

A PAPER
THE ESTABLISHMENT OF THE NORTHERN BORDER
OF
THE STATE OF INDIANA

BY

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The Congress, assembled in Philadelphia in 1777, developed the method and laws to govern this new country and on June 9, 1778, formally adopted the document known as "The Articles of Confederation". This new Confederacy (not to be confused with the Confederacy of southern States established during the Civil War Era) was the body politic that named this Confederacy, "The United States of America" in the first article of the "Articles of Confederation".

The Second and subsequent Articles, provided for State sovereignty, set the number of representatives from each state to be not less than two nor more than seven, set the meeting of Congress to be the first Monday in November annually, and very importantly, named a Congressional Committee of at least nine state representatives and authorized this committee, "to execute the powers of Congress when it was not in session".

In 1785, before a Constitution was established, Congress needed to do something about bringing some kind of local government and law to the newly acquired territory from England know as the Northwest Territory.

Under Virginia's Representative to the Congress, Thomas H. Jefferson, who chaired the Congressional committee, a proposal was drawn up for surveying and governing the Northwest Territory into which settlers were moving to rapidly. The committee's work resulted in a Land Ordinance of 1785 which called for a land survey of the area, dividing the area into townships of six miles square, and dividing each township into thirty-six

sections, each of one square mile of six hundred and forty acres. They set a cost of each section to the settlers of \$640.00 per section to be paid to Congress.

The committee under Jefferson continued to work and developed the Northwest Ordinance of 1787, passed by Congress on July 13, 1787, still two years before our Constitution. This outstanding document provided for freedoms and individual rights (Article II) and prohibited slavery (Article VI) in the Territory long before the amendments to our Constitution known as the Bill of Rights. Article III provided for religious freedom and for the encouragement and means for education. (One Section of land in each Township survey by the Land Ordinance of 1785 was to be set aside for education)

Article V also provided, "there shall be formed in said territory, not less than three nor more than five states" The original boundaries were defined, agreeable to the land surveys, as the Eastern State map numbers 1,2,3,4; Middle State map numbers 5,6,7,8,9; and Western State map numbers 10,11,12,13,14,,15. ¹

Article V also said, "the boundaries of the States, as soon as Virginia shall alter her Act of Cession, and consent to the same, shall become fixed and established as follows, to wit:

The western State in said Territory, shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincents (Vincennes) due North , to the Territorial Line between the United States and Canada; and, by the said territorial line, to The Lake of the Woods and Mississippi."

"The Middle States shall be bounded by the said direct line (north/south) , the Wabash from Post Vincents (Vincennes) to the Ohio (River); by a direct line , drawn due north from the mouth of the Great Miami River to the said Territorial Line, (Canada) and by the said Territorial Line."

¹ See map showing Congress the Numbered Areas for future States

"The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said Territorial Line; Provided, however, and it is further understood and declared , that the boundaries of these three States shall be subject so far to be altered , that if Congress shall hereafter find it expedient , they shall have the authority to form one or two States in that part of said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan."

It is this part of the Ordinance of 1787 that enabled Congress to later make the Indiana Territory and the Michigan Territory within, yet independent of the Northwest Territory, and for Congress to settle the boundary dispute between the Michigan Territory and the State of Ohio in 1835.

The Ordinance of 1787 further provided, via the 1784 plan of Thomas Jefferson, the path by which the area of the Northwest Territory could become states and it set the parameters by which Congress would appoint a Territorial Governor and Territorial Secretary; for a General Assembly consisting of a representative for each area that reached 5,000 male inhabitants of age; and how an area with 60,000 such male inhabitants could petition Congress for Statehood.

There is much more in the Ordinance of 1787 that makes it one of the most outstanding documents ever written. In addition to those provisions previously mentioned, it provided for individual; due process; prohibited slavery; gave the right of habeas corpus; trial by jury, and much more, and again, all this was written and enacted before this country had a constitution and a Bill of Rights.

The Ohio Company of Associates² had been established in Boston on March 1, 1786 and had established settlers and offices at Marietta on the Ohio River next to Virginia. The company was interested in purchasing land in the Northwest Territory from Congress and selling it to settlers.

