

## = Toledo War =

The Toledo War ( 1835 ? 36 ) , also known as the Michigan ? Ohio War , was an almost bloodless boundary dispute between the U.S. state of Ohio and the adjoining territory of Michigan .

Originating from conflicting state and federal legislation passed between 1787 and 1805 , the dispute resulted from poor understanding of geographical features of the Great Lakes at the time . Varying interpretations of the law caused the governments of Ohio and Michigan to both claim sovereignty over a 468 @-@ square @-@ mile ( 1 @,@ 210 km<sup>2</sup> ) region along the border , now known as the Toledo Strip . When Michigan petitioned for statehood in 1835 , it sought to include the disputed territory within its boundaries ; Ohio 's congressional delegation was in turn able to stall Michigan 's admission to the Union .

Beginning in 1835 , both sides passed legislation attempting to force the other side 's capitulation . Ohio 's governor Robert Lucas and Michigan 's 24 @-@ year @-@ old " Boy Governor " Stevens T. Mason were both unwilling to cede jurisdiction of the Strip , so they raised militias and helped institute criminal penalties for citizens submitting to the other 's authority . The militias were mobilized and sent to positions on opposite sides of the Maumee River near Toledo , but besides mutual taunting there was little interaction between the two forces . The single military confrontation of the " war " ended with a report of shots being fired into the air , incurring no casualties .

During the summer of 1836 , Congress proposed a compromise whereby Michigan gave up its claim to the strip in exchange for its statehood and approximately three @-@ quarters of the Upper Peninsula . The compromise was considered a poor outcome for Michigan ; nearly all of the Upper Peninsula was still Indian territory at the time . Voters in a state convention in September soundly rejected the proposal .

In December 1836 , the Michigan government , facing a dire financial crisis and pressure from Congress and President Andrew Jackson , called another convention ( called the " Frostbitten Convention " ) which accepted the compromise that resolved the Toledo War . The later discovery of copper and iron deposits and the plentiful timber in the Upper Peninsula more than offset Michigan 's economic loss in surrendering Toledo .

## = = Origins = =

In 1787 , the Congress of the Confederation enacted the Northwest Ordinance , which created the Northwest Territory in what is now the upper Midwestern United States . The Ordinance specified that the territory was eventually to be divided into " not less than three nor more than five " future states . It was determined that the north @-@ south boundary for three of these states was to be " an east and west line drawn through the southerly bend or extreme of Lake Michigan " ( now known to be approximately 41 @.@ 62 ° N , near Marquette Park , Gary , Indiana ) .

At the time , the actual location of this extreme was unknown . The most highly regarded map of the time , the " Mitchell Map " , placed it at a latitude near the mouth of the Detroit River ( approximately 42 @.@ 05 ° N ) . This meant that the entire shoreline of Lake Erie west of Pennsylvania would have belonged to the state that was to become Ohio . When Congress passed the Enabling Act of 1802 , which authorized Ohio to begin the process of becoming a U.S. state , the language defining Ohio 's northern boundary differed slightly from that used in the Northwest Ordinance : the border was to be " an east and west line drawn through the southerly extreme of Lake Michigan , running east ... until it shall intersect Lake Erie or the territorial line [ with Canada ] , and thence with the same through Lake Erie to the Pennsylvania line aforesaid " .

Because the territorial boundary line between the U.S. and Canada ran through the middle of Lake Erie and then up the Detroit River , combined with the prevailing belief regarding the location of the southern tip of Lake Michigan , the framers of the 1802 Ohio Constitution believed it was the intent of Congress that Ohio 's northern boundary should certainly be north of the mouth of the Maumee River , and possibly even of the Detroit River . Ohio would thus be granted access to most or all of the Lake Erie shoreline west of Pennsylvania , and any other new states carved out of the Northwest Territory would have access to the Great Lakes via Lakes Michigan , Huron , and

Superior .

During the Ohio Constitutional Convention in 1802 , the delegates allegedly received reports from a fur trapper that Lake Michigan extended significantly farther south than had previously been believed ( or mapped ) . Thus , it was possible that an east ? west line extending east from Lake Michigan 's southern tip might intersect Lake Erie somewhere east of Maumee Bay , or worse , might not intersect the lake at all ; the farther south that Lake Michigan actually extended , the more land Ohio would lose , perhaps even the entire Lake Erie shoreline west of Pennsylvania .

