

Cass Had Long Fight to get 3-mile Strip

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Note: the following address was presented at a recent meeting of the Morgan County Historical Society by Miss Fidelia Abbott. It was written by Miss Lorene Martin of Virginia. The address describes the causes back of the decision to found Cass County, and the subsequent legislative battles over a three mile strip, which Cass County representatives successfully argued should be a part of their county and not of Morgan County, and of the contest between Virginia and Beardstown to be selected as the county seat.

The division of large areas, for convenience of government, into smaller and still smaller sections, is naturally consequent upon the increase of population within those areas. Thus, the great Northwest Territory, organized under the famous Ordinance of 1787, was by 1800 found too large for a single government and was divided into two territories -- the Ohio and the Indiana; and only a few years later -- in 1809, as all will remember -- Illinois territory was set off from the latter.

Meanwhile, a large "county," covering all the region bounded by a line running from the mouth of the Little Mackinaw River in what is now Tazewell county, Illinois, down the Illinois and Mississippi Rivers, up the Ohio by the mouth of Massac Creek, and thence northward back to the mouth of the Mackinaw, had been formed and named St. Clair county; and presently a division took place by which all of that part of St. Clair county south of a line running east to the Wabash River, through what is now Monroe county, became the county of Randolph. In 1812, three more counties -- Madison, Gallatin and Johnson -- were established; and by 1818, when Illinois Territory became the State of Illinois and was admitted to the union, there were fifteen counties within her boundaries.

Madison county originally extended northward, far beyond its present boundary; and in 1821 Greene county was formed from that portion of it which lay immediately above its present limits. The northern boundary of Greene county was the same as it is today. Then, in 1823, Morgan county was formed in that unorganized part of Madison county which lay just north of Greene.

The boundaries of Morgan county, as set forth in the Act of Legislature by which the county was established on January 30, 1823, were:

"Beginning at the northwest corner of Greene county; thence east to the range line between seven and eight west of the third principal meridian; thence northerly along the middle of the prairie that divides the waters of the Sangamon River from those of Apple Creek, Mauvaisterre and Indian Creeks, until it reaches arrives at the middle of range eight; thence north to the middle of the main channel of Sangamon River; thence down the said channel to the middle of the main channel of the Illinois River; thence down said last mentioned channel to the place of beginning."

The area thus bounded, which had previously been attached to Greene county for judicial purposes and for representation in the General Assembly, was about forty miles long and thirty-two miles wide, and therefore included about twelve hundred and eighty square miles, or approximately eight hundred thousand acres of land. It comprised the areas of the present counties of Morgan, Scott and Cass, and had at that time between one thousand and fifteen hundred inhabitants. In 1825 the site of the present city of Jacksonville was fixed upon as "the permanent seat of justice for the county," and the town laid out in March of that year.

But increase of population is seldom the only cause leading to division and subdivision of territory. Usually there are also present specific, political reasons of a purely local nature. Certainly this was the case. In the setting off of Cass county from Morgan county in 1837.

The decade of the thirties, bringing -- with the defeat of Black Hawk -- final freedom from the Indian menace in Illinois, saw great tides of immigration passing ever northward from the southern part of the state. By 1837 central Illinois was fairly well settled. In that year Morgan county was leading many other counties in point of population, and Jacksonville had become one of the most important towns in the state. One of those, in fact, seeking to become its capital when the term for which Vandalia had been appointed to hold that honor should expire.

To a great extent, however, frontier conditions still prevailed. In all of Morgan county, outside of Jacksonville, there was not one house built exclusively for religious worship; and schools were crude affairs. Log cabins still were common, and wild game was one of the principal sources of food; while not until toward the end of the decade was the first railroad built.

About twenty-two miles northwest of Jacksonville, on the east bank of the Illinois River, stood the enterprising little village of Beardstown, which Thomas Beard, a sturdy and intelligent young pioneer, having left his father's house in the state of New York to explore the far-famed Illinois country, had founded in 1829; and out on the prairie, thirteen miles east of Beardstown, and fifteen miles north of Jacksonville was a small settlement which Dr. Henry H. Hall, a former surgeon in the British Navy, had begun as lately as 1836 and named Virginia, in honor

of the Old Dominion, which he had recently abandoned in search of newer country.

