

The Construction of the Michigan Road, 1830-1840

GENEAL PRATHER

Only after considerable difficulties and struggles did the building of the Michigan Road begin. Pressure of increased numbers of settlers not only resulted in the New Purchase from the Indians but also demonstrated the need of roads on which to gain access to the interior of the state which was not adequately served by navigable rivers. The Potawatomi and Miami were persuaded by the United States to cede a right-of-way and a section of land contiguous to the road for every mile of the road constructed. In the legislature of the state there then ensued a struggle over the location of the road, which delayed its construction for two years. The chief difficulty concerned the choice of the southern terminus. Finally, however, the route was designated as beginning at Madison on the Ohio River and as extending northward by way of Greensburg, Indianapolis, and South Bend to Michigan City.¹

Two weeks after the southern terminus was located at Madison, the Assembly had ready for the governor's approval an act providing for the opening of that part of the road lying between Madison and the Wabash River.² It was to be cut and opened 100 feet wide, cleared of all logs, timber, and underbrush, leaving no stump more than one foot above the level of the ground, and grubbed thirty feet wide in the center, in the same manner as the National Road.

Noah Noble of Marion County was appointed the first contract commissioner. He was to have the road opened between August 1, 1830, and November 1, 1831, and to make a complete report in the first week of the next Assembly. He was to give bond for \$50,000 and to receive a salary of \$2 per day, to be paid from the treasury.

The road was to be laid off in districts of not more than four miles in length beginning at Madison; and after three weeks' notice in the neighborhood of each district, contracts were to be let to the lowest bidder. The whole

¹ See Geneal Prather, "The Struggle for the Michigan Road," *Indiana Magazine of History* (Bloomington, Indiana, 1905-), XXXIX (1943), 1-25. Both articles were prepared in seminars in Indiana University under the direction of Professor R. Carlyle Buley. —Ed.

² *Laws of the State of Indiana, 1829-1830*, ch. LXX, sec. 1.

length was to be under contract by the third Monday in July, 1830. Contractors were to be paid with certificates redeemable out of the proceeds of the Michigan Road lands, and these certificates were acceptable as payment for said lands. The contractors were required to give bond for double the amount of their contracts. The secretary of state was required to make the certificates which were to be signed by Noble and attested by the secretary.

Noble, successor to James B. Ray as governor of Indiana, was a brother of James Noble, then United States senator. Governor Ray was on bad terms with Senator Noble at the time and opposed Noah's appointment as commissioner. Noah explained in an article in the *Indiana Journal* that his brother became "obnoxious" to Ray when the latter wanted James to resign from the Senate to be a candidate for governor, which kind offer James was "so obstinate" as to decline.³ A denunciatory battle was waged in the papers between Governor Ray and Senator Noble.⁴

When the road bill came from the Senate, the House substituted the name of Noah Noble for Robert Branham of Jefferson County for commissioner. Governor Ray lobbied against the change and, when he signed the bill, wrote an abusive note on the back which drew a sharp retort from the Senate.⁵

Before Noble could let contracts, the commissioners named in the act of January 13 had to make the survey of the route from Madison to Greensburg. The commissioners—Samuel Hanna of Wayne County, William Polke of Knox County, and Abraham McClelland of Sullivan County—were to employ a surveyor and other assistants if necessary and make any changes in the route they might think needed after examining the road. They were to take releases of the various individuals through whose land the road ran of all damages which should be sustained, to gain consent from landowners along the road to use road material, and to make plats and notes of the survey. As soon as they had surveyed the Madison-Greensburg route, they were, upon notification of the governor, to go north of the Wabash to start selec-

³ Indianapolis, *Indiana Journal*, February 25, 1830.

⁴ Madison, *Indiana Republican*, January 20, 1830.

⁵ Adam Leonard, "Personal Politics in Indiana, 1816-1840," *Indiana Magazine of History*, XIX (1923), 253-54.

tion of the lands granted by the treaty for the construction of the road. If the general government refused to do so, they were to survey the lands.⁶

The survey was begun on May 17 and finished June 1. The commissioners filed their plats and notes in the clerk's offices of Jefferson and Decatur counties and awaited word from Governor Ray before starting the selection of lands. The road at Madison was laid off on the south side of the hill north of Madison and ran almost due north thirty miles where it intersected the Greensburg road near a Mr. Vawter's,⁷ then continued northwest by way of Napoleon through Greensburg and Shelbyville to Indianapolis. From Greensburg to Indianapolis the road followed the Lawrenceburg state road. The total distance from Madison to Indianapolis was ninety-four miles.

Commissioners Hanna, Polke, and McClelland met in Logansport on October 1, expecting to receive instructions from Governor Ray to proceed to select the lands. General Tipton notified them that he had been instructed by the general government to accompany them to prevent difficulties with the Indians; and he suggested that, if they wished to secure good lands, they would have to proceed before the most valuable lands on the Wabash and Eel rivers were advertised and offered for sale by the general government in October. After waiting nearly a month for their instructions from Governor Ray, one of the commissioners returned to Indianapolis to see the governor. In the absence of the governor, the secretary of state advised the commissioners to proceed on the authority of the letters of the previous secretary of war, James Barbour. Thus, in an endeavor to select as many sections as they could before the October land sale, the three commissioners proceeded to select the contiguous sections in the Indian country and some sections on Eel River. The Indians objected to giving sections for each mile of the road south of the Wabash; and as the commissioners were acting without official instructions, they pursued a policy of conciliation toward the Indians. On September 30, while selecting lands in the Indian country, the commissioners received instructions from Governor Ray

⁶ *Laws of the State of Indiana, 1829-1830*, ch. LXIX, secs. 1-2, 8.

⁷ Madison, *Indiana Republican*, June 3, 1830; Governor's Message, *Journal of the House of Representatives of Indiana, 1830-1831*, p. 23.

to proceed though he still had no reply from Washington. Because of objections of the Indians, however, the commissioners halted selections of non-contiguous sections in the Indian country in the belief that title to the remainder of the Indian lands would soon be extinguished and more valuable selections might then be made.⁸ The commissioners were not ready to make their report by the first of December and were granted an extension of ten days in which to file their report.⁹

In an effort to have made as many land selections as possible before the United States land sales in October, 1830, and thereby avoid the necessity of taking second choice land, Governor Ray wrote Secretary of War John H. Eaton on February 10, as required by the act of January 13, to find when, by whom, and how the lands were to be surveyed.¹⁰

Having received no reply, Governor Ray again wrote on July 8, stating the board of commissioners were awaiting the reply and that the contracts for work on the land would be let in a few days in faith that the lands in question would be surveyed and selected by December 1.¹¹

On September 6, still without a reply from the secretary of war, Ray wrote the commissioners and explained that he had not notified them to start the survey and selection of lands because he did not have authority to act. According to the law, if the United States refused to make the survey, he was to notify the commissioners to proceed; but the United States had neither refused nor agreed. He suggested, however, that without specific authority, they might go ahead with the survey and selection in the hope that their action would be approved.¹²

Governor Ray was blamed for the delay in getting the land surveyed, thereby holding up the sale of contracts to open the road. He was said to have been away from his office for four or five weeks in August and September, and if it were now too late to comply with his duty as prescribed in

⁸ Report of the Commissioner, Indianapolis, *Indiana Journal*, January 1, 1831.

⁹ *Indiana Special Acts, 1830-1831*, 15 Sess., ch. CXXVI.

¹⁰ Jonathan B. Ray to John H. Eaton, February 10, 1830, *Journal of the House of Representatives of Indiana, 1830-1831*, p. 46.

¹¹ *Ibid.*, 1830-1831, p. 46.

¹² *Ibid.*, 1830-1831, p. 49.

the Michigan Road law, the state might sustain a loss which could not easily be repaired.¹³

Because of the wide general interest in the new lands in the upper part of the state, the newspapers followed the progress of the survey closely. The *Indiana Journal* reported that

The Commissioners engaged in selecting lands for this road have made a rapid march, locating about 50 sections on Eel River, and . . . had selected, it was understood, 80 or 90 sections in the Crawfordsville and Fort Wayne districts, a report of which was forwarded to those land offices.

It was said that the commissioners were making an effort to select as many sections as possible before the government land sale in October.¹⁴ The *Western Sun* gave a similar report:

It is thought most likely, that the commissioners will not be able to complete all the duties assigned them, before the meeting of the Legislature, but selections already made, . . . will . . . meet contracts entered into; and . . . it is probable that better land may be had after the Potawattimie title is extinguished. The surveys in the Indian country . . . are likely to be completed this fall. . . .¹⁵

Governor Ray again wrote Secretary Eaton on November 1, asking whether his first two letters had been received;¹⁶ but before receiving any information from that correspondence, the state received disappointing news concerning the Michigan Road lands through another channel. The commissioners were notified by the general land office in a communication dated October 11, 1830, that the selections they had already made and forwarded to that office had been rejected.

