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WESTERN RESERVE

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NORTHERN OHIO

Historical Society

No. 30.

March, 1876.

EARLY SETTLEMENT OF
WARREN, TRUMBULL CO., OHIO.

BY THE LATE

LEONARD CASE.

CLEVELAND :

FAIRBANKS, BENEDICT & CO., PRINTERS, HERALD OFFICE.

1876.

EARLY SETTLEMENT OF TRUMBULL COUNTY, OHIO.

 BY THE LATE LEONARD CASE, OF CLEVELAND.

The writer of the following notes on the history of Trumbull county, was, on the 10th of April, 1800, a lad thirteen years and nine months old. On that day, he left Fallowfield township, Washington county, Pennsylvania, for the Western Reserve. Passed by land to Beavertown, detained there three days; passed on crossed the territorial line south-east of Poland, 17th; and arrived at Mahoning, near the afterward village of Warren, 19th, 4 P. M. He believes on that day there were not more than 20,000 inhabitants (exclusive of French settlements on the Mississippi, Detroit and Mackinaw,) on the old North-west Territory, notwithstanding the census of 1800 gives 45,065.

The usual incidents attended the journey until crossing the south line, on 41° N. L. From there to Yellow Creek, in Poland, was a very muddy road called "The Swamp." In Poland, a settlement was begun, Judge Turband Kirtland and family living on the east side, and Jonathan Fowler and wife, a sister of the Judge, keeping a tavern on the west side. From thence our way was through woods to where was a family by the name of Stevens, who had been there three years or more. The wife's name was Hannah. With her, our family had been acquainted. She said she had been there three years, without seeing the face of a white woman. There our party and cattle stayed over night. Next morning, we passed up the west side of the river, (for want of means to cross it,) to James Hillman's, and then through woods, on the old road made by the Connecticut

Land Company, to the Salt Spring. There were some settlers, Jos. McMahon among the rest, engaged in making salt. From there we passed (through woods,) to the cabin and clearing of Benjamin Davison, on the north half of Lot No. 42, in Warren, town 4, range 4; then on one-quarter of a mile to a path that turned east to the Fusselman place, on the south half of Lot No. 35, and then to the residence of Richard Storer, arriving there about 4 o'clock, P. M., on the 18th day of April, 1800.

After our passage through woods and mud, the leeks on the Indian Field on Mahoning Bottom made a most beautiful appearance.

SETTLERS.

As near as the writer can recollect, the settlers then were, in and about Warren,

EPHRAIM QUINBY,
RICHARD STORER,
FRANCES CARLTON,
WILLIAM FENTON,

WILLIAM CROOKS,
JONATHAN CHURCH,
JOSHUA CHURCH,
EDWARD JONES.

In Howland,

JOHN H. ADGATE.

They camethere in 1799 and in the following winter.

Their families were,

MRS. QUINBY, Nancy, Samuel and Abrilla.

MRS. STORER, two sons and a daughter.

JOHN CARLTON, William, Margaret and Peter.

MRS. FENTON and two children.

MRS. JONES and one child.

MRS. ADGATE, Sally, Belinda, Caroline, John H., Nancy, Charles, Ulysses, James and one or two more.

CALEB JONES, wife and child.

In May, 1801, GEORGE LOVELACE settled on the north half of Lot No. 27.

On and soon after the 18th of April, 1800, there arrived from Pennsylvania,

MESHACH CASE and MAGDALEN his wife, Elizabeth, Leonard, (the writer of this,) Catharine, Mary Reuben and Sarah.

HENRY LANE, SEN. and wife, John, Asa, Benjamin, Catherine and Ann.

HENRY LANE, JR., and his wife ELSIE.

CHARLES DAILEY and wife, JENNY and several children.

ISAAC DAILEY & wife EFFIE, and several children.

JOHN DAILEY, wife and child.

Soon after these, came,

BENJAMIN DAVISON and wife, George, Liberty, Polly, Prudence, Ann, Samuel, William, Walter, James, Betsey and Benjamin

to their cabin erected by the old gentleman in the fall of 1799.

In June, 1800, there arrived, by the south route,

JOHN LEAVITT, Esq. and family.

EBENEZER SHELDON and family.

Sheldon and family passed on to Aurora.

Leavitt and family tarried in Warren, his family :

MRS. SILENCE LEAVITT, Will'm, John, jr., Cynthia, Sally, Henry F., Abiah, Humphrey and some hired men, Elam & Eli Blair, (twin brothers.)

About the same time there came

PHINEAS LEFFINGWELL & wife.

John H. Adgate and family were already on their farm in the south-west corner of Howland, (1600 acres, being 160 chains N. & S. and 100 chains wide,) and had commenced improvements in 1799. Besides the family before mentioned, they had with them some help and old BENONI OCKUM, an Indian of the Stockbridge tribe. They had resided there during the winter of 1799, 1800. A pleasant family.

In 1799, Benjamin Davison, Esq. purchased the north half of Lots 41 & 42 Warren. The old gentleman had erected a cabin on the old road to Beavertown, on Lot 42, about 40 rods west from the present buildings. In May 1800, the family commenced their labors for a crop.*

*Wolves and bears committed depredations almost continually upon the cattle and hogs, and other smaller vermin upon the domestic fowls. The wolves would

PREACHING.

In June, 1800, HENRY SPEERS, a preacher of the Baptist order, from our former neighborhood in Washington county, Pa., and an old acquaintance, visited the settlers at Warren. Short notice was given, and he preached a sermon in the forenoon in the shade of the trees along the road south of the Mahoning, about 60 rods from the house of Henry Lane, Sr. Perhaps 50 persons assembled. They gave him a very respectful attention. This was the first sermon preached in Warren which has come to the knowledge of the writer.

In the fall of 1800, Rev. Joseph Badger came, by order of the Missionary Society in Connecticut. and for some time preached to us occasionally in the private houses of the settlers.

Either in the fall of 1801, or early in 1802, Rev. Thomas G. Jones, of the Baptist order, who resided on the Shenango east of Brookfield, was engaged for every other Sabbath at Warren. He it is believed, was the first preacher engaged regularly at Warren. He continued until after 1806. Among the members of his society were Isaac Dailey and wife, Samuel Burnett and wife and Will Jackman and wife.

In the meantime, the Presbyterians were supplied with occasional preachers; however, besides the Rev. Mr. Badger, the

approach even within two rods of the cabin, seize a pig, run off with it and eat it, and as soon as the flock became still again, would return again and seize another in like manner; pursuing their depredations to such an extent as to render it difficult to raise anything. The wolves would likewise seize and destroy the weaker cattle. In winter, when quite hungry, they were bold and would come among the settlers' cabins. The writer recollects one night in February, 1801, when the weather had been stormy—the wind then blowing a severe gale—when the wolves attacked the cattle on the Bottoms, on Lots 35 & 42 in Warren. The cattle gathered together in large numbers; the oxen and stronger ones endeavoring to defend the weaker ones. They ran, bellowing, from one place to another and the wolves, trying to seize their prey, howled fearfully. In the morning, it was evident, that the oxen had pitched at the wolves, burying their horns up to their skulls in the mud and earth. Several of the weaker cattle were found badly bitten.

The bears preyed more upon the larger hogs; frequently carrying off alive some weighing as much as 150 pounds, though they preferred smaller ones.

The foxes and other vermin so preyed upon the domestic fowls, that for some years it was difficult to keep any. That wolves prey upon sheep is usual wherever they exist in the same vicinity; but they were so bad about Trumbull, in its early settlement, that the settlers were unable to protect the sheep from the ravages of the wolves, for six or seven years.

writer does not recall their names. In about 1808, the Rev. Mr. Dawes was regularly engaged. Among the Presbyterians, were Benjamin Davison and Anna his wife, Thos. Pryor and Elizabeth his wife, Elsie Lane, — Lane, and John Leavitt and wife.

