State-Maker

On December 27, 1801, Worthington and a Negro servant set out on horseback for Washington. Their route was by way of Lancaster, Zanesville, Wheeling, Cumberland, Shepherdstown, and Fredericktown—a leisurely journey of sixteen winter days which they completed on January 11. Worthington secured board and room for himself and his servant "at 12½ and 5 dollars" a week respectively at Mrs. Wilson's, near the Capitol.

The petitions against the territorial Division Act which Worthington's supporters at home had promised to send him flowed in at an astounding rate. Edward Tiffin mailed him a thousand names from Ross County on January 18 and promised as many more from Hamilton County in a few days. The people of the Territory, he wrote, would not only be pleased with the rejection of the act but would welcome statehood.¹ Massie mailed him three petitions on January 7, and William Creighton reported a thousand names from Hamilton, and seven hundred from Adams, counties on January 30, with many more soon to come. Creighton specified that those he was mailing were not only against the Division Act but also in favor of statehood: "You and Baldwin," he wrote, "can say that statehood is one of the chief objects of the petitions."² Sam Finley informed him from Chillicothe that he had one thousand signers in Ross and Adams counties of a petition specifically pleading for admission to the Union.³ James Caldwell and David Vance wrote from St. Clairsville in Belmont County that a mass meeting had almost unanimously approved the statehood project.⁴ Similar reports were received from Clermont and Jefferson counties during the ensuing month.⁵

Meanwhile, Worthington and Baldwin had been busy lining up their friends in Congress. William Branch Giles, a rabid Virginia Jeffersonian

¹ Tiffin to Worthington, January 18, 1802, in WMOSL.
² Creighton to Worthington, January 30, 1802, in WMOSL.
³ Finley to Worthington, February 22, 1802, in WMOSL.
⁴ Caldwell to Worthington, March 8, 1802, in the Rice Collection; Vance to Worthington, March 20, 1802, in WM.
⁵ Scioto Gazette, March 13 and 20, 1802; J. Pritchard to Worthington, March 23, 1802, in the Meigs Papers, OSL; John Smith to Worthington, March 26, 1802, in the Rice Collection.
and an old friend of Worthington’s, was to manage their affairs in the House. As William Gilmore, biographer of Edward Tiffin, so neatly put it, Worthington had “secured the very active and zealous support of . . . [this] able, influential and exceedingly energetic member of Congress. . . . And no doubt—indeed it is certain—the President quietly and privately assumed the guidance of the state project through [him]; . . . for, would it not most probably strengthen his party, and secure to himself three more electoral votes?” In any event, Worthington found everything promising for the defeat of the territorial law and the admission of the Ohio territory into the Union, with its west boundary at the Great Miami. Three days after his arrival, he could write Massie, “So far as I can determine have reason to believe we shall obtain our utmost wishes.”

In the Senate, Michael Baldwin’s brother Abraham was the chief representative of the Republicans, but he had able supporters, among whom were Stevens Thomson Mason of Virginia and John Breckinridge and John Brown of Kentucky, all old friends of Worthington’s and aware of the situation in the Territory through correspondence with him. Worthington had written Brown and Baldwin in November that a great many members of the territorial legislature were in favor of immediate statehood if Congress would only make admission possible; he had sent Baldwin a copy of the dividing law as concrete evidence of the scheme hatched by the Federalist opposition to delay statehood for a long time. Even earlier (November 10), looking toward the work of the legislature, which was to assemble late that month, he had written William Duane, editor of the Philadelphia Aurora, the official Republican organ, complimenting him on his criticism of the arbitrary government in the Northwest Territory in his issue of October 26, and seeking his aid in supporting statehood for it. He recounted St. Clair’s tyranny, especially his veto of eleven laws at the last session of the legislature in opposition to the will of the people. Worthington argued that if Congress were fully informed of the situation, its members would not withhold their consent provided the impending legislature petitioned for statehood. He urged Duane to make his paper the Territory’s vehicle for the enlightenment and leadership of Congress, and promised him that the Chillicothe Republicans, including himself, would keep him furnished with information for that purpose. Just before Worth-

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*Gilmore, Tiffin, 40-41. See Worthington’s diary, January 17.

*Massie, Massie, 179.

*Worthington to Brown, November 15, and Worthington to Baldwin, November 30, 1801, in Worthington’s letter book, LC.*
Worthington arrived in Washington, Duane came out with a well-timed blast and followed it with another, eight weeks later.¹

Worthington and Baldwin found Congress exceedingly busy debating the repeal of the Judiciary Act of 1801 and the Adams excise taxes, and not inclined to attend to minor affairs until major issues had been disposed of. Moreover, their business could not be undertaken until Paul Fearing introduced the dividing law to Congress for action. Hence their activities were limited to personal contacts with the men who must act for them.

Baldwin wrote Massie on January 19 that he and Worthington had been presented to President Jefferson the previous day by Senator George Logan of Pennsylvania; that the President “was very particular in his inquiry respecting the territory... extremely anxious to know the real state of political parties with us”; and that he had indicated that he was disposed to remove St. Clair.

Baldwin reported that he had conferred with many members of both houses of Congress, and that without exception they had expressed strong disapproval of the dividing law and promised their most cordial support in defeating it and in removing St. Clair from the governorship; he wrote that Gallatin, Madison, Logan, his brother Abraham Baldwin, and many others felt that President Jefferson would “snap him.” He assured Massie he need have no fear of any disagreement between himself and Worthington; that they had “so far agreed in every point. . . . Our business goes on to our wish. . . . I will stay on here until our fate is known.”¹⁰

Baldwin actually left Washington on January 29, missing much of the action of the next three months. Fortunately, the many diary entries Worthington made during this period help piece out the narrative which follows.

