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The Struggle for the Michigan Road

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Of all the historic highways in the Old Northwest none has a more interesting history than the Old Michigan Road. With only a few minor changes in routing, this road, over a century old, still curves up across Indiana from Madison in the southeast to Michigan City in the northwest corner of the state.¹ Until the railroads were built, this most famous of Indiana's state highways was used more than any other route of travel in the state, with the exception of the Gateway route, the Old National Road. Half of the pioneers of northwestern Indiana reached their homes over this road. It passed through fourteen counties and was used by the inhabitants of thirty-five in going to the capital.² Built in the decade of 1830 to 1840 and still serving as one of the state's main thoroughfares, its career to date might be summed up in the phrase—a decade to build, a century of use.

There was great need for the new road. The immigrant needed a way to reach the lands opened in central Indiana by the New Purchase of 1818. After he had settled, cleared, and started producing, he needed a means of disposing of his surplus; in fact, the prospects of disposing of his surplus generally determined the place of settlement. The new territory as well as the older sections needed more and better connections with the central part of the state and with the capital, which had been transferred to Indianapolis in 1824. The Michigan Road was the first to reach upward into the great north central section of Indiana. Those who

¹ It follows the route now marked as State Highway 29 from Madison to Logansport. From there it is now designated as Highway 35 to Rochester; as Highway 31 from Rochester to South Bend; and as Highway 20 from there to its northwestern terminus at Michigan City—a total distance of 265 miles.

² Logan Esarey, *History of Indiana* (2 vols., Fort Wayne, 1924), I, 295-96.

looked ahead to the time when not only the New Purchase but also the remainder of northern Indiana would be settled felt that an outlet to Lake Michigan would aid in solving their market problem.

The argument of military necessity for the road was useful in Congress in securing the necessary appropriation to make a treaty with the Indians. In his monograph, "The Wabash Trade Route in the Development of the Old Northwest," Elbert J. Benton wrote:

Together with the economic factors voiced in the demand for national aid in constructing roads and canals, there was a strong military need. The experience of the Northwestern campaigns of the War of 1812 had demonstrated the futility of military operations with inadequate means of transporting troops and supplies. These expeditions were almost invariably failures due to defective transportation. . . . In Congress this motive was doubtless the deciding factor. . . .³

The desire to expedite the removal of the Indians from the fertile lands north of the Wabash was another leading factor in the plans for this road. Not only would the land secured directly bring about the westward movement of the Indians, but the road and the lands adjoining would serve as a wedge in bringing about further removals.⁴

In the 1820's the steamboat era was dawning on the Mississippi and Ohio. But the navigable streams and the steamboat were not readily accessible to the majority of the people, and railroads were scarcely heard of yet. Roads were needed to supplement the streams.

The roads of the time got worse as one went farther west. At this time, to lay out a road generally meant to drag a log through the woods, prairies, and marshes with an ox team.⁵ Naturally, such roads looked better on paper than they were. "A road on a statute book or on a map was one

³ Elbert J. Benton, "The Wabash Trade Route in the Development of the Old Northwest," *Johns Hopkins University Studies in Historical and Political Science* (Baltimore, 1883-), XXI (1903), nos. 1-2, pp. 36-37.

⁴ The reason for the road as implied by the legislative title and the name by which it was often referred to—"a road to connect Lake Michigan and the Ohio River"—was probably the least important. The people of Indiana could use either of those two water routes, depending upon their dwelling place, and would desire connection with one or the other; but the Michigan Road never served as a connecting link between the lake and the Ohio River.

⁵ R. Carlyle Buley, MS., *Trade, Travel, and Transportation in the Old Northwest*.

thing; the actual road might be anything from a morass to a passable affair."⁶ Often on these roads would be found some "carefully fostered" mudholes, which had "proprietors" with established prices for pulling travelers out of the mud; and the "business" occasionally was bought or sold.⁷ There are no official reports of such transactions on the Michigan Road, but travelers reported it possible to travel on any of the roads by land or by water during the wet season. That was true even of the city streets at this time.⁸

The bad roads were an advantage to New Orleans over the more direct routes to the East, but the westerner found that New Orleans was still too far and the upstream trip too expensive. The steamboat record for the trip from New Orleans to Louisville was, in 1817, twenty-five days. In 1819 the cost of a cabin passage from New Orleans to Louisville was \$125 and \$75 for the return downstream.⁹ A stagecoach jolt from Washington, D.C., to Indianapolis would have cost about \$50. The coach rate was from six to seven cents per mile, and the ordinary price of board and lodging was a dollar a day for the seven-day trip.¹⁰

It is difficult to imagine the isolation that existed before the fifties in Indiana and other parts of the West. In 1825 there were routes of travel, but no railroad, no canal, and no turnpike.¹¹ When the state records were moved from Corydon to Indianapolis in the fall of 1824 by Treasurer Samuel Merrill, two weeks were required to make the journey of about 160 miles, with eleven miles as the best day's travel.¹²

Indiana was then and for many years afterward purely an agricultural state and her greatest need was means of transportation. The need for markets was becoming vital. "In the spring of 1826, 152 flatboats passed Vincennes loaded for New Orleans," carrying "250,000 bushels of corn, 100,000 barrels of pork, 10,000 hams, 2500 live cattle, 10,000 pounds of beeswax, 3600 venison hams, besides hogs, oats,

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Jacob P. Dunn, *Greater Indianapolis* (2 vols., Chicago, 1910), I, 117.

⁹ Robert E. Riegel, *America Moves West* (New York, 1930), 168.

¹⁰ *Ibid.*, 156-57.

¹¹ Logan Esarey, "Internal Improvements in Indiana," *Indiana Historical Society Publications* (Indianapolis, 1886-), V (1912), 51.

¹² Jacob P. Dunn, *Indiana and Indianans* (5 vols., Chicago, 1919), I, 369.

meal, chickens, etc."¹³ Clogging of the storage facilities at New Orleans during the busy season while goods were waiting for reshipment to New York or Europe caused low prices and the loss of much goods.