FOURTH OF JULY.

In 1800 there was a 4th of July celebration at the place of Mr. Quinby. They were much at a loss for musical instruments. — Elam and Eli Blair, the twin young men who came with John Leavitt, Esq.—one a drummer and the other a fifer—surmounted the difficulty. One found a large, strong, stem-elder and soon made a fife. The other cut down a hollow pepperidge tree and with only a hand-axe and jack plane made a drum-cylinder. With the skin of a fawn, killed for him by William Crooks, he made heads for the drum and for the cords used a pair of new plow-lines belonging to M. Case. They discoursed most patriotic music. Of course, all had guns. So, the usual amount of patriotism was demonstrated in proper style by music and the burning of gunpowder. John Leavitt, Esq. played the militia captain. A good dinner was had in a bowery. Toasts were duly given and honored with the needful amount of stimulus. All went off merrily.

Quite a number of the guests were from abroad, among whom were John Young, Calvin Austin and some others from Youngstown; Gen. Edward Paine and Judge Eliphalet Austin from the lake shore, and other gentlemen from other places.

OLD MERRYMAN.

When the first settlers came, they found in the land ——— Merryman, a perfect patriarch of a hunter, of some 60 winters. He had for years been lord of the soil: his “right” there was “none to dispute.” But after the white men came—like the natives—there was no place for him. Whence he originally came, or whither he finally went, or how he was descended, the writer hath no knowledge.

FLOUR MILLS.

The first grist-mill, for custom grinding, was on Mill creek in Boardman. It was started (as currently stated) in the last of Nov., 1799, and was the first mill erected on the Reserve, unless the mill erected by W. W. Williams at Newburg had priority.*

It answered a tolerably good purpose for the people about Warren,† until Henry Lane, jr., and Charles Dailey put their mill in operation in 1802. They commenced building their dam across the Mahoning in 1800; but the winter flood destroyed their work. They then exerted themselves to have their mill going in 1801, and the neighbors assisted, but they did not succeed until the Spring of 1802.

* P. S. MARCH 29, 1862. Saw Allen Gaylord, Esq. of Newburg village, who says he came with David Hudson, Will Wheeler Williams, etc., in the spring of the year 1800, removing with their families to the Reserve. He joined them in the State of New York, at or near Ironduquoit, and came with them to Cleveland. Williams stopped at Cleveland. Gaylord went with Hudson to the township of Hudson. Gaylord was well acquainted with them in Connecticut. They were both out in 1799, when Hudson surveyed Hudson and Williams erected the mills on Mill creek, on Lot No. 464, front of now Newburg village. Williams had caused the mill to be started before leaving the Reserve with Hudson in the fall of 1799. They arrived in Con't. in November of 1799, and consequently the mill must have been set agoing in October. The mill was in operation when Gaylord arrived in the spring of 1800. He has known it ever since.

He was informed that Williams was furnished with the materials for building the mill, besides the donation of the lot of land No. 464. The deed of this lot was made by Trustees Conn. Land Co. April 4, 1804, to Samuel Huntington, Recorded in Trum. Nov. 21, 1804, G. p. 45. This mill in Newburg must have been the first started. Mr. Gaylord says the rock where the stones were quarried he has seen, not long since, nearby.

The writer has seen in the accounts of Directors of Conn. Land Co. viz.

"1800, April, advanced W. W. Williams to erect mill at Cleveland, 255 83	
23 pairs of shoes delivered W. W. Williams	23.00"

The 100 acre lot No. 464 deeded to S. Huntington, is said to have been part of the consideration for the mill,

† In February 1801, Benj'n. Davison, Esq. the father of the family on the north half of Lot 42, Warren, his son Samuel, a lad about 16 or 17, and Ebenezer Earle (brother of John Earle of Howland) a bachelor about 30, agreed to take a sled load of wheat and corn to the mill on Mill creek in Boardman.

The sled had a new wood rack with two yoke of oxen. There was snow, but rather thin sledding. These three with the team started pretty early in the day for the mill, twelve miles distant. Soon after they started it grew warmer and began to thaw. It was after dark before they got their grain ground, but knowing that the road (the road which the Connecticut Land Co. caused to be opened from Poland, by the Salt Springs, Warren and to Painesville) would soon break,

The stones were placed in a saw-mill, the bed-stone on the sawing platform. Spur-wheels were placed on the flutter-wheel of the saw-mill, one on the lower end of an upright shaft and geared together. The running stone was placed on the upper end of the shaft, and with a hoop and appurtenances, ground tolerably well ; but each customer had to bolt his own flour.

It was said that the builder had a favorable contract for a piece of land, on the conditions that he should have a saw-mill and grist-mill running by the first of December, 1799. He found the time growing short and resorted to the above device in order to comply with the letter of his conditions.

MERCHANTS.

The first supply of merchandise which the writer recollects was under the control of James E. Caldwell who, with an assistant, about once in two weeks poled a canoe up the Mahoning—in 1801. When he came in sight of a settler he blew a horn, and those who wanted goods resorted to the canoe for a supply.

Either in the fall of 1801, or early in 1802, George Lovelace opened a small shop in Warren, on the east side of Main street and some rods north of South street.

About the same time, Boyle Erwin set up his nephew, Robert Erwin, with a small assortment of goods in a building nearly opposite Holliday's tavern-stand (lately Walter King's place.)*

and likewise the ice over the Big Meander, they started for home in the night. They had not gone far before the ice over the mud-holes began to give way. Old Mr. Davison went forward to pilot the boys along the muddy places, particularly where the brush and logs were turned out and piled up like winrows. He would frequently break through. Then he would call to the boys, "Turn out, boys, turn out!" "a bad place here." When they came to the Meander it had risen so as to be above their sled beams. In order to save their load from the wet, they placed chains crosswise at the top of their rack, laid poles, crosswise with the chains, on them and piled their bags upon the poles. At a little more than half way across, the weight crushed down the rack. They and their load together found the water. It was up to their knees. However, they drove on. It was about four o'clock in the morning when we heard them half a mile off. Soon after, they reached my father's—the first house after leaving the Salt Springs—not much the worse, after they got dry. The water did not penetrate into the meal bags much. This was the first trip to mill by the two families of Case and Davison. Previous to that time the hand-mill had been brought into requisition.

*August 1.—1860, I saw a notice of the death of Boyle Erwin, near Pittsburgh, a few days since, aged 88 years. He closed Robert's affairs at Warren in 1807.

In 1820 or 1803, Zebina Weatherby and James Reed started a rather larger store, (on the site lately occupied by Leicester King,) and for several years did a considerable business, selling merchandise and driving cattle.*

MAILS.

The first post route established to Warren was from Pittsburgh to Warren, upon application to the P. M. G., from Elijah Wadsworth, of Canfield, by letter of 30th April, 1801. It was not carried into effect before 24th October, 1801.†

General Wadsworth was well acquainted with Gideon Granger, the P. M. G., who (Mr. G.) had also a large interest on the Reserve.

The appointment of Simon Perkins bears date October 24th, 1801. Eleazar Gilson was first engaged as mail-carrier. Gilson probably carried a short time.

The first mail delivered at Warren was October 30, 1801. It seems probable, however, that the mail carrying was not very regular until July, 1802. A letter post-marked at Chillicothe, January 19, 1802, from Hon. George Tod to Col. Samuel Huntington, at Warren, has a note on it requesting Mr. Perkins to procure the letter to be forwarded to Col. Huntington. Major Perkins had a post-office at Youngstown February 10, 1802. Hon. George Tod says in a letter, of that date, to S. Huntington that a letter had lain in that office some time. Elisha Tracy also speaks of it May 15th, 1802. Thus it appears that strict regularity was wanting as late as May 15th, 1802.

