PRESQUE ISLE AND PENNSYLVANIA
POLITICS, 1794

BY HARRY M. TINKCOM

As an area Pennsylvania has been well endowed with valuable natural resources; and throughout most of her history their development has been marked by periods of intensive expansion and exploitation. Before the discovery and wide usage of coal and oil, businessmen seeking sources for capital investment made heavy speculative ventures into what was then the chief promotional field, a large and rich expanse of public lands.

In general outline the developmental procedure was relatively simple: the speculator merely bought large amounts of land at the lowest possible cost and then attempted to hold them until an influx of settlers raised the price. This general simplicity, however, was often complicated by factors extraneous to a simple business transaction. Since much of the land was bought outright from the state, the administration in power was often subjected to political pressure—on the one hand by speculators who constantly sought more and better opportunities, and on the other, by home seekers who claimed victimization through the land disposal system. Politics and land policies were thus bound together. In addition, problems attendant upon the development of large land tracts often involved ramifications of a national and even international nature. Finally, the projection of settled areas westward through ambitious land purchasing and development schemes occasionally irritated various Indian tribes and precipitated border trouble.

As an example of a development scheme that introduced problems of a general political and military nature the attempted founding of a town at Presque Isle (Erie, Pennsylvania) in 1794 affords an interesting and profitable case for study. In addition, it exemplified the friction that existed between the state and national administration at a time when western excise disturbances had produced marked differences of opinion between the two administrations. Also, it precipitated questions as to the legitimate functions—their nature and extent—of the two governments. The newness of the
national government and the unprecedented issues involved in its impact on the states lend a peculiar significance to this last aspect of the subject.

During the latter part of the eighteenth century both the states of New York and Massachusetts claimed possession of a tract of land now generally known as the Erie Triangle. A section containing over two hundred thousand acres, it is bounded on the east by New York, on the northwest by Lake Erie and on the south by the forty-second parallel. After a long wrangle the two contesting states ceded the disputed territory to the United States Government—New York in 1781, and Massachusetts five years later.

Pennsylvania had a natural interest in the territory, for possession of it would give her a wide and valuable frontage on Lake Erie. She therefore took steps to purchase it, first from the Indians and then from the United States. In January, 1789, her emissaries, John Gibson and Richard Butler, met various chiefs representing the Seneca, Cayuga, Tuscarora, Onondaga and Oneida tribes of the Six Nations and drew up articles of agreement concerning the area in question. According to these articles the chiefs agreed to deed it to Pennsylvania at a future time for the sum of $2,000. The state thus attempted to protect its interest in the region until permanent title could be secured from the United States. Two years later a complaint arose in the Seneca nation regarding boundaries of the recently purchased land. Determined to keep the agreement bright, Pennsylvania paid Chiefs Cornplanter, Half-Town and Big Tree $800 for a quit claim.

Meanwhile, the state officials had been trying to buy the Erie tract from the United States. Negotiations, begun as early as 1789, had proceeded slowly, tempered by the fears of some speculators that New England men would move into the territory "and make a second Wyoming of it." But finally the transaction was completed, in March, 1792, with the sale of the Erie tract to Pennsylvania for $151,640.25. A few weeks later it was added to Allegheny County.

---

1 Pa. Archives, 2d Ser., VI, 730-731.
2 Ibid., 627.
3 Maclay, The Journal of William Maclay (Edgar S. Maclay, ed.), New York, 1927, p. 120.
4 Pa. Archives, 2d Ser., VI, 630. Apparently the land was worth seventy-five times as much to the United States as it was to the Indians.
5 Statutes at Large of Pennsylvania, 1682-1801, James T. Mitchell and Harry Flanders, comps. (Harrisburg, 1908), XIV, 239.
At least a month before Mifflin sent the assembly a copy of the "instrument of Conveyance," that body had been at work on a new law for the sale of vacant lands. With purchase of a lake front by the state, eminent Pennsylvanians became more interested in the northwest lands. That a frontage on the lake might open the way to a greater participation in the lucrative fur trade was a possibility which certainly was not lost upon those who were interested in that business.

After considerable discussion in the legislature, a bill for the sale of unsettled land was passed on April 3. It reduced the price of some lands east of the Allegheny and offered for sale all territory lying north and west of the Allegheny and Ohio rivers and Conewango Creek. Exception was made in the latter territory to lands set aside for public or charitable use. The land was offered only "to persons who will cultivate, improve and settle the same, or cause the same to be cultivated, improved and settled. . . ."

The legislators were fully aware of the value of the Presque Isle area and they specifically reserved it for the use of Pennsylvania. To prevent incursions into the section they described the boundaries as follows: it was "formed by Lake Erie, the island or peninsula which forms the harbor and a tract extending eight miles along the shore of the lake, and three miles in breadth . . . and the whole of the harbor formed by the Presque Isle at the mouth of Harbor Creek which empties into Lake Erie, and along the shore of the Lake on both sides of said creek, two thousand acres."

As a town site the area at Presque Isle was indeed valuable, and this fact was not lost sight of by either the land speculators or the assembly. It was thought that a development there would encourage settlement in the northwest and protect the frontier from Indian attack. Most certainly it would increase the value of the surrounding acres and open new commercial channels. In order to effect these objects the legislature, on April 8, 1793, empowered Mifflin to survey the area and lay out a town "at the most eligible place."

*Pa. Archives, 4th Ser., IV, 225.
*Statutes at Large, XIV, 233. The detailed settlement provisions of this bill led to a controversy that has been described in Elizabeth K. Henderson's "The Northwest Lands of Pennsylvania, 1790-1812," Pennsylvania Magazine of History and Biography, LX (1936), 131-160.
*Statutes at Large, XIV, 239.
*Ibid., XIV, 395.
"Ibid."
The governor, in carrying out his instructions, began by commissioning William Irvine and Andrew Ellicott to conduct the survey. Very little was accomplished, however, before Mifflin asked the commissioners to delay their departure until frontier Indian disturbances had subsided sufficiently to permit the surveyors to work in safety.