² See the enclosed Ohio Company Map

In 1785, Congress had already established the General Land Office for the sale of lands, and created the Office of the Surveyor General making that office responsible for the survey of the Northwest Territory. Congress also stipulated that no land was to be sold or settle until such survey was completed. The surveyors were responsible for the accuracy of their work and Jefferson had also provided that the surveyors keep logs on the flora and fauna of the regions as they worked. As will be noted later in this paper, a problem did became evident later in connection with accuracy of the survey regarding the map placement (Latitude) for "the southern bend of Lake Michigan".

After General Anthony Wayne defeated the Indians at the Battle of Fallen Timbers in 1794, it was pretty safe for settlers to enter the southern part of the Northwest Territory and they began to flood into the area.

In 1800, Congress divided the Northwest Territory into the Ohio and the Indiana Territories. This division for their common border was along the Meridian Line (north/south) set by the Ordinance of 1787.

William Henry Harrison had been named the Secretary to the first Northwest Territorial Governor, Arthur St. Clair. In 1800, Harrison was appointed the Indiana Territorial Governor and held the post from 1801 to 1812 when he resigned to fight in the War of 1812 against the British.

The east west line drawn across the middle of the Northwest Territory in 1800 to establish northern borders of the newly established Territories of Ohio and Indiana (the Michigan Area was still part of the Northwest Territory) was to start at the southern bend of Lake Michigan and go due east to the north-south meridian separating the Indiana and the Ohio portions of the Northwest Territory. The northern border line was to continue due east until it touched Lake Erie.

To review the actual surveys done on the area, back in 1755, prior to the French and Indian War, Mr. John Mitchell surveyed the southern boundary of Lake Michigan and drew a detailed map on which he places the south end of the lake at 42 degrees, 20 seconds north latitude. The following Companies also did surveys of the area:

SURVEYS

SOUTHERN EXTREME OF LAKE MICHIGAN

Thomas Jeffers	1762	40 Degrees	0 Min	10 Seconds
The Hutchins Company	1778	42 Degrees	0 Min	30 Seconds
The Faden Company	Ordinance 1785	41 Degrees	38 Min	58 Seconds
The Mentalle Company				
	1806 (Division of Indiana Territory 1805)	41 Degrees	38 Min	38 Seconds
Indiana Statehood	1816 (Congress)	41 Degrees	38 Min	58 Seconds
E. P. Kendrick (War Dep't.)	1827 (Congress)	41 Degrees	38 Min	58 Seconds
Compromise (Ohio/Michigan by Congress)	1836	41 Degrees	38 Min	58 Seconds

Each of these companies placed the southern bend of Lake Michigan at least at 40 degrees, 10 seconds and some as high as 42 degrees, 30 seconds north latitude. It is quite evident that taking readings at various points believed to be the southern end of the lake resulted in differing figures according to Mrs. Frank J. Sheehan in her NORTHERN BOUNDARY OF INDIANA, published by the Indiana Historical Society in 1928.

One of the problems in all this was that the early Indiana Territory settlers in the Northwest Territory wanted greater access to Lake Michigan and they continued to press Congress for an exact boundary. These early surveys already had slight errors in them for the southern bend of the Lake Michigan, and everything was predicated on the Latitude of the southern extreme of Lake Michigan.

Once this Latitude was established, the line was to go due east to the north south meridian that extended from the intersection of the Great Miami and the Ohio Rivers, and went north to the Canadian border.

The surveyors for the northern Ohio border were pretty accurate in their placement of the northern tip of the Ohio border at the southern tip of Lake Erie and going due west to the Indiana/Ohio Meridian line. This accurate northern Ohio border however, placed the Toledo Area further north of this northern boundary of Ohio, and Toledo was important for some unknown reason at that time.

No one at the time knew much about where the Indiana north or the Ohio north borders were for there were very few settlers in these northern swampy and marshland regions at this time. These areas were mostly populated by Indians. The Treaty of Greenville , with the Indians signed August 20, 1795 with most of the Indians, promised the Indians they could keep their lands north of the "Greenville Line". ³ This Greenville Line extended east and west across central Ohio and shot due north to the southern extreme of Lake Erie. The Indians were to stay north of that line and settlers were to stay south of the line. (Didn't work) Settlers kept pushing north of the line.