Addressing this contingency , the Ohio delegates included a provision in the draft Ohio constitution that if the trapper 's report about Lake Michigan 's position was correct , the state boundary line would be angled slightly northeast so as to intersect Lake Erie at the " most northerly cape of the Miami [ Maumee ] Bay . " This provision would guarantee that most of the Maumee River watershed and all of the southern shore of Lake Erie west of Pennsylvania would fall in Ohio . The draft constitution with this proviso was accepted by the United States Congress , but before Ohio 's admission to the Union in February 1803 , the proposed constitution was referred to a Congressional committee . The committee 's report stated that the clause defining the northern boundary depended on " a fact not yet ascertained " ( the latitude of the southern extreme of Lake Michigan ) , and the members " thought it unnecessary to take it [ the provision ] , at the time , into consideration . "

When Congress created the Michigan Territory in 1805 , it used the Northwest Ordinance 's language to define the territory 's southern boundary , which therefore differed from that in Ohio 's state constitution . This difference , and its potential ramifications , apparently went unnoticed at the time , but it established the legal basis for the conflict that would erupt 30 years later .

= = Creation of the Toledo Strip = =

The location of the border was contested throughout the early 19th century . Residents of the Port of Miami ? which would later become Toledo ? urged the Ohio government to resolve the border issue . The Ohio legislature , in turn , passed repeated resolutions and requests asking Congress to take up the matter . In 1812 , Congress approved a request for an official survey of the line . Delayed because of the War of 1812 , it was only after Indiana 's admission to the Union in 1816 that work on the survey commenced . U.S. Surveyor General Edward Tiffin , who was in charge of the survey , was a former Ohio governor . As a result , Tiffin employed surveyor William Harris to survey not the Ordinance Line , but the line as described in the Ohio Constitution of 1802 . When completed , the " Harris Line " placed the mouth of the Maumee River completely in Ohio . When the results of the survey were made public , Michigan territorial governor Lewis Cass was unhappy , since it was not based on the Congressionally approved Ordinance Line . In a letter to Tiffin , Cass stated that the Ohio @-@ biased survey " is only adding strength to the strong , and making the weak still weaker . "

In response , Michigan commissioned a second survey that was carried out by John A. Fulton . The Fulton survey was based upon the original 1787 Ordinance Line , and after measuring the line eastward from Lake Michigan to Lake Erie , it found the Ohio boundary to lie south of the mouth of the Maumee River . The region between the Harris and Fulton survey lines formed what is now known as the " Toledo Strip . " This ribbon of land between northern Ohio and southern Michigan spanned a region five to eight miles ( 8 to 13 km ) wide , over which both jurisdictions claimed sovereignty . While Ohio refused to cede its claim , Michigan quietly occupied it for the next several years , setting up local governments , building roads , and collecting taxes throughout the area .

= = Economic significance = =

The land known as the Toledo Strip was and still is a commercially important area . Prior to the rise of the railroad industry , rivers and canals were the major " highways of commerce " in the American Midwest . A small but important part of the Strip ? the area around present day Toledo and Maumee Bay ? fell within the Great Black Swamp , and this area was nearly impossible to navigate by road ,

especially after spring and summer rains . Draining into Lake Erie , the Maumee River was not necessarily well suited for large ships , but it did provide an easy connection to Indiana 's Fort Wayne . At the time , there were plans to connect the Mississippi River and the Great Lakes through a series of canals . One such canal system approved by the Ohio legislature in 1825 was the Miami and Erie Canal that included a connection to the Ohio River and an outflow into Lake Erie via the Maumee River .

During the conflict over the Toledo Strip , the Erie Canal was built , linking New York City and the Eastern seaboard to the Great Lakes at Buffalo . The canal , finished in 1825 , immediately became a major route for trade and migration . Corn and other farm products ( from the Midwest ) were able to be shipped to eastern markets for much less expense than the older route along the Mississippi River . In addition , the migration of settlers to the Midwest increased sharply after the canal was finished , making existing port cities such as Buffalo boomtowns .

The success of the Erie Canal inspired many other canal projects . Because the western end of Lake Erie offered the shortest overland route to the frontiers of Indiana and Illinois , Maumee Harbor was seen as a site of immediate importance and great value . Detroit was twenty miles ( 32 km ) up the Detroit River from Lake Erie , and faced the difficult barrier of the Great Black Swamp to the south . Because of this , Detroit was less suited to new transportation projects such as canals , and later railroads , than was Toledo . From this perspective on the rapidly developing Midwest of the 1820s and 1830s , both states had much to gain by controlling the land in the Toledo Strip .

