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**HISTORICAL PAPERS**

delivered before the

**Society of Colonial Wars**

of the

**State of Michigan**

E. S. B.  
1885

CLARENCE MONROE BURTON

27 BRAINARD STREET

DETROIT

# “PIONEERS AND PATRIOTS”

ADDRESS OF

DR. EDWIN ERLE SPARKS  
of the University of Chicago.

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# “THE BOUNDARY LINES OF THE UNITED STATES UNDER THE TREATY OF 1782.”

ADDRESS OF

MR. CLARENCE M. BURTON,  
of Detroit.

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DELIVERED AT THE ANNUAL DINNER OF THE SOCIETY

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# PIONEERS AND PATRIOTS.

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ADDRESS OF  
DR. EDWIN ERLE SPARKS,  
OF THE UNIVERSITY OF CHICAGO.  
MAY 7, 1907.

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*Mr. Governor and Members of the Society of  
Colonial Wars:*

Curious foreigners who have come to our shores to study us and to write a book after three weeks study—others have stayed longer as our distinguished representative (Bryce) of the British King at the present time, who has seen us as no one else has seen us—many of these foreigners I say, have endeavored to find, if possible, the real essence, the climax, the most characteristic thing of the American people. Some of them have thought that in Washington they found it in the assembling of Congress. Others have said that the highest type of the American Republic is to be found upon some Inauguration Day when the outgoing president rides side by side up Pennsylvania Avenue with an incoming president; the outgoing president yielding his position solely to the ballot box, no other force than that; and we thereby find the chief difference between us and the South American republics, where, when a new president is elected, he takes his position if he can succeed in putting the other fellow out, and this usually breeds a Revolution. So that someone has said they are all Sons of the Revolution down there. (Laughter). Others have found the essence of the American Republic in our educational system. I believe I will go beyond those factors and will find the culmination of American development in such meetings as we have here

tonight; places where the highest type of Americans shall come together and by a system of comity, of good fellowship, of friendship, of pure Americanism, patriotically revive and keep alive the traditions of the past. (Applause.)

Someone has well said that the nation which loses its traditions itself must soon perish. The nations of the old world hand down their traditions. We think of the modern Greek, how he goes back to the days of Thermopylae; we think of the modern Italian who runs away back to the days of Romulus and of Remus; we think of the numerous traditions of the German; we think of the Englishman whose history goes back to King Arthur's time. All these are old, centuries old. American history is simply the footnote, if you will allow me that expression, upon the great page of history. Yet we have our traditions; we have our Washington, we have our Lincoln and other great men, and as long, I say, as we keep alive these traditions by such occasions as this, I am satisfied that we shall not perish from the earth. It is therefore always a great pleasure to me to make one in such a meeting as this, especially when we have such good things to eat and such excellent things to drink and some very fine things to burn; where you have something a little more tempting than Father's Oats, or some kind of breakfast food, where you do not depend entirely upon Postmortem Cereal. (Laughter.) I take it, I say, that here foregathers the very essence of Americanism.

I am to speak upon the subject of Pioneers and Patriots, and I wish in advance that I could bring you something of such merit and such worth and such practical value as the words to which you have just listened. I have one thing in mind, my friends, if you will allow me, and that is that just as soon as the chair of Diplomatic History is vacant in the University of Chicago, you will lose one of your prominent citizens; (Applause) that is, if he is still out of a job.

A VOICE: He won't be out of a job.

DR. SPARKS: He represents, if you will allow me to say so, and if his modesty will permit, he represents a certain type of American, the type of the American business man who is willing to give a portion of his time for the furtherance of the interests of the American public. It sometimes happens that a man's services to the Commonwealth comes in public office; sometimes it comes in public work such as he is doing here; and no man, I take it, appreciates more than I do as a teacher of American history, the value of the service that he is performing in bringing these documents where they can be made available to our students of American history. As your Governor has well said, he is performing a really great public service, and a greater public service because it is so little known and commonly brings such little applause with it. The quiet man who works along thoroughly the line that he has found is to my mind the typical American. (Applause.)

I come as a speaker from the University of Chicago, and I appreciate, my friends, in full just what that means. I know what kind of a reputation the members of the faculty of the University of Chicago enjoy, so far as newspaper reports are concerned. I found a clipping today in a newspaper which represents a tramp standing at a door talking to a very benevolent looking housekeeper, who is handing him out a bit of left-overs. She says to him, "My dear man, what makes you talk so wildly, so peculiarly?" He said, "My dear woman, I cannot help it. I was once a professor in the University of Chicago." (Laughter.) Now, I am aware that over there we have a reputation for saying wild things. I am aware that our president is supposed popularly never to open his mouth without announcing a gift of a million or two, a million or three, and immediately there is a fluctuation in the price of a standard commodity that is used generally throughout the United States. (Laughter.) I am

aware also that when the members of the faculty are turned loose from their padded cells, they are supposed to give a thrill with every utterance, or your money back at the door. They are supposed to announce some startling topic on every occasion, something as the result of private investigation. For instance, as a teacher of History, popularly I am supposed this evening to announce to you some celebrated discovery. For instance, I might be supposed to announce that after mature deliberation and investigation and searches of the historical records, it has at last been discovered that Caesar was not assassinated; that Brutus and Cassius and the rest of the conspirators, so called, were simply endeavoring to perform a surgical operation upon Caesar for the removal of his appendix; (Laughter) and that he resisted and disastrous results followed. Or I might be supposed, turning to French history, to make a great discovery about Charles the Fat; that is, Charles the Fat, why did he become so? Or Charles the Bald, what did he do for it? Or, if I turn to American history, I might be supposed to announce that after mature deliberation and long research, it has been found that George Washington had no intention of destroying the cherry tree, but that he was simply trying to graft a new species upon that cherry tree, and that therefore in place of the great and good man he is usually supposed to be, he was, in fact, the first great American grafter (Laughter).