The first public notice of this decision by the general land office was found in a letter dated November 2, signed by Samuel Milroy of the Crawfordsville land office and published in the *Indiana Journal*. It stated that according to the construction placed on the Potawatomi Treaty by the land office, the state would have to select the Michigan Road

¹³ Indianapolis, *Indiana Journal*, September 8, 1830.

¹⁴ *Ibid.*, November 3, 1830, from Marion, Indiana, *Times*, October 1, 1830.

¹⁵ Vincennes, Indiana, *Western Sun*, October 30, 1830, from *Miami Times*, n. d.

¹⁶ *Journal of the House of Representatives of Indiana, 1830-1831*, pp. 46-48.

lands from unceded Indian lands and not from any of the lands ceded by Article One of the treaty. The district land office had been ordered by the office in Washington not to withhold from public sale any lands selected by the state for the Michigan Road.¹⁷

The commissioners submitted to the Assembly the letter in which they had received this announcement.¹⁸ Accompanying this letter was one from Samuel D. Ingham, secretary of the treasury, in which he approved the views of the land office and agreed on this interpretation of the treaty.¹⁹

This difference of opinion over the interpretation of the Potawatomi Treaty precipitated another major contention around the Michigan Road. The dispute was between the state and national government and did not create so much internal strife as had the southern terminus question. The state stood to lose considerably, and many made of it an opportunity to criticize Governor Ray. He had already been accused of neglecting his duty under the law which required him to secure information for the commissioners from the general government. After he had submitted the record of his attempted correspondence with Secretary Eaton to the Assembly,²⁰ that attack lost effect. Two days after his first report to the Assembly, on December 9, he received Eaton's belated reply. This merely acknowledged Ray's correspondence and said that the subject of his communication had been laid before the general land office where it would receive the "attention the nature of the case requires."²¹ The reply did not furnish the information requested, but served only to show that Governor Ray had tried to comply with his duty. The state, as has been related, was already well aware of the decision of the land office.

As Governor Ray had served on the treaty-making commission and was, according to the Cass and Tipton letters, primarily responsible for writing the article making provision for the road, he was now held to blame for its being

¹⁷ Indianapolis, *Indiana Journal*, November 17, 1830, from *Indiana Democrat*, n. d.

¹⁸ John M. Moore, Acting Commissioner, to General Land Office, October 11, 1830, *Journal of the House of Representatives of Indiana, 1830-1831*, pp. 68-69.

¹⁹ *Ibid.*, 1830-1831, pp. 70-71.

²⁰ *Ibid.*, 1830-1831, p. 46.

²¹ *Ibid.*, 1830-1831, pp. 65-66.

constructed in such a way that it might be interpreted as a separate and distinct cession. He now submitted these letters, obtained in 1827 to answer charges against his conduct at the treaty council, to the Assembly in an endeavor to prove that the road provision entered as much into the calculations of all parties as any other portion of the instrument.

The only indication in the wording of the treaty that the road provision in Article Two was considered a part of the whole was the inclusion in Article One of the cession of the 10-mile strip on Lake Michigan, along with the cession of the land along the Wabash. The 10-mile strip on the lake was obviously intended to allow for the location of harbor facilities for the road. Article Three provided payment to the Indians specifically for the cessions of Article One. The only "payment" to the Potawatomi specified for the road grant, which could not possibly have amounted to less than 225 sections of land, was the "benefit" to themselves "for traveling and increasing the value of their remaining country." Ironically, twelve years later they were being forcibly escorted out of their "remaining country" over the Michigan Road by one of the three commissioners.

In Governor Ray's message to the Assembly in 1830, he said that the separate cession opinion of the treaty was in complete contrast to that given the state by the previous secretary of war and that it was entirely out of record with the meaning of the treaty. About two hundred sections of land had already been selected and reported to the United States land office, he said, and awaited the order of the legislature to be sold. There were enough undisputed sections to take care of the expectations of contractors.²² "It was not fair to the State," Ray continued, "not to be allowed to benefit from the increased value of the lands all along the road to the Wabash—not merely about half the distance, in unceded Indian country." There were actually only about thirty miles of the road north of the Wabash now in unceded territory, since the Treaty of Carey's Mission of 1828. After checking at the land offices the following year, Polke found that about ten thousand acres of the most desirable lands had been lost to the state in the government land sales.²³

²² Governor's Message, *ibid.*, 1830-1831, pp. 10-36.

²³ Report of the Commissioner, *ibid.*, 1830-1831, App. D.

Noble was unable to begin his task until the first of June because Hanna, Polke, and McClelland had not finished their survey of the Madison-Greensburg route. Beginning at Madison, he laid off the road in one-mile sections. The whole length was to be under contract by the third Monday in July, so he was not able to survey all the way to the Wabash and return in time to advertise and let contracts. Therefore, he prepared notices, estimating the number of sections to be sold at each place.²⁴

On August 18, 1830, he wrote a report for publication to Messrs. Douglas and McGuire of the *Indiana Journal*. This letter and his official report to the Assembly furnish one of the clearest reports on the Michigan Road. He had finished the contracting on July 19, but his health had prevented his making a satisfactory report earlier. In letting the contracts for the 163 miles from Madison to Logansport, the Michigan Road fund had been made liable for the sum of \$62,070.30.

The bidding was good at most places. At Madison, Mr. Means' and Captain Lowe's, there were few bidders, and this led to higher averages and to bids in larger units being given to "capitalists." Where there were more bidders and interest was higher, the cost was greatly reduced. The grubbing of heavy timber deterred many of the smaller bidders and farmers. The bids were higher at Logansport than anywhere else due to the "extensive population which had set down in the midst of the unsold public lands where provisions and labor were unusually high."

The bids were higher than those on the National Road in the state, which had averaged \$220 per mile. Noble reported that some of the contractors of the National Road, "with other gentlemen from foreign counties," attended the sales along the line and bid for the whole number of sections that were offered at each place. In a few instances they were the successful competitors. For accepting and giving preference to their bids when they were the lowest, some exceptions were taken to Noble's course.

Governor Ray said the prices were higher than those on the National Road for two reasons: the use of scrip without any certainty of redemption, and the fact that the contracts had been let by the commissioner in larger units than

²⁴ Report of the Commissioner, *ibid.*, 1830-1831, pp. 92-93.

necessary, thus favoring the wealthy contractor and capitalist. The latter, he said, had benefitted to the extent of 30 per cent or more at the expense of the state. It was for this reason he had assented reluctantly to the law and since had regretted his consent.²⁵

The Senate Committee on Roads investigated the governor's charge of bad management by the contract commissioner. They called on Noble and, after examining his records, adopted a resolution that the commissioner had done his duty and produced a saving of the fund to the state.²⁶

After the government land offices had in October rejected the state's land selections, Noble reported that the action in refusing to recognize the lands selected by the commissioners and in selling some of these lands had caused difficulty among the contractors and hands of the road. They became discouraged at the prospects of redeeming their script in chosen lands and many quit work.²⁷

In a joint resolution, approved January 29, 1831, the Assembly addressed to Congress its grievances on the interpretation given the Potawatomi Treaty by the general land office and complained that it was a violation of the state's rights according to the treaty and under the Act of Congress of March 2, 1827, which confirmed the road grant to the state. The state was entitled, it said, to choose the most practicable route and select lands along the route or from any of those ceded in Article One of that treaty. Some criticism had been made in the land office of the adoption by the state of the longer survey of the road between the Wabash and the lake. Considerable space was given in the resolution to the explanation of the adoption of the indirect route. No complete survey of the road had ever been furnished to the land office, and the Assembly had earlier in December provided that a copy of the plat and field notes of the road showing its length be supplied to

²⁵ Governor's Message, *ibid.*, 1830-1831, p. 20.

²⁶ *Journal of the Senate of Indiana, 1830-1831*, pp. 144-45. To justify the "sweeping bids," Noble made a comparison with the lowest offers made for each mile by individuals who wanted only a mile and found a saving of \$5,611. The commissioner thought this should offset any criticism of "several individuals" who opposed his decision in accepting the contracts. See Indianapolis, *Indiana Journal*, August 18, 1830.

²⁷ Report of the Commissioner, *Journal of the House of Representatives of Indiana, 1830-1831*, p. 94.

the general land offices by the secretary of state. Polke was to see that a map of the route through the territory unsurveyed by the United States was supplied to the surveyor-general's office.²⁸ The resolution to Congress concluded with a request that the proceeds of lands already sold be refunded to Commissioner Noble.²⁹

Purchasers at government land sales took advantage of the chance to buy along the proposed route of the road, particularly in the 10-mile strip between the St. Joseph and Lake Michigan. Settlers and speculators preferred to buy in the ceded areas. Thus the United States was gaining while the state was losing most of the benefit from the increased value of the land along the road. To make the matter worse, it was becoming more difficult to secure permission from the Potawatomi to make other selections in the Indian country.

