

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers* 2, 1886 – 1887 June 5, '86 to May 21, '87)

Arthur St. Clair

Civil government was established July 15th 1788, over what was then known as the North-Western Territory. The area included in that jurisdiction was an empire in extent. It embraced over 249,000 square miles, being larger than either Germany or France, Austria-Hungary or Great Britain and Ireland. Five of the States of the union have since been created within its limits; and in less than a century it has become the home of twelve million people. The subject of this paper – General Arthur St. Clair – on that day assumed the office of Governor of the Territory. The event was celebrated with appropriate ceremonies at Marietta in this state. The office was considered one of great responsibility and honor; and few men of that age of revolutionary heroes were looked upon as more competent or more deserving of the place than Gen. St. Clair. He was descended from a noble family, and was a man of commanding presence and polished manners. He received a liberal education in the University of Edinburgh, and entered upon the study of medicine in London; but shortly afterwards purchased an Ensign's commission in the army, and was assigned to duty in America where he distinguished himself under Wolfe and Howe at Québec, and was promoted for bravery. At the conclusion of hostilities, he married a Boston lady of social position and fortune; and, having resigned his commission in the army he removed to Pennsylvania. Here he was at once appointed to positions of trust in the local government. On the breaking out of the Revolution, St. Clair took the position of a leader in organizing resistance to the encroachments of the mother country. He enlisted in the 2nd Pennsylvania Regiment; and as early as March, 1776, entered the campaign as its Colonel. He took an active and prominent part as a military leader from the beginning to the close of the war, and rose to the position of Major General. He was with Washington at the crossing of the Delaware, and at Valley Forge, and during the darkest and most trying of the seven years of war. His good judgment in military affairs, his unshaken devotion and patriotism to his country, won for him the confidence and friendship of that great leader, – a confidence and friendship that lasted till death. Nor was he less esteemed by such men as Wilkinson, Hamilton, and Lafayette. The good opinion of such men is the highest tribute that can be paid to the memory of Arthur St. Clair, and the truest measure of his abilities. It is not claimed for St. Clair that he was a great commander; but he was a man of far more than ordinary military ability; and his service as a soldier of the Revolution gave him a prominent position among the men of that age.

He was however, more than a military leader. After the establishment of the independence of the colonies, he was elected a delegate to the Continental Congress and became president of that body, and Commander-in-Chief of the Army. His was the distinction of being the last president of the Continental Congress. Thus, full of experience and of honors, he assumed the position of chief executive of the great North-Western Territory, – a position full of promise in many ways, and especially to a man like St. Clair who had risen to high places both in the Army and in political life. But whatever anticipations he may have entertained as to the future, were doomed to the bitterest disappointment.

