might, in your hands, produce no evils, no man can tell how long this stage of government will last, or who may be your successors; nor could it fail to produce uneasiness in the minds of the people over whom so oppressive authority was established. (14)

He also said that he believed all the clauses in the Ordinance should be construed liberally. But he felt that it was not the same to construe a grant liberally as to add to the grant by construction that was never in the contemplation of the grantor. St.

14. Ibid., II, 73
Clair could rightfully speak for the grantor, for he had been president of the Congress when the Ordinance was passed.

During the early years St. Clair's attention was drawn to the question of extending the excise duties on spiritous liquors of domestic production to the territories—as part of the United States. Persons who sold foreign liquors were required to take out a license; thus the revenue system was extended to the territories. This action of the federal government was criticized, but on the whole, met no great opposition. There were, however, many evasions. The attorney general supplied the Secretary of the Treasury with an opinion that the Fourth Article of the Compact of the Ordinance extended all the acts of Congress to the territory. In a letter to Oliver Wolcott, St. Clair stated his difference of opinion in this regard. He said the Fourth Article was intended to apply to the states to be formed out of this territory when they were admitted to the Union and not while in territorial condition. He believed that if Congress had intended otherwise the people would have been given a representation, a participation in the benefits

15. Attorney General to Secretary of Treasury, Territorial Papers of the United States, Op. Cit., II, 520
of the general government, and that the judicial powers of the government would have been extended to the territories. In spite of the fact that Congress of 1792-93 seriously tried to extend the law placing a duty on spirits distilled within the United States to the Northwest Territory, the attempt failed. An act was passed in 1794 which authorized the president to erect revenue districts and appoint collectors "in the territories northwest and south of the River Ohio"—in order to facilitate and secure the collection of revenue on distilled spirits and stills. It extended the jurisdiction of the "judicial courts" of the territories to all cases originating under the Act.

St. Clair's desire to protect the rights of the people may be noted in his remarks on the motion of Judge Symmes to extend the jurisdiction of a single magistrate in the trial of small cases not involving over twenty dollars. St. Clair pointed out the hardships to the debtor resulting from summary proceedings, the increase of litigation through inconvenience of small courts and the injury to society as a consequence. "Although," he said, "the administration of justice should be so cheap that every man may be within reach of right, it should also be so dear, particularly at

16. St. Clair Papers, I, 196
17. Ibid., I, 196
the first step, as that everybody may be deterred from entering into law suits wantonly, or to gratify a revengeful disposition".

The important territorial laws passed in these first years included the organization of the militia, the provision for the establishment of inferior courts, including probate; for fixing the terms of the general court, for the punishment of crime, prescribing oaths of office, regulating marriages, prescribing the duties of the ministerial offices, and for the appointment of coroners. Since there were no printers or presses, the laws were issued in writing certified by the judges.

In 1788 the affairs of the Ohio Company had not progressed far enough to permit tracts of land being sold to settlers. St. Clair and his associates felt that potential settlers for the Muskingum region were moving into Kentucky on this account. Consequently, he called a meeting of the company. At the meeting, which was held the next December, measures were taken to survey the land and to apportion lots to the settlers. Grants legally acquired under former governments were confirmed by the legislation. During half of the next year the Governor and the Secretary were busy ad-

18. Ibid., I, 191
19. Ibid., I, 147
justing land titles of the French and Canadian settlers. St. Clair's knowledge of French was very helpful in this, and, also, in explaining the slavery clause in the Ordinance, which clause these people denounced.

St. Clair defended the slavery clause and explained that it had no retroactive effect. He declared it was "a declaration of a principle which was to govern the legislature in all acts respecting that matter and the courts of justice in their decision in cases arising after the date of the Ordinance." If Congress had intended immediate abolition there would have been some compensation provided for the owners, but "they had the right to determine that property of that kind afterwards acquired should not be protected in the future, and that slaves imported into the territory after that declaration might reclaim their freedom." This opinion was accepted as the true interpretation of the Ordinance in the different stages of government. In spite of St. Clair's explanation, many settlers moved across the Mississippi because Spain made no regulation against slavery.

In the spring of 1789, St. Clair moved his headquarters to the mouth of the Miami where he built an army post, Fort Washington. There were some settlers

21. St. Clair Papers, II, 239
there already, due to the speculation of John Cleves Symmes. In the spring of 1788 Symmes had made arrangements with Congress to purchase land on terms similar to those of the Ohio Associates. For a dollar an acre, reduced by one-third, because of probable bad lands, he was to buy an inverted wedge of land touching the Ohio between the mouths of the Great and Little Miami and expanding north into the Indian country. The settlement was named Losantiville. However, St. Clair made use of his autocratic power and changed it to Cincinnati, which really was a more suitable name, especially because the officers of the Continental Army were influential in the Northwest.

In April, 1789 St. Clair joined in the inauguration of Washington. He attended the committees and the entire session of Congress which lasted until October. He made suggestions in regard to legislation necessary to adapt the provisions of the Ordinance of 1787 to the new government. Amendatory laws were passed. In case of the absence of the governor, the secretary was authorized to execute all the powers and duties of the governor. The governor was given the authority to call the militia of the states into

service when it was necessary to protect the settlers of the frontier.