After addressing its grievances to Congress, the Assembly turned to the task of opening the remainder of the road from the Wabash to the lake. It was provided that the portion of the road between the town of Logansport and the county seat of St. Joseph County should be cut and opened sixty-six feet wide as soon as funds were obtained through the sale of Michigan Road lands and should be finished as soon as convenient. The reduction from 100 to 66 feet in the width of the road was made to lower the prices of the contracts which had been found to be much higher in the district of the heavy upstate timber. No contract was to be let for more than \$150 per mile. The conditions of the fund made it necessary not to place a definite limit on the time for having the road open.

This part of the road was to be cut and cleared in the same manner as the southern part; the creek banks were to be graded, the swamps and mud causewayed, and the road made passable for wagons. Noble was continued as contract commissioner and was given power to make such slight changes in the location of the road as should not increase the distance. He was to begin at Logansport and lay the road off in districts of not more than four miles; then he was to give four weeks' notice at Logansport and the county seat of St. Joseph County before letting contracts

²⁸ *Indiana Special Acts, 1830-1831*, 15 Sess., ch. CXXXIII.

²⁹ *Ibid.*, 1830-1831, 15 Sess., ch. CXLVIII.

at public outcry to the lowest bidder. The whole was to be under contract by the fourth Monday of August, 1831, if funds were available.

Although the price per contract mile was limited, there again was no provision to limit the letting of contracts in large units, and Governor Ray refused to approve the act but allowed it to become a law automatically after he retained it five days. Whether or not his lack of friendship for the Noble family influenced his action would be conjecture.

Contractors were to be paid in the same manner as before. Noble's bond was \$25,000, and each contractor was required to give bond for double his contract.³⁰

Almost at the same time, the Assembly passed one of the longest acts dealing with the Michigan Road. It was in seventeen sections, entitled "An Act concerning Michigan Road Script, Michigan Road Lands, and for other purposes," and was approved February 4, 1831. James Morrison, secretary of state, and Noble were authorized to issue smaller units of script—\$100 or less if necessary. The work of the Board of Commissioners under the act of January 29, 1830, was ratified; the board was abolished, and William Polke was made sole commissioner to carry out the provisions of both the former and the new act.

Polke was required to complete the selecting, surveying, marking, and numbering of the lands mentioned in the act of 1830, and to make five complete maps, plats, and descriptions of all said lands, showing the numbers, townships, ranges, water courses, and other necessary description including the lands already selected and surveyed, as well as the lands to be thereafter selected, and also to include "such lands of the United States as may have been or may hereafter be selected, and sanctioned by the general government." These plats and maps were to be deposited by the commissioner as follows: one to the secretary of the treasury of the United States; one to each of the offices of secretary, auditor, and treasurer of state; and one for his own use as commissioner.

The commissioner was required to offer for sale at Logansport at public auction on the third Monday in October in half-quarter sections all those lands selected, or to

³⁰ *Ibid.*, 1830-1831, 15 Sess., ch. LXXIII.

be selected in the Indian country or in sanctioned government lands. All the quarter sections adjoining the road were to be sold in north and south halves, and all the other quarter sections were to be sold in east and west halves. Three months' notice of this sale was to be given in one newspaper in Cincinnati, Madison, Lawrenceburg, Vincennes, Indianapolis, Lafayette, and in the *Ohio State Journal* of Columbus, Ohio.

All scrip was to be accepted as cash for lands. The sales were to continue from day to day until all lands had been offered or sold. A complete record of tracts sold, the purchaser and the amount, was to be kept by the commissioner, and copies were to be furnished to the auditor and treasurer of state within thirty days after the sale. Each purchaser was to be given an official certificate showing the number and description of his land, and this would entitle him to a patent from the state, signed by the governor and countersigned by the secretary of state.

If the commissioner discovered any combination between purchasers to cause any tract to sell for less than its true value, he was authorized to withhold it from sale. No lands were to sell for less than \$1.25 per acre, and the commissioner was not permitted to purchase directly or indirectly more than one section.

Commissioner Polke was to open immediately a correspondence with the general land office on the subject of the land titles, and to procure the necessary further survey of the land by the general government.³¹ This he did as soon as he learned of his appointment.³²

By an act approved March 2, 1831, Congress redressed the grievance of the state on the road land grant. The selections already made insofar as they remained unsold were sanctioned and confirmed. In lieu of lands already sold by the United States, other lands could be selected under the same authority as the first. The state was required to furnish to the general land office an accurate survey and plat of the entire road, and the land offices at Crawfordsville and Fort Wayne were to be notified of the new selections. No further sales would be made.³³

³¹ *Ibid.*, 1830-1831, 15 Sess., ch. LXXII.

³² Report of the Commissioner, *Journal of the House of Representatives of Indiana, 1831-1832*, App. D.

³³ *United States Statutes at Large*, IV, 473.

This act was an immense relief to the state. If the decision of the land office and treasury department had stood and the state had been compelled to select all lands from Indian country, they could not have sold the lands to the best advantage until the Potawatomi were removed from the state in 1838; and the uncertainty of the land question would have rendered the contracting more expensive and less certain of completion. Not more than sixteen sections of those selected in government lands were lost, and the financial outlook for the road was more promising. Final tabulations show that approximately half or more of the 267 sections acquired in the grant were located in United States lands.

On seeing the Act of Congress which confirmed the selections of land, Polke wrote General Tipton on April 2, 1831. He sent a copy of the letter to the general land office and then proceeded to Indianapolis to file his bond. In Indianapolis he learned that the law providing for his appointment had not been published by the authority of the General Assembly but had been published in an Indianapolis paper by request of a private person. As soon as the governor returned to Indianapolis to approve his bond, Commissioner Polke proceeded as if the law were in force. He employed Robert Brackinridge to make a complete set of maps and field notes with lands selected and parts sold to enable him to complete the selection and prepare for the sale.

In reply to his letter of April 2, Polke received from John M. Moore, acting commissioner of the general land office, instructions for completing the land survey and selection. He was advised that it was first necessary that he file in that office an accurate survey and plat of the entire road, showing connections with the sectional surveys. The map and field notes sent to the land office by the secretary of state the preceding winter were said not to meet the requirements of the Act of Congress or the law of the state.

Though the lands already selected in ceded territory had been confirmed by the Act of Congress on March 2, the land office still requested that all new selections must come out of the Indian lands in the state and that the width of 100 feet ceded for the road was in addition to the contiguous section for each mile only so far as it passed through

lands belonging to the Potawatomi after 1826. The contiguous sections had to be selected entire, except where fractions would make the whole more compact.

Upon receipt of these instructions, Polke employed a surveyor and necessary hands. He spent a few days exploring the Indian country in order to make judicious selections. When he returned from the lake, he wrote Tipton advising him of the land office instructions and asked if he could conciliate the Indians so that no difficulties would arise between the United States and the Indians.

Tipton replied that the selections had been made in

strict conformity to the understanding of the Indians at the treaty, and of those who made the contract with them, and that any further selection of lands out of the Indian country without their approbation will distress them.

Since there was no other alternative, he would render all assistance in his power to procure the lands asked for. He expressed the belief that the United States would "no doubt pay the Indians for these lands, if they were not embraced in the former cession made by them."

While Tipton was arranging for a council with the Indians, Polke made the survey of the road south of Indianapolis to Greensburg in order to have a map of the entire road for the general land office. On July 2, 1831, he sent a copy of all field notes and maps of the road to that office.

Tipton notified him that the council would be held on August 20 at the Potawatomi Mills, near the Tippecanoe in Indian country. This mill was the one built by the government for the Indians according to the terms of the treaty of 1826, and was located at the outlet of Manitou Lake.³⁴ They succeeded on the last day of August in getting partial consent from the Indians to select the required number of sections north of the Kankakee in the neighborhood of the Potawatomi residing near the Michigan Territory line.

To obtain consent of the Indians in the immediate vicinity of the lands, Tipton dispatched General M. G. Grover, sub-agent and an interpreter with Polke, with a letter to Colonel James Stewart, agent at Carey Mission in the Michigan Territory, with a request that he assist in procuring the consent of the Indians. To aid the mission, a great bar-

³⁴ Daniel McDonald, *A Twentieth Century History of Marshall County* (2 vols., Chicago, 1908), I, 55-56.

becue and "firewater" feast was held by arrangement with Chandonnais, a Potawatomi; and at a council on September 4, after considerable discussion, the Indians agreed not to molest the surveyors but wished it distinctly understood that they did not give their consent to the selections being made in their country.³⁵ They still objected to granting land for the road south of the Wabash. Polke reported that without the aid of Tipton, Grover, and Stewart, the lands selected could not have been obtained.