Obviously, the county contained a sufficient territory for two or even three counties; and what with primitive roads and methods of travel, the absence of telephones and even of many newspapers, Jacksonville, as the county seat, was somewhat remote from certain sections of the county. But there was also the significant fact that Beardstown, after the manner of new towns in that period, had ambitions of becoming a county seat. And there was the further fact that Virginia cherished precisely the same ambition. In addition, there was an undeniable tension between Beardstown and Jacksonville, as well as dissatisfaction throughout the northern end of the county in general with the management of county affairs at Jacksonville.

For there was, as we know, a group of very strong men in politics at this time in Jacksonville. It was a momentous period in the history of the state. There was the new location of the state capital, soon to be decided; the famous "internal improvement" legislation was brewing; and there was the larger question of human slavery and its abolition, which was dividing the people into factions so bitterly opposed as to result in one of the most deplorable incidents of the pre-war years in Illinois -- the murder of, in 1837, of Elijah Lovejoy. It was the period during which Stephen A. Douglas, the "Little Giant" now so well known in the nation's history, and Richard Yates, who was to become Illinois' war governor, congressman and United States senator, began in Jacksonville their brilliant careers. It was the time of Samuel D. Lockwood, long a justice of the Supreme Court of Illinois; of John J. Hardin, the illustrious lawyer and soldier, who gave his life at Buena Vista in 1847; of Murray McConnel and William Thomas, who lived out long, many sided and honored careers as lawyers and legislators; of John Henry, Josiah Lamborn, and many others whose names are inseparable from the annals of Jacksonville and the state. The governor of the state, Joseph Duncan, also was a resident of Jacksonville.

It was inevitable that men of this type should exert their natural qualities of leadership, whatever sphere their activities were engaged. And when it came to matters affecting Morgan county -- particularly in the state legislature, where the interests of the two sections of the county were often in conflict -- it was perhaps just as inevitable, human nature being what it is, that the northern part should bear a certain resentment over the easy domination exerted by the southern end, and should have no hesitancy in designating the Jacksonville group a "clique" or "ring."

However, this may have been, for several years prior to 1837, a movement had been underway for the erection of a new county from the northern part of Morgan. As might be expected, Thomas Beard and Dr. Hall were leading spirits in this movement. The latter is said to have been especially active, having already taken care to lay out his town in almost the exact center of the territory which

would naturally comprise the new county. Mr. Beard no doubt rested somewhat easily in the conviction that since Beardstown was not only nearly a decade older than Virginia, but had already achieved some importance as a shipping center, the river city could hardly fail of being designated the seat of justice for the new county.

Among other ardent workers for the cause were Archibald Job, who had settled in the neighborhood of the present town of Virginia at a very early date, and had served as one of the first representatives from Morgan County in the legislature; John W. Pratt, of whom more later; Richard S. Walker; and Francis Arenz, another remarkable pioneer whose newspaper, the "Beardstown Chronicle and Illinois Military Bounty Land Advertiser," first issued in 1833, was then the only newspaper in this region, north of Jacksonville.

At length, In the winter of 1836-37, petitions for the creation of a new county -- to comprise all that part of Morgan which lay north of the line dividing Townships 16 and 17, from the Illinois River across to the Sangamon county line -- were circulated. These petitions were signed by about five hundred voters, and duly presented at Vandalia.

It was the Tenth General Assembly of the State of Illinois that was in session at this time -- that assembly which will always be remembered for their remarkable number of brilliant and distinguished men, which it included, and paradoxically, for the enormous folly which it committed in the enactments of the Internal Improvements Act. It was this assembly, also, that passed the act removing the state capital from Vandalia to Springfield.

