

*Holy Toledo! Or the Continuing War
Between Ohio and Michigan...*



by Alan Naldrett

Holy Toledo!* or the Continuing War Between Ohio and Michigan

Some say the war between Michigan and Ohio never ended. These are mostly the inveterate football fans that look forward to “the Big Game” between the University of Michigan and Ohio State every year. Ironically, there has been much more bloodshed and physical damage as a result of this annual Big Ten Conference football game than there ever was in the actual skirmish that history books have dubbed “The Toledo War.”

Now Toledo is not what one thinks of as a hotbed of dissent--it is the fifth largest city in the state of Ohio and, without doubt, has many fine attributes. Among these are an excellent art museum, aquarium, and the Toledo Mud Hens, the minor league team for the Detroit Tigers. Jamie Farr, famous Section 8 discharge hopeful, sometime transvestite army corporal from the TV show M.A.S.H., is a native and holds a self-named golf tournament each year.

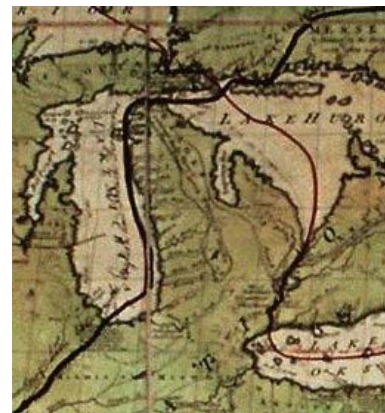
Of course, the number one state sporting event is not the Toledo golf tournament but “The Game.” This is the game touted in a survey by ESPN as the number one sports rivalry in the United States, the Ohio State vs. Michigan football game. The first time these teams met was in 1897, and some say the Michiganders were driven by vengeance for the losses of the Toledo War, at least the Michigan portion who felt the Upper Peninsula was not a good trade for Toledo. The Michigan team was victorious in all the ensuing games until 1919, when Ohio State posted its first victory against the Michigan insurgents (this was the 16th time they met, Ohio State managed to tie in 1900 and 1910). Therefore, Toledo was considered a valuable prize to be fought over and the

battles over it remained in the collective grudge consciousness of the people of Ohio and Michigan. Ironically, the Toledo War is not even considered a “real” war by historians, but rather a minor skirmish, a footnote not well-known to most history students, while the Michigan-Ohio State game is nationally famous, often deciding the national college football championship!

Situated at the mouth of the Maumee River, Toledo is unfortunately more well-known to motorists and others as the point where the Ohio Turnpike and I-75 converge--an area known (to their dismay) to never be devoid of orange construction cones. However, the truth is that because of its dominant position at the mouth of the Maumee, Toledo was thought to be the future towering metropolis that Chicago became. In an 1868 pamphlet titled “Toledo--Future Great City of the World,” Jesup Wakeman Scott expressed the belief that the center of world commerce was moving westward and by 1900, it would be located in Toledo! Therefore, Toledo was considered a prize to be fought for, to the point of raising money for militias and sending actual armed patrols to the disputed Toledo parcel. This was necessary because this area, due to ever-changing maps and the ambiguous nature of the Northwest Treaty, was claimed by both Michigan and Ohio!

Cartography was not the science back then that it is today. As late as 1839, most maps of Michigan showed inaccuracies in both the shape of the peninsula and with placement of the various lakes and rivers. The Northwest Ordinance of 1787 established the boundary between Ohio and Michigan as an east-west line “drawn from the southern tip of Lake Michigan across the

base of the peninsula.” The original line was drawn using maps that showed the line intersecting Lake Erie north of the Maumee River. Later, maps that are more accurate included area around the Maumee River, which was not originally shown on the earlier maps. Should this “new territory” rightfully go to Ohio or Michigan? This disputed area became the territorial “line of scrimmage” for the Toledo War. When Ohio drafted their state constitution in 1803, this original “base of the peninsula” line is the one they used to establish the official state boundary. When the Michigan Territory was created in 1805, surveyors and fishermen realized the tip of Lake Michigan was actually further south and included the area that would later become Toledo.



Two early, inaccurate, 1700s maps used to determine border boundaries for the Michigan and Northwest Territories.

