Territorial Legislator and Politician

Under the Ordinance of 1787 as amended, the initial government of the "Territory North-west of the River Ohio" was vested in a governor, a secretary, and three judges, all appointed by the President. These officials were authorized by the Ordinance to adopt and make operative such laws of the original states as were necessary and most suitable for the peace and prosperity of the Territory. Although Governor St. Clair interpreted this authorization strictly, the judges in general took the position that they were authorized to adopt any laws not repugnant to those of the original states, and this was the policy followed prior to 1799, when the Territory moved to a government of the second stage with a representative assembly. Hence, there was friction between the governor and the judges, and also between them and Secretary Winthrop Sargent, who was acting governor during most of the period.

Moreover, the governor appointed all justices of the peace, who constituted the County Court of General Quarter Sessions of the Peace. These county justices, in addition to their judicial functions, administered local government by appointing constables, surveyors, supervisors, clerks, overseers of the poor, and commissioners. Through the constables they controlled assessments and taxes, and they also supervised the laying out of roads, the administration of poor relief, and the granting of tavern, ferry, and trading licenses.

The settlers, who were anxious to establish local self-government, resented the slowness with which laws were adopted and legal procedures established relating to land, Indian policy, local government, and everything else which needed regulation. This was a period of Indian wars, town-making, land speculation, and the establishment of commercial and business enterprise. The settlers made heavier demands on the new government for legislation than it had time and ability to satisfy, and they had little sympathy with the tasks faced by the governor and judges in enacting laws for the enormous area and the many settlements under their jurisdiction. The two objectives almost all settlers sought to reach speedily were an elective assembly which could legislate in conformity with their wishes and a state government with full sovereignty. They wanted the impotent, dilatory, and
tyrannical government by governor, judges, and justices of the peace to be replaced as soon as possible by one made up of persons of their own choosing.

The movement calculated to eventuate in statehood for the Northwest Territory had begun as early as 1790, but the Indian wars delayed it for a decade. However, after the Treaty of Greene Ville in 1795, following Anthony Wayne's defeat of the Indians, frontier life was less precarious; immigrants swarmed to the West, and statehood was again agitated. Kentucky and Tennessee had shown the way, and Chillicothe settlers, largely Virginians and true republicans at heart, demanded a government of the people. In Hamilton County, also, the movement was especially strong; as early as 1797, committees of correspondence were organized there to attain the objective of self-government.

It became apparent, however, that in any division of the Territory as authorized by the Ordinance of 1787 all local interests might not be served. For instance, if a dividing line were run from the mouth of the Great Miami northward, Cincinnati would find herself on the corner of a division, a position which meant geographic disability for leadership and for selection as the seat of government. Moreover, the influx of settlers to the Scioto country threatened to make that area the center of political and economic activities to the detriment of Cincinnati and Marietta. The problem of local interests was further complicated by the fact that the divisions must not be too small or statehood would be delayed—although from a purely administrative standpoint, the more divisions the better. Statehood would be postponed if the line were drawn at the Scioto; and if location were the criterion, Marietta, at the mouth of the Muskingum, would be the seat of government for the easternmost division. In addition to delaying statehood, such a partition would destroy Chillicothe's opportunity to become a seat of government because that town would be placed at the extreme edge of the second area. Cincinnati might well be the capital of such a second area if the second division line were run north, not from the mouth of the Great Miami as specified in the Ordinance of 1787, but from the falls (Louisville) or from the mouth of the Wabash or thereabouts. However, political considerations and the confessed inability of St. Clair, the judges, and Secretary Sargent to administer the immense territory to the satisfaction of the people made an early division very desirable.

In the meantime, the republican element demanded a representative government; Governor St. Clair admitted the legitimacy of the claim under the Ordinance, which specified that the Territory might pass to a government of the second class when it had 5,000
"free male inhabitants of full age." This concession was made, the question of division being for the time held in abeyance. On October 29, 1798, St. Clair, therefore, issued a call for the election of a territorial legislature on the third Monday in December.\(^1\) Ross County was allotted only one representative by this order but later was permitted two, and Worthington and Edward Tiffin were elected.

The delegates from the nine counties constituting the Territory assembled in Cincinnati, February 4, 1799, and Governor St. Clair addressed them the same day. He pointed out that in conformity with the Ordinance of 1787 their first duty was to nominate ten persons from among whom President Adams would choose five to constitute the legislative council. He then advised the legislators to appoint a speaker and other officers and to begin the formulation of necessary legislation which, when completed, could await action by the council as soon as its composition was known. He added somewhat sardonically, "You will find, gentlemen, that the business which will come before you is of considerable magnitude." He explained that many of the laws adopted by the judges, including "nearly all the laws relating to crimes and punishments," were probably illegal, for they had not been adopted bodily from the codes of other states as the ordinance had specified but had been created by the judges in an illicit assumption of a legislative power. He had been compelled to acquiesce in their enactment at the time, but he felt sure one of the first duties of the new assembly would be to repeal these questionable laws and adopt new ones. He pointed out that since many members had come extremely long distances, it seemed unwise for them to go back home only to reassemble at an early date to continue the session. He assured them, again tartly, that in legislating for the Territory it would not be difficult to fill any such interval with plenty of hard work.\(^2\) The delegates made their ten nominations and "promptly" adjourned, having agreed to meet again on September 16.

Ross County citizens meantime protested so loudly that they did not have their fair share of representatives that on August 3, St. Clair allotted them two additional seats, and Elias Langham and Samuel Finley were elected to occupy them.\(^3\)

The territorial legislature was supposed to meet September 16, but the delegates from Detroit and the Indiana and Illinois country had

\(^1\) Territorial Papers, III, 514.
\(^2\) Emilius O. Randall and Daniel J. Ryan, History of Ohio (5 vols., New York, 1912), III, 37-38; Smith, St. Clair, I, 207 et seq.
\(^3\) Territorial Papers, III, 521; Burnet, Notes, 289-92.
not arrived by that date. Worthington reached Cincinnati on the seventeenth with his wife and baby. William Henry Harrison, Winthrop Sargent's successor as territorial secretary, entertained them in his new home at North Bend. Although the delegates drifted in slowly, on September 23 a quorum was present. Henry Vanderburgh, a former Revolutionary War officer and later a judge of Indiana Territory, was elected president of the council. Tiffin was elected speaker of the house, and a working organization of committees was established, Langham, Worthington, and John Smith constituting the important committee on rules and regulations.