Mr. Gilson, soon after his contract to carry the mail, appointed Joseph McInrue as his deputy mail carrier. The writer saw McInrue on the route some two miles southerly from Warren,

*Weatherbee died September 1811 or '12. Reed left for parts unknown in 1815.

†THE ROUTE.—From Pittsburgh, on the south side of the Ohio river, to the mouth of the Beaver, say 27 miles; over to Ft. McIntosh, John Coulter, Post-master; back to the south side of the Ohio and to Georgetown, 12 miles, John Beaver, P. M. there; direct to Canfield, on the Reserve, 27 miles, Capt. Elijah Wadsworth, P. M. there; then to Youngstown, 8 miles, Calvin Pease, P. M. there; thence to Warren, 12 miles, to the termination of the route, Simon Perkins, P. M. there; ————— and return once a week.

with the mail matter tied up in his pocket-handkerchief along with the key for the Warren office, and understood that he had delivered others on the route. The Warren key had attached to it a label of wood on which was the date of its first delivery at Warren—July, 1802—plainly marked. This key was in the office of General Perkins in 1806 and several years after, wherever the office was kept, until 1816, when the writer left Warren. The General kept the office at his boarding house, the tavern of John Leavitt, Esq., and [follows copy,] with some aid until 1804—a part of 1805 was kept by the Clerk of the Court, George Phelps, on the lot *after* owned by Leicester King. Then at the log office of the General, fall 1805—all 1806. Early in 1807 by George Parsons at the Calvin Austin place—and then on the Jackman lot, Liberty street—until the new court house was finished. Then by Samuel Quinby, for a time, and then, as the writer has been informed, by Samuel Chesney for several years.

GOVERNMENT.

The history of the Western Reserve of Connecticut is among the various items of evidence which go to show that a majority of the members of Congress believed that all the waste and western lands belonged to the United States, as a nation, after allowing to the chartered colonies a reasonable territory as occupied by each; and that Congress never did, nor would admit that the claiming colonies, had title to any more lands than had been occupied and used by each to a reasonable extent, until an actual adjustment took place. It was so with the Reserve.

WASHINGTON COUNTY.

After the organization of the N. W. Territory in 1788, the Governor, St. Clair, included the Western Reserve east of the Cuyahoga in Washington county, which was bounded: Beginning on the Pennsylvania line, at its crossing of the Ohio river and by it to Lake Erie; along the southern shore to the Cuyahoga; up it to the Portage; to the Tuscarawas; down that stream to the crossing above Fort Lawrence; then westerly to the Big Miami; south, etc.; to the beginning. (See III Chase, 2,096.)

WAYNE COUNTY, MICHIGAN.

In 1796, Wayne county,* Michigan, included west of the Cuyahoga, etc., to the head waters west of Lake Michigan, which drained the country into it; north—to Lakes Superior, Huron and Erie—and the territorial line. (III Ch., 2,096.)

JEFFERSON COUNTY.

Established July 29, 1797, included all of the Reserve east of the Cuyahoga. (III Ch., 2,096.)

TRUMBULL COUNTY.

In the years 1799 and 1800, an arrangement took place between the United States and Connecticut and its purchasers of the Reserve, and deeds were passed May 30, 1800, whereby Connecticut ceded to the United States the political jurisdiction, and Congress confirmed to Connecticut the title of the land, for the benefit of its purchasers. This transaction first gave the assent of Congress to the title of Connecticut.

*Howe, in his book, page 518, makes a material mistake in relation to Wayne county, by connecting the Wayne county established by Governor St. Clair, Aug. 15, 1796, with the present Wayne county in Ohio. The Wayne county established by Governor St. Clair was bounded as stated by Howe; but all that part of it north of the north boundary of Ohio was cut off by organizing Ohio and remained Wayne county in Michigan. All the records, doings, archives, etc., remained in Wayne county, Michigan, in Detroit, and are there still—in 1860. That part of the old Wayne county remaining in Ohio, so much as was included in the Western Reserve, was included in Trumbull county, established July 10, 1800. It is very uncertain what county or counties had jurisdiction over the residue, until, under the State authority, counties were erected covering it. The *present* county of Wayne is composed of part of the territory of the old county. It was established February 13, 1808, and embraced the land south of the Western Reserve, north of Wayne's Treaty, or U. S. Military District lines, west of 10th range, east of 16th range; was attached to Stark until organized March 10, 1812. The territory included in the first Wayne, cut off by Ohio south and west of Western Reserve was disposed of after the State was organized. *In March, 1803, the Legislature erected:*

COLUMBIANA COUNTY—And took from Jefferson county near the Muskingum—but little.

MONTGOMERY COUNTY—Extending on the west and north to the lines of the State.

GREENE COUNTY—East of Montgomery, north to the State line, and east to a line near the Scioto and Sandusky.

The land east of that remaining of the territory of the old Wayne county, east of about Sandusky river, to the west of the Reserve, and south of it as far as Tuscarawas, seems not to have been included in any county until 1820, excepting what was included in Richland, Wayne and Stark, south of the Reserve. (See Chase III from 2,098 to 2,106.)

On the 10th of July, 1800, Governor St. Clair erected the whole of the Reserve into Trumbull county, bounded : South by 41° north latitude, and west 120 miles west from Pennsylvania ; north by latitude 42° 2', and east by Pennsylvania. (III Ch., 2,097,) and forthwith appointed officers and organized it with the county seat at Warren.

The first court was held August 25th, 1800, at 4 o'clock, P. M., between the corn-cribs of E. Quinby, on Main street, fronting the Brooks' House, just south of Liberty street. These cribs had regular clapboard cabin roofs—not as Lane says, covered with boards.

After this the southeast towns became more thickly inhabited, and the inhabitants in that quarter wished the county seat removed to Youngstown. A hewn-log jail, which had been erected on the northwest part of the Square, was burned on the 28th* of February, 1804, and thereupon exertions were seriously made to have the county seat removed to Youngstown.

GEAUGA COUNTY

Was set off December 31, 1805, including towns† No. 8, west to west of line of range No. 5 ; then south to the north line of town 5 ; then west to the Cuyahoga. Geauga was organized March 1, 1806.

ASHTABULA AND PORTAGE COUNTIES

Were erected February 10, 1808, and the towns No. 8 included in Ashtabula. (III Ch., 2,105.) The towns No. 8 were set back to Trumbull county on the 20th of February, 1809. (III Ch., 2,110.)

“TOWNS NUMBER EIGHT.”

The inhabitants of the townships No. 8, as far west as to include the 5th range, complained that, during the struggle and contest about the county seat between Warren and

*The date of the burning of the log-jail was found in a letter from Calvin Pease to Samuel Huntington.

†These “towns No. 8” were a bone of contention, and were several times set back and forth to Trumbull and Ashtabula. Judge Solomon Griswold said they had no privileges in either county, and were sued in all.

Youngstown, from 1804 to 1809, they had no privileges in either of the adjoining counties, and were sued in all of them. However that might have been, the struggle was severe.

The southeasterly part being the most densely inhabited, generally carried the election of a representative favorable to the Youngstown interest, until in 1809, as mentioned below. The Warren people were therefore compelled to appoint and support "lobby members" to attend to their interests at Chillicothe, which was no little bill of expense, besides the vexation.*

STRIFE FOR COUNTY SEAT.