Back on March 9, 1782, in a dispute with Indians over some settlers who were killed near Gnadenhutten in the Ohio Territory, the settlers, numbering about 100 voted about 80 to 20 to execute the Indians at the Gnadenhutten Mission for they believed some of these Indians had been involved in the death of the settlers. Ninety-six Delaware Indians were brought out of the Mission Chapel in pairs and executed. Twenty-eight men, twenty-nine Women and 39 children were murdered. This did not help relationships with the Indians, nor with would be settlers who now feared reprisals.

By the year 1802, the Ohio Territory had enough male inhabitants of age, to petition Congress for Statehood. Ohio was granted Statehood by Congress as the seventeenth

³ See the enclosed map showing the Greenville Treaty Line

state in 1803. This writer was unable to find any information relative to whether the Michigan Territorial Legislature knew of the pressure placed on Congress by the Indiana people to move the Indiana boundary north of the southern extreme of Lake Michigan into Michigan Territory before the Act Dividing Indiana was passed, and the pressure continued for the next ten years.

On January 11, 1805, Congress passed "An Act Dividing Indiana Territory" to become effective on June 13, 1805. This divided the Indiana Territory and created the Michigan Territory. "The Act Dividing Indiana, 1805" is signed by Nathaniel Macon, Speaker of the House of Representatives, by Aaron Burr, Vice President, and approved by the signature of T.H. Jefferson, President of the United States. Other than the fact that this Act was for the government of the inhabitants of the territory of the United States, northwest of the river Ohio, no mention is made of any change in the geographic boundaries for the state of Ohio or the Indiana Territory except in Section 1 of the Act it says; "all that part of the Indiana Territory, which lies North of a line drawn east from the southerly bend or extreme of lake Michigan, until it shall intersect lake Erie, and East of a line drawn from the southerly bend through the middle of said lake to its northern extremity, and thence due north to the northern boundary of the United States, shall, for the purpose of temporary government, constitute a separate territory, and be called Michigan."

Once again, where was the southerly extreme of lake Michigan? By this Act of 1805, the boundaries remained as were promulgated in the Ordinances of 1785 and the resulting survey map of the Faden Company (1785) remained in effect.

This 1805 Act Dividing the Indiana Territory did stipulate Detroit as the capital of the new Michigan Territory and provided for the governing of this new Michigan Territory .

The Indiana Territorial Governor replacing Harrison in 1813 was Thomas Posey. Posey wrote to the US Secretary of State, James Monroe when there were sufficient numbers in

Indiana to petition for statehood, that, "two thirds of the people in Indiana were too poor to support a state government", and that "there were not enough educated or talented men to run a government". He concluded by saying, "We have numbers sufficient and that is all we can boast of". In spite of this, Indiana was on the way to statehood.

However, when the Indiana Territorial Legislature in 1815, petitioned Congress for Statehood they again pleaded for an extension of their northern boundary to the north. When Congress passed the Enabling Act on April 19, 1816, for Indiana to become a state, it also moved the Indiana northern boundary "ten miles to the north of the southerly extreme of lake Michigan". An Indiana Constitutional Convention began meeting in Corydon on June 10, 1816, completed the new Indiana Constitution on June 29, 1816, and Indiana was granted statehood, including a new northern boundary, ten miles north of the southern bend of Lake Michigan now set at 41 degrees, 38 minutes and 58 seconds by Congress for Indiana effective on December 11, 1816. (Indiana had a legitimate boundary)

It is unfortunate that no written records were kept of the 1816 debates and discussions held in Corydon in 1815 and 1816 and the first newspaper to carry the results of the Convention (some 69 pages) was the "Louisville Journal of the Convention". This paper became the Louisville Courier Journal.

Illinois was admitted to the Union on December 3, 1818 as the twenty-fifth state and wouldn't you know, Illinois worked very hard to get their Territorial Boundary pushed north of the 1787 Ordinance Line. Nathaniel Pope, Illinois Territory Representative to Congress when Illinois applied for admission to statehood, introduced an amendment to the Illinois Statehood Bill that was included when the Statehood Bill passed on April 18, 1818. Illinois gained 8500 square miles of territory north of the Ordinance of 1787 Boundary Line. This gave Illinois the areas which included as they developed, the cities of Chicago, Rockford, Freeport and Galena. Congress now set the Southerly Extreme of lake Michigan at 42 Degrees, 30 Minutes and 0 Seconds. (All of the southern region of the Northwest Territory that became states now had boundaries north of what had originally

been planned. Congress did not, however, make any change in the two year old Indiana Boundary of ten miles north of 41 Degrees, 38 Minutes and 58 Seconds.