On January 18, Worthington made the following note in his diary: “Waited on the president in company with Doctor Logan & Mr. Baldwin. . . . He is plain and simple in his manners—opposed to extravagance &c. . . . Informed him of the Situation of the Terr’y.” The next day he “attended the debates in the Senate,” where the expediency and constitutionality of the repeal of the Judiciary Act were being argued under the roving eye of Vice-President Burr.

On January 20, Paul Fearing presented the division law to the house, pointed out that it incorporated an alteration in the boundaries for states as planned by the “Old Confederation” (1787), and moved that

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¹ Worthington to Duane, November 10, 1801, in Worthington’s letter book, LC; the *Aurora* (Philadelphia), January 9 and March 2, 1802.

¹⁰ *Annals,* 7th Cong., 1st Sess., 427. Uncatalogued letter, No. 15105, OHS.
it be referred to a select committee for consideration. Senator Giles immediately rose to voice his objections; such a law would place the people of the Territory in a very disagreeable situation by perpetuating in office an unpopular governor and an unpopular territorial legislature. He had in his hands petitions against the law signed by more than a thousand citizens from the Territory. He favored action on it at the earliest possible moment. Thomas Davis of Kentucky, another Worthington ally, moved that the law be ordered printed and referred to the committee of the whole for action the next day.

Worthington watched with satisfaction and used all the influence he could bring to bear during the next few days. On January 21, he talked with Jefferson on political subjects which must have included no little discussion of the situation in the Territory and of the prospects of securing statehood. Four days later, the house still being too concerned with the tax debates to consider the territorial business, he noted in his diary, “dined with Mr. Jefferson with whom easy and friendly mode of entertainment. I was much pleased—no formality more than true politeness dictates—easy of access and communicative to all—plain in his dress and acting the true part of the first citizen of the Republick.” The same day he wrote Nathaniel Massie that Congress seemed determined to defeat the division law and favored admitting the Territory to statehood; already victory was in sight.11

The next morning the House of Representatives in committee of the whole discussed the proposed law and the petitions against it referred to the committee on January 20 and 25 but “rose without a question.”12

This same day (January 26), President Jefferson received a long letter from William Goforth of Cincinnati which perhaps strengthened his determination to aid Worthington and his group in securing statehood for the eastern Territory. Goforth denounced the rule of St. Clair as a truly English one, in which the governor, “with all the power of a British Nabob,” could “convene, prorogue and dissolve our legislature at pleasure,” and could make practically all appointments at his will and thus maintain a “government highly tinctured with Aristocracy and monarchy.” He pointed out that a census of the Territory east of the Great Miami showed over 42,000 population, even excluding Detroit, despite the fact that the census-takers had missed many persons and that there had been a large increase since the census was taken early in 1801. He implored the President to use his influence in supporting statehood for the people of the Territory and in rescuing them from a delimitation of territory which would

11 Massie, Massie, 187.
12 Annals, 7th Cong., 1st Sess., 462; Worthington’s diary, January 26, 1802.
postpone it and leave them under a despotic and unrepUBLICan régime for many years.\textsuperscript{13}

There is little likelihood that the receipt of this letter had much bearing on the defeat of the territorial law, but it added another eloquent voice to the clamor against the division of the Territory at the Scioto and in support of immediate statehood. In any event, the next day more petitions opposing the law were received and referred to the committee. When, in the course of the day's business, the law was considered, Fearing moved that it be accepted, but a debate of some length ensued over its constitutionality, in which Fearing and Roger Griswold supported its validity while Giles, Davis, and James A. Bayard opposed it. Giles finally moved that the law not be assented to by Congress; the committee of the whole agreed and framed a resolution to that effect which the House immediately considered and overwhelmingly adopted.\textsuperscript{14} Worthington triumphantly noted in his diary, "Jan. 27.—This day the question on the Territorial law was decided after some debate 81 ag't it, 5 only for it."

Worthington was delighted with this victory and with the way the Chillicothe program was progressing.\textsuperscript{15} He wrote William Goforth on the twenty-eighth that the division law had been defeated, that a resolution preliminary to an enabling act had been introduced, and that in his opinion a bill proposing it would be introduced and passed. "You know," he wrote, "I have been uniformly a supporter of the measure ever since I had the pleasure of first seeing you, and that our feelings on this subject have been perfectly coincident."\textsuperscript{16} That same day (January 28) he had heard Giles introduce a resolution for the appointment of a committee to take the necessary steps pursuant to the introduction of an enabling act for the Territory. The resolution was adopted the next day, and Giles was appointed chairman of the committee. A number of petitions favoring statehood were also received, read, and referred to the committee.\textsuperscript{17}

John Fowler, Congressman from Kentucky, was so impressed with the defeat of the division law and the appointment of Giles's com-

\textsuperscript{13} Goforth to Jefferson, January 5, 1802, in Territorial Papers, III, 195-201.
\textsuperscript{14} Annals, 7th Cong., 1st Sess., 465-66. The dividing law was printed in the National Intelligencer, January 27.
\textsuperscript{15} Downes, Frontier Ohio, 201-16, is an excellent account of the Chillicothe program and how it developed.
\textsuperscript{16} American Pioneer, I (1842), 439. The letter as printed is misdated 1801.
\textsuperscript{17} Annals, 7th Cong., 1st Sess., 469-71.
mittee that he wrote Massie on January 29 that Worthington had worked a revolution in the government of the Territory with courage as bold as that of Bonaparte in crossing the Alps. He regarded the appointment of a committee to report an enabling act as a victory for Worthington and the Chillicothe party since he believed such an act would be unanimously adopted. He anticipated, moreover, that St. Clair would soon get his "marching orders" if plenty of petitions continued to pour in: "You have not furnishing your delegation with materials so promptly as they have executed their mission. . . . It behooves you to be active," he enjoined. 18