Until the year 1809 aliens were permitted to vote at elections. There were many such in the southeast part of Trumbull, and with their aid elections were carried. It was found after the election in 1809, that the representative and commissioner favorable to Youngstown were elected, but if the votes of aliens should be thrown out, the representative, Thomas G. Jones, and commissioner favorable to Warren would be elected. The election was contested.

In the September previous, the writer, then a little over 23 years of age, had been elected a Justice of the Peace. His commission hardly dry, he and William Chidester, of Canfield, were selected as the Justices to take the testimony; the first day in Hubbard, next in Youngstown and last in Poland. The aliens were mostly Irishmen and were greatly excited; 1st. because they considered the proceeding as striking at their liberties; and 2d, as a party measure. Daniel Shehy made a flaming speech at Hubbard an hour and a half long. The Justices had to force him to silence.

Homer Hine was for the respondents;

J. S. Edwards for the contestants.

Many of those summoned to give testimony refused to testify, until about to be arrested and sent to jail—then they agreed to

*In the struggle about county seats E. Root, John Klnsman and others wanted a county seat on the east line of the Reserve. Elias Tracy wanted it on the corners of Morgan, Rome, Lenox and New Lyme, or all New Lyme, No. 9, 3d range—his town.

and did give their testimony. About one hundred depositions were taken.

The next day, in Youngstown, about the same course was attempted by the witnesses, but the Justices compelled the business to proceed, and took something more than another hundred depositions.

The next day after, at Poland, the same course was again attempted; but the Justices put Shehy under keepers during the day and progressed with their business. They had a very boisterous time of it.

They took in all some four hundred depositions, which, upon trial turned the election in favor of Warren.

A contract was soon after entered into for the building of a Court-House and Jail. This ended the contest about the county seat. It was extremely bitter while it lasted—some five years—whole townships giving their vote on one side or the other without a dissenting vote.

REMINISCENCES OF BENJAMIN LANE.

WARREN IN 1799—THE FIRST SETTLERS.

[EXTRACT FROM A WARREN NEWSPAPER.]—(DATE NOT KNOWN.)

“For the following reminiscences of the first settlement in this county, we are indebted to Mr. Benjamin Lane, who still resides on the same spot which his father bought in the year 1799, and who lived in the first house built in this county—as bounded at present.

The first white man who purchased land in this township, for actual settlement, was the late Hon. Ephraim Quinby, (Note 1) who bought the land on both sides of the river, on which this town now stands, and also the land still owned, and occupied by his son, Hon. Samuel Quinby.

Mr. Quinby arrived here, early in the spring of 1799, probably in the latter part of March, accompanied by Mr. William Fenton and wife, and William Carlton, and his sister Peggy Carlton.—(Note 2.)

The first house built in the township stood on the south side of the river, and on the east side of the road, just opposite Mr. Lane's present residence.

This log-house was built by Mr. John Young, (the proprietor of Youngstown, Mahoning Co.) in the spring of the year 1798.

He then owned the land where Youngstown now stands, but owned no land in this township, and he came here to raise corn, there being about twenty acres of land (once owned by the late Judge Freeman) which had been cleared by the Indians, probably very many years before, as the stumps of trees had all rotted out.

There were also some sixty acres on the south side of the river which had been cleared, part of which now belongs to the Fuselman farm, and part to Mr. Benjamin Lane's home farm.

Several other pieces of the Mahoning bottom land in this vicinity, between this place and the Salt Springs, had been cleared amounting in all, to several hundred acres. Mr. Young planted some seventeen or eighteen acres of the land on this side of the river, in corn, occupying the house afore-mentioned, until the crop was gathered, stored it in the house until snow fell in the winter, when he hauled it to Youngstown.

Mr. Henry Lane purchased two hundred and fifteen acres, fifty-five acres of which, lay on the north side of the river, and now belongs to Mr. Charles Smith. The balance, one hundred and sixty acres on the south side of the river, belongs to Mr. Benjamin Lane, and upon which he has lived since the first purchase.

The first house built within the corporate limits of Warren, and the second in the township, was built in the spring of 1799, by Hon. Ephraim Quinby, and stood upon the west side of Main street, on, or near where the post-office now stands. The next house built, was also by Mr. Quinby, in the fall of 1799; and was on the corner of Main and South streets, near where the C. & M. R. R. Depot now stands. This was of logs, partially hewn. One room, about ten feet square, was used as a jail for several years. (Note 3.)

The hewed log-house which still stands on the east side of the road, opposite Mr. Lane's house, was built in the summer of the year 1800, and adjoined the house first built. In April 1799, Mr. Henry Lane, accompanied by his son John, and Mr. Edward Jones, came; Mr. Henry Lane purchased his land, then returned to Washington Co., Pa., his son John, and Mr. Jones remained here, and planted corn, (about five acres,) on the bottom land which now forms a part of Mr. Benjamin Lane's home-farm.

The corn land was not fenced in, because there were no animals except deer, to disturb it, and they troubled it but little.

In October of the same year, Mr. Henry Lane returned, and this time his son Benjamin came with him.

Mr. Lane brought one hundred small apple trees, tied in two bundles, and strapped on the horse. Benjamin Lane (then a boy of fourteen years) riding the horse, and sitting between the bundles of apple trees. These trees were immediately planted, and some of them are still living, thrifty bearing trees.

About the 10th of December, Mr. Lane and his two sons returned to Pennsylvania, leaving Mr. Jones and his wife in the house.

The next April, Mr. Lane returned with his family, consisting of his wife, the two sons before mentioned, and another (Asa) and two daughters, Catherine (now Mrs. John Tait, who still lives in Lordstown,) and Anne, who married Samuel Phillips, and died some eight years since, in Austintown, Mahoning Co. Mr. Asa Lane returned to Pennsylvania about the year 1820, and died there.

Before the return of Mr. Lane, in the spring of 1800, Mr. Jones had built a house on the farm, now owned by Mr. Isaac Daily, on the west side of the river, and removed there with his wife.

There was born of Mrs. Jones, in February, 1800, the first white child in this county. This was a girl, who married with William Dutchin, about the year 1820, and died some twenty years since. Mrs. Jones, the mother, is still living in Austintown, Mahoning Co. (Note 4.)

In the summer of the same year, 1799, Captain John Leavitt and Ebenezer King, (who with Ebenezer Sheldon, first bought this township from the Connecticut Land Company) came, and brought with them Mr. Wil'm Crooks, with his wife. (Note 5.)

Messrs King. and Leavitt returned to Connecticut in the fall Crooks and wife remaining.

Before their return, they built a log-house, cleared some eighteen acres of land, and sowed it with wheat, on what is now called the Murburger farm, two miles west of this place.

This wheat was the first raised in the county, our informant being one of the reapers; in July 1800.

In June, 1800, Mr. Leavitt (called Esquire John) returned with his family, consisting of his wife, four sons, and three daughters.

All of these are now dead, except one of the sons, Hon. Humphrey Leavitt, of Steubenville, O.

During the year 1800, about twenty families came in, and settled in this township; built houses, and made clearings. One, Mr. John Adgate with his family, settled in Howland, where his grand-son, Mr. Adgate, now lives. Salt was very scarce, very difficult to get, and sold for \$16 per bushel. At the Salt Springs, in Weathersfield, in July 1800, Joseph McMahon and two other men were engaged in making salt.

The Indians were numerous in the vicinity at that time, and some fifteen or twenty of them who had been at Youngtown and purchased some whiskey, came to the Salt Springs with their squaws and papposes, and had a drunken spree, in which McMahon and the two white men joined. In the course of the spree, they got into a row, and the Indians drove the white men off.