Surplus products, such as hogs, cattle, or grain, were a drug until shipped to a distant market; and even then the price was wholly out of proportion to the labor and cost of getting them there. Corn could be bought in the West for fifteen cents per bushel, but the freight cost to New York was fifty cents per bushel. Instances are given of farmers who, after arduously hauling loads of wheat for a hundred miles or more over quagmire roads to Madison or Cincinnati, turned about, disgusted at the low prices offered, and hauled their loads back home in the hope of better prices later.¹⁴

The reasons for the high prices of the articles the farmer had to buy were likewise evident. The early merchants in the Evansville sector were said to await their supplies from eastern markets as a coast merchant might await the return of sailing vessels from foreign ports. "Articles of wearing apparel, cloth, cutlery, etc., had to be purchased in such markets as Baltimore and Philadelphia, and hauled over the mountains to Pittsburgh in wagons," and shipped down the Ohio on boats to the villages there.¹⁵ If goods had to be hauled away from the river to the interior, it is evident that the inequalities of exchange increased. The wagon rates from the Falls of the Ohio to Terre Haute were \$1.50 per hundred pounds. It required about a pound of nails, a "bushel of wheat, or two bushels of corn to buy a yard of calico or a pound of coffee."¹⁶

In the early winter of 1825 the *Indiana Journal* suspended publication because of delay in getting paper through from Cincinnati. Notices that publication would have to be temporarily suspended were common in the papers of the period. Good roads or better roads seemed to be the only hope of the pioneer.

¹³ Vincennes, Indiana, *Western Sun*, June 17, 1826; cited by Esarey in "Internal Improvements in Indiana," *Indiana Historical Society Publications*, V, 75.

¹⁴ George S. Cottman, "Early Commerce in Indiana," *Indiana Magazine of History*, IV (1908), 4.

¹⁵ Joseph P. Elliott, *History of Evansville and Vanderburgh County* (Evansville, 1897), 98.

¹⁶ Cottman, "Early Commerce in Indiana," *Indiana Magazine of History*, IV, 5-6.

As transportation to the East by land was quicker and cheaper than that by the long water route via New Orleans, more attention was turned to improving the shorter land connections to the East. In spite of the difficult haul, many goods were brought down the Ohio—thus the demand for connections with the Ohio River. This was not so difficult in 1816, when Indiana's population of approximately 65,000 people lived chiefly in the Whitewater Valley, on the lower Wabash, and along the Ohio River hills.¹⁷ But in 1825, Indiana had fifty-two counties and the line of settlement was well north of the not yet opened National Road. By 1830 the population had reached 343,031.¹⁸

The building of the Michigan Road was largely a part of the great national and sectional agitation for internal improvements which influenced so much not only state and local but also national politics in the next two decades. The provision for the survey of the National Road in 1806 was not the beginning of a federal program of internal improvements, but it opened the way for a growing demand that Congress finance these improvements. Congress partially complied with the demand by directing Secretary of the Treasury Albert Gallatin to draw up plans for a comprehensive system of improvements.¹⁹ The system proposed in the Gallatin Report in 1808 became the grand objective of those who advocated federal improvements.

The National Road, the first large scale federal transportation project, was completed as far west as Wheeling in 1818. President Monroe signed two appropriation bills for its extension and improvement, but vetoed the appropriation bill of 1822. In 1820 the states in the Northwest influenced Congress to extend the National Road to the Mississippi.²⁰ In 1821, when the site for Indiana's new capital was selected, the Assembly petitioned Congress to have the National Road pass through the new location;²¹ and in 1827 the road was permanently located through Indianapolis and as far west as the Illinois state line.²²

¹⁷ Esarey, "Internal Improvements in Indiana," *Indiana Historical Society Publications*, V, 50.

¹⁸ *Compendium of the Seventh Census*, 40.

¹⁹ *Annals of Congress*, 9 Cong., 2 Sess., 97.

²⁰ *United States Statutes at Large*, III, 604.

²¹ *Laws of the State of Indiana, 1820-1821*, ch. LXXV.

²² *Journal of the Senate of Indiana, 1827-1828*, p. 24.

In 1826, the year of the origin of the Michigan Road, Indiana was in the early stages of the improvement mania. The completion of the Erie Canal in 1825, which definitely bound a large part of the Northwest closer to the East and away from the Mississippi, led Ohio to plan an extensive program of improvements. Governor James B. Ray and other leading Indianans received much of their immediate inspiration from Ohio's example. The fact that the National Road was to pass through Indianapolis increased the desire for a good north-south route to the capital. The Wabash and Erie Canal land grant was accepted by the state in 1828. The completion of this project would open an extensive, rich, new area, which would need and desire connection with the older sections of the state and with the capital. Indianapolis was destined to become the crossroads of Indiana long before territorial expansion and geographical position gave this city a claim to the title of "The Crossroads of America."

The first mention of the idea of a road connecting Lake Michigan and the Ohio was in a speech by William Hendricks in 1818, while he was a member of the Committee on Public Lands in Congress. Hendricks, who was the immediate predecessor of Ray as chief executive of the state, presented a resolution asking the United States to subscribe to shares in the proposed Ohio Falls Canal; and in urging his proposal he mentioned the need of a military road from the Falls of the Ohio to the southern end of Lake Michigan.²³ However, no further mention of such a road was found in his messages or papers.

The construction of a road by means of a land grant from the federal government was not unprecedented. In 1808, Ohio was granted by an Indian treaty a right of way for a road from the western end of the Western Reserve to Perrysburg on the Maumee; and in 1823, Congress granted to Ohio "considerable territory" on each side of this road to provide for its completion.²⁴ On February 9, 1827, Hendricks, speaking in the United States Senate for support of the Wabash and Erie land grant, mentioned the fact that Ohio had received for the Brownstown road a similar grant of one

²³ *Annals of Congress*, 15 Cong., 1 Sess., 1114.