What Worthington perhaps did not appreciate, nor Fowler either, was that in Ohio most of the proponents of the division law had been preparing as early as late December for just such an eventuality as an enabling act, and were ready, if necessary, to swing over to support statehood not only for a state east of the Scioto but for one to the west of it as well; all they asked was that the divisions be left as newly established by the territorial legislature's dividing act, preferably as territories but at worst as states. Statehood was not a matter to be undertaken except as a last resort; but when they learned with what speed Worthington and Baldwin were working, a majority of them changed their tack. At the urging of the local Cincinnati politicians and unaware that the division law had already been rejected, Burnet and McMillan wrote Fearing in early February to approve the erection of two states if the division at the Scioto could only be maintained. If statehood was what the members of Congress favored, and if they were convinced that the people of Ohio insisted on being so organized, opponents of such a step would yield in order to salvage the seats of government for Marietta and Cincinnati. 19

When it was learned that the division law had been defeated, there were many long faces in Cincinnati, especially since the Federalists had raised five hundred dollars to send McMillan to Fearing's aid and he was ready to leave when the unwelcome news arrived. Two meetings were immediately held, and presumably a decision was reached to accept statehood if necessary but to fight for the restoration of the dividing line at the Scioto and hope for the erection of two states instead of one. 20

In this connection it is interesting to note that George Tod, a

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18 Massie, Massie, 188-89.
19 Burnet to Fearing, February 4, and McMillan to Fearing, February 12, 1802, in the Fearing Papers.
20 John Armstrong to Tiffin, February 13, 1802, in the Comly Collection, OHS. See also Tiffin to Worthington, February 1, 1802, in Smith, St. Clair, II, 571-72.
twenty-eight-year-old Federalist lawyer from Trumbull County and a diviner of political portents, had figured out, erroneously in this instance, that the division law would stand but that Congress would undoubtedly also pass an enabling act for the division east of the Scioto. He wrote Samuel Huntington, his choice for first governor of the eastern state, to get busy, since Rufus Putnam had been selected for that office by the Marietta Federalists. He also informed Huntington that Putnam’s neighbor, Return J. Meigs, had already departed for Washington in an effort to forestall both of his rivals for the office.\footnote{Tod to Huntington, January 14, 1802, in the Huntington Papers, WRHS.}

Meantime St. Clair, another interpreter of the signs of the times, realized that the turn of events probably spelled retirement for him, and on March 1 passed through Chillicothe on his way to Washington with Squire John Browne of Cincinnati, armed with depositions in his favor calculated to nullify the effects of the campaign Worthington was waging so successfully against him.\footnote{Tiffin to Worthington, March 1, 1802, in Smith, St. Clair, II, 574; Scioto Gazette, March 6; Massie to Worthington, January 18, in Massie, Massie, 183.}

A real celebration was held in Chillicothe on February 9 when word arrived that the division law had been defeated. Baldwin’s “bloodhounds” led a shouting parade all over town, with stops for free drinks at each tavern. Sam Finley wrote Worthington on February 12, 1802, that he could not “describe the ecstastic emotion excited in the minds of our inhabitants.” He reported that nothing was to be seen but smiling countenances—nothing was to be heard but congratulatory salutations. At night the Town was illuminated—The bells would have been rung if we had had them; many a conduit… ran with grog,…. [yet] the festive occasion was conducted with much decorum; and all parties retired to their homes about 10 O Clock.\footnote{Letter in WMOSL.}

On February 1, 1802, Worthington “waited on the president and delivered to the Sec’y of state charges ag’t Gov’r St. Clair.” A sample of the type of charge that had been used by the critics of St. Clair has already been presented in Goforth’s letter of January 5 to Jefferson. Another excellent example was the letter of January 23 which John Cleves Symmes, undoubtedly at the request of Worthington, had sent to President Jefferson. The President received it on the twenty-fifth, and must have been somewhat influenced by its contents. Symmes indicted St. Clair as “by constitution a despot” and
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“unsufferably arbitrary” from “long imperious habits of commanding.” He alleged that the prosperity of the Territory had always been a secondary consideration with St. Clair, who had consistently opposed all measures which did not “concentrate their good effect, in his family or among his favorites.” Symmes asserted that although St. Clair was of “courtly exterior,” his heart was “illiberal beyond a sample,” he was “destitute of gratitude,” wise in his own conceit, a wanton deceiver of the people, and a perpetrator of “pious frauds,” so that “many detesting him, have fled the territory.” In extravagant terms he concluded,

Do these imputations need proof?—let fetters, prisons, flames, human-bones and tears bear testimony; while neglected french-rights, imbecility of Magistrates of his appointment, executive deception, unequal tenures in office, his Usurped prerogatives, and ill placed patronage, fill the North western territory with murmurs, deep—awful—dangerous; while his distracted government totters to its foundation.24

Thus when Worthington waited on the President on February 1, the way had been prepared for his oral and written denunciation of the old Governor. What he said we do not know, but in his long letter (summarized and substantiated for the President in ten explicit charges, February 20) he reviewed the case for Jefferson’s consideration. He disclaimed any personal malice toward St. Clair; rather he viewed him with “an eye of pity.” Yet, as spokesman for the inhabitants of the Territory, he felt obliged to impeach him as “unworthy of so high and confidential a station in the government of a free people.” He repeated the charges made by Goforth and Symmes, particularly specifying that St. Clair was interested only in gratifying his selfish ambitions and pecuniary interests; that he had “wantonly rejected laws passed . . . for the good of the people”; that he had appointed his favorites to the best offices in newly established counties even though they were not residents; that he had collected unauthorized license fees and sought to control the courts by removal of justices who did not render decisions in conformity with his opinions; that he was “an open and avowed enemy to a republican form of government, and an advocate for monarchy”; and, finally, that he was the author of the dividing law, whereby he hoped to avert statehood as long as possible for any part of the Northwest Territory.25