Now, these are some of the things that we are supposed to announce from time to time. But I have come over without any startling announcement to make, without any manuscript to read, simply to talk to you a little about the pioneers of the early days.

To my mind, these Colonial Wars, being fought as they were almost entirely upon the Atlantic Coast Plain, represent the beginning of a greater movement in later times. This Atlantic Coast Plain, varying from fifty to two hundred miles in width,

was the scene of the early dramas, of the early events, of American history. Here Civilization took her stand, and here Civilization recruited herself for the long march across the American continent. We are tonight many miles and miles from that Atlantic Coast Plain, but nearly all of us descendants from ancestors who were born upon or migrated from that Atlantic Coast Plain. In California the same thing would be true. We have marched straight across the continent. De Tocqueville away back in 1832 visited us, and like James Bryce in later years, he undertook to describe the Americans as they were. He said, "The American people are moving straight across the North American continent like a people pushed on by the relentless hand of God."

It would have been enough to my mind here in America if we had solved the problem, as we have to a certain extent, of representative government. It is true we have not succeeded altogether; we have failed in some respects. But we have created a republic upon a larger scale than ever was dreamed of in preceding times. The republics of Greece were simply little provinces. The republic of the Netherlands might be set down in one of our states. The republic of Switzerland would be lost in several of the counties in Michigan. And yet those were the only republics until we started the plan here, and worked it out on this magnificent scale. It would have been enough, to my mind, if we had worked out only the principles of religious freedom. We have no religious tolerance in America; but we do have religious freedom! Tolerance pre-supposes the right of the state to prescribe the religion. Here in America the state has no right to prescribe any kind of religion, so that we have no toleration of religion; we have freedom of religion. (Applause.) It would have been enough, in other words, if we had worked out the separation of church and state as we have worked it out in America, thus leading the world in that particular. It would have been

enough if we had developed the individual rights of the individual man; or solved the problem of free and general education. But above all these triumphs we have done something more—we have conquered a continent; and as we advanced across the continent, we have not lost the high grade of civilization with which we started. I shall go within a few weeks to Oklahoma Territory to attend precisely such a function as we have here. I was there two years ago. I found the appointments not quite so elegant as they are here; but I saw there just as good Americans. None of them, probably not one man in the room, was born in Oklahoma; and yet they represent the American people crossing the continent and carrying with them the ambitions and hopes of civilization.

In this great work of taming wild nature, the pioneers led the way; pioneer farmers, beginning at the Atlantic Coast Plain, cleared the forests, drained the swamps and planted homes, while going across the continent. Well has Walt Whitman said, in one place, of these pioneers:

“Come, my tanned faced children  
Follow well in order, get your weapons ready;  
Have you your pistols? have you your sharp-edged axes?  
Pioneers! O Pioneers!

For we cannot tarry here,  
We must march, my darlings, we must bear the brunt of  
    danger,  
We, the youthful sinewy races, all the rest on us depend,  
Pioneers! O Pioneers!

So they have done their work, and completed their tasks, these pioneers who carved their way, one by one, boldly into the West.

This was no easy task that the pioneer fathers faced. They had constantly to deal with the Indian, and from the time of the “first encounter” in New England, these conflicts were many times repeated. Furthermore, they had to strive for the land with other nations. The English people were cooped up on the Atlantic Coast Plain for nearly two hundred years, gazing stupidly and stolidly at the

Appalachian mountains that reared their lofty summits in front of them. Now we have conquered those mountains. As we go east and west upon the great moving hotels, our palatial railway trains, we scarcely realize the existence of the mountains. But away back in the early days, to cross those mountains, was a task indeed. I found, in searching through the records of the Maryland Historical Society, a letter, which you will pardon me if I quote as best I can. One man was writing to another man and said, "I am very sorry not to have been present at the farewell dinner to Sally last week. Poor girl. How sad it is thus to be separated from friends and home and all she holds dear, perhaps forever."

The letter was written about 1788. How my heart bled for Sally. I didn't know who Sally was; but to think of poor Sally, thus being separated from friends and home and all she holds dear, perhaps forever. It made such an impression on me that some time after in the Congressional Library at Washington, in looking over the Dulaney papers, I came on a Sally, who was undoubtedly the same, judging from the date. It seems that Sally was Sally Dulaney who lived in Maryland. She was about to be married, and this was a farewell dinner given to her, and the writer of this letter had not been able to be present at the dinner. Where was Sally going? She was moving over into Kentucky. (Laughter.) "Farewell to her friends and home and all she holds dear, perhaps forever." Why, Sally going to the Klondike now would not be compared with Sally going to Kentucky in those days, across the mountains. I introduce this for the local color, for I think it will impress you as it impressed me with the distances in Colonial times.