Governor St. Clair appeared before the legislature on September 25 and in a very able speech called the attention of its members to the legislation necessary for the good government of the Territory. He repeated his advice that most of the existing laws of the Territory should either be repealed or reenacted to make them legal. He very properly urged the immediate enactment of revenue laws, establishment of an effective militia system in order that all communities of the Territory might be safe from Indian depredations, provision for the erection of public buildings, and regulation of interest rates. He urged that action be taken to induce Congress to vest in trustees the supervision of lands reserved for schools and places of religious worship; he specifically mentioned that John Cleves Symmes (William Henry Harrison's father-in-law) had not yet set aside a complete township for academies and schools from the Miami Purchase as his contract with the federal government had stipulated; and he stated that if action was not taken on the matter, the state might suffer a great loss. Laws for the repression of "vice and immorality, and for the protection of innocence and virtue, for the security of property and the punishment of crimes" were of particular urgency, and afforded this delegated body a "sublime employment" for the welfare of both present and future generations. Finally, he declared that one of the most important duties of the assembly was to choose a delegate to represent them in the Congress of the United States, where for the first time the voice of the people of the Territory might be heard, their causes pleaded, and their grievances redressed.

The addresses made in answer by the houses were mild and polite; the legislators pledged their attention to the suggested subjects, and peace seemed to reign. They followed the Governor's advice by

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4 Peter, Private Memoir, 39.
6 Ibid., 7-11; Smith, St. Clair, II, 446-57.
speedily reenacting a considerable body of legislation which had been in force under the previous government. In addition, it was unanimously determined that Virginia soldiers should not be permitted to bring their slaves with them to the territory. In all, some thirty-nine acts of an ordinary nature were passed and approved. These varied from a tax on land—the chief wealth available for revenue—to one levying a fine of fifty cents to two dollars for hunting, fighting, or indulging in "worldly employments" on Sunday, and another which placed a tax of fifty cents to two dollars on all able-bodied bachelors who did not own taxable property in the amount of $200. In general, the code was an excellent one, combining the best political practice of England and the American states with a generous sprinkling of frontier ingenuity and Puritan morality.

Scanty as are the facts in the official journals, it is evident that there was a clear realization of the opposition of political forces in the legislature. If the representatives had claimed and secured a certain measure of authority in this second stage of territorial government, St. Clair's power had also been increased. The Ordinance elevated him from his position as one of four legislators and executives to a status in which he commanded a third of the legislative power through the unlimited veto formerly exercised by Congress; his executive power was greatly increased, for now he was authorized to call, prorogue, and dissolve at will the representatives of the people. Moreover, he still held control of the patronage, appointing practically all civil and military officers of the Territory and issuing licenses for taverns, marriages, and so on—thus wielding an almost dictatorial power. He was the leader of a very considerable group in the legislature made up of Federalists and supporters of the Adams administration who for personal and political reasons found it desirable to oppose the Jeffersonian Republicans.

The first contest in the Assembly came over the election in joint session of a delegate to Congress. The Republicans nominated William Henry Harrison, while the Governor's party tried to elect Arthur St. Clair, Jr., the Governor's son. Harrison was elected on October 3 by a vote of 11 to 10. Sol Sibley wrote Paul Fearing the same day that if the delegates from Washington and Wayne counties had been there, St. Clair would have won. As things were, the Republican
coterie was successful in elevating an able partisan to a position where he could represent their best interests with a Congress which was known to be friendly. Harrison was pledged to work for a new land law which would make it possible to buy Ohio land in quantities of less than a section, to secure from Congress immediate authority for the use of school lands for education, and to obtain a law to set aside for statehood that part of the Territory lying east of a line drawn north from the mouth of the Great Miami—the last in conformity with a provision in the Ordinance of 1787.

The real conflict came, however, over the establishment of counties and the designation of boundaries and county seats. The Republicans held, not without reason, that the power to regulate these matters had passed to the legislature on its organization. They made the location of the seat of government for Adams County a test case. The bill which moved the county seat from Washington to Manchester was presented to St. Clair on December 5.\textsuperscript{10} Several new counties were created, and the boundaries of a number of others were changed. Pushing the advantage, Worthington introduced a bill on November 28 for a census of that part of the Territory east of the Great Miami. This was undoubtedly the first official step toward statehood, and the design of the Scioto delegates to make Chillicothe the state capital was evident. Nevertheless, the bill passed and was presented to St. Clair for his approval.\textsuperscript{11}

On December 19, the last day of the session, St. Clair sent his famous veto message in which he explained why he had not signed eleven of the thirty-nine bills passed by the legislature. He refused to establish Manchester as the county seat of Adams County because, he said, the majority of the people wanted it at Washington. He refused to sign the bill for the proposed census because it contemplated a division which the legislature had no authority to make. He vetoed several acts establishing new counties on the ground that the legislature had usurped a power which belonged to him alone. Two bills regarding the licensing of taverns and marriages (which incidentally took from the Governor the right to collect fees) were declared invalid because, St. Clair asserted, they were no improvement over existing statutes, and they would permit, in the one case, the marriage of minors, and, in the other, the multiplication of taverns, especially

\textsuperscript{10} House Journal, 1799, 51, 81, 149, 205, 210; Journal of the Legislative Council of the Territory of the United States, North-West of the River Ohio... 1799, 51. Hereinafter cited as Council Journal, 1799.

\textsuperscript{11} House Journal, 1799, 125, 128, 147.
in the country; each of these pieces of legislation, he held, would adversely affect the "industry and morality of the people."\textsuperscript{12}

Thus the body of issues between the Governor's conservative party and the popular party of progressives was clearly defined. To Governor St. Clair the major issue was the preservation of the status quo by defense of the national administration, by control of the patronage, and by the maintenance of the aristocratic philosophy of Federalism; to the popular party the major issue involved the overthrow of the Governor's régime, seizure of the patronage, the acquisition of local and territorial control, with almost immediate statehood, and aid to the cause of Jefferson on the national scene.

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St. Clair took the attitude—a familiar one in the annals of the Federalist party—that the Ohio people were not fit for local self-government, much less for statehood. He particularly disliked the Virginia element and agreed with Winthrop Sargent that they were "very licentious & too great a proportion indolent and extremely debauched"—a striking contrast to the excellent New England settlers or even to the French on the Wabash and the Mississippi, or at Detroit, who were "upright and Docile ... [the] equal [of the New Englanders] in their mind and manners ... but not ... [as] industrious."\textsuperscript{13} At the very time the first territorial legislature was meeting, St. Clair characterized the citizens of the area northwest of the Ohio River as

\textit{a multitude of indigent and ignorant people ... ill qualified to form a constitution and government for themselves ... [and] too far removed from the seat of government to be much impressed with the power of the United States. ... Fixed political principles they have none, and though at present they seem attached to the General Government, it is ... but a passing sentiment ... and ... a good many ... hold sentiments in direct opposition to its principles. ... Their government would most probably be democratic in form and oligarchic in its execution and more troublesome and more opposed to the measures of the United States than even Kentucky.}\textsuperscript{14}