St. Clair returned to the Northwest on January 2d, 1790 and at once established Hamilton County. The procedure followed was the same as that carried out in the establishment of Washington County. Courts were formed and officers appointed; William Goforth, Williams Wells, and William McMillan being judges of the Court of Common Pleas, and Israel Ludlow was Clerk of the several courts. Cincinnati became the county seat. The next two counties formed were named St. Clair and Knox respectively. The death of Judge Varnum in 1789 and of Judge Parsons in 1790 left vacancies which were filled by G. Turner and R. Putman.

During the first stage of the government in the Northwest Territory the Indian question was most serious, and was a problem to which St. Clair devoted much time and thought. Although we are not dealing with this phase of the administration, it is expedient to note briefly his difficulties with the natives in view of the fact that his relations with the Indians were quite unsuccessful and served to bring his administration into disfavor with the frontiersmen. Every settlement west of the Ohio was an encroachment upon Indian territory until the Treaty of Greenville.

24. St. Clair Papers, I, 162
in 1795 when the Indians relinquished title to the land. The Six Nations, in agreeing to the second Treaty of Fort Stanwix, yielded a claim that was not admitted by the tribe west of Pennsylvania. The Lake Erie Indians confirmed the cession at Fort McIntosh, but they only gave up land that they did not occupy. St. Clair called the tribes in council at Fort Harman (25) and on January 9, 1789 they signed a treaty. The Indians, however, did not realize the obligation of the treaty and those not actually participating in the negotiations did not feel that it was binding on them—so the right bank of the Ohio was not yet assured. Attacks on outlying cabins were numerous. In 1790 General Harmar set out to quiet the border, but failed. As more white settlers moved into the Northwest, there was additional trouble with the Indians. It was a problem for the officials to discover which were hostile tribes. The settlers classed all of the tribes together and used their own means of fighting them. St. Clair, who did not understand the frontiersmen and was unable to sympathize with them, realized, however, that they could not and should not submit to the cruelties of the Indians. He said of the frontier people, "they are in the habit

of retaliation perhaps without attending precisely \((26)\) to the nations from which the injuries are received".

In 1791 St. Clair was authorized by Washington to lead an expedition against the Indians. He was not suited for the difficult task. His plan was fundamentally sound—he planned to erect a chain of forts from Fort Washington to the Maumee from which \((27)\) garrisons could police the border. Although Harmar and St. Clair were both fair officers and could acquit themselves respectably in open country against civilized enemies, they never succeeded in carrying on a campaign in the woods. The Indians surprised St. Clair's militia, and the disaster to his forces was overwhelming. Although Washington and Congress did not hold St. Clair responsible for the defeat, it was largely due to his incapacity as a general. St. Clair resigned his commission in the army, and Anthony Wayne took his place. In 1795 the Treaty of Greenville \((28)\) finally brought peace. The Treaty gave the lands of the Indians in the Northwest to the Americans, with the exceptions of small reservations. After the treaty there was a tide of emigration to the Northwest.

27. T. Roosevelt, Winning of the West, V., 58
St. Clair brought about the passage of a Congressional Act in 1792 which gave the governor and judges authority to repeal at their discretion (29) laws made by the legislature of the territory. The governor still felt that their laws did not conform to the Ordinance of 1787, and this seemed to be the only practical method of correcting this error against which he had protested. St. Clair's ideas in regard to a judicial system, on the rights of the people, and the duties of the magistrates formed the basis of the system of laws established in 1795. In speaking of the system the distinguished jurist, Chase, said that it was "not without many imperfections and blemishes, but it may be doubted whether any colony, at so early a period after its establishment ever had one so good".

In revising the Ordinance the governor and the judges were bound by the provisions of the Ordinance----as St. Clair had insisted be done in 1789-90. A complete system of government was established in accordance with the liberal provisions promised in the Ordinance. Laws to regulate society were passed. Changes were made in the judicial system----the general court was fixed at Marietta and Cincinnati, and a circuit court

29. Cf. text of act Respecting the Government of the Territories, Ibid., II, 395
30. St. Clair Papers, I, 188
was established. They adopted a law which provided
that the common law of England, and all the general
statutes in aid of the common law to the fourth year
of James I should be of full force within the terri-
tory.

In 1798 a new secretary was appointed to
the Northwest. William Henry Harrison took the place
of Winthrop Sargent who resigned to become Governor
of the new territory of Mississippi. Sargent and St.
Clair had been close friends and worked well together.
Such was not the case in regard to St. Clair and
Harrison who differed greatly in many ways. William
H. Smith says:

The governor was growing old, accustomed to
defereence from others, and held tenaciously
to the political opinions formed among the
surging elements of the Revolution in the
camp of Washington. The other, young and
ambitious, ready to sympathize with any
movement that had for its object the chang­
ing of the old for a new order of things.(33)

A census was taken of the territory in 1798
which established the fact that there was a population
of 5000 free, white, male inhabitants of full age.

31. Ibid., I, 189
32. Jacob Burnett, Notes on the Early Settlement of
   the Northwest Territory, 302
33. St. Clair Papers, I, 207
34. King, Op. Cit., 269
So the territory was entitled to enter the second stage of government according to the Ordinance. From 1787 to 1798 St. Clair had governed with an autocratic control. Popular influence in governmental matters was entirely lacking. St. Clair had little trust in the common frontier people and, though he aimed at their happiness, he felt they should have not too great a part in the government. As long as there was no politics in the district St. Clair had been quite popular—due to his sense of justice, his eminent public services, social qualities, and (35) weight of character. However, by the time the territory was ready to enter the second stage of government he was beginning to lose his popularity. The election of a General Assembly ended his "reign".