Morgan County was represented at this time by William O'Rear, William Thomas, and William Weatherford, senators; and by Newton Cloud, Stephen A. Douglas, William Happy, John J. Hardin, Joseph Morton, and Richard S Walker, representatives. Of these gentlemen, only one, Mr. Walker, resided in the portion of Morgan that was to constitute the new county. However, a bill based on the petitions, was presented and passed. By its terms "a new county to be called the county of Cass" was created, provided the vote of the citizens of Morgan county, as it was then organized, to be taken at a special election held for that purpose, should be favorable to the proposition.

Section One of this bill defined the boundaries of the proposed county; Section Two designated the third Monday of April (1837) as the day on which the special election should be held; and Section Three provided that in the event the proposition carried, another election should be held, at which the citizens of the new county should decide the location of their county seat.

It was Section One that made all the trouble. For the southern boundary of the new county, instead of being placed along the line dividing Townships 16 and 17, in accordance with the petitions, was made to run through the center of

Township 17, or three miles further north than the petitions read. Great was the dismay of the north end politicians when this was discovered! Immediately they accused Jacksonville of having put through a plan whereby -- seeing that creation of the new county was inevitable sooner or later -- she had seized this opportunity to arrange the boundary in such a manner as to place herself as nearly as possible in the center of the remaining portion of Morgan, thus ensuring her permanence as a county seat.

While they were about it, they also declared that by leaving the location of the county seat of Cass to the vote of the citizens of that new county -- which vote would almost certainly result in the selection of Beardstown for that distinction -- Jacksonville was only protecting herself from the presence of another county seat so near to her own doors as Virginia. (It is to be remembered that the difference between fifteen miles and twenty-two miles was not the entirely negligible matter in 1837 that it is today.)

However, it is evident that the real reason back of the lively remonstrance instituted by the promoters of the new county, was the fact that the substituted boundary line deprived Cass of a strip, three miles in width, running across the entire length of the county, east and west; and that this "Three Mile Strip," as it at once came to be called -- and is called to this day, so long drawn and bitter was the contention over it -- contained some eighty square miles of exceedingly fertile prairie land sorely needed by the new county.

For Cass, as her friends pointed out, was bounded not only by the Illinois River but by the Sangamon as well; and therefore had a greater area of swamp land, with many sand ridges and bluffs. Moreover, in accordance with the early belief, much of the soil in the interior, also (being what was called "barrens,") was considered unproductive -- "waste and untilable lands," was the phrase employed. A hundred years of agricultural development have completely changed the estimate of Cass county soil, but doubtless the matter was real enough to the settlers of that day.

At any rate, it was held that this "Three Mile Strip," if retained by Morgan, would not only give that county an area of 612 square miles and Cass but 288 square miles, but would make Morgan one of the richest, and Cass one of the most impoverished, counties in the state.

Nevertheless, the bill, as passed by the legislature, and known as "An Act for the Formation of the County of Cass," was approved by Governor Duncan and signed by him on March 3, 1837, thereby becoming a law.

When the third Monday in April, the date set for the acceptance or rejection of the new county by the voters of the whole of Morgan, came, the displeasure of many of the north end citizens over the changed boundary line manifested itself in refusal to vote. Of those who did vote, many were said to have done so only

because they felt certain that some future legislature would attach the "Strip" to Cass. Altogether, less than 1000 votes were cast, though at a recent election the county had polled 3,600 votes. The long fight for the new county, therefore, was about to come to naught, for, since the county offered was not the county sought, it was rejected at the polls, though by a very small majority.

By a twist of fate, however, the election was declared favorable to the formation of the county. For when the returns were counted, the votes from two whole precincts -- Meredosia in Morgan and Lucas, (now Richmond), in what is now Cass -- both of which were almost unanimously against the measure, were rejected. This action on the part of the canvassing board at Jacksonville was due to the fact that neither of these precincts had made its return in the proper manner. Those from Meredosia had been carried in by a citizen who was neither a clerk nor a judge of the election; and those from Lucas had been sent in through the mails. The required certificate of election results was then transmitted to the Secretary of State, and Cass County -- named for Lewis Cass, General in the War of 1812, Secretary of War under President Jackson, and Secretary of State under President Buchanan -- came into existence.

