

# The Toledo War

**The Toledo War is the name given to a boundary dispute between The State of Ohio and the Michigan Territory in 1835.**

The roots of the dispute are in a map drawn in 1755 by John Mitchell. Mitchell produced a map of British North America, for the Lords of Trade in London, which for years was regarded as the definitive map of British North America. A portion of that map is pictured below.



After the Revolutionary War, five states, Pennsylvania, New York, Virginia, Connecticut, and Massachusetts, claimed land west of the Appalachians. These claims were based on language in the charters granted them by England. In Virginia's case the language extended her lands to the Pacific Ocean. Gradually, for a number of reasons, the five states relinquished claim to the area.

# The Toledo War

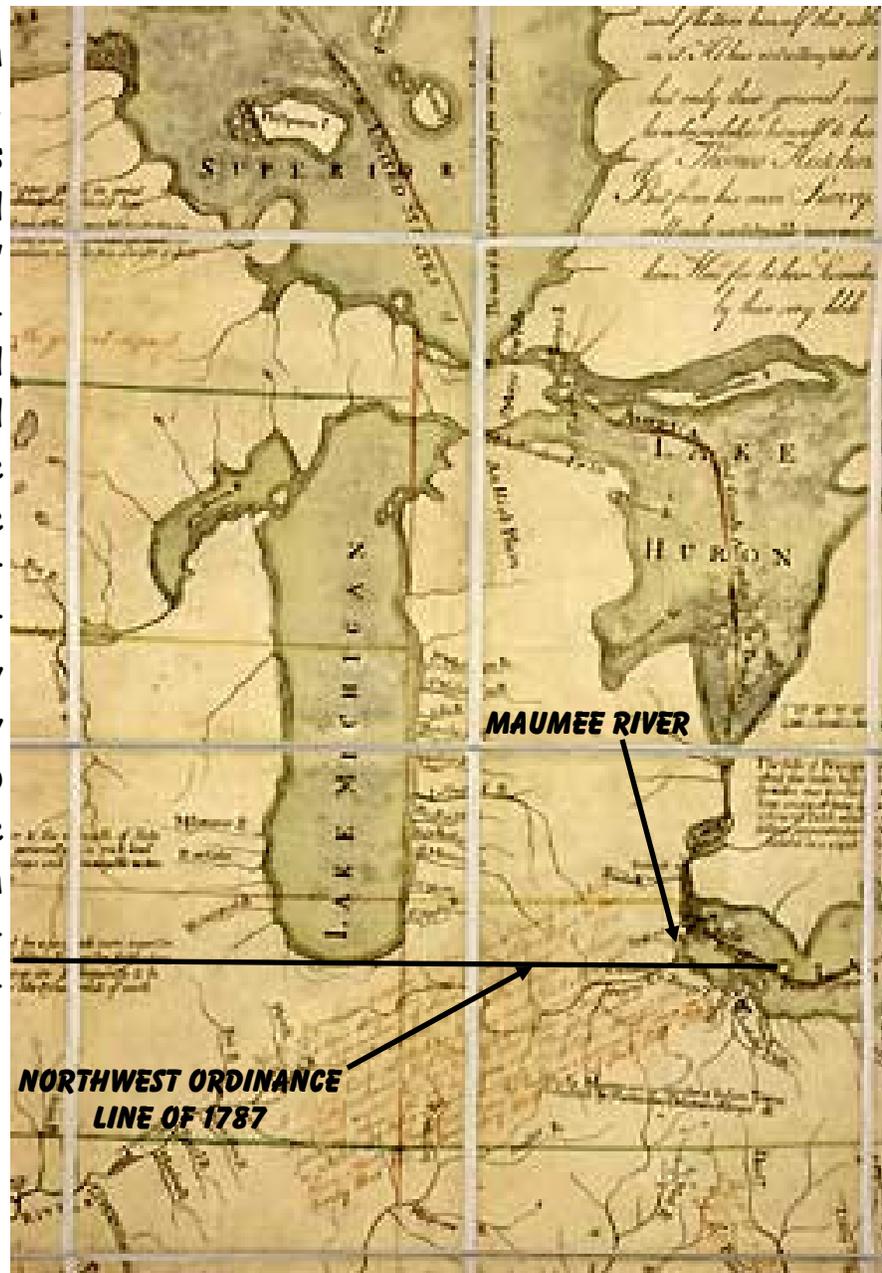
The United States Congress took ownership of the lands lying north west of the Ohio River. The Northwest Ordinance was framed in 1787 which outlined how this area would be divided. The ordinance set that three states would be formed south of an east-west line running from the southern most point of Lake Michigan. With two additional states formed to the north of the line. Congress, through the creation of the rigid Northwest Ordinance, had formed an east west boundary line of an uncertain position. The map below is what they were relying on when the language was agreed upon. As you can see the mouth of the Maumee River is completely in Ohio.



# The Toledo War

(No fewer than twenty-five maps published between 1755 and 1828 similarly located the mouth of the Maumee south of the Ordinance Line.)

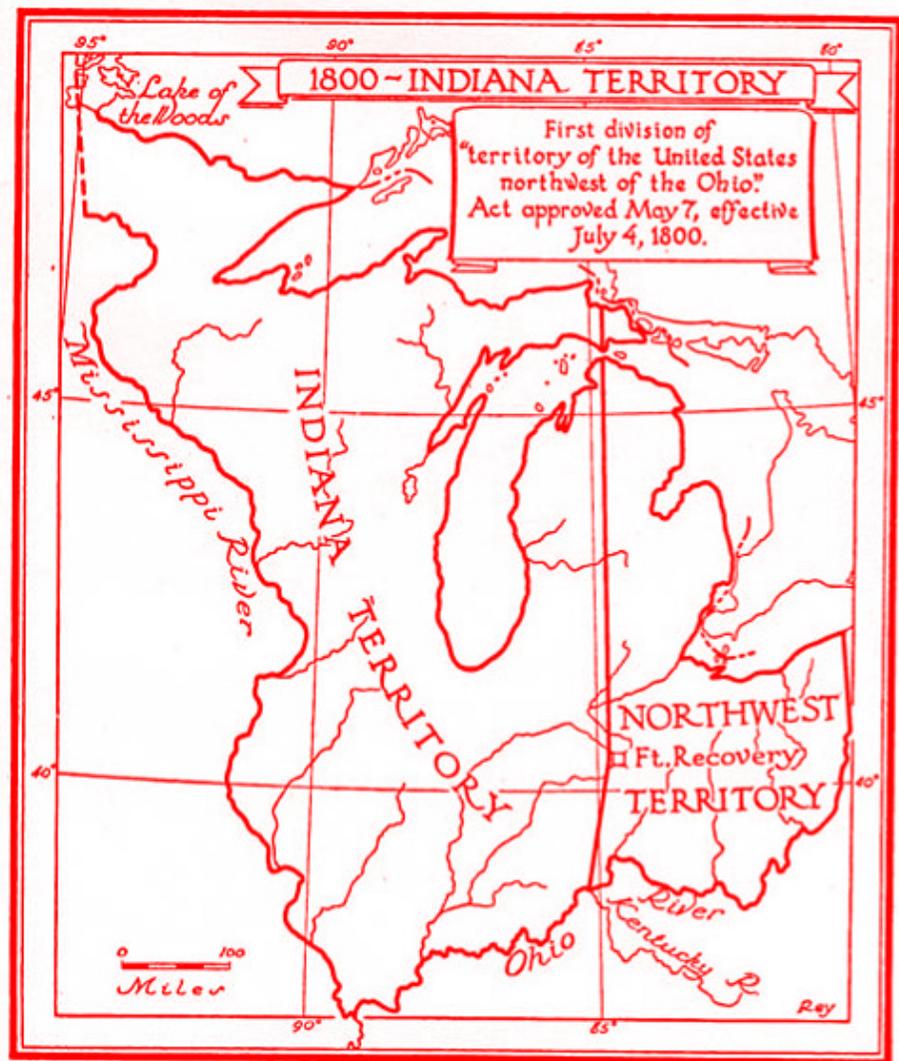
In 1785 John Fitch penned a map of the "North West Parts of the United States of America" This map very accurately positioned the great lakes and showed the Maumee River north of the east west line set by the Northwest Ordinance. We may never know why Mitchell's 1755 map was chosen over the more recent Fitch map of 1785. Possibly it was the abundance of other maps that supported Mitchell's positioning of the lakes.