The revelation that the Toledo area would fall within the Michigan Territory was not well received by the new state of Ohio. Much like what Ohio State football coach Woody Hayes would do many times many years later, Ohio declared Michigan “offsides!” The state immediately began

campaigning for the borderline from the survey that originally awarded Toledo to Ohio. However, Michigan also claimed jurisdiction in the area, and did not relinquish control. Michigan had been governing the territory, the residents had been voting in Michigan elections, and the residents, for the most part, considered themselves part of Michigan. The Michigan territorial government had begun construction on a road from Detroit to the Toledo area. However, not all of the residents in the area felt like Michiganders. In 1812, Amos Stafford submitted a petition with the signatures of 50 families living in the disputed area. They claimed that they felt themselves to be Ohioans and were opposed to the Michigan laws they were living under. In response, the Act of 1812 was passed by the U.S. legislature which called for a resurveying of the line. In 1817, U.S. Surveyor General, and former Ohio governor, Edward Tiffin, sent William Harris out to survey the line as it stood *according to Ohio's constitution*. Coincidentally, when the results coincided with where Ohio thought the line (called the Harris Line) should be, including the Toledo area at the mouth of the Maumee River, the results were greeted with skepticism in Michigan. This was partly due to Tiffin's status as a former Ohio governor. The Michigan Territorial Governor, Lewis Cass, went to President James Monroe to protest the situation. Surveyor John A. Fulton was then called into the fray to make another survey of the disputed claim in accordance with the Northwest Ordinance (the "Fulton Line").

It was obvious that each surveying team had its own agendas because the two surveys resulted in two lines eight miles apart at Lake Erie and five miles

apart at the Indiana border, with a total of 468 square miles in between. This area became known as the Toledo Strip. Meanwhile, Michigan continued its assumed jurisdiction over the area. In 1821, Ohio established Wood County, which included property up to the Fulton line but not including the Toledo Strip. Interest grew in the area as Ohio incorporated a canal system and first envisioned Toledo as a metropolis on the scale of Chicago. In 1832, Ohio unofficially established the city of Toledo.

In 1832, the Michigan Territorial Council petitioned Congress for an enabling act that would permit Michigan to call a constitutional convention. Congress refused the request due to the boundary dispute between Michigan and Ohio. Congress then passed a law providing for a third survey of the Ordinance Line to be completed by December 31, 1835. Andrew Talcott, captain of U.S. Army Engineers, was commissioned to undertake the project, and Lieutenants Washington Hood and Robert E. Lee, the same person who became the Confederate States chief general, made the actual survey. This line was known as the "Talcott Line."

However, in 1833, Michigan was still assuming jurisdiction over the area as it filed for statehood on December 11. At this point, Ohio congressional representatives successfully lobbied to block Michigan's acceptance as a state until it agreed to Ohio's version of the boundary. Former President John Quincy Adams, who returned to the House of Representatives after his presidential stint, commented, "Never in the course of my life have I known a controversy of which all the right so clearly lies on

one side and all the power so overwhelmingly on the other." This was because, as a territory, Michigan had no electoral votes, while Ohio, as an official state, did--a definite disadvantage for Michigan in dealing with the federal government.

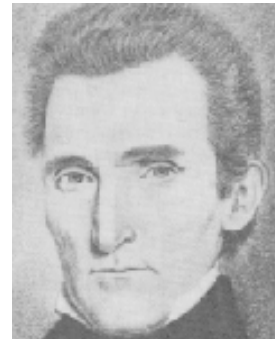
This animosity, with Ohio taking advantage of Michigan's weak position, was remembered years later when Michigan came to dominate the Big Game, winning, as of 2007, 57 games to 38 games for Ohio State (5 ties). The "Big Game" has decided the Big Ten championship 32 times since the contest was moved to the last Saturday in the season in 1935; on 18 of those occasions, Michigan and Ohio State settled the title between themselves! The last game of the Big Ten season had often decided who went to the Rose Bowl, back when the Rose Bowl was always a game between the winners of the PAC-10 and Big Ten conferences. Just as Michigan residents thought Ohio had robbed them of prime land, Ohio felt Michigan was trying to cheat them. Maybe this wasn't what Woody Hayes was thinking about when he would drive 60 miles out of the way to avoid driving in Michigan, but it was the result of years of interstate rivalry.