Thus balked in his first attempt, Mifflin determined that by the next spring he would proceed with his plans in spite of the Indians. In December he advised the assembly that the completion of the Presque Isle project might involve the use of troops and that it would be well to prepare for such a contingency. The legislature obliged, in an act of February 28, 1794, by authorizing the use of the militia to protect the surveyors.

On March 1, the governor had a very busy day. He appointed Captain Ebenezer Denny as officer in charge of a militia company which would be raised to carry out the legislature's orders and wrote him detailed instructions. Denny was ordered to establish his headquarters at Le Boeuf and protect the operations around Presque Isle. In addition he was to guard the workmen engaged in building roads from Reading and French Creek to Lake Erie. The two projects, said Mifflin, were "intimately connected."

Second, he instructed the brigade inspectors of Washington, Westmoreland and Allegheny counties to assist Denny in procuring soldiers. Third, he notified commissioners Irvine and Ellicott that they would be assisted by a third commissioner, Albert Gallatin. They were urged to begin work immediately. Mifflin reposed great confidence in General Irvine, regarding him as first in command of the Presque Isle project. In the matter of militia organization the governor promised to ratify any plan the general advised.

---

14 "Mifflin to Ebenezer Denny, March 1, 1794, ibid., VI, 636-638.
15 Circular Letter, Mifflin to Brigade Inspectors, March 1, 1794, ibid., VI, 631.
16 Mifflin to Presque Isle Commissioners, March 1, 1794, ibid., VI, 635. Ellicott and Irvine were also the commissioners in charge of the construction of a road from Reading to Presque Isle.
17 Dallas to Brigade Inspectors of Westmoreland and Washington counties, May 9, 1794, Irvine Papers, XII, 39; Mifflin to Brigade Inspectors of Westmoreland, Washington, Allegheny and Fayette, May 23, 1794, Irvine Papers, XII, 44.
Denny experienced difficulty in securing enough men for his company. By May 2, he had succeeded in procuring forty-seven militiamen and thirty volunteers. With these he set out for Le Boeuf.

In the meantime reports of Indian unrest began to arrive in Philadelphia, and as the weeks went by they increased in number. In a series of letters to Mifflin, General John Wilkins warned that the British were inflaming the Six Nations Indians to action against Pennsylvania. He repeated rumors that the British would attack any troops going to Presque Isle and that the Indians would assist them. General Israel Chapin, United States Superintendent of the Six Nations Indians, wrote in similar vein to Secretary of War Knox and added that unless the Pennsylvania garrison at Presque Isle was made strong it would probably be attacked. He, too, was alarmed at British activity.

When Dallas, in the absence of Mifflin, sent the letters from Denny and Wilkins regarding “possible” opposition to Knox on May 9, the latter replied on the following day with the expressed doubt as to “whether any measures ought now to be urged, which are likely to produce disgust to our friends the six nations and to extend Indian Hostilities.” In short, he intimated that the Presque Isle venture should be postponed. Mifflin did not reply directly to Knox’s advice, but on May 23 he made clear his determination to go ahead with the Presque Isle development in spite of the Indians by issuing a call to the western brigade inspectors to enroll one thousand militiamen for active duty. They were to serve under General Wilkins and, if necessary, build block houses on the road to Presque Isle. The governor also notified Washington of his action.

Washington’s reaction was immediate and decisive. Writing through Secretary Knox on May 24, he told Mifflin “to suspend for the present the establishment at Presque-isle.”

Mifflin was greatly disturbed and mortified at an “interference” which he considered to be highly “impolitic, unpopular, and danger-

---

19 Israel Chapin to Knox, May 6, 1794, ibid., VI, 656.
20 Dallas to Knox, May 9, 1794, ibid., VI, 659.
21 Mifflin to Brigade Inspectors, May 23, 1794, Irvine Papers, XII, 44.
22 Knox to Mifflin, May 24, 1794, Irvine Papers, XII, 49.
23 Mifflin to Presley Neville, June 13, 1794, Pa. Archives, 2d Ser., VI, 696.
Although he did not express himself so forcibly to Washington, he did say that he very much regretted the lateness of the suspension notification. "I am apprehensive indeed," said the governor, "that it is too late to prevent the execution of" the Presque Isle development. However, conceded Mifflin, he would obey the President, "even at this late period," in order to "promote the views of the General Government" and avoid an extension of Indian hostilities. He would suspend the operation, now that the President had directly asked him to do so, but he could not have justified his action had he complied with Knox's "bare intimation" to Dallas on May 10. In Knox's letter of May 24, in which he relayed Washington's suspension order, he had pointedly referred to his own warning of May 10 against any measures which might "disgust" the Indians. In spite of that, Mifflin had then called for one thousand militia, a move that could quite conceivably cause "disgust." The censure was vaguely stated but unmistakable, and it irritated the governor.

Washington's decision to suspend the Presque Isle operation was the result of a determination to keep the Six Nations Indians at peace. Information received in Philadelphia indicated that the Indians had become restive as soon as Pennsylvania began town-and-road-building operations in the northwest area. If the Indians were driven to desperation it was anticipated that they would make common cause with disaffected western tribes already at war with the United States. Such an alliance was greatly to be feared, for the United States had been conducting campaigns into the west for several years.

Indeed, since its inception the national government had been trying, by means both forceful and conciliatory, to deal with the hostile Indians in the Wabash country. After two costly military expeditions had failed—one led by General Harmar and the other by Arthur St. Clair—Washington selected Anthony Wayne to make another attempt.

While the energetic Wayne was marching westward, Washington, with the military man's caution regarding communication lines,
was naturally much disturbed to hear that the Six Nations, lying near Wayne's route of march, were dangerously restive.