# The Toledo War

For years Federalist Arthur St. Clair had served as territorial governor. He also planned to divide the territory in such a way that statehood would be postponed for as long as possible and weaken Democratic Republican power in the Scioto River Valley. St. Clair devised a plan to divide the territory and the Democratic Republicans with a line running north from the mouth of the Scioto River. This would help ensure that Federalist power centers in Marietta and Cincinnati would remain dominant and delay statehood for the eastern territory for many years.

On May 7, 1800, Congress passed a bill dividing the territory by a line running north from the mouth of the Kentucky River, west of Cincinnati, to Fort Recovery and thence north to Canada. The eastern division remained the Northwest Territory and the western area became the Indiana Territory.



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The people of Detroit in Wayne County protested the decision to exclude them from the new state. Congress did not have the power to form another state out of "parts of States, without the Consent" of the state legislature. Therefore, if Wayne County was attached to Ohio, Congress could not later remove it from Ohio. The idea that Wayne County could be attached to Ohio and violate the east-west line of the Ordinance should not be overlooked, because Congress reserved the right to re-attach that portion of the Northwest Territory to Ohio or "dispose of it otherwise."

It is noteworthy that Michigan did not become a territory until June 30th 1805. This was over two years after Ohio Statehood claimed the mouth of the Maumee River out of the Indiana Territory. So at the time Michigan became a territory, its southern boundary had already been determined.

In November 1802 thirty five delegates to Ohio's Constitutional Convention met in Chillicothe. In discussions of boundaries for the state they worried that the imprecise maps of the time might cause confusion at a later date. For that reason they added special language to the boundary description in Ohio's constitution. That language is reproduced on the next page. (At the time the Maumee was known as "The Miami River of the Lake")

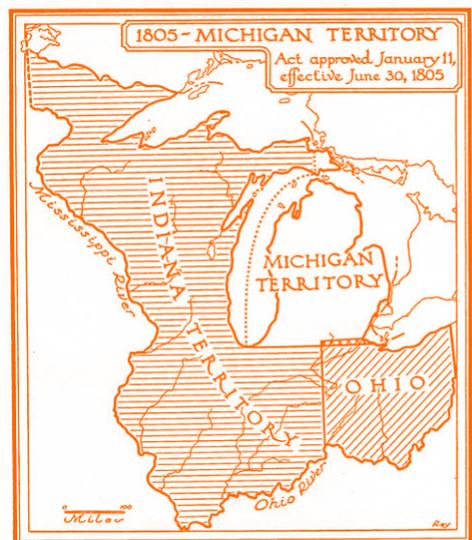


# The Toledo War

## **Article VII Section 6 BOUNDARIES OF THE STATE:**

That the limits and boundaries of this State be ascertained, it is declared that they are as hereafter mentioned; that is to say: bounded on the east by the Pennsylvania line; on the south by the Ohio River to the mouth of the Great Miami, aforesaid; and on the north by an east and west line and drawn through the southerly extreme of Lake Michigan, running east, after intersecting the due north line, aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie or the territorial line, and thence with the same, through Lake Erie, to the Pennsylvania line aforesaid; provided always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie, east of the mouth of the Miami River of the Lake, then in the case, with the assent of Congress of the United States, the northern boundary of this State shall be established by, and extended to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, after intersecting the due north line from the mouth of the Great Miami River as aforesaid, thence northeast to the territorial line, and, by the said territorial line to the Pennsylvania line. The constitution was presented to Congress December 22nd, 1802 and passed February 19th, 1803. This gave Ohio belief that the mouth of the Maumee was securely within their borders.

On January 11th, 1805 President Thomas Jefferson signed a bill creating the Michigan Territory. This bill set Michigan's boundary as the Northwest Ordinance Line. This point was not objected to at the time by the Ohio delegates to congress.



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Ohio continued to press for acceptance of its northern boundary, however. As years passed Michigan continued to assert more and more control over the area. This included the establishment of a Post Office at Depot December 1st, 1823. Depot was located in the area where Detroit Avenue crosses the Ottawa River. This Post office became Port Lawrence #1 October 6th, 1825, and Tremainsville, January 7th 1834.

*Displayed here is the oldest surviving cover, not only, of the "Toledo Strip" era but also the area that would one day be Toledo. Dated 12 January 1832 it is clearly marked Mic. Ty..*



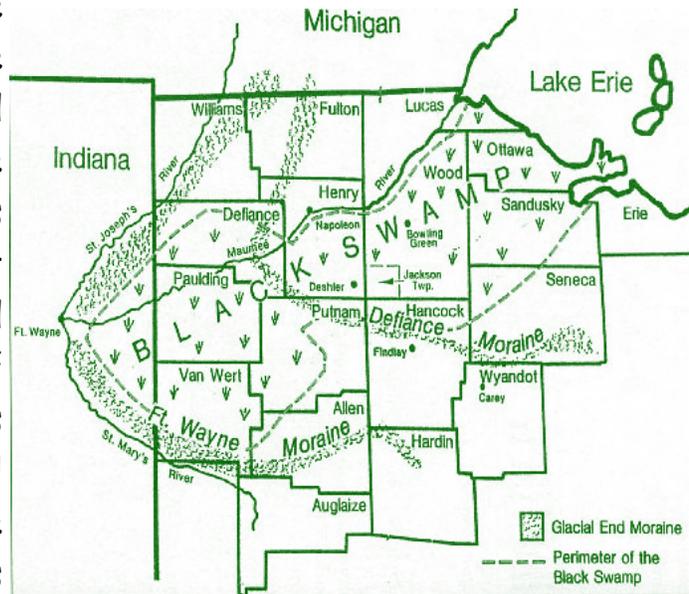
While proceeding the main period of controversy, the postmaster during this time period was B. F. Stickney who helped build Toledo. No "Ohio" markings are known from this post office.

Sanford Collins, postmaster at Tremainsville during the disputed period, had firm sentiments with Ohio. Even though Collins was a Captain in the Ohio militia he was a realist. Having been appointed to a Michigan post office Collins felt his job might be in jeopardy should he display his feelings in the postal markings of the U.S. Mail. All covers of this period are marked Michigan Territory even though the Toledo office just three miles away was posting letters Ohio. This letter was posted June 12, 1835.



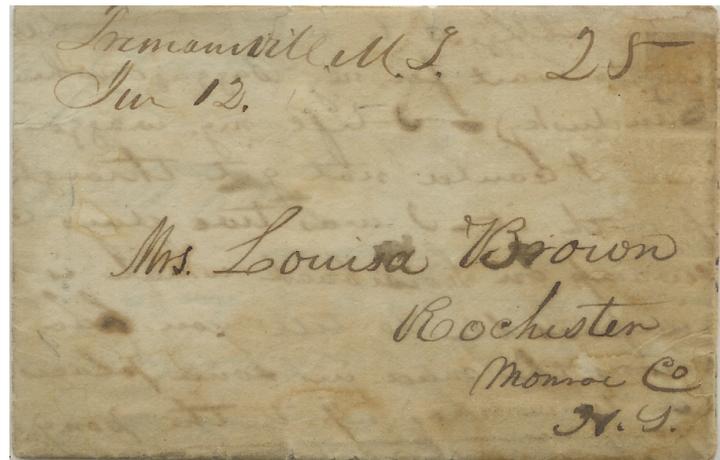
# The Toledo War

A big reason for Ohio's neglectful attitude toward the area might have been the lack of accessibility to the area because of the Great Black Swamp. As you can see from the map to the right the swamp more or less isolated Northwest Ohio and the Toledo area. The swamp was such a barrier that it cost more to send a letter east and south during the wet season of spring and summer. This was because at that time postal rates were figured on distance and in the wet season carriers had to go around the swamp.



Ohio began to actively assert its claim to the area after a series of canal projects were purposed in the 1820s. These projects would need a terminus with access to Lake Erie and the mouth of the Maumee was obvious place.