The whites came to this place, and the next day returned, accompanied by eight or ten other men, among whom were Mr. Ephraim Quinby, Messrs. Benjamin, John, and Asa Lane, John Bently, Richard Story, and Jonathan Church, and others armed with rifles. When they reached Salt Springs, they found the Indians encamped there. McMahon went up to the chief, whose name was Tuscarawa George, a man of immense size (who boasted that he had killed 112 white men,) and spoke to him in the Indian language. The Indian sprang to his feet, seized his tomahawk which stuck in a tree at his side, and struck at Mr. McMahon, who dodged the blow, at the same time presenting his rifle, fired and killed the Indian.

At the same time, Story also fired, killing another Indian, called Spotted John; the bullet passing through the body of John, breaking the arm of one pappoose, the leg of another, which was in the arms of a squaw, and just touching the neck of the squaw, and raising a blister.

The whites in this vicinity, were greatly alarmed, for fear the Indians would make reprisals, and for about two weeks, they all barricaded themselves within Mr. Quinby's house every night, but they were not attacked.

The day after the affray, Mr. McMahon was arrested, taken to Pittsburg, and confined in Jail for some weeks, until some time in August, when he was brought back to Youngstown, tried, and acquitted on the ground of self-defence. McMahon immediately left this part of the country, with his family, and returned to his former home in Pennsylvania.

Story left before he could be taken, and was not afterward arrested." (Note 6.)

NOTES BY LEONARD CASE, SEN.

On Benjamin Lane's statements above quoted, in relation to matters that happened about the year 1800, made from memory only; as he had never taken notes in writing, they are of course subject to many allowances. He does not mean to contradict any other person, but merely to state matters as they remain in his recollection. His statements from hearsay, are generally from the relation of some one or more, who were present at the time stated.

Note 1. Richard Storer was the neighbor of Ephraim Quinby, in Washington co. Pa. for several years before 1799.

They came together to the Reserve in the fall of 1798, and purchased land. Quinby, the whole of lot 28 in Warren, and perhaps more; Storer, the south half of lot 35 (the Fusselman place.) In the Spring of 1799, they came to their respective places, bringing hands with them, and each commenced improvements, and putting in crops, corn, &c.

In April, Storer erected his cabin where the Fusselman buildings are. Quinby had a small building on the bank at the Mill-dam, a little way north-west from the residence of Judge Austin.

Will Fenton and wife, &c. lived in it. He built the house part of the log house and Jail (Jeremiah Brooks occupied the same after 1807.) Adjoining the same, were the hewn logs of a house, raised and covered in 1799, and finished in the spring of 1800. John Shaffer, carpenter.

Soon after April 1799, Henry Lane Sr., his son John, and step-son Edward Jones, and Meshach Case went to view the country. Lane purchased their home farm ; and left his son John, with Jones, to raise corn.

On that farm, was the cabin spoken of in Lane's statement.

M. Case returned without purchasing then ; but he came out again in August, and purchased the south half of lot 42, 198 acres ; cleared some two acres, and erected a cabin—nothing more than a shell and cover—and returned to his home in Washington Co. Pa., in the last days of September.

Note 2. When Quinby returned in the spring of 1799, there came out with him the Carlton's, viz. : Francis the father ; sons, William, John and Peter, a boy ; and daughter Margaret.

He purchased from Quinby, a part of lot 28—afterwards owned by General Perkins,

Note 3. In the winter following 1799, E. Quinby removed Mrs. Quinby, Nancy, Samuel, Abrilla, and perhaps William.

Storer had removed Mrs. Storer and three children not long before—it was after the fall of 1799.

Mrs Stevens had two children born, near the crossing of the river, below Youngstown, before April, 1800. She said she had resided there three years, before seeing the face of a white woman.

Note 4 *Query* : Why did not Benjamin Lane state that about the time his father removed out in the spring of 1800, the family of M. Case came along the same road ? and that next came Henry Lane, Jr., and his wife Elsie, Charles Daily and wife and family, Isaac Daily and wife and family, and John Daily, wife and child—all from the same neighborhood !

Note 5. It is hardly necessary to correct the statement about the purchase of land by Eb. King and John Leavitt, in 1799. King and Leavitt were members of the Connecticut Land Company, and were the original owners of land, in common in drafts Nos. 8, 9, 10, and 11, made in 1798. These drafts were made on \$51,612.92 stock, which drew 78,497 acres of land, among which was the township of Warren. Leavitt and King had their lands by partition deeds, out of the land drawn. (See Trumbull County Records and Drafts of Connecticut Land Co., Recorder's Office, Warren, Book D., 114, 136, 123—1801, April, etc.)

Note 6. About the killing of the Indians at the Salt Springs in the latter part (about the 30th, Sunday was the 27th) of July, 1800, the writer hesitates to say much, as he has seen several accounts of that transaction, which differ materially from each other, as well as from the account given by Benjamin Lane.

But as the writer saw part, and heard more from those who were present, he will give a short statement of the transaction as he recollects it.

Jos. McMahan and wife, and perhaps three children, had been about

Warren in 1797 and 1798, and perhaps earlier, among the Indians, and but little if any better than they. In 1799 he had erected a small house near the southwest corner post of Howland, at the south end of the Goose Pond, which he left in the spring of 1800, and went to the Salt Springs.

He had taken about four acres of bottom land from Storer, at the south end of the bottom, to raise corn, and in the spring of 1800 planted it.

In July, a party of Indians encamped about sixty rods up the Salt Spring run ravine, at an old camping ground. The ravine was thick with brush. The camp ground was open, except some large trees.

The Indians got whiskey, and had a general drunken revel, in which McMahon and some other whites joined. The whiskey of the Indians having been exhausted, the whites were not satisfied, but sent to Quinby's at Warren, and obtained a small further supply.

The Indians suspected this, but the whites denied it, and would not let the Indians have any.

On, say Tuesday, McMahon left, and went to Storer's to tend his corn. Soon after he had left, the Indians began to tease his wife—wanted her to serve as squaw—and finally threatened to kill her and her children.

On Thursday the wife, taking one child in her arms, and leading the others, went to Storer's, where her husband was, stayed over night, and he went back with her and the children in the morning. (The writer, after much reflection, is in some doubt whether Mrs. McMahon stayed that night at Storer's, or whether he for some cause had started for home at the Springs, and met his wife on the road—an old road long since abandoned—near south line of Lot No. 41. At all events, they, McMahon and his wife, were at the Springs next forenoon, had a conversation with the Indians, and supposed the difficulties all settled satisfactorily at that time. At least such was the statement at the time, as well by others present as by McMahon and his wife. Joseph and John Filles were present, who afterwards stayed at my father's cabin three days immediately after the killing of the Indians.) He had a talk with the Indians of the camp, and apparently settled the matter.

They agreed to be peaceable, and he returned to tend his corn at Storer's. Soon after he had left, the Indians began again to threaten the woman and children, and it was said, an Indian struck one of the children with the handle of his tomahawk.

Matters went from bad to worse, until on Saturday afternoon, the wife again took the children, and started for Storer's. She met her husband on the way, a short distance from Storer's, opposite my father's farm. They returned to Storer's, and remained there Saturday night, telling over and nursing their grievances.

On Sunday morning, the 27th, McMahon went up along the river, among the settlers, told over his side of the story, and begged for aid to go with him, and make a permanent settlement of the difficulty.

Most of the young and middle-aged men whom he met went with him. He got together about thirteen men and two boys. (Among them were Henry Laue, Jr., Ephraim Quinby, John Lane, Asa Lane, Richard Storer, Will Carleton, William Fenton, Charles Dailey, John Bentley, Jonathan Church, Benjamin Lane, McMahon, of course, and others whom I do not recollect. The two lads were Thomas Fenton and Peter Carlton, about ten or eleven years old, perhaps older.)

In those days it was customary for every man to carry his gun, and the party had each a gun, except the boys.