The situation was made even more critical by reports of adverse British activity. Canada's lieutenant governor, John Simcoe, in clear violation of United States territory, had constructed a fort on the Miami River, sixty miles south of Detroit. Further, it was generally believed—and later research has proved it—that the British were supplying the Indians with military equipment.27

The apprehension in Pennsylvania regarding British activity was not unwarranted, and most of it stemmed from the fact that the eight frontier posts the British had agreed to evacuate at the Treaty of Paris in 1783 were still in their hands. Many men thought their presence encouraged the Indian raids and massacres that were being inflicted upon the frontiersmen. In addition, the forts, strategically located in the "Old Northwest," were so situated as to control the principal routes of communication and transportation.28 All requests from the federal government that the strongholds be relinquished were met with the complaint that the United States had not fulfilled its treaty obligations. But the real motive behind England's retention of the posts lay in the highly profitable fur trade.29

The Six Nations Indians inhabiting the area in question found themselves to be the victims of changing circumstance, for them not an unusual predicament. Before the Revolution the land northwest of the Ohio had been recognized in solemn treaty as Indian territory. But when it was ceded to "their enemies, the Americans" in 1783, the Indians were at a loss to understand the change in sovereignty.30 They naturally resented the change, for again the ownership of the region was subjected to negotiations between them and the white men. And from such conferences they often emerged as losers. To that even the youngest chiefs could testify.

Governor Mifflin was well aware of Indian hostility and of the presence of the British troops at the Miami rapids. The two com-

27 Ibid., 36. Professor Harmon says: "As a result of the Battle of Fallen Timbers some members of the Detroit Volunteers were captured, and there is no doubt but that the British at Detroit furnished at this time arms and ammunition to the Western tribes."

28 Samuel F. Bemis, Jay's Treaty, a Study in Commerce and Diplomacy (New York, 1924), 3.

29 Ibid., 5.

30 Ibid., 8.
bined threats, he thought, "must evidence a hostile disposition, which cannot fail to command the most serious attention of the General Government." Nevertheless, he was much irritated when the national government gave him convincing proof of the "serious attention" it was giving to the situation by stopping the Pennsylvania development scheme. And he did not hesitate to inform the national authorities of his annoyance at "the interference."

In a letter to Washington on May 25, he told the President that he had rescinded his orders to the brigade inspectors to draft a thousand soldiers and had stopped the commissioners from further work. Then he reminded Washington that the northwest territory had been purchased from both the Indians and the United States. As a result Pennsylvania could hardly expect "that any hostile opposition would be made to her settling upon a property thus fairly acquired; or that the advancement of her peculiar interests in that respect would be deemed incompatible with the general interests of the Union."

Mifflin's impatience at the continued delay was again made quite evident on June 13 in another letter to Washington in which he had enclosed, at the President's request, evidence of Six Nations' hostility. To this Knox, who replied for Washington, made the obvious answer. Surely Mifflin, on the basis of the evidence he himself had submitted, could understand that the Presque Isle development "is an extremely delicate one, as it regards our peace with the Six Nations." Furthermore, it might possibly complicate the negotiations that were then under way between the United States and Britain.

On the same day that he received Knox's letter Mifflin replied to Washington in high dudgeon. He had never felt that the Presque Isle project would be opposed by the Indians, but by the "machinating efforts of the agents of a foreign nation [Britain] in

---

1 Mifflin to Irvine, May 23, 1794, Irvine Papers, XII, 43.
3 Mifflin to Washington, June 13, 1794, ibid., VI, 699.
4 Knox to Mifflin, June 14, 1794, ibid., VI, 700; and Society Collection, HSP. The Secretary of War was here referring to the mission of John Jay to England. Jay had been sent over to make a treaty, and since the United States was already suffering under disadvantages which made negotiations difficult, the administration tried to avoid any action which would magnify those disadvantages. It was felt that an open break with the British at that time would be disastrous.
5 Mifflin to Washington, June 14, 1794, Pa. Archives, 2d Ser., VI, 701-705.
the neighborhood of the United States . . . .” And when he had asked for a thousand militia it was his intention to use them in preventing a threatened foreign invasion. He resented Knox’s statement, in a former letter, that it would be indeed fortunate if the “circumstances” that had already occurred (Mifflin believed Knox was referring to the militia draft) had not “matured the evil beyond the possibility of a remedy.”

In this connection, however, Mifflin consoled himself with the recollection that Washington was “possessed of the law while the Legislature (whose power was alone competent to repeal it) was in Session; that you were seasonably apprised of every Step that was taken to carry it into effect; and that if, from information unknown to me, earlier discontinuance of the Executive proceedings was deemed salutary, my conduct will evince the readiness with which I should have acquiesced in an earlier declaration of that opinion.”

But on this score Mifflin felt that he had little cause for worry or self reproach. If the legislators chose to pass laws whose execution would endanger the peace, they were responsible for the consequences, not the executive.

Then he asked a very important and significant question:

could the President of the United States really justify an act which suspended “the operation on a positive law of Pennsylvania? The Constitutional supremacy of the Laws of the Union will not be disputed. But may it not be asked what law of the Union does, nay, what power there is to pass a law which cou’d controul the Commonwealth in the legitimate exercise of her Territorial jurisdiction? Where there is no Law there can be no obligation; nor consistently with the principles of a Republican Government, can reasons of State or the admonition of circumstances (upon which the Secretary at War relies) furnish an Executive Magistrate with an authority to Substitute his opinions for Legislative institutions.

Mifflin loved to employ indirect and diplomatic language, but here the style certainly did not hide a very pointed implication: Washington, acting without authority from Congress—and its authority on the subject under consideration was at best question-

36 Ibid., VI, 704.
37 Ibid.
able—was dangerously close to assuming an attitude of superiority to the law.

The governor assured Washington that he had confidence in his patriotism and judgment, but however consoling that was to him personally, he had to vindicate his conduct to the public. He was also confident that the national government would make every effort to remove "the temporary obstacles which exist." Then, with an eye to his own vindication, he explained the future adverse possibilities that the suspension might induce.

The bare suspension of our measures [he predicted] will, probably, indeed, increase the difficulty of accomplishing them; and any great delay might eventually introduce a Controversy upon the right of doing so. The evil would become irremediable by any peaceable process, if, taking advantage of the Circumstances which have already occurred, either the Six Nations, or any other ill-disposed neighbour, should seize on the station which has been designated for our establishment.