In October of 1827, Mr. E.P. Kendrick , commissioned by the War Department, made another survey resulting in the following that is found in the Indiana State Library, Committee Reports, 23 Congress 1 session No. 334, Page 41. "The official survey of the northern boundary of Indiana as finally decided upon and of the latitude of the southern extremity of Lake Michigan made by E. P. Kendrick, in October of 1827, shows the former to be 41 degrees, 47 minutes and 43 seconds and the latter 41 degrees, 38 minutes and 58 seconds." Was 41 Degrees, 38 Minutes and 58 Seconds to become the standard? Not yet!

In 1825, President Monroe had assigned the War Department to again "review and determine the latitude of the southerly extreme of Lake Michigan". In the "Executive Documents (1833-1834) Vol. 6, Document No. 497, the engineer employed in 1832, fixed the Latitude at 41 Degrees, 37 Minutes and 79 seconds. Although he had printed a disclaimer stating "not necessarily accurate, for it was supposed to be 41 degrees, 38 minutes and 38 seconds, being north of the east west line 1 mile or 1440 yards"

Mr. Thomas P. Jones, Keeper of the Archives, on January 7, 1835 "directed" (wrote) to Mr. Vinton of the Ohio Delegation of the House of Representatives on Congress, that the official latitude of the southern bend of Lake Michigan is fixed at 41 degrees, 39 minutes and 43 seconds. (This was getting real close)

FINALLY, CONGRESS ON JUNE 15, 1836 IN THE COMPROMISE FOR MICHIGAN STATEHOOD, permanently, at least as of today, fixed the southern extreme of Lake Michigan to be the one set by the Kendrick survey in 1827 of 41 degrees, 38 minutes and 58 seconds. CONGRESS ALSO permanently, at least as of today, fixed the northern boundary of the State of Indiana, exactly ten (10) miles north of this line.

Boy, what a trip! But there is more of interest-

In 1835, the people of the Michigan Territory had petitioned for statehood. Arkansas was also ready for statehood and since Congress had passed "the Compromise of 1820" stating that admission to statehood would only be by. – One "a slave state", and One, " a free state". Arkansas would be admitted as a slave state and Michigan as a free state.

NOT SO FAST !

A dispute between the State of Ohio and the Territory of Michigan over their adjacent boundary. The area of Toledo, with access to Lake Erie fell within the Michigan Territory by way of the survey resulting from the Northwest Ordinance of 1787. Ohio was furious for they had pretty well controlled this area since they became a state in 1803.

Andrew Jackson, President from 1829-1837) had appointed the Governor of the Michigan Territory, Stephens T. Mason who marched a "posse" of sheriff deputies (actually Militia Men) from the Territorial Capital (Detroit) south to Monroe (near the Toledo area). The Ohio State Governor, Robert Lucas, marched 300 Ohio State Militiamen to Perrysburg, also near the Toledo landing. Toledo, as a city in 1835 did not exist. It was all swamp land. Both Militia groups got lost in the swamps, never encountered each other and neither ever fired a shot.

President "Andy" Jackson, with an election coming the next year (1836), wanted the Ohio Electoral votes for his party even though he was finishing his second term as President. Jackson himself then entered the dispute and actually settled the issue. The "Toledo War of 1835" as it is called, is looked at today as a kind of joke but at the time, both sides were very serious.

Naturally, Jackson sided in favor of Ohio regarding the boundary change that would now include the "Toledo Strip" in the State of Ohio. This questionable Ohio strip, was an area six miles north of the 1787 Ordinance line at the eastern Indiana Border and twelve miles north of the 1787 Ordinance Line at Lake Erie. As a compensation, Michigan was given

the western portion of the "Upper Peninsula". (They, the Michigan representatives, didn't know of the iron and other vast ore deposits at the time and felt they were cheated).