The writer saw the company passing his father's house, about ten o'clock, on their way to the Springs. As the story was related at the time, they passed along in a jovial manner, engaged in miscellaneous conversation, until they reached the run at the Salt Springs, below the camp.

There Mr. Quinby, who in those times was generally looked up to as a kind of leader, called a halt. It was agreed that he should go up to the camp, and see what the difficulty was, and return and let them know. The others all stopped. He passed on to the camp. There the Indians lay lolling about. Among them were Captain George, a Tuscarawa, who spoke English, and John Winslow, a Seneca, called "Spotted John," because he was part white.

He inquired of Captain George, what was the difficulty between him and McMahon, and his family. George answered: "Oh, Joe damn fool! The Indians don't want to hurt him or his family. They (the whites) drank up all the Indian's whisky, and then wouldn't let the Indians have any of theirs. They were a little mad, but don't care any more about it. They (Mr. McMahon and family) may come back and live as long as they like; the Indians won't hurt them." Mr. Quinby returned to his comrades, expecting to find them where he had left them.

But, in the meantime, they had sauntered up the path in the ravine, along the run, and when Mr. Quinby met them, were just emerging from the ravine and coming up the bank.

On meeting Quinby, all halted, except McMahon. He strode on and the boys followed him. As he passed, Quinby said, "Stop, Joe," but he did not heed it.

The others listened to the relation by Quinby, of what had passed at the camp between him and the Indians.

In the meantime they had risen from the ravine into plain open view of the camp, some twelve or fifteen rods distant, with only an occasional

larger tree between them ; and while Quinby was relating what the Indians had said, Joe McMahon and the two boys had got to the camp.

Captain George was sitting on the root of rather a large tree, leaning his body against the body of the tree, when McMahon approached him. The other Indians, some five or six, and several squaws and papooses, were lolling around the camp.

McMahon said to George—" Are you for peace or war? Yesterday you had your men, now I have got mine." A tomahawk was sticking in the body of the tree, immediately above the head of George. He sprang to his feet, seized the tomahawk, and was in the act of swinging it, as if to sink it into Joe's head, when Joe, being too near to shoot, jumping backward, brought his rifle to bear, and instantly shot George in the breast. The blood spirted nearly to McMahon. McMahon cried out, " Shoot! shoot!" to the men standing in open view, without anything to screen them.

At the same instant the Indians jumped up, caught their rifles, treed, and aimed at the whites. Of course the whites brought their rifles to bear, Storer among the rest. Several of their guns were snapped, but missed fire. The morning had been drizzling with rain and the guns were damp. Storer saw John Winslow, (Spotted John,) aiming, as he supposed, at him, and without further reflection, threw his rifle into position, (it was an excellent rifle and always in good order,) and fired.

At the same moment, Winslow's squaw was endeavoring to screen herself and papooses behind the same tree with Winslow, and was directly behind him.

Winslow's hips were all of him that was exposed. Storer's ball passed through them, and passing on, broke a boy's arm, passed under the cords of the neck of his girl, and grazed the throat of his squaw.

The two boys, Fenton and Carleton, who were forward with McMahon, seeing him shoot George, fled for home. The sound of the second gun added to their speed.

They ran without halting, three and a half miles to Davison's, and reached there so overdone that for sometime they were unable to tell what had happened. They could only say "shoot," and then stop for breath. At the camp, after the shooting, of course all was confusion, among the whites, as well as the Indians.

The whites left the scene of action at rather a quick pace.

The writer saw the party on their return between one and two o'clock, P. M. The Indians, it was said, dug slight holes, covered the dead with dirt and leaves, and all, except the squaw with her wounded children, fled for the woods, expecting the whites would be after and murder them. They took a path to Newton Falls, and there encamped.

They were afraid to hunt. The wounded squaw took her two wounded children in her arms, and started for the place of James Hillman, an old Indian trader who lived near Youngstown—a distance of nine miles—where she arrived, it was estimated, in an hour and a half.

None of the whites who went with McMahon had any expectation of serious difficulty.

Some of them said, afterwards, that they thought while going there, they discovered evil intentions in McMahon. Others thought differently.

The men who went with him went as peacemakers, and had no thought of violence to the Indians.

There was not attached to them any blame, or even want of discretion. As evidence of the opinions of those acquainted with the affair at the time, Quinby was elected a member of the first General Assembly under the Constitution, in March, 1803; Henry Lane, Jr., has since been a member of the General Assembly several times, and many others of that party have held stations of trust and confidence. There was no moral turpitude attached to any one else than McMahon.

The party, as was stated, returned in some haste to the settlement. Soon afterwards, they put McMahon under arrest.

He was placed under guard, and taken to Pittsburgh, as the nearest place where a prisoner could be kept.

Some of the inhabitants, who had not been engaged in the transaction, thought that Storer ought to be arrested also. The gathering was at his house, on what is now the Fusselman place.

He quietly observed what was going on around him. He concluded from what he saw and heard, that he too might perhaps be arrested and put on trial, and on reflection, believing that would be inconvenient he, about four o'clock in the afternoon, walked into his cabin, put on his hat, took down his rifle from its place on the hooks, and quietly walked off before them all, saying he must go to look for his cows, and went west to the woods. (His reflections were, as I afterwards heard him say—at that time we had no organized government on the Reserve. The jurisdiction had been ceded to the United States, but this was not known then among ordinary people at Warren—Storer said he knew he had done nothing criminal. He had gone to the Salt Springs with the intent, only and entirely, of settling a difficulty. He suddenly found himself in imminent and instant danger of being shot, without any possible means of escape. He had shot to save his own life. If he submitted to be taken and tried, he had no knowledge of what law he was to be tried by, or by whom he was to be tried. Under these circumstances he deemed himself justified, in protecting his own life, by absenting himself from the power of those who sought to call him

to account for the deed.) No one molested him, or tried in any way to hinder him; it was probably best, and that most present knew, for although a very quiet and civil man, of as good moral character as any other, he was an efficient man in whatever he undertook to do.

This I saw, and I am the more particular because I have seen a different account of the transaction.

From that time all was confusion in the neighborhood. The whites, supposing that the Indians would be upon them for vengeance, gathered in squads for safety. They mostly met at Quinby's. All kept guard and lookout.

On Monday Mrs. Storer mounted her two horses with her three children, and what goods and clothing she could carry, and started for her former home, in Washington county, Pa., alone, except that Mr. Asabel Mills of Nelson, who was on his way to Beavertown, accompanied her as far as the latter place. The rest of her property was left to such care as a few friendly neighbors could give to it.

The report of the affray had spread like wildfire, and by three or four o'clock of the same day, it had brought Hillman, John Young—afterwards Judge—and some others to Warren.

Hillman, the Indian trader, had long been acquainted with Indians, and all were anxious for his advice and assistance.

They prevailed upon Hillman to follow the Indians, and make some arrangement with them.

A day or two afterwards, in company with, I believe, Mr. David Randall, he took with him the wounded boy, and followed the trail of the Indians through the woods to their camp. They had been so much frightened that they dared not hunt, and when Hillman came in sight they fled to the woods, and even with the aid of the boy he found it difficult to induce the Indians to return to their camp. They, however, did return, and Hillman made with them a temporary arrangement, upon which the whites returned to their houses, and the Indians to their hunting.

Afterwards the United States officers made some final arrangement, with the particulars of which the writer is not acquainted.

At the time of that quarrel, the ordinary inhabitants were not aware of the existence of any organized government upon the Reserve.

The United States had claimed political jurisdiction, and had included a part of the Reserve, as far west as the Cuyahoga river, first in Washington county, in 1788, and afterwards in Jefferson county.