CHAPTER III

SECOND STAGE OF GOVERNMENT IN THE NORTHWEST TERRITORY

St. Clair's proclamation directing the legal voters to elect representatives to a general assembly was the first step in forming the second stage of government in the Northwest. He designated Cincinnati as the place of meeting. On February 4, 1799 a meeting of the representatives nominated ten persons from whom five were appointed by the President to compose the legislative council. These were Jacob Burnet and James Findlay of Hamilton County, Robert Oliver of Washington, David Vance of Jefferson, and Henry Vanderburgh of Knox. The assembly met for the transaction of business on September 24, 1799. One of the significant changes was that the Governor was no longer a part of the legislature. In spite of this, his power was strengthened, for he retained his general executive control, the right to appoint subordinate officers, and an absolute veto. With the creation of the legislature

2. Ibid., 264
4. St. Clair Papers, I, 208
and the appointment of a delegate from the territory to Congress, political activity was stimulated and St. Clair's difficulties increased.

When the legislature met in September the members were already indignant at the fact that St. Clair had, of his own will, determined the place of meeting. He had also presumed to adopt a seal for the territory without consulting the people. On September 26th the Governor delivered an address before the two houses congratulating them and their constituents on the interesting change in the form of government and recommending certain measures to their attention:

> It is with much pleasure that I meet you now in General Assembly, an event that has been looked forward to by the people with some anxiety and, not without reason, having been hitherto governed by laws adopted or made by persons in whose appointment they had no participation, and over whom they had no control. The wish to be withdrawn from under that authority and that the laws which were to direct their conduct and to protect their property should be made by their own representatives was very natural, and I congratulate them and you, gentlemen, that you are now met for that purpose.(6)

Nevertheless, he said that he felt the earlier system

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6. St. Clair Papers, I, 209
was full of wisdom and well fitted to the former circumstances of the territory. He went on to describe the condition of the country and recommended to their attention "such measures as he believed were proper to advance the prosperity and happiness of the people". He pointed out the defects of the system of laws that had been adopted and suggested amendments through legislative action. Due to expense involved in the change it would be necessary to pass revenue laws. For the protection of the inhabitants an efficient military system must be provided. In regard to education and religion he said, "The benefits that result from early education and due instruction in religion are of immense value to every country". He urged that action be taken to make available the provisions that were set apart by Congress for them. He spoke also of the importance of restraining the traffic in intoxicating liquors, in prohibiting usury, of passing laws founded on justice and humanity for the Indians, and for providing for the local administration of the laws. He concluded:

The providing for and the regulating the lives and morals of the present and the rising generations, for the repression of vice and immorality,
and for the protection of virtue and innocence, for the security of property and the punishment of crime is a sublime employment. Every aid in my power will be afforded, and I hope we shall bear in mind that the character and deportment of the people and their happiness, both here and hereafter, depend very much on the genius and spirit of their laws.(7)

The personnel of the legislature included the best men of the territory. Although many of them were not formally educated, they were well acquainted with the needs of the people. Much of the work of framing the laws was done by Jacob Burnet, a member of the Council and a lawyer of ability. He became a chief adviser and supporter of the territorial administration.

The first months of the session were filled with routine matters and the consideration of the Governor's address. The territorial code of the first stage was confirmed. One of the important duties was the election of a delegate to Congress. Before the election public opinion favored William Henry Harrison or Arthur St. Clair, Jr. On October 3rd the two houses met and elected Harrison as delegate. Bills

7. Ibid., 209
8. Ibid., 211
were also passed by which some of the counties were divided and new counties created.

During this session a petition from officers of the Virginia line for "toleration to bring their slaves into the Virginia military district" was re-

ferred to a committee. The report was that it would be incompatible with the Ordinance and this decision was unanimously adopted. Burnet says that even without the compact prohibiting slavery, such was the public feeling that the request would have been denied by the legislature by unanimous vote.

They were not only opposed to slavery on the ground of it being a moral evil, in violation of personal right, but were of the opinion that, whatever might be its immediate advantages, it would ultimately retard the settlement and check the prosperity of the territory by making labor less reputable and creating feelings and habits unfriendly to the simplicity and industry they desired to encourage and perpetuate.(12)

Toward the close of the session they adopted a eulogistic address to President Adams, written by Burnet, which St. Clair communicated to the President. It is significant that five members of the House, who

formed a nucleus of the opposition party rising in the Northwest, voted against this resolution. Personal relations between the governor and the members were cordial at this time, but they disagreed concerning their powers. The session was one of dispute and denunciation, St. Clair vetoing every important statute that the territorial legislature enacted. As yet, party division was scarcely noticeable in the territory, but political agitation in the East was very strong. This veto of the acts of the legislature led to a distinct break between the governor and the Jeffersonians. In writing to James Ross soon after the Assembly had adjourned, St. Clair said he had been "obliged to put a negative on a good many of their acts, but that the session had passed off harmoniously and that their last act had been a very handsome address to the President".

On December 19th the governor prorogued the Assembly to the first Monday in November. He announced in the formal closing of the session that he disapproved

13. St. Clair Papers, I, 213
16. Annals of the West, 467
of eight or ten of their bills, among them those relating to counties. These measures were shelved for a year and, as a result, some of the members were much displeased. The Assembly claimed the power to erect new counties and the Governor denied the claim. Much of the bitterness of the controversy is said to have been due to land speculators who were anxious to influence the erection of counties and the location of county towns, and who found St. Clair standing in their way. But St. Clair's free exercise of the veto power brought him into public disapproval.