He was fresh from the political ferment of the East arising out of the question of the adoption of a constitution for the United States. The leading men of that age were impressed with the supreme importance of a Constitution and of constitutional limitations; and St. Clair had entered fully into the spirit of the times. He thoroughly understood the organic law of the Territory, and was zealous in observing it, and in enforcing obedience from others. He appreciated the importance of his office and was determined to guard its prerogatives. The people of the West however, had little sympathy with these ideas. They were for the most part young men; men of an adventurous turn of mind, who had left their homes to seek fortunes in the wilderness. They came with rifles in their hands, and were in a state of open war with the natives. In short, they were soldiers without organizational discipline. Such men have small appreciation for the fine distinctions between powers which are granted or not granted by the organic law, or the division of power between the different branches of government. While on the other hand, to men like St. Clair these were considered matters of the greatest moment. This divergence of views soon led to misunderstandings. In less than two weeks after the establishment of the territorial government, we find St. Clair engaged in a controversy with the Judges of the Territory in reference to their powers under the ordinance of 1787 and as to the powers of the Governor. The law of Congress gave the governor and judges power to form a code of laws for the territory by selecting and adopting such of the statutes of the original states as they should choose. Under this the judges claimed that they could take the statutes of the various states; and selecting parts of the several statutes, form laws from them. Another claim made by them was that inasmuch as the law of Congress said that those statutes might be adapted by the governor and judges, or a majority of them, and as the judges were a majority, they could therefore under the law adopt such statutes as they thought fit without the consent or concurrence of the governor. These propositions were vigorously combated by St. Clair in a letter addressed to the judges under date of Aug. 7 1788. He says "I agree with you, gentlemen that the clause in question and every other clause of the ordinance should receive a liberal construction wherever they are in the least doubtful; and as it in some measure partakes of the nature of a charter, is to be expounded favorably to the grantees; but it is one thing to construe a grant liberally, and another to add to the grant by construction what was never in the contemplation of the grantor. And this is precisely what I think would follow should your opinion on the clause be thought the best. That we may 'adopt entire laws of any of the old states' if we think they suit our circumstances, there can be no doubt, for that is big genuine liberal construction of the clause. That we may 'adopt such parts of any particular law' as may be necessary is within the spirit of it. That we may make a law, (for hear the word 'adopt' will not serve us) consisting of the different parts of laws of different states, and change the diction, I believe we have no power to do. I cannot discover the least difference between this and legislating originally; which, so far from permitting us to do in my opinion it was the design of Congress to prevent. I am sensible, gentlemen, that I run a risk of exposing myself to ridicule in opposing my opinions to yours in matters of 'legal construction.' It is a subject your thoughts must have been much exercised upon, and have had much experience in the application of the rules that govern it; but my plain reason, unenlightened by legal niceties and distinctions tells me that where I have an option given me, to take one or both of two things, no construction that can be given to the words giving that option will

justify me in rejecting both, and insisting upon a third. Our using the word adopt would not mend the matter. The existence of things adopted is supposed in the very term; and by no rule whatever can the art of coming into existence be made convertible with adoption, which is only another word for choice or election. Here again I am afraid I have the misfortune to differ in opinion with your honors; for, from another part of your letter, it seems to be your opinion that where three of the judges agree in adopting and publishing a law, it will acquire the requisite validity without consent of the governor. The passage in the ordinance is in these words. "The governor and judges, or a majority of them, shall adopt and publish" etc. It is true the punctuation would favor the construction you seem inclined to put upon it; but I believe it is not the true sense, & that Congress intended the assent of the governor should be necessary to all laws adopted during the existence of the stage of the temporary government, as well as to all laws formed by the General Assembly after it shall have been organized. I conceive, gentleman, Congress thought there would lie an impropriety in leaving the adoption of laws by which the people of the district were for a time to be governed solely by the persons who were to expound them; much greater, however, would that impropriety be if the clause of the ordinance goes not only to adoption but to formation of laws. The judges would in that case be complete legislators which is the very definition of tyranny; and though that arrangement might, in your hands, gentlemen, produce no evils, no man can tell how long this stage of the government will last, or who may be your successors; nor could it fail to produce much uneasiness in the minds of the people over whom so possibly oppressive an authority was established."

It is evident that St. Clair had the best of the argument, and he was sustained by Congress, to which body the matter was afterwards referred. But this by no means ended the controversy in regard to the powers of the executive. After the organization of the territorial government, the question came up in respect to the right to create new counties. It was claimed by St. Clair that the governor alone had the right under the organic law of the territory, to exercise this power. On behalf of the legislature it was admitted that this proposition was correct as to the original organization of counties; but the legislature claimed the right to divide up the counties established by the governor, and thus make new counties. It is quite impossible for the people of to-day to conceive of the partisan feeling that grew out of this question – a question which appears to us of minor importance. Yet the controversy lasted during the entire existence of the Territorial government and resulted in the Constitution of the state depriving the Governor of the veto power. This monument to the bitterness of the struggle between the legislature and the executive has lasted in our Constitution over eighty years, notwithstanding its questionable wisdom.