As soon as the surveying was finished, Polke prepared books and maps for the land sales. First, however, he checked the selections at the Crawfordsville land office on September 30, to avoid selecting previously sold lands. On October 4 all books and maps were ready for the sales. There remained to be surveyed only about two sections to complete the entire road grant. There had been 13,325.46 acres selected under the Act of Congress of March 2, 1831. The first sale of Michigan Road lands in October, 1831, amounted to 29,769.53 acres, and the average price per acre was \$1.65.³⁶

It was Polke's opinion that the price of land would increase greatly as soon as the road was opened. Much superior land was yet to be sold.³⁷ Only 29,769 acres had been sold out of the total grant estimated at 168,960 acres, leaving 139,191 acres to be sold. Most of the lands sold for scrip, not enough cash being available to meet the expenses of the commissioner. Almost all the scrip that Noble had issued was exchanged for land at the first sale.

Turning in his statement at the same time as Polke, Noble said that had he followed the law, only \$15,000 worth of scrip would have been issued. The land sales had been ordered for one month before the contracts of the undertakers were to expire, and few contractors had their work finished so they could collect their scrip. Noble issued \$49,000 in scrip to them in proportion to the amount of work done, to be used in competition at the sales.

The contractors had progressed as rapidly as the frequent rains of the summer and autumn permitted, and but for early winter he believed few sections would have remained un-

³⁵ Rollo B. Oglesbee and Albert Hale, *History of Michigan City* (La Porte, 1908), 73.

³⁶ Report of the Commissioner, *Journal of the House of Representatives of Indiana, 1831-1832*, App. D.

³⁷ Indianapolis, *Indiana Journal*, December 31, 1831.

finished on November 30, the day the work was to have been completed. Some contractors had been driven from the field by the weather, while others continued the work at the sacrifice of their resources and health. The commissioner, therefore, asked the "indulgence" of the Assembly for the contractors. The Assembly granted them seven additional months from November 30 in which to finish their contracts.³⁸

On the part of the road between the Ohio and Wabash, Commissioner Noble reported sixty-nine sections finished, sixty-three ready for inspection, and on the remaining sections three-fourths of the work was done.

Regarding the road north of the Wabash, Noble reported that that part of the road was not opened because of a peculiar conflict between his duties and those of Polke. Noble was to have the contracts let on the north portion by the fourth Monday in August if funds were available. Funds from a land sale in October could not be available in August. Since Polke had not yet succeeded in his conference with the Indians by the fourth Monday in August, Noble suspended the sales of the road until he received further orders of the legislature.

His total expenses were \$315, of which \$154 was his own salary³⁹ and the balance was for surveyors and assistants. Since only \$808.50 had been received in cash at the land sales, his and Polke's expenses were allowed from the treasury by the Assembly at the following session.⁴⁰

Thus, by the end of 1831, after one year, the "opening" or constructing of the Michigan Road between the Ohio and the Wabash was well underway. There were 132 of 163 sections cleared and grubbed according to the terms of the law of January 29, 1830, and the remaining thirty sections were almost completed.

The land selections were complete except for 1,174 acres, and the sales had averaged \$1,000 per section to apply to each mile of the road. In his farewell message to the Assembly in December, 1831, Governor Ray said that if the balance of the lands sold as well,

Contractors upon this road may congratulate themselves in the pros-

³⁸ *Laws of the State of Indiana, 1831-1832*, ch. XCI.

³⁹ Report of the Commissioner, *Journal of the House of Representatives of Indiana, 1831-1832*, App. C.

⁴⁰ *Laws of the State of Indiana, 1831-1832*, ch. CLXXXIV.

pect of speedy redemption of their scrip. The timber being removed from the road, this season, such improvements upon it the next, as shall make it passable, are required of necessity; which calls for an additional sale of the lands.⁴¹

Noah Noble ended his services as commissioner in 1831 when he was elected governor as successor to Ray. He began his political career as county sheriff at Brookville; he served as representative in the state assembly; he was appointed to the government land office at Brookville and Indianapolis by President Adams, from which office he was removed by President Jackson in 1829. In 1830 he was appointed contract commissioner on the Michigan Road in which capacity he was serving when elected governor on the Whig ticket in 1831. Like Ray, he was an internal improvements enthusiast. His record of efficiency as commissioner undoubtedly aided in his election as governor.

With the favorable outcome of the 1831 program lending confidence, the Assembly could carry on the plans for 1832 with greater assurance than before. The offices of the Michigan Road land commissioner and contract commissioner were united and the officer chosen by joint ballot. The commissioner was to hold two land sales in 1832, the first in June and the second in October. The requirements with few exceptions were the same as at the first sale of 1831. The commissioner was permitted to choose the place of the sale and to sell half-quarters or 80-acre portions. These half-quarters could be divided so that all pieces sold might lie on the road.

As evidence of the increased confidence in the financial situation, the commissioner was ordered to open the road between Logansport and Lake Michigan 100 feet wide instead of 66 feet as had been ordered in 1831. The expenditures on this part, however, were to be kept in proportion to the amount spent on the part south of the Wabash to Madison. The north end was covered with heavier timber on some of the route, but the prairie stretches were expected to keep the average cost down.

The sections were to be one mile in length, numbered from Logansport; they were to be sold by July 4, and finished by November 30. The commissioner could make minor alter-

⁴¹ Governor's Message, *Journal of the House of Representatives of Indiana, 1831-1832*, p. 17.

ations in the road. It was to be shifted slightly so as to enter on Michigan Street in the newly laid town at the lake terminal. On both the north and south divisions, creek banks were to be graded, swamps and mud causewayed, and sufficient bridges erected to make the road passable at all times for wagons. Not more than \$25,000 was to be spent on the southern end. Contractors were to be paid in scrip redeemable in land or cash from land sales.⁴² All scrip that was now in the treasury was required to be registered and burned.⁴³

William Polke was selected for the position of commissioner because of his knowledge of the work already begun. His salary was \$800 per year, and he was not to exceed \$700 per year for help. His bond was \$100,000. After the two land sales were completed, he was to establish an office where the unsold lands were to be held for sale. This office was to be in the north part of the state, and in 1832 Polke moved his family from Knox County to a new home about a mile north of the Tippecanoe River. This was the first frame house built on the Michigan Road north of the Wabash River.⁴⁴

Beginning at Madison early in the spring of 1832, Polke examined and measured the swamps, low grounds, streams, and the banks and hills on each mile in order to have descriptions of the required work for prospective contractors. In March he advertised the dates the contracts would be sold, and on April 16 the sales began at Madison. The twelve sales of the 163 miles from Madison to Logansport were made at various points along the road and were completed in sixteen days.⁴⁵

⁴² *Laws of the State of Indiana, 1831-1832*, ch. CXXVII, secs. 1, 3, 11-12.

⁴³ *Ibid.*, 1831-1832, ch. CLXXXIV.

⁴⁴ Mrs. Edward A. Rumley, of La Porte, Indiana, a relative of William Polke, states in a letter written in July, 1941, that this house was built in 1832 and still stands on the "main highway" north of Rochester. Inquiry reveals that residents of that vicinity are not now aware of its location or historic connection.

⁴⁵ Report of the Commissioner, *Journal of the House of Representatives of Indiana, 1832-1833*, App. A. The description of the work to be done on each section is the best means available for comprehending the nature of the work of building the Michigan Road. From Madison to Logansport there were 19 frame bridges built with a total length of 1,410 feet; 199 puncheon bridges, with a total length of 4,203 feet; 264 hills graded; and 12,646 rods of causewaying. The whole cost was \$22,850, an average of \$104.15 per mile.

Having placed the southern part under contract, Polke made a resurvey of the Logansport-to-Lake Michigan portion; he made a few minor changes and erected substantial mile posts. In June he held the land sale following the required two months' notices in the newspapers. This first land sale of 1832 was advertised to be held at South Bend, beginning June 4. The lands were to be sold in tracts as United States lands were sold, with variations in certain sections which the road passed through, to produce a sufficient sum to refund the state the amount advanced and the amount due for contracts heretofore let. A list of sections and the order in which they would be sold was given. Some were on Eel River "in the vicinity of the Wabash and Erie Canal," on which contracting had started in 1832. More than thirty townships were listed with numerous sections in each.⁴⁶

In the South Bend sales which lasted four days, 13,709.29 acres sold for \$18,134.29, an average of \$1.33 per acre. The highest price paid was \$7 per acre. The Black Hawk Indian alarm which occurred just two weeks previous to the sales injured the sales considerably.⁴⁷ Enough land was sold to redeem all scrip in circulation but not enough to reimburse the state treasury nor to secure the state debt. As a result the treasurer and auditor recommended, subject to the ruling of the legislature, that the northeast quarter or fractional quarter of each section be reserved from sale except for cash. This reserved about 27,680 acres to be sold for cash.