Here stood the English then for many years, gazing helplessly at the mountains, while the French, as has been said tonight, passed swiftly up the St. Lawrence River, over the Great Lakes and down the Mississippi until they met other Frenchmen com-

ing in the opposite direction. These nations had formed a complete circle around the English, from Quebec to New Orleans, and there they were all these years, passing back and forwards and forming settlements. Here came in 1701 Cadillac to found the City of the Straits. At that time the English had not gotten one hundred and fifty miles at any one place from the Atlantic Ocean. Governor Spotswood, of Virginia, realized the situation. Some of you may have descended from Governor Spotswood, of Virginia, for aught I know. He was a good ancestor of the Colonial Wars. He had a far sighted vision; he said to the British, "We must get across the mountains. The French are encroaching upon our domain in the valley beyond." Therefore he organized an exploring expedition, consisting of nineteen men, slaves and all. It was a great undertaking. They advanced through the forests and across the uplands with great difficulty, and when they finally reached what they thought was the Ohio Valley beyond, they decided to take possession in the name of his Britannic Majesty, George the First of England. They had brought along graving tools and proposed to cut upon the solid rocks the claim of the King of England to this territory. But they had not reached the Ohio Valley; they were only up in the Shenandoah Mountains some place. They had no appreciation of the distance. The carving tools they brought along were not equal to carving on those hard rocks. Therefore they held a banquet; I think that was the first banquet of the Colonial Wars in the early times. (Applause.) They held a banquet in the mountains, and drank the health of the King in eleven different kinds of liquors. That is a pretty fast pace and one that has been hard to follow since that day. In eleven different kinds of liquor they drank the health of the King, and then wrote on paper the title of the King to the land and put the claims inside the empty bottles and buried the bottles. They believed in gathering up the fragments, you see, in those days.



Meanwhile the French were developing the Middle West. Illinois rejoiced in a very early organized society. The French had an organization when as yet the English Government was thinly scattered over the eastern side of the continent. The Province of Louisiana was established before the colony of Georgia was founded over on the other side. The French had a government, a full code of laws, and a complete system of courts in the Mississippi Valley before George Washington was born in Virginia. Makarty came over and re-built the great Fort Chartres, which covered over four acres of ground. The entrance gate was fifteen feet high; the walls around it were solid walls, cut of stone taken from the adjacent cliffs. Every Frenchman who saw the lilies of France floating above that structure had his heart filled with joy. While the English persisted in their claim that the boundaries of the land which they discovered on the coast should extend straightway across the land, the French maintained the other great international theory that the discoverers of a mouth of a river have a right to the head of the river. But who would have thought at that late time that English colonization would ever drive the bold French out of the valley. There did come a time when George Washington got the start of his great military career by being sent across the mountains by Governor Dinwiddie to warn the French out of the British possessions. Now George Washington stands to me always as a type of the Colonial man. He was not born in England; he was the fourth of the family in America. His great grandfather migrated here, and therefore he grew up under American environment, and I think of him always as a soldier. What a magnificent form and physique he had! Do we realize that George Washington stood six feet and two inches in height? What a magnificent specimen he was. I doubt whether there is a man in the room who would have over-topped him. Six feet and two inches in height, with great, strong bones,

large hands and large feet. He wore number eleven shoes and number twelve boots. He was a big man, this man Washington was. He could get no gloves ready made that would button around his great wrists. He had to have his gloves made to order. It was said of him that he could outrun any boy in colonial Virginia. No wonder he could outrun any boy. The rest of them were handicapped, because you know the old law in physics—the longer the pendulum the greater the swing. Of course he could outrun any of them, and he could outwrestle any of them. It was said of him that he could throw a Spanish milled dollar across the lower waters of the Rappahannock River. When you go there and see the width of that river, you will begin to doubt that story; but there is always somebody to explain it by saying that money went farther in those days than it does at the present time. So this man Washington was a type of our Colonial Virginian. I think of him, if you will pardon me, with some pride because I myself am of Virginian descent. I suppose in that I am different from most of the men here; most of you probably are of New England descent. I am one of the very few men born outside of this New England who have ever achieved greatness. (Laughter). My ancestor was Captain Sparkes, he spelled his name S-p-a-r-k-e-s, which was a good plebeian name, as far as I know. The man who achieved the greatest fame of that name was at one time boot-maker to the Queen. Captain Sparkes came over in the second London Company, and when the division of land was made there at Jamestown, they gave him some land out on the Jamestown Neck. I suppose it was so poor that no one else would take it. Therefore the family I might say, in the slang of the day, got it in the neck very early in that way; and they have been getting it ever since that time. To illustrate again, a physician last year was treating me for rheumatism, and he asked, "Is there any gout in your family?" "Oh, no," I said "any family that came

from the Jamestown Neck never was rich enough to have the gout."

It was from the uplands of old Virginia that the first recorded incursion was made across the mountains into the West. Not that I claim anything extraordinary for Virginia in the way of courage. When it came to the Revolution, Virginia did not start the ball rolling. It was Massachusetts Bay with the tea party that started the thing up there, because it was a commercial war. But on the other hand, the Virginians were hardy woodmen; they depended for food very largely upon their long rifles. Colonel Durrett, of Louisville, Kentucky, has a rifle which he says belonged to Daniel Boone. I cannot testify as to that. I never had a chance to interview Daniel Boone about that gun. In fact I may never have a chance, because he was a very good man as I understand. (Laughter.) But in any event the gun was shown to me, and when placing the butt upon the ground, I found that the end of the barrel came just to my eyes. The barrel was hammered out by hand. Daniel Boone, a South Carolinian, is a type of man of the early days, who migrated across the Allegheny Mountains. I think of Daniel Boone as a discoverer, like Columbus, a man who found a new world in the western land. In 1769 Daniel Boone felt his way across the mountains and through the valleys, marking the trees with his tomahawk so that he could find his way back to the settlements. He made his way through that wonderful Cumberland Gap into the Blue Grass region of Kentucky. He was the typical pioneer Colonel, the first of the bourbons that ever trod the Blue Grass country. I also think of the labors of another man, Robertson, who the same year made his way across the mountains and along the waters of the Cumberland River until he came to the place above the big lick and there he laid the foundations of the great city of Nashville, Tennessee. Or I am thinking again of 1788 when a party of men in a covered wagon drawn by six oxen left Ipswich, Mas-