This was neither the first nor the last interview Worthington had with Jefferson regarding St. Clair’s removal, but the President was not

24 Letter in Territorial Papers, III, 205-207.
25 Worthington to Jefferson, January 30, 1802, in Smith, St. Clair, II, 565-70. A summary of the charges is to be found in Territorial Papers, III, 212-14.
to be hurried. Yet Worthington found many Congressmen who were sympathetic and willing to accept his interpretation of the need for forthright action. He desired an immediate change and hoped that St. Clair could be replaced by Nathaniel Massie, who, “with one exception only,” Tiffin, was the “most proper man” in the Territory for the position. Massie was not in the least interested in being governor; he wrote Worthington, February 8, that “under the circumstances in which I at present stand, nothing on earth would induce me to accept of the office.” Yet he despised St. Clair and sent Worthington material to be used against him, including petitions, charges, and depositions.26 Without the active support of Massie and Tiffin as leaders of the opposition in Chillicothe, most of the ammunition Worthington needed in Washington would not have been forthcoming.

St. Clair’s removal was an important item of business with Worthington, but he did not let it interfere with his major objective, namely, an enabling act. During February, therefore, he spent most of his time lobbying and furnishing his allies with information, oral and written, for use on the floors of Congress. Thus on February 8 he “set up until 3 o’clock making a statement for Mr. Giles Chairman of the N W Committee.” Once again, on February 14, he called to see the President to keep the iron hot. On February 27, he listened with great satisfaction as another petition pleading for statehood, this one from Fairfield County, was read in the house.27

During the last days of February, Giles, Worthington, and Gallatin drew up a long report justifying the legal, economic, and political desirability of admitting the eastern portion of the Territory as a state with boundaries almost exactly as they are today—a report covering three columns of fine print in the Annals.28 On March 1, Worthington recorded in his diary, “Engaged in copying Report for Mr. Giles for our admission as a state into the union.”

This report was read in the house on March 4 by Congressman Giles. It related the great disquietude felt by the inhabitants of the Territory, especially “in consequence of the act lately passed for altering the boundary lines of the States in the Territory, as established by the

26 Massie, Massie, 180-205; Massie to Worthington, February 8, 1802, in Smith, St. Clair, 572-73.
27 Annals, 7th Cong., 1st Sess., 814.
28 Ibid., 1097-1100.
ordinance of the 13th of July, 1787." The committee was of the opinion that it was expedient to make provision for enabling the people in the eastern division of the Territory "to form for themselves a constitution and State Government, [and] to be admitted into the union . . . although the number of inhabitants may not amount to sixty thousand." Four resolutions were recommended for adoption: these called for a law which would empower the people to establish a state government, delimit the new state by a western boundary at the Great Miami, provide for the calling of a constitutional convention, and authorize representation of the new state in Congress. The report was tabled.

A period of three weeks ensued in which no action was taken on the Giles resolutions. The House was busy debating the repeal of the excise taxes of the previous administration and the settlement of the French spoliation claims. Worthington chafed at the delay because he was confident of the outcome and anxious to get back to his home and business. On Tuesday, March 23, he noted in his diary,

Expected the territorial business would be taken up but disappointed—
He who expects to have business done in a publick body which depends on right abstractly must have more patience & self denial than is the portion of man generally. When it does not tend to promote the popularity of the body or a considerable portion of them or to promote their interests directly or indirectly, there are almost insuperable difficulties to obtain success. This my constant observation in life.

On Friday, March 26, the business was considered by the committee of the whole, but Paul Fearing was ill—or so Congressman Seth Hastings of Massachusetts intimated—and debate was postponed. Worthington's diary comment, under the date of March 28, was as follows:

Nothing of consequence done in this business of the Territory. Was called up on friday and postponed because Mr. Fearing was not present. . . . Called up on Saturday again. Mr. Fearing in the entry . . . yet the business postponed by his absence—his object being delay [which he admitted when I] called on him.

Finally, on March 30, the House took up consideration of Giles's resolutions and after considerable debate passed the first one, providing for the introduction of an enabling act. Here are Worthington's comments on the debate:

Mch. 30—This day pleasant the business of the Territory taken up and discussed. Mr. Fearing opposed to the admission on constitutional grounds, but if it

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29 Ibid., 985-1093; American State Papers, Miscellaneous, I, 325-29.
30 Annals, 7th Cong., 1st Sess., 1086.
31 Ibid., 1097-1118.
appears expedient to his friends who are to write to him by next mail he will cease to oppose it. If he had a vote he cannot say he would vote against the measure—yet he believes it unconstitutional—he has never paid any attention to the petitions from the Territory on this subject except hearing them read from his seat, nor can he tell from what part of the territory they come but believes from the counties of Ross & Adams only. It has been said that the minds of the people are in an unsettled & disturbed state. Mr. Fearing believes this is not the fact & asserts they are entirely quiet & have been so except in the town of Chillicothe where there was some disturbances. [He] hoped the house would not agree to the measure. Mr. Griswold & [Tracy] of Connecticut aided him, opposed by Mr. Nicholson, Williams, &c the first resolution in the report was agreed to in a committee of the whole—47 republicans for & 23 Aristocrats against it.