In 1796, Wayne County, Michigan, was extended over all of the Reserve, west of the Cuyahoga.

But until May 30, 1800, the Reserve was claimed as a part of the State of

Connecticut, although that State had neglected to extend its laws over it. In 1792-1800, laws were passed by Connecticut, authorizing the cession of the political Jurisdiction to the United States, and Congress passed a law authorizing the President to convey to Connecticut for the benefit of its grantees, a title to the soil.

On the 30th May, 1800, deeds were exchanged. On the 10th July, 1800, Governor St. Clair erected Trumbull county, and soon afterwards organized it and appointed officers.

Until that time, the common citizens on the Reserve had supposed themselves without any legally organized government.

. . . James Hillman was appointed Sheriff, and John Young, presiding Judge of the County Court of Quarter Sessions.

Several Justices of the quorum were also appointed. and on the 25th of August, court was held, between E. Quinby's corn-cribs, where there is now a street before the house of Quinby—the Jer-Brooks residences.

Early in the September following, by order of Governor St. Clair, a court was held at Youngstown, by Judges of the General Court.

Return J. Meigs and the Governor in person, but not as a Judge, attended.

A jury was summoned by Sheriff and—law or no law, jurisdiction or not—Joseph McMahan was put upon his trial.

George Tod and some other lawyers were for the people. John S. Edwards, and Benjamin Tappen, of the Territory, and Steel Sample, of Pittsburgh, were for McMahan. The most of the facts which have been stated were given in evidence. After a full and fair trial the jury found McMahan not guilty of murder—for which he was indicted.

So far as appeared in evidence, all was brawl and talk, until George caught his tomahawk with the evident intention of burying it in the brains of McMahan.

The writer has heard that verdict rather severely criticised, but he has no doubt that it was in accordance with the law as generally applied to murder—the evidence being as there given. Moreover, those jurors would have compared favorably with jurors selected to try like cases at the present day.

Joseph and John Filles, two young men, who were at the Salt Springs during the fracas, some three days afterwards stayed at the house of the father of the writer. They both made a statement to us, which was never given in evidence, which would have been material to show George's motives; it was this: During the drunken scrape, George several times said that he had killed *nineteen* white men, and he wanted to kill one more to make an even number. But the Filles left for the Ohio, and were not at McMahan's trial.

GENERAL REVIEW OF TITLE.

ORIGIN OF TITLE.

There are several questions of interest, which might have arisen in the trial of McMahon and Storer, if they had been put upon trial, from the uncertainty of who or what political power had the real title to the Connecticut Western Reserve, or whether any law was in force upon it, at that time.

It is admitted by all, that Great Britain in 1664 owned the land between latitudes 41° N. and $42^{\circ} 2'$ N., and that Charles Second granted a territory, between those lines westward throughout the precinct from sea to sea, to the colonists of Connecticut, and claimed the title to it.

Between that time and 1763, the French king claimed the same land west of the Alleghany mountains.

Wars ensued. Great Britain was successful, and, by treaty in 1763, obtained a cession of all west to the Mississippi. Connecticut still continued her claim. In the treaty of peace, in 1783, Great Britain ceded to the United States all her possessions west to the Mississippi.

Many of the States forming the confederation in the United States claimed all the lands westerly of the settlements, as belonging to the United States by conquest, for a fund to pay the war debts, etc. The colonies having charters, claimed to the extent of their boundaries, and unless France really had title which she ceded to Great Britain in 1763, the colonies had good title under their charters, which was doubtful if France had title

which she ceded to Great Britain, and upon which the crown could make title by conquest against its prior grants. However this might have been, Congress admitted the claims of the charter-colonies, and appealed to them for liberal grants for the benefit of the whole. New York responded and made a release of most of her western lands, March 1, 1781; Virginia, March 1, 1784; Massachusetts, 178—, and finally Connecticut executed her release of all her lands in her charter, lying west of a line parallel with the Pennsylvania line, and one hundred and twenty miles west from it, September 13, 1786—reserving what lay east of it, which constitutes the Connecticut Western Reserve, nearly three and a half millions of acres. Five hundred thousand acres of the west end of the Reserve, she appropriated to pay sufferers by fire, in the Revolutionary war, by act of her Legislature in the year 1792, and sold the residue to a company, September 5, 1795, which company surveyed the same, east of Cuyahoga, in 1796–7, and divided it and made actual settlement, sales, etc.

In the meantime, Arthur St. Clair, Governor of the territory north-west of the Ohio river, established a territorial government in 1788, and established counties.

Washington county extended up the Ohio from Scioto to Pennsylvania; then with Pennsylvania to Lake Erie, and with it to Cuyahoga; up it to the Tuscarawas, west to Scioto, and to the first beginning. A regular government was established, laws were enacted. In April, 1800, Congress passed a law authorizing the President to release all the United States claim to the right of soil to Connecticut for the use of its purchasers, if Connecticut would release all its claim of jurisdiction to the United States. The Legislature of Connecticut, the same winter, passed a law authorizing its Governor to release the said jurisdiction. Deeds of cession were executed according to these acts, and mutually exchanged the 30th May, 1800.

It seems pretty clear that Connecticut owned the Reserve land; at least that she owned and was in possession of the political jurisdiction up to May 30, 1800, but had always declined extending her laws over it.

The Territory had passed various laws for the government of the Territory ; but could those laws have any operation on the Reserve while Connecticut held the jurisdiction ?

It is believed not, nor afterwards until the law-making power should, by express legislation, have extended those laws over the territory of the Reserve.

Such is the usual custom of the United States when Congress purchases a territory. The laws of the United States are extended over it by express legislation, or new laws are made for the new government. The laws in force in the Northwestern Territory were made without the concurrence of any person on the Reserve, and they were never extended over the Reserve by any express legislation.

The Superior Court of the Territory—Return J. Meigs and Joseph Gilman, judges—on the application of George Tod, Calvin Pease, Samuel Huntington, John S. Edwards and Benjamin Tappan to be admitted as lawyers, at Marietta, in October, 1800, decided that the Reserve had been part of Connecticut until the deeds in May were exchanged, and admitted them without further inquiry.

Then by what right, or by what law did the court at Youngstown, in September, 1800, try Joseph McMahan for killing the Indian at the Salt Springs in the last of July, 1800 ?

FIRST DEED FROM THE STATE, FEBRUARY, 1788, SALT SPRING TRACT, TRUMBULL COUNTY.

THE STATE OF CONNECTICUT, }
 TO }
 SAMUEL H. PARSONS. }

The State of Connecticut, one of the United States of America, to all to whom these presents shall come, greeting :

WHEREAS, The State of Connecticut in General Court assembled, by their several acts passed on the second Thursday of October, one thousand seven hundred and eighty-six, and

on the second Thursday of May, one thousand seven hundred and eighty-seven, did resolve, direct, and order that the land belonging to said State, from the completion of the latitude forty-one, to the latitude forty-two degrees and two minutes north, and between Pennsylvania and a line drawn from the mouth of the Cuyahoga river, where the same falls into Lake Erie, and up the stream of said river to the Portage path; and thence by the Portage way to the head of the Muskingum river; and thence by a straight line to the Tuscarawas, at the southeast corner of the Indian Reserve, and so southerly to the latitude of forty-one degrees north, should be sold; and did appoint, authorize, and empower Benjamin Huntington, John Chester, and Thaddeus Burr, Esquires, a committee to sell said land—townships of six miles square, or in part of townships—and,

Whereas said State in general court assembled, did resolve and order, that whenever a purchaser or purchasers should procure a certificate from any one of said committee, that he or they have purchased and paid for any part of said lands, it shall be the duty of the Governor of said State of Connecticut, to execute a patent of such lands so purchased to the purchaser, or purchasers thereof.