sachusetts, the pioneers that went over and founded the town of Marietta, the first settlement in the Northwest Territory. Perhaps some of them were the ancestors of you gentlemen who are seated here this evening. And let us not forget the hardships endured by those pioneers of the early days. When Abraham Lincoln's mother died in a lonely cabin in Southern Indiana, there was no physician within thirty-five miles at that time, and she died of that horrible, that unknown, that mysterious thing they call the "milk sickness." Nobody knew what caused it; it was supposed to be due to some poisonous herb eaten by the cows. When Abraham Lincoln, as a boy, went to bed at night, he climbed up a ladder in the wooden cabin and slept upon a bed in the loft made of hay and fodder. From these hard conditions he rose to be the president of these United States, the finest type of the first great American.

"Nature they say doth dote, and cannot make a man  
Save on some worn out plan repeating us by rote:

For him her Old World molds aside she threw,  
And choosing sweet clay from the breast  
Of the unexhausted West  
With stuff untainted shaped a hero new,  
Wise, steadfast in the strength of God, and true."

We ask what caused the downfall of Rome? Her people grew enervated, over-luxurious, effeminate. Every road led to Rome, and with the riches of the provinces to draw from, they grew rich, over-luxurious. They tried to rival each other in orgies of the most extravagant kind. It is history that one man gave a banquet at which the principal dish was nightingale's tongues. As a result of this over-luxuriousness, over-effeminacy, Rome's national character was weakened and the destruction of Rome inevitably followed. Yet here in America today we are richer than any Roman ever dreamed of being. And if we have not become over-luxurious and effeminate and weak in our national character, I believe much of the reason

must be sought in the pioneer days; in the hardships of the early days that formed the American character such as it is at the present time. There are many here whose ancestors aided in the pioneer work, who built up the American life and who founded the American character. I say therefore that this pioneer movement of the West has constantly recruited the older parts and revived the older states. Members of the Society of Colonial Wars, your ancestors, the men who began this great westward movement, that paved the way for others to follow, those are the men I fain would eulogize this evening.

Another interesting thing about this movement of the American people is that it has been almost a due west movement. I looked up the statistics the other day, and if I am correct, for every five thousand people that were born in the state of New York and migrated to the state of Michigan, that is, for every five thousand Michiganders that were born in New York—only one hundred and twenty-five New Yorkers have gone down to live in Arkansas. That does not speak entirely to the disparagement of Arkansas, because we shall find on the other hand that for every five thousand South Carolinians that went across to live in Arkansas, only two hundred and sixty-eight came up to live in Michigan. In other words, it has been a due west line of migration. If I were to seek out your ancestors, I might find somebody in the audience whose father came from Kentucky and whose grandfather came from Virginia. Or I might find somebody whose father came from Tennessee and his grandfather from South Carolina. But I should not count upon finding them; I should, on the contrary, expect to find here in Michigan a great many whose ancestors came from New York, having a grandfather from Connecticut or a great-grandfather from Massachusetts or New Hampshire.

It has been a due west movement. Straight across the continent we have marched on, and that

has been a most unfortunate thing in one way—most unfortunate—because it constantly tended to sectionalism. 1619 is a famous date in American history. That was the date on which the Pilgrim was finding his way across the Atlantic in the Mayflower, ultimately to land upon Plymouth Rock, the representative of freedom, of equality, of democracy. It was the same year in which the slave was first brought into Jamestown, to represent a system founded upon false economic principles. For two hundred years like hostile peoples, they advanced across the continent, each section convinced that it was right and that the other was wrong, and finally they came to the great rupture, the suicidal war; a war which decreased our population; a war which stopped for the time railroad building and western expansion; a war which decreased our patents for peace something like fifteen per cent and increased the patents applied to war something like thirty-five per cent; a war which piled up billions of dollars of national debt that we have never gotten rid of to the present day; a war which made many officers famous, but also made many widows and many orphans.

“Heroes who offer up their lives  
On the country’s fiery altar stone,  
They do not offer themselves alone,  
What is to become of the soldier’s wives?  
They stay at home in the little cot,  
Some to weed the garden plot,  
Others to ply the needle and thread,  
For the soldier’s children must be fed.”

If we could only have brought some Southern people to live in the Northern States, and Northern people to live in the Southern States, we might have avoided the final appeal to the sword. But such it was to be, in God’s providence. And after we got over the war, there came that fearful ordeal of Reconstruction, an ordeal which the Southern people to this day have never forgiven, and rightfully; an ordeal which saddled upon them enormous State debts; which put the negro in the saddle

for the time being; and which kept those misguided people prostrate until we came to the time when a president was elected from the state of Ohio, who had the moral courage, although he broke with his party, to withdraw the Federal troops from the South and thus to end the great regime of Reconstruction; to bring many years nearer the great era of peace and true conciliation. And when finally time has rectified our vision, when at last our minds have been cleared from prejudice, then, my friends, Rutherford B. Hayes will be given due credit. From that time on we have been cemented into the great union that you are living under and depending upon here this evening.