When it came to individuals, Republicans (Jeffersonians) were no less obnoxious to St. Clair. James McMillan would do as delegate to Congress, he wrote President Adams on January 27, 1800, for "tho' he has rather leaned toward democracy, I can say with truth he has always been moderate."\textsuperscript{15} Regarding militia appointments, he wrote

\begin{itemize}
  \item \textsuperscript{12} \textit{Ibid.}, 205-206, 209-10; Smith, \textit{St. Clair}, II, 474-80.
  \item \textsuperscript{13} Sargent to Pickering, September 30, 1796, in \textit{Territorial Papers}, II, 578.
  \item \textsuperscript{14} St. Clair to James Ross, n.d., in Smith, \textit{St. Clair}, II, 482.
  \item \textsuperscript{15} Letter in \textit{Territorial Papers}, III, 75.
\end{itemize}
Secretary of State Pickering on March 30, 1800, “Nathaniel Massie commands [in Adams County], an active intelligent man, and by far the most wealthy in the County, but a little tinctured by democracy. Next to him stands John Bell, a well informed Man and clear of those prejudices.” People “tinctured by democracy” seemed to be plentiful in the Ohio country in 1799 and 1800, and they heartily resented the attitude of St. Clair and his friends. Their resentment was to grow until it finally retired him to his native Pennsylvania. Like the Federalist supporters of John Adams in Congress, St. Clair did not grasp the fact that aristocracy was on the wane and frontier democracy on the rise. When he was defeated for governor of Pennsylvania in 1790 by a ratio of ten to one, he should have realized the trend. In 1798, when he threatened to run for Congress from his west Pennsylvania district, his friend James Ross dissuaded him. Ross reported that there was no Federalist party there; that all the candidates against whom he would have to run were leaders in “the great universal mass of insurrectionary anti-federalism, Jacobinism, or whatever you please to call it.” He would not have a chance “unless the Sansculottes should quarrel among themselves.” St. Clair was able the same year, however, to support the Federalist cause by writing two pamphlets to combat the spread of democracy and defend the Alien and Sedition Acts; President Adams was warmly grateful.

Governor St. Clair watched the course of that incendiary movement on the Continent, the French Revolution, with trepidation and disgust. For ten years he had seen certain portions of the American people manifesting the same sort of demoniacal tendency. He loathed and feared the Cincinnati citizens who could toast the “San Culottes of France and the cause of Liberty triumphant” or could express the wish that that “old harlot of aristocracy—May she speedily be dunned out to the tune of Ca ira,” and he abominated the sentiments of one “Dorastius,” who could describe St. Clair’s government (before 1798) as “oppressive, impolitical, and altogether improper and . . . entirely opposite to those rights and privileges belonging to free men.”
Plans were now formulated to get rid of St. Clair as the chief obstructor of statehood. Worthington was delegated to go to Philadelphia to help Harrison secure a division of the Territory at the Great Miami. It was hoped that a new governor would be appointed for the projected eastern division. St. Clair was welcome, if a place must be made for him, to continue as governor of the rest. Worthington left Chillicothe on December 30 and, with Harrison, laid plans to push a division law through Congress. Senator James Ross of Pennsylvania, despite his political views, had for some time favored a division of the Territory in anticipation of statehood, for he had helped found Steubenville and had large land holdings in Ohio which would appreciate in value with an increase of population. Harrison and Worthington built on his support and that of their Virginia friends, Congressman William B. Giles and Senator Stevens Thomson Mason. Others who could be relied on to aid their cause included Robert Goodloe Harper of South Carolina, Abraham Baldwin of Georgia, and Joseph Anderson of Tennessee. Harrison was the tactful performer in Congress, and Worthington worked as a lobbyist. Their immediate plan had three purposes: to secure the division of the Territory at the Miami, to make Chillicothe the capital of the eastern division, and to get rid of St. Clair. They were aided in their division plan by a petition from the Illinois country asking that that area be permitted to revert to a government of the first stage with a division at the Great Miami.

Since Governor St. Clair objected strenuously to such a division, he sought to influence Harrison to support a triple partition by means of a line due north from the mouth of the Scioto and another due north from the southern terminus of the Greene Ville Treaty line. He warned Harrison that "almost any division into two parts must ruin Cincinnati." St. Clair's real sentiments were expressed in a letter to Secretary of State Pickering, in which he boasted that he wished to procure a division of the Territory so that no part of it could obtain statehood for a long time because any such state or states would oppose

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23 Worthington to Massie, December 27, 1799, in Massie, Massie, 154; St. Clair to James Ross, December, n. d., 1798, in Smith, St. Clair, II, 480.
24 Randolph C. Downes, Frontier Ohio, 1788-1803 (Ohio Historical Collections, III, Columbus, 1935), 174.
25 Territorial Papers, III, 76; Harrison to Massie, January 17, 1800, in Massie, Massie, 156.
26 St. Clair to Harrison, February 17, 1800, in Territorial Papers, VII, Indiana Territory, 4-6.
the Adams administration. Confusing party pride with patriotism, he asserted in another letter that any state from the Northwest Territory would be "as unfriendly to the United States as possible."

Despite formidable opposition, Harrison gallantly pressed through Congress, May 7, 1800, the Division Act which created the Territory of Indiana west of a line from a point opposite the mouth of the Kentucky River to Fort Recovery, thence due north to the Canadian boundary. The Act also provided that as soon as the eastern division, which retained the name Northwest Territory, became a state, the line should start at the mouth of the Great Miami in accordance with the Ordinance of 1787. The Indiana Territory was allowed to drop back into a government of the first stage with a promise that whether or not it had 5,000 voters, it could have a territorial legislature and government of the second stage whenever a majority of its voters wished. The Act also provided that Chillicothe should be the seat of government for the eastern division and Fort Vincennes for the western.

The people of the Scioto country and the Vincennes region favored this division, as did also, probably, a majority of those in the Indiana-Illinois country; but Hamilton County was in large measure offended. Harrison himself was displeased, or at least pretended to be to his Cincinnati neighbors, by the establishment of Chillicothe as the seat of government. He believed that the determination of this matter should have been left to the territorial legislature.

That the Chillicothe party could have obtained this favor over Harrison's objection seems strange. He had been warned by St. Clair that the division alone would ruin Cincinnati. How much worse was the establishment of the capital elsewhere! His appointment as governor of the Indiana Territory and his extraordinary success in securing the passage of the Land Law of 1800 during the same session may have helped him reach his decision, or else Worthington's work behind the scenes was more potent than Harrison had wished it to be. So far as the records show, however, the two were in perfect agreement. The major appointments under both the Division Act and the Land Law went to the Republicans, and Harrison was regarded, at least by un-

27 Referred to in a letter from Worthington to Jefferson, January 30, 1802, in Smith, St. Clair, II, 570.
28 St. Clair to James Ross, December [20], 1799, ibid., 483.
29 Territorial Papers, III, 86-88.
30 Annals, 6th Cong., 1st Sess., 593; Territorial Papers, II, 578; III, 76-77.
31 Harrison said he introduced the bill because of the flood of petitions favoring it. Harrison to his constituents, May 14, 1800, in Logan Esarey, ed., Messages and Letters of William Henry Harrison (Indiana Historical Collections, VII, Indianapolis, 1922), I, 12-18, reprinted from the Western Spy (Cincinnati), June 11, 1800.
biased Republicans, as having “come forward very handsomely.”