And, whereas, Benjamin Huntington, Esquire, one of said committee, hath, pursuant to said resolves, certified to the Governor of said State of Connecticut, that Samuel Holden Parsons, of Middletown, in the county of Middlesex, and State of Connecticut, Esquire, hath purchased of said committee and paid to him, said Benjamin Huntington the full amount thereof, a certain tract of land parcel of the lands ordered to be sold as aforesaid. And said Samuel Holden Parsons, Esquire, now moving for a patent and full confirmation of said land as purchased as aforesaid, now KNOW YE, That we, the State of Connecticut, in pursuance of the several acts, resolves and orders of the General Assembly before in these presents referred to—Do, by these presents, fully, freely, and absolutely GIVE, GRANT, RATIFY AND CONFIRM to the said Samuel Holden Parsons, Esquire, the lands within the following boundaries, viz: Beginning at the

north-east corner of the first Township, in the third Range of townships ordered to be sold as aforesaid; thence running northerly in the west line of the second Range of said lands to latitude forty-one degrees and twelve minutes north; thence west three miles; thence southerly parallel to the west line of Pennsylvania two miles and one-half; thence west three miles to the west line of said third range; thence southerly parallel to the west line of Pennsylvania to the north line of the first Township in said third Range; thence east to the first boundary.

Said lands, before described, being the lands certified by said Benjamin Huntington, Esquire, to be purchased and paid for by said Samuel Holden Parsons, Esquire, and lying within the third Range of townships ordered to be sold as aforesaid. To have and to hold all the said granted and described premises, with the privileges and appurtenances thereof, unto him, the said Samuel Holden Parsons, his heirs and assigns, forever, as a clear and absolute estate in fee-simple, excepting the lands which are reserved to be sequestered for the use of the ministry and schools, agreeably to the acts and resolves of Assembly, before mentioned.

In witness whereof, the said State of Connecticut have caused these presents to be signed by the Governor and Secretary, and the seal of the said State to be hereunto affixed. Dated at Hartford, this tenth day of February, Anno Domini one thousand seven hundred and eighty-eight.

[Seal.] SAMUEL HUNTINGTON, *Governor.*
 GEORGE WYLLIS, *Secretary.*

The lands mentioned in the within patent, as sequestered for the use of the ministry and schools, and reserved and excepted out of this patent, are one thousand acres only; the remaining part of the lands within the boundaries of this patent being paid for by the patentee.

Certified this tenth day of February, one thousand, seven hundred and eighty-eight.

BENJAMIN HUNTINGTON, *Committee.*

October 19, 1789.

A true record. Attest. ALBERT ENOCH PARSONS, *Register.*

THE STATE OF OHIO,)
WASHINGTON COUNTY.) ss.

The foregoing is a true copy of the original record as recorded in volume number one, at pages twenty-three and twenty-four. In witness of which, I hereto subscribe my name officially.

WILLIAM B. MASON,
Recorder, W. Co., Ohio.

June 30, 1858.

SALT SPRING TRACT—ORIGINAL OWNERS.

GRANTOR.	GRANTRE.	PAGE.	REMARKS.	DATE OF DEED.
Parsons, Sam'l H..				
1,240	Eliph Dyer.....	1, 1,240	acres of within tract,	Mar. 10, 1788
340	Eliph Dyer.....	2, 340	"	Mar. 10, 1788
1,111	Isaac Cowles.....	3, 1,111	"	Feb. 21, 1788
1,722	Oliver Ellsworth.....	4, 1,722	"	Mar. 10, 1788
4,413	Oliver Ellsworth.....	5, ½ part of 4,000 acres	.....	Feb. 10, 1788
1,111	David Bull	6, 1,111	acres of Conn. tract..	Feb. 21, 1788
1,320	Timothy Hosmer.....	7, 1,320	"	Feb. 21, 1788
900	Jonathan Hart.....	8, 900	"	Feb. 21, 1788
3,331	William Judd.....	9, 687	"	Mar. 28, 1788
	William Judd.....	10, 6-13 of the unsold land	.....	Feb. 21, 1788
555	Gad Wadsworth	11, 555	acres of Conn. tract..	Feb. 21, 1788
1,111	Noadiah Hooker.....	12, 1,111	"	Feb. 21, 1788
1,111	Will Wadsworth.....	13, 1,111	"	Feb. 21, 1788
500	Elijah Wadsworth.....	14, 500	"	Feb. 21, 1788
1,111	Solomon Whiting, Jr.	15, 1,111	"	Feb. 21, 1788
555	Amos Porter.....	16, 555	"	Feb. 21, 1788
395	Will Hillhouse.....	17, 395	"	Feb. 21, 1788
5,338	Enoch Parsons.....	21,	All his right and title to Conn. lands	
13,082			including Salt Spring,....	Aug. 4, 1789
	Matthew Carr.....	24, 8 acre lot.....	.....	July 5, 1789
	Richard Butler	25, ¼ of 4,000 acres and ¼ of Salt Spring,	.....	Nov. 5, 1788
	Richard Butler	35, Article of Agreement for making Salt	.....	Jan. 14, 1789
	Richard Butler.	39, ½ of 4,000 acres that I reserved of	.....
			Conn. lands.....	Nov. 5, 1788
	Matthew Carr	44, 8 acre lot, mouth of Muskingum,	.....	July 15, 1788
		F		
	Moses Cleveland.....	156, 1,817	acres.	
		H		
	Joshua Stow	396, 1,726	acres.	

In those marked thus —, a reservation of 4,000 acres around the Salt Spring is made.

GENERAL SAMUEL H. PARSONS.

Judge Parsons, named in the above deed, seems to have been an active, enterprising man, who had early examined the western country. He is mentioned in Hildreth's History, pp. 190 to 209; Burnet's Notes, p. 40.

He writes a letter December 20, 1785, to some persons, making inquiries about the country, saying he had been one hundred and fifty miles westerly of the Miami.

He was one of a committee to frame a treaty with the Shawnee Indians, and concluded it on the north bank of the Ohio at the Miami, Jan. 31, 1786. (See vol. of U. S. treaties.) He was one of the Ohio Company, formed by Manasseh Cutler, Rufus Putnam, etc., in 1786-7, and was one of its directors. He was one of the first judges of the general court under the territory, and was active in organizing the territory.

Connecticut did not release her claim to western lands, lying one hundred and twenty miles west of Pennsylvania, until September 13, 1786.

The Legislature, at its session in October, 1786, made provision for selling her Reserve lands east of Cuyahoga, and, as appears by the above deed, Parsons soon afterwards purchased of Connecticut about 25,000 acres of the Reserve lands.

When the writer first came to the Reserve, in April, 1800, it was the current report that Judge Parsons and his assignees, had made salt there ten or fifteen years.

The remains of foundations of cabins, of stone furnaces to hold salt-kettles, fragments of kettles for boiling salt, decayed timber and stumps, several acres of land run over and partly cleared—clearly indicated that the white man had several years before 1800, made settlement at those springs.

It is probable that Parsons was drowned on Beaver Falls, the latter part of the year 1789, as he was re-elected or appointed

a judge of the General Court, under the Constitution of the United States, August 4, 1789, and in the spring of 1790, Rufus Putnam was in his place as his successor. (Burnet, p. 40.)

The writer has just (1861, July 18,) seen a journal of the doings of the "Cincinnati," held at Philadelphia, Pa., May 4, 1794, in which it is stated that General Samuel Holden Parsons was drowned in Beaver Creek, Pa., in N. W. T., November 17, 1789, in attempting to pass the Falls in a canoe, one man only with him.

Born, May 14, 1737.





1.24 75



N. MANCHESTER,
INDIANA

