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**PUBLICATIONS**  
OF THE  
**STATE HISTORICAL SOCIETY**  
**OF WISCONSIN**

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**JOSEPH SCHAFER, SUPERINTENDENT**  
**MILO M. QUAIFFE, EDITOR**

**WISCONSIN HISTORICAL PUBLICATIONS**  
**PROCEEDINGS OF THE SOCIETY**  
**1920**

PUBLICATIONS OF THE STATE HISTORICAL SOCIETY  
OF WISCONSIN

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PROCEEDINGS  
OF THE SOCIETY AT ITS  
SIXTY-EIGHTH ANNUAL MEETING  
HELD OCTOBER 21, 1920



168057.  
15. 12. 21.

PUBLISHED BY THE SOCIETY  
MADISON, 1921

1500 COPIES PRINTED

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576  
W75  
1920

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## OFFICERS, 1920-1921

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### Vice Presidents

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HON. JOHN LUCHSINGER . . . . . Monroe  
MOST REVEREND S. G. MESSMER . . . . . Milwaukee  
FREDERIC L. PAXSON . . . . . Madison  
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### Superintendent

JOSEPH SCHAFEB . . . . . Madison

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HON. LUCIEN S. HANKS . . . . . Madison

### Curators, Ex Officio

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HON. ELMER S. HALL . . . . . Secretary of State  
HON. HENRY JOHNSON . . . . . Treasurer

### Curators, Elective

(Term expires at annual meeting 1921)

HENRY C. CAMPBELL	HON. FRANK W. OAKLEY
WILLIAM K. COFFIN, M. S.	E. RAY STEVENS, LL. B.
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REVEREND PATRICK B. KNOX	WILLIAM W. WIGHT, M. A.
J. G. D. MACK, M. E.	LAWRENCE C. WHITTET

## OFFICERS OF THE SOCIETY, 1920-1921

(Term expires at annual meeting 1922)

HANS A. ANDERSON, LL. B.  
MATTHEW S. DUDGEON, A. M., LL. B.  
CARL RUSSELL FISH, A. M., PH. D.  
HOWARD GREENE, B. L.  
JOHN L. GRINDELL, PH. B.  
\*PUBLIUS V. LAWSON, LL. B.

DEBORAH B. MARTIN  
SAMUEL M. PEDRICK, A. M., LL. B.  
ALBERT H. SANFORD, A. M.  
ROBERT G. SIEBECKER, B. S., LL. B.  
JOHN M. WHITEHEAD, A. B.  
WILLIAM F. WHYTE, M. D.

(Term expires at annual meeting 1923)

RASMUS B. ANDERSON, LL. D.  
CHARLES N. BROWN, LL. B.  
HARRY E. COLE, PH. B.  
J. H. A. LACHER  
JOHN LUCHSINGER  
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BARTON L. PARKER, LL. B.  
JOHN B. PARKINSON, M. A.  
FREDERIC L. PAXSON, PH. D.  
WILLIAM A. SCOTT, PH. D.  
EDWARD B. STEENSLAND, B. L.  
HON. W. A. TITUS

### Executive Committee

The thirty-six Curators, the Superintendent, the Governor, the Secretary of State, and the State Treasurer (forty in all) constitute the Executive Committee.

### Standing Committees (of Executive Committee)

*Library*—Knox (chairman), R. B. Anderson, Fish, Sanford, and Superintendent (ex officio).

*Art Gallery and Museum*—Cole (chairman), Grindell, Mack, Titus, and Superintendent (ex officio).

*Printing and Publications*—Paxson (chairman), Campbell, Lacher, Whyte, and Superintendent (ex officio).

*Finance*—Steenstand (chairman), Brown, Parker, Pedrick, and Whittet.

### Special Committees

*Archives*—Fish (chairman), Brandenburg, Steenstand, and the Superintendent.

*Membership*—Lacher (chairman), Dudgeon, Strange, and the Superintendent.

*Landmarks Committee*—\*Lawson (chairman), Holand, and Mack.

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\*Deceased.



## THE STAFF

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JOSEPH SCHAFER, *Superintendent of the Society*

ANNIE AMELIA NUNNS, *Assistant Superintendent*

MILO MILTON QUAIFFE, *Editor*

LOUISE PHELPS KELLOGG, *Senior Research Associate*

### Library Division Heads

(In order of seniority of service)

MARY STUART FOSTER . . . . .	<i>Reference</i>
IVA ALICE WELSH . . . . .	<i>Catalogue</i>
CHARLES EDWARD BROWN . . . . .	<i>Museum</i>
LILLIAN JANE BEECROFT . . . . .	<i>Newspaper</i>
ANNA WELLS EVANS . . . . .	<i>Document</i>
MARJORIE GERTRUDE PARK . . . . .	<i>Order</i>
KATE EVEREST LEVI . . . . .	<i>Manuscript</i>

### Assistants

(In order of seniority of service)

EDNA COWPER ADAMS . . . . .	<i>Reference</i>
ROBERT EMMET BERIGAN . . . . .	<i>Manuscript Repair</i>
ESTHER DEBOOS . . . . .	<i>Reference</i>
ELLA VIOLA RYAN . . . . .	<i>Document</i>
FANNIE ELIZABETH ATWOOD . . . . .	<i>Reference</i>
RUTH PAULINE HAYWARD . . . . .	<i>Catalogue</i>
LUCY RAYNE . . . . .	<i>Reference</i>
RUTH JOHNSON . . . . .	<i>General Assistant</i>
DAISY MILWARD . . . . .	<i>Editorial</i>
EVALD VILHELM CHRISTENSEN ESTVAD . . . . .	<i>Newspaper</i>
DOROTHY PARK . . . . .	<i>Order</i>
EDNA LOUISE JACOBSON . . . . .	<i>Secretary to Superintendent</i>
MYRA HARKER . . . . .	<i>Reference</i>
MABEL MARKS . . . . .	<i>General Assistant</i>

### Student Assistants

ROBERT DAVIS . . . . .	<i>Document</i>
JULIA HARRINGTON . . . . .	<i>Catalogue</i>
CLARENCE HOLLATZ . . . . .	<i>Document</i>
STELLA JOHNSON . . . . .	<i>Order</i>

## THE STAFF

### Caretakers

(Under state civil service law)

MAGNUS NELSON . . . . .	<i>Head Janitor and Mechanic</i>
IRVING ROBSON, MARTIN LYONS, WALTER G. POST . . . . .	<i>Assistant Janitors</i>
BENNIE BUTTS . . . . .	<i>Office Messenger</i>
CHARLES MILLER . . . . .	<i>Night Watchman</i>
TILLIE GUNKEL . . . . .	<i>Housekeeper</i>
CATHERINE HARRINGTON, MARY KERIN, ANNA MEUER . . . . .	<i>Housemaids</i>
SOPHIE BREWER . . . . .	<i>Elevator Attendant</i>

### Library Hours

GENERAL LIBRARY—Daily, except Saturdays, Sundays, holidays, and University vacations: 7:45 A. M. to 10 P. M.

Saturdays: 7:45 A. M. to 9 P. M.

Holidays and University vacations: as per special announcement.

#### DEPARTMENTAL LIBRARIES—

Manuscript and Newspaper Divisions—Daily, with above exceptions: 9 A. M. to 5 P. M.

Public Document Division—Daily, with above exceptions: 7:45 A. M. to 6 P. M.

MUSEUM—Daily, except Sundays and holidays: 9 A. M. to 5 P. M.

Sundays, holidays, and evenings: as per special announcement.