Gov. St. Clair arrived at Ft. Washington Jan'y 2 1790 & on the 4th of that month established the County of Hamilton, and appointed officers for the administration of justice, and for managing the affairs of the County. To him we are indebted for the name of our city. He spent about a week in Cincinnati at that time. In the summer of 1791 he came here to organize an army to march against the Indians on the Maumee. In the meantime the depredations of the savages on the settlements along the Ohio had become intolerable. An expedition under Gen. Harmar which had been sent against them had met with disaster. The force under St. Clair was to consist of 3000 men, and listed,

provisioned and equipped by the general government, and was to move by the middle of July. The troops did not begin to arrive until after that date, and when they came, they were a sorry lot without discipline or equipment many of them fresh from prisons and much given to drunkenness. It was the 7th September before the quartermaster arrived. The contractors for supplies failed to meet their engagements. Under urgent orders from the War Dept. St. Clair exerted himself to the utmost to forward the expedition; but the difficulties were insurmountable. It was not till after the 1st of September that the vanguard of the Army moved. It required a month to cut a road to the Miami River and erect Ft. Hamilton. On the 4th of October the march was resumed through the wilderness. Even at this date all the militia had not yet arrived. By the 13th of October the army had reached a point 70 miles from Cincinnati and from that time until the 30th was spent in getting forward supplies. The condition of affairs at this time was deplorable. Desertions were constant and for that matter had been since leaving Ft. Washington. Most of the men had been enlisted for six months and many of them refused to serve longer, and were consequently being discharged from day to day. The supply of flour was so limited that the men had to be put on half rations. On the 19th of October, all the horses had to be sent back for flour. The commanding general was prostrated with sickness. The rainy season had arrived. The country was covered with an unbroken forest, and the Army could only advance as a road was cut and cleared ahead of it. In addition to these difficulties the advance was into the enemy's country where the Army was liable to an attack under the most disadvantageous circumstances. Prudence would have dictated an abandonment of the campaign of that year; but the orders from the war office were most urgent. Besides, the strength of the Indians was not understood. The disaster to General Harmar's command the preceding year had resulted from disobedience to orders and want of discipline. The enemy had persistently refused a general engagement which gave the impression that their force was not great. The success of Gen. Wilkinson's expedition against the Indians on the Wabash had strengthened the belief that they would not attack a large force. It was accordingly resolved to push forward and on the 30th of October the Army again moved. On the next day a large number of the militia desert and the First Regiment had to be sent after them in order to prevent them from interfering with the supply train. By the 3rd of November the force had reached a front 29 miles distant from Fort Jefferson, and encamped on the banks of a small creek. The regulars occupied a strip of dry ground on one side of the stream while the militia crossed over and encamped on the opposite side. At daylight the next morning the enemy opened fire. The militia retreated pell-mell across the creek and swarmed into the camp of the regular troops and thus the entire force was huddled together in a contracted space. The Indians surrounded the camp and poured into it a murderous fire. They were invisible except when they were driven from their hiding places by bayonet charges. Within two hours the savages had driven in all the outer lines, captured the artillery and killed or disabled most of the officers. The ground was strewn with the dead and wounded. The militia were paralyzed with fear and the regular troops after repeated charges and terrible loss had lost hope and refused to continue the fight. Nothing was left but immediate retreat. Under promise of this the men were persuaded to make a final charge in order to reach the road and the retreat beyond. It was a rout. All the camp equipage was abandoned and the road for miles was strewn with guns and knapsacks. The pursuit was not continued by the enemy – the desire for plunder overpowering the passion for slaughter. To this is attributable the

salvation of the remnant of the Army. The killed and wounded were nearly a thousand men. – More than 2/3 of the number being killed.

It appears singular that in this battle no attempt was made to adopt the Indian mode of warfare by taking shelter behind trees and logs. The soldiers stood in line of battle and fired volley after volley into the woods and when the fire of the enemy became too hot to be longer endured bayonet charges were ordered. It is worthy of note however that the celebrated victory of General Wayne in 1794 was won by bayonet charge. It is doubtful if the result would have been changed had St. Clair attempted a different line of defense. All accounts agree that he exhibited the greatest coolness and bravery during the battle, but no amount of personal courage could overcome the superior force and scale of the enemy and the inherent weakness of his troops and their position.