What at last is the idea of the whole American epic? What is the essence? In 1492 Christopher Columbus set sail upon the sea, voyaging boldly into the west, and it was just four hundred years when the work was complete. He brought the civilization to the eastern side of the continent. In 1898 Admiral Dewey completed the journey when he went into the Philippines, almost the very place that Columbus sailed to reach. Four hundred years had passed, and the civilization which Admiral Dewey carried with him on that expedition was infinitely higher, infinitely broader and infinitely better than the civilization which Christopher Columbus provided four hundred years before. Why? Because it meant a change from the arbitrary, absolute rule of Spain to the free government of the United States of America.

We are celebrating now the founding of Jamestown. The date is on the insignia of your order, 1607. It was just one hundred and seventy years after that event before civilization crossed the mountains and planted the first government south of the Ohio river; it was one hundred and eighty years before civilization crossed the mountains and planted the first settlement in the Territory north of the Ohio. But having once crossed the mountains, civilization required only thirty-six years to

bring in the first state, Missouri, beyond the Mississippi river; and after Missouri was brought in it took only thirty years more to cross the rest of the continent and bring California into the bond of states. The movement constantly increased in speed as we crossed the continent. Why? Because we had better methods of transportation, greater numbers of people and accumulated wealth, and because the French and the Spanish at last had been elbowed from the North American Continent.

I am aware that we are on historic ground here in Detroit. I am aware that first here came Cadillac bearing the lilies of France, as typified by this flag. I am aware that in 1760 there came the British flag, and that for a number of years, thirty years or more, the British flag floated over this region. And then I am aware also that in 1796 the British flag went down and these stars and stripes of the United States were raised over the City of the Straits, not to be lowered in God's providence, I hope, in all time to come. (Applause.) So here we are upon this historic ground of ours; and yet America has played a small part in the great onward movement of the world. I have tried to show that when we went into the Philippines it was the end and not the beginning of the modern western movement.

My mind runs back of that to the great movement of which we are one part, in which our patriots and pioneers have a place. In my imagination I go back to the great beginnings of the modern movement, away back to the valley of the Euphrates where were built Assyria and Babylonia. There for the first time modern ideas of government were evolved in a government which taught that man was created for the state and not the state for man. The next great step beyond that was in Greece when civilization so far advanced in form, in shape, in architecture, in art, as to contribute another element, the element of art, to the civilization which we have inherited at the present day. Then civilization advanced on to the west and developed the great



empire of Rome, which gave organization; organization to the church, organization to the army and organization to the state, but still considered man as made for the state. Then came the Saxons and the Angles, and the Jutes, free men in the woods along the Rhine, where one man was king of the tribe as long as his might made him king; and when another man arose more powerful in arms, he was chosen king, precisely as we choose a president by political strength in these United States. They brought to England the element of individuality, the element of individual freedom, individual right. The conception of democracy was developed in modern England to be transplanted to America. Here then we have the four great elements, and, my friends, we make the fifth. We form the fifth in America because here we have the civilization of the ancient Euphrates river, of Babylonia and Assyria. Here we have the art of the Greek. Here we have the organization of the Roman. Here we have the freedom of the Anglo-Saxon. And with these things in mind, the manner in which these problems have been worked out, the part played by our pioneers and patriots held in remembrance, we can appreciate what was meant by Bishop Berkeley when he said:

“Westward the course of Empire takes its way;  
The four first acts already past,  
A fifth shall close the drama with the day;  
Time’s noblest offspring is the last.”



THE BOUNDARY LINES OF THE UNITED  
STATES UNDER THE TREATY  
OF 1782.

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ADDRESS OF  
MR. CLARENCE M. BURTON,  
MAY 7, 1907.

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*Mr. Chairman and Gentlemen:*

After the words that my classmate has said, I hardly know how to proceed.

I think it is not necessary to tell you that the foundation for the history of the Northwest Territory lies largely in the unpublished documents in the British Museum and the Public Record office in London. The American papers on the subject of the Treaty of 1782 at the close of the Revolutionary War, have been collected and printed by Mr. Sparks in twelve volumes of the diplomatic correspondence of the Revolution. They have recently, within the last few years, been re-printed and added to, in the Wharton collection. But the papers on the British side, with few exceptions, are still unpublished, and it is among those papers that I spent a good portion of my vacation while in the city of London. A few of them are in the British Museum, but nearly all are in the Public Record Office. I had some trouble in getting in there, but succeeded through the kindness of Mr. Carter, who represents our Government in London, and made as many extracts as I could pertaining exclusively to Detroit and the Northwest. While the collection there extends to every part of the United States, I was particularly interested in our own state, in our own part of the country. The time permitted me this evening is so short that I can only refer to a few of these papers, and I refer to them for the purpose of showing how it came about that Michigan became a part of the United States. That at first sight might seem very simple

to be determined, and yet I find it very difficult to answer, and I do not know now that I have found much that would lead to a complete determination of the reason for this form of our Treaty. The first papers that attracted my attention I found in the British Museum. They consisted of some correspondence in French between the British Government and the French Government relating to the troubles that had arisen along the Ohio river, and in that matter Detroit took a very active interest about the year 1754. These papers finally ended in a proposition on the part of Great Britain to accept as the north boundary line the river that we call the Maumee, on which Toledo is situated. The country immediately south of this to be neutral ground. This was in 1754. If that boundary line had been established; if that agreement had been accepted by the two countries, Michigan would have remained French Territory, and perhaps the war which immediately succeeded would not have taken place, and in all probability Canada would still have been a French possession. In the midst of these negotiations, they were terminated. I did not know at the time why, but I found in my searches a little book which I have now, evidently written by some member of the Privy Council, telling the reasons for breaking off the negotiations, and for causing the war which terminated in 1763.\* At the end of the war, the treaty of Paris gave to Great Britain all of Canada, and Canada at that time was supposed to include all of Ohio, Indiana and Illinois, all of the land north and west of the Ohio river. The same year that this treaty was entered into, Great Britain established the Province of Quebec. One of the peculiar matters connected with this establishment of the Province of Quebec I shall refer to hereafter. Quebec as established in 1763, was nearly a triangle. The south boundary line of the Province extended from Lake Nipissing to the St. Lawrence river near Lake St. Francis. Michigan