**THIS LETTER WAS POSTED JUNE 12, 1835 FROM THE TREMAINSVILLE, MICHIGAN TERRITORY POST OFFICE. SANFORD COLLINS WAS THE POSTMASTER OF THIS OFFICE AND HELD A POSITION OF CAPTAIN IN THE OHIO MILITIA. DESPITE HIS SENTIMENTS AND THAT HIS OFFICE WAS ONLY THREE MILES FROM THE TOLEDO OFFICE THAT WAS FRANKING MAIL "OHIO", COLLINS IN FEAR OF LOSING HIS JOB CONTINUED TO FRANK THE MAIL "MT". THIS LETTER WAS WRITTEN BY AN I.M. BROWN TO HIS WIFE AND OUTLINES THE HARDSHIPS OF HIS TRIP THROUGH THE GREAT BLACK SWAMP, INCLUDING TWO DAYS TO COVER THE LAST THIRTY MILES.**

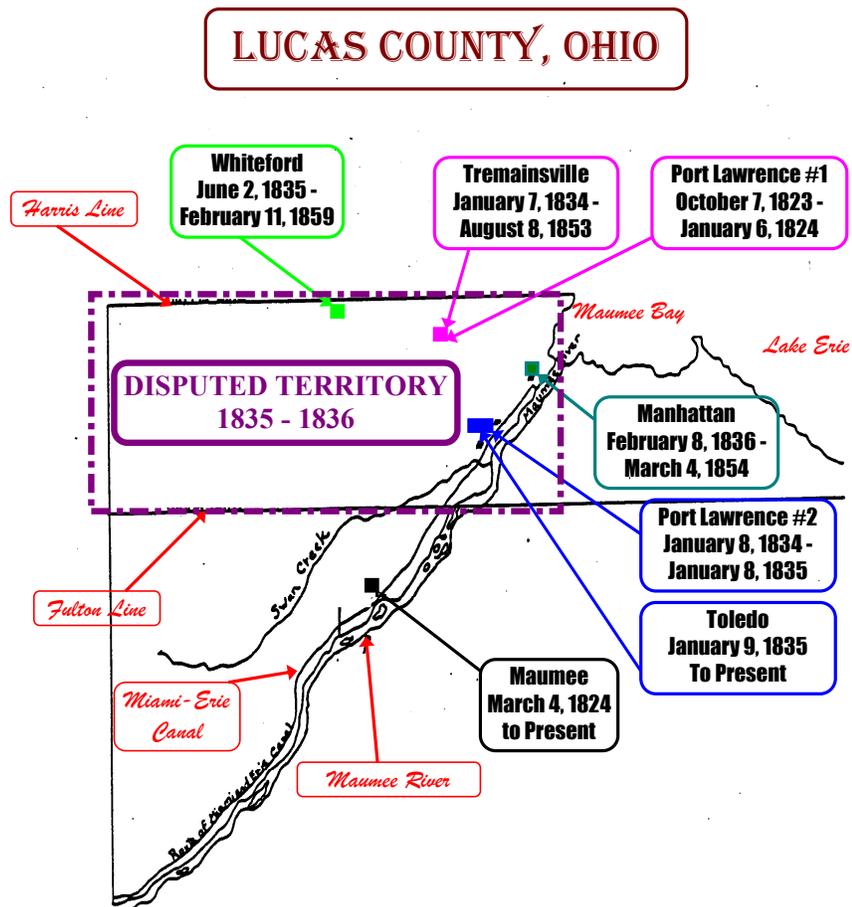


# The Toledo War

In 1812 Congress passed a resolution calling for a survey of the Ohio Michigan Border. This survey was delayed due to the war of 1812. When the survey was finally ordered in 1815, Edward Tiffin, Ohio's first governor, was the Surveyor General of the United States. In 1817, he instructed his deputy, William Harris, to conduct the survey paying attention to the boundary provisions of the Ohio Constitution. This survey produced the desired results for the State of Ohio.

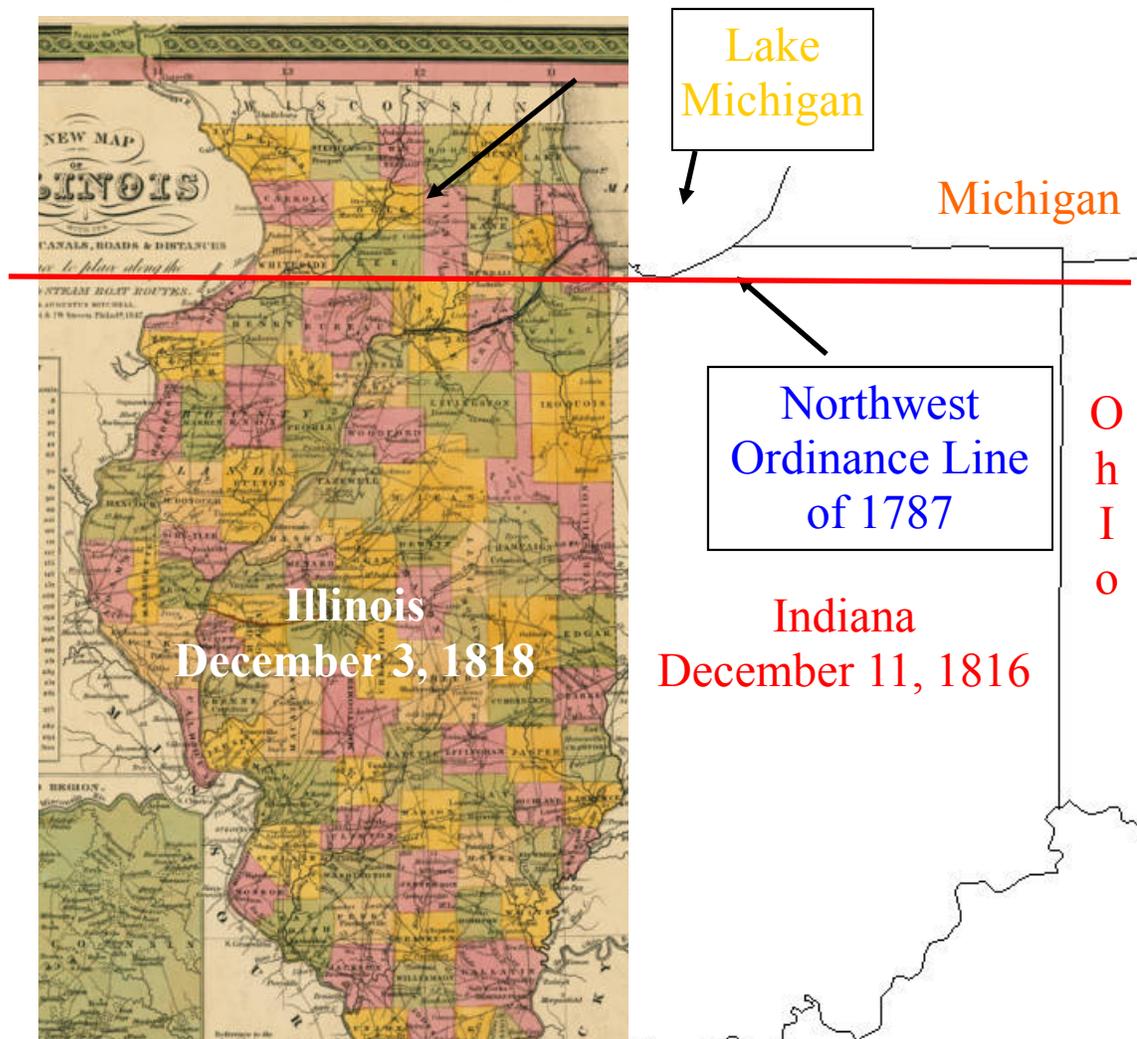
This survey upset Michigan Territorial Governor, Lewis Cass. In 1818 he was successful in convincing President James Monroe to order a second survey. This survey was conducted by John

Fulton. The survey was conducted paying great attention to southern end of Lake Michigan. The two surveys varied greatly. The area between the two lines created a tract of roughly 470 square miles five miles wide at the Indiana line and eight miles wide on the east side.