On March 31, the second resolution, which concerned the territorial boundaries, was considered. Fearing argued that Congress had no right to form only a part of the Territory into a state without the consent of the whole; that the state so formed would not touch Lake Erie (manifestly a misunderstanding or misstatement); and that the Detroit population would be greatly inconvenienced by being thus cut off and added to the Indiana Territory. His only supporter was Bayard of Delaware, and Giles answered their objections very ably. Three obstructive amendments were defeated, and the resolution passed with 42 ayes. The third resolution was adopted by the same vote, and the fourth without a division. Some further debate took place over the provision that 10 per cent of the net sales of government land in the new state be appropriated for a road to and through it. Griswold felt that this amount should be cut in half; but Fearing supported Giles on the point, the full report without further amendment was agreed upon, and a bill was ordered in conformity thereto.22 Worthington makes these comments on the debate:

Congress (H. of R.) again took up the same business—Mr. Fearing still opposing it as well as every one of his federal friends whilst every republican supported the measure. the whole report of the committee was agreed to and referred to a committee to bring in a bill or bills, Mr. Fearing did state a few days since to Genl Bailey of N. York that if the Territory was admitted in to the union the people would lay their hands on the publick lands in the Terry—Genl Bailey told T. W[orthington] of this in the presence of John Fowler.

Worthington’s diary is, unfortunately, silent about the next few days; perhaps its author was too busy to think of it. The enabling act was prepared on April first, and Giles introduced it in the house on Friday, the second, when it was read twice and passed to the third reading. On Wednesday, April 7, it was debated at considerable length. Fearing, John Randolph, and a little group of Federalists opposed the

22 Ibid., 1119-26.
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exclusion of the three thousand to five thousand persons north of the proposed northern boundary line, but an amendment offered by Fearing to include them was defeated. Randolph explained that he did not oppose the bill but wished to avoid the admission of too many small states into the union. Fearing then introduced another amendment to permit the new state to choose its own name, which was agreed to.33

The next day the bill was again debated, one amendment was adopted, and it was ordered engrossed. Worthington wrote in his diary, "This day and yesterday taken up in the discussing the Territorial law—opposed by Mr. Fearing. Nothing of consequence happened last week." On April 9, the engrossed bill was brought to a vote and adopted, 47 to 29. The same day, it was sent to the Senate and given its first reading.34 Worthington laconically noted in his diary that "this day the bill passed the House of Representatives and went to the Senate—was read once."

On April 12, the bill was given its second reading and referred to a committee consisting of Senators Franklin, Dayton, Bradley, Brown, and Baldwin. (Breckinridge replaced Baldwin on April 17, when Burr left the capital, and Baldwin was elected as speaker pro tempore.)35 During the nine-day delay which ensued Worthington waxed impatient. On the twenty-first and twenty-third, several amendments were reported and debated, but major action on them was postponed. Worthington wrote as follows concerning the debate:

Apr. 26—On Friday [the twenty-third] the bill for admission of the Territory was taken up. Mr. Dayton, Brown & Gouverneur Morris opposed its passage. Gov'r Morris in his place stated as follows as near as I can recollect. Mr. President I am opposed to giving the salt springs to the new state for a reason which no gentleman has assigned. It will be recollected that in the Atlantic States we pay a tax of 20 cents pr. bushel on salt. Why not levy the same tax on the salt made at these springs—It will be a considerable source of revenue to the U. States & I see no reason why the people to the west ought not to pay the same tax with ourselves—

For shame Mr. Morris. Why did you not enquire what the original cost of salt was at these springs—you would have found that instead of 50 cents, the price you pay for your salt exclusive of the duty, the people of the Western country pay from 25 to 3 dollars per Bushel for their salt.

Apr. 27th, 1802—This day the bill for the admission of the N.W.T. Again taken up and discussed—passed to the 3rd reading. Mr. G. Morris 1st spoke against it. Was opposed to giving Sec'n No. 16 for schools—it was pledged for the payment of the public debt—so was the salt springs & 1/10 of the lands intended to be applied to opening roads. Was opposed to the whole—stated that in Europe many Sovereigns derived their revenue principally from salt springs—that the U.S. ought not to give up theirs—that it might hereafter

33 Ibid., 1128, 1155-56.
34 Ibid., 1158-61, 258. Duane gave the bill his support in the Aurora, April 12.
35 Annals, 7th Cong., 1st Sess., 259, 265; Worthington's diary, April 12, 1802.
be an engine in the hands of the new state which would aid them in opposing the U.S.—if the U.S. retained it, it would always enable them to counteract the measures of the state and that if it was given, an amendment ought to take place preventing the state from deriving any revenue from these salt springs—motion on Lost. Mr. Wright, Mr. Franklin, Mr. Brackinridge spoke in favor of the gift and roads. Mr. Brown & Mr. Dayton against it. Doctor Logan again spoke in favor of the measure—observed he considered the salt water in the Terry as much a common stock as that of the sea. Mr. Brackinridge said the same & much more.

Apr. 29th 1802—This day the Bill finally passed both houses. [The vote in the Senate was 16 to 6 on April 28; the bill was signed by President Jefferson on the thirtieth.] 24

May 2—Started for home.

By the time the Enabling Act had been passed, no great animosity existed between Worthington and Fearing. It is reasonable to believe that they had reached some modus vivendi, or at least an understanding. By April 27, Fearing was packing his goods for permanent removal to his home in Marietta. Both as official territorial delegate and as special envoy for the Marietta and Cincinnati Federalists in their fight for a small Ohio, he had been worsted by his Republican opponents. The fact that he graciously consented to take a large parcel of books home for Worthington in his baggage shows that he bore him no ill will.

Worthington reached Ohio on May 11, and was pleased to find during his two-day ride there—from Kirkwood (Bridgeport) to Chillicothe—that most of the people whom he met were delighted with his success. Arriving at his home town on the evening of the thirteenth, he found his family occupying the new log house, Belle View, on the hill west of town.