\* This book is entitled, "The Conduct of the Ministry Impartially Examined." and was published in London in 1756.

and all of the lower part of Canada, and all of the Ohio district, were entirely omitted; so that by the proclamation of 1763, no portion of that country was under any form of government whatever. This was likely to lead to trouble with Great Britain and with the people in Detroit, for Detroit was the most prominent and important place in the whole of that district. Within a few years after the establishment of the Province of Quebec, a man by the name of Isenhart was murdered in Detroit by Michael Dué, a Frenchman. Dué was arrested, testimony was taken here before Philip Dejean, our justice, and after his guilt was established, Dué was sent to Quebec for trial and execution. After he was convicted they sent him back to Montreal, so that he could be executed among his friends. The matter was brought before the Privy Council to determine under what law and by what right Dué was tried at all. They executed the poor fellow, and then made the inquiry afterwards. It was finally decided that they could try him under a special provision in the Mutiny Act, but they had to acknowledge that at that time they absolutely had no control, by law, over our portion of the Northwest Territory, and that the land where we are was subject to the king exclusively, and was not under any military authority except as he directed it. In 1774 the Quebec Act was passed, and by that act the boundary lines of the Province of Quebec were so enlarged as to include all of the Ohio country and all the land north of the Ohio river; so that from 1774 until the close of the Revolutionary War, Canada and the Province of Quebec included all of the land on which we are situated as well as the present Canada, Ohio, Illinois, Indiana, Wisconsin and Minnesota.

Now, when we come to the treaty of peace, or the preliminary treaty of peace in 1782, the first thing that I found of interest was the fact that Franklin, who was then in Paris, was quite anxious that some effort should be made to close up the war. There never has been a moment from the

time the war first started that efforts were not being made along some line to bring it to a conclusion, but it was the efforts of Mr. Franklin in the spring of 1782 that finally brought the parties together. The man who acted at that time for the British Government was Richard Oswald. He was sent from London to Paris to represent his government, and to see if something could not be done with Mr. Franklin to negotiate a treaty. Those of you who have been in Paris will recollect that the house in which Mr. Franklin lived while there was not then within the city limits. It was in Passy, a little village some three or four miles distant, but now within the city limits. The place is now marked by a tablet a little above the heads of the passersby, on Singer Street, indicating that Franklin lived there during the time of which I am speaking, 1782, and some time later. He was sick. He was unable at various times to leave his apartments at all, and much of the negotiations took place in his private rooms on Singer Street in Passy.

As I said before, the proceedings on the part of the American Commissioners have all been published, but Mr. Oswald kept minutes of his own, and these, with a few exceptions, have not been printed. These and the papers that are connected with them, I had the pleasure of examining and abstracting, if I may use that term, during the past winter. I find that on April 25, 1782, Mr. Richard Oswald returned to Paris, and that place was named as the city for settling up the affairs of the Revolutionary War, if it was possible, with Dr. Franklin. The principal point was the allowance of the independence of the United States, upon the restoration of Great Britain to the situation in which she was placed before the Treaty of 1763. Of course you will see that the question that came before the commissioners at once was as to what constituted Canada, or what constituted the Province of Quebec. I think that Great Britain made a blunder, and a serious blunder for herself, in establishing the Province of Quebec within the restricted lines of

Lake Nipissing, and the reason of her making this line I believe was this. She had once before taken Canada from the French, and then restored it. She did not know but what she might again be called upon to restore Canada to France. But if she had to restore it, she proposed to restore only that portion of it that she considered to be Canada, that is the land lying north and east of the line from Lake Nipissing to the St. Lawrence river. She would maintain, if the time again came to surrender Canada to France, that all the land lying below that line was her own possession, and not a part of the land that she had taken from France. Now she found that in order to be restored to the situation she occupied before 1763, she must abandon the land lying below that line, and thereafter it would become part of the United States. So that one of the principal features of this new treaty was to be the restoration of Great Britain to the situation that was occupied by her before the Treaty of 1763.

The peculiar formation of the lines that marked the province of Quebec in the proclamation of 1763 attracted my attention, and I undertook to study out the reason for so shaping the province, and some years ago wrote out the reason that I have outlined tonight. I did not know then that there were documents in existence to prove the truth of my theory.

In July, 1763, Lord Egremont, Secretary of State, reported to the Lord of Trade that the King approved of the formation of the new government of Canada, but that the limits had not been defined. The King thought that great inconvenience might arise if a large tract of land was left without being subject to the jurisdiction of some Governor and that it would be difficult to bring criminals and fugitives, who might take refuge in this country, to justice. He therefore thought it best to include in the commission for the Governor of Canada, jurisdiction of all the great lakes, Ontario, Erie, Huron, Michigan and Superior, with all of the country as far north and west as the limits of the Hudson Bay Company and the Mississippi, and all

lands ceded by the late treaty, unless the Lords of Trade should suggest a better distribution.