For these contingencies, however, and for the expense which the State has already incurred, I have no doubt the Justice of the General Government will satisfactorily provide.3

The governor then ended his letter by promising that come what might he would continue to suspend the Presque Isle operation until Washington changed his opinion.

Why did Mifflin write such a controversial and censorious letter to Washington if he intended to conclude it by promising further acquiescence to the President’s wishes? In parts it had been so provocative as to suggest an opposition which, when it failed to appear, made the ending definitely anticlimactic. Certainly Mifflin knew Washington well enough to realize that he could not be intimidated.

A partial explanation is found in the governor’s admission that he was motivated by certain political aspects of the Presque Isle delay that became evident shortly after the suspension.39 Various powerful landowners and speculators protested vigorously. Mifflin was criticized in the daily press for tamely acceding to the federal government, and confidential informants told him that he was the

3 Ibid., VI, 704-705.
39 Mifflin to Irvine, June 14, 1794, Irvine Papers, XII, 56.
object of blame in many parts of the state. As a politician who was constantly alert and sensitive to public opinion, he realized that he needed to justify his action by placing his views on record. What could be better than a strong protest to Washington himself? In so doing he had questioned the President's right to suspend a state law, cast doubt on the power of Congress to “controul the Commonwealth in the legitimate exercise of her territorial jurisdiction,” and implied that should Pennsylvania suffer loss because of the suspension the federal government would be expected to provide compensation. Finally, he had made it clear that he only worked for the state and that, in the last analysis, the legislature was responsible for any difficulties that had occurred. Should any vindication of his action be necessary in the future he could always point to his letter. As a matter of fact, he fully intended to publish “the material parts” (that is, the sections that would serve to extenuate his conduct) of his entire correspondence with Washington.40

But in spite of his insistence that he had to carry out legislative orders, he failed to do so. He might argue with Washington, but he obeyed him.

The letter was dated June 14, but, strangely enough, it was not delivered to the President’s office until June 17. As a matter of fact, this was not the only letter from Mifflin to Washington which required an inordinate amount of time to travel the few yards between the two executives’ offices. Washington was certain that Mifflin either detained his letters or antedated them, and although puzzled as to the motivation for this action he was convinced that there was “design in it.”40

Since the President had departed for Mount Vernon on the morning of the seventeenth, he had not seen the letter, but Secretary Knox, feeling that he knew Washington’s sentiments on the subject, replied on June 21, in what he declared to be a spirit of cordiality and harmony.41 Briefly but emphatically he answered the three primary points raised by Mifflin. First, the principal question at issue was not the “rights” of Pennsylvania or the “obligations which are urged to exist on the part of the United States in rela-

40 Ibid.
40 John C. Fitzpatrick, ed., The Writings of George Washington ... 1745-1799, XXXIII, 410-411.
41 Knox to Mifflin, June 21, 1794, Irvine Papers, XII, 64; Pa. Archives, 2d Ser., VI, 712-713. The letter is incorrectly dated June 25 in the Archives.
tion to them," but the protection of society as a whole. It was the practice in political communities to defer the "enjoyment of a right, or interest of a nation, to considerations respecting the safety or welfare of the whole nation. The propriety then of a temporary suspension in the present instance must depend on the weight of the reasons which dictate it." Second, it was "absolutely useless" for Mifflin to discuss Washington's justification for suspending the Presque Isle program as long as the governor declared his willingness to obey orders. Third, Knox had never seen any evidence of hostility on the part of the Six Nations before Pennsylvania began her land development operations. Knox concluded by assuring the governor that attempts were being made to remove the temporary obstacles which made the suspension necessary.

Taking his turn in this epistolary debate on June 24, Mifflin bowed to the amenities by reciprocating Knox's wish for harmony between the two governments. Then he launched once more into the argument. He was not inclined to discuss Knox's doctrine regarding the primary interests of a nation as opposed to its parts, but he thought it obvious that the idea was least adaptable to circumstances which required its application through the discretionary powers of a state executive. Obviously the governor missed the point here and confused the issue, for Knox had not even hinted that any one part of a nation (in this case a state) possessed discretionary authority to determine what was or was not in the national interest. Such prerogatives were to be exercised only by the general government. But it is just possible that by the employment of circumlocutionary phraseology (to which he was occasionally addicted) the governor meant to deny even the right of the federal government to determine national interest when such determination was at the expense of a state. In any case, before embarking on such a significant move, the central government should consult the state legislature.

As to his determination to obey the suspension order, Mifflin assured Knox that his obedience was conditioned by Washington's assurances that the delay was of a temporary nature.

Then reverting again to the troublesome Indian question, Mifflin declared that Six Nations' hostility antedated the Presque Isle law.

---

42 Pa. Archives, 2d Ser., VI, 713.
43 Mifflin to Knox, June 24, 1794, ibid., VI, 714-715.
It had been induced by "some old grievances alleged to have been suffered from the Union . . . the constant machinations of British agents, and the corruption of British bribes. . . ."44

At this time events were occurring in the frontier regions which confirmed Knox’s opinion regarding the attitude of the Six Nations. The Indians denied to Israel Chapin that they had sold the Erie tract to Pennsylvania,45 and in the middle of June, at a huge council on Buffalo Creek, they insisted that Chapin go to Presque Isle and order all those who had settled there to move out.46 When Chapin, accompanied by William Johnson, British Indian agent, and by a deputation from the Six Nations, reached Presque Isle on June 24, he found no one there. So on the next day the delegation went to view the Le Boeuf garrison, which had arrived a few hours before. There the Indians told Captain Denny, officer in charge, that they considered the articles of agreement drawn up in 1789 as a treaty of peace and not as a bill of sale; the goods received were accepted as presents, and no money had changed hands.47 Then they declared that if the garrison did not clear out of Le Boeuf at once, friendly relations would be severed. To this Denny replied that he had been ordered to occupy Le Boeuf and there he would stay until recalled.48

The bad western news only inspired Mifflin to greater activity. Fearful of an Indian invasion, he asked Knox for military supplies,49 and ordered General John Gibson to call more militia into service. Far from considering the prospect of a general Indian war as a deterrent to the land scheme, he took a completely opposite view. The extravagant demands made at Le Boeuf, he told Washington, were inspired by the British, more particularly by Johnson, their Indian agent. They were insulting to the state and deserved to be ignored. Now, more than ever, the safety of Pennsylvania and the preservation of its property were "involved in the immediate prosecution of our object; and I trust, that you will now find reason to concur in that opinion."