Harrison, as delegate to Congress, secured some important advantages for his constituents. He introduced a resolution to subdivide the surveys of public lands and to offer them for sale in small tracts. He was successful in getting the measure through both Houses in opposition to the interests of speculators who were or wished to be the retailers of land to the poorer people of the community. This law was regarded as one of the most beneficial acts Congress ever had passed for the territory. This act made it possible for all industrious men, no matter how poor, to become

17. St. Clair Papers, II, 474-480
18. Ibid., I, 213
freeholders. Harrison also obtained a liberal ex-
tension of time for the preemptioners in the northern 
part of Miami purchase, which entitled them to secure 
(20) their farms and become independent.

The first land policy that was adopted pro-
duced certain harmful results. Land was sold in 
large tracts to be resold to settlers in lots suit-
able for their convenience. About one-half of the 
State of Ohio was made up of large tracts of land 
ranging from the 1,000,000 acres of the Symmes purchase 
to the 4,209,800 acres of the Virginia Military Dis-
trict. In its undivided form the Virginia District, 
as well as the United States Bounty Lands, belonged 
to a large number of persons, but through the sale and 
purchase of rights the lands in both of them tended to 
work into the hands of large holders. In 1800 St. 
Clair called the attention of the legislature to this 
(21) state of affairs. In his address he stressed the 
fact that the land had generally been held by a few 
individuals in large quantities who had sold them out 
in small tracts on credit, so that in some of the 
counties the majority of the people, unable because of

poverty to meet their obligations, were debtors to the proprietors. He said that this state of things gave creditors a dangerous power over the votes of the debtors and he suggested whether the substitution of election by ballot for election *viva voce* would not be "the best way of guarding against that not improbable evil". Nothing was done in regard to this until 1802 when the change was adopted in the Ohio Constitution. The danger was lessened because of competition and the inability of the great landholders to hold their tracts. But there were other dangers connected with the land system. Congress at first proposed to sell land only in the large tracts—like the Ohio and Symmes purchases. According to the Land Ordinance of 1785 a complicated machinery was set up for selling land. It authorized the loan commissioners of the several states to dispose of land at public sale in townships of 23,040 acres and in sections of 640 acres. It made no provision for land offices in the western country and it fixed the minimum price at $1.00 per acre and the cost of survey, in specie or its equivalent. Acts were passed under the Constitu-

23. Cf. text of Land Ordinance of 1785 in *Territorial Papers of the United States*, II, 12-18
tion to correct the evils growing out of the Ordinance of 1785.

During the session of Congress of 1799-1800 Harrison was Chairman of the Committee to consider the division of the Northwest Territory. Section I of the Ordinance reserved to Congress the right to divide the Northwest into two territories whenever circumstances might render it expedient. In a letter to Harrison of February 17, 1800 Governor St. Clair recommended the formation of three territories, the dividing lines to be the Scioto River, and a meridian line drawn through the mouth of the Kentucky River with Marietta, Cincinnati, and Vincennes as capitals. This was to continue until new states were formed. Objections were made to St. Clair's scheme for it would postpone the formation of the state. It was held that his purpose was to carve out a territory of which he would be Governor for life. The first objection was true but the other was absurd. The plan of St. Clair was not supported by Harrison who favored the state party, and it added to the Governor's growing unpopularity. National statesmen and politicians

24. Ibid., 306
27. St. Clair Papers, I, 215
in the territory wanted the new state to enter the Union with the right kind of politics. The Federalists feared it would be Jeffersonian and so urged such a division as would long defer its admission. St. Clair argued against too extensive territory for any state. The agreement in the Ordinance of 1787 that the line of division should be the mouth of the Great Miami was little considered by those who saw statehood as a means of advancing or retarding party power. The Jeffersonians were anxious to get the requisite population of 60,000 as soon as possible to qualify for admission, so they wanted generous boundaries. In a letter to Secretary of State Pickering, St. Clair indicated what he considered proper boundaries, but after reflecting on the matter he said those he had mentioned would not do for while it would make the eastern state surely Federalist "its population was so thin that the design would be evident". This letter was seen by Harrison and made known, and it created more ill feeling against the Governor.

After a conflict between Harrison and his supporters in the House and St. Clair's friends in the Senate, an act was passed on May 7, 1800. All that

29. Cf. text of Act of 1800 in Territorial Papers of the United States, III, 86-8
part of the Northwest lying west of the treaty line of 1795, from the Ohio to Fort Recovery, and a line drawn from the fort to the international boundary was a separate territory to be called Indiana Territory. The act made Chillicothe and Vincennes the two capitals until otherwise ordained by the respective legislatures, and said whenever the territory east of the meridian of the mouth of the Great Miami should become an independent state, thenceforth said meridian should be the boundary between the new territory and such state.

The Chillicothe politicians had originally considered a rather extreme scheme by which they planned to appoint Harrison as governor of the Indiana Territory, establish the permanent seat of the east district at Chillicothe and make such alterations in the form of territorial government as to vacate the offices. They intended the retirement of St. Clair. They were able to effect the first two of these plans but met with opposition in the Senate. The Act of May 7th prohibited change in the government of the old territory other than the limitation of extent. After this time the Northwest Territory was limited to the eastern

30. St. Clair Papers, I, 236
territory. In this district the conflict over the statehood question and the growing unpopularity of the Governor became the important questions.

