

**MESSAGE OF THE ACTING  
GOVERNOR, STEVENS T. MASON,  
TO THE LEGISLATIVE COUNCIL OF  
THE TERRITORY OF MICHIGAN, OF  
THE 17TH AUGUST, 1835**

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Message of the Acting Governor, Stevens T. Mason, to the Legislative Council of the territory of Michigan, of the 17th August, 1835 by Various

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**VARIOUS**

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TO THE LEGISLATIVE COUNCIL OF  
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*Michigan (Territory) Governance, 1805-1892*  
*(Stevens)*

# MESSAGE

OF THE

ACTING GOVERNOR, STEVENS T. MASON,

*harrison*

TO THE

LEGISLATIVE COUNCIL,

OF THE TERRITORY OF MICHIGAN,

OF THE 17TH AUGUST, 1835;

TOGETHER WITH THE DOCUMENTS ACCOMPANYING THE SAME,  
AND THE

# REPORT,

OF THE SELECT COMMITTEE,

TO WHICH THE SAID MESSAGE AND DOCUMENTS WERE REFERRED, PRESENTED BY

MR. DOTY, Chairman.

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DETROIT:

ABELDOR M'KNIGHT, PRINTER.

1835.

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572  
B7  
A4  
1835

Sen. Hib. Stacks  
Sept  
1-4-46

## MESSAGE.

### *To the Legislative Council of the Territory of Michigan :*

Important considerations, fellow citizens, arising from the controversy in which we are unhappily engaged, relative to our southern boundary, demanding your deliberation, have induced me to call you together at this time; and although aware that another session of the Legislative Council was not anticipated by the public, at a period when we are so soon to change our form of government, I trust, that when ~~all~~ the circumstances requiring it are examined and understood, a full justification will be found for the measure.

Communications of a recent date, having advised me to accept a compromise offered by the state of Ohio, the terms of which, as I conceive, would wrest from us the rights which we are endeavoring to maintain, I have been impelled by a sense of duty to ask your views, and to consult the wishes of your constituents. Sensible that I possessed neither the inclination nor the power to adjust the controversy on the conditions proposed, and feeling unwilling to assume the high and fearful responsibility of bringing upon our country consequences of the gravest character, by my single determination, I have appealed to the wisdom of the immediate representatives of the people for their counsel and advice. I have done this the more readily, when I recollect the firmness with which they have heretofore asserted and guarded the integrity of our territorial limits.

1-31-46 6 200.8.15

if any aid should be required. I mention this order and quote its language, for the purpose of showing, that from the moment of the vaunting boast of "a million of freemen," the use of military force was contemplated by her, although the authorities of the state have proclaimed to the nation her intended measures to have been exclusively pacific.

Having received information through the Secretary of State, about the time of the arrival of the Governor of Ohio at Perrysburgh, that the President, in his deep anxiety for the adjustment of the controversy without a collision, had appointed commissioners of high character as mediators between the parties, I addressed a note to His Excellency the Governor of Ohio, giving him the information, and submitting to his consideration the propriety of delaying his measures until after their arrival. My communication I conceived to be couched in mild and respectful language; but although not intended as such, it was viewed as "a tissue of threats and menaces." Nothing could have induced me to have excited feelings which were already embittered; and that my motives should have been misconstrued, was to me a source of regret. I remarked that it was far from my intention to dictate, but that I made the suggestion for a suspension of operations from motives and feelings which I trusted would be understood and appreciated; and that I earnestly hoped that on the arrival of the commissioners appointed by the President, an arrangement might be made, that would relieve the nation from the contemplation of a controversy, which, if persevered in, would lead to consequences ever to be regretted. In making this advance, I was actuated only by a desire to prevent a collision between the two authorities, and I had flattered myself that I had appealed to one, whose age, wisdom, experience and patriotism, would insure a successful result.— Had the conciliatory feelings manifested by Michigan been met by a spirit of forbearance, much of the bitterness, which is now mingled with the controversy, might have been avoided. But I will not pursue the subject. It would ill-become me to speak of the manner in which the propositions of Michi-



gan have been met by the Executive of Ohio. Self-respect, and the official courtesy due from one state to another, forbid the imitation of an irritating example, however elevated may be the source from which it has proceeded.