On the 5th of August the Lords of Trade submitted their plan for the Government of Quebec, a portion of which I will read, as follows :

“We are apprehensive that, should this country be annexed to the Government of Canada, a colour might be taken on some future occasion, for supposing that your Majesty’s title to it had taken its rise singly from the cessions made by France in the late treaty, whereas your Majesty’s titles to the lakes and circumjacent territory, as well as sovereignty over the Indian tribes, particularly of the Six Nations, rests on a more solid and even a more equitable foundation ; and perhaps nothing is more necessary than that just impressions on this subject should be carefully preserved in the minds of the savages, whose ideas might be blended and confounded if they should be brought to consider themselves under the government of Canada.”

Conformable to the report of the Lords of Trade, the King, on September 19th, said that he was pleased to lay aside the idea of including within the government of Canada, or any established colony, the lands that were reserved for the use of the Indians.

He directed that the commission to be issued to James Murray comprehend that part of Canada lying on the north side of the St. Lawrence river which was included within the Province of Quebec.

The commission to James Murray as Captain-General and Governor of the Province of Quebec, which was issued November 14, 1763, bounded the province on the south by a line drawn from the south end of Lake Nipissing to a point where the forty-fifth degree of north latitude crosses the St. Lawrence river—the westerly end of Lake St. Francis.

In settling the line of the United States in 1782, it was very convenient for our commissioners to claim that the Lake Nipissing line was the northern boundary of the new government, for it gave to



England all the lands she claimed to have won by the contest with France, and this line Great Britain could not well dispute.

I found here a letter from Governor Haldimand, and it is interesting just at this point, because it gives his idea of the American Army.

“It is not the number of troops that Mr. Washington can spare from his army that is to be apprehended; it is their multitude of militia and men in arms ready to turn out at an hour’s notice upon the show of a single regiment of Continental troops that will oppose the attempt, the facility of which has been fatally experienced.” So Haldimand was writing to the home office that they must have peace because they could not contend against the militia of the United States.

In the various interviews that Mr. Oswald reports, he says that Franklin and Laurens maintained that Canada, Nova Scotia, East Florida, Newfoundland and the West India Islands should still remain British colonies in the event of peace. Mr. Oswald reported that in all the conversations on this subject, no inclination was ever shown by the Americans to dispute the right of Great Britain to these colonies, and he adds, “Which, I own, I was very much surprised at, and had I been an American, acting in the same character as those commissioners, I should have held a different language to those of Great Britain, and would have plainly told them that for the sake of future peace of America, they must entirely quit possession of every part of that continent, so as the whole might be brought under the cover of one and the same political constitution, and so must include under the head of independence, to make it real and complete, all Nova Scotia, Canada, Newfoundland and East Florida. That this must have been granted if insisted upon, I think is past all doubt, considering the present unhappy situation of things.”

Well, he did not understand Mr. Franklin, because Franklin was sitting there day after day, doing a great deal of thinking and letting Mr.

Oswald do the talking, and when it came to the time for Mr. Franklin to give forth his own ideas, they were very different from what Mr. Oswald thought they were. Franklin told Oswald on July 8th that there could be no solid peace while Canada remained an English possession. That was the first statement that Franklin made regarding his ideas of where the boundary line ought to be. A few days after this, the first draft of the treaty was made, and it was sent to London on July 10th, 1782. The third article requires that the boundaries of Canada be confined to the lines given in the Quebec Act of 1774, "or even to a more contracted state." An additional number of articles were to be considered as advisable, the fourth one being the giving up by Great Britain of every part of Canada. Oswald had formerly suggested that the back lands of Canada—that is the Ohio lands—be set apart and sold for the benefit of the loyal sufferers; but now Franklin insisted that these back lands be ceded to the United States without any stipulation whatever as to their disposal. Many of the states had confiscated the lands and property of the loyalists, and there was an effort on the part of Oswald to get our new government to recognize these confiscations and repay them, or to sell the lands in the Ohio country and pay the loyalists from the sale of those lands. A set of instructions to Oswald was made on July 31st and sent over, but the article referring to this matter was afterwards stricken out, so that it does not appear in any of the printed proceedings. The portion that was stricken out reads as follows: "You will endeavor to make use of our reserve title to those ungranted lands which lie to the westward of the boundaries of the provinces as defined in the proclamations before mentioned in 1763, and to stipulate for the annexation of a portion of them to each province in lieu of what they shall restore to the refugees and loyalists, whose estates they have seized or confiscated."

But Franklin refused to acknowledge any of those debts. He said that if any loyalists had suffered,

they had suffered because they had been the ones who had instigated the war, and they must not be repaid, and he would not permit them to be repaid out of any lands that belonged to the United States; that if Great Britain herself wanted to repay them, he had no objection. In a conversation John Jay, who came from Spain and took part in these negotiations, told the British Commissioner that England had taken great advantage of France in 1763 in taking Canada from her and he did not propose that England should serve the United States in the same manner, and he, Jay, was not as favorable to peace as was Franklin.

On the 18th of August, a few days later, Oswald wrote: "The Commissioners here insist on their independence, and consequently on a cession of the whole territory, and the misfortune is that their demand must be complied with in order to avoid the worst consequences, either respecting them in particular, or the object of general pacification with the foreign states, as to which nothing can be done until the American independence is effected." He recites the situation in America; the garrisons of British troops at the mercy of the Americans, the situation of the loyalists, and the evacuations then taking place. In all these negotiations, there was a constant determination taken by Franklin to hold the territory in the west and on the north.