Such is the short and simple account of the most important period in the history of the eastern section of the Northwest Territory, drawn chiefly from the notes of the twenty-nine-year-old Ohioan who played the largest part in securing statehood for the area. Worthington came back home with a tremendous pride and satisfaction in his heart only to find envy, malice, and falsehood were still alive. His diary relates under entry of May 29 that

notwithstanding I have spent near five months from my family honestly endeavoring to promote the interests of my country and at my own expense, yet I find on my return that malicious envious reports are circulated ag't me without the least foundation—Conclude in my own mind that nothing is to be expected from mortals prone to evil. [1] pity those who possess depraved hearts and feel myself above resentment, having the approbation of my own conscience—the most satisfactory evidence to a man's own breast.

One of the reports which the Federalists had assiduously circulated against Worthington in his absence was that he aspired to displace St. Clair as territorial governor. With the passage of the Enabling Act, it was rumored that his chief interest in securing statehood was to get St. Clair out of the way so that he could become the first chief executive of the proposed state. Paul Fearing and Ephraim Cutler spread the report early in May that Worthington had secured for himself the office of collector of customs at Marietta. These reports were circulated in Washington as well as in Ohio, but they had little effect there, for Worthington had the ear of the Administration. At home it was different. To scotch the canards concerning him, Michael Baldwin, who had returned from the capital early in February, rallied to Worthington’s support and gave an account of his splendid services to the Ohio people in a letter to the Scioto Gazette (March 6, 1802). As register of the Chillicothe land office and collector of internal revenue, Worthington had many enemies; Elias Langham, for one, had attacked him both locally and with the federal administration. Fortunately, neither Langham nor St. Clair had much influence in the Territory, and while in Washington, Worthington was kept informed of their efforts to undermine him. One of the infrequent letters written by Baldwin (April 2, 1802), who corresponded with Worthington, is quoted here in full. Both its gossip and its political content show how unfortunate was the loss of this able but reckless young lawyer’s correspondence.

I must return you my thanks for being so good a correspondent. Your letters have all reached me. I sincerely console with you, for the sacrifice of private business, you must unavoidably suffer. But as we are approaching the most important crisis, we shall, perhaps, ever see this side the Ohio, it is necessary that you should persevere. It seems by your last letter, that old Veto [St. Clair] has not come on. I am a little doubtful whether he will make his appearance, in the City. His friends at the present Seat of government, say that he is going no farther than Ligonier. If he is not there before this, he will not be there at all. His conduct on the road from Cincinnati to Wheeling was truly singular. He was entirely alone, or as Creighton says “in a gang by himself,” acting as usual the part of a drunken beast, the whole rout. He lay drunk two days at Williamsberg with his son in law, Rob. What a pity Elias [Langham] was not there, to have given the finishing touch to the scene. But out of regard to decency I will quit the dirty subject.

We have already begun to make a little bustle about the convention. It is as yet uncertain how many candidates will offer in this County. Col Finley will not offer. Tiffin, Massie, Grubb & Langham will, to a certainty, & I expect

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37 R. J. Meigs, Sr., to Worthington, May 18, 1802, in the Rice Collection.
McArthur may be added. They have begun to break ground in the electioneering field. They have begun to preach, which is generally a symptom of an election, not being far off.

I have declared as your proxy, that you will take a pull with them. I can easily foresee that we shall have two parties in the County. Heretofore, thro motives of common safety, we have been united, but the moment the storm which threatened us blows over, we shall divide. Do you recollect the conversation I had several times with you, respecting the Doctor [Tiffin]? I still entertain the same opinion, & think my remarks were just—I have determined to stand a poll for the convention, tho I have but small hopes of succeeding. I had determined not to offer, but there are certain circumstances, which was not within my knowledge till lately which has induced me to come forward. Notwithstanding we shall be competitors, I assure you that, so far from attempting to injure your popularity, I certainly shall do every thing in my power to promote your Election. As for the other candidates, I shall neither advocate or oppose them. My determination is to stand on my own legs, & if I can carry honorably, to do it, if not, to make the best of it. There is but little doubt of your succeeding by a handsome majority, tho the circumstance of your holding a number of offices, will be used as a pretext by those not friendly to you, to shut you out. But had you no office, they would hatch up something else, so that they [might] as well take you upon that ground as any other. These hints respecting all local affairs I make to you, because no other person has. There has been a little sparring between us, but I assure you that they are entirely forgotten, & I feel every disposition to befriend you so far as is in my power, & shall likewise occasionally inform you of those little local views, & transactions, which perhaps you would not hear from other channels—If I had more room I would write you a little longer.

This letter indicates that early Ohio politics involved real contests, and all public men were severely criticized. Worthington was temperamentally unsuited to accept vituperation with equanimity, but since he was a sure candidate for one of the major offices which would be made available at statehood he could not escape it. As Baldwin's letter indicates, many aspirants had already offered themselves as delegates to the convention even before Worthington got home; his brother-in-law Tiffin wrote Tom Gibson of Cincinnati on May 29, "We are all in a ferment here—numerous candidates; several of them using every means to pull down the reputations of others; to build up their own." Worthington was not only personally vulnerable to attacks upon his integrity and his objectives because of his extreme sensitivity but also politically vulnerable because of his youth, the public offices he held, his numerous political followers, his wealth in land and stock, his apparent indispensability in negotiations with the federal government, and, finally, his control of the patronage, which seemed to put the fate of every aspiring candidate for major office partially in his power. The very respectable gentlemen of the Federalist persuasion

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88 Letter in the Rice Collection.
89 Letter in the Rice Collection.
particularly resented his growing influence, for they could see that it spelled their own political eclipse.