# The Toledo War

In 1816, Indiana became a state and set its northern boundary ten miles north of the Northwest Ordinance line so that it might have additional frontage on Lake Michigan. At the time Michigan did not contest Indiana's northern boundary. This later would prove harmful to Michigan's interests since to contest Ohio's border they would now have to fight Indiana also. Another blow to Michigan's argument came in 1818 when Illinois was admitted as a state and claimed a line sixty miles north of Northwest Ordinance line. Like Ohio, both Indiana and Illinois had their boundaries approved by Congress with no objections. While Illinois' claim did not cause Michigan any loss of land it gave Ohio additional support for its argument.



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In 1822 Michigan created Monroe County using the Fulton Line as its southern boundary. In 1827, the Michigan Legislative Council created the Township of Port Lawrence which consisted of the disputed area of the Toledo Strip. All legal proceedings for the area including the recording of deeds was handled at the county seat of Monroe, Michigan. When Michigan organized the area, enforced laws, and collected taxes, without objection from Ohio, did Ohio waive its claim on the area by not objecting?



1827 Township map of Monroe Co. Mi. showing Port Lawrence Township

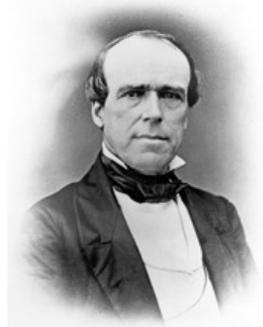
In February 1825 the Ohio legislature adopted legislation to aggressively proceed with a canal building program. 1830 saw the border issue flare up again with several issues. Michigan's population was growing and they were looking to statehood. Ohio was concerned about an eastern terminus for its canal program. Ownership of 470 square miles of land was vital to both issues. Michigan's ownership of the area would leave Ohio without a good terminus for its canal system. Ohio intended to block Michigan's statehood petition until the Toledo Strip was firmly under Ohio's control. Ohio's ability to block Michigan's position was enhanced by its support of President Andrew Jackson. Jackson needed Ohio, Indiana, and Illinois in his bid for reelection and to keep the democratic party in power. Ohio had convinced Indiana and Illinois that they were all in potentially the same position and they needed to stick together. In addition to its political problems, economic concerns also plagued Michigan. Eastern investors had invested heavily in the Port Lawrence area and wanted to keep the area within a well established state.

# The Toledo War

In 1831, after several years of Michigan's territorial laws being the rule in the disputed area, it became clear to both Ohio and Michigan that a quick settlement of the border question was needed. In 1832, a new survey was commissioned by congress after problems were found with the original Fulton survey. The survey was to be conducted by Captain Andrew Talcott. Talcott was assisted by Robert E. Lee a recent graduate of West Point. This survey was to be completed by December 31, 1835. The results of this survey were reported to Congress in 1834 and totally ignored. The Talcott Line and the Fulton Line ended less than 300 yards apart.

In June of 1832, the territorial government set an October election date for the citizens of the territory to vote on the issue of statehood. The issue barely passed and on January 8, 1833 the legislature adopted a resolution asking Congress to allow them to draft a constitution with a southern boundary based on the Northwest Ordinance of 1787. The resolution was presented to Congress but they took the matter under advisement and showed no interest in acting on the statehood proposal.

On December 11, 1833, Lucius Lyon, (pictured right) Michigan's territorial delegate to Congress, made the first formal petition for statehood.

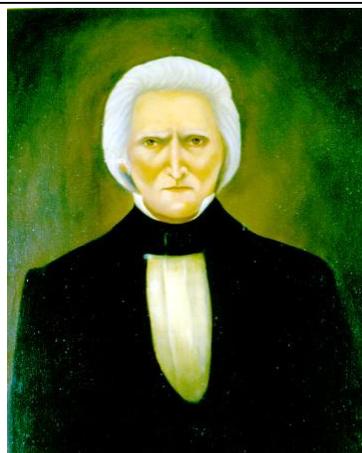


In March 1834, the Committee on Territories of the House of Representatives rejected Michigan's petition. In May the Senate followed by tabling an enabling bill to authorize the people of Michigan to form a state government. The next blow to Michigan's attempt at statehood came when the Senate Judiciary Committee reported it was "unanimously of the opinion" that Congress had the power to establish Ohio's northern boundary as proposed in its constitution. The Judiciary Committee reported a bill that upheld Ohio's claim that the Harris line was the official boundary. The Senate voted in favor of the bill however in the House it was referred to committee and remained there until Congress adjourned.

# The Toledo War

In September 1834, since Congress had not passed enabling legislation, Territorial Governor Mason proposed to the legislature provisions be made for a census. He thought that statehood was a right and, if it could be shown that Michigan had more than 60,000 residents they could claim statehood without waiting for an enabling act from Congress. The census showed more than 87,000 free citizens in the territory. But Michigan was again blocked from statehood on several fronts. Ohio blocked Michigan's petition and the southern states did not want a free state admitted without a slave state being admitted also.

Michigan's Legislative Council passed an act appointing three commissioners to deal with Ohio on matters concerning the southern boundary. Ohio's governor Robert Lucas chose not to address the matter referring it to the legislature. The snub of the commissioners may well



**LUCAS WAS BORN IN 1781 IN SHEPHERDSTOWN A SMALL COMMUNITY ALONG THE POTOMAC RIVER IN VIRGINIA (NOW LOCATED IN FAR EASTERN WEST VIRGINIA). ROBERT LUCAS WAS AN ARDENT DEMOCRAT, PERHAPS THE HIGHLIGHT OF HIS CAREER WAS TO SERVE AS THE CHAIRMAN AND PRESIDENT OF THE 1832 DEMOCRATIC NATIONAL CONVENTION, THE DEMOCRATIC PARTY'S FIRST NATIONAL CONVENTION. LUCAS WAS ALSO**

**NOMINATED THE DEMOCRATIC CANDIDATE FOR GOVERNOR IN 1832, AND WON AFTER A VITRIOLIC CAMPAIGN. LUCAS COUNTY, WAS ESTABLISHED AND NAMED FOR THE GOVERNOR DURING HIS SECOND TERM, IN DEFIANCE OF THE MICHIGAN TERRITORY, WHICH ALSO CLAIMED THE LAND AROUND THE MOUTH OF THE MAUMEE RIVER - THUS PROVOKING THE ALMOST-BLOODLESS TOLEDO WAR.**

**STEVENS THOMSON MASON (OCTOBER 27, 1811-JANUARY 4, 1843) WAS THE TERRITORIAL GOVERNOR OF THE MICHIGAN TERRITORY, AND LATER GOVERNOR OF THE STATE OF MICHIGAN MASON**



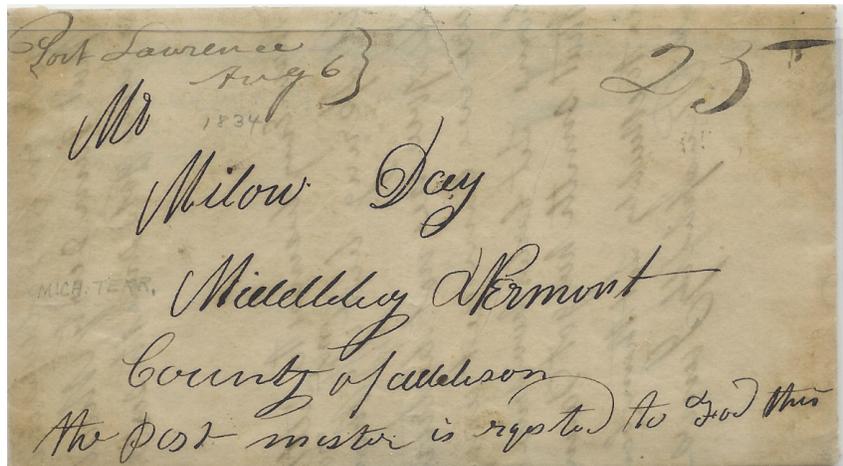
**GUIDED THE MICHIGAN TERRITORY INTO STATEHOOD. HE WAS FIRST APPOINTED ACTING TERRITORIAL SECRETARY AT THE AGE OF 19, THEN BECAME ACTING TERRITORIAL GOVERNOR IN 1834 AT THE AGE OF 22. HE WAS ELECTED GOVERNOR OF THE STATE OF MICHIGAN AT AGE 24 IN 1835, AND SERVED UNTIL 1840. MASON IS THE YOUNGEST STATE GOVERNOR IN AMERICAN HISTORY.**

have been the straw that broke the camels back and ignited the Toledo War.