On the arrival of Mr. Rush and Mr. Howard, the government commissioners, and after an unsuccessful interview held by them with the Governor of Ohio, at which they endeavored to induce him to delay the execution of the law of his state until after the next session of Congress, I was called upon by those gentlemen to suspend the operation of the territorial law of February 12, 1835, entitled "An act to prevent the exercise of a foreign jurisdiction within the limits of the territory of Michigan." In their note of the 10th April, they submit for consideration, whether there cannot be found, within the scope of the power of the executive, a mode of dispensing with the rigorous enforcement of a criminal law, and urge that as the act of February 12th was submitted to the revisal of Congress, it was the wish of the federal government that under no state of excitement should resort be had to force under this law, until an opportunity should be afforded for its repeal by Congress, if that body should deem such a measure expedient.

At my first interview with the commissioners, I had informed them, that if the authorities of Ohio would withdraw for the present all claim to jurisdiction, I believed that no obstacle to the re-marking of Harris's line would be interposed by the citizens of Michigan. This compromise having been rejected by Governor Lucas, I was not a little surprised that greater concessions were demanded from Michigan. In my answer to the commissioners, I informed them, that as the Executive of the territory, I could have no authority to interfere with the regular operations of the laws; that the courts of justice must be permitted to pursue their course unchecked; that the only power belonging to the Executive, to prevent the rigorous enforcement of a criminal law, was the pardoning power, and that power could only be applied to individual cases, after the authority of the courts had been expended;

and, further, that as the Attorney General of the United States had pronounced the act of February 12th a valid law, obligatory upon all persons residing within the limits of the territory, its operation could be suspended only by the power creating it. Indeed, the fact that Congress possesses a supervision over the acts of the Legislative Council is conceived to be no argument in favor of dispensing with the operation of a territorial law. The Legislative Council are authorized to pass all laws "for the good government of the territory," not conflicting with the articles of the ordinance of 1787, or the acts of Congress from which their powers are derived. The law of February 12th does not contravene the provisions of any act of Congress, and its operation should not be suspended, because, if the principle is once admitted, the suspension of every criminal law of the territory bearing upon the measures of Ohio may be demanded until the decision of Congress is known. Had these alleged instructions been obeyed, it would have been a virtual surrender of the disputed territory into the hands of the authorities of Ohio. My views and determination on this subject were communicated to the President through the Secretary of State; and, in answer, I was informed that the President considered it proper, that the civil jurisdiction of Michigan should be sustained, and the acts of Congress establishing the territory fully executed until they were modified or repealed. Such were the instructions of the President, as given on the 20th of April last.

In reply to other communications received from the commissioners, urging me to forbid the interruption of the re-marking of Harris's line, I again informed them that I could not assume powers which belonged to another department of the government; that the Governor of Ohio was informed of the terms upon which he could re-mark the line; that he had endeavored to usurp jurisdiction over the territory, and that as the line was to be run in furtherance of that jurisdiction, the proper authorities would resist the measures by every lawful means. The attempt at re-marking the line was made;

the result you are aware of. Ohio failed in the measure; the laws of the territory were enforced, and her jurisdiction completely asserted.

In all arrests made by Michigan, the individuals have been admitted to bail, with the exception of one, who, by the instructions of the Executive of Ohio, remained in the village of Tecumseh, and who had been and is now going at large through the country. The object of this *constructive* imprisonment is probably answered, now, that the Legislature of Ohio has adjourned. Like all other instances complained of, the *imprisonment* of this individual exhibits fully the "rigorous" measures adopted by the authorities of Michigan. In justice to those entrusted with the execution of the laws, and to those citizens by whom they have been assisted, it is proper to state, that no harsh measures have characterized their proceedings. On the contrary, they have mingled with a firm and fearless determination to assert the supremacy of the laws, a forbearance and prudence creditable in the highest degree.

Although the inhabitants of the county of Lenawee, and particularly those of the county of Monroe, have been harrassed for months by the repeated outrages of the people of Toledo and its vicinity, claiming to be citizens of Ohio, in no instance have they exhibited acts of violence or unnecessary rashness. At a time when the Governor of Ohio had embodied a military force of five or six hundred men, for the avowed purpose of murdering our citizens while acting under the constitution and laws of the country, the authorities of Michigan forbore to follow the example. In no instance have they used the militia in the execution of their laws. It has been complained by Ohio, that fire arms were upon one occasion employed by a number of the sheriff's posse. This charge has the semblance of a pretext for its foundation. At the time of the arrest of individuals engaged in re-marking Harris's line, a few shots were fired over the heads of those who were attempting to escape; but as there existed no intention to shed the blood of our fellow-citizens of Ohio, it must prove a