Worthington would have preferred the transfer of St. Clair to the Indiana Territory, but he entertained the hope that St. Clair would not be reappointed governor of the Ohio area.

The “politicians of Cincinnati” were greatly disappointed by the loss of the seat of government, the present location of which, they felt, would, as Senator John Brown of Kentucky had written Worthington in May, probably prove permanent. They began immediately to consolidate their forces with those of Marietta and the Federalist party in general to compel a redivision so that Cincinnati would become the natural center, geographic and political, of the area to the east and west of that rapidly growing town. Washington County was promised the delegate to Congress if it would unite in bringing a capital to Cincinnati. Moreover, a new division of the Territory at the Scioto would practically guarantee Marietta the seat of government for the eastern division. St. Clair was to be retained as governor of one section or the other.

Such was the situation when the assembly met at Chillicothe, November 3, 1800, Tiffin, Langham, Worthington, and Finley representing Ross County. The members assembled on the first floor of the largest house in town—“Abrams’ big house,” a two-story log structure erected in 1798 by Bazil Abrams at the corner of Second and Walnut streets—in a room hitherto used as a courthouse, a church, and a singing school. The upper chamber contained a billiard table, and was a place of recreation for the legislators and local worthies who liked to drink and gamble, although they could usually be found in larger numbers at Joe Tiffin’s tavern, the “General Anthony Wayne,” or at Tom Gregg’s “Green Tree.” On November 5, St. Clair addressed the legislature. He stressed the fact that he might not meet with them again since his term of office expired December 9. “I well know,” said he concerning his reappointment, “that the vilest calumnies and
the grossest falsehoods are assiduously circulated among the people with a view to prevent it."  

The reply of the house to St. Clair's address was so mild and approving that the Chillicothe party tried to defeat it, but they were outvoted 10 to 7. The amiability of its tone toward one on whom they had declared war enraged the Chillicothe group, but more particularly were they offended by the fact that the response expressed surprise that the seat of government had been moved to Chillicothe by action of Congress. The move was no surprise to Worthington's group.  

On November 11, Massie introduced a resolution for the appointment of a joint committee to draw up an address to the Governor. Massie, William Goforth, Worthington, and Paul Fearing were appointed from the house and James Findlay from the council. The address as adopted showed a definite tendency to restrict the governor's powers. It claimed, first, that the establishment of an elected legislative body had transferred to that body the power of laying out counties. Second, it demanded that thereafter the governor return for reconsideration, within ten days, any bills of which he did not approve.  

This address was both conciliatory in tone and threatening in spirit. Its aim was to curtail St. Clair's control by taking from him two of his chief powers, the laying out of counties and the absolute veto. It was mild enough to gain the approval of the legislature's moderates, and radical enough in its effect on the governor's authority to satisfy the Republicans temporarily.  

St. Clair snapped at the bait. In his reply, November 24, he maintained that the ordinance vested in him the power to lay out all new counties. "It may be true, gentlemen, that this power might have been better vested in you. . . . I will not dispute it. I will only observe that the Congress did not think fit so to vest it." The Governor turned a deaf ear to the legislators' request in regard to his veto power and refused to promise that any bills of which he disapproved would be returned for revision and reconsideration. He upheld the right of his "absolute negative" and accused the legislators of endeavoring to convert it into...

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34. Ibid., 31, 38, 40.


“a kind of qualified negative.” “You do not require, indeed,” said he, “that, should the objections be deemed of little weight, your acts may become laws without the assent of the Governor,” but he accused them of having that purpose in mind. He warned them that he would never yield or compromise his veto right until Congress changed the law or redefined the governor’s powers.\textsuperscript{39}

The first major test of strength between the Governor’s party and the group made up of his enemies, sometimes called the Chillicothe junto, was the election of a delegate to Congress to succeed Harrison. Operating according to preconcerted plan, the Governor’s coalition party was able to elect William McMillan of Hamilton County for the unfinished term and Paul Fearing of Marietta for the full term.\textsuperscript{40} Unfortunately for the peace of the coalitionists, when it came to moving the capital to Cincinnati, Marietta was not willing to agree; until the new division had actually been made, it seemed desirable that no permanent seat of government be chosen. The second significant geographic partisan contest hinged on where the next session of the legislature should be held. A bill passed the council on December 3 providing for the alternation of all future sessions of the territorial legislature between Cincinnati and Marietta, but the house amended it to include Chillicothe. In a bold move, the Federalists offered an amendment providing that the next session and all subsequent sessions “during the continuance of this temporary government” should be held at Cincinnati. The amendment was defeated, however, by a vote of 4 to 14. A motion to rotate the sessions between Marietta and Cincinnati lost 8 to 10. Finally, the house voted to repudiate the whole act by striking out the enacting clause. Since the session was prorogued on December 9, according to St. Clair’s earlier announcement, no decision was reached, and the next session met at Chillicothe as Congress had stipulated in the Division Act.

The prorogation of December 9 came about in pursuance of an announcement made by Governor St. Clair on December 2, an announcement which he had threatened to make for some time. He contended that since his commission lapsed on the ninth, legislative action must be suspended; this was one instance in which the Secretary of the Territory could not act in his stead as he had so often done in the past. This was an adroit move on the part of the Governor. Harrison, who had been Secretary of the Territory before he was named the delegate to Congress, had been succeeded by Charles Willing Byrd, a strong Republican and a political enemy of St. Clair; had Byrd

\textsuperscript{39} House Journal, 1800, 61-67.

\textsuperscript{40} Downes, Frontier Ohio, 196-98.
been permitted to assume the Governor's duties, as had Sargent and Harrison, the legislature would doubtless have passed a large amount of democratic legislation. Byrd had wrongly diagnosed St. Clair's maneuver, for as early as November 26, he wrote Nathaniel Massie that the threatened prorogation was merely for the purpose of keeping the legislators from petitioning against St. Clair's reappointment. When it occurred, Byrd had no power to oppose it effectively; he was not even in Chillicothe. If the Republicans had definitely planned to circumvent the Governor, he had instead circumvented them. St. Clair's biographer, William Henry Smith, calls it a "coup d'état which completely surprised and discomfited the intriguants."41

An attempt was made during the final days of the session to authorize a constitutional convention. The effort failed, but on the very last day the Republicans jammed through a resolution by a vote of 10 to 7 that since the federal census which had just been authorized would undoubtedly show that the Territory had the number (60,000), or nearly the number, requisite for admission to the Union under the Ordinance of 1787, the people east of the Miami should instruct their delegates to the next assembly to favor all measures leading to statehood.42