Michigan finished 1834 in a virtual no mans land as far as their hopes for statehood were concerned. Even though they had exceeded the requirements for statehood, Ohio was able to continue to block them because of the border dispute although Michigan continued to govern the disputed area.

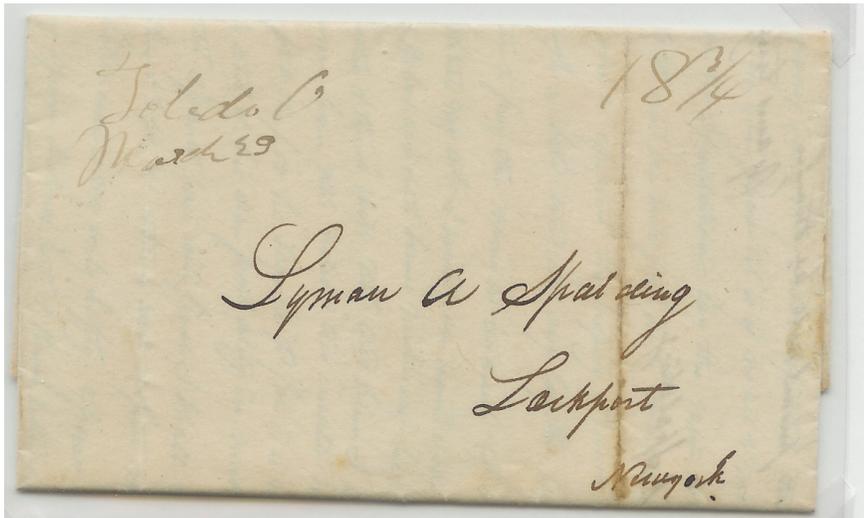
# The Toledo War

The Port Lawrence, Michigan Territory post office was in operation for only one year from January 8, 1834 to January 8, 1835. Stephen Comstock was postmaster for this post office.



In this cover franked August 6, 1834 Comstock can be seen bowing to prevailing sentiment and marking the cover just "Port Lawrence" leaving off the MT designation. This is one of two surviving covers from this post office.

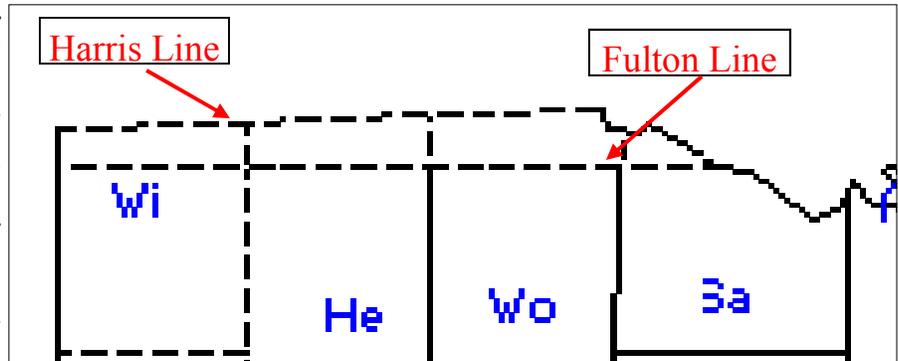
Toledo came into being January 9, 1835 when the towns of Vistula and Port Lawrence merged into one. This cover franked March 29, 1835 is the earliest known cover from the new post office. The office was designated by the Post Office Department as a Michigan Territory office. Steven Comstock, continued as Toledo's first postmaster after the



Port Lawrence office was closed. On this cover he again went with prevailing sentiment and marked the cover Toledo, O.

# The Toledo War

On February 6, 1835 Governor Lucas recommended the legislature pass an act extending the northern boundaries of Williams, Henry, Sandusky and Wood Counties to the Harris Line as defined in the Ohio Constitution. He also refused to admit that the



Michigan Legislative Council had a right to negotiate on the boundary. He also recommended that the counties set up townships and actively exercise jurisdiction over the area. Lucas then appointed a commission to place permanent markers along the Harris Line. On February 23rd the legislature passed the restructuring legislation and on the 24th Lucas named three commissioners to place the permanent markers. The three were to meet in Perrysburg on April 1st. Lucas called out the Ohio militia to be on hand, if need be, when the three commissioners arrived at Perrysburg April 1st.

On February 12th, the Michigan territorial legislature responded. If Ohio would extend its control into the Toledo region, then Michigan would make it a criminal offense to do so. They passed the Pains and Penalties Act which fixed a fine of up to \$1,000 and/or up to five years imprisonment at hard labor. Mason appointed Brigadier-General Joseph Brown of the Third U.S. Brigade to be ready to strike against any Ohio trespasser. Both states were preparing for a shooting conflict.

April 1: Michigan held elections for township officials in the disputed area.

April 2: Lucas and the Ohio line-runners arrive in Perrysburg.

April 3: Rush and Howard (President Jackson's commissioners sent to try to reach a compromise) reached Toledo. Both Ohio and Michigan had already created a situation for war.

April 4: Michigan residents continued the road to statehood by going to the polls to elect delegates for the constitutional convention in May.

# The Toledo War

April 5: Writing from Monroe, Howard indicated that all signs pointed to Governor Lucas' determination to carry out his designs. "He is very firm in his character," he noted. "And though doing what nine tenths of the nation will hereafter pronounce wrong, yet will listen to no argument upon the point, because he says that his state has decided upon it and it is his duty to exercise her laws."

April 6: Ohio held elections in the disputed area.

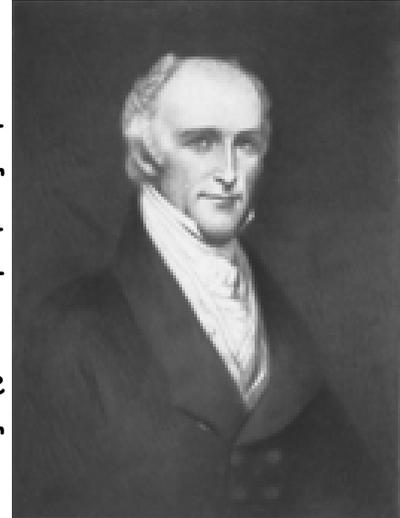
April 8: The Monroe County sheriff and posse moved into Toledo and began arresting violators of the Pains and Penalties Act. The most publicized incident took place in the night. The Monroe contingent, numbering some thirty-five to forty persons, entered into Major Benjamin F. Stickney's house and drove his two guests, George McKay and N. Goodsell, out of their beds, having first attempted to gouge out McKay's eyes and having throttled Stickney's daughter for sounding the alarm. They then carried the two to Monroe; had a mock trial; and released them on bail two days later. The alleged crime being interference with the arrest of Toledoans loyal to Ohio. After the assault of April 8, two or three hundred Michigan horsemen, armed with guns and bayonets, moved into the city and dishonored the Ohio flag by dragging it through the streets of Toledo on the tail of a horse. Benjamin F. Stickney wrote, soon after the outrage: "There cannot be a doubt that the generous Ohioans will turn out en masse to protect their northern border and restrain the savage barbarity of the hordes of the north." *Note:* Major Stickney was regarded as an ardent Ohio Patriot by the people of Ohio and as an overly verbose hypocrite by the people of Michigan. The outbreak of hostilities forced the Ohio officeholders elected on the sixth to make a fast retreat; likewise, the Ohio line-runners, who were unarmed and unprotected.

**Mid-April:** Michigan's determination to enforce the Pains and Penalties Act put Governor Lucas into a fighting position. The rumor was carried to Michigan that any further incursion into the disputed territory would be met by force. Ohio was mustering ten thousand volunteers.

# The Toledo War

Rush and Howard reported to President Jackson and to both Governors the measures they considered necessary if Michigan and Ohio were to avoid war.