²⁴ Emilius O. Randall and Daniel J. Ryan, *History of Ohio* (5 vols., New York, 1912), III, 337.

mile on each side of the highway, which produced sufficient revenue to make a durable road and left \$30,000 for repairs.²⁵

In the early days of Indiana a candidate for office hardly dared announce himself unless he favored internal improvements. The subject was agitated as early as 1818, during the administration of Governor Jennings. He, as well as every chief executive of the state down to 1843, when the system collapsed, made it a special point in his messages to the legislature to urge the adoption of measures for the construction of highways and canals and the improvement of navigable rivers. Jennings, in his message to the legislature in December, 1818, urged the consideration of a system of canals and roads to facilitate commerce, enhance the value of the soil, and remove local jealousies.²⁶ Roads and canals did remove some prejudices, but while the routes were being chosen local jealousies were usually at high pitch.

William Hendricks, successor to Jennings as governor, specified to the Assembly in 1822 as most important the improving of the Falls of the Ohio, the Wabash and White rivers and other streams, and "the construction of the national and other roads through the state."²⁷

James Brown Ray, Governor of Indiana from 1825 to 1831, in his first annual message, December, 1825, called attention to the great need of a market for Indiana's surplus produce if she wished to realize the advantages of her resources. While we have evidence that Governor Ray did not originate the idea of a road connecting Lake Michigan with the Ohio, he undoubtedly deserves most of the credit for the road grant. He served as one of the three commissioners in making the Indian treaty in 1826; and due to a charge of misconduct in so doing, he secured letters from the other two commissioners which bear out the fact that he deserved and desired to have credit for securing the grant. He made the project one of his chief hobbies for a time, and he might well be called the father of the Michigan Road.

In a sense the Michigan Road stands as a monument to

²⁵ Logan Esarey (ed.), *Messages and Papers of Jonathan Jennings, Ratliff Boon, and William Hendricks, Indiana Historical Collections* (Indianapolis, 1924), XII, 350.

²⁶ *Journal of the House of Representatives of Indiana, 1818-1819*, p. 21.

²⁷ Esarey, *Messages and Papers of Jennings, Boon, and Hendricks*, 454.

the white man's shrewdness in his dealings with the red man. In 1826 the Potawatomi still claimed a large part of northern Indiana; the first step in building a road to give central and northern Indiana an outlet to Lake Michigan was to induce the Indians to cede more lands.

One of the chief instructions from the national government to the territorial governors was to lose no opportunity to acquire Indian lands by purchase.²⁸ As the power to make treaties belonged to the President and the Senate, after statehood was achieved the states which contained Indian land sought to have the national government secure the cession of these lands. Large areas of Indian land or untaxable public domain made it almost impossible for these states to finance road or canal projects for themselves, and they sought federal aid through land grants. Sectional jealousies became strong. The demand of western states for federal aid for roads and canals counterbalanced the clamor of the Atlantic seaboard states for harbors and ships.²⁹

The two great enterprises which Indiana financed in this period by land grants were the Wabash and Erie Canal and the Michigan Road. These two grants gave the state title to lands estimated at the time to be worth \$1,250,000.³⁰

As soon as Governor Ray took office, he sought the assistance of the state and nation in opening a road through the northern part of Indiana. James Noble, United States Senator from Indiana and member of the Committee on Roads and Canals, asked for an appropriation of \$50,000 for "opening and making the road."³¹ Through his efforts, on May 20, 1826, an act was approved appropriating \$15,000 to defray the expenses of making treaties with the Miami and Potawatomi Indians "and any other tribes claiming lands in the state of Indiana."³²

Three commissioners were appointed by President John Quincy Adams to make the treaty. Governor Ray, no doubt at his own request, was made one of the commission; the other two members, Lewis Cass and John Tipton, were

²⁸ Esarey, *History of Indiana*, I, 146.

²⁹ Benton, "The Wabash Trade Route," *Johns Hopkins University Studies*, XXI, nos. 1-2, p. 37.

³⁰ *Journal of the House of Representatives of Indiana, 1827-1828*, p. 17.

³¹ *Debates of Congress*, 19 Cong., 1 Sess., 689.

³² *United States Statutes at Large*, IV, 185.

veteran Indian negotiators. Governor Ray and General Tipton traveled through the Indian country to select the site and invite the Indians to the council.

The simple bribery and high pressure salesmanship practiced by the white man's treaty experts in persuading the Indians to sign treaties giving away, bit by bit, lands that had probably been promised in previous treaties never to be disturbed is obviously and typically illustrated in this council of 1826. The council opened on October 5, with General Cass as spokesman for the commissioners. He explained the proposal to buy more land from the Indians and told them to take all the time they wanted to consider the proposition. The younger Potawatomi chiefs were strongly opposed to ceding any more land, but sixty-two of the chiefs and warriors were finally induced on October 16 to sign the treaty. The Miamis, who were also invited to the council, were more determined not to sell their land and could not be persuaded to sign the treaty.³³ No speech by General Tipton was recorded in the treaty journal; Governor Ray spoke only a few times and very briefly, once to say, "We wish to make a road from Indianapolis, our great village, to Lake Michigan." This was the only mention in the journal of the road grant.³⁴

By Article One of this treaty the Indians ceded a strip of land which averaged about ten miles in width, lying on the north side of the Wabash and Maumee rivers and extending eastward from the Tippecanoe to the Ohio state line. Also they ceded a ten-mile strip along the northern boundary of Indiana, between Lake Michigan and the St. Joseph River, in order to allow suitable harbor facilities at the terminus of the proposed road.

It was Article Two, however, which provided for the Michigan Road. Here the hand of the beneficiary was apparent. This section read as follows:

As evidence of the attachment which the Pottawatomie tribe feel toward the American people, and particularly to the soil of Indiana,

³³ On October 23, 1826, a week after the Potawatomi Treaty was concluded, a treaty was made at the same place with the Miamis, who ceded all their lands north of the Wabash and Maumee rivers. They claimed some of the same lands ceded by the Potawatomi.