The citizens of the new county could only accept this situation with what grace they might. In some instances this seems not to have been a great deal. It is not recorded that any hunger strikes were entered upon, but it is remembered that one old gentleman, living on Jersey Prairie near the now vanished town of Princetown, vowed that never again, as long as he lived, would he cast a vote in any election whatever -- a vow which he kept to the letter; and one whole precinct refused at first to organize.

Then two months later, the election received an unexpected and final confirmation when the legislature, being in special session at the time, declared that "Whereas, at an election held in the County of Morgan, according to the provisions of 'An Act for the formation of the county of Cass,' it appeared that a majority of the voters of said county voted for the creation of said county ..." it was therefore "enacted by the people of the State of Illinois, represented in the General Assembly, that the county of Cass, as designated and bounded in the 'Act for the formation of the county of Cass,' approved, March 3, 1837, be, and the same is hereby declared to be, one of the counties of this state."

For many years after the setting off of Cass county from Morgan county, the new county was divided against itself on the question of the county seat. Originally bestowed upon Beardstown, the honor passed in 1839 to Virginia, only to be retrieved by Beardstown six years later. Yet at no time were the citizens of the county too preoccupied with this lamentable controversy to abandon the idea that the "Three Mile Strip" rightfully belonged to Cass, nor to relax their efforts to obtain it.

Beginning at the very next session of the legislature, after the county was created, those who had labored passage of the original bill, bent their efforts toward the passage of a second bill, which would right the wrong, as they considered it, done by the first one. Obviously, it was futile to submit the question to the vote of the people of both Cass and Morgan, since the latter, with its greater population, could readily outvote the former on any matter upon which the two were in disagreement. The idea now, therefore, was to permit the residents of the disputed territory themselves, to decide, by vote, to which county they wished to belong.

Again Dr. Hall spent freely of both time and means, directing his efforts toward winning the citizens of the "Strip" to the interests of Cass. "He personally visited every voter in it," says one historian, "and by various arguments, embellished with a good deal of Irish blarney, persuaded many of them to favor secession from Morgan county."

Not even Dr. Hall, however, worked harder than did John W. Pratt. Mr. Pratt, a very able lawyer, was a native of Maryland, from which state he had come, on horseback, to Illinois in 1835. Settling in the northern part of Morgan county, he at once became active in local affairs, and was one of the prime movers in the events that led to the formation of Cass county. At the first election of officers for the new county, he was chosen county clerk. In 1842, he resigned that office and became a successful candidate for the legislature.

No sooner had Mr. Pratt taken his seat in the House of Representatives, than he introduced a bill for the annexation of the coveted ground to Cass. He was assisted in his fight for the measure by David Eppeler, a representative from Morgan, whose home was within the "Strip," and who favored its attachment to Cass. The two were bitterly opposed by the other members from Morgan, whose leaders were Newton Cloud and Richard Yates; and the House journals in which the proceedings of this session are recorded make interesting and spirited reading.

Of February, 1843, Mr. Pratt, who was possessed of marked ability as an orator, made what seems to have been a rather memorable speech in support of his bill period. Until a decade or two ago, there were living in Virginia (where Mr. Pratt's home still stands on the old "west square"), persons who were present on that occasion, and who ever afterward enjoyed telling of that address. The original copy of it is still in existence, the property of a grandson, Mr. W. H. Treadway, of Beardstown; and a photostatic copy is on file in the Illinois State Historical Library at Springfield.

Mr. Pratt -- whose mother, incidentally, was a cousin of John Tyler, one of the Presidents of the United States -- reviewed the history of the formation of Cass county, asserting once more that the boundary had been unsatisfactorily

established, and that many of the citizens most desiring of the new county had consequently refused to vote.

"I do not mean," he said, "to cast censure on the then existing delegation from Morgan county, for changing the lines and referring the question back to a vote of the people; nor do I mean to charge the majority of the people of Morgan county with the intention of forcing the county on the people of Cass, for they had the power and did not exercise it. But I do mean to say that it is a fact beyond controversy, the people of Cass County have a county that they did not petition for; a county they were opposed to; a county they were not willing to accept; a county against the formation of which they remonstrated until remonstrance was vain -- until the legislature declared the county established; a county, which they now call upon the legislature to enlarge."