The dismissal of the assembly, a good illustration of the power of the Governor to do pretty much as he pleased in his conduct of affairs, still further aroused those Republicans who desired a state government. The Adams-Jefferson conflict in national affairs was being enacted on a smaller scale in the Ohio territory, political power being the chief stake in each case. The Republican party in the eastern division wished to achieve statehood for a variety of reasons. The desire for self-government was probably the strongest motive behind the movement. At the same time, moreover, if this region, then dominated by the Republicans, were to achieve statehood, it would help Jefferson in his struggle against the Adams forces, and in return it would bring to Republicans in the Territory not only offices in the new state government but also political appointments in the national government. The régime in power of course labored to maintain itself. St. Clair struggled as hard locally as Adams did nationally, and Federalists Burnet and Fearing went down to defeat with as little grace as did Griswold and Morris. The Federalists' excuse that Ohio was not yet ready for statehood had some validity, but it was obviously employed for political reasons. The Federalists used their opposition to statehood

41 Smith, St. Clair, I, 222. Worthington, Henry Massie, and Thomas Gibson went bond of $20,000 for Byrd when he became secretary. See bond dated January 19, 1801, in the Pengelly Papers, OHS.
as a maneuver for control once statehood was achieved. The high-
handed independence of St. Clair aggravated a situation in which
diplomacy and tact would have won him a longer tenure of office.
If he had been more politic, the governorship of the new state might
well have been his reward.

Compromise was foreign to the Federalists, who demanded a full
victory or nothing. Their machinations when they held up the election
of Jefferson in the House of Representatives until February 17, 1801,
threatened the very republicanism of the American system; thus
Worthington wrote that there was "much alarm in the minds of the
citizens of the United States on acc't of the obstinacy of Federal
party in opposing the app't of Mr. Jefferson as president contrary to the
demonstrated wish of the people." His choice brought an end to a
critical situation, and Worthington noted that "this day heard of the
election of Mr. Jefferson . . . an event truly happy at the present
crisis as the united states are but a step from anarchy should no presi-
dent have been appointed." Old General Darke put it succinctly in a
letter to Worthington, February 27:

> We have little news . . . old dust and Ashes is determined to do all the harm
> he can before he quits the chair, he has got a number of fedral Judges apointed.
> 21 was perposed how many there are apointed I cannot tel, as I have not got
> the last papers, but I expect they will make with their marshalls, clerks
> an addition of about forty or fifty thousand dollars a year, and are totally use-
> less. I am informed they are every one tories as has been a constant rule with the
> late executive, however he will fall in five days never to rise again, let him go to
> Braintree clothed with infamy to repent of his many crimes in wasting the public
> money to serve his son and other favorites.

Ohio Federalists were no less blind. They could not read the signs
of the times. They put up a good fight, nevertheless, and their defeat
was due more to the cooperation of men like Worthington, Tiffin,
and Harrison with a national Republican administration than to an
inability to match stratagem with stratagem. The aid of Congress was
the decisive factor in the victory at Chillicothe.

Petitions for and against St. Clair's reappointment had meanwhile
been circulated in the Territory. Stormy feeling rose to such a pitch
that in some places the clergy warned their congregations from the
pulpit not to sign petitions in the Governor's favor.

On December 22, President Adams laid before the Senate all the
papers relating to the Governor, together with his nomination of St.

44 Worthington's diary, February 28, 1801.
44 Ibid., March 4, 1801.
45 Letter in WM.
46 John Gano to St. Clair, November 15, 1800, in Smith, St. Clair, II, 524.
Clair. There was little rivalry for the governorship, although Uriah Tracy, Congressman from Connecticut, was willing to run against St. Clair if opportunity offered. Senator Stevens Thomson Mason of Virginia wrote Worthington that some voted for St. Clair only in preference to a rival candidate "more obnoxious . . . such as Tracy," which "would only be exchanging an old and feeble tyrant for one more active and wicked." By January 29, no action had been taken on St. Clair's nomination; the committee to which all petitions and the nomination had been referred had not yet reported. Largely as a result of the good work of Senator John Brown of Kentucky, the Senate committee on February 3 reported favorably on the President's nomination, and St. Clair was approved for a three-year term, though not without opposition. John Marshall, still acting as Secretary of State though appointed Chief Justice some days before, sent him his commission on February 10.

The reappointment of St. Clair was a heavy blow to the Territory's Republicans: "Exceedingly grating to those who have taken an active part agt him," jubilantly wrote Detroit's Sol Sibley to Fearing. He reported that the work of Federalist William McMillan, the Territory's new delegate, was able and effective, supported as it was by a small flood of petitions from loyal Cincinnatians. Kentucky's Senator Brown sought to mollify the Republicans of the Territory by writing Worthington, February 20, 1801, that Adams' nomination had in all justice to be confirmed: "Under all circumstances we could not well do otherwise. The applications from the Territory in his favour were numerous & very respectable, nor could a really better man be found."

Virginia's Senator Mason expressed a contrary view when he wrote Worthington, February 5, 1801, that the petitions showed "that he [St. Clair] was obnoxious to a great part of the people and that he ought not to have been appointed." Worthington expressed his opinion of the Governor's reelection in a letter to Senator Abraham Baldwin, dated March 6: "The reappointment of Governor St. Clair is truly disagreeable to us here but the happy termination of the presidential election in a great measure makes us reconcile ourselves to our fortune. How extremely shameful the federal party have finally made their retreat after sporting

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48 Mason to Worthington, February 5, 1801, *ibid.*, 531.
49 Smith, *St. Clair*, II, 528, 529, 530.
50 Downes, *Frontier Ohio*, 194; Sibley to Fearing, April 21, 1801, in the Fearing Papers.
51 Letter in WMOSL.
with the feelings of the people of the United States in the most cruel manner which in my opinion will not soon be forgotten."

By mid-1801, the Republicans in the Northwest Territory had won but half a victory; Jefferson was President, but St. Clair was still in the saddle. Statehood for the Territory seemed at least three years away. In January, St. Clair's supporters in Marietta had come out strongly against it at a mass meeting in which their favorite scheme for securing a seat of government was used to propagandize the Washington County voters against immediate statehood. They maintained that with a division at the Scioto, the people of Washington County could have both the seat of government and also statehood as soon as the population in the smaller division of which they would then be a part was capable of supporting it. St. Clair wrote his Marietta partisans that such a dividing law was already in preparation, the dividing lines being at the Scioto and the falls of the Ohio (Louisville), and that if Congress could be induced to assent to the change, then both Marietta and Cincinnati would be favorably located when the proposed territorial lines should become the permanent state lines.

During the summer, a newspaper war was waged spasmodically in the Territory over the statehood issue. A steady gain in the popularity of the movement was discernible as time passed. Secretary Byrd took a census of the Territory east of the Great Miami and found the population to be 45,365, but he anticipated that by the time statehood could be achieved, it would have risen to the requisite 60,000.

Worthington took counsel with his friends in both parties. Senator James Ross wrote him, April 1, 1801, to proceed slowly and let things work themselves out, "to lessen instead of widening the unfortunate misunderstanding" with St. Clair, and "to prepare the country for statehood," on the attainment of which the Governor, if it was desirable, could be removed from office. He asked whether order could be maintained, holding that the greatest responsibility in any state was the protection of property, the "faithful administration of Justice," and the ability to "afford to your citizens the real enjoyment of their rights. All good men should zealously cooperate in promoting the adoption of such a constitution & placing such men in the administration of it as will maintain . . . the great Charter which is to hold you together. A great deal depends upon beginning well & I own that I entertain much fear of that beginning."  