Between June 14 and 22, the Lake Michigan-Logansport sector was placed under contract. Polke divided this into five districts for the convenience of contractors.

The first district sale was at Stanton's in La Porte County, for fourteen miles, where the contracts averaged \$345.66 per mile, the highest on the entire road due to the large amount of marshes which could not be drained and were to be log causewayed, and 284 rods of turnpike over wet prairies that could be drained. At Lykin's on Lake Du Chemin the average was \$155.58. At South Bend where 32 miles were let, the average was \$315.50. This included two frame bridges, 140 feet long, 278 rods of puncheon cause-

⁴⁶ Indianapolis, *Indiana Journal*, March 31, 1832.

⁴⁷ *Ibid.*, June 16, 1832.

waying over "the worst description of prairie and cranberry marshes," and 22 puncheon bridges, in addition to log causewaying, ditching, and grading. The fourth sale at the Tippecanoe Crossing and the fifth and last sale at Logansport, which included one frame bridge, averaged \$273.81 and \$284.79 respectively.

The total cost of the contracts on the 102 miles from Lake Michigan to Logansport was \$29,382.92, an average of \$288.06 per mile. This average was \$195.38 less per mile than the average cost on the road between Madison and Logansport. About sixty-four miles of the south part, from Indianapolis to Napoleon, were on the Lawrenceburg state road which should have lowered the cost of improvements. This state road was not opened 100 feet wide, however.

The higher costs for the southern section were due to various causes. More work had been done on that part. Nineteen frame bridges were built on the 163 miles from Madison to Logansport and only five on the 102 miles from Logansport to the lake. On the south section 199 puncheon bridges were built and 264 hills graded compared to 87 puncheon bridges and 93 hills graded on the north section. It was necessary, however, to do more log and puncheon causewaying on the north sector. Too, in 1830, the uncertainty of the redemption of the scrip in good lands had tended to make the contracts higher. Governor Ray also contended that the letting of the contracts in large units made the rates higher than was necessary. Noble denied this and submitted evidence that his large contracts had saved the state money.

At the second land sale of 1832, held at Logansport on October 15, a total of 15,113.66 acres were sold for \$22,635.42. Polke's report gives the average as \$1.43 per acre, but it actually figures \$1.50. The highest price per acre paid for any land at this sale was \$4.50. Between the October sale and November 24, private sales were made through the Logansport office, totaling 9,219.84 acres for \$11,524.77.

Although no attempt had been made to trace or make a thorough report of the individual sales of the Michigan Road lands, it was notable that there were several large buyers. In the 1832 sales at South Bend and Logansport, John Walker of Shelby County purchased more than 5,240 acres for \$6,584. Walker was one of the four contractors listed by Noah Polke in justification of his "sweeping bids" contracts let in 1830.

The "Gen. Wilson" bids in the same report were ten times larger than John Walker's, but he evidently redeemed much of his scrip in cash rather than Michigan Road lands.

By taking the 67,652.47 acres sold, as shown in the 1832 report, from the total grant of 169,152 acres, there were left 110,719.27 acres to be disposed of by the General Assembly for the redemption of issued scrip, for scrip to be issued on present contracts, for the balance of the debt due the state, and for the further improvement of the road.

Scrip amounting to \$50,815.06 was issued in 1832 in payment of contracts. Added to the \$55,373.48 issued in 1830 on contracts entered into by Noah Noble, this made a total of \$106,188.53, of which \$94,177.72 had been redeemed. There was yet to be issued \$15,661.02 on the 1832 contracts.⁴⁸ The redeemed scrip was ordered to be registered and burned.

Governor Noble and the Assembly of 1832-1833 seemed to be well satisfied with Commissioner Polke's progress. Governor Noble commented that the "Commissioner . . . by economy and good management of the fund . . . has added all the improvements to that thoroughfare, which were contemplated."⁴⁹ Only two acts dealing with the road were passed. The first was merely a petition to Congress for a new district land office to be opened at a central point north of the Wabash to facilitate land sales for the emigrants pressing rapidly into the north section of the state.⁵⁰ A law providing for the opening of a land office at La Porte was passed by Congress on March 2, 1833. This office was moved to Winamac in 1839.⁵¹ The second act was a fairly short, blanket act supplementing the act of February 2, 1832, which covered the various needs for the continuance of work on the road. In compliance with Polke's request, the contractors were given nine months' further time to complete their work. This extension was needed especially on the road north of Logansport. The suggestion of the auditor and treasurer to reserve the northeast quarter of each section for cash sales was accepted and was to be effective until the amount due to treasury was paid. By July of the fol-

⁴⁸ Report of the Commissioner, *Journal of the House of Representatives of Indiana, 1832-1833*, App. A.

⁴⁹ Governor's Message, *ibid.*, 1832-1833, p. 14.

⁵⁰ *Laws of the State of Indiana, 1832-1833*, ch. CXCIX.

⁵¹ Logan Esarey, *History of Indiana* (2 vols., Fort Wayne, 1924), I, 391.

lowing year this debt was paid and this section of the act suspended. The commissioner was authorized to change the location of the road in Shelbyville so it would pass through that town on Washington Street. A \$25,000 additional appropriation out of the road fund was made for further improvements on the road between Logansport and the Ohio, unless the balance of the previous appropriation for the road north of Logansport should be found insufficient for that part. In this case, the commissioner was to expend the new appropriation in order to make the north part equally as good as the south. This work was to be done between the first of March and November.⁵²

In the season of 1833, Polke began at the Madison end and by June 12 had let contracts all along the road to Michigan City "as would be most beneficial" to make it equally passable. North of Logansport the contracts of the preceding year were not in such a state of completion as to make it desirable to let further contracts and only a few were let on this part. Little progress had been made through the marshes because of weather conditions and scarcity of labor.

The commissioner endeavored to have all the smaller streams substantially bridged, and he reported that all streams which occasioned serious obstruction to travelers were bridged except the White, Wabash, Eel, and Tippecanoe rivers. It would be up to the Assembly, he declared, to determine whether these rivers should be bridged or the money used for improving the road by further turnpiking and grading.

Scrip was again issued before contracts were completed, contrary to the law, but in many cases the work would have stopped without partial issues. The report shows that \$32,743.77 was issued in scrip to apply on contracts amounting to \$43,847.75, leaving payable only \$11,103.98 upon completion of work.

Of the \$43,847.75 expended on the road this year, \$26,643.25 was on that portion south of Logansport, which again exceeded the amount Polke was authorized to expend on that part, and he had not contracted for the full amount authorized north of that point. He was induced to pursue this course, he said, "from the anxiety of the public to have the road made passable at all seasons." In all, about

⁵² *Laws of the State of Indiana, 1832-1833*, ch. XXXIV, secs. 1-5.

forty frame bridges, from twenty to thirty miles of grading, and a number of rough bridges for the ravines and drains constituted the major part of the work completed on the road in this season.

In regard to the road between Indianapolis and Greensburg, on what was then called the Lawrenceburg state road and which was only sixty-five feet wide, he found that no authority was given him to take relinquishments from owners of land through which the 100-foot-wide road would pass and the owners were unwilling to leave open more than sixty-six feet. In one instance, objections made to erecting a bridge on the grounds that it was not in the proper place caused a suspension of the work. The commissioner employed the Decatur County surveyor to survey other routes and this bridge was finally erected across Clifty Creek at an entirely different place which was on better ground and which shortened the route nine rods.

The land sales from November 26, 1832, to December 3, 1833, were 36,495 acres, which brought \$45,618.75, an average of \$1.25 per acre. The expenses for the same period were \$2,149.88.⁵³

The state was gradually approaching her period of greatest enthusiasm for internal improvements. In stressing the vital need of improvements Governor Noble suggested to the 1833-1834 session of the Assembly, that the state borrow \$100,000 to \$150,000 for improving the rivers and roads. The upper Wabash area received further stimulus for settlement when Ohio's action in cooperating on the Wabash and Erie Canal was cleared up. Thirty-two miles of the canal were now under contract. Illinois had appropriated around \$12,000 for aid on this project, and Noble asked this state to do likewise.⁵⁴

The need for funds to carry out such improvements led the state, to memorialize Congress for the right to tax the Michigan Road lands, altering the compact made in the Constitution of 1816 not to tax lands sold by the United States for five years. The state contended that since the Michigan Road lands were not sold on credit and no payments were being made by the purchaser, no further reason existed for

⁵³ Report of the Commissioner, *Journal of the Senate of Indiana, 1833-1834*, pp. 130-31.