You might know! The Michigan Territorial Legislature, though promised statehood if they signed on, refused to accept or ratify the Jackson compromise and Jackson feared they might go to the Supreme Court. This he did not want. If it had gone to the court, there is little doubt that the Ordinance of 1787 Survey Line would have prevailed and Michigan would have the "Toledo strip".

Jackson immediately got his appointee, Territorial Governor Stephens Mason, calmed down, called for a new Michigan Territorial legislature and it met at Ann Arbor, not in the capital of Detroit, to again discuss the compromise. This legislature approved the Jackson compromise. Michigan became a state on June 15, 1836 (a free state) with a southern boundary adjacent to Ohio about twelve miles north of that originally set by the Northwest Ordinance of 1787. To reiterate once again, Congress fixed the latitude of the southern tip of Lake Michigan, in this compromise, at 41 degrees, 38 minutes and 58 seconds..

Also, Arkansas was admitted as the twenty-fifth state (a slave state) in 1836, maintaining the terms of the Compromise of 1820.

None of the Toledo War events really affected the northern boundary of Indiana set by Congress in 1816 or from the 1827 survey for there were so few settlers in the area at this time no one questioned boundaries in so vast an area.

The northern border of Ohio, before and after the Toledo affair, is still south of Indiana's northern order. From the Ordinances of 1785 and 1787m there was supposed to be a straight line from the southern bend of Lake Michigan to Lake Erie and this line was supposed to be the northern border of both Indiana and Ohio. It just didn't end up that

way. (It was too hard to figure out where the southern bend of Lake Michigan really was in terms of latitude)

Yes, there is an established northern boundary of Indiana that is recognized universally. It is exactly ten miles north of 41 Degrees, 38 Minutes and 58 Seconds North Latitude.

In the preparation of this "Paper", inquiry and/or contact was made with:

The Indiana Historical Bureau of the Indiana Historical Society and State Library
The Ohio Historical Society – State of Ohio Historical Center
The Michigan Historical Society
Fern Eddy Schultz, LaPorte County, Indiana Historian
Mr. Mike Highmiller, Internet Designer for the Ohio Historical Society

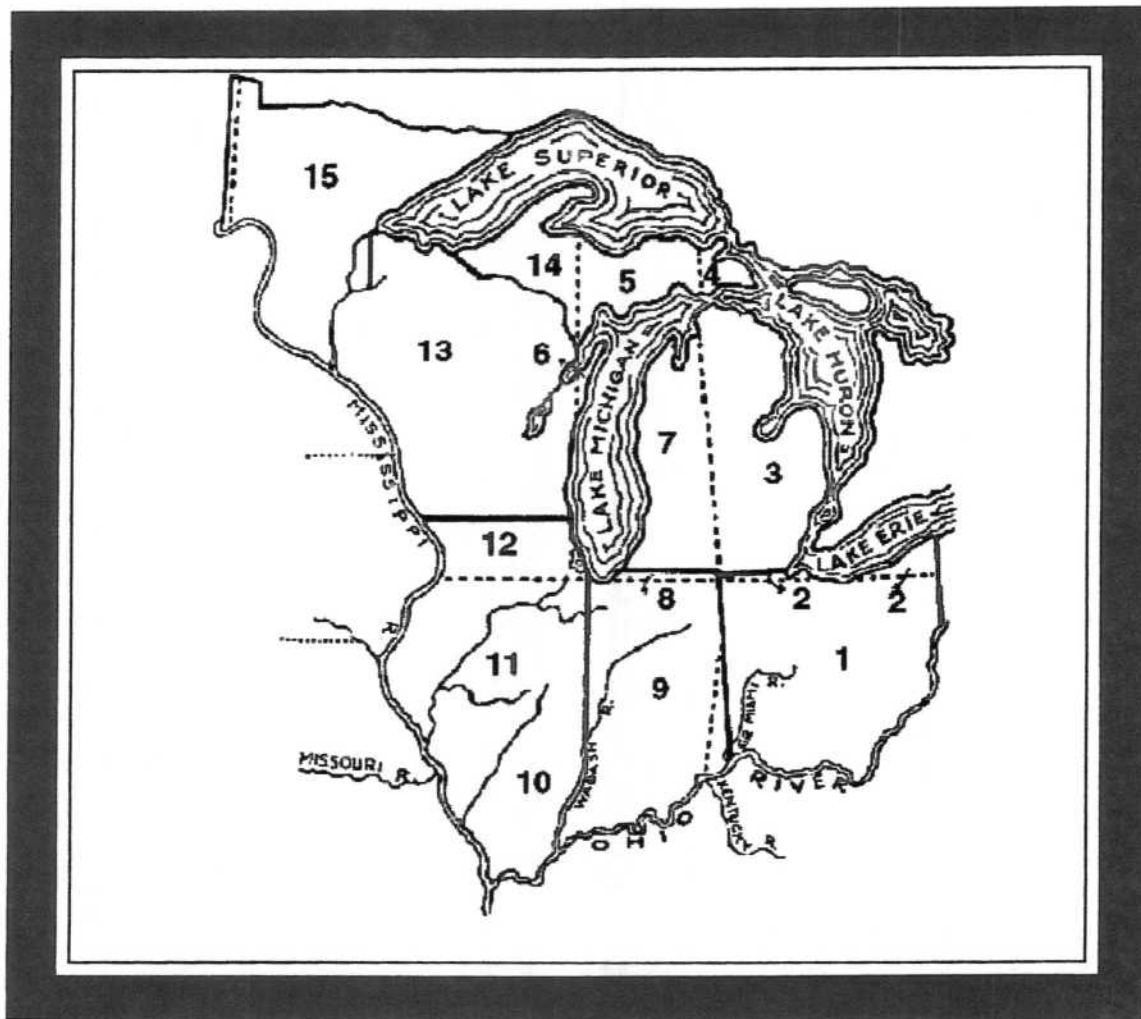
Also, this writer carefully reviewed each of the following documents:

The Articles of Confederation 1777
The Virginia Cession 1784
The Land Ordinance of 1785
The Northwest Ordinance of 1787
The Greenville Treaty 1795
The Gnadenhutten Massacre 1782
The Act Dividing Indiana Territory 1805
The Toledo War of 1835 ("The War Between Michigan and Ohio")
The Illinois State Historical Markers Bulletine
Ohio History – The Journal of the Ohio Historical Society Vol 4 PP 127-135

Also reference is made to:

Sheehan, Mrs. Frank J., THE NORTHERN BOUNDARY OF INDIANA,
Indiana State Historical Society, 1928.

"Ohio Lands - A Short History"
The Northwest Territory



THE NORTHWEST TERRITORY

The Ordinance of July 13, 1787 provided "...there shall be formed in said territory, not less than three nor more than five states..." The original boundaries were defined as: Eastern State (numbers 1,2,3,4); Middle State (numbers 5,6,7,8,9) and Western State (numbers 10,11,12,13,14,15). These divisions are marked by broken lines on the



Northwest Territory

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The Northwest Territory included the land north of the Ohio River and east of the Mississippi River.

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Treaty of Greenville Line

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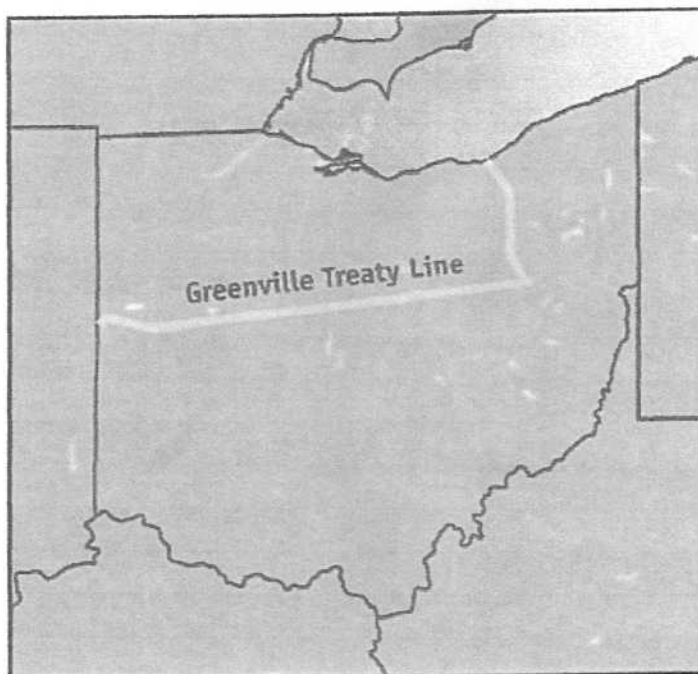
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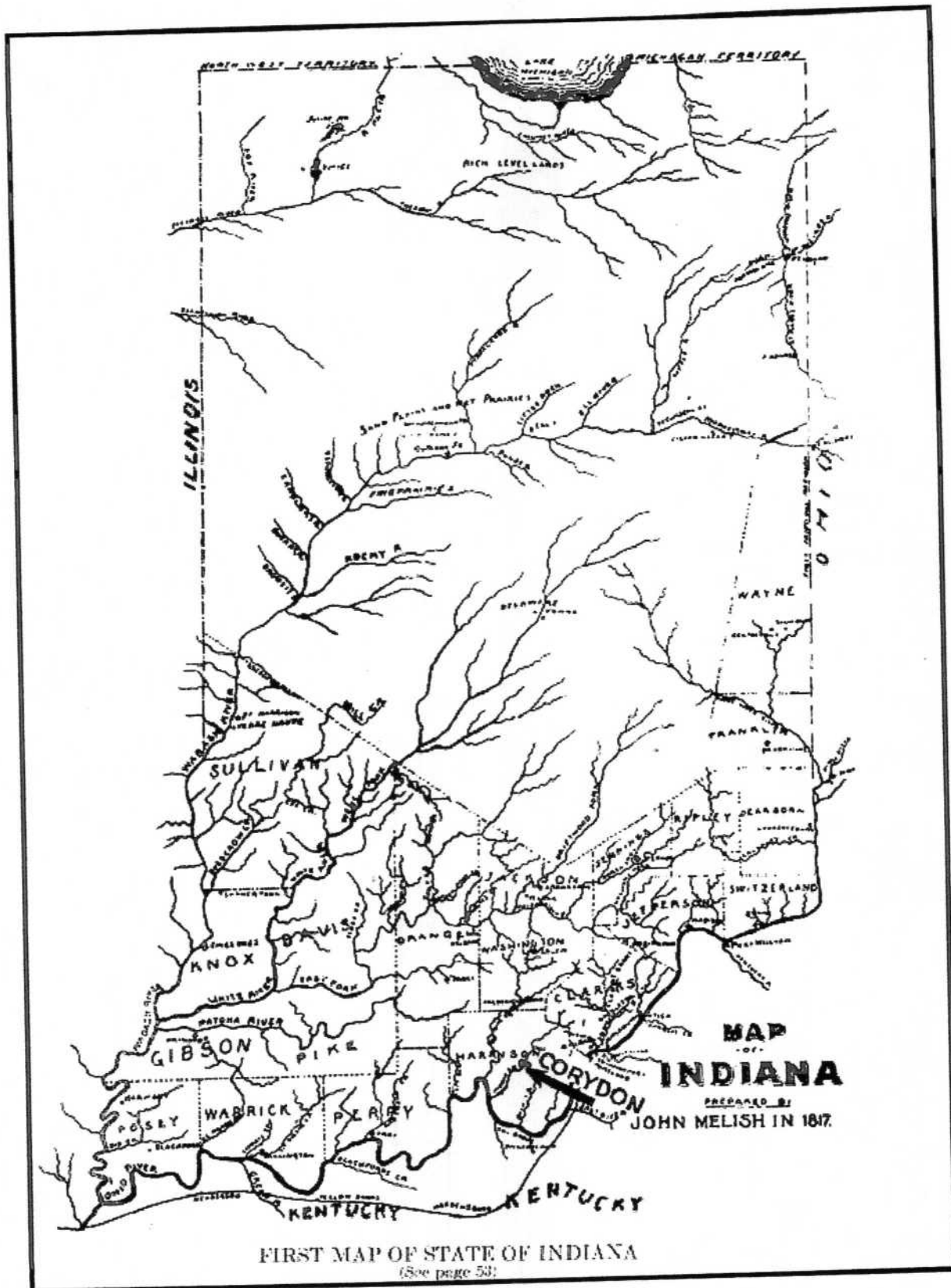
After the signing of the Treaty of Greenville, Ohio Indians agreed to stay to the north and west of this line and the Americans were to stay to the south and east.



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From the booklet: The Corydon State House, A Hoosier Shrine