# PROCEEDINGS OF THE SIXTY-EIGHTH ANNUAL MEETING

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## BUSINESS SESSION

The sixty-eighth annual meeting of the State Historical Society of Wisconsin was held in the Society Staff Room, Thursday, October 21, 1920, beginning at 2 o'clock P. M., the meeting being called to order by President E. Ray Stevens.

Present: Rasmus B. Anderson, William J. Anderson, David Atwood, Albert O. Barton, O. D. Brandenburg, Charles N. Brown, Chr. A. Christiansen, Harry E. Cole, Patrick E. Conley, John N. Davidson, Carl R. Fish, Lucien S. Hanks, J. H. A. Lacher, C. B. Lester, Franklin F. Lewis, John G. D. Mack, H. A. Miner, F. L. Paxson, Samuel Pedrick, Joseph Schafer, Walter Smith, E. B. Steensland, E. Ray Stevens, John Strange, J. M. Whitehead, William F. Whyte.

No objections being raised, the reading of the minutes of the annual meeting of 1919 was dispensed with, as these have already been printed and distributed to members.

The Superintendent read a letter from Judge Emil Baensch of Manitowoc, in which he expressed regret over his inability to be present at the meeting and also heartily endorsed the plan for a *Wisconsin Domesday Book*. The letter was ordered to be placed on file.

## OFFICIAL REPORTS

### REPORTS OF AUXILIARY SOCIETIES

The Superintendent reported that several auxiliary historical societies were represented at the meeting: the Sauk County Historical Society by Mr. H. E. Cole; the Lafayette County Historical Society by Capt. P. E. Conley; and the Waukesha County Historical Society by Mr. J. H. A. Lacher. Reports were received from these societies. The President announced that if there were no objections these reports would be accepted, placed on file, and printed with those which may come in later. No objections were raised.

## Wisconsin Historical Society

### REPORTS OF OFFICERS

The President called for reports of officers.

Mr. Lucien S. Hanks, the treasurer of the Society, read his report and then informed the Society that on October 15, when the George B. Burrows estate was turned over to the Society, the treasurer was charged with properties amounting to the sum of \$292,142.83. He could not say definitely whether or not this amount was correct, as it was still only in the process of being examined and verified. He stated further that this sum of \$292,142.83 is composed of the following items:

Estate Office Expense.....	\$ 149.55
Accounts Receivable.....	3,100.00
Real Estate.....	49,051.92
Investment Securities.....	41,900.00
Bills Receivable.....	136,074.90
Cash .....	12,915.62
Wisconsin Historical Society.....	48,950.84

The treasurer stated that the last item is hardly chargeable to the Society inasmuch as it consists of the absolute cost to the Burrows estate of \$50,000 worth of government bonds, which bonds have been transferred to the Savings Loan and Trust Company to insure payment to Mrs. Celeste K. Burrows of a \$2,000 annuity. The actual working fund in the hands of the treasurer, subject to income, is about \$195,000. He suggested that in making any appropriation of the income of the Burrows Fund the Society should keep this fact in mind.

Upon being called for, the report of the Auditing Committee was read by Mr. Steensland.

It was moved by Mr. Brandenburg, seconded and unanimously carried, that the treasurer's report be accepted, placed on file, and printed.

### REPORTS OF COMMITTEES

Superintendent Schafer presented a report on behalf of the Executive Committee. At the conclusion the President announced that this report would be printed in the *Proceedings*.

The President then called for the report of the Finance Committee. This was read by Mr. Steensland, following which Mr. Hanks moved the report be accepted and placed on file. Seconded and unanimously carried.

The last session of the Legislature enacted a requirement that all societies and associations receiving state aid shall pay into the state treasury all income from whatever source received, and such moneys shall be paid out by the State Treasurer only on the audit of the Secretary of State. This Society is conforming with this requirement, and the machinery, although somewhat cumbersome, works reasonably well.

## Sixty-Eighth Annual Meeting

The principal of trust funds for investment and reinvestment is handled the same as before, by the treasurer, with assistance of the Finance Committee.

There has during the year been added to the trust funds of the Society the George B. Burrows Estate moneys, securities, and properties, which are now in the hands of the treasurer and Finance Committee for arrangement and transfer into the books and accounts of the Society. For the Society's purpose the principal of the Burrows fund may be considered as being more than \$300,000, of which \$50,000 has by direction of the court been set aside with a trustee, the income of which, up to \$2,000 annually, is to be paid to Mrs. Celeste K. Burrows, for life or widowhood.

The Finance Committee is under instruction of the Advisory Committee and fully concurs in such recommendation and instruction "to convert all real estate, and all stocks and securities, not suitable for trust fund investment, into cash, which is then to be turned over to the treasurer for investment in the usual way."

If nothing is done by the Society or its Executive Committee to modify these instructions, the Finance Committee will assume that they are approved.

E. B. STEENSLAND, *Chairman*.

Discussion, led by Mr. Hanks, followed in regard to reimbursing the Hollister Pharmaceutical Fund for the \$10,000 which the treasurer was authorized to take from it in order to carry on the litigation necessary to establish the right of the Society to the Burrows estate; this reimbursement to be made from the George B. Burrows estate. Mr. Hanks made a motion to that effect. Mr. Christiansen spoke approvingly of the motion. Mr. Brandenburg raised the question as to whether this was not a matter to be settled by the Executive Committee. President Stevens suggested that the matter be referred to a committee in order to accomplish Mr. Hanks's idea. A question arose as to what is the corpus of the estate.

It was finally moved by Mr. Christiansen, seconded and unanimously carried, that Mr. Hanks's motion be referred to the Advisory Committee for action.

In the absence of Mr. Lawson, chairman of the Landmarks Committee, Prof. J. G. D. Mack read the following report from that committee:

As Mr. Lawson and Mr. Holand were not able to be present at this meeting of the Society, I have been asked by them to make a report on the work of the Landmarks Committee.

I am sure Mr. Holand will join me in a tribute to the enthusiasm and energy which our chairman, Mr. Lawson, has shown in the work of this committee, as he has been untiring in his efforts to list projects which the committee should take up for action, and to carry on the work as far as his time would permit.

Following are some of the chief activities:

At Menasha the Boy Scouts and Camp Fire Girls were inspired to set up a bronze tablet to commemorate the Doty Centennial, an incident in the famous expedition of Governor Lewis Cass. Dr. Joseph Schafer made the address.

At Fort Atkinson the committee assisted the D. A. R. in the dedication of the tablet marking the only remaining intaglio effigy.

## Wisconsin Historical Society

The committee has been active in the preservation of Aztalan. Two pamphlets were prepared by Mr. Lawson on the subject. There were many signed petitions for the preservation of the works; numerous press articles were prepared, and one hundred thirty-eight school exercises held. Dr. S. A. Barrett gave his Aztalan lecture with lantern illustrations at Fort Atkinson, Palmyra, Jefferson, and before the Fort Atkinson Chamber of Commerce and the County Board. The County Board appropriated \$500 for options and \$334.31 was raised by the school children of Jefferson County for the purchase of land. The rural planning committee purchased about four acres and set out eighteen trees on the highway. It is hoped that the Landmarks Committee for the coming year will appear before the Jefferson County Board at the November meeting to urge further purchase of land, as a total of about twenty-five acres is required to complete the project.

A petition has been filed by the committee with the Iowa County Board to mark the sites of Governor Dodge's home and of Fort Union.

A petition has been filed with the Lafayette County Board to mark the sites of Forts Hamilton and Defiance and the grave of the child warrior, Samuel Black, mortally wounded at Pecatonica.

It was also urged that an acre of land be purchased at the site of the battle of Pecatonica and a suitable marker placed thereon.