⁵⁴ Governor's Message, *Journal of the House of Representatives of Indiana, 1833-1834*, pp. 14-24.

not taxing them.⁵⁵ The next year the state authorized the counties to collect tax on Michigan Road and canal lands.⁵⁶

During 1834, Commissioner Polke continued the work he had begun in the previous year and provided for new improvements. Much work on previous contracts was incomplete, and contractors were given an extension of time until August 1. An additional appropriation of \$30,000 from the road fund had been made for the further improvements under the same conditions as those of 1833. All parts of the road were to be made equally good, and the commissioner was to make the improvements where he judged necessary. He was allowed to let either public or private contracts. In order to complete the widening of the Indianapolis-Greensburg section, he was given authority to open the road the full 100 feet wherever that had not already been done.⁵⁷

After new contracts of \$26,245.96 were made for the season, Polke divided the road into three districts and appointed a superintendent over each to inspect the work and enter into minor additional contracts as appeared necessary. This, it was thought, would provide better inspection of the work and assure stricter compliance with the terms of contracts. Over the first district from Madison seventy miles north, he appointed Daniel Kelso as superintendent; over the next ninety miles to Logansport, he appointed Horace Basset; and over the third and remaining division from Logansport north, he took charge himself.

The "uncommon emigration" to the North and the large amount of merchandise, principally salt and other heavy articles, transported from South Bend, Michigan City, and other places to the Wabash area on the unfinished road impeded progress, he reported; and it was "materially injured before it became sufficiently settled for carriages to pass with ease and facility."

He suggested that plain and substantial bridges be erected over the Eel and Tippecanoe rivers because of the inconvenience "especially during the winter on account of high water and ice," and it was believed an important stage line would pass along the road from Indianapolis to connect with the Detroit-Chicago route. These two bridges would com-

⁵⁵ *Laws of the State of Indiana, 1833-1834*, ch. CXX.

⁵⁶ *Ibid.*, 1834-1835, ch. LX, sec. 1.

⁵⁷ *Ibid.*, 1833-1834, ch. CXXV, secs. 1-2.

plete the bridging of all streams except the White and Wabash.

Polke did not mention any land sales in his annual report, but later reports show that he sold 34,071.08 acres for \$42,588.57 in 1834. He selected five new sections of land in lieu of previous erroneous selections under the act of Congress of June 28, 1834.⁵⁸ The new selections were made in the lands granted by the Potawatomi Treaty of 1832.⁵⁹

Most of the time of the Assembly in 1834-1835 was spent in framing legislation for a general system of improvements. The Assembly decreased the appropriations for the Michigan Road since the best part of the road lands had been sold. Only \$5,000 was appropriated for repairs and the \$750 allowance to the commissioner for assistants was cancelled. Polke was required to certify his new selections of 1834 to the United States land office, and provide for a public auction of lands not yet offered for sale; the auction was to be held at Chippewa in Fulton County in September, 1835, with a minimum price of three dollars per acre.⁶⁰

The Assembly in 1834-1835 made an investigation of charges against Polke that he had mismanaged the road fund and had been guilty of indiscretions in carrying out his duties. The charges were not proved. He was said to be within his authority in making partial issues of scrip since he was under bond to the state; and in the matter of the accusation that he had given large contracts to individuals and companies in conspiracies to secure unduly large numbers of contracts, the investigating committee found to its satisfaction that Polke's chief accusers were frustrated contractors.⁶¹ As proof of the fact that the Assembly was not suspicious of Polke, he was retained in office five years longer, until his task was done.

His annual report of 1835 indicates very little repairs made in that year, mainly because of the small appropriation. The total sum expended was \$9,045.24, of which \$4,998 was used on the road north of Logansport. A bridge was con-

⁵⁸ *United States Statutes at Large*, IV, 702.

⁵⁹ Report of the Commissioner, *Journal of the House of Representatives of Indiana, 1834-1835*, p. 106.

⁶⁰ *Laws of the State of Indiana, 1834-1835*, ch. CXVIII, secs. 1-2, 5, 8-9.

⁶¹ *Journal of the House of Representatives of Indiana, 1834-1835*, p. 476.

tracted for over the Tippecanoe River for \$1,390, which at the time of the report lacked a few weeks' work of being "passable."

The commissioner tried to secure the approval of the general land office on his newly selected lands before the September sale, but not all of the selections were approved. Since Polke was at this time "sick in bed," the secretary of state made additional selections, which, though not approved, were offered for sale at Chippewa. At this sale 5,103.48 acres were sold for \$21,304.27, averaging \$4.17½ per acre. This unusual price was chiefly due to the fact that these were newly selected lands which had not before been offered for sale. Adding the private sales of newly selected and old lands, the entire proceeds for 1835 were \$33,030.31.

After redeeming scrip in circulation and that to be issued on existing claims, there still remained for improvement of the road \$5,858 plus the value of the 16,481.25 acres of unsold lands estimated at \$20,601.25. The commissioner's expenses for this period, which he stated had been increased by his illness, were \$1,459.24⁶² By December 24, 1835, the total expenditures on the Michigan Road for construction, improvements, etc., were \$200,371.70.

In the first session held in the new Capitol building in December, 1835, Governor Noble reminded the Assembly that heavy rains and the constant use of "that great thoroughfare—the Michigan Road" while in its green state had so greatly injured the road that repairs were necessary. These would have to be made either from the estimated \$20,000 value of the remaining lands or from other sources.⁶³ The commissioner was directed to expend all funds he had or would have before November 30, 1836, on further improving the road. If contractors had not completed their work by September 10, suit was to be brought against their bonds. All records of the Michigan Road commissioner were to be turned over to the auditor; and on February 20, 1837, the office of commissioner was to be abolished. Polke was to receive \$450 for his services this year.⁶⁴

⁶² Report of the Commissioner, *Journal of the Senate of Indiana, 1835-1836*, p. 334.

⁶³ Governor's Message, *Journal of the House of Representatives of Indiana, 1835-1836*, p. 12.

⁶⁴ *Laws of the State of Indiana, 1835-1836*, ch. CXXXIV, secs. 1, 4-6, 9.

Some of the entries of late land selections had not yet been recorded on the books of the general land office in Washington, and the senators and representatives in Congress were instructed to have the proper entries of all Michigan Road lands made in the general land office and the proper certificate forwarded to the secretary of state.⁶⁵

In his report of 1836, Polke said that he employed local superintendents who hired hands and teams to make improvements in various places. Each contractor furnished a monthly report of work done. From Madison to Logansport \$9,234.35 was spent, and the expenditures north of Logansport were \$10,413.75. Owing to the increased price of labor and provisions, the contractors were not willing to furnish tools and these were furnished by the commissioner subject to the order of the Assembly. The commissioner stated that the experience of the past two years had proved that in rich, level lands a clay turnpike did not make a permanent road at all seasons of the year, so

the mode has been adopted of covering the turnpiking in the worst marshes with substantial timbers and then covering the timbers with a good coat of sand, or of the best material which could be had in the vicinity.

It was believed that after the road or causeways had been made and traveled upon to firmly imbed the timbers in the earth and keep them from the air, it would make a good road which would "last and be passable for many years."

Polke also reported in 1836 that several bridges were partially destroyed by high waters. One bridge on the seventy-sixth mile north of Logansport was entirely swept away and made the road "almost impassable." This was replaced with a permanent frame bridge. The heavy rains in September and October and the large number of loaded wagons on the road north of Indianapolis made several places nearly impassable, Polke reported, when he came over that portion in November.

Due to a few contracts being unfinished and to his increased duties, Polke said he was unable to make a complete report at that time but a supplemental report would be made in a few days. At various other times Polke had advised that supplemental reports would be made. If these were ever made, they were not printed in the documentary journals.

⁶⁵ *Ibid.*, 1835-1836, ch. CXC.

Polke furnished a recapitulation of the land sales along with this report. At the time of this report there remained, the commissioner said, only 1,840.9 acres of unsold land, and the Michigan Road fund was nearly exhausted.⁶⁶ The general government, however, granted new and more valuable selections in place of the ones sold by the district land offices and in places of certain worthless lands in the original selections, which not only gave the state some of the best selling lands, but made an actual conveyance of almost 900 acres in excess of the lands to which she was originally entitled.⁶⁷

Although the Michigan Road had as yet cost the state nothing, Governor Noble insisted in his message of December, 1836, that this road, because it was used for a very large portion of the trade and travel to and from the north districts, was of much value to the public and the state should assume its maintenance since the road fund was now almost exhausted.⁶⁸ The Board of Internal Improvements then in charge of Indiana's system of improvements was authorized to make a survey and estimate of the cost of improving the road from Indianapolis to Michigan City and report to the next General Assembly.⁶⁹

The legislature of 1836-1837 tried to wind up the affairs of the Michigan Road. Its improvement, of course, did not and has not yet ended any more than that of any used road, but it was desired to finish the few remaining land selections, expend the proceeds and conclude its standing as a special project.