³⁴ Treaty Journal, Records of the proceedings of the commissioners appointed to treat with the Indians in Indiana in 1826, from the National Archives, Washington, D. C., Records of the Department of Interior, Indiana Affairs. Photostatic copy on file in the Historical Bureau, State Library, Indianapolis.

and with a view to demonstrate their liberality, and benefit themselves for traveling and increasing the value of their remaining country, the said tribe do hereby cede to the United States a strip of land, commencing at Lake Michigan, and running thence to the Wabash River, one hundred feet wide, for a road; and, also one section of good land contiguous to the said road, for each mile of the same, and also for each mile of a road from the termination thereof, through Indianapolis, to the Ohio River, for the purpose of making the road aforesaid from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio River. And the General Assembly of the State of Indiana shall have the right to locate the said road, and to apply the said sections, or the proceeds thereof, to the making of the same, or any part thereof; and the said grant shall be at their sole disposal.

The United States, in return for the cessions made, agreed, in Article Three, to pay each year to the Potawatomi tribe \$2,000; 160 bushels of salt; and, as long as Congress saw fit, \$2,000 for education. This article also stated that a blacksmith and a mill were to be provided for the Indians at some convenient point.

With the treaty concluded, Governor Ray wished to speed further action on his project. His message to the Assembly in December, 1826, two months later, showed him in good form on his favorite subject, devoting more space to the need of internal improvements than to any other public problem and painting a rosy future for the state, now that the Wabash Canal and Michigan Road projects were ready to be launched.

One of his statements was an excellent index to the enthusiasm of the man. "Nine-tenths of Indiana soil could be cultivated and would support ten million people. Therefore," he continued, "we must rely on roads as the safest and most certain state policy, to relieve our situation, and place us among the first in the Union." Roads were less expensive than canals, he contended.

Turning to the Miami and Potawatomi treaties, he reported that, "with the view of extinguishing their title to lands," these treaties had resulted in the cession to the United States of between two and three million acres of land within the limits of Indiana. Having explored a large part of this territory in person, the governor testified to its great value:

No new country can produce greater inducements to the emigrant—with its rich soil, permanent streams for manufactories, living springs, extensive quarries of limestone, thick and durable timber, healthful

appearance, and good natural position for commerce, it may be esteemed as the first new country in value, now in market in the government. In it an industrious and economical people may grow rich and happy.

He characterized the road provision as the "grand project" and as an important and interesting national and state object. He cited the military value of the road, pointing out that Michigan was the only lake belonging exclusively to the United States and that it could support a navy. If we should ever have to meet "our old enemy" again, we should expect to meet her in the north; and this would make the road important from a national point of view.

Secondly, Ray mentioned how valuable the road would prove to emigrants from many of the states in going to homes in the rich new territory which was "the principal object of the treaty." "Such a road," he said, "will point to the heart of Kentucky, and she ought to be alive to its success."

These considerations, plus the incalculable advantages of the road to the people of Indiana, the character it would lend the state, the choice of markets it would create, the money its construction would scatter among the laborers, the inducement it would provide to settle the wild lands of the United States, the fact that it would cross the National Road at right angles at the seat of government, the assistance it would give to the farmer and merchant in transporting heavy articles to and from the lake or the Ohio at pleasure, and the general figure it would make upon the map of the state all combined to demonstrate the expediency of the measure, Ray enumerated. He requested that the legislature send a memorial to Washington to encourage the ratification of the treaty.

It is of special interest to note this statement at the conclusion of Governor Ray's eulogy of this project: "The grant severs the remaining Indian possessions; and when the land granted for this purpose is settled, it will weaken the attachment of the Pottowattamie to his country."³⁵ The attachment of the Potawatomi to his country was weakened sufficiently by 1838, and the tribe was marched out of Indiana into the Indian country west of the Mississippi during the late summer of that year. So many of the Indians died along the trail

³⁵ *Journal of the House of Representatives of Indiana, 1826-1827*, pp. 51-52.

that the route they followed has been called the "Trail of Death."³⁶

On February 7, 1827, the United States Senate ratified the Potawatomi Treaty.³⁷ The Senate, however, struck out of Article Two the clause giving to the state sole right of disposal of the grant, on the ground that the grant of treaty-making power to the commissioners did not confer the right to dispose of public lands. This was a power of Congress. But this authority was given to the state by the act of March 2, approved by President John Quincy Adams, confirming the treaty grant. The act authorized the state legislature to locate and build the road from Lake Michigan by way of Indianapolis to some convenient point on the Ohio River, agreeable to the second article of the treaty; and the General Assembly was authorized to apply the said strip and sections of land to the making of the road; and the grant was to be at their sole disposal.³⁸ With the land grant thus approved by Congress, the 1827-1828 session of the legislature could proceed with plans for the road.

At the same time that Congress approved the road grant, it also approved the Wabash and Erie land grant.³⁹ Within the space of fifteen months public lands estimated by the governor to be worth \$1,250,000 had been acquired by the state. Said Governor Ray:

It is believed that the most sanguine politician, will be unable to point to any combination of circumstances, which will again place under the control of the state . . . such extensive and valuable resources, for prosecuting a grand system of internal improvement . . . and for the ultimate production of a revenue that shall relieve our fellow citizens from taxation.

He recommended to the legislature that the improvements be financed by a loan and that the land be sold afterward for cash, so that the improvements would make the land bring a much greater price. "No pledges . . . will make the land . . . sell like the finished thoroughfare itself," he said. A board of commissioners was suggested to select the ceded land as soon as it should be surveyed. Contracts on the road, he thought, should be limited to one year. He also recommended to all friends of internal improvements the

³⁶ Jacob P. Dunn, *True Indian Stories* (Indianapolis, 1909), 234. See also Irving McKee, *The Trail of Death*, Indiana Historical Society Publications, XIV, no. 1 (Indianapolis, 1941).

³⁷ *United States Statutes at Large*, VII (Indian Treaties), 295-96.

³⁸ *Ibid.*, IV, 234-35.