Some progress has been made on the following:

A marker in Jefferson County to commemorate the memory of Thure Kumlien, botanist and naturalist; in aiding the National Shorthand Reporters' Association to secure a tablet in honor of C. Latham Sholes, inventor of the typewriter; and in the project to erect a tablet in memory of the students of the University of Wisconsin who left the University to join the army in 1861.

The writer had a conference with Mr. A. R. Hirst, state highway engineer, who stated that if the Society would furnish to the state highway department the location of historic sites which it is desired to mark, together with the sign data, he believed there would be no difficulty in having the signs made and placed by the highway department at the point on a state trunk highway at the intersection of the most advisable route to the point.

The committee recommends that a bulletin be issued by the Society supplementing the Society's bulletin No. 70 of 1913, giving a list of sites marked and of those which should be marked, as it is believed such a bulletin will be of interest to many organizations throughout the state.

JOHN G. D. MACK.

Superintendent Schafer reported as a supplementary item that Mrs. George Dexheimer of Fort Atkinson, who is chairman of the Landmarks Committee of the Wisconsin chapter of the Daughters of the American Revolution, reported to him that at the state meeting of that body which was held at Wisconsin Rapids recently a resolution was passed favoring the preservation of Aztalan.

The President announced that the report was accepted, and ordered it placed on file and printed.

It was moved by Mr. Steensland, seconded and unanimously carried, that the Landmarks Committee be continued for another year and that such a bulletin as was recommended in the report be issued.

As chairman of the Committee on Membership, Mr. Lacher presented his report as follows:

## Sixty-Eighth Annual Meeting

Upon call of the chairman the Membership Committee met last November at Madison with President Stevens and former Superintendent Quaife, when it was decided to continue the use of form letters and publicity in the *Wisconsin Magazine of History* to attract members to the Society. The report of the Superintendent has, no doubt, convinced you that many worthy members were gained by the plan adopted. Nevertheless, the membership of the Society should be far larger and more widely and equally distributed through the state. As yet a number of counties have no representation whatsoever in the Society, while others have only one or two members each. On the other hand, a dozen counties appear to monopolize the membership, Dane leading, followed by Milwaukee, Waukesha, Rock, Eau Claire, La Crosse, Racine, Dodge, Winnebago, Brown, Lafayette, Fond du Lac, and Sheboygan. This condition ought not to be. Every county should be deeply interested in the history of the state of which it forms an integral part. Your committee therefore recommends that sustained efforts be made to secure adequate representation in the Society by every county in the state.

Your committee further recommends that after the expiration of one-half of the fiscal year, the Superintendent shall be authorized to accept \$3.00 in payment of the annual fee for the remainder of said fiscal year and for the year following.

J. H. A. LACHER,  
JOHN STRANGE.

The report was accepted and ordered to be filed and printed. President Stevens announced that the Membership Committee would be continued.

### ELECTION OF CURATORS

Mr. Steensland moved that a committee of three on nominations be appointed by the President. Seconded and unanimously carried. Mr. Steensland, Captain Conley, and Mr. Walter Smith were appointed.

After deliberation, the committee, through Mr. Steensland, presented the following slate:

For the three-year term expiring in 1923: Rasmus B. Anderson, Charles N. Brown, Harry E. Cole, J. H. A. Lacher, John Luchsinger, W. A. Titus, Most Rev. S. G. Messmer, Barton L. Parker, John B. Parkinson, Frederic L. Paxson, William A. Scott, and Edward B. Steensland.

To fill the vacancies caused by death of W. A. P. Morris and John B. Winslow, the terms expiring in 1922: Deborah B. Martin and J. Q. Emery.

Captain Conley presented a minority report, stating that he was of the opinion that the members of the Board of Curators should be more representative of the entire state.

Mr. Brandenburg stated an opinion that, in view of Mr. Lawson's great and enthusiastic activity along historical lines, he was entitled

## Wisconsin Historical Society

to a place on the board. He moved that Mr. Lawson's name be substituted for Mr. Emery's on the slate of nominees. The motion was seconded and carried by a vote of 16 to 8.

Mr. Strange moved that the secretary cast a ballot for the list of nominees as amended. The motion was carried and the President declared the following unanimously elected:

Term expires at annual meeting 1923: Rasmus B. Anderson, LL. D., Madison; Charles N. Brown, LL. B., Madison; Harry E. Cole, Ph. B., Baraboo; J. H. A. Lacher, Waukesha; John Luchsinger, Monroe; Most Rev. S. G. Messmer, Milwaukee; Barton L. Parker, LL. B., Green Bay; John B. Parkinson, M. A., Madison; Frederic L. Paxson, Ph. D., Madison; William A. Scott, Ph. D., Madison; Edward B. Steensland, B. L., Madison; W. A. Titus, Fond du Lac.

To fill unexpired terms of W. A. P. Morris, and John B. Winslow: Miss Deborah B. Martin, Green Bay, and Publius V. Lawson, Menasha.

### MISCELLANEOUS BUSINESS

Mr. Lacher took up the question of furnishing the Society's publications to high schools. He felt that it was not advisable to continue the plan of considering high schools as institutional members, thereby making their annual fee five dollars. He proposed the following amendments to the constitution and by-laws of the Society in order to remedy this situation:

Amend Article 2, section 1, by omitting the word "and" before "ex officio" and inserting the words "and Wisconsin school" after "ex officio." So amended the section will read: "This Society shall be composed of life, annual, honorary, corresponding, auxiliary, institutional, ex officio, and Wisconsin school members."

Amend Article 2, section 2, as follows: Insert after the word "membership" at the end of the second line the words "and Wisconsin school membership," making the sentence read: "The fees for membership shall be as follows: for life membership \$20.00, and for annual membership and Wisconsin school membership \$2.00 per annum."

Upon Mr. Brandenburg's suggesting that the word "Wisconsin" be omitted, Superintendent Schafer explained that it would be inadvisable to abolish the institutional membership entirely.

Mr. Lacher moved that the Society go on record as approving his amendments. Seconded and unanimously carried. The amendments will be voted on at the next annual meeting of the Society, in accordance with the constitutional provision on this point.

Mr. Lacher then offered the following resolution in connection with his amendments:

*Resolved*, That the Superintendent be authorized to grant Wisconsin schools a rebate of \$3.00 of the annual institutional fee of \$5.00 during the coming fiscal year, so as to conform to the constitutional amendments just proposed, relating to this subject, but which will not become formally effective until officially ratified at the next annual meeting of the Society.

The resolution was unanimously adopted.



## Sixty-Eighth Annual Meeting

Mr. Paxson introduced the matter of the Pilgrim Tercentenary celebration. He stated that the University, through a committee, was making preparations to observe the anniversary in a suitable way, and that institution would welcome the co-operation of the Society. He moved that the President appoint a committee of three to co-operate with the University in this matter and to represent the Society in exercises suited to the commemoration of the Pilgrim Tercentenary. The motion, seconded by Mr. Cole, was unanimously carried. The President announced that the committee would be appointed later.

There being no further business, on motion the Society stood adjourned.

### EXECUTIVE COMMITTEE MEETING

Immediately after the adjournment of the annual meeting of the Society, the meeting of the Executive Committee was called to order by President E. Ray Stevens.

Present: Rasmus B. Anderson, Charles N. Brown, Harry E. Cole, Carl R. Fish, Lucien S. Hanks, J. H. A. Lacher, C. B. Lester, F. L. Paxson, Joseph Schafer, Walter Smith, E. B. Steensland, E. Ray Stevens, John M. Whitehead.