William Polke was retained in office for a period of another year, until January 1, 1838, to carry out certain unfinished duties. He was to complete the land selections, secure titles to all without proper certificates, and to sell at the Chippewa office all unoffered lands at not less than \$5 per acre. Within thirty days after the close of the sale which was set for October 10, he was to deliver all money now or previously received to the Canal Fund commissioners

⁶⁶ Report of the Commissioner, *Journal of the Senate of Indiana, 1836-1837*, pp. 122-28.

⁶⁷ "Report of the Auditor of Public Accounts in Relation to the Michigan Road Lands," *Documents of the House of Representatives at the Twenty-Fifth Session of the General Assembly . . . of Indiana, 1840*, Doc. No. 53, pp. 569-75.

⁶⁸ Governor's Message, *Journal of the House of Representatives of Indiana, 1836-1837*, p. 21.

⁶⁹ *Laws of the State of Indiana, 1836-1837*, ch. XLIX, secs. 1-2.

to be held for improving the road. Any further funds received before the end of his extended term, January 1, 1838, also were to be turned over to the fund commissioners, and all the books and papers of his office were to be delivered to the auditor. His pay for this term was to be appropriated by the Assembly.

Appropriations of \$5,000 each were made for bridges over the Eel and White rivers. Five commissioners—Joseph Corbett, George B. Walker, Jordan Vigus, John Dodd, and William Sellers, all of Cass County—were appointed to erect a free bridge over Eel River at Bridge Street in Logansport. They were to receive \$25 each. Polke was to advance the \$5,000 as soon as construction commenced and the bridge was to be finished within eighteen months. The White River bridge at Indianapolis was to be finished within two years.⁷⁰

All the tools belonging to the fund were ordered sold at public auction under Polke's direction and the proceeds restored to the fund.⁷¹ The tools consisted mainly of axes, mattocks, and spades and were scattered along the whole length of the road in the possession and use of persons acting as contractors. Some were not returned, but the ones sold brought \$100.29.

The Michigan Road project lost much of its prominence in the internal improvements picture after 1834 because the attention of the state was concentrated on the program of the Mammoth Internal Improvement Bill passed in January, 1836. This \$13,000,000 state-supported program eclipsed the \$250,000 land grant Michigan Road. Some attention, however, was contemplated to be given the Michigan Road as the Internal Improvements Board was authorized to make a survey between Indianapolis and Lake Michigan to determine the cost of improving that part. The limitation of the survey to the north part may be explained by the provision in the Mammoth Bill for a railroad from Madison to Indianapolis.

At this time in Indiana there was no state highway department to assume the maintenance of state constructed roads; and when the state had exhausted the land grant revenue on the road, its upkeep was assigned to the counties through which it passed. In the appropriation bill of 1834,

⁷⁰ *Ibid.*, 1836-1837, ch. X, secs. 1-4, 7-8, 10-13.

⁷¹ *Ibid.*, 1836-1837, ch. XLVI, sec. 1.

the Michigan Road was assigned to district supervisors for repairs. By a similar act passed February 2, 1837, the road was turned over to the county boards who were to divide it into districts and appoint supervisors whose duty it was to call out the "liable" inhabitants along the road to make improvements as the supervisor deemed best.⁷²

There was considerable disappointment in some quarters at the lack of further appropriations by the legislature in 1836 and 1837 for improving the road. The Logansport *Herald* and the Logansport *Telegraph* complained of its condition and urged improvements. In October, 1837, the *Herald* quoted the editor of the Richmond *Palladium* who had traveled the road several times during the summer of that year and in the early part of the season found it almost impassable. He hoped the ensuing legislature would make liberal appropriations for its improvement.

Had emigrants any idea of the badness of this road they would not venture upon it, and we have no doubt that it does deter many from moving to the Wabash country. . . . The mails cannot be transported with any regularity, and for the greater part of the year stages do not pretend to go at all.⁷³

In December, the *Herald* reported through a letter from George Ewing of the state Senate that Daniel Yandes of the Board of Internal Improvements had not yet reported to the Assembly on the survey to determine improvement of the road. Ewing stated that he was opposed to Judge Polke's proposal to sell the road to individuals or to a company to improve it and make a toll road of it:

I recognize the Michigan Road as a state work of primary importance, and that it is in every respect deserving of the attention of the Legislature—by far more important to the whole state than many of the works provided for in the general system of improvement of 1836.⁷⁴

In the same issue, the editor became a little sarcastic in the following article:

Many plans have been suggested to better the condition of this road. —One proposes to Macadamise—another to make it a broad striped corduroy—a third thinks a tow-path should be thrown up and

⁷² *Ibid.*, 1836-1837, ch. XLIX, sec. 3.

⁷³ Logansport, Indiana, *Herald*, October 19, 1837, from Richmond, Indiana, *Palladium*, n. d.

⁷⁴ Logansport, Indiana, *Herald*, December 28, 1837.

the road might be navigable as a canal—a fourth proposes to build a hospital shed, from one end to the other to keep the rain off, &c.⁷⁵

On February 22, after the legislative session ended, the *Herald* dejectedly reported, “not a single dollar was appropriated for the Michigan Road, it is to be left in its present condition.”⁷⁶ When another appropriation bill for the improvement of the road was lost early in the following session of the legislature, the editor of the *Herald* gave vent to unrestrained indignation:

In the name of all that is just and righteous, what do the members of the Indiana legislature mean? Do they intend that the northern portion of our State, and the most prosperous—shall remain uncultivated and half wilderness as it is, for the want of a thoroughfare? . . . In truth one would think so. The Michigan Road, poor thing, is fated to decay, rot, and become a nuisance. . . .⁷⁷

Immediately after the passage of the act retaining him in office until January 1, 1838, Polke endeavored to arrange a final adjustment with the general land office of the “tedious and complicated business” of the road grant and the numerous discrepancies in land titles. On February 24, 1837, he received a report from that office which indicated some of the complications that arose between the state and general governments in connection with this problem.

Polke made the recommended new selections of 1,654.21 acres at once and attempted to get them approved before the land sale. He was unsuccessful in this, but the governor advised him not to postpone the sale. These unapproved selections were offered for sale at Chippewa on October 10, and 1,548.28 acres were sold at an average of \$5.85 per acre, or for a sum of \$9,056.70. This, added to the \$1,376.52 received for 1,101.27 acres of former selections sold privately during the year, made the annual receipts \$10,433.22. This left only 106 acres of the new selections and 739.98 acres of old selections to be disposed of.

Out of the receipts Polke advanced \$5,000, as he had been directed, to the commissioners of the Eel River bridge. This bridge was described as consisting of five stone pillars, two abutments twenty-five feet long, six feet thick, twelve feet high, and “65 feet from center to center.” The city

⁷⁵ *Ibid.*, December 28, 1837.

⁷⁶ *Ibid.*, February 22, 1838.

⁷⁷ *Ibid.*, January 10, 1839.

subscribed \$1,495 but more money was needed to complete the siding, "ruffing," and embankments.

As no person had been authorized to receive the appropriation for the bridge over the White River, Polke did not pay that sum. After paying the \$5,000 for the Eel River bridge, he turned over \$1,000 to Mr. Yandes on whose orders he later paid an additional \$900. Polke was again retained in office by the Assembly of 1837-1838 for the special purpose of selling the residue of the Michigan Road lands.

The Assembly appointed commissioners to construct the White River bridge for which an appropriation had been made at the last session. The road commissioner was to deposit this \$5,000 appropriation with the treasurer; after deducting 10 per cent of sales receipts for his own services, one-third of the balance was to be deposited for the White River bridge, and two-thirds for finishing the Eel River bridge. Polke's papers were then to be turned over to the auditor.⁷⁸

By an act approved ten days after the above act, \$200 were appropriated for Polke's salary for the past year. After he had deducted this sum, the balance of the funds and all matters connected with his office were to be settled without delay. The unexpended portion of the \$1,900 which the commissioner had placed in the hands of the Board of Internal Improvements for the survey of the road was likewise to be paid to the treasurer.⁷⁹

Although these acts were more or less contradictory, Polke ascertained that he was to continue in office to perfect the title and sell the remaining lands.

Polke's report of January 31, 1839, shows that he was able to sell the 106 acres for \$530, which, less 10 per cent commission, netted \$477 to the fund. He paid \$5,726 on the White River bridge and \$1,400 on the Eel River bridge. After paying these amounts, the auditor's and treasurer's fees of \$50 each, and deducting the \$200 provided for his last year's salary, he had left subject to the disposition of the Assembly, \$1,172.39. The 739.98 acres of old selections still

⁷⁸ *Laws of the State of Indiana, 1837-1838*, ch. LXXXVIII, secs. 1, 6-7.