Since the Act of 1800 moved the seat of government to Chillicothe, the second session of the Territorial General Assembly was held there. The session began on the first Monday in November. In the Governor's address the unpleasant relations between himself and his opponents were made clear. He made suggestions for the general good, assured the members that he would join them in every measure to benefit the people and, by carrying them faithfully into execution, to give them the effect desired. He spoke of education, taxation, justice to Indians, and purity of elections. He concluded with a statement in reference to his enemies:

My term of office and yours, gentlemen of the House of Representatives, will soon expire. It is indeed very uncertain whether I shall ever meet another Assembly in the character I now hold, for I well know that the vilest calumnies and the greatest falsehoods are insidiously circulated among the people with a view to prevent it. While I regret the baseness and malevolence of the authors, and well know that the laws have put the means of correction fully in my power, they have nothing to dread from me but the contempt they justly merit.

31. Ibid., I, 217
The remorse of their own consciences will one day be punishment sufficient. Their arts may, however, succeed. Be that as it may, of this I am certain, that, be my successor whom he may, he can never have the interests of the people of this territory more truly at heart than I have had, nor labor more assiduously for their good than I have done; and I am not conscious that any one act of my administration has been influenced by any other motive than a sincere desire to promote their welfare and happiness.(32)

Each House answered this address. The reply of the Legislative Council closed with these words:

It is with real concern and indignation that we view the malicious attempts which have been made to asperse the character of your Excellency, and though the provisions of the law might subject the authors to punishment, yet we agree with you, that attempts so despicable and wicked deserve no other notice than contempt. Believing that your general conduct as chief magistrate has been dictated by a pure desire to promote the interests and welfare of the people of this territory the Legislative Council feel it is a duty incumbent upon them at this time to express their confidence in your administration and their wishes for its continuance.(33)

The House of Representatives also addressed the Governor:

We regret, Sir, that calumny and falsehood should be resorted to in order to render your administration unpopular among the good people of this territory; but, we trust, the services you have rendered heretofore in the cause of

32. Ibid., I, 217
liberty and your country, together with
the manifest purity of your intentions, since
you have been entrusted with the dignified
office you now fill, will be sufficient shield
to guard against the unprovoked attack of the
wicked and malevolent.(34)

In the Legislative Council the reply to St. Clair's
speech was passed by unanimous vote, but in the House
there was opposition. Ayes and noes being demanded
the vote was ayes ten, noes seven.

The quarrel in regard to where the power of
formation of counties is located was continued in
this session. The Governor's opinion was expressed in
a letter to the General Assembly in 1799:

It appears to me that the erecting of new
counties is the proper business of the
executive. It is, indeed, provided that
the boundaries of the counties may be al-
terred by the legislature, but that is quite
a different thing from originally establish-
ing them. They must exist before they can
be altered, and the provision is expressed
that the Governor shall proceed from time to
time, as it may become necessary to lay them
out. While I shall ever most studiously avoid
encroaching upon any of the rights of the
Legislature, you will naturally expect, gentle-
men, that I will guard, with equal care, those
of the executive.(36)

The Council persisted in the belief that "after the
Governor had laid out the country into counties and
townships as he had already done under the first grade

34. Ibid., 317
35. Ibid., 317
36. St. Clair Papers, I, 220
of government, it was competent for them to pass laws altering, dividing, and multiplying them at their pleasure, to be submitted for his approbation"; that "when the territory has been divided into counties by the Governor, his exclusive power was exhausted and any alterations thereafter required were to be made (37) by the legislature with his consent". This view was finally upheld by Congress. It was, however, in the midst of a political contest and so was of no great value in proving which opinion was in accordance with the Ordinance. So much discussion was given to this question since speculators were especially interested in securing control of the establishment of county towns in order to increase the value of their lands. For the public improvements as buildings, roads, and schools would attract a better class of people to settle the districts.

The legislature suggested that any bills which the Governor did not approve might be returned before the end of the session, so they might be revised. St. Clair did not comply with the request and said it seemed to regard his action somewhat in the light of a mere qualified dissent, whereas, by the

37. Ibid., I, 220
Ordinance, he was a third branch of the Assembly
and his negative as absolute as theirs.

In the middle of the business the Governor
suddenly brought an end to the session—an action
which added to his growing unpopularity. His term
ended early in December. On December 2d he told the
General Assembly that it would end on the 9th, for
his term expired then and they could not proceed be­
cause the secretary was not authorized in this case
to act as Vice-Governor. This action aroused much
criticism. It was said the true reason for it was
that Charles W. Byrd, the Secretary, was in sympathy
with the opposition. The general opinion of the
Assembly was that on fair interpretation of the Act
of Congress of August, 1789, the Secretary of the
Territory was fully authorized to carry out the
Governor's duties after his term expired. The pro­
vision is in these words:

In case of the death, removal, resignation,
or necessary absence of the Governor from
the Territory, the Secretary thereof shall
be and is hereby authorized and required to
execute the powers and perform all the duties
of the Governor during the vacancy occasioned
by the removal, resignation, or necessary
absence of the Governor.(41)

39. St. Clair Papers, I, 221
41. Cf. text of Act of Congress of 1789 for the Govern­
of the Northwest Territory in Territorial Papers of
the United States, II, 203
The Assembly believed that vacancy by reason of the expiration of the term of the Governor's appointment was such a removal from office, according to the Act, as authorized the Secretary to take his place. The legislature knowing the Governor had power to prorogue them, felt it would be useless to try to change St. Clair' and so no reply was made to his message.