But Washington did not concur. Instead, he still insisted on the

44 Ibid., VI, 714.
46 Israel Chapin to Knox, June 26, 1794, ibid., VI, 715.
47 Ebenezer Denny to Mifflin, June 29, 1794, ibid., VI, 725.
48 Ebenezer Denny to Mifflin, July 4, 1794, ibid., VI, 739.
49 Knox to Mifflin, July 7, 1794, ibid., VI, 740. Knox complied but insisted that the equipment had to be replaced in kind or paid for.
50 Mifflin to Washington, July 15, 1794, ibid., VI, 742.
suspension on the grounds that “the immediate prosecution” of the Presque Isle development would call the Six Nations Indians to arms against the United States. He was of the opinion that a conference should be held on September 15, between the Six Nations and representatives of the state and national governments. The object would be “to adjust all discontents against the establishment at Presque Isle...” Would Mifflin send a commissioner along with a United States representative to negotiate at such a conference?

The governor was now thoroughly disturbed and disgusted. His extended correspondence with Knox and Washington was not at all improving the situation or his disposition. As a matter of fact, “every addition to the correspondence” increased his “embarrassment.” No, he would not send a representative to confer with the Indians on September 15. It was his wish to co-operate with the government in an effort to conciliate the tribesmen, but he had no authority to send a commissioner. He would furnish documents relative to the land controversy, but he wanted it “clearly understood, on my part, no assent is given to any proposition that shall bring into doubt or controversy the rights of the State.” There was no justice in the Indians, he said, or they would acknowledge the validity of a purchase that was fairly made.

Mifflin had expected Washington to assume full responsibility for any consequences that might result from the suspension order. But this hope was blasted when Knox informed him that the President intended to “carry his opinions upon the subject no farther than to state them as strongly as they were conceived by him. It is with your Excellency to compare them with your constitutional and legal powers.”

Mifflin must have writhed in greater frustration when he read that, for during the past two months he had done little else than “compare” the suspension to his constitutional powers. And he had gotten nowhere. Now, to his dismay, he was informed that the full consequences of the delay would fall upon his shoulders. But the governor had no inclination to accept the full burden.

Probably anticipating Knox’s letter of the seventeenth and his

---

81 Knox (writing for Washington) to Mifflin, *ibid.*, VI, 744.
83 Mifflin to Washington, July 18, 1794, *ibid.*, VI, 746.
85 Mifflin to Washington, July 22, 1794, *ibid.*, VI, 752.
86 Knox to Mifflin, July 17, 1794, *ibid.*, VI, 744.
consequent need for moral as well as legal support, Mifflin had asked Dallas to present the problem to Jared Ingersoll, land speculator and attorney general for Pennsylvania. On July 14, Dallas asked Ingersoll if the governor could legally justify the continued suspension beyond a period of time that would permit him to carry the law into effect.\textsuperscript{57} The legislature had not specified a completion date, but it had offered land bounties to men who would settle in the area by May 1, 1795. Obviously, bounty promises would be worthless if the preliminary surveys were not finished in time. Further, the enlistment period of the soldiers recruited to protect the surveyors would expire in December, 1794. Mifflin interpreted these two conditioning factors as indications of the legislature's desire to have the surveys completed in 1794. Hence his anxiety to have the suspension lifted as soon as possible.

Ingersoll answered Dallas' inquiry on July 18. Waiving every "consideration of Policy or Expediency," it was his opinion that the governor had to conform to the law. That is, he had to complete the project in time to allow bounties for settlement. No delay could be justified beyond that time. "If it shall appear that measures of General Concern will be defeated by Pursuing the Line of Conduct pointed out by the Legislature, as the Governor has no dispensing Power, convening the Legislature is the only Remedy for the Inconvenience."

Thus supported by Ingersoll's opinion, Mifflin was prepared to comment on his alleged responsibility for the consequences of the suspension. On July 18, he wrote Washington that if the President was "solicitous to avoid reproach for inattention, or a request to make full representations of any danger which is apprehended to the interest of the Union, a similar solicitude in the success of a particular Government to avoid reproach, either for transgressing the Constitutional boundaries of his authority, or for sacrificing the interests of the state, will be equally approved and indulged."\textsuperscript{58} His "solicitude" had induced him to consult Ingersoll in an effort to "compare your opinions . . . with my constitutional and legal powers." He enclosed Ingersoll's opinion and once more requested information as to how long the suspension would persist. If the obstacles were not shortly removed, he would have to do one of two

\textsuperscript{57} Dallas to Ingersoll, July 14, 1794, \textit{ibid.}, VI, 741.
\textsuperscript{58} Ingersoll to Dallas, July 18, 1794, \textit{ibid.}, VI, 746.
\textsuperscript{59} Mifflin to Washington, July 18, 1794, \textit{ibid.}, VI, 747.
things: direct the commissioners to proceed with the survey or call the legislature into special session. He would not take the latter step, however, unless Washington specifically requested it.60

That was the high point in the correspondence. When Knox replied for Washington on July 21, the Secretary's tone was mild and conciliatory.61 Washington had never intended to embarrass Mifflin or to infringe upon his constitutional powers, and for all consequences of the temporary stoppage Washington would accept full responsibility. But—the suspension was still in effect. It would continue until the campaign against the western Indians ended or until the Six Nations materially changed their attitude. Since neither Mifflin nor Ingersoll had "defined the period to which the suspension may . . . be legally continued," Knox thought that there would be sufficient time for the acquisition of land bounties after the projected September meeting with the Indians at Canandaigua. As for the expiration of the soldiers' enlistment period, it could always be extended.62