In the last of August, 1782, the commissioners set about determining the boundary lines for the new government, which they fixed in the draft of the treaty so as to include in the United States that part of Canada which was added to it by act of parliament of 1774. "If this is not granted there will be a good deal of difficulty in settling these boundaries between Canada and several of the states, especially on the western frontier, as the addition sweeps around behind them, and I make no doubt that a refusal would occasion a particular grudge, as a deprivation of an extent of valuable territory, the several provinces have always counted upon as their own, and only waiting to be settled

and taken into their respective governments, according as their population increased and encouraged a further extension westward. I therefore suppose this demand will be granted, upon certain conditions." It seems that in the preceding April, Franklin had proposed that the back lands of Canada should be entirely given up to the United States, and that Great Britain should grant a sum of money to repay the losses of the sufferers in the war. He had also proposed that certain unsold lands in America should be disposed of for the benefit of the sufferers on both sides.\* Franklin had withdrawn this proposal and now refused to consent to it, although strongly urged by Oswald, who wrote, "I am afraid it will not be possible to bring him (Franklin) back to the proposition made in April last, though I shall try."

The preliminary articles of peace were agreed upon by Oswald and Franklin and Jay, October 7, 1782, and the northern boundary line of the United States extends from the east, westerly on the 45th degree of north latitude until the St. Lawrence river was reached, then to the easterly end of Lake Nipissing, and then straight to the source of the Mississippi. If you will remember that Lake Nipissing is opposite the northern end of Georgian Bay, you will see that the line as laid down in this draft of the treaty would include within the United States all of the territory that is across the river from Detroit, all of the southerly portion of what formerly constituted Upper Canada. Mr. Franklin at this time wrote: "They want to bring their boundaries down to the Ohio, and to settle their loyalists in the Illinois country. We did not choose such neighbors."

Mr. Franklin at this time was seventy-eight years of age, a very old man to put in such a responsible place. In October, Henry Strachey was sent over to assist Mr. Oswald, and in some ways I think Mr. Strachey was a sharper, brighter man than Mr.

\* These unsold lands were those claimed as Crown lands in New York and elsewhere, considered as the private property of the Crown.

Oswald was, although Mr. Oswald was probably a very good man for the position. I think, however, that diplomatically, the representatives of the United States were the greater men. Henry Strachey was sent over to assist Oswald and particularly to aid him in fixing the boundary lines. The matter was thought to be of too great importance for one man and Lord Townshend, in introducing Strachey to Oswald, told him that Strachey would share the responsibility of fixing the boundaries, which was great, with him.

If any of you have ever had occasion to read the treaties of 1782 and 1783 carefully, you will find that in outlining the boundary line, one line was omitted. The draft that I found of this treaty I think is in the handwriting of John Jay, and certainly Mr. Jay as a lawyer ought to have been sufficiently conversant with real estate transfers to have drawn a proper deed; but one line is omitted, and that is the line extending from the south end of the St. Mary's river to Lake Superior, and that omission has been copied in every copy of the treaty that has since been made, so far as I have been able to ascertain. The map that was used on the occasion was a large wall map of Mitchell, printed some years previous to 1783. I got the original map that was used on that occasion, and on that I found a large, heavy red line drawn straight across the country from Lake Nipissing to near Lake St. Francis, and then along the St. Lawrence river, and westward from Lake Nipissing to the Mississippi. That was one line. The other line running as we now know the boundary, through the center of the lakes. This map I hunted for for several days, but finally found it in the public record office in Chancery Lane.

On November 5th, 1782, the commissioners nearly broke off all negotiations from quarreling about the boundary lines, and were about to quit when they concluded to try it once more, and went at it. A new draft of the treaty was made November 8th, on which the north boundary line was fixed

at the forty-fifth degree of north latitude. That would run straight across the country through Alpena. If that line had been accepted, and it came very near being accepted at one time, the entire northern peninsula of Michigan, and all the land in the southern peninsula north of Alpena would have been British possessions, while the land across the river from us here at Detroit would have been part of the United States. When this draft was sent over to England, an alternative line was sent over with it, and the alternative line was the line that we know as the boundary line, along the lakes. In sending over this proposition, Strachey said that the draft of the treaty must be prepared in London, and the expressions contained in the treaty made as tight as possible, "for these Americans are the greatest quibblers I ever knew." The above draft of the treaty was handed to Richard Jackson, and he remarked on its margin, that it looked more like an ultimatum than a treaty, and in a letter of November 12th, 1782, he wrote, "I am, however, free to say that so far as my judgment goes and ought to weigh, I am of opinion in the cruel, almost hopeless, situation of this country, a treaty of peace ought to be made on the terms offered."

On November 11th, 1782, at eleven o'clock at night, Strachey writes that the terms of the treaty of peace have finally been agreed upon. "Now we are to be hanged or applauded for thus rescuing you from the American war. I am half dead with perpetual anxiety, and shall not be at ease till I see how the great men receive me. If this is not as good a peace as was expected, I am confident that it is the best that could have been made." A few days later he writes, "The treaty is signed and sealed, and is now sent. God forbid that I should ever have a hand in another treaty." The final treaty of peace was signed at that time, and a few days later, on the 30th of January, 1783, the treaty of peace on which it depended, that is the treaty between the other governments of Europe and England, was signed and the war was at an end.











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