1. Ohio was to continue running the Harris Line.
2. Residents in the disputed area would temporarily decide whether they belong to Ohio or Michigan. This would be in effect until Congress made a definite decision at its next session.
3. They suggested Michigan not enforce the Pains and Penalties Act nor try anyone under its provisions until Congress acted.



**RICHARD RUSH OF PENNSYLVANIA A REPRESENTATIVE OF PRESIDENT JACKSON WHO HELPED TO PRESENT A COMPROMISE TO BOTH GOVERNORS.**

Mason would not listen. It would make it impossible to carry out his duties as territorial governor. The proposal allowed Lucas to extend jurisdiction over an area belonging to Michigan. As chief executive it was his obligation to defend the Territory against an aggressor. Congress had allowed the territorial government to pass the Pains and Penalties Act. As governor he could not interfere with the courts concerning those already apprehended under the Pains and Penalties Act; He was "thwarted by circumstances beyond his control." He would gladly be a peacemaker, but he was a governor first.

**April 25:** Lucas stationed forty armed men with the surveying party and gathered a force at Perrysburg. Mason directed the Monroe sheriff and his posse to be on hand to arrest trespassers. He also dispatched a letter to former Michigan Governor, Secretary of War, Lewis Cass, appealing for federal intervention.

The under sheriff of Lenawee County, William McNair, mustered and armed thirty Adrian citizens as a posse to march with him against Lucas' "ten thousand."

# The Toledo War

**April 25:** The survey party and their guards ran their line to Phillips Corner (a small field located fourteen miles south of Adrian, Michigan) and, because of the approaching Sunday, pitched camp for a day.

A spy sent by under sheriff McNair to discover the location of the line-runners spotted them. McNair was pleased to learn the Ohioans were close, for he had the necessary force to arrest them or to chase them across the border.

**April 26:** About noon on Sunday the Michigan posse moved in on the surveying party. Thrown into a panic, the line-runners made a quick retreat for the border.

A remaining party of nine Ohio guardsmen took shelter in a small log cabin on Phillip's property and barricaded themselves inside. They were promptly surrounded by the posse and commanded to give themselves up. This they did after much delay.



But no sooner had they lined up for arrest than

**PHILLIPS CORNER WAS LOCATED NEAR THE INTERSECTION OF  
CURRENT DAY STATE ROUTE 120 AND STATE ROUTE 109 EAST OF  
LYONS, OHIO IN**

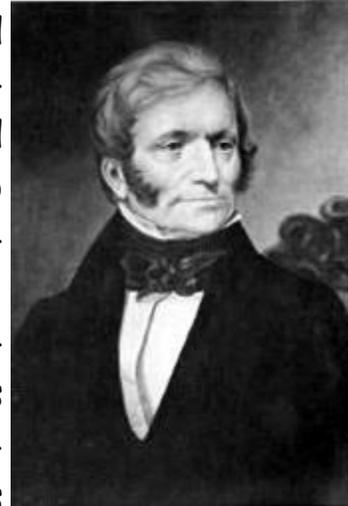
their leader started a stampede for the woods. McNair's men fired a volley over the heads of the escaping Ohioans, wounding none but capturing all. They took the prisoners to the Tecumseh jail. Six entered bail, two were released and one was retained for refusing bail on principle. The first shots of the war had been fired at the so-called **Battle of Phillips Corner**, a term sometimes used to describe the whole of the Toledo War.

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**April 27:** The line-runners arrived in Perrysburg. Despite their rapid nocturnal flight through the southern swamp, they suffered no greater injuries than the ruining of coats and trousers. Lucas moved his forces out of Perrysburg and into the disputed territory.

**April 29:** Mason pointed out to Secretary of State, John Forsyth, that once Ohioans crossed the Fulton Line, they would be resisted by Michigan. (The Battle of Phillips Corner had occurred three days earlier.) Of course, it is one thing to decide to have a war and quite another to find people to fight it.

**May 1:** Mason wrote to Howard and Rush indicating his willingness to let Lucas rerun the Harris Line if Ohio would do nothing to extend jurisdiction over the Toledo area once the project was completed. Mason would also deliver to the Ohio courts any individual Lucas requested. He would make these concessions out of regard for "public sentiment."



**JOHN FORSYTH 1780-1841**  
**13TH US SECRETARY OF**  
**STATE**

Lucas refused the peace offer. Secretary of War Cass was infuriated by Lucas' unjustifiable exercise of power. Cass asked Mason to temper firmness with moderation. Mason had more to gain by suspending the Pains and Penalties Act than by pressing his right to enforce it. Jackson's paramount desire was to see the dispute settled amicably, quickly and, if at all possible, by the two governors themselves.

**May 2:** Quiet returned to the border with the disbanding of the Ohio volunteer army. Monroe, Michigan was full of "bustle" and much excitement in getting ready for the impending war. The *Michigan Sentinel* of Monroe reminded citizens "mustn't take lightly the prospect of civil war in which brother takes up arms against brother."

**Mid-May:** The Michigan Constitutional Convention met in Detroit.

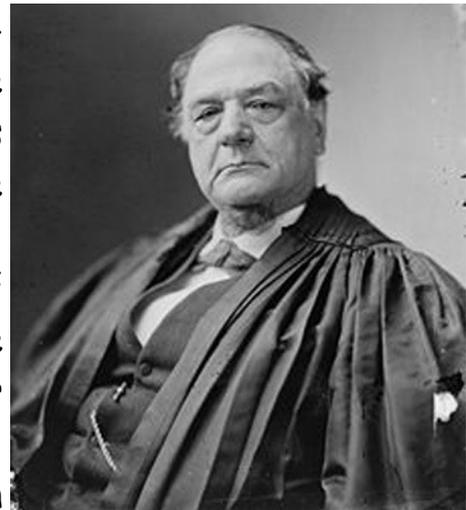
# The Toledo War

**June 11:** The Secretary of State warned Governor Lucas that if he renewed the running of the line without regard for the feelings of Michigan, he would create a crisis demanding presidential interference.

Ohio's response was unsettling. In a special session of the legislature, the delegates passed a number of laws enforcing the state's jurisdiction over the Toledo area.

1. a law provided three to seven years hard labor for anyone guilty of the "forcible abduction of citizens of Ohio."
2. a new county, to be named after the Ohio Governor, was to be formed from the disputed territory with Toledo as the temporary seat of justice.
3. the legislature appropriated three hundred thousand dollars to implement these statutes and empowered Governor Lucas to borrow three hundred thousand more if he found it necessary.
4. the lawmakers directed the court of common pleas to hold session there the first Monday in September (September 7).

Lucas appointed a three-man delegation to meet with the President: William Allen, Noah H. Swayne and David T. Disney. Jackson acceded that Michigan discontinue proceedings and prosecutions under the Pains and Penalties Act, that Ohio be given complete freedom to run the Harris Line, and that neither side forcibly oppose the official jurisdiction of the other in the disputed area.



**NOAH H. SWAYNE 1804-1884  
PRESIDENT ANDREW JACKSON AP-  
POINTED HIM TO BE THE UNITED STATES  
ATTORNEY FOR OHIO IN 1830. SWAYNE  
HELD THIS POSITION FOR THE NEXT**

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Mason could not bear the suggestion that Toledo come under the concurrent jurisdiction of Ohio and Michigan. Michigan was fighting the war on the principle that the Ordinance of 1787 gave Michigan both complete possession of the disputed area and complete authority to govern it. This authority was derived from Congress.

**July 12:** Fighting broke out on the border. The deputy sheriff of Monroe County, Joseph Wood, was commissioned to arrest Two Stickney of Toledo (son of Major Benjamin Stickney), for allegedly having resisted two Michigan officers by force. Two Stickney notified Wood that the day he set foot in Toledo his life would be in danger.