In addition , the Strip west of the Toledo area is a prime location for agriculture , because of its well drained , fertile loam soil . The area had for many years been characterized by high per acre productivities of corn and wheat . Michigan and Ohio both wanted what seemed strategically and economically destined to become an important port and a prosperous region .

= = Prelude to conflict = =

In 1820 ? 21 , the federal land surveys had reached the disputed area from two directions , progressing southward from a baseline in Michigan and northward from one in Ohio . For unknown reasons , Surveyor General Tiffin ordered the two surveys to close on the Northwest Ordinance ( Fulton ) line , rather than Harris ' line , perhaps lending implicit support to Michigan 's claims over Ohio 's . Thus , townships that were established north of the line assumed they were part of Michigan Territory . By the early 1820s , the growing territory reached the minimum population threshold of 60 ,000 to qualify for statehood . However , when Michigan sought to hold a state constitutional convention in 1833 , Congress rejected the request because of the still disputed Toledo Strip .

Ohio asserted that the boundary was firmly established in its constitution and thus Michigan 's citizens were simply intruders ; the state government refused to negotiate the issue with the Michigan Territory . The Ohio Congressional delegation was active in blocking Michigan from attaining statehood , lobbying other states to vote against Michigan . In January 1835 , frustrated by the political stalemate , Michigan 's acting territorial Governor Stevens T. Mason called for a constitutional convention to be held in May of that year despite Congress ' refusal to approve an enabling act authorizing such a state constitution .

In February 1835 , Ohio passed legislation that set up county governments in the Strip . The county in which Toledo sat would , later in 1835 , be named after incumbent Governor Robert Lucas , a move that further exacerbated the growing tensions with Michigan . Also , during this period , Ohio attempted to use its power in Congress to revive a previously rejected boundary bill that would formally set the state border to be the Harris Line .

Michigan , led by the young and hot headed Mason , responded with the passage of the Pains and Penalties Act just six days after Lucas County was formed ; the act made it a criminal offense for Ohioans to carry out governmental actions in the Strip , under penalty of a fine up to \$ 10,000 , up to five years imprisonment at hard labor , or both . Acting as commander in chief of the territory , Mason appointed Brigadier General Joseph W. Brown of the Third U.S. Brigade to head the state militia , with the instructions to be ready to act against Ohio

trespassers . Lucas obtained legislative approval for a militia of his own , and he soon sent forces to the Strip area . The Toledo War had begun .

Former United States President John Quincy Adams , who at the time represented Massachusetts in Congress , backed Michigan 's claim . In 1833 , when Congress rejected Michigan 's request for a convention , Adams summed up his opinion on the dispute : " Never in the course of my life have I known a controversy of which all the right was so clearly on one side and all the power so overwhelmingly on the other . "

= = War = =

Acting as commander @-@ in @-@ chief of Ohio 's militia , Governor Lucas ? along with General John Bell and about 600 other fully armed militiamen ? arrived in Perrysburg , Ohio , ten miles ( 16 km ) southwest of Toledo , on March 31 , 1835 . Shortly thereafter , Governor Mason and General Brown arrived to occupy the city of Toledo proper with around 1 @,@ 000 armed men , intending to prevent Ohio advances into the Toledo area as well as stopping further border marking from taking place .

= = = Presidential intervention = = =

In a desperate attempt to prevent armed battle and to avert the resulting political crisis , U.S. President Andrew Jackson consulted his Attorney General , Benjamin Butler , for his legal opinion on the border dispute . At the time , Ohio was a growing political power in the Union , with nineteen U.S. representatives and two senators . In contrast , Michigan , still being a territory , had only a single non @-@ voting delegate . Ohio was a crucial swing state in presidential elections , and it would have been devastating to the fledgling Democratic Party to lose Ohio 's electoral votes . Therefore , Jackson calculated that his party 's best interest would be served by keeping the Toledo Strip a part of Ohio .

The response that Jackson received from Butler was unexpected : the Attorney General held that until Congress dictated otherwise , the land rightfully belonged to Michigan . This presented a political dilemma for Jackson that spurred him to take action that would greatly influence the outcome of the " war " .