Since the Superintendent had presented the report of the Executive Committee at the annual meeting, its reading at this time was dispensed with.

### REPORTS OF COMMITTEES

In the absence of Father Knox, chairman of the Advisory Committee, the Superintendent read the report of that committee. This was a summary of the minutes of all the meetings of the Advisory Committee held during the past year, and contained the following recommendations to be acted on by the Executive Committee:

1. It was voted that the committee recommend to the Executive Committee the advisability of presenting the oil painting of the mother of Daniel G. Fenton to Mrs. Effie S. Chatterton, the Society retaining the right to recall the portrait.

2. It was voted to recommend to the Executive Committee an amendment to section 1, paragraph 2, of the by-laws, so that it will read as follows: "The annual meeting of the Executive Committee shall be held at the rooms of the Society on the day of the annual meeting of the Society and subsequent thereto."

3. It was voted to recommend to the Executive Committee that the Advisory Committee and the Superintendent be authorized to use, for the purposes of the Society in the business of the current year, such portion of the income from the private funds of the Society as may be required, and not otherwise appropriated.

## Wisconsin Historical Society

4. It was voted to recommend to the Executive Committee that the Advisory Committee and the Superintendent be authorized to make the best arrangements in their power for beginning, without loss of time, the work of preparing the *Wisconsin Domesday Book*, and that such amount of the annual income from the Burrows Fund as may be necessary be used for that purpose.

5. It was voted to recommend to the Executive Committee that it authorize the Finance Committee to establish within a reasonable time the principal amount of the George B. Burrows Fund, and that the fund so established shall thereafter be maintained at that amount, from income if necessary.

By unanimous vote the several recommendations of the Advisory Committee were approved.

### ELECTION OF NEW MEMBERS

The Superintendent presented for the committee's consideration a list of names of two hundred thirty persons who have signified their desire to join the Society. It was agreed to dispense with the reading of the names, and by a unanimous vote the persons included in the list were declared members of the Society. The list follows:

#### LIFE

Denver, Col.—John Charles.  
Chicago, Ill.—William D. Barge, Ferdinand Hotz.  
Chicago Heights, Ill.—Martha E. McCoy.  
Lawrence, Kans.—John L. Osborn.  
Portland, Ore.—Frederick V. Holman.  
Walla Walla, Wash.—T. C. Elliott.  
Ashland—Peter Lamal.  
Baraboo—E. B. Trimpey.  
Beloit—W. S. Perrigo.  
Eagle River—George E. O'Connor.  
Eau Claire—Benjamin F. Faast.  
Frederic—Erick H. Johnson.  
Genesee Depot—Howard T. Greene.  
Green Bay—John A. Kittell.  
Hartford—J. H. G. Lieven.  
Holmen—Mrs. V. S. Keppel.  
Kaukauna—Monroe A. Wertheimer.  
Madison—Leo T. Crowley, Harold E. Devereaux, Paul F. Hunter, Mrs. Hobart S. Johnson, J. F. A. Pyre, G. C. Sellery, Morten M. Steensland.  
Manitowoc—Frederick Carus.  
Marinette—Frank E. Noyes.  
Marshall—Eugene A. Jewett.  
Milwaukee—Leon Lamfrom, Edmond J. Lindsay, Robert Wild.  
Mineral Point—William M. Gratiot.  
New Lisbon—C. A. Leicht, Sr.  
New Richmond—F. A. R. Van Meter.  
Plymouth—Major C. Mead.  
Port Washington—Theodore A. Boerner.  
Prairie du Chien—Ona A. Crume.  
Racine—Milton M. Jones.  
Ripon—Wilbur A. Sisson.  
Shawano—Harriet P. Humphrey.  
Superior—John A. Bardon, Solon Louis Perrin.  
Waukesha—Albert J. Hodgson.

## Sixty-Eighth Annual Meeting

CHANGED FROM ANNUAL TO LIFE

Minneapolis, Minn.—R. J. Diekelmann.  
Madison—Mrs. H. P. Greeley, C. B. Lester.  
Medford—J. W. Benn.

### ANNUAL

Berkeley, Cal.—Katherine L. McLaughlin.  
Washington, D. C.—Cathie C. McNamara, A. P. Nelson.  
Chicago, Ill.—Mrs. B. Dresback.  
Lake Forest, Ill.—Edward L. Baker.  
Tokio, Japan—Forest C. Middleton.  
Ocean Springs, Miss.—Mrs. Elizabeth M. Smith.  
Noonan, N. D.—A. H. Anderson  
Fort Bliss, Texas—John C. Wade.  
Appleton—William H. Zuehlke.  
Ashland—J. D. Brownell.  
Augusta—J. Graham Sibson.  
Bangor—Richard W. Davis.  
Baraboo—George C. Astle.  
Bayfield—John Swenehart.  
Beloit—H. W. Adams.  
Black River Falls—Mrs. Norma R. McNab.  
Blair—Clarence A. Hollister.  
Bloomer—O. A. Reetz.  
Bradley—Ira E. Smith.  
Brodhead—Albert M. Bowen, Belle Fleek, William F. Rader.  
Burlington—Ethel S. Dyson.  
Cambridge—Anna R. Moore, Mary Rutherford.  
Cameron—Carl E. Warn.  
Caryville—O. E. Hagen.  
Cashton—Alfred D. Mueller.  
Chilton—A. E. Pfaum.  
Clinton—Charles J. Furset, Louis T. Williams.  
Clintonville—Frederick M. Hyde.  
Coloma—Roy Drew, Edward Premo.  
De Soto—Robert Pow.  
Durand—Mrs. W. A. Gillmore.  
Eau Claire—Robert K. Boyd, R. J. Kepler.  
Edgerton—J. Q. Emery.  
Egg Harbor—H. F. Eames.  
Elkhorn—Grant D. Harrington, Dewitt Stanford.  
Florence—Mrs. Grace W. Kinnear.  
Fond du Lac—William P. Leek.  
Fort Atkinson—Mrs. George W. Dexheimer.  
Friendship—V. L. Beggs.  
Green Bay—John Bartenstein, Eben R. Minahan.  
Hancock—Edith R. Jones.  
Hayward—Richard J. Hennessey.  
Hiles—Claude J. Colburn.  
Hustisford—Richard Roll.  
Janesville—James R. Jensen, Howard W. Lee, C. J. Smith, Anna Swallow.  
Juneau—Mrs. Paul A. Hemmy.  
Kenosha—Maude Shelton.  
Kewaunee—Joseph Lazansky.  
La Crosse—Mrs. R. J. Russell.  
Ladysmith—Stephen H. Dooley.  
Lake Mills—Charles H. Karch.  
Lancaster—S. S. McNelly.

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Madison—W. G. Bleyer, Louis W. Bridgman, Henry L. Butler, Charles E. Butters, Gerrit J. Corscot, Mrs. T. W. Evans, Frank L. Gilbert, John A. Hazelwood, Merlin Hull, James A. MacDonald, Arthur A. McLeod, Roujet D. Marshall, Olaf M. Nelson, Jr.; Herbert Page, Lowell J. Ragatz, Knut A. Rene, O. S. Rice, Harry S. Richards, C. F. Rodolf, C. E. Shomo, Albert E. Smith, P. E. Stark.

Marshfield—I. P. Tiffault.

Martell—Randolph M. Thompson.

Mayville—A. E. Bachhuber, R. A. D. Owen.

Medford—G. F. W. Ungrodt.

Menasha—W. A. Brooks, Joseph H. Hill, Willis H. Miner, O. H. Plenzke, Mowry Smith.

Mendota—Frank I. Drake.

Menomonee Falls—Cameron W. Frazier.