³⁹ *Ibid.*, IV, 236.

study of *Stricklands' Reports*, ordered by the legislature of 1826.⁴⁰

But now the controversies began; born in controversy, the road has lived in that atmosphere. Probably the first strife connected with the project was the affair of personal politics between Ray and some of his opponents over his alleged violation of the constitution by serving as a member of the treaty commission. Then came a dispute with the secretary of war, for which the Assembly blamed Ray. The legislature itself squared away for a two-year battle over the location of the southern terminus, in addition to minor disputes concerning the appointment of commissioners and contract letting. The General Land Office was in disagreement for a time concerning the selection of the lands. After the road was built, probably the most famous tribulation concerning it was the case of the Western Union Telegraph Company *v.* Krueger, a right of way dispute which affords an excellent discussion of the road.⁴¹ In recent years the state has had to resort to the courts to repossess its 100-foot right of way.

During the 1827-1828 session of the General Assembly, the House of Representatives passed a resolution of censure which charged Ray with violating the constitution in serving as an Indian commissioner while governor and asked him to forfeit his office. He was asked to appear and explain his conduct, but he refused. Instead, he followed the example of Governor Jennings, who had been censured for a similar action, and wrote a letter to the Assembly. A resolution against Governor Ray lost by a vote of twenty-seven to thirty-one.⁴²

Samuel Merrill wrote a twenty-four page pamphlet in the controversy about Ray's participation in the commission. This in part read:

The truth is . . . that the Treaty was once nearly broken off by his imprudence. . . . It required all the knowledge of Indian character . . . possessed by Gov. Cass and Gen. Tipton to prevent the indiscretion of the other Commissioner from being fatal to the Treaty.

⁴⁰ *Journal of the House of Representatives of Indiana, 1827-1828*, pp. 17-24.

⁴¹ *Western Union v. Krueger*, 36 *Appellate Court Reports* (1905), 348-72. Charles Moore, Indianapolis attorney, wrote the historical part of this report. Judge Black, of Bloomington, gave the decision.

⁴² *Indianapolis Indiana Journal*, January 20, 1827.

Governor Ray was accused of accepting from the United States pay at the rate of eight dollars per day for double the time he actually served, while at the same time he received his salary as governor.⁴³ He was also charged with entering at an exorbitant price on the expense list his horse, which he had given to an Indian at the treaty grounds.

In his defense, Ray asked Cass and Tipton to write letters concerning his conduct. Three years later, in 1830, he submitted these letters to the Assembly to show that the commissioners did not consider the road grant a separate cession in the treaty.⁴⁴

The Tipton letter indicates that Governor Ray's desire to secure a land cession for a road and canal was very ambitious and did somewhat endanger the conclusion of the treaty. The treaty journal reveals that Ray did not participate very actively in the actual council with the Indians; but the journal does not record the proceedings within the commission, as these letters indicate. His insistence on the road grant, both letters agree, prolonged the council. It is obvious that Ray had asked the two to certify that he was chiefly responsible for securing the road grant.

But the land grant was now at the disposal of the legislature for the construction of a road the full length of the state, a project of a magnitude few people had as yet thought possible; and the quarrel with Governor Ray was dropped as quickly as it had begun. Matters of far greater importance, the location of the road and the choosing of the lands, faced the legislature; and it lost no time in turning to these problems in the 1827-1828 session. It was to act upon two important internal improvement projects—the Michigan Road and the Wabash and Erie Canal.

The road was made first business, and there began a two-year contention over the location of the southern terminus. The phrase "to some convenient point on the Ohio River," used in the Indian treaty, was handed down through the act of Congress confirming the grant and incorporated in the bill in the state legislature. On the settlement of this "point" developed one of the bitterest and longest controversies ever waged in the state Assembly.

The House resolved itself into a committee of the whole

⁴³ Dunn, *Indiana and Indianans*, I, 380-81.

⁴⁴ *Journal of the Senate of Indiana, 1830-1831*, pp. 42-45.

on December 20, 1827, to locate the road. Several minor amendments were concurred in and motions were begun for the location of the point. Two weeks later warm and animated debates were being held in the whole Assembly and in committee. Flowery speeches were in order, relative to the merits of the respective rival points. One made by James G. Reed, of Daviess and Martin counties, in favor of Mount Vernon will serve to demonstrate their nature. Speaking of Princeton, one of the towns on the proposed Mount Vernon route, he said:

Here already is located a seminary of learning, on an eminence that overlooks the whole town. And if we indulge in a prospective view from the encouragement of the enterprising citizens and their taste for literature, we behold seminaries and colleges rearing their majestic cupolas and steeples until lost in the clouds . . . and when you arrive at Mount Vernon, here, sir, is a place destined by nature for a commercial town. Situated a few miles above the mouth of the Wabash, it must ere long become the general depot for all the western country. It affords, Mr. Chairman, an elegant, safe, and superb harbor for vessels of every size and description. Sir, I must stop, for if I were to attempt to describe the many benefits and advantages that present themselves to this road, at and beyond this great point, I should most positively fail—pen nor pencil could do justice to this subject.

And Reed also pointed out that on this route the state would acquire about fifty more sections of land than by any other route "except by Evansville which has already been voted out."⁴⁵

After the indirect route had been determined for the Wabash to Lake Michigan section, the discretion of the legislators, perhaps, induced them to favor a shorter route for the Indianapolis to the Ohio River section. The suggestion of the secretary of war that the Potawatomi were to be consulted about the location of the terminus, as they would have to agree to the amount of land to be given, may also have influenced the choice of the shorter route.

The voting continued. Mauckport, Mount Vernon, Aurora, Falls of the Ohio, Mouth of Blue River, and Leavenworth were all proposed and rejected. The story was much the same in the Senate. Samuel Judah, of Knox County, informed his constituents through their paper that the Senate could not determine upon any particular point and he

⁴⁵ Indianapolis *Indiana Journal*, January 3, 1828.

was inclined to think that "a majority of that body prefer not to pass any law to making any point which is possible—I yet consider Levenworth and Madison the strongest points."⁴⁶ The Senate temporarily gave up the contest over the southern point and passed and sent to the House a bill to locate the road from Lake Michigan to Indianapolis.⁴⁷

New committees were appointed as old ones resigned in despair. The bill to locate the point was recommitted and laid on the table for what may have been a record number of times. At the end of the session it was indefinitely postponed; but in spite of the stalemate of the location of the southern terminus, not all the action toward the project was lost. On January 24 a bill was approved providing for the appointment of commissioners to survey a route from Indianapolis to Lake Michigan.⁴⁸

Haste was considered necessary in surveying the northern route, in order to allow the selection of lands to be begun before the federal government sold too many of the best lands in the grants already secured from the Indians and in later concessions. Dispute was lessened because there were no settlements north of Indianapolis or on the lake in Indiana. Early in 1830 an amendment was proposed and defeated to reroute the road through Noblesville;⁴⁹ this was the only evidence found of an attempt to change the commissioners' recommendations for the northern route.