On April 3 , 1835 , Jackson sent two representatives from Washington , D.C. , Richard Rush of Pennsylvania and Benjamin Chew Howard of Maryland , to Toledo to arbitrate the conflict and present a compromise to both governments . The proposal , presented on April 7 , recommended that the re @-@ survey to mark the Harris Line commence without further interruption by Michigan , and that the residents of the affected region be allowed to choose their own state or territorial governments until the Congress could definitively settle the matter .

Lucas reluctantly agreed to the proposal , and began to disband his militia , believing the debate to be settled . Three days later , elections in the region were held under Ohio law . However , Mason refused the deal and he continued to prepare for possible armed conflict .

During the elections , Ohio officials were harassed by Michigan authorities and the area residents were threatened with arrest if they submitted to Ohio 's authority . On April 8 , 1835 , the Monroe County , Michigan sheriff arrived at the home of Major Benjamin F. Stickney , an Ohio partisan . In the first contact between Michigan partisans and the Stickney family , the sheriff arrested two Ohioans under the Pains and Penalties Act on the basis that the men had voted in the Ohio elections .

= = = Battle of Phillips Corners = = =

Following the election , Lucas believed that the commissioners ' actions had alleviated the situation and he once again sent out surveyors to mark the Harris Line . The project went without serious incident until April 26 , 1835 , when the surveying group was attacked by fifty to sixty members of General Brown 's militia in what is now called the " Battle of Phillips Corners " . The battle 's name is

sometimes used as a synonym for the entire Toledo War .

Surveyors wrote to Lucas afterwards that while observing " the blessings of the Sabbath , " Michigan militia forces advised them to retreat . In the ensuing chase , " nine of our men , who did not leave the ground in time after being fired upon by the enemy , from thirty to fifty shots , were taken prisoners and carried away into [ Tecumseh ] . " While the details of the attack are disputed ? Michigan claimed it fired no shots and had only discharged a few musket rounds in the air as the Ohio group retreated ? the battle further infuriated both Ohioans and Michiganders and brought the two sides to the brink of all @-@ out war .

= = = Bloodshed in the summer of 1835 = = =

In response to allegations that Michigan 's militia fired upon Ohioans , Lucas called a special session of Ohio 's legislature on June 8 , 1835 to pass several more controversial acts , including the establishment of Toledo as the county seat of Lucas County , the establishment of a Court of Common Pleas in the city , a law to prevent the forcible abduction of Ohio citizens from the area , and a budget of \$ 300 @,@ 000 to implement the legislation . Michigan 's territorial legislature responded with a budget appropriation of \$ 315 @,@ 000 @.@ 00 to fund its militia .

In May and June 1835 , Michigan drafted a State Constitution , with provisions for a bicameral legislature , a supreme court , and other components of a functional state government . However , Congress was still not willing to allow Michigan 's entry into the Union , and President Jackson vowed to reject Michigan 's statehood until the border issue and " war " were resolved .

Lucas ordered his adjutant general , Samuel C. Andrews , to conduct a count of the militia , and was told that 10 @,@ 000 volunteers were ready to fight . That news became exaggerated as it traveled north , and soon thereafter the Michigan territorial press dared the Ohio " million " to enter the Strip as they " welcomed them to hospitable graves . "

In June 1835 , Lucas dispatched a delegation consisting of U.S. Attorney Noah Haynes Swayne , former Congressman William Allen , and David T. Disney to Washington D.C. to confer with President Andrew Jackson . The delegation presented Ohio 's case and urged the President to act swiftly to address the situation .

Throughout the summer of 1835 , both governments continued their practice of one @-@ upmanship , and constant skirmishes and arrests occurred . Citizens of Monroe County joined together in a posse to make arrests in Toledo . Partisans from Ohio , angered by the harassment , targeted the offenders with criminal prosecutions . Lawsuits were not only rampant , they served as a basis for retaliatory lawsuits from the opposite side . Partisans from both sides organized spying parties to keep track of the sheriffs of Wood County , Ohio and Monroe County , Michigan who were entrusted with the security of the border .

On July 15 , 1835 , tensions and emotions finally overflowed and blood was spilled . Monroe County , Michigan , Deputy Sheriff Joseph Wood went into Toledo to arrest Major Benjamin Stickney , but when Stickney and his three sons resisted , the whole family was subdued and taken into custody . During the scuffle , Two Stickney , son of the major , stabbed Wood with a pen knife and fled south into Ohio . Wood 's injuries were not life @-@ threatening . When Lucas refused Mason 's demand to extradite Two Stickney back to Michigan for trial , Mason wrote to President Jackson for help , suggesting that the matter be referred to the United States Supreme Court . At the time of the conflict , however , it was not established that the Supreme Court could resolve state boundary disputes , and Jackson declined the offer . Looking for peace , Lucas began making his own efforts to end the conflict , again through federal intervention via Ohio 's congressional delegation .