This affair was unfortunate, for in spite of St. Clair's popular disfavor, he was reappointed in 1801 to the position he had held so long. A determined effort, however, was made to induce President Adams not to reappoint him. In recommending St. Clair for reappointment, the President sent with his message to the Senate, the protests of those in the territory who opposed the Governor's administration. His friends were alarmed, but few opposed the confirmation of the appointment.

When the new legislature met on November 24, 1801, the difficulty between the House and St. Clair became more evident. The question of counties was put aside, but the Representatives wanted revenge and so they withheld from the Governor printed copies of the bills as they were introduced. He rebuked them sharply for this and the ill feeling increased. St.

42. Annals of the West, 474
43. St. Clair Papers, I, 223
Clair made certain recommendations which were carried out in this session—concerning the exemption of citizens conscientiously opposed to war from military duty, the passing of a law for the inspection of articles of export, revision of the criminal laws. The delegate to Congress was instructed to obtain legislation to secure for the territory the township of land promised but not furnished by Judge Symmes for the support of an academy and to make available land set apart for the maintenance of schools and religion. More reliable provision was made for a revenue for the support of the government. Acts to incorporate Cincinnati, Chillicothe, and Detroit were passed as well as acts to establish a University at Athens on land granted by Congress for the purpose and to change the seat of government from Chillicothe to Cincinnati.

The legislature also passed an act declaring the assent of the territory to a change in the Ordinance for the government of the territory. This act was passed to effect an alteration in the boundaries of the three states first to be formed from the territory. It was a political move and received unanimous vote in the Council but met with opposition in the

44. Ibid., 223 ff.
House. After the Act was passed a protest was signed by seven members of the House of Representatives and entered on the Journal. They believed that if it was carried into effect it would delay the establishment of a state government in the east division. The objection was urged by the opponents of the measure and had much weight with the new administration of the general government. Jefferson's party, which was coming into power, relied on increasing the numerical strength of the party by forming and admitting the proposed state into the Union. The result was that when the law was laid before Congress at their next session for approval, it was refused and the object of it was lost.

The question of the new state in the eastern district of the northwest created much political excitement in the territory. The common view of the Federalists was expressed by a resolution unanimously adopted by a delegate convention of the County of Washington, held at Marietta in June, 1801: "That in our opinion it would be highly impolitic and very injurious to the inhabitants of the territory to enter into a state government at this time". The republican view, expressed by a writer in the Scioto Gazette,

October, 1801, was that "such a change would be like opening the flood gates to a mill; wealth would flow in, improvements would spring up, the streams would roll along food to thousand suffering from want, and arrangements for education would be perfected; plains covered with herds and farms with crops would gladden the owners hearts, and the government like the tree of liberty would extend its benign branches over the citizens, sheltering them from tyranny and oppression". Federalists said that the state government would be costly and the new government could not pay the taxes. It would be wiser to allow the United States to pay the expenses of government rather than to impose them on the citizens. Republicans replied that salaries now paid by Congress to the Governor and Judges amounted to only $5,500 and a state government would not cost more than $15,400 per year, while the people were able to pay $27,426 for the year 1801. But these discussions were relatively unimportant for the real question was one of national politics. The Federalists opposed the change because it would mean three more Republican presidential electors and two more Republican senators. The Republicans favored the proposal because of these reasons and also because of the

47. St. Clair Papers, I, 225
increased patronage to be gained by the creation of a new state.

The people were divided on this question, but the majority favored the change. The opponents of the measure were ridiculed as aristocrats and enemies of the people. They, in turn, said the sponsors of the change were actuated by personal considerations at the expense of the best interests of the community. The excitement reached a high point when a mob, inspired by the advocates of state government, took possession at Chillicothe, threatened the members of the legislature who opposed the state party and attempted to force their way into St. Clair's home. This insult was not countenanced by the governor's opponents in the Assembly for he said that "Baldwin (leader of the mob) was not prevented from it, but by the splendid exertion of Mr. Worthington who was obliged to threaten him with death". Worthington was one of the governor's most active opponents. He had spoken of St. Clair as "Arthur the First" and referred to his attack on the governor as attempts to "curb a tyrant". Judge Symmes, another of the governor's most determined opponents, declared "We shall never have fair play while Arthur

49. St. Clair Papers, I, 224
and his Knights of the Round Table sit at the head".

St. Clair sent a special message to the legislature concerning the disgraceful proceedings of the mob at Chillicothe and wrote to the Secretary of State giving an account of the affair. Burnet says the object was evidently to insult St. Clair and do personal violence to some of the members of the legislature.

No arguments could prevail against the accusation that the liberties of the people were endangered by the territorial government and that a plan had been formed to perpetuate the colonial system, with a view of continuing the influence of a few individuals in the management of the general government and that of the territory. The people's attention was directed to the rights and privileges enjoyed by the citizens of the states in contrast with the restrictions placed on the inhabitants of the territory. Many were convinced that their rights were needlessly withheld for the benefits of a few favorites of the general government. There seems, however, to be no definite proof for this contention.

On February 20, 1802 Thomas Worthington sent a letter to the President containing various charges against St. Clair as governor of the Northwest Territory.