With the passage of the Enabling Act the triumph of the Republicans might have been assured had not St. Clair still been in control and had not his Hamilton County friends still been hopeful of making him the first governor of Ohio. He was surrounded by his personal friends, his political adherents, those who opposed statehood, the citizens of Cincinnati and Marietta who hoped to make capitals of their towns, and others who for devious reasons wished to thwart the plans of the Chillicothe party. The universal feeling on the part of the Ohio Republicans was that St. Clair must be removed. Worthington was very bitter about Jefferson's failure to dismiss him from office, and wrote Nathaniel Macon on July 23, 1802, that if Jefferson did not remove St. Clair, he [Jefferson] would

loose ground with the republicans of the West. . . . The people here have been oppressed for 8 or 10 years past by Sargent & St. Clair alternately. They have complained & not been attended to and now when Congress have enabled them to form for themselves a gov't of their own choice the executive of the U.S. is about to permit a tyrant by his acts & intrigue to destroy the prospects & thwart the wishes of the people. I have stated these things over & over again to Mr. Jefferson & his councillors yet I fear without effect.

Worthington's charges, however, were not without effect, for on June 23, President Jefferson, after having referred the matter to his cabinet for review, had Secretary of State Madison write St. Clair rebuking him for continuing to lay out new counties and county seats after it had been ruled that such functions had passed to the territorial legislature, for giving his son an "illegal tenure of office," and for accepting illegal fees. This reprimand undoubtedly made the Governor decide to be a little more judicious in his official actions. Since he was in Washington at the time, he may have discovered that Gallatin's report from the Cabinet had stated that his removal would be justified, and that the Attorney General had rendered the same opinion. Gallatin advised the President, however, that it would probably be unwise to dismiss St. Clair at that time since he would be automatically removed in the near future when Ohio was admitted to statehood.

40 Letter in Worthington's letter book, LC.
41 Territorial Papers, III, 231. See St. Clair's answer of June 23 in Smith, St. Clair, II, 571.
Actually, by mid-May the issue was no longer whether statehood would be granted but what state or states should be formed and who should control them. Even before the passage of the Enabling Act—but after Congress had shown its disposition to favor immediate statehood—the Washington and Hamilton county groups had decided, if necessary, to advocate two states instead of one, in the hope of making Marietta and Cincinnati their respective capital cities. Burnet and McMillan of Cincinnati thought this would satisfy the masses.\textsuperscript{43} St. Clair likewise swung over to this point of view during the summer months and advocated the two-state solution in a series of letters in the Cincinnati Western Spy, signed "An Old Inhabitant of Hamilton."\textsuperscript{44} Benjamin Van Cleve of Cincinnati also denounced the Enabling Act and organized an association in Hamilton County to work for the two-state plan. He argued for a constitutional convention under the Ordinance rather than the Enabling Act, which he and his fellow politicians held to be unconstitutional.\textsuperscript{45} Fortunately for Worthington’s party, St. Clair was in the East—spending most of his time lobbying in Washington to maintain his office—from March 19 until his return to Cincinnati on July 10.\textsuperscript{46} The acting governor, Charles Willing Byrd, refused to call the legislature together so that a convention could be assembled, for he was a member of the Republican group that opposed the dividing line at the Scioto, and a bitter enemy of the St. Clair party.\textsuperscript{47}

By midsummer, the Federalists had abandoned the plan of a legislature-authorized convention and had decided to yield to the express action of Congress; thus they set out to win enough delegates to the constitutional convention to control it. They hoped that when they had secured control, the Enabling Act would be amended, the boundaries readjusted to conform to the dividing law, and constitutions for two states authorized. Such a program, if pushed, might yet save them from defeat by the Chillicothe politicos.\textsuperscript{48}

To the Republicans, the Federalist threat seemed a great deal more serious than it actually was. They failed to estimate properly the strength of pioneer democracy or the effectiveness of their own

\textsuperscript{43} Burnet to Fearing, February 4, 1802, and McMillan to Fearing, February 12, 1802, in the Fearing Papers.

\textsuperscript{44} August 25, 1802, and September 11, 1802. See Downes, Frontier Ohio, 195 et seq., and 232 et seq.

\textsuperscript{45} Western Spy, June 26, 1802; Burnet, Notes, 501.

\textsuperscript{46} Tiffin to Worthington, March 1, in Smith, St. Clair, II, 574.

\textsuperscript{47} Byrd to Massie, May 20, June 20, 1802, in Massie, Massie, 206, 210; Territorial Papers, III, 533, 535.

\textsuperscript{48} Downes, Frontier Ohio, 237-39; Sol Sibley to Burnet, August 2, 1802, in Burnet, Notes, 494.
propaganda. The rejection of the Enabling Act, the formation of two states, the election of St. Clair as governor of one and of some other aristocrat as governor of the second, the eclipse of Chillicothe, and finally the loss of patronage—all were nightmares. They redoubled their efforts to discredit St. Clair and to ensure the election of Republicans to the convention.

Worthington, determined but always cautious, and not overoptimistic because of his recent successes and the strong drift toward democracy, assumed the Republican leadership. On July 5, he issued to the people of the prospective state a report which was widely distributed. He gave them an account of his activities in Washington and congratulated them on the refusal of Congress to ratify the dividing law and on the passage of the Enabling Act. He thanked them for uniting to remonstrate with Congress against the dividing law, which had been "in perfect violation of the rights and liberties of the people of the Territory... having for its primary object the postponement of that period which was to emancipate the people of the Territory from a government hostile to their genius." He had hoped that Federalists and Republicans alike in Congress would support an enabling act, but in the final analysis every Federalist had voted against it. He gave this account of what occurred:

Every pretext was used to delay and frustrate the passage of the law, whilst their table was filled with petitions from almost every part of the Territory in its favor. Nor was there one solitary counter petition laid before Congress during the whole session. On the other hand the republicans uniformly declared it was their intention to do us that justice they believed we merited and leave us to pursue that political course which we believed would ensure to us the greatest share of happiness. Let us, said they, do to the people of the Northwestern Territory, that justice they are entitled to—let us enable them to form for themselves a government congenial to the feelings of freemen; we believe their present government oppressive and unjust; let us therefore extend a cherishing arm to them in their difficulties; let us put it in their power to participate in the blessings we enjoy, and have a share in the national councils. We are willing to receive them, be their political opinions what they may; it is our duty to do them justice and pursue that course which will in their own opinion best secure their happiness and prosperity. This was the language of the Republicans in Congress and how far the law is in conformity thereto, I leave you, my fellow citizens, to determine.  