Mifflin disagreed with Knox. If the conference were held on September 15, he maintained, at least a month would be required to carry the report of its deliberations to Philadelphia. The commissioners could not possibly start to work for another three weeks, and by that time winter would have set in and the soldiers' enlistment period would have expired. He would suggest an earlier date for the conference, but according to his "sense of duty . . . the slightest interference" on his part would be improper.63 But if the Indians remained hostile after the conference, he would expect military aid from the national government, "not only to prevent any inconvenience that may arise from the expiration of the Pennsylvania enlistments, but effectually to subdue that resistance to the execution of the law of Pennsylvania which its suspension, by giving time and confidence to our ill-disposed neighbors, must naturally increase."64

That ended the long interchange between Mifflin and Washington on the Presque Isle question. The governor was in a difficult position throughout because he was being pulled in opposite direc-

60 Ibid.
61 Knox to Mifflin, July 21, 1794, ibid., VI, 751-752.
62 Ibid.
63 Mifflin to Washington, July 22, 1794, ibid., VI, 753.
64 Ibid.
tions by two powerful forces. He doubted Washington's authority to suspend the operation of a state law, but he obeyed the President on condition that the suspension would be only temporary. But therein lay the big question: how long could the delay continue and still be considered as of a temporary nature? The legislature had not specified a particular date for the project's completion. And the governor, in an attempt to limit the suspension could only point to May 1 as the expiration date for bounty collections. Presumably, the surveys would have to be completed sometime before that date, else it would have been impossible for those entitled to bounties to receive them. Mifflin maintained that in order to satisfy that requirement the surveys would have to be completed before the winter of 1794. But this was debatable and Knox took advantage of it. The time element was therefore a principal factor in Mifflin's problem.

Another important aspect of the governor's dilemma must not be neglected. Caught between the upper and nether millstones of presidential and legislative authority, Mifflin's problem was further aggravated by the pressure of public opinion. This aspect of the matter, previously adverted to in a discussion of Mifflin's letter to Washington on June 14, is of such consequence as to deserve further elaboration. It must not be forgotten that, during all the correspondence, Mifflin's letters had been written with the object of publishing them in justification of his deference to Washington's orders. It is quite likely that he could not forget for one moment his eligibility to stand for the governorship again in 1796.

If opposition to the suspension order in western Pennsylvania was as general and articulate as Mifflin's principal advisers said it was, then the governor had cause for alarm. But even if his informants—many of whom had financial interests in the development—distorted or exaggerated conditions, Mifflin had to give them consideration. Their political weight and influence made any other course inadvisable. As soon as Mifflin announced the forced delay they responded with outraged indignation.

General William Irvine, head commissioner, speculator and politician, protested with a vigor that was effective but not at all disinterested. For his valuable services in the Revolution he had been given a large tract of land below Presque Isle, afterwards known as Irvine's Reserve. He was one of those who strongly
advocated the purchase of the triangle area from the United States.5 When that had been effected, he, along with several others, joined comptroller general John Nicholson in a vast speculation enterprise which was organized as the Pennsylvania Population Company. The organization was accomplished after Nicholson applied for three hundred and ninety land warrants in the triangle section. Also associated with the company was John Hoge, assemblyman and influential western Pennsylvania politician.6

During the first week of June, 1794, General Irvine gave forceful expression to his opinions in two letters to Mifflin. The Presque Isle establishment, he said, was exceedingly popular in the west because most people thought it would end all presentiments of Indian outrage. But just when optimism was high, along came the suspension order which "occasioned a mixture of disgust, resentment and fear."67 It would benefit no one but the designing British, who doubted their ability to hold Presque Isle and the Miami rapids at one and the same time. Now they could move in quietly to a strategic position and wait for war. Irvine was at a loss to understand how the British outmaneuvered Washington. Either the sources of his information were unreliable or it was falsified in transmission. Washington's "own head is clear & his heart pure, but I wish he may not have placed too much confidence in others, whose heads, at least are defective be their integrity as it may."68 It was very unfortunate that Mifflin's order was delivered with such speed, for if it had arrived just two days later "the business would have been done" without fuss or friction. Truly, lamented Irvine, "a vast error" had been committed,69 and "the interest and honor of the country [had been] sacrificed."70 The whole western country was ready to aid in establishing a town at Presque Isle; but now anger and astonishment predominated.

Irvine gave Mifflin permission to relay his comments to Washington, comments which he thought were "more for you & your interest than against you. I am sure I mean it so, and hope I have


Irvine to Mifflin, June 3, 1794, Irvine Papers, XII, 52.

Ibid.

Ibid.

not mistaken the point. It would not do perhaps, to have all the railingslavished on the General government without touching the state a little; it is most certainly a cursed business." Completely disgusted, Irvine declared his intention to leave immediately for Philadelphia.

"Touching the state a little" educed a fervent disavowal of guilt from Mifflin. He assured Irvine that "no part of the blame can in justice be imputed to me; unless a co-operation in the measures of the General Government at a crisis be rendered a subject of condemnation." Pained to hear that Irvine was coming east he urged him to stay where he was, for the suspension was only temporary.

From David Reddick, prothonotary in Washington County, came political news of an even more disturbing nature. Writing on June 5, he must have worried Mifflin considerably when he notified him that his "personal and political enemies [were] already beginning to turn this unhappy business to aid an opposition which had become hopeless by several defeats. Nor will your friends, unless other reasons beside the ostensible ones appear, be able to rebut. Besides, there is danger of a declension even amongst them, especially if the dreaded mischief [loss of life because of suspension] should unhappily take place."

As to the legality of Washington's suspension order, Reddick wanted to know what "in the name of common sense . . . could have induced the President to make such an unconstitutional request, or who could have counseled him to so ill timed, ill judged, and impolite interference. It never was his own head nor heart, else the American people had been surely mistaken in both." He had no authority to "prevent the execution of a State law, or to Interfere with the execution of it by a magistrate who is bound by the strongest obligations, both politic and moral."

Like Irvine, Reddick was certain that the British were responsible for all the trouble. Also like Irvine, his concern over the suspension was not disinterested: he planned to engage in the fishing business off the Erie shore.