Meanwhile, back in the 1830s, in an attempt to influence the Jackson administration to favor the Michigan side, Michigan had created counties named after the members of President Andrew Jackson's cabinet. These counties include Calhoun, Van Buren, Livingston, Eaton, Cass, Berrien, Barry, and Branch. Lewis Cass had resigned as Michigan governor in 1831 when he was named Secretary of War in Jackson's cabinet. John T. Mason had been

the territorial secretary and was named governor after Cass's appointment. When Jackson reportedly sent him on a mission to Mexico, Mason left his son Stevens to be territorial secretary. Stevens Mason was only 19 when he assumed the job but had already been helping his father navigate the rough waters of Michigan politics for a few years. Jackson appointed George Porter as governor in 1831 but Porter was not actually in the state very often and left much of the governing to his secretary, young Stevens Mason. When Porter died in the cholera epidemic of July 1834, Mason at age 23 was officially named territorial governor of Michigan. **



Michigan "boy governor" Stevens T. Mason



Ohio Governor Robert Lucas

On April 25, 1835, matters began to come to a head. Ohio governor Robert Lucas, planning to rerun the survey line, gathered a force of surveyors and about 40 men to guard them at Perrysburg. After working most of the day, they ran their line to Phillips Corner; a small field located about 14 miles south of Adrian, Michigan. Because of the lateness of the day and because the next day was Sunday, the group decided to pitch camp. Alerted to their presence by the undersheriff of Lenawee County, the Michigan militia, in this

case about 30 citizens recruited from nearby Adrian, moved in on the surveying party about noon on Sunday. Thrown into a panic, the surveyors made a run for the Ohio border, making it back to Perrysburg, Ohio, beyond the disputed area, on Monday morning. In the meantime, nine Ohio guardsmen took shelter in a log cabin on Phillips' property and barricaded themselves inside. Surrounded by the posse, they gave themselves up after a short delay. After the surrender, they attempted to bolt for the woods with the Michiganders firing volleys over their heads. None were wounded and all nine were taken prisoner. Six entered bail, two were released, and one was retained for refusing bail on principle. Forever after known as the "Battle of Phillips Corner," the only casualties were the loss of a few coats and pairs of trousers. The main consequence of the battle was that Governor Lucas moved his men out of nearby Perrysburg into the disputed area.

After this incident, when Ohio governor Robert Lucas refused to negotiate with them, the Michigan territorial government under Mason passed a resolution, the Pains and Penalties Act, on February 12, 1835, imposing heavy fines of \$1,000 or 5 years in prison at hard labor, on anyone other than Michigan or federal officers trying to exercise authority in the Toledo Strip. Ignoring these actions, Governor Lucas set up the Toledo area as a county named after *him* and appointed a sheriff and judge. (Toledo today is still in Lucas County.) This set off the saber rattling! Michigan "boy governor" Stevens Mason put together a 250-man militia and headed to Toledo. In response, the Ohio legislature voted to approve a \$300,000 military budget; in

response to this Michigan approved \$315,000! Mason was peeved when Arkansas was approved to be admitted as a state in 1836. Michigan had begun statehood discussions long before Arkansas and now had these prevailing conditions and border disputes with no end in sight. It was time for some action designed to resolve the obstacles in the way of Michigan statehood. Elections were held selecting congressional representatives from Michigan, even if they could not yet be seated. Mason now believed that Michigan should be considered a state regardless of the border dispute. Sending the newly-elected but not yet legal representatives to the federal legislature, Michigan was commented on as being the first U.S. state attempting to “break into the union.”

At this point, both militias headed out to the disputed area but mostly faced off and taunted each other from opposite sides of the Maumee. According to some accounts, some of this militia was lost in the Great Black Swamp, which was nearly impassable most of the year, for over two weeks and never actually found their opponents to engage in any battles.

In spite of the fact that they did not yet have electoral votes, President Jackson was sympathetic to the Michigan cause and sent Congressman Benjamin Howard of Baltimore and Richard Rush of Philadelphia to negotiate the Rush-Bagot Agreement. This provided for complete disarmament of the Great Lakes. The agreement called for another survey and for the people of the area to democratically decide if they wanted to be part of Michigan or Ohio. With this, Ohio governor Lucas pulled the Ohio militia out of the area.