Menomonie—Oscar Wilson.

Milton Junction—Allen B. West.

Milwaukee—Joseph V. Cargill, Charles J. Dexter, Willis L. Gilbert, Joseph B. Goldbach, Frank B. Metcalfe, Jessie E. Warnes.

Mishicot—Earl W. Messinger.

Mondovi—Alma Bridgman, Charles W. Dodge.

Montello—Edward G. Saunderson.

Mount Horeb—Otto B. Dahle.

Muscoda—May L. Crosby.

Neenah—Frank S. Durham.

New London—D. Newberry.

Niagara—Elbert W. Stridde.

North Crandon—John H. Gaines.

Norwalk—J. E. Ostrum.

Oconomowoc—John H. Voje.

Ojibwa—Ralph H. Volkman.

Oshkosh—R. A. Hollister, E. R. Williams.

Osseo—Mrs. Harriet C. Schultz, James W. Smith.

Owen—Harry Goneau

Park Falls—E. C. Hirsch.

Platteville—A. L. Tarrell.

Plymouth—Clarence A. Rubado.

Portage—T. H. Cochrane, John W. Harris.

Prairie du Sac—Bert Geigerich.

Racine—O. P. Graham, Henry Johnson, J. H. Martin, Henry M. Thomas.

Red Granite—George E. Haff.

Rhineland—W. P. Colburn.

Rice Lake—Calvin E. McClelland.

Rio—H. S. Hendrickson.

Sarona—Albert E. Way.

Shawano—Eugene M. Wescott.

Sheboygan—Theodore Benfey, William Urban, Edith A. Zufelt.

Sheboygan Falls—Henry C. Leister.

Shiocton—Henry J. Antholz.

Shorewood—C. A. Biebler.

Silverlake—Miss Frank D. Stewart.

Spring Green—L. W. McKibbin.

Spring Valley—Charles Lowater.

Starks—George M. Blackburn.

Stevens Point—C. W. Simonson.

Stoughton—Julius F. Melaas.

Sturgeon Bay—Moulton B. Goff, Herbert Sanderson.

Theresa—Alexa Weber.

Tomah—Caroline Voswinkel.

Trempealeau—Regena Beckmire.

## Sixty-Eighth Annual Meeting

Turtle Lake—Lyle G. Thomson.

Washburn—C. E. Hulten.

Watertown—Harrison G. Davies, Eli E. Fischer, Hans D. Gaebler, Henry Mulberger, Nicholas Thauer.

Waukesha—David W. Agnew, A. D. Campbell, G. Holmes Daubner, William J. Gaynor, Ralph Gutheil, Robert W. Haight, A. J. Hardy, William H. Hardy, Jr., Robert L. Holt, Henry Lockney, J. K. Lowry, Warren S. O'Brien, George F. Peffer, Harrie M. Randle, G. B. Rhoads, Carl S. Sawyer, E. Arthur Travis, Edmund D. Walsh.

Wauwatosa—Walter H. Perry, Raymond C. Werner.

Weyerhauser—J. C. Stubbs.

Wycocena—Walter C. English.

### INSTITUTIONAL

Waukesha—Waukesha High School.

### ELECTION OF OFFICERS

On motion of Professor Paxson, seconded and unanimously carried, Professor Albert H. Sanford of La Crosse was elected vice president of the Society to fill the vacancy caused by the death of Chief Justice John B. Winslow, such term to expire in 1922.

### MISCELLANEOUS BUSINESS

President Stevens announced the dinner to be held in the evening at the University Club, in honor of Mr. Lacher of Waukesha, the curator who had secured the greatest number of new members for the Society, his list totalling twenty-seven names.

Since there was no further business, on motion the meeting adjourned.

## Wisconsin Historical Society

### REPORT OF EXECUTIVE COMMITTEE

The financial features of the report pertain to the fiscal year of the Society which ended June 30, 1920. In other respects the report deals with the operations of the Society for the year ending September 30, 1920.

#### I THE YEAR

The twelvemonth since our last annual meeting may well be characterized as a transition period in the history of the Society. The effects of the war are still apparent, particularly in the high cost of living, which has affected the members of the staff and the employees probably more than in any previous year. Some readjustments of salary have been made, but the financial condition of the Society would not permit advances in salary commensurate with the new level of prices. The extra cost of books, of book binding, of general supplies, far outran the relatively small increase in the annual appropriation. The cost of printing and publishing has limited inexorably the output of publications. Certain emergency repairs on the building have been made, while other necessary betterments have been deferred. The number of books purchased is smaller for the past year than for any year in the last six years.

On the other hand, the Society's activities in the service of the state have been increased. The former superintendent, Dr. M. M. Quaife, has assumed the newly created post of editor, and is pressing forward preparations for publishing valuable historical material, in more ample measure than formerly, as soon as financial conditions permit. The new superintendent, Dr. Joseph Schafer, has been engaged in developing plans for assembling basic data for the pioneer period of settlement in Wisconsin, and for recording the history of progress. We have been able to keep our excellent staff nearly intact, despite offers to some of higher salaries from elsewhere. Taking the situation as a whole, there is no doubt that, given ampler funds, the Society's progress in the next few years, in the way of conserving the history of the state, will compare favorably with that of any period in its history.

A favorable omen is the increase in membership, which numbers for the year 230 as against 205 the preceding year, bringing the total

## Report of Executive Committee

strength of our organization up to 1,087. Geographically, the largest increase has been from the city of Waukesha, 18. It is observable that a larger proportion of the new members than formerly became life members; also, some of the annual memberships have been changed to life memberships. It is still true, as it always has been, that our members are grouped in a comparatively few localities. We do not want fewer, but more, where we already have a goodly number. But the Society, as a state organization, ought to have members in all parts of the state. The membership campaign ought to be pushed forward with the object of enlarging the total membership and securing representation in every locality.

### II FINANCIAL STATEMENT

#### STATE APPROPRIATIONS

For the support of the Society the state legislature of 1919 appropriated \$63,200 a year for the biennium, of which this is the first year. This total sum is made up of three separate appropriations under the head of operation (\$54,000); property repairs and upkeep (\$1,000); and books, furniture, and permanent accessions (\$8,200). In the statement below, which summarizes the use of the funds during the year ending June 30, 1920, the several accounts are designated operation, maintenance and capital accounts.

#### OPERATION

##### RECEIPTS

Balance on hand July 1, 1919.....	\$ 5,751.59
State appropriation for year ending June 30, 1920.....	54,000.00
From University of Wisconsin, balance due on joint account.....	482.49
Rebate on State Insurance Account.....	233.46
Total amount available for year 1919-20.....	\$60,467.34

##### DISBURSEMENTS

Salaries and services.....	\$47,619.27	
Travel .....	631.91	
Supplies, building and office.....	1,269.78	
Printing and illustration.....	1,160.43	
Postage .....	416.00	
Binding .....	1,166.15	
Telephone and telegraph.....	6.93	
Freight and drayage.....	73.09	
Express .....	106.76	
Books and furniture.....	506.45	
Property repairs.....	1,125.03	
Insurance, building, contents, elevator.....	3,411.98	57,493.78
Unexpended balance in State Treasury, July 1, 1920		\$ 2,973.56

# Wisconsin Historical Society

## MAINTENANCE

### RECEIPTS

Balance on hand July 1, 1919.....	\$ 40.66
State appropriation for year ending June 30, 1920.....	1,000.00
Total amount available for year 1919-20.....	\$ 1,040.66

### DISBURSEMENTS

Property repairs.....	632.60
Unexpended balance in State Treasury, July 1, 1920.....	\$ 408.06