Pressing the justice of his claims, he stated that Cass County had been formed "with limits so contracted as to require the heaviest assessments of taxes to defray the necessary expenses of the county government"; and cited the fact that Morgan could well spare the disputed ground, since the law of 1841, pertaining to the division of counties, stipulated that no old county should be reduced to less than 400 square miles; and no new county created with less than that area; while Morgan, even without the "Strip," would have 132 square miles more and Cass 32 square miles less, than this law provided. Nor would her political power be diminished, since she would still have the requisite population to entitle her to four representatives in the Assembly, though Cass would have but one.

Mr. Cloud had declared that "If any wrong has been done to cast in the formation of the county, she alone is responsible, as Cass county received the county in its present form and Morgan County voted against it"; and had offered as evidence the official certificate of the clerk of the county commissioners court of Morgan county regarding the election, but Mr. Pratt adeptly analyzed the vote, showing that out of the total of 500 votes in favor of the county, Cass had cast but 163; and stressing the fact that the favorable majority of 21 votes in the election had been due to the rejection of the poll books of Meredosia and Lucas precincts. For Lucas alone, he affirmed, had polled 36 against, and one vote for, the county; so had this book been accepted, there would have been -- even without the Meredosia returns -- a majority of 14 against, rather than 21 favoring, deformation of Cass county in the total count.

Various other contentions of the Morgan group were met in like manner, and Mr. Pratt, rejecting all appeal to party politics, closed, rather, with a ringing appeal to "the wisdom and justice of this House," after having declared that "if this territory is not given to Cass now, not only at the next session of the legislature, but at every subsequent session until it is given, or until the right to petition is spurned from these halls, they will petition and call upon the representatives of the people to redress their grievances."

But Mr. Pratt could not, of course, claim that the two poll books in question should have been accepted, nor could he offer objection to election result which were due in part to the failure of the disaffected citizens of the proposed new county to vote; and notwithstanding his eloquence, the bill failed to pass. So long as the Morgan group remained opposed, the other members of the Assembly declined to vote for the measure, on the ground that it was a local question; and the legislature adjourned a month later, before the opposition of the Morganites could be overcome.

Mr. Pratt, however, was in no wise, discouraged. In 1844, he was chosen again to represent the people of Cass in the House, and again he took up the fight for the "Three Mile Strip." By this time he had gained not only in experience but in influence. Moreover, he had the additional assistance of Francis Arenz, who was now one of the members from Morgan, and since he had removed to the village of Arenzville, was a resident of the "strip." Or perhaps Morgan county was utterly wearied by the importunity of Cass. At all events, February 26, 1845, saw the passage of a bill whereby the question of transferring the "strip" to Cass was finally submitted to those who lived with the vexed three miles. The election was held on the first Monday in May, 1845. 246 votes were cast for, and 78 against, attaching the territory to Cass -- thus giving a favorable majority of 168 votes.

So ended a long and unfortunate dispute -- the boundary between Morgan and Cass remaining to this date as determined in 1845, and the inhabitants of both counties living "happily (and peaceably) ever after."

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For the Morgan County Historical Society, November 20, 1936

Sources:

House Journals of the House of Representatives, 1836-37, 1843, 1845.

Various articles in the Journals of the Illinois State Historical Society.

Illinois Blue Books

Eames: Historic Morgan and Classic Jacksonville (Jacksonville, 1885.)

Short: History of Morgan County.

Donnelley, Loyd & Co., History of Morgan county (Chicago, 1878.)

Gridley: Historical Sketches (Virginia, 1907.)

Perrin: History of Cass county, (Chicago, 1882.)

Martin: History of Cass county, (Chicago, 1915.)

No newspaper files extending back to the years concerned in this paper were found in Jacksonville, Beardstown or Virginia; nor had the Illinois State Historical Library newspaper material covering that period.