Both Andrew Ellicott, Presque Isle commissioner, and General

---

71 Ibid.
72 Mifflin to Irvine, June 14, 1794, Irvine Papers, XII, 56.
74 Ibid.
John Wilkins, supply contractor and land speculator in the Erie region, blamed the British for inciting the Indians to hostility. Ellicott presented Mifflin with two alternatives: either abandon all frontier posts down to Fort Franklin or build a fort at Presque Isle. Strongly advocating the latter measure, he was convinced that a strong post at Presque Isle would cut off the Six Nations from the western Indians and compel them to keep the peace. The suspension would only make the Six Nations “more insolent than ever.” Furthermore, he pointed out, if the suspension continued, “the adventurers at Presq' Isle” who had already expended money would be in a “critical condition.”

It is possible that Ellicott’s enthusiasm for the development scheme caused him to overestimate the strength of the garrison at Le Boeuf, the nearest post to Presque Isle. Writing from that place on July 19, he assured Mifflin that everything was in good order and the works strong enough to repel any number of Indians. But Captain Ebenezer Denny, the officer in charge, took an entirely different view of the situation. He told General John Gibson, also on July 19, that the garrison was low on provisions. “If the Indians begin, the Lord knows how we'll make out. It will be from hand to mouth with us now.”

Several criticisms of the suspension order also appeared in Bache’s General Advertiser. Washington’s action was really a veto of a state law, an interference which reduced the states to the level of “corporations.” Mifflin, in obeying Washington, had usurped legislative authority and played “with laws as boys play at ball.” If Mifflin intended to become Washington’s “High Constable” . . . “we had better abandon our state governments, or formally delegate the legislative authority to the Governor.”

On June 21, a correspondent asked: “Have we become slaves to the will and to the menaces of a corrupt and vile British cabinet, that we dare not put ourselves in a condition to resist savage barbarities. . . .”

Although Bache lost no opportunity to castigate Washington, he

---

75 Ellicott to Mifflin, July 19, 1794, *ibid.*, VI, 748.
76 Ellicott to Mifflin, June 5, 1794, *ibid.*, VI, 680.
78 Ellicott to Mifflin, July 19, 1794, *ibid.*, VI, 749.
79 Ebenezer Denny to Gibson, July 19, 1794, *ibid.*, VI, 750.
80 *General Advertiser*, June 24, 1794.
81 “From Correspondents,” *General Advertiser*, June 21, 1794.
did open his columns to "A Pennsylvanian" who took an opposite view of the matter. In a long and excellent letter he reviewed the history of the Presque Isle project and presented a strong defense of the President. It was his contention that the suspension was opposed chiefly by land speculators, who, in order to reap a profit, were willing to inflame the Indians into open hostility and sacrifice the interests of the Union. Only "the private interest of a few men is to be promoted by this settlement. . . ." But "A Pennsylvanian" was convinced that Mifflin would not be frightened by speculators' clamors into backing their schemes for the sake of a "local and partial popularity."

By the word "local" the writer referred to western Pennsylvania. But even in that section not everyone approved of the great emphasis Mifflin was placing on the land development scheme. When the governor asked for the enrollment of one thousand militia in May, no less a figure than Presley Neville doubted the advisability of drafting so many men to pursue an object that was only of secondary importance. He was sure that the legislature "intended to assist and not distress" the western counties. The mobilization of a thousand men from the region would defeat the legislature's desires and harm agriculture. If the men were to be drafted they should be called from all parts of the state.

But approval of the suspension was a mere trickle compared to the flood of protest which poured into Mifflin's office. Had it been a simple matter of land development the Governor's problem would have been less difficult. But, unfortunately for him, it involved a series of controversial issues which had agitated the minds of politicians for several years. Resentment at Britain's failure to relinquish certain frontier posts had increased when it was feared that she planned to extend her forts to Presque Isle and thus control the whole northwest region.

Those who had greeted the French Revolution with enthusiasm and sided with France looked with distrust on an administration which evidently wanted to appease the British. As one who had banqueted with Genêt and later proposed a toast to French success in the European war, Mifflin was expected to oppose any measure that favored British interests. And when his advisers repeatedly assured him that the suspension was just such a measure, he had to

---

"A Pennsylvanian," ibid., August 1, 1794.

Presley Neville to Irvine, June 2, 1794, Irvine Papers, XII, 51.
act accordingly. The western voters and their Republican leaders were important, and since the transmontane region was preponderantly anti-British in sentiment Mifflin had to take their protests seriously.

Although he wanted to disregard the President’s order he could not have been unmindful of the possible consequences. Had he gone ahead with the Presque Isle establishment and precipitated a general Indian war, public opinion would have censured him severely. He could not afford to take that chance.

Up to the end of his long period of correspondence with Knox and Washington, Mifflin, aside from examining his conscience and his constitutional rights, had accomplished nothing. Only once, after receiving an opinion from Ingersoll on the illegality of continuing the suspension indefinitely, did he present Washington with a proposition of any finality. That occurred when he tried to force the President into a withdrawal of the suspension order under a threat of proceeding with the establishment unless the latter asked him to convene the legislature. That was a clever maneuver, for had Washington requested a special session of the assembly he would have thereby confirmed Mifflin’s often expressed doubt as to his constitutional right to obey a presidential order at variance with legislative command. It was a nice point indeed. But circumstances made it unnecessary for Washington to take action on those alternatives.

Just as the Washington-Mifflin correspondence was reaching a climax, something happened in the troubled western counties of Pennsylvania which diverted the attention of both executives to a far more serious problem. On July 17, an enraged mob attacked the home of John Neville, one of many officers engaged in collecting an unpopular tax on whiskey. Ever since the passage of the national excise law in 1791, western farmers and distillers had protested against the collection of what they considered an unfair and discriminatory tax. Indignation meetings had been held, condemnatory resolutions had been passed, and occasionally enforcement officers had been hampered in their attempts to register stills and to collect the excise. The armed attack on Neville’s house was by far the most violent incident that had occurred, and Washington was not disposed to regard it lightly. As a matter of fact, he was convinced that the western opposition was so serious as to call
for the employment of militia. Accordingly, on August 2, he asked Mifflin to send troops westward to enforce the law.