Footnotes:
53 Letter in Worthington's letter book, LC.
54 St. Clair to Dudley Woodbridge, January 7, 1801, Illinois State Historical Society.
55 Scioto Gazette, June 25, 1801.
56 Federalist Kimberly of Steubenville.
although "attached to St. Clair," wrote Worthington, March 10, 1801, that he favored clipping the Governor's wings by judicial process and was willing to finance the case, but he urged "unanimity in our terr'y" at any cost.\footnote{Letter in WMOSL.}

The Governor and his party decided that their best means of success was to continue the agitation for a new division of the Territory so that the eastern section would be cut down to the point where it would not have the population required for statehood. Harrison and Worthington had defeated this project in 1800, but Harrison, at least, was now out of the way, and the proposed division might yet succeed. To the Cincinnati Federalists St. Clair could offer the capital now located at Chillicothe. To Marietta he could still offer the seat of government for the proposed eastern division. To his Federalist friends in Washington he could say that this territory should not contribute representatives to augment the strength of Jefferson's revolutionists. He still controlled the patronage. Success was yet possible.

The first session of the Second General Assembly opened at Chillicothe, November 25, 1801; for the first time the Assembly met in the new courthouse at the corner of Paint and Main streets. This building, probably the first stone public edifice erected in the Territory, was constructed in 1801 by William Guthrie and William Rutledge under the supervision of Worthington and the three county commissioners. Worthington had chosen the site of the two-story structure and marked off its foundation fifty-nine feet back from each of the two streets, scoured the community to purchase furnishings for it, and secured glass for its windows from the firm of Nicholson and Gallatin at Geneva, Pennsylvania. The glass was shipped by water, but instead of being landed at Alexandria, it was put ashore at Manchester, where Worthington had Nathaniel Massie reship it to Chillicothe. The edifice was surmounted by a cupola, over which was placed a gilt eagle standing on a ball. Fireplaces on the north and south sides of each of the two rooms which formed the interior of the courthouse gave insufficient heat.\footnote{Worthington's diary, February 27, 1801; Howe, \textit{Historical Collections}, II, 496; Massie to Worthington, June 8, in WM; Worthington to Massie, June 13, in \textit{Massie, Massie}, 173; Worthington to I. W. Nicholson, August 7, in Worthington's letter book, LC. James B. Finley, in \textit{Sketches of Western Methodism: Biographical, Historical and Miscellaneous} (Cincinnati, 1854), 273, gives a good description of the interior of the courthouse.}
with St. Clair. His address of November 26 warned the legislators against sending him bills at the very end of the session, as they had done the previous year, if they expected him to sign them. He refused to be considered a mere signer of bills: "Be pleased, gentlemen, to recollect that the Governor is a branch of the legislature."  

A house committee, headed by Nathaniel Massie, drew up an answer which was short and inoffensive, and seemed to indicate cooperation and unanimity. Its chief significance was not what it said, however, but rather what it failed to say. It did not congratulate the Governor on his reappointment, and in general it lacked the approbative quality which characterized the answer of the Council.  

It was apparent to everyone that the Governor's party was well organized and that a real contest was at hand. Worthington outlined the situation for his friend Senator Baldwin of Georgia in a letter dated November 30:

> Several very important questions (as they respect the Terry'y) remain to be discussed & decided—The first in consequence is whether we shall with the consent of congress become & exercise the privileges of an independent state or remain under the present arbitrary government, better suited for an English or Spanish colony than for citizens of the United States—In opposition to this question or measure we have all who hold offices (with few exceptions) under our executive, our Governor himself & all good federalists who fear that our state will give three republican votes at the next election for president—send you two republican senators & a Republican representative in congress. I am well convinced that a great body of the people are anxious for a change . . . & feel almost certain that we now have the number of souls (60,000) which will entitle us to a change when we please, but I do hope & trust that congress will not hesitate if we should want a few of the number necessary to receive us into the Union—I am not yet entirely certain that a majority of our Legislature will vote for a state government, but have good reason to believe they will—should they not you will hear from the minority and receive petitions on the subject from every quarter of the Territory. Our Govr. keeps his favorite object still in view, that is another division of the N W Territory by the Scioto to the forks thereof & hence north to the Territorial line as pointed out by his letter laid before congress by Mr. Harrison, this finally to effect a Division of the Eastern State in the Terry & thereby prevent for a long time the admission of any state on this side of the Ohio into the Union. We are told by the Gov's friends that an effort will be made in congress at this ensuing session to effect this measure—It will be unnecessary to trouble you with reasons against the measure, they will no doubt appear to you in the clearest point of view.

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60 Ibid., 29; Journal of the Legislative Council of the Territory of the United States, North-west of the Ohio, at Their Third Session, Begun and Held at Chillicothe, on Monday the Twenty-third Day of November, 1801 (Chillicothe, 1801), 12. Hereinafter cited as Council Journal, 1801.  
The plan of the St. Clair party was made manifest when the council passed a bill, December 3, entitled “An Act declaring the assent of the Territory, northwest of the river Ohio, to an alteration of the ordinance for the government thereof.” It proposed to redivide the whole territory by one line north from the mouth of the Scioto and another from the falls of the Ohio to the mouth of the “Chickagua” River. No other measure could have done so much to arouse the antagonism of the Governor’s enemies. The success of the scheme would destroy at one blow their plans for statehood, the dream that Chillicothe might be the capital, and any hope that a new state might soon add her strength to the rising tide of Jeffersonian Republicanism. Instead, the Governor and his coalition party from Cincinnati and Marietta would continue to enjoy the patronage until these two towns became the seats of government for states conceived and dedicated to principles scarcely compatible with frontier democracy. In a letter to Baldwin of Georgia, Worthington characterized the bill as “the most extraordinary measure ever attempted by a set of men under similar circumstances.”

When and by whom this legislative act was inspired, the records do not reveal. St. Clair disclaimed its authorship. Jacob Burnet seems to have been responsible for it; William Henry Smith, St. Clair’s biographer, names him as its creator; we know he introduced it and was its chief exponent. He asked leave to present it to the council on December 3; it was given its first, second, and third readings on that date, and was passed unanimously with only one amendment and sent to the house the same day. The council had expedited business in this instance with the speed and facility that suggested a preconceived plan. While the bill was under consideration in the house, the members were petitioned time and again to exert their influence in favor of a state government, but most of them took no heed, although a motion to receive no more such petitions was rejected. It is strange that a majority in the house persisted in its attempt to thwart the will of the mass of the people in the Territory, but the Federalist party was never opportunistic, and Republicans with local interests at Cincinnati and Marietta combined with them to hold a majority.