This might have led to a peaceful solution if the Michigan militia hadn't started arresting Ohio supporters in the Toledo Strip. The chief Ohio "patriots" in the area were Major Benjamin E. Stickney, and his two sons, One and Two (!). Major Stickney had been known as an eccentric resident of the Toledo Strip area and a main proponent for the area to become Ohio's. (Besides his unorthodox numbering instead of naming his sons, i.e., One, Two, etc., Major Stickney felt women should have names that are more distinct and named his daughters after the states of the Union.) Michiganders broke into Stickney's house, arresting houseguests Dr. Naaman Goodsell and George McKay. Stickney's daughter was reportedly injured in the fracas when she attempted to call for help. (Which state this daughter was named for is unfortunately, lost to history.) Then, on April 25, 1835, a force of 1,000 Michigan militia enforcing the Pains and Penalties Act ambushed a team of Ohio surveyors (Uri Seely, Jonathon Taylor, and John Patterson) and about 50 Ohio militiamen. Most of the Ohioans were simply driven past the Fulton line into definite Ohio territory and were not pursued further. On May 11, Michigan was once again blocked entry into the Union because of the conflict. Ohio was now ready to fully fight for Toledo and passed a law making it illegal to kidnap Ohio citizens. On July 12, Joseph Wood, the deputy sheriff of Monroe County, received an arrest warrant for some Ohio patriots. He arrested Major Stickney and George McKay. Major Stickney put up such a struggle that they had to tie his legs to the bottom of a horse in order to take him back to Michigan. The two prisoners were taken to Monroe, given a mock trial two

days later, and released on bail. On July 16, Wood attempted to arrest Two Stickney, but Stickney stabbed him in the left leg with a penknife, making Joseph Wood and the unnamed Stickney daughter the chief casualties of the Toledo War. (Many accounts mention a pig fatality, but do not specify when this occurred.) Two then fled past the Fulton line and was not pursued by the 250 Michigan militiamen sent to do so. After these events, according to local newspaper accounts, about 200 to 300 Michigan militiamen moved into the territory. Armed with bayonets and guns, they dishonored the Ohio flag by dragging it through the streets of Toledo, tied to the tail of a horse!

Two Stickney was considered a villain by the Michigan residents, but a patriot by Ohioans, much like the much-revered and reviled Woody Hayes.

Ohio patriot Two Stickney



Woody Hayes



Bo Schembechler



Woody Hayes was born in Clifton, Ohio, and played center on his high school team and tackle at Denison University. He became head football coach at his alma mater after stints at a couple of Ohio high schools. From there he went on to Miami University where he led them to a victory in the Salad Bowl over Arizona State University. This success led him to become the head coach at Ohio State. As head coach from 1951 to 1978, he compiled a 205-61-10

record, winning five national championships ('54, '57, '61, '68, and '70), and 13 Big Ten Conference titles. Four Heisman Trophy winners thrived under his tutelage (including Archie Griffin, the only two-time winner). Besides the damage inflicted to Michigan on the playing field, Woody also issued punishment in an unofficial capacity: he tended to hit opponents. In 1956, Hayes hit a television cameraman after his team lost to the University of Iowa. In 1959, Hayes tried to take a swing at *Los Angeles Examiner* sportswriter Al Bine, but missed and instead hit the brother of *Pasadena Independent* sports editor Bob Shafer. Returning his fury to Michigan, in 1971 he tore up the sideline markers because of his disappointment in a missed defensive pass interference call. In 1972, he struck a Michigan State student who uttered a four-letter greeting to the coach. The last straw was when Woody struck Clemson player Charlie Bauman after Bauman intercepted for the Clemson Tigers in the Gator Bowl of December 29, 1978. This was pronounced at the time (by ESPN) as “the most unsportsmanlike play of all time.” Woody probably inflicted more long-range damage to Michigan than Two Stickney and is consequently much more famous.