The law of January 24, 1828, named as commissioners John McDonald, of Daviess County, Chester Elliott, of Warlick, and John I. Neely, of Gibson. Starting at Lake Michigan they were to examine bays, inlets, and estuaries of rivers, in order to establish the best harbor possible on the shore of the lake; they were to make an accurate survey of the most eligible route to Indianapolis and file a plat of their survey in the office of the secretary of state, who was to lay the same before the General Assembly at its next session. They were authorized to employ any necessary assistants.

Governor Ray called a meeting of the commissioners

⁴⁶ Vincennes, Indiana, *Western Sun*, January 12, 1828.

⁴⁷ *Journal of the House of Representatives of Indiana, 1827-1828*, p. 337.

⁴⁸ *Laws of the State of Indiana, 1827-1828*, ch. LXX.

⁴⁹ *Journal of the House of Representatives of Indiana, 1829-1830*, pp. 275-76.

in Indianapolis on the first Monday in April, 1828. Due to the high waters at this season they adjourned until the second Monday in May,⁵⁰ on which date they met again in Indianapolis and ran a random line from the court house to Lake Michigan, leaving the Miami reservation on the east. John K. Graham, of Floyd County, whom they hired as surveyor, became ill when they reached the Wabash; and they employed John G. McDonald to continue the work. By July they had completed the first survey directly from the Wabash across the Kankakee swamps to the lake.⁵¹ They reported great exposure and fatigue in working through the long wilderness, a distance they found to total 140 miles. The season was wet, and the prairies were almost impassable for horses. The men often had to wade from knee-to waist-deep and lead their horses, then lie down wet at night in low, unwholesome ground.

Not finding a natural harbor on Lake Michigan, the commissioners temporarily located a point at the mouth of Trail Creek as the most eligible. The creek was five miles west of the Michigan territory line and was about eighty feet wide at the mouth and from seven to ten feet deep for the first half mile. The land at this point, one-half mile from the mouth, was of second quality but suitable for a town location. Michigan City was located here in 1832.⁵²

From the mouth of Trail Creek they ran a line to Indianapolis, to the west of the Miami reservation. The tendency of early Indiana roads to follow Indian trails was true of this survey, as it followed closely the old Indian trail from the lake to the Wabash.⁵³ They gave a detailed report of the land along the route. That from the lake to the vicinity of the Wabash was described as mostly poor, with a few good but small areas. North of the Kankakee for eighteen miles the country was barren and destitute of any materials for road construction and was not suitable for settlement. The Kankakee was crossed at the western end of English Lake and was about 748 yards wide, with a deep and sluggish current. Their horses stuck several times a day in the swampy prairies

⁵⁰ Reports of Road Commissioners, *ibid.*, 1828-1829, pp. 89-95; *Madison Indiana Republican*, January 14, 1829.

⁵¹ *Indianapolis Indiana Journal*, July 10, 1828.

⁵² Joseph Packard, *History of Laporte County* (Laporte, 1876), 83.

⁵³ Rollo B. Oglesbee and Albert Hale, *History of Michigan City* (Laporte, 1908), 70.

and marshes between the Kankakee and the Wabash. This route struck the Wabash seventy-three miles from the lake and approximately twelve miles west of the mouth of Eel River. The remainder of the land along the route to Indianapolis was well-timbered and rich.⁵⁴

During the excursion the commissioners cultivated the friendship of the Potawatomi, shown by the fact that one of the chiefs presented Neely with his seven-year-old son, whom Neely planned to give all the benefits of education and society.⁵⁵

The commissioners, convinced of the impracticability of this direct route across the swamps and through the poor land, determined on a further examination; but due to the extreme fatigue of the party they postponed the further survey until October. They began the October survey on the upper Wabash, marking a route from the mouth of Eel River almost directly north to the south bend of the St. Joseph, thence westward to the mouth of Trail Creek. At the southern bend of the St. Joseph, they reported in their notes, was a beautiful site for a town. This point was fifty-five miles from the lake by the river and thirty-five by the road. A fur-trading post had been located here since 1823.⁵⁶ Three years later, March 28, 1831, a town was laid out here, later named South Bend.

The commissioners found it necessary to procure a pilot and interpreter on this expedition—Edward McCartney, of Carroll County, who helped to satisfy the Indians with the location of the road. This indirect route was 102 miles in length, or about thirty miles longer than the direct survey across the Kankakee region. The land along the route was generally good. It was the opinion of the commission that, if the lands were speedily and judiciously chosen, one-half the proceeds would open the road and put it in condition. They reported total expenditures for themselves, their help, and their pack horses as \$1,889.64. They employed twelve "hands," from four to a hundred days each. Hands were paid seventy-five cents per day and the commissioners two

⁵⁴ Reports of Road Commissioners, *Journal of the House of Representatives of Indiana, 1828-1829*, pp. 89-95.

⁵⁵ Indianapolis *Indiana Journal*, July 10, 1828.

⁵⁶ Madison *Indiana Republican*, January 7, 1829. Also Timothy E. Howard, *History of St. Joseph County* (2 vols., Chicago, 1907), I, 132.

dollars per day.⁵⁷ They had to defray their own expenses as the legislature had made no appropriation.

The commissioners turned in their reports and plats of both surveys and left it to the legislature to make the final choice between the two routes.⁵⁸ This furnished one more controversy for the Assembly.