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51. St. Clair Papers, I, 242
53. St. Clair Papers, I, 227
St. Clair was charged with usurping legislative powers by the erection of courts by executive proclamation, misusing veto powers by vetoing useful laws, demanding arbitrary fees not established by law, preventing the advancement of self government, granting illegal tenure of office to his son, exerting undue influence over the proceedings of the courts, neglecting the organization and discipline of the militia, and expressing hostility to the form and substance of republican government. St. Clair was able to answer the charges in such a way that Jefferson refused to discharge him as his accusers desired. The Secretary of State communicated the decision of Jefferson in a letter to St. Clair on June 23, 1802. He refers to St. Clair as "an officer who has stood in so many honorable and interested relations to his country", but rebuked his "conduct in granting your son an illegal tenure of office". William Smith regards the Governor's appointment of his son as unfortunate although the circumstances surrounding the appointment justified the action. The Governor was unable to find

55. Ibid., III, 231
a competent lawyer who would accept the office because of the small remuneration. In the emergency of finding someone for the office St. Clair induced his son, a promising young attorney at Pittsburgh, to move to Cincinnati and take the office.

Late in 1801, Mr. Worthington left for Washington to secure permission to call a convention for the formation of a state. He met with few obstacles since the administration favored the scheme. The provision in the Ordinance required a population of 60,000 before the eastern district could be admitted as a state, but this was no obstacle to politicians who saw the need of another Republican state. After the adjournment of the General Assembly in January, 1802 a census was taken in the eastern division and it was found to contain 45,028 persons. An application was made to Congress for a law authorizing the people of that division to call a convention and form a constitution preparatory to the forming of a state government. On March 4, 1802 a report was made in the House in favor of authorizing the state convention. The report went on the basis that the territory by the United States's census in 1800, contained more than 45,000 inhabitants, and as the government since that time had

57. Annals of the West, 477
sold a half million acres, that the territory east of the Miami, supposing the past rate of increase would continue, would by the time a state government could be formed, contain the 60,000 persons contemplated by the Ordinance.

The Convention met on November 1, 1802 at Chillicothe to determine whether it was expedient to establish a state government. The convention was to adopt a constitution and form a state government if it was decided in the affirmative. The members of the convention were predominantly Jeffersonian in politics. Before settling down to the work of the convention, St. Clair proposed to address them in his official character as chief executive of the territory. This proposition was resisted by several members, but after a discussion a motion was adopted by a majority of five that "Arthur St. Clair, Sr. be permitted to address the convention on those points he deems of importance". He advised the postponement of a state organization until the people of the original eastern division were plainly entitled to demand it and were not subject to be bound by conditions.

59. Annals of the West, 477
60. King, Op. Cit., 287
61. Annals of the West, 479
This was unfortunate for it denounced the Act of Congress which these men had been striving to bring about. He condemned it as "an interference by Congress in the internal affairs of the country, such as they had neither the power nor the right to make, not binding on the people and in truth a nullity". With more of this contemptuous language he called on the convention to defy Congress. The convention did not even give St. Clair the courtesy of a reply and scarcely waited until he was gone to vote in favor of statehood.

Judge Burnet spoke of the address as "sensible and conciliatory", but few could consider it as such.

Jefferson was so displeased that he immediately ordered St. Clair's dismissal. The letter from Secretary of State Madison was as follows:

The President observing, in an address lately delivered by you to the convention held at Chillicothe an intemperance and indecorum of language toward the Legislature of the United States, and a disorganizing spirit and tendency of very evil example, and grossly violating the rules of conduct enjoined by your public station, determines that your commission of governor of the Northwest Territory shall cease on the receipt of this notification.

The letter was enclosed in one to Secretary Byrd, who was one of St. Clair's bitterest enemies,

63. Beverly Bond, Civilization in the Old Northwest, 119
64. Hinsdale, Op. Cit. 311
65. St. Clair Papers, I, 246
directing Byrd to take over the duties of the governor's office. Professor Hinsdale believes Thomas Jefferson would have shown himself a larger man if he had overlooked the indiscretion of the Chillicothe speech and permitted the old governor to remain at the head of the territory the few weeks yet to elapse before it ceased to exist. The tone of St. Clair's reply to his dismissal was bitter, but seems to have been justified due to the means of sending the dismissal. St. Clair wrote:

I cannot agree with the President that in my address to the convention, which is assigned as the reason of my being dismissed, there was either 'intemperance or indecorum of language toward the Legislature of the United States or a disorganizing spirit of evil tendency or example' unless an honest and true interpretation of facts deserves those epithets, or that 'the rules of conduct enjoined by my public station' were in any way violated, unless it is understood that the rule of conduct is an implicit blind obedience....Be pleased, Sir, to accept my thanks also for the peculiar delivery of your letter, and in furnishing a copy of it to Mr. Byrd, against whom there were in your hands complaints of something more than mere indecorum, and of a total neglect of and refusal to perform his official duty. It is such strokes as this which serve to develop character and, like the relief in painting, to bring out the figure distinctly in its proper place. (67)

66. Hinsdale, Ob. Cit., 312
67. St. Clair Papers, II, 599
There seems to be no excuse for the Secretary of State's enclosing an official letter of this type to a personal and political enemy, and it seems unfortunate that the public character of St. Clair came to an end under these humiliating circumstances.
CHAPTER IV.

CONCLUSION

On reviewing the administration of Arthur St. Clair as Governor of the Northwest Territory, it is evident that the success of this first attempt at a new form of territorial government may be attributed, to a large extent, to St. Clair. He was, doubtlessly, a man of superior talents and extensive knowledge. One of his outstanding characteristics was his honesty of purpose. He watched over the interests of the territory with zealous integrity. Through all of his difficulties and struggle with the legislature, he followed the path of duty as he saw it. During his long term as governor he devoted the best years of his life to building up the Northwest, never lowering his standards of honesty to make money through his high office or by speculating in land.