**July 15:** (Michigan's department of history says it was the 16th) The deputy sheriff attempted to carry out his commission. Stickney stabbed him in the left side with a dirk, saying: "Damn you, you have got it." Wood was taken to the nearest inn for treatment and subsequently recovered. Meanwhile fifty to seventy-five leading Toledo citizens, including Goodsell and McKay (former guests of Major Benjamin Stickney), gathered to pledge resistance against any further Michigan arrests, "as long as they have a drop of blood left." Upon being informed of these developments, Mason immediately ordered the Monroe posse of about two hundred men into Toledo to arrest Two Stickney. When the Toledoans sighted the armed force, a large number fled across the Maumee River, some paddling their way to the other side on logs. Once safely out of the posse's reach, they gave vent to their anger by firing on the intruders. Fonts of type of the *Toledo Gazette* were "thrown into confusion."



**TWO STICKNEY, SON OF BENJAMIN FRANKLIN STICKNEY**

# The Toledo War

In the midst of this uproar Two Stickney escaped. The posse arrested three or four Ohio sympathizers, including McKay and Major Stickney. The Major, on the way to the Monroe jail, was forcibly held on a horse by having his legs tied under the animal's body.

**July 18:** Mason asked Lucas to allow extradition to Michigan of Two Stickney, a request the Ohio Governor refused on grounds the stabbing had taken place on Ohio soil. The Two Stickney episode removed the border controversy one step farther from an amicable settlement. The decision of Governor Lucas to hold out on Mason confirmed the Michigan legislature in its support of Mason.

**July 22:** Secretary of State Forsyth in a letter to Cass regretted that Mason had submitted the controversy to the legislature. The matter could be resolved simply by the Governor himself. David Disney had said that Lucas was willing to abide by Jackson's recommendations.

**August 3:** General Brown informed Mason he had it on good authority that Lucas was raising an armed force "of some magnitude" in Toledo to protect the court to be held there the first Monday in September.

**August 16:** Cass wrote that Forsyth had threatened Mason's removal from office if the President's recommendations were not followed.

**August 17:** Mason appeared before the legislative council in defense of his position against Ohio. He could permit the rerunning of the boundary and suspend the Pains and Penalties Act. He could not recognize that Ohio had equal claim to the disputed territory. Especially since Lucas had mustered a force with the avowed purpose "of murdering our citizens." The legislature stood firm behind Mason and chided the President.



**THIS WOODEN AMMUNITION BOX IS IN THE MUSEUM'S STATEHOOD GALLERY. IT IS LINED WITH MUSLIN, A PLAIN WOVEN COTTON FABRIC, AND IS TYPICAL OF SMALL MILITARY CONTAINERS IN THE EARLY NINETEENTH CENTURY. THE WORDS ON THE LID OF THE BOX—C G (OR CO [COMPANY] G) NO 4 TOLEDO MICH—SHOW THAT IT DATES BACK TO THE YEARS OF THE TOLEDO WAR.**

# The Toledo War

**August 24:** The Michigan Democrats nominated Mason for their gubernatorial candidate under the new state constitution.

**August 25:** Mason ordered up either a force of 200 volunteers or, if that was impossible, the territorial militia.

**August 29:** President Jackson removed Mason as Michigan's acting Governor.

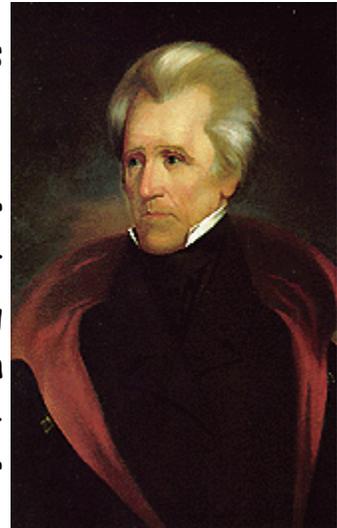
## SEPTEMBER

Mason's first replacement, Judge Charles Shuler of Pennsylvania, refused the assignment. This left the Territory without official leadership during September, although Mason continued to function as governor in all but formal title. Jackson's appointment of John S. Horner of Virginia was never fully received by the Michigan citizens. Shortly after Horner's tenure of office began, the people of Michigan elected Mason as their first Governor.

Despite the potential awkwardness, there were no quarrels between Mason and Horner, who was able to work quietly to ease tensions between Ohio and Michigan and then focused his attention on the western portion of the Michigan Territory that was not included in the state. Horner became Secretary of the newly-formed Wisconsin Territory in July 1836, leaving Michigan to Mason's leadership.

The September incident amounted to the ability of Buckeye brain to outwit Michigan muscle. Michigan was ready to meet the enemy. Consisting of about two hundred fifty farmers and townsfolk, the contingent sported broom handles for weapons and feathers in their hats for military insignia. The march to Toledo took four days.

**September 6:** The Michigan troops pitched camp at Mullhollen's, about eight miles (13 km) from Toledo. They expected to meet Lucas' force the next day. Lucas ordered court to be held before daybreak.



**U.S. PRESIDENT ANDREW JACKSON, WHO SIDED WITH OHIO IN THE CONFLICT AND DISMISSED MASON AS GOVERNOR.**

# The Toledo War

**September 7:** Lucas' adjutant general accompanied by twenty armed men, left Maumee at one o'clock in the morning with the judges and court officials. Two hours later, in old schoolhouse, they conducted the business of officially opening court and making the necessary appointments. These brief proceedings were written on bits of paper



**THE FIRST COURT HEARING IN LUCAS COUNTY WAS HELD IN THIS SCHOOLHOUSE. THE SCHOOLHOUSE WAS ONLY USED AS A COURTHOUSE SEPTEMBER 7, 1835 IN ORDER FOR OHIO TO CLAIM THE TERRITORY OVER MICHIGAN DURING THE TOLEDO WAR.**

and then deposited in the clerk's high bell-shaped hat. The court and its escorts adjourned to a tavern to celebrate. Word came that they had been spotted by the enemy. The group made haste for the Maumee. On the run they discovered that they had been given a false alarm and the clerk had lost the hat. Two guards made their way back in the dark and retrieved the hat. After joining their companions and firing two salvos, the whole company returned to Maumee at six o'clock rejoicing in having deceived Michigan.

Mason's forces arrived hours later on foot, horseback and in boats. No Ohio soldiers were in sight. They stayed on three days and then were ordered back to Monroe for review by the Governor, unaware that Lucas had outwitted them.

With the disbanding of the Ohio troops, Mason was forced to order his own soldiers back to their farms and villages.

**Late Fall:** The Territory proceeded to act as if it were a state. Michigan elected Mason as Governor and called the legislature into session. They elected John Norvell and Lucius Lyon as U.S. Senators and Isaac Crary as Representative.

# The Toledo War

## December

Congress refused to seat the three Michigan representatives, granting them only the privilege of observers.

## 1836

**January 18:** Norvell and Crary wrote a letter to Mason pointing out that their hopes for rapid admission into the Union had disappeared. They were certain that statehood rested on the resolution of the boundary question in Ohio's favor. By the end of January, the admission bill, along with the boundary issue, was locked in the judiciary committee of both Houses of Congress.

**March:** When the bills were reported out of committee, it was generally acknowledged that to enter the Union Michigan would have to cede the Toledo Strip in exchange for the western two-thirds (2/3) of the Upper Peninsula.

**June:** Congress reviewed the committee reports.

**June 15:** Congress passed an act admitting Michigan into the Union once it surrendered the Toledo Strip for the Upper Peninsula.

**July 25:** The Michigan legislature put out a call for delegates to decide whether Michigan would accept or reject the Act of June 15. Governor Mason ordered another survey. The results confirmed the Fulton Line.

**September,** after four days' deliberation, the delegates turned down the congressional proposal by 28 to 21. By the end of October, the second council of assent (dubbed the "Frost-Bitten Convention" by its opponents), had become a reality.

As the year wore on, Michigan found itself deep in a financial crisis and was nearly bankrupt, because of the high militia expenses. The government was spurred to action by the realization that a \$400,000 surplus in the United States Treasury was about to be distributed to the states, but not to territorial governments. Michigan would have been ineligible to receive the money.

# The Toledo War

**December 14:** The "war" unofficially ended. At a second convention in Ann Arbor. Delegates passed a resolution to accept the terms set forth by the Congress. However, the calling of the convention was itself not without controversy. It had only come about because of an upswelling of private summonses, petitions, and public meetings. Since the legislature did not approve a call to convention, some said the convention was illegal. As a consequence, the resolution was rejected and ridiculed by many Michigan residents. Congress questioned the legality of the convention before finally accepting its solution. Because of these factors, as well as because of the notable cold spell at the time, the event later became known as the "**Frostbitten Convention.**" After two days of debates, the Act of June 15 was submitted.