Also famous is Michigan head coach (and former Hayes protégé) Bo Schembechler, the butt of many Woody Hayes tirades. In 1968, with Ohio State leading 48 to 14, Woody decided to go for a two-point conversion, rather than a simple kick for an extra point. When the conversion was successful, it brought the score to a full 50 points. Asked why he "went for two," Hayes responded, "Because I couldn't go for three." For ten years the two

dominated the Big Ten, splitting ten conference titles between them and finishing second eight times. Hayes could not bring himself to speak the name of "that school up north." Schembechler loved nothing more than beating his old mentor. After a decade of memorable battles in the ongoing war, Michigan held a small 5-4-1 advantage. This decade is sometimes called the "Ten-Year War."

Meanwhile, back on August 8, 1835, President Jackson was growing increasingly annoyed by Michigan's refusal to settle the problem through diplomacy, ordered Governor Mason removed from office, and the Michigan militia disbanded. He then appointed John S. ("Little Jack") Horner in his stead. Horner proved to be extremely unpopular as governor. Residents pelted him with vegetables upon his entry into the territorial capital and burned him in effigy. Horner's stint as governor was a short one--about two months.

A September 7 meeting of the Court of Appeals was set up. Michigan sent 100 militiamen under the command of General W. Wing to Toledo to prevent the court from operating and sent 1,200 more as backup on the way. However, unknown to the militia, a court was convened, under cover of darkness, at 1 a.m. on the appointed day. Meeting at a schoolhouse, Junius Flagg was named sheriff, Dr. Horation Conant was named clerk, and John Baldwin, Robert Gower, and Cyrus Holliday were designated as the commissioners. After the covert session, the group stopped at a bar, but they were warned of the presence of Michigan militia and managed to avoid them. Dr. Conant put

the minutes of the court session in his top hat, but lost the hat. Because the minutes were necessary to establish that the session had legally taken place, Conant and two Ohio militia men went back to search for the hat, found it, and made it back into Ohio just after dawn, and just in time to (in true Big Game style) hit the bar to again celebrate the victory. The Michigan militia, with nothing more to do, stayed a few days, plundering Major Stickney's vegetable garden and fruit orchards.

At this point, the U.S. Congress offered Michigan \$400,000 and the Upper Peninsula to drop their claims. The Upper Peninsula had been planning to organize as its own state called Huron. Finally, on December 14, 1835, the Michigan Convention in Ann Arbor accepted the terms proposed. On June 15, 1836, Congress passed the Clayton Act, also known as the Northern Ohio Boundary Act. This allowed Michigan to finally join the Union and allowed Ohio to finally occupy the Toledo Strip without fear of reprisal. On January 7, 1837, Toledo was officially established as an Ohio city. On January 26, Michigan was officially admitted to the Union. In 1915, the line was officially surveyed and the governors of Ohio and Michigan stood on their respective borders and shook hands.

Besides the annual rivalry of the Michigan-Ohio State football game, in the 1960s, another controversy over the state boundaries became a point of contention between Ohio and Michigan. Michigan said that the Clayton Act applied only to territory on land and wanted control of 206 square miles of underwater land that had been controlled by Ohio since the Toledo War.

The Supreme Court ruled in 1973 that the territory would remain part of Ohio. There is still a group calling itself the Michigan Militia that still claims that part of Ohio really belongs to Michigan. They say that since the Harris line is now official, the northernmost two miles of Sandusky (including the amusement park Cedar Point) should be immediately returned to Michigan. Another territorial issue has been the Maumee River location of Turtle Island.

Moreover, every year the University of Michigan and Ohio State meet to fight new battles in the war between Ohio and Michigan.



Michigan and Ohio governors shake hands at the state borders.



Michigan coach Bo Schembechler and Ohio State coach Woody Hayes in one of their more tranquil moments together.

*Actually the phrase “Holy Toledo” is probably not relevant to Toledo, Ohio. It is most likely a reference to Toledo steel, prized material for medieval swords, from Toledo, Spain, namesake of Toledo, Ohio.

** Stevens Mason, the boy governor, returned to his native New York after his two terms as governor. After dying of cholera at the youthful age of 31, he was re-buried at the base of his statue in downtown Detroit’s Capitol Park at the corner of Griswold and Shelby. This was the location of the original Michigan statehouse.

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