This type of propaganda had a pronounced effect: the enthusiasm for statehood grew steadily. On August 12, Francis Dunlavy jubilantly reported that Hamilton County was safe: "We are all Republicans—
not a solitary federalist is now seen thro the whole County. . . . A state government is now the universal Cry."50 In September, Worthington wrote Senator John Breckinridge of Kentucky, "Politics run high among us here on the eve of our elections for members of the Convention and I am happy to inform you that I have every reason to believe two-thirds of our convention will be republican although every opposition is made against the republican interest."51

The campaign intensified as the time of the election drew near. Chillicothe was “glutted with hand bills and long tavern harangues.”52 Massie wrote Worthington on October 1 that he believed the “dividing party” in Hamilton County was “gaining ground, they calculate very much upon the upper counties joining them.” He feared that they would try to write their old dividing plan into the constitution.53

There was some popular discontent in Wayne County because of its exclusion from the projected state and its incorporation into the Indiana Territory by the Enabling Act. Detroit and a total of some five thousand settlers were now convinced that they would be denied statehood for years to come. Sol Sibley wrote Jacob Burnet that Ohio’s northern boundary line, drawn from the southern end of Lake Michigan to the River Raisin, had been engineered through Congress by “Judges Symmes and [Return J.] Meigs, and Sir Thomas [Worthington]” because the delegates from Wayne County would be a “dead weight” politically, particularly in the control of the new state and in the division of the spoils. “But,” Sibley commented sarcastically, “the ruin of five thousand inhabitants, when brought into competition with the interested ambition of half a dozen aspiring individuals, whose intrigues have brought us into the present dilemma, can be of little consequence.” He was sure the Republicans would control the convention and, after it, the new state.54

In reality, the people of Wayne County favored statehood, but their representatives had supported the wrong faction, for the Republicans had outmaneuvered this particular group of their opponents by getting the whole area cut off by the Enabling Act—in strict conformity, let it be noted, with the Ordinance of 1787.

50 Dunlav y to Worthington, in the Rice Collection. Downes, Frontier Ohio, 233-45, gives a good account of this change of opinion in Hamilton County.
51 Worthington to Breckinridge, September 13, 1802, in the Breckenridge Papers, LC.
52 Massie to Worthington, October 1, 1802, in the Rice Collection. The quotation is from Massie, but he is reporting what McArthur wrote him.
53 Ibid.
54 Sibley to Burnet, in Smith, St. Clair, II, 580-81; Burnet, Notes, 494-96. Burnet dates the letter August 2.
At a meeting in Dayton, the malcontents called the Enabling Act legislative usurpation and argued that for Congress to authorize statehood without ratification by the people or their representatives was to emulate the action of Great Britain in forcing laws on the colonies. They based their protest on the well-worn Ordinance of 1787. Their wish, they claimed, was to call together the legislature, which body could authorize, or refuse to authorize, a convention, as specified in Article V of the Ordinance. Their true objective, namely to make Cincinnati a capital, was manifested in a further resolution that Congress should be petitioned to change the western boundary of the Territory from the line at the Great Miami to one at the falls of the Ohio (Louisville), and that the territorial legislature should be recognized as the proper authority to decide whether, when, and at what dividing line the Territory should be partitioned into two states. Unquestionably, they still hoped that the Scioto could be made the eastern dividing line. General Rufus Putnam and others of like mind at Marietta took the same position, and contended that parts of the Enabling Act were no better than bribery calculated to force the people to accept statehood despite their wishes. The Federalists in Washington County were particularly infuriated that Worthington had had more influence at Washington than their local favorite, Paul Fearing.

When the Federalists finally found that they could arouse little popular interest in their schemes, they decided as a last resort to try to capture the convention. After all, the "loaves and fishes" had not yet been distributed, nor had state lines been definitely established.

St. Clair, of course, used his influence to get delegates elected who opposed the Enabling Act. If action under it could not be averted, there would be at least a few gentlemen qualified "to discharge that trust with intelligence." In a speech at Cincinnati late in the summer he accused the Republicans of seeking to exclude the most enlightened segment of the people from participation in the convention. He maintained that slavery would be legalized in the state's constitution if they succeeded in doing so. He further charged that the Chillicothe party planned to make their city the capital of the new state and to secure for themselves a majority of the state offices.

The fears of the Republicans were put to rest with the election on October 12, for they were victorious throughout the Territory except

55 Smith, St. Clair, II, 581.
56 Meigs to Worthington, May 18, 1802, ibid., 586.
57 St. Clair to Huntington, July 15, 1802, ibid., 587.
58 Ibid., 590.
in Washington County.\[^{59}\]\ Worthington was one of the five delegates elected from Ross County, where the election took place “with much order.” Apparently, he was not particularly concerned about the local results, for he spent the week before the balloting and the day after it at his mill on Kinnickinnick Creek and did not even learn of his own election until the evening of the day after it had occurred. It was doubtless with great satisfaction, however, that he noted in his diary on the twenty-third, “From the best information all the members of the convention excepted are republicans.”