On December 18, the bill came to a vote in the house and was passed 12 to 8. Massie immediately jumped to his feet and gave notice

62 Chase, Statutes, I, 341.
63 Letter, November 30, 1801, in Worthington’s letter book, LC.
64 St. Clair to James Ross, January 15, 1802, in Smith, St. Clair, II, 555; but see his letter of December 25 to Paul Fearing, ibid., 549.
that the minority would ask leave to protest this action. On the twenty-
third, he received permission by a 10 to 9 vote to present his protest.
It was in the form of a petition which declared the act a violation of
the people's constitutional rights granted by the Ordinance of 1787.
The petition asserted that the measure was inexpedient in its nature,
contrary to the letter and spirit of the territorial constitution, which
had by Article V established the line north from the mouth of the
Great Miami, and exceedingly undesirable because it would abort state-
hood in the eastern division without making it possible in any of the
other divisions.66

This petition was signed by Darlington, Massie, Dunlavy, Morrow,
Langham, Worthington, and Edward Tiffin, speaker of the house. A
motion was then made to include a certified copy of the protest with
the instructions of the territorial delegate, Paul Fearing, but this pro-
posal lost 8 to 11. Thus unwisely the Federalists still further incensed the
advocates of statehood. Petitions denouncing the Division Act were
circulated by the insurgents in Ross and Adams counties, and at a
general meeting at Chillicothe Worthington and Michael Baldwin were
appointed to lay them before Congress.

A final attempt was made on January 5 to oppose the projected
division by introducing a resolution recommending to Congress that in
the event the division was not approved, Congress should authorize
statehood for the Territory as at present constituted. This proposal
was defeated in the committee of the whole, and the militant minority
had to leave the success of their cause to their envoys, Worthington
and Baldwin, who had set out for Washington on December 27.67

Meanwhile, other clashes had occurred in the assembly. The second
chief contest with St. Clair was over the power to establish counties.
On December 9, Worthington had presented a resolution “for making
provision by law for the counties laid off by the Governor since the last
session.” On December 10, the resolution was given its first and second
readings and amended in the committee of the whole. As adopted,
it raised the question of the legality of courts established in the new
counties and stated that the legislative council and house of representa-
tives firmly believed that the power to create such counties was vested

66 House Journal, 1801, 68, 80.
67 Ibid., 43, 88, 93, 114. See St. Clair's letter to Woodbridge, December 24, 1801,
in Smith, St. Clair, II, 543, and Samuel Finley to Worthington and Baldwin,
n.d., ibid., 595.
jointly in the governor and the legislative bodies. The resolution concluded as follows:

Resolved, By the Legislative Council and House of Representatives, that it will be expedient to provide by law, for such counties as have been laid out, as aforesaid, by the Governor, and to use the most prompt and proper measures to obtain from the proper authority, an explanation of that part of the ordinance aforesaid.

The original draft seems to have contained a second resolution which was intended to forbid the erection of further counties by the governor. This second resolution had been stricken out in the committee of the whole, and an attempt just before passage to reinsert it failed 5 to 15, only Worthington, Darlington, Massie, Milligan, and White voting for it. Thus another effort to curb the governor’s power was defeated.  

The third major contest of the session was over the seat of government. Jacob White of Hamilton County introduced a bill on December 17 for its removal from Chillicothe to Cincinnati. Worthington and six others voted against permitting him to present the bill, but thirteen favored it. The next day a motion to reject the bill failed, 8 to 12.

On December 19, the opponents of the Cincinnati group attempted to amend the bill by inserting “Marietta” for “Cincinnati,” but the vote was again 8 to 12. The insertion of “Franklinton” met a similar fate by a vote of 8 to 12. In desperation, one of the minority substituted “Steubenville,” but the proposal was defeated 5 to 15. When some wag offered “Detroit” as a last resort, the Detroit delegate, Jonathan Schieffelin, was the only yea. Thus the contest resolved itself into an out-and-out fight between the Cincinnati-Marietta group and the Chillicothe bloc. This series of events furnishes the key to the motivating factor in the whole controversy in the Territory over statehood. Local rivalry had submerged the higher issue.

Once again, on Monday the twenty-first, when the engrossed bill came before the house for passage, a final attempt was made to amend it by inserting “Lancaster” for “Cincinnati”; but the best the opposition could do was to retain their minority of eight, while the majority held their twelve. This was the final effort, and on the question, Shall the said bill pass? the same division of twelve to eight held. The bill

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68 House Journal, 1801, 45-46. Worthington had predicted an open rupture with the Governor over this issue in a letter to Joseph Nourse, November 18, 1801, in Worthington’s letter book, LC.
was sent to the council and approved the same day. Governor St. Clair signed it on January 1. Thus the Hamilton County–Washington County coalition was successful all along the line. St. Clair wrote as follows to Dudley Woodbridge of Marietta, December 21: “It is perfectly understood that tho’ the next session is to be held in that place [Cincinnati] the succeeding session is to be at Marietta, and for the success of that measure, a sufficient number of members are pledged.”

This was specious reasoning at best, for if the Division Act which he had just signed had been assented to by Congress, the seat of government would not have been moved from Cincinnati to Marietta, but rather each would have been the capital city of its respective division.

The decision of territorial Republicans to send Worthington and Michael Baldwin to Washington to oppose ratification was a wise move. Moreover, couriers were sent to all portions of the state to hold meetings and secure petitions protesting the action of the legislature and asking for statehood rather than the continuation of the “monarchic system” and the “craftiness and intrigue of the Aristocratic party.”

William Ludlow reported that even in Hamilton County the great majority of the people were against the division since it would mean “six or seven years additional bondage” when our “necks are already considerably galled in sustaining the yoke.” He said that the division party was also circulating petitions in Hamilton County and had secured five hundred signatures; the one petition he had seen bore forty-eight names, twenty-four of which were signed with a cross, and he offered the opinion that “so many unlettered characters implies that children must have subscribed to it.”

Before Worthington and Michael Baldwin left for Washington, the Republicans, enraged by their opponents’ attempt to redivide the Territory and move the seat of government to Cincinnati, rioted in Chillicothe. Some of the younger townsfolk, incited by Baldwin, their own representative in the house and a bibulous firebrand of the community, held an indignation meeting on Friday, the twenty-third, and proposed to raid the Governor’s boarding house and bring him out to see himself burned in effigy. Baldwin’s electioneering gang, which he affectionately called his “bloodhounds,” was a band of cursing, quarreling, fighting rowdies who looked to him as their leader in all contests, political or

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70 Letter, Illinois State Historical Society.
71 Ludlow to Tiffin, December 22, 1801, in WMOSL.
otherwise. They were obnoxious to the law-abiding element of Chillicothe but very effective in tavern and grogshop circles; boisterous and rollicking, they had no compunction at breaking their leader, or a friend, out of jail, and they were the darlings of the rabble. To throw the fear of God into the old Governor or any of the "Feds" at the suggestion of their leader was completely to their liking. Fortunately, Worthington caught Baldwin at the head of his gang, took him aside, and talked him out of the proposed demonstration. St. Clair some days later admitted that violence was that evening aborted by "the splendid exertion of Mr. Worthington," who was obliged to threaten to shoot Baldwin if he persisted in his purpose.