The request confronted the governor with another dilemma. Was he legally authorized to use troops for such purposes? He could use them to fight Indians but could he send Pennsylvania militia against western Pennsylvanians? After a careful search of the statutes, he decided that he had no such specific authority and therefore refused to comply with the request. However, when the President proclaimed an emergency on August 7, and asked for troops from various states, including Pennsylvania, Mifflin immediately co-operated by setting the state's military machinery in motion. On the same day he asked the assembly to meet in special session for the purpose of enacting legislation suitable to the emergency.

As events turned out then, neither Washington nor Mifflin found it necessary to convene the legislature to consider the Presque Isle question. That issue had been thrust into the background by the overshadowing importance of the excise disturbances.

But when Mifflin addressed the assembly on September 2, he did not fail to include the troublesome subject in his remarks. After dwelling at some length on the whiskey riots, he asked the lawmakers to make a decision on the suspension. They were competent to decide, he said rather bluntly, whether the "interest of the Union, requires in any degree, a sacrifice of the local interests of the State..."84

Failing to reveal any signs of the vexation and perturbation that had marked Mifflin's views on the subject, the predominantly Federalist legislature unhurriedly and calmly took it into consideration. After some discussion, it passed an act on September 23 which authorized the governor to suspend the Presque Isle development.85

In the meantime General Wayne had met the western tribes on August 20, and decisively defeated them at the Battle of Fallen Timbers. As a result, the possibility of conflict with the Six Nations was somewhat lessened. It was also thought that the victory had weakened the British influence over them.86

But the administration did not consider Wayne's triumph as a

85 Ibid., 65.
86 Wilkins to Mifflin, October 10, 1794, Pa. Archives, 2d Ser., VI, 781.
sufficient reason for removing the obstacles to the Presque Isle development. Although anxious to keep the Six Nations neutral for timely military reasons, Washington also wished to establish a more durable foundation for peace between them and the United States. It is not unlikely that a motivating factor behind this wish was anxiety regarding the delicate if not precarious relationship between Britain and the United States. No one could forget that the British still held forts on American soil which they had promised to vacate in 1783. These forts were definite threats to American security. Since the Six Nations were strategically located between the fringe of western settlements and these troublesome posts, the national government could not afford to ignore Indian complaints regarding land purchases. The seriousness of the complaints were accentuated by British maneuvers in the region. Actually, it was a studied part of British frontier policy to create there an Indian buffer state or zone which under their tutelage would "shut off the United States from all contact with the Great Lakes and the St. Lawrence and would secure the strategic approaches to Canada."

In an attempt to settle their grievances, some of which involved the Presque Isle establishment, the national government made arrangements to meet the Six Nations at Canandaigua in the autumn of 1794. (It will be recalled that Mifflin had declined an invitation to send commissioners to the proposed meeting.) The conference was held, and on November 11, a treaty was signed. For a satisfactory boundary settlement the United States paid $10,000 in merchandise and promised in addition to pay the Indians goods to the amount of $4,500, annually forever after.

When the Senate had ratified the treaty, Timothy Pickering, then Secretary of War, notified Mifflin on January 27, 1795, "that the temporary obstacles to the establishment formerly contemplated by the State of Pennsylvania at Presqu’ Isle are removed." With the suspension lifted the assembly, on April 18, passed another act authorizing the survey of town sites at Franklin, Warren, Waterford and Presque Isle. The town at Presque Isle was to be called Erie. In the following December, Mifflin notified the legislature that all the surveys had been completed. When lots in the various

---

87 Bemis, 109.
towns were later placed on sale the response was enthusiastic. At Carlisle, where sales exceeded expectations, some lots brought a price of over $300.

In conclusion it should be said that the Presque Isle establishment, considered merely as one of the many land development schemes which dotted Pennsylvania history, is hardly deserving of the extended treatment received here. Its real importance, however, lies in the significant political and governmental question it presented. Although the whiskey disturbances made unnecessary a resolution of the problem regarding a conflict of authority between the state and national governments, the resentment engendered by Washington's suspension order played a notable role in the state's political development. However intangible were its results in terms of concrete election returns—it is impossible, for instance, to say what if any impression it had on the election of 1794—it was nevertheless integrally productive of a cumulative effect. As an example of executive interference in state functions, it furthered opposition to the Federalist concept of strong central authority and gave the Republicans another weapon with which to attack their opponents. As an alleged encroachment on a state's authority, it was considered by some to be premonitory and symptomatic; and as such, it fitted neatly into the slowing rising wall of Republican opposition.

In this instance government interference angered speculators and businessmen, a particularly influential group, for it included men like Wilkins, Reddick, Ellicott and Irvine, all of whom were politically important. That Mifflin did not underrate their influence is evidenced by the solicitude and concern he showed in responding to their complaints. As far as Mifflin himself was concerned, no responsible group blamed him for his part in the suspension. He had come through with flying colors.

As a land development scheme the Presque Isle venture ended happily for all concerned—for all that is, except the Indians. At Fort Harmar, in 1789, they had sold their last remnant of land in Pennsylvania. In 1794, they had confirmed that sale at Canandaigua in return for goods and a guarantee of boundaries which would allow them to occupy certain lands elsewhere.

But less than two years later, in a speech at Fort Franklin, Cornplanter, Seneca chieftain, complained that in the summer of 1795 a "Gentleman from Albany" bought some of the lands al-
lotted to the Six Nations. He predicted that the unjust purchases would continue “until they get all from us, and then we shall be left in distress.” He preceded his revelation of the purchase by an eloquent appeal to the President:

Gen. Washington, the Father of us all, hear what I have now to say, and take pity on us poor people. The Almighty has blest you, and not us. He has given you education, which enables you to do many things that we cannot do. You can travel by sea, as well as by land, and know what is doing in any other countries, which we poor people know nothing about. Therefore you ought to pity us.90

Thus the savage to those whom “the Almighty has blest. . . .”