On February 24, 1828, a few days after the first act was passed, Governor Ray corresponded with Secretary of War James Barbour, to find how the land was to be surveyed and how the state was to take possession. The secretary informed Ray that the land should be taken possession of by surveys. He assumed that lands granted by the treaty were to be laid off along the line of the road, where the land was of good quality, but not necessarily where such sections were poor. Selections of land made under this assumption, however, were later rejected by the General Land Office, which insisted that lands chosen for the part of the road within the Indian country lie contiguous to the center line of the road. Barbour also stated that no part of the cost of the survey would be borne by the federal government. The Indian agent was to attend the surveys, and it was suggested that two or three Potawatomi chiefs should attend and give consent to the point where the road was to strike the Ohio and to the location of the sections of land.

Governor Ray conveyed this information to the Assembly in his annual message, December, 1828, by which time the survey from the lake to Indianapolis had been completed.⁵⁹ After reporting the results of his correspondence with the secretary of war, Ray appealed to the legislators to show a spirit of compromise, to put an end to their contention, which appeared to be intermingling itself with both the politics and the legislation of the state, and not further to suspend progress on the road. But his appeal to end the contention over the convenient point was futile; the bill was mired down for the whole session and a full year was practically lost.

The Assembly, after first accepting the Wabash and Erie Canal report, on December 22 began again to contend for different points on the Ohio. Madison, the Falls of the Ohio,

⁵⁷ Reports of Road Commissioners, *Journal of the House of Representatives of Indiana, 1828-1829*, pp. 89-95.

⁵⁸ A photostatic copy of the original plat of the second survey is in the Indiana history room of the State Library.

⁵⁹ *Journal of the Senate of Indiana, 1828-1829*, p. 13.

Jeffersonville, Lawrenceburg, Mauckport, and New Albany were the chief competing cities. At times they agreed on a terminus, but the way points blocked passage of the bill. Other times, after one house passed the bill the other made amendments which led to its downfall between the houses. Finally, "the vote for Madison stood ten for, and eleven against; it was the strongest point tried; the bill was finally amended, appointing three commissioners with power to locate the road" at any point they thought proper. Its fate, however, was yet uncertain.⁶⁰

The *Madison Republican*, the following week, reported that the Michigan Road bill had not passed and that another Senate bill establishing the road to Madison via Shelbyville and Greensburg had been amended twice in the House—Columbus had been substituted for Greensburg; and the Falls via Salem, for Madison. The Senate concurred in the first amendment, disagreed on the second, and sent it back to the House. A joint committee could not agree. The *Republican* concluded:

We are heartily tired of this business and think it high time the Legislature should agree upon some point. . . . Our claims to this road are as "strong as the Andees," [*sic*] & we believe must ultimately prevail. The opinion of the editor of the "Statesman" (printed at Charlestown) to the contrary notwithstanding.⁶¹

Late in January, after a dozen proposals and amendments had been unsuccessfully voted on, the question was raised and voted on by the committee as to whether this bill should pass. This was affirmed forty-eight to ten.

Madison was the largest business point on the river in 1829; but each representative adhered to the point most favorable to his constituents, claiming it to do the most business between the mouths of the Miami and the Wabash.

The only act passed with reference to the road was an appropriation to pay the commissioners for the Lake Michigan to Indianapolis survey,⁶² and the legislature adjourned on January 24 with the Michigan Road bill a subject of disagreement between the two houses.⁶³ Thus, with nothing accomplished in the legislature, no work could be started on

⁶⁰ *Madison Indiana Republican*, January 7, 1829.

⁶¹ *Ibid.*, January 14, 1829.

⁶² *Laws of the State of Indiana, 1828-1829*, ch. III.

⁶³ *Madison Indiana Republican*, January 14, 1829.

the road during 1829, although emigrants still continued to move into the Wabash country on the prospect of the road and the canal construction.

Between sessions, public sentiment against the delay increased. The people felt that the legislature was wasting time and that the land sales should be authorized or a loan made to start construction.⁶⁴ The county commissioners in some counties were accused of neglecting their roads in the expectation that the Michigan Road would pass their way.⁶⁵

When the Assembly convened in December, 1829, the public and the members felt that undoubtedly the question would be settled. The *Western Sun* stated that "We believe this matter will be settled this session. Where it will terminate is uncertain, but that it will be fixed *somewhere* is very generally believed."⁶⁶

In his message to the Assembly, Governor Ray stated that Congress had appropriated \$60,000 for building twenty-eight miles of the National Road (sixteen miles east and twelve miles west of Indianapolis) in Indiana in 1830. Speaking of the Michigan and Ohio turnpike, Ray called upon the Assembly to adjust their differences over this question, which had already been the cause of "much artificial, fallacious and embittered controversy and excitement." He hoped for a quick and judicious location of the whole route.

After reviewing the reports of the commissioners on the two routes surveyed between Indianapolis and Lake Michigan, he expressed the opinion that the longer route via the southern bend of the St. Joseph was unjustified and that the extra length of thirty miles would cause the road to lose much of its utility. The marshy lands, he thought, would make a better graded turnpike than rich soil; and the St. Joseph could not be relied upon for navigation. To end the political and legislative tangle on the choice of the southern point, he suggested authorizing the Executive to appoint commissioners for that duty.

On the question of the disposition of the lands, he recommended that either the lands be used as a direct payment to contractors or that a loan be made on the land. He further proposed the practical plan of dividing the road into three

⁶⁴ *Ibid.*, August 5, 1829.

⁶⁵ *Ibid.*, November 4, 1829.