**THIS COVER ARRIVED IN TOLEDO DECEMBER 17, 1836 AND WAS FORWARDED TO COLUMBUS WHERE THE ADDRESSEE HAD MOVED**

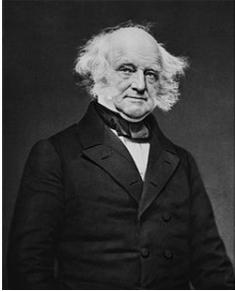
**December 27:** President Jackson reported the action to Congress.  
**1837**

January 26: President Andrew Jackson signed the Congressional bill officially admitting Michigan as a state in the union 2 years to the day after Mason signed Michigan's Enabling Act.

# The Toledo War

## THE PRINCIPALS

**Robert Lucas** lost his first attempt at the governors seat in 1830. He ran again in 1832 and was successful taking office on December 7th of that year. On June 20th 1835 a new county was formed from northern Wood County and was named for Governor Lucas. Lucas was fifty-four at the time of the Toledo War and did not run for re-election in 1836. He ran for State Senate in 1837 and was defeated. In 1838 President Martin Van Buren (pictured above) named Lucas as governor of the Iowa Territory. He held this position 1838 to 1841. Lucas also has an Iowa county named for him. While territorial governor Iowa became embroiled in a border dispute with Missouri. Lucas used the tactics of his opponent in the Ohio dispute and was successful when, in 1840, the Supreme Court sided with Iowa. Lucas died in 1853.



**Stevens T. Mason** was Michigan's first Governor and served two terms. Shortly after his election, the financial panic of 1837 engulfed the nation and Mason's financial inexperience made matters worse for Michigan. Mason's short comings were quickly pointed out by the opposing party and he fell from grace with the people of his state. Mason was married in 1838, to a girl from New York. At the end of his second term Mason's mother died in 1839, he was



unable to provide funding for state construction projects, and his administration was discredited. In 1841, he moved to New York with his wife and started an unsuccessful law practice. He died of pneumonia in January 1843, at the age of thirty one. In 1905, his body was moved to a final resting place in Capital Square, in Detroit (pictured above) directly below where his office was in Michigan's first capitol building. The ceremony was attended by his ninety year old sister.

# The Toledo War

**1915** The official survey of the line was finished and the governors shook hands over the border.

**MICHIGAN GOVERNOR  
WOODBRIE NATHAN  
FERRIS AND OHIO GOV-  
ERNOR FRANK B. WILLIS  
SHAKE ON A TRUCE  
OVER STATE LINE MARK-  
ERS ERECTED IN 1915**



**1973**

February 22: While the border on land was firmly set in the early-1900s, the two states were still in disagreement on the path of the border to the east, in Lake Erie. In 1973, the two states finally obtained a hearing before the United States Supreme Court on their competing claims to the Lake Erie waters. In *Michigan v. Ohio*, the United States Supreme Court upheld a special master's report and ruled that the boundary between the two states in Lake Erie was angled to the northeast, as described in Ohio's state constitution, and not a straight east-west line. One consequence of the court decision was that tiny Turtle Island just outside of Maumee Bay and originally treated as being wholly in Michigan, was split between the two states. This decision was the last border adjustment, putting an end to years of debate over the official boundary line.

# The Toledo War

## U.S. Supreme Court

### Michigan v. Ohio, 410 U.S. 420 (1973)

Michigan v. Ohio

No. 30, Orig.

Argued December 11, 1972

Decided and Decree entered February 22, 1973

410 U.S. 420

#### *ON EXCEPTIONS TO SPECIAL MASTER'S REPORT*

##### *Syllabus*

The Special Master's recommendations fixing that portion of the Ohio-Michigan boundary running through Lake Erie adopted and decree issued.

PER CURIAM AND DECREE.

Upon consideration of the Report filed Nov. 9, 1971, by Senior Judge Albert B. Maris, Special Master, exceptions filed thereto, and argument thereon, it is now ordered, adjudged, and decreed as follows:

1. The exceptions filed by the State of Michigan to the report and recommendations of the Special Master are overruled.

2. The boundary line between the States of Ohio and Michigan in Lake Erie follows a line drawn from the point in Maumee Bay where the north cape of that bay was located in 1836 on a course having a bearing North 45° East measured from a true meridian, passing over the center of the existing circular concrete seawall on Turtle Island and continuing on the same course through the lake to the point where it intersects the boundary line between the United States and Canada.

3. In 1836, the north cape of Maumee Bay was located at the point in that bay where a line drawn North 87°

49' 44" East from Post 71 on the land boundary line between the States of Ohio and Michigan intersects a line drawn South 45° West from the center of the existing circular concrete seawall on Turtle Island, both bearings being measured from a true meridian.

4. The costs of this suit, including the expenses of the Special



# The Toledo War

**TURTLE ISLAND** Philo Scoville was contracted to build the first lighthouse, which was a 44-foot (13 m) high structure on the north end of the island with a lamp visible to about six miles (10 km) distant. By July 1836, the island had eroded to less than one acre (4,000 m<sup>2</sup>) and the federal government spent \$16,700 over two years to help protect the island. In 1857, a new Fresnel lens and reflecting system was installed, increasing visibility of the original lamp to fourteen miles (21 km). After the Civil War, Congress, appropriated \$12,000 to build a new lighthouse, which was a 45-foot (14 m) tower and used the lens from the original lighthouse. The new light first operated on September 12, 1866. However, the new lighthouse was still vulnerable to Lake Erie storms, with extensive damage caused by severe storms in 1876, 1881, and 1882. In 1884, a four-foot (1.2 m) concrete wall surrounding the lighthouse was added to provide some protection from waves. By the beginning of the 20th century, it was determined that the increasingly larger ships used for shipping on the Great Lakes were not able to use the shallow shipping lane near Turtle Island. A new deeper channel was built, and in 1904, the Toledo Harbor Lighthouse was completed, making the continued operation of the Turtle Island Light unnecessary. The lighthouse was decommissioned on May 15, 1904, having cost the federal government over a million dollars to maintain and operate. After decommissioning, the island was sold in auction to A. H. Merrill for \$1,650 on December 6, 1904. The lens and lighting apparatus was removed, although any subsequent re-use is unknown. The lighthouse fell victim to vandalism over the next thirty years, and by the late 1920s, everything except for the bare walls had been removed or destroyed.

**TURTLE ISLAND IS 6.67 ACRES PRIVATELY OWNED. OWNERS HAVE TO PAY TAXES TO TWO STATES**



# *The Toledo War*



***TURTLE ISLAND LIGHT HOUSE CIRCA 1885 ABOVE***

***TURTLE ISLAND LIGHT HOUSE CIRCA 2010 BELOW***



***LOCATED NORTHEAST OF THE MOUTH OF THE MAUMEE RIVER, TURTLE ISLAND STANDS HALF IN MICHIGAN AND HALF IN OHIO. THE OHIO SIDE IS HOME TO A HISTORIC LIGHTHOUSE, INACTIVE FOR OVER A CENTURY.***

# The Toledo War

## The Lost Peninsula

Lost Peninsula is a small part of Michigan that became separated because of the 1835 Toledo War, changing the Michigan/Ohio Boundary. It was also the staging area for rum runners, bringing illegal spirits into the United States from Canada. The only way to get to the Lost Peninsula is through Ohio. Residents who live here will have to take Edgewater Drive back into Ohio, and loop around to reach the remainder of their home state of Michigan. There's not much to be found on the Lost Peninsula other than a marina and a few houses but it's still an interesting anomaly. This little chunk was left disconnected when the border between Michigan and Ohio was established. Wouldn't Michigan just want to give up this small plot of land to make a smoother border. Of course not. States, like people, are possessive and want to hang onto as much territory as possible. It's not like it's much of an inconvenience to the residents, though. There is free and unobstructed passage between the States. It's more simply an interesting oddity.