## CAPITAL

### RECEIPTS

Balance on hand July 1, 1919.....	\$ 847.56
State appropriation for year ending June 30, 1920.....	8,200.00
Total amount available for year 1919-20.....	\$ 9,047.56

### DISBURSEMENTS

Books, binding, etc.....	8,912.02
Unexpended balance in State Treasury, July 1, 1920.....	\$ 135.54

The resources of the Society, based upon legislative appropriation, being the same for the year ending June 30, 1921 as for the year ending June 30, 1920, it is necessary to call attention to the conditions under which the fiscal year in which we now are was begun. The above statement discloses the fact that we began the fiscal year 1919-20 with balances on hand in each of the three accounts as follows: operation, \$5,751.59; maintenance, \$40.66; capital account, \$847.56; making a total on hand at the beginning of the fiscal year of \$6,639.81. The statement also shows that we entered upon the present fiscal year with the following balances, July 1, 1920: operation, \$2,973.56; maintenance, \$408.06; capital account, \$135.54; making a total carried over from the preceding fiscal year of \$3,517.16. Thus our total available resources from state appropriation for the fiscal year 1920-21 are below the resources for the year 1919-20 by the sum of \$3,122.65.

It would be easy to show in detail how this reduction came about. It is due to the extraordinary increase in the cost of operation, in the cost of books, in the cost of binding, in the cost of supplies, and to some extent in the increased cost of service. However, the last item mentioned only began to affect the resources toward the end of the last fiscal year because the increases in salaries of caretakers only



## Report of Executive Committee

were made as from April 1, while the increases accorded to members of the staff began to take effect with the beginning of the present fiscal year. The salary of the Superintendent began with the first of April.

### THE PRESENT FISCAL YEAR

During the fiscal year in the midst of which we now are, the operating fund will be obliged to bear the charge of the salary increases allowed as of July 1, which amount to approximately a fifteen per cent advance on the salaries paid previously. The total increases of salaries of caretakers and members of the staff for the present fiscal year over the preceding fiscal year will amount to approximately \$7,180.

These increases must not be regarded as lavish in any sense; indeed, considering the fact that the members of our staff had received very little in the way of increased salaries for several years, while the cost of living was advancing by leaps and bounds, the increments which have been granted must be considered as still distinctly inadequate. On the whole we have advanced salaries approximately fifteen per cent. A few of the lower salaries have been advanced somewhat more. It is well understood that the rise in the cost of living has amounted to much more than this, and our faithful workers are therefore still the creditors of the Society and of the state to a very appreciable extent. Simple justice demands that a further increase in salaries shall take place at the earliest possible moment, and it behoves the Society to present this case as strongly as possible to the State Board of Public Affairs and to the approaching legislative assembly, which ought to be called upon to relieve the situation.

It will be seen, from the survey of the building situation and the Society's activities which follows, that we have other reasons in addition to the need of salary increases to call upon the legislature for a modest increase in the appropriation.

### THE BUILDING

The magnificent library building conducted by this Society, which was erected by the state twenty years ago at a cost of \$750,000, it would be impossible to duplicate under present conditions for less than a million and a half or two million dollars. A property possessing such a large value—even if it were not used to house collections that are essentially priceless, as our building does—would justify the greatest

## Wisconsin Historical Society

concern for its careful preservation and upkeep. However, for the space of five or six years, owing to conditions that are well understood, it has seemed necessary to neglect the matter of repairs and upkeep, with the result that at last during the past fiscal year damage to the interior of the building began to ensue which made a real emergency. The main difficulty was a defect in the roof over the north wing, permitting water to trickle down the walls of the museum, threatening damage and destruction to the valuable relics stored on that floor. We therefore caused repairs to be made upon the roof. Another item was the mosaic floor, which at certain points was found to be worn nearly through, and this it was necessary to repair in a number of places. The total cost of these two repair items up to the end of the last fiscal year amounted to \$1,757.63. A portion of the expense connected with the roof repairs, being new work, was charged to the general account for operation, \$1,125.03; the balance was charged to maintenance, amounting to \$632.60.

### OTHER NEEDED REPAIRS

The work described above does not cover all of the repairs that are absolutely essential from the standpoint of the conservation of our building. And the State Chief Engineer has made estimates of the repairs needed, which total an expense of about \$37,000, that should be provided for during the next biennium.

### EXTENSION OF STACK SPACE

There is another item of expense which will need to be provided for. The Department of Maps and Manuscripts is nearing the end of its resources for filing as these at present exist. It will be absolutely necessary, if our valuable manuscripts, which are increasing in volume at an accelerated rate, are to be properly filed and cared for, to provide increased shelving room for them. A cursory inspection of the present quarters of the department reveals an opportunity for extending the stack space, probably sufficiently to take care of the accessions that may be expected during the next two or three years. No estimate of the cost of this extension has been made because such work is outside of the province of our state building inspector. An investigation will have to be made by some representative of the Art Metal Construction Company, which supplied the original steel stacks. It is safe to predict that this improvement cannot be made at an expense of less than sev-

## Report of Executive Committee

eral thousand dollars. But it is one of the improvements that is literally imperative.

Growing out of the improvement just suggested—the extension of the stack space in the Maps and Manuscripts Department—is the necessity of providing some appropriate and convenient place for storing the large quantity of maps now set up more or less indiscriminately in the space proposed to be occupied by the new stacks. Here will be another item of expense which is as yet quite uncertain in amount, but which probably need not be very large.

As showing the crowded condition of our building in other respects, and the impending need of more space, the following quotation from the report of the Documents Department head is typical. Mrs. Evans says: "The burning question in the Documents Division is the same that it has been for several years: What shall we do with our accessions? Year by year we have encroached upon our meager space until we have again reached the stage where a truck full of new books means hours of shifting. We have resorted to the eighth shelf in many sections, which necessitates the turning down of all books slightly over the regular 8vo. size.

"There are only two solutions of the problem. One is to curtail the collection of source material; the other to push the public archives building. To cut off one of the finest collections of documents in the country would undoubtedly be a calamity to an historical library.

"If an appropriation were to be made by the incoming legislature for a public archives building, before it could be ready for occupancy every inch of available space in the Documents Division would be filled."

The Superintendent suggests that, when the budget shall be prepared, it should include as items requiring additional appropriations an estimate of the expense of the building repairs and improvements mentioned, as well as a sum for salary increases based upon a careful comparison of salaries paid by this organization and salaries paid for similar service by other departments of the state. In the new budget consideration must also be given to the need of some expansion of the capital fund on account of the increased cost of all books and the increased cost of binding and book repair. Attention is called to the statistics of accessions which show that during the past year our accessions have amounted to less by several thousand titles than during

## Wisconsin Historical Society

the preceding year. This is due to the inability of the Society to make all purchases that it normally would make—and which are required to keep our library up to its traditional standard of completeness—out of the funds provided for the purpose in view of the increased cost of books and book binding.

### PRIVATE FUNDS

On pages 14-17 of the *Charter, Constitution and By-Laws of the Society* is a statement of the several private funds, including the General and Binding Fund, the Antiquarian Fund, the Draper Fund, the Mary M. Adams Art Fund, and the Anna R. Sheldon Art Fund. The condition of each of the above funds is described in the treasurer's report. The other private funds not listed in the constitution and by-laws are found described in the treasurer's report. These are: The Hollister Pharmaceutical Library Fund; the Emily House Bequest; the Reuben G. Thwaites Bequest; the John A. Moran Fund, and the Special Book Fund.

The treasurer's summary shows the Society's assets, in the shape of the above private funds, to amount to a total of \$118,356.78. In the following tabular statement the treasurer presents an analysis of the condition of these funds.