In August 1835 , at the strong urging of Ohio 's Congressmen , President Jackson removed Mason as Michigan 's Territorial Governor and appointed John S. ( " Little Jack " ) Horner in his stead . Before his replacement arrived , Mason ordered 1 @,@ 000 Michigan militiamen to enter Toledo and prevent the symbolically important first session of the Ohio Court of Common Pleas . While the idea was popular with Michigan residents , the effort failed : the judges held a midnight court before quickly retreating south of the Maumee River , where Ohio forces were positioned .

= = = Frostbitten Convention and the end of the Toledo War = = =

Mason 's successor Horner proved to be extremely unpopular as governor and his tenure was very short . Residents disliked him so much they burned him in effigy and pelted him with vegetables upon his entry into the territorial capital . In the October 1835 elections , voters approved the draft constitution and elected the popular Mason as state governor . The same election saw Isaac E. Crary chosen as Michigan 's first U.S. Representative to Congress . Because of the dispute , however , Congress refused to accept his credentials and seated him instead as a non @-@ voting delegate . The two U.S. Senators chosen by the state legislature in November , Lucius Lyon and John Norvell , were treated with even less respect , being allowed to sit only as spectators in the Senate gallery .

On June 15 , 1836 , Jackson signed a bill that allowed Michigan to become a state , but only after it ceded the Toledo Strip . In exchange for this concession , Michigan would be granted the western three @-@ quarters of what is now known as the Upper Peninsula ( the easternmost portion had already been included in the state boundaries ) . Because of the perceived worthlessness of the Upper Peninsula 's remote wilderness , a September 1836 special convention in Ann Arbor , Michigan , rejected the offer .

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 ( \$ 231 million in 2015 ) in the United States Treasury was about to be distributed to the 25 states , but not to territorial governments . Michigan would have been ineligible to receive a share of the money .

The " war " unofficially ended on December 14 , 1836 , 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 . Whigs boycotted the convention . As a consequence , the resolution was rejected and ridiculed by many Michigan residents . Congress questioned the legality of the convention , but accepted the results of the convention regardless of its concerns . 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 .

On January 26 , 1837 , Michigan was finally admitted to the Union as the 26th state , without the Toledo Strip .

= = Subsequent history = =

The Toledo strip became a permanent part of Ohio , while the Upper Peninsula was considered a worthless wilderness by almost all familiar with the area . The vast mineral riches of the land were unknown until the discovery of copper in the Keweenaw Peninsula and iron in the Western Upper Peninsula ; this discovery led to a mining boom that lasted long into the 20th century . The economic gain of these resources more than offset any loss Michigan sustained from surrendering Toledo .

Differences of opinion about the exact boundary location continued until a definitive re @-@ survey was performed in 1915 . Re @-@ survey protocol would ordinarily require the surveyors to follow the Harris line exactly , but in this case , the surveyors deviated from the line in places . This prevented the situation of certain residents near the border being subject to changes in state residence , or land owners having parcels on both sides of the border . The 1915 survey was delineated by 71 granite markers , 12 inches ( 30 cm ) wide by 18 inches ( 45 cm ) high . Upon completion , the two states ' governors , Woodbridge Nathan Ferris of Michigan and Frank B. Willis of Ohio , shook hands at the border .

Traces of the original Ordinance Line can still be seen in northwestern Ohio and northern Indiana . The northernmost boundaries of Ottawa and Wood counties follow it , as well as many township boundaries in Fulton and Williams counties . Many old north @-@ south roads are offset as they cross the line , forcing traffic to jog east while traveling north . The line is identified on USGS

topographical maps as the " South [ Boundary ] Michigan Survey " , and on Lucas County and Fulton County , Ohio road maps as " Old State Line Road . "

While the border on land was firmly set in the early 20th century , 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 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 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 . In modern times , although a general rivalry between Michiganders and Ohioans persists , overt conflict between the states is restricted primarily to the Michigan ? Ohio State rivalry in American football and to a lesser degree between the rivalry between the Detroit Tigers and Cleveland Indians in American League baseball ; the Toledo War is cited as the origins of the animosity represented in today 's rivalry .