It is, however, impossible to overlook the faults of the Governor which were responsible to some

3. Dwight McCarty, Territorial Governors of the Old Northwest, 73
degree for his difficulties. Burnet, who was a friend of St. Clair's, says the Governor "placed too high an estimate on the powers of his own mind and on the general correctness of his judgment, and though he was modest and unassuming in his ordinary intercourse with society, he rarely yielded his opinion when deliberately formed; however erroneous it might be in the opinion of others". Granting that he was often obstinate and that he overestimated his abilities, his failings were, as he himself confessed, not due to dishonesty or corruptness but rather to errors of temper and judgment. It is admirable that he clung tenaciously to his beliefs in spite of overshadowing opposition. Rufus King believes St. Clair's fault was that "like thousands, he sinned by taking office without being equal to the duties involved".

Through his military training, St. Clair acquired a high spirit and a kind of arrogance which characterized British officers at that time. When he was only twenty-three he had entered the military service of the King of Great Britain. The manners and ways he had acquired were carried over into his civil affairs and, in the wilderness of the Northwest,

they seemed overly arrogant and autocratic.

St. Clair was never quite able to sympathize with the people of the west. He distrusted the frontiersmen and as a result they disliked him. He felt that many of the difficulties he encountered were due to the lawlessness and the shortcomings of the settlers. They, in turn, held him responsible for grievances concerning which he had no control. These people hated restrictions and were anxious to push into the interior. The remote districts were in danger of Indian attacks and the Governor did not have large enough forces to police the border. But the people held St. Clair responsible for the inconveniences they had to endure. St. Clair's temperament was different from that of the frontiersmen and his virtues differed from the backwoods virtues. Although he was really brave, gentle, and generous he was never understood by these people—nor did he ever grow to understand and appreciate them. His personal qualities continued to be criticized throughout his administration.

St. Clair was a strict Federalist and an autocrat by political principles as well as by military

training. When most of the people were turning towards Republicanism, he did not disguise his affiliation with the Federalist Party, but rather gloried in being a Federalist. St. Clair's general course was injurious to his own popularity. It was, however, the result of his honest exercise of his judgment. He made the basic mistake of trying to govern the territory over which he had been placed according to his own ideas with little regard for the wishes and prejudices of those under him. In handling the differences which created difficulties between the branches of the government he used force instead of tact. Consequently, he continually stirred up opposition instead of getting cooperation. He was convinced that the power he claimed legitimately belonged to the executive and that the way he exercised it was in accordance with his duties under the Ordinance and was for the best interest of the Northwest.

The achievements of St. Clair are indeed worthy of consideration. He did much to bring about the Ordinance of 1787 by the old Continental Congress—the Act which secured for the territories freedom
education. As governor, he was largely responsible for the code of laws in the territory which was, according to William Smith, "better in all respects (9) than any new country had ever had before". He had striven to bring about justice and efficiency in all departments of the government and had laid the basis for an American form of government in the Northwest. In forming and administering the new government St. Clair had dealt admirably with the many difficulties confronting him—considering the few precedents he had to guide him, the external dangers and the inherent difficulties.

As governor, St. Clair made mistakes. Although he did not seem especially able, in certain cases, his ideas on governmental policy were sound. He conscientiously believed that he was serving the best interests of the country. St. Clair spent his fortune in the service of the Republic. After his dismissal the government refused to reimburse him for his expenditures. It seems evident that party feeling played its part in the refusal to pay his just claims.

9. St. Clair Papers, I, 248
Due to these circumstances the Governor spent the rest of his life in dire poverty. St. Clair possessed talent, integrity and knowledge, but often his actions were not guided by prudence and tact. Although he was not entirely suited to the task he shouldered, he did what he considered best for the welfare of the people. Under no circumstances was St. Clair the unprincipled tyrant described by his political opponents. The people of the United States may rightfully feel that they owe much to Arthur St. Clair for his efforts in establishing and administering the territorial government of the Old Northwest.
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Volumes 2 and 3 contain a selection of papers embodying relevant materials on the history of the Territory Northwest of the Ohio River. Primarily concerned with the administration of the territory. Includes papers of the various officials, petitions and list of grievances from the inhabitants, and documents concerning the land titles.


Author was a judge in Cincinnati during St. Clair's administration. His notes are of particular interest because his professional and political life was intimately connected with the settlement and improvement of the Northwest Territory. Interesting comments on the character and services of St. Clair by a contemporary. Sympathetic yet critical treatment of St. Clair.


Edited from the original documents in the Library of Congress. Valuable for the early history of the North West and as a background for St. Clair's administration.


Complete correspondence of Arthur St. Clair, together with other papers significant in the
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SECONDARY WORKS:


General account of the early history of the Northwest. Summary of the administration of Governor St. Clair.


Standard work on the period of the Confederation. Written in an interesting manner. Little use of sources.


Excellent general treatment of the Northwest. Study of the beginnings of our colonial system. Well written, and contains a good bibliography.


Brief history of the state of Ohio. Popular and readable account of the Northwest Territory, the early settlers, and a sketch of St. Clair's administration with particular emphasis on the Indian Wars.


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Excellent for background of the period in which St. Clair was associated with the Northwest. Contains detailed account of the founding of the American Colonial system, the early projects for land ordinances, and the Ordinance of 1787. Material is authoritative, and an excellent bibliography on western history is included in the book.


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