Fund	Amount, July 1, 1920
General and Binding.....	\$ 42,884.60
Antiquarian .....	28,962.25
Draper .....	15,880.68
Adams .....	6,773.01
Sheldon .....	2,049.34
Hollister .....	7,177.93
Thwaites .....	12,352.13
House .....	666.94
Moran .....	410.19
Special Book.....	1,199.71
	\$118,356.78

It is anticipated that the John A. Moran Fund will not appear after the present year in this list of private funds, for the reason that a recent order for a file of newspapers, to be paid for in part by the application of the Moran Fund, will obliterate it.

Accumulated income from several of the private funds, not yet reinvested, amounting to nine thousand dollars and over, may prove a means of helping the Society through the present financial year.

## Report of Executive Committee

### THE GEORGE B. BURROWS FUND

It is a matter of special rejoicing to all well-wishers of the Society that the question of the Society's rights in the George B. Burrows estate has been settled favorably. A special report on the condition of this property will be presented to the Executive Committee by the chairman of the Finance Committee, Mr. E. B. Steensland. It is proper, however, to say in this general report that the treasurer and Finance Committee have completed the work of taking control for the Society of all of the specified properties constituting the Burrows estate; they have definitely arranged for the payment of the stipulated annuity to Celeste K. Burrows; they have provided means for participating in those business operations of which the Society comes into possession with the estate and of which it is not possible to divest itself immediately; and—in a word—the management of the Burrows estate is now in the Society's hands.

What income may perchance arise from this estate during the present financial year it is not possible to state with definiteness. Moreover, there are outstanding obligations chargeable to the estate which must be met from the income of the present year, and it is therefore probable that we shall not be in position to utilize for the purposes of the Society, in the way of expanding our activities, a very appreciable portion of the Burrows Fund income. However, in future years the income from this fund will prove of decided service to the Society in carrying forward its plans for the development of the historical resources of Wisconsin.

### THE PROPOSED WISCONSIN DOMESDAY BOOK

It was in the expectation that the Burrows Fund income would, within a reasonable time, be at the Society's disposal that under the direction of the Advisory Committee the Superintendent prepared his statement recommending a special new activity to be financed in whole or in part from the income of that fund. This activity, more fully described in the September number of the *Wisconsin Magazine of History*, is the preparation of a detailed survey of the settlement of the state as a basis for the intensive and adequate study of progress in Wisconsin. The fundamental work, as indicated in the article referred to, will consist in the preparation of plats representing first settlers on the land, together with later plats showing population and ownership changes. A preliminary or preparatory work will be the

## Wisconsin Historical Society

preparation, from the records of the United States and state land offices, of township plats of the original private grantees of the land. Between the first and second series of plats there will be involved a large amount of special inquiry to be conducted partly at this center and partly with the aid of local means. Contributory to the further study of settlement and the shifting of population in the several sections of the state, from time to time, we have a source of the very highest value in the manuscript schedules of the seventh, eighth, ninth, and tenth censuses, covering the period 1850 to 1880. By means of these and of our magnificent collection of files of local newspapers, the result of the generous co-operation of Wisconsin editors and publishers with the Society, a systematic study of selected townships and, ultimately, selected counties can be made, which will advance our knowledge of the process of Wisconsin development far beyond what has ever been undertaken for any American state or, for that matter, for any civilized country.

It is anticipated that the preparation of the *Wisconsin Domesday Book* will necessarily occupy a group of trained workers for a considerable number of years—say, fifteen or sixteen years. But the results, as these can be visioned by one who understands the value of intensive local studies, will justify our enthusiastic entrance upon the project which it is hoped the Executive Committee, acting upon the recommendation of the Advisory Committee, will authorize.

In view of the length of time which will necessarily be occupied in executing this project, it would seem desirable to begin upon it at once. Some of our members, imbued with great enthusiasm for the idea, have suggested appealing to the Legislature for a special fund with which to undertake the work during the time we are compelled to wait for the income of the Burrows Fund to accrue. The Advisory Committee, however, has adopted no recommendation to the Executive Committee upon that point.

### III THE LIBRARY

#### THE STAFF

The changes which have occurred in the staff of the Society during the year just past are more important than numerous. The first in order is the change which was initiated at the last annual meeting in the resolution providing for the creation of an Editorial Department.

## Report of Executive Committee

This division was filled by the appointment of Dr. Milo M. Quaife, formerly superintendent, as head. The superintendency thus left vacant was filled by the election at a special meeting of the Executive Committee on February 4, 1920, of Dr. Joseph Schafer, who was at that time head of the department of history and dean of the summer session in the University of Oregon. Dr. Schafer took charge of the superintendency April 1, 1920.

Dr. Quaife's salary as editor was continued at the figure he formerly received as superintendent, \$3,500. Dr. Schafer's salary as superintendent was fixed initially at \$4,000.

Miss Martha Edwards, who was on the staff of the Society during the last fiscal year as research assistant engaged in the writing of a history of government patronage of Indian missions, terminated her connection with the Society on June 30. Miss Edwards has since that time become a member of the staff of the University Extension Division. The important research upon which she was engaged has not been completed, but Miss Edwards plans to complete it in time to enable the Society to publish it in regular course.

The large increase in the University enrollment during the school year 1919-20 has thrown a very considerable additional burden of work upon the Reference Division of the Library. Therefore it was found that even after Miss Foster's return at the beginning of April it was still necessary to retain the services of Miss Myra Harker, who had been engaged to do work in that department during Miss Foster's absence. Miss Mabel Marks was engaged during the vacation to do substitute work in that department also. She has been continued for part-time work in that department and for part-time work in other departments where special assistance is required. The resignation of Miss Frances Parkhill, who was part-time assistant in the Maps and Manuscripts Division, made necessary the selection of another assistant, and we have secured Miss Julia Harrington for that work. In the Order Division Miss Alice Evenson resigned, and her place has been filled by the appointment of Miss Stella Johnson.

### CARETAKERS

The principal changes in the staff of caretakers have been due to the excessive difficulty of securing housemaids. During the greater part of the year it has been impossible to employ the requisite amount

## Wisconsin Historical Society

of assistance of that description. At present there are only two women working under the supervision of Miss Tillie Gunkel. The requirements of the building call for two additional housemaids. We are therefore under very special obligations to Miss Gunkel and her small force of helpers, and to Magnus Nelson and the male members of the janitorial staff under his direction, who have very generously added to their regular duties in order to help keep the building in fair condition. It should be said that the caretakers manifest a pride in their work which the Library staff and the people who use the Library appreciate.

### GROWTH OF THE LIBRARY

One year ago the Superintendent was able to report that "notwithstanding the decreased purchasing power of the book appropriation, both the total number of accessions and the number of volumes of newspapers added are the greatest for any year in the Society's history." We regret that it is impossible to make such an optimistic report this year. The appended statistics (see next page) reveal a decrease for the year 1919-20 as against the year 1918-19 as follows: Total accessions (books, pamphlets, and newspapers), 1919, 13,399; 1920, 10,068—a difference of 3,331. However, this total, which makes so bad a showing for our accessions during the past year, requires a little analysis. It will be seen by following through the comparative statistics for 1919 and 1920 that in the former year we received books by gift amounting to 3,494, as against 4,681 during the past year. The falling off comes in the pamphlets division under the head of gifts. In 1919 these amounted to 12,625; in 1920, 8,103—a difference of 4,522. It appears therefore that if the Library had received as large a total of gifts in the form of pamphlets during the past year as during the preceding, the total accessions this year would have amounted to 14,590. Undoubtedly the reason for the very large number of pamphlet accessions in 1919 was the special activity in collecting materials relating to the war. In other words, it was an abnormal year. This statement gains force by comparison with earlier years. The report for 1918 gives pamphlets by gift as 6,764; the report for 1917 gives the number of pamphlets by gift as 9,386; and for 1916, 8,952.