The responsibility of the defeat did not rest on the commanding general. In an investigation which was ordered by Congress he was fully exonerated from blame. Nor did it injure him in the estimation of the people of the territory. They understood the situation and circumstances which caused the unfortunate result. Judge Burnett in his notes says that St. Clair possessed as great if not a greater share of the confidence and respect of the people of the territory in 1799, than any other individual in it.

Immediately after the defeat the remnant of the Army returned to Ft. Washington and St. Clair resigned his command. The news of this disaster spread terror throughout the Northwestern Territory and settlers at exposed points took refuge in the forts. It brought Congress and the officers of the General Government to a due appreciation of the strength of the hostile Indians and the magnitude of the undertaking to overcome them. The result was that General Wayne was supplied with an ample force of regular soldiers and given two years within which to organize and discipline it, and in 1794 St. Clair's defeat was avenged.

From this time forward St. Clair devoted himself to the duties of his office and to promoting the interests of the people of the Territory. Time will not permit even a reference to the varied subjects that demanded the presence and attention of the Governor during the succeeding nine years. During this period the population of the territory increased so that under the Act of Congress the people were entitled to elect a Territorial Legislature which was done and that body met in Cincinnati, September 24 1799.

A movement was organized in the Territory in 1801 in favor of a State Government and admission into the Union. This was met with zealous opposition. It soon became a party question – the Republicans favoring and the Federalists opposing it. St. Clair sympathized and acted with the latter party. His stand on this question was a political blunder and the result verifies the saying that in politics a mistake is worse than a crime. In opposing the measure he represented the majority of the people of the Territory for the time being, but in the very nature of things defeat was in the end inevitable. There must ultimately be a State Government and in the meantime the promoters of the movement in its favor stood in the position of the party of progress. It collected in its ranks all who were dissatisfied with the old order of things and all who hoped for advantage from the change, while its opponents occupied the position of conservatives and obstructionists.

This was a most unfortunate stand for a public man to take.

From his position and temperament St. Clair soon became the leader of the Anti-State party and as such concentrated upon himself the abuse and hatred of the advocates of that measure. Being at the head of the Territorial Government his power and influence were feared by his opponents and every effort was made to break him down and drive him from that position. Every act of his life was criticized and paraded before the public with all the false coloring and exaggeration that could be added. His exercise of the veto power was held up as tyrannical and unjust. Men lost their tempers and animosities were engendered that lasted for life. The controversy was not confined to the Territory but was carried to the President and to Congress. St. Clair had fast and influential friends who stood by him in the fight and defended him in the press and on the stumps.

As was said before a majority of the people was on the side of the Governor, but this obstacle was overcome by inducing Congress, which was then Republican, to change the boundaries of the Territory so as to exclude Wayne County which included a large part of what is now the State of Michigan and especially Detroit, where the opposition was particularly strong. Thus Ohio lost a large and valuable portion of her territory. The opposition to the movement in favor of a State Government was overthrown. As St. Clair had been the most prominent figure in the struggle he was most injured by the downfall of the cause he had championed. It was not long after this till his commission as Governor of the Territory was revoked and a successor was appointed in his place.

He was then an old man – over 68 years of age – and in feeble health. During his twenty-five years of almost constant public service his private fortune had been neglected and was gone. He returned to Pennsylvania where he lived till the time of his death in 1818. The latter years of his life were spent in the most abject poverty. He lived in a miserable cabin on the road side, where he sold refreshments to the wagoners who chanced to pass that way. His latter days must've been full of sadness and misery. He deserves to be remembered for his honesty, his patriotism and his public services.

The Legislature of Ohio, in recognition of the debt the people of this state owe his memory purchased his papers and correspondence in 1870 and caused the same to be published by Robt; Clark, & Co. of this city. Let us hope this record may be a monument to his virtues more enduring than marble.

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March 19 ' 87