⁷⁹ *Ibid.*, 1837-1838, ch. CCVI, secs. 1, 3.

remained unsold because of their poor quality and minimum price of \$1.25 per acre.

In this report, Polke made complaint that he had not been paid "in the same proportion that others engaged in public service are paid," and asked that a committee be appointed to investigate his claims. In the two years, 1836 and 1837, his efforts and correspondence with the general land office had resulted in the surrender of thousands of acres of refuse lands and made possible the selection and sale of much more valuable lands, which had profited the state to the extent of more than \$23,000. Although this exchange created much more work and expense to his office, his salary was only \$450 and \$200 respectively for the two years which he "could not believe was full pay" for his services.⁸⁰

As none of the 739.98 acres of remaining lands sold in 1838, Polke did not turn in his books. An act of February 16, 1839, which continued Banner Lawhead as commissioner to finish the White River bridge, directed the latter to correspond with Polke to find if any funds were available for that purpose. The Michigan Road commissioner was urged by this act to complete the sale of lands, if possible, by September 1. Lawhead was authorized to spend any balance of the funds improving the road wherever he judged it was needed.⁸¹

The last report made by William Polke, on December 13, 1839, shows that he was still holding for sale the 739.98 acres of land. He had secured and transmitted to the secretary of state the title to the entire road grant of 170,969.35 acres. He presented back claims of \$1,193 to the Assembly for the three years 1835, 1836, and 1837, against which he retained \$678.81, the unexpended balance of the \$1,375.78 received by him during the year, "to balance account." He stated in this report that a committee of the House had unanimously recommended the allowance of these claims, and again asked the Assembly to investigate his claim.⁸² No

⁸⁰ "Annual Report of the Commissioner of the Michigan Road," *Documents of the House of Representatives at the Twenty-Third Session of the General Assembly . . . of Indiana, 1838*, Doc. No. 38, pp. 649-55.

⁸¹ *Laws of the State of Indiana, 1838-1839*, ch. LXXXVII, secs. 1-4.

⁸² "Annual Report of the Late Commissioner of the Michigan Road, Relative to Michigan Road Lands," *Documents of the Senate of Indiana at the Twenty-Fourth Session of the General Assembly, 1839*, Doc. No. 4, pp. 131-36.

record was found to show that the state ever made any additional allowance to Polke in consideration of his claim. Instead, in an act of February 15, 1841, which provided for settlement with Andrew Wilson, contractor for the White River bridge, the clerk of the Marion County Circuit Court was authorized to pay to Wilson as part payment "about" \$136 when collected from a judgment against William Polke, late Michigan Road commissioner.⁸³ In an effort to verify the payment of this judgment, a letter of inquiry was sent to the clerk of Marion County, but the letter was not acknowledged; and a personal search through the old records of the county was incomplete when supervisors in the clerk's office forbade the employees to use their time in such work. An entry of a judgment case, "State of Indiana vs. William Polke," was found in the index to the civil dockets of Marion County. The act to provide for settlement with the commissioners of the White River bridge, passed by the Assembly in 1841-1842, authorized the auditor of the state to bring suit against any persons retaining any of the Michigan Road funds.⁸⁴

Since none of the residue of lands would sell for \$1.25 per acre, the Assembly provided in February, 1840, that they be auctioned at Logansport on the first Monday in September for not less than 62½ cents per acre. Polke was to hand over to Mr. Lawhead and Cyrus Taber of Cass County all records and books of his office.⁸⁵ This report of the last public sale of Michigan Road lands, which involved approximately four hundred acres, was apparently too insignificant when compared with the reports of the various agents of the Internal Improvement System in 1840 to be reported as a separate item. The Logansport newspapers, the *Herald* and the *Telegraph*, likewise neglected to mention the land sale. However, the annual report of the auditor of state, dated February 5, 1841, stated that only 330.28 acres of Michigan Road lands remained unsold, which indicated that 409.7 acres had been sold since William Polke's report of December, 1839. Of these 330 acres, the auditor estimated that 110 acres might sell for fifty cents per acre, but the remain-

⁸³ *Laws of the State of Indiana, 1840-1841*, ch. CLXIII, sec. 5.

⁸⁴ *Ibid.*, 1841-1842, ch. CXXXVIII, sec. 3.

⁸⁵ *Ibid.*, 1839-1840, ch. LIII, secs. 1-3.

der of the lands lay in tamarac swamps and was practically worthless.

In his report, the auditor stated that by reference to the record of the certificates of the United States for Michigan Road purposes, it appeared that the whole Michigan Road grant was 170,414.42 acres, but that the whole quantity granted to the state and entered in the tract books of the road commissioner was 170,580.24 acres, which showed that 165.82 acres more had been granted to the state than was due her. This report contains a list of sixty-four patents in which errors or discrepancies existed between the register of sales kept by the road commissioner and the register of patents kept by the secretary of state. These errors were either in the number of the patent, the description of the land, or in duplication of patents for the same land.⁸⁶ The correction of the sixty-four patents pertained to sales by the state, and failed to account for the excess of 165.82 acres.

The amount actually due the state under the treaty terms of one section per mile for the total length of the road as surveyed in 1830 and 1831, 265 miles and 12.75 chains, was 169,702 acres. The grant of 170,580.24 acres received by the state, according to the auditor's report, made a total of 878.24 acres in excess of the treaty terms. Most of the excess resulted from attempts by the general government to compensate the state for more valuable lands selected by the state and subsequently sold by the general government.

An act approved January 13, 1844, required all persons having any papers, vouchers, or maps of the late Michigan Road commissioner's office to turn them in to the auditor, who was to file and preserve them. All powers granted the commissioner were conferred upon the auditor. Any purchaser of unsold Michigan Road lands was to pay the state treasurer who would grant a certificate on which the secretary of state would issue a patent.⁸⁷ In 1852, any unappropriated Michigan Road land funds in the treasury or any funds that might arise from the sale of the remaining unsold lands were appropriated to the common school fund.⁸⁸

⁸⁶ "Report of the Auditor of Public Accounts in Relation to the Michigan Road Lands," *Documents of the House of Representatives*, 1840, Doc. No. 53, p. 570.

⁸⁷ *Laws of the State of Indiana, 1843-1844*, ch. LXXXVIII, secs. 1-3.

⁸⁸ *Ibid.*, 1851-1852, ch. XLVIII, sec. 1.

In 1914 there were still small parcels of unsold lands in La Porte, St. Joseph, Fulton, and Wabash counties, two of which needed legal surveys to determine bounds and areas.⁸⁹

The total value of these lands to the state, as shown by the auditor's and treasurer's reports in the documentary journals down to 1840, was \$241,331.90, and the expenditures on the road were \$242,008.04. The expenditures exceeded the receipts by \$676.14; however, a few scattered acres of land remained unsold. The receipts of the land sales and the expenditures on the road as figured from the commissioner's reports were \$252,136.87 received and \$251,848.36 expended, with a balance on hand of \$288.51. It would be impossible to determine the reason for this variation in the records without an exhaustive analysis of the reports and records. The difference may be due to the fact that the commissioner, after 1831, deducted his salary, office, and other expenses from the land sale receipts before sending the proceeds to the treasurer. From either report, however, it is evident that the Michigan Road, as it was in 1840 when completed according to the original plans, had cost the state nothing and had no part in the financial collapse associated with the System of Improvements of 1836.

The Michigan Road lands were located and mapped in 1914 by George Pence, field examiner of the State Board of Accounts, under an act of 1909 which required the land department of the auditor's office to make a complete record of the Michigan Road land patents.⁹⁰ This was done because the records which had been made under an act of 1846 had been lost or destroyed.

The Michigan Road, insofar as it was built by the proceeds of the land grant in the Potawatomi Treaty of 1826, was largely constructed in the years 1831 to 1835. The major portion of the fund was spent on the road in that time. After the road was opened, that is, the right of way was cleared and grubbed, every expenditure was classed as an improvement; and from the day of the first "opening" near Madison in 1830 to the present, improvements of some

⁸⁹ George Pence, Report on Michigan Road Lands (Indiana State Library, Indianapolis, 1914), 4. This report was made by the State Board of Accounts to correct titles and records of the Michigan Road lands. It lists the acts dealing with the road and the surveys and contains blue prints of the Michigan Road lands in each of the twelve counties in which they are located.

⁹⁰ *Laws of the State of Indiana, 1909*, ch. XXXI.

kind have been made on some part of the road practically every year. The part between Indianapolis and Logansport, where the heaviest per mile expense was found during 1830 to 1840, still has a reputation for being consistently closed for improvements. Much of it is of asphalt construction, and the heavy trucking it receives from the north central part of the state leads to frequent need of repair.