Nothing serious occurred until the next night, Christmas Eve, when William Rufus Putnam's toast at supper to his fellow Federalists at the Gregg House, "May the Scioto lave the borders of two great and flourishing states," rearoused the angry passions of the indignant Republicans, who decided to carry out their designs of the previous evening. Several riotous groups of Baldwin's boys were assembled, and, fortified with a few drinks, they stomped down the street to the Governor's tavern. Michael Baldwin and others forced their way into the Gregg House, struck at Schieffelin, the delegate from Wayne County, and then collared him; whereupon the latter drew his dirk and would have used it, had he not been forcibly restrained. Breaking loose, he grabbed a pair of pistols off the mantel and ordered the rioters from the house. Insults flew thick and fast between the two groups. St. Clair, who had been in his room writing, hurried down and sent in haste for the sheriff and the justice of the peace. He then helped eject the rioters from the tavern and warned them of the serious consequences of their actions.

To Samuel Finley, the justice of the peace who had been summoned, we are indebted for the best account of what happened after the initial clash. (It should be noted, incidentally, that the sheriff was out of town.) Finley says that on Saturday night the Governor ordered his "immediate attendance at his quarters and assistance in quelling a riot." He "hastened to the place expecting to have met with nothing but uproar and confusion," but found St. Clair trying to dissuade Dr. Samuel McAdow from resenting the insult of Representative Schieffelin, who had cast reflections on him and his immediate ancestors. The argu-

72 Williams Brothers, Ross and Highland Counties, 73; "Memoir of the Hon. Thos. Scott by Himself," dated July 19, 1852, RCHS.
73 St. Clair to James Ross, January 15, 1802, in Smith, St. Clair, II, 556.
74 Julia Perkins Cutler, Life and Times of Ephraim Cutler, Prepared from His Journals and Correspondence (Cincinnati, 1870), 55; Burnet, Notes, 333.
ment which took place between St. Clair, McAdow, and Schieffelin had drawn a little crowd, but according to Finley, "there was not a weapon to be seen nor did I hear an insulting or angry word by anyone." A representative who lived in the same house with the Governor said he had heard rumors of an intended riot but that nothing much had developed. Finley relates that he "went up to the people and requested them to retire which they instantly did. Dr. McAdow, though considerably irritated . . . left the place and walked with me to Mr. [Joseph] Tiffin's tavern."75

Unfortunately, Finley does not disclose what passed between them on their walk or after they arrived at Tiffin's tavern. Nor did the Scioto Gazette, a very good paper for its day, reveal any details or print anything but the guarded depositions which were taken some days later. It would appear that the editor, Nathaniel Willis, although a friend of Worthington's from Berkeley County, Virginia, and a sympathizer with the Republicans, took a strictly neutral position on the subject of the fracas.

St. Clair, extremely angry at the demonstration, furnished Justice Finley with the names of Baldwin, Stephen Cissna, and Reuben Abrams as the ringleaders of the plot, and of certain others who had seen the affair and could testify as to just what had happened. He insisted that they be put under bond and bound over to the next session of court.

On Monday, December 26, Finley examined the accused but dismissed them when they swore they had neither meditated nor done anything of a riotous nature. Yet a real demonstration undoubtedly had been in the making, and Worthington had had to exert himself forcefully to avert it. He had expressed his fears on Friday evening to Jeremiah McLene, the Ross County sheriff, who pledged the strongest action to prevent a riot; but it will be noted that McLene and Worthington were both out of town Saturday night when the attack occurred. Baldwin was the logical leader; according to the deposition of William Rutledge, Worthington was keeping close watch both Friday and Saturday nights and had asked him to use his influence to prevent any disturbance.

Sheriff McLene testified that on Friday night he heard Worthington make Baldwin swear he would not again molest the gentlemen at the Gregg House; that Worthington said "he would not suffer any such thing to take place and would prevent it at the risque of his life, and would go and fetch his weapon, and if said Baldwin went there, he would kill him the first person." Baldwin told him not to make any

75 Depositions in the Scioto Gazette, January 2, 1802.
threats for fear he might need his weapon, but Worthington argued with him until Baldwin swore "he would engage in no such business." Unquestionably there was much bad feeling between the hotheads of the two political factions, and Worthington, knowing who the leaders were, had done his best to suppress it. As head of the Chillicothe party he could clearly see that the advocates of statehood and democracy dared not discredit themselves in the eyes of the Territory and the nation by any disgraceful action. No man cared less for St. Clair than Worthington, but none saw more clearly that party spirit must not manifest itself through a mob or permit the lowest methods of retaliation to triumph. There was a better way.

St. Clair was so incensed at Finley when he found nothing had been done to punish the leaders that he denounced him for malfeasance and nonfeasance in office. Five letters passed between them on Monday, the twenty-sixth, and the dispute ended by Finley's tendering his resignation. St. Clair laid the matter before the legislature on the twenty-ninth, submitted to them the correspondence with Finley, and asked an investigation of this attempt "to maltreat certain members of the legislature." The next day the house voted an investigation and elected Darlington, Kimberly, Paine, Putnam, and Ludlow to the committee; the council appointed David Vance. There is no evidence that this committee took any action. It reported on January 18 that a few intoxicated citizens had caused the furore and that there was no cause for alarm.

The assembly was dismissed on January 23, 1802, after a session which had produced a great deal of good legislation. St. Clair vetoed only one act, which sought to transfer the right to issue marriage licenses from the governor to the prothonotary of the court of common pleas. Although he was poor and needed the fees, it would have been the part of wisdom to avert continued criticism by sacrificing them. Later, Worthington made the Governor's fee-taking in defiance of the legislature one of the major charges against him in his memorandum of February 20 to President Jefferson, and Secretary of State Madison warned St. Clair on June 23 to discontinue the practice.

The Governor's announcement that the next session of the legislature

76 The letters were printed in the Scioto Gazette, January 2, 1802.
77 House Journal, 1801, 102; Council Journal, 1801, 41.
78 House Journal, 1801, 176-78.
would meet at Cincinnati was a mistaken prophecy; the Republicans of the Territory and in Congress were to see to that. Outvoted as they were in the assembly by a combination of Federalists, St. Clairites, and zealous citizens of Marietta and Cincinnati, they had time and the forces of change on their side. They knew that by and large the people were with them, and that the national sentiment which had swept Jefferson and Burr into power must soon rob St. Clair and his satellites of political power in the Northwest Territory. Patience, energy, and tact were the immediate virtues needed. Riots and violence had to be avoided; and the confidence, respect, and favor of the people must be marshaled in support of the Republican leaders. In the next chapter we shall see how Worthington's forbearance bore fruit.