⁶⁶ Vincennes, Indiana, *Western Sun*, December 26, 1829.

sections, one to be built each year: the first, from Madison to Indianapolis; the second, from Indianapolis to the Wabash; and the third, from there to Lake Michigan. Thus the most needed section could be completed first, the financial problem simplified, confidence inspired, and the value of the remaining lands increased. Upon the supposition that the total distance would be 230 miles, he estimated the lands, at two dollars an acre, to be worth \$300,000, or \$1,280 per mile, which should make a good clay turnpike with strong wooden bridges, since the National Road had been costing only \$220 per mile.⁶⁷

During half the session history repeated itself so far as the decision on the southern terminus was concerned. As late as January 4, the House spent all afternoon voting on almost every point on the Ohio. They sent the Senate a bill which made Evansville (with a population of about 350) the terminus, but the Senate refused to agree.⁶⁸ With a smaller membership, it naturally moved somewhat faster than the House. On December 31, by a vote of twelve to eleven, it again passed and sent to the House a bill making Madison the point. When the Senate refused to concur in the Evansville bill from the House, the House moved by a thirty-two to twenty-nine vote to recede from all amendments to the Senate bill and, on January 6, agreed to the Madison-Greensburg route.⁶⁹ The bill was presented to the governor on January 11; and although it did not carry out many of his suggestions, he approved it on January 13, 1830.⁷⁰

That all should be pleased by this agreement could not be expected, but the great majority were gratified to learn that this distracting and prolonged question had been settled.⁷¹ Madison accepted its long-awaited victory with justifiable pride. The *Republican* continued throughout January and February to quote other newspapers which agreed that justice had been done. The opinion was expressed by the Madison paper that it had never doubted where the road ought to originate and had favored Columbus and Vernon as intermediate points. No place on the Ohio afforded so many

⁶⁷ *Journal of the House of Representatives of Indiana, 1829-1830*, pp. 22-26.

⁶⁸ Indianapolis *Indiana Journal*, January 9, 1830.

⁶⁹ *Ibid.*, January 6 and 9, 1830.

⁷⁰ *Laws of the State of Indiana, 1829-1830*, ch. LXIX.

⁷¹ Indianapolis *Indiana Journal*, January 6, 1830.

facilities for easy communication with the interior of the state, and "at present this is the most convenient route for . . . emigrants from Kentucky and other states." The population of Madison was estimated at 1,500, and thirty buildings had been put up in the past year. "This subject has consumed a great deal of the time of the Legislature for the two last sessions. . . . That they could please *all*, could hardly have been expected; but that a large majority . . . will be satisfied that they have . . . done the best they could, we have no doubt."⁷²

Madison, though closely rivaled by New Albany, was the largest town on the river and still much larger than Indianapolis. Business expanded considerably. A new wharf, needed for many years, was constructed. Madison served as the chief import center for Indiana; the newspaper regularly carried large advertisements by retail and wholesale merchants, stating that large stocks of goods had been received from Philadelphia, Pittsburgh, and New Orleans—goods to be sold at Louisville and Cincinnati prices. William Dutton advertised in March, 1830, that he had a \$30,000 stock of goods on hand for country merchants.⁷³ He had just received thirty barrels of prime sugar from New Orleans, twenty bags of coffee, ten barrels of molasses, and fifty boxes of smoked herring. He also wanted to buy five hundred barrels of whiskey and twenty tons of bacon.⁷⁴

To appreciate the intense and long-drawn-out struggle over the determination of the southern terminus of the Michigan Road, it is necessary not only to recall the vital need of transportation to those already settled in this part of the West but also to notice the large stream of emigration at the time. As many as twenty to fifty wagons, containing families, most of whom were on their way to the Wabash country, moved daily through Indianapolis.⁷⁵ An advertisement appeared in an Indianapolis paper on May 1, 1828, of a lot sale in a new town laid off at the mouth of the Eel River on the Wabash. It was pointed out to emigrants that the location would be on the canal line and that the Michigan Road would in all probability cross the Wabash there. The com-

⁷² Madison *Indiana Republican*, January 20, 1830.

⁷³ *Ibid.*, March 18, 1830.

⁷⁴ *Ibid.*, April 1, 1830.

⁷⁵ Indianapolis *Indiana Journal*, October 2, 1828; *Journal of the House of Representatives of Indiana, 1828-1829*, p. 15.

mercial, manufacturing, and agricultural advantages were said to be unsurpassed by any in the state.⁷⁶ Within six years Logansport had "250 houses and a nice look."⁷⁷ John Tipton had moved the Fort Wayne Indian agency to the mouth of the Eel River in 1826.⁷⁸ Newspaper reports on the moving streams of people, land sales statistics, and population figures all testify to this great movement.

Indiana's population had doubled between 1820 and 1830, now being 343,031, and was to double again in the next ten years. The number of counties increased from thirty-one in 1820 to sixty-three in 1830, and to eighty-seven, or all but five of the present number, by 1840.⁷⁹ Three of the newer counties, Fountain, Montgomery, and Tippecanoe, had in 1830 a greater population than the majority of the older counties and were as large in population as Marion County.⁸⁰

The act of January 13, 1830, authorized by the treaty of 1826 and the act of Congress of 1827, not only located the southern terminus but also established the Indianapolis-Lake Michigan section of the road according to the second survey. It named commissioners and prescribed their duties in connection with the survey of the Madison-to-Greensburg section and again directed the governor to find from the federal government when and how the lands were to be surveyed.⁸¹

There was some controversy over the adoption of the more indirect survey around the Kankakee ponds via the St. Joseph, contrary to Governor Ray's recommendation; but most first-hand observers of the region confirmed the choice of the longer route as more practicable. One traveler stated that he had read about and heard of these ponds but really had had no conception of them until he tried to pass through them.⁸²

With the southern point located and the entire route established, it seemed at last that the work of opening the road might be begun in the spring of 1830.

⁷⁶ Indianapolis *Indiana Journal*, May 1, 1828.

⁷⁷ C. C. Kutschera, "Jacob Schramm Letters," *Indiana Historical Society Publications* (Indianapolis, 1886-), XI (1937), 273.

⁷⁸ W. Swift Wright, *Pastime Sketches* (n. p., 1907), 41.

⁷⁹ Harold C. Feightner, "Indiana County Government," *Indiana History Bulletin* (Indianapolis, 1923-), IX (1932), 262-63.

⁸⁰ *Historical Atlas of Indiana* (Chicago, 1876), 388.

⁸¹ *Laws of the State of Indiana, 1829-1830*, ch. LXIX.

⁸² Indianapolis *Indiana Journal*, November 3, 1830, from *Miami Times*, September, 1830.