It also appears from the statistics presented that a considerable proportion of the total accessions during the past year are due to



## Report of Executive Committee

books by gift amounting to 4,681. Only 1,309 were added by purchase, including exchanges; whereas, in 1919 the number of such additions was 1,883; in 1918, 1,310; in 1917, 2,618; in 1916, 1,723; and in 1915, 2,685. The last year gives us the lowest figure for six years.

### STATISTICS OF ACCESSION

Following is a summary of Library accessions for the year ending September 30, 1920

Books by purchase (including exchanges).....	1,309	
Books by gift.....	2,578	
Total books.....		3,887
Pamphlets by purchase (including exchanges).....	475	
Pamphlets by gift.....	4,800	
Pamphlets made from newspaper clippings (purchase).....	250	
Total pamphlets.....		5,525
Bound volumes of newspapers by purchase (including exchanges). (Periodicals, indexes, and other publications kept in newspaper department are counted with newspaper volumes).....	434	
Bound volumes of newspapers by gift.....	222	
Total newspaper volumes.....		656
Total accession of titles (excluding engravings, photographs, and maps) .....		10,068
Engravings, photographs, and maps by purchase (including exchanges).....	606	
Engravings, photographs, and maps by gift.....	4,154	
Total engravings, photographs, and maps.....		4,760
Present estimated strength of the Library.:		
Books and newspapers.....	216,818	
Pamphlets .....	229,132	
Total number of titles (books, newspapers, and pamphlets)....		445,950

### COMPARATIVE STATISTICS FOR 1919 AND 1920

	1919	1920
Total accessions (books, pamphlets, and newspapers).....	13,399	10,068
Percentage of gifts in accessions.....	76	76
Percentage of purchases (including exchanges).....	24	24
Books by gift (including duplicates).....	3,494	4,681
Pamphlets by gift (including duplicates).....	12,625	8,103
Newspapers by gift (including duplicates).....	656	222
Engravings, photographs, and maps by gift (including duplicates) .....	3,746	4,262
Total gifts (including duplicates which are not accessioned).....	20,521	17,268
Percentage of gifts that were duplicates.....	38	68
Percentage of gifts that were accessions.....	62	32

### NEWSPAPER DIVISION

The number of newspaper volumes added to the collection this year is 656 of which 222 came by gift, the others by purchase. As compared with the preceding year both the number of our purchases and the number of our gifts of newspapers have declined.

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We can, however, report one outstanding order for a very valuable and extensive file of newspapers embodying thirty volumes which will come to us within a few days from Yankton, South Dakota. The collection includes the file of the first newspaper published in Dakota Territory, and taken altogether it constitutes an exceedingly valuable source for the study of an important phase of the Wisconsin dispersion which was at its maximum during the years 1875 to 1890.

The main reason for the decrease in the total number of newspaper volumes purchased during the year is the state of the Society's funds. We have consistently held back from the purchase of everything except the unique and most immediately pressing items. It is certain that in order to keep our collection up to the magnificent standard it has attained we shall be obliged to devote a considerably larger sum of money to the purchase of newspaper files. In view of the importance of newspapers as historical sources there is no better or more economical expenditure of funds than that which is made for carefully selected files of newspapers.

Time makes almost any newspaper a valuable source. It is not possible to rely solely upon the method of purchasing old files. Nor has the Society relied upon that method altogether. We have a considerable number of files of Wisconsin newspapers which the editors of this state are generously continuing, despite the very sharp increase in the cost of issuing papers. These files, the additions to which the Society causes to be bound from year to year, constitute one of its unique treasures among the sources for state history. There is also a certain number of newspaper files from outside of the state which are being continued partly by the courtesy of the editors in furnishing free their current issues, and partly by subscription. At no distant day the question ought to be raised and determined whether or not the Society should enlarge considerably the number of current newspaper files representing the various sections of the United States and the varying interests of the country. More and more the emphasis upon recent history is compelling a reshaping of our collecting activities. And it should not be overlooked that in a quarter of a century the newspapers of today will constitute a large and valuable part of the documentary material upon which the historian of American political history, of economic history, or of cultural history in any given department will have to rely. The Superintendent is under the impression that this Society would be justified in expanding largely

## Report of Executive Committee

its existing newspaper collection, partly by the more generous purchase of files that can be secured, and partly by the starting of new files to be continued.

### MAP, MANUSCRIPT, AND ILLUSTRATION DIVISION

Unusually valuable manuscript collections have been donated to the Society during the year. These include the papers of the War History Commission, consisting of the Haskell letters and various Civil War papers; the Charles M. Baker papers, donated by Edward L. Baker, which cover the long period of Judge Baker's activities as legislator, draft commissioner, railroad director, etc.; papers of A. O. Wright, secretary of State Board of Charities and Correction; the John Gibson McMynn and Marion Frances McMynn papers, donated by Howard Greene; some valuable additions to the governors' papers on the La Crosse and Milwaukee Railroad and railroad farm mortgage lands; material concerning Wisconsin in the late war, including the Councils of Defense and Four-Minute Men; the Civil War and recruiting papers of Captain William Charleton; the Henry E. Knapp correspondence and family records; five volumes of Civil War papers contributed by Mrs. Lilla Redington Chamberlin; Henry P. Hamilton's archeological correspondence; the rare and valuable Perrault papers, donated by Lucien S. Hanks, which relate to the Canadian Rebellion of 1837-38; important additions to the Cyrus Woodman, Nelson Dewey, and James R. Doolittle papers; letters of Ella Wheeler Wilcox, donated by Marcus Wheeler of Windsor, Wisconsin; the small but valuable Eleazar Wood collection from Milwaukee, containing material on the War of 1812; a portion of the John P. Sheldon papers of which more are expected; the Jeremiah M. Rusk papers, donated by Mary E. Rusk of Viroqua, which contain several volumes of letter books and a large correspondence covering his administration as governor of the state and as secretary of agriculture; a painstaking work on the early families of Prairie du Chien by the Reverend M. E. Fraser; and the material on Indian trails with maps, worked out by the Wisconsin branch of the Daughters of the American Revolution, Mrs. George P. Dexheimer, chairman. Three sets of manuscript material have been purchased: the Joseph Buisson papers, which relate to navigation on the upper Mississippi and which include the Alexis Bailly fur trading papers of 1821-1850; the William H. Bell papers relating to the Carver claims and the Reverend Samuel Peters' purchase from the Carver

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heirs; and the Jenette Howard diary of a trip through the South in 1834.

Among the large donors of pictures and maps are Blanchard Harper, Mrs. J. M. Evans, the Reverend George Brown, Mrs. L. M. Fay, Dr. Edward Kremers, the De Longe Studio, and Bettina and Alice Jackson of Madison; E. J. W. Notz and Mary E. Stewart of Milwaukee; Ephraim Burt Trimpey, and the Johnson Studio of Baraboo.

The staff of the department consists of the chief of the division and a student assistant. Frances Parkhill gave half time until the close of the school year; Julia Harrington, full time during July and August and half time since. Their duties were divided between the routine work and the cataloguing that pertains to the department. The time of the chief, aside from the routine work, has been given to the selection, arrangement, and cataloguing of manuscripts, to a rearrangement and calendar of the Lapham papers, begun in the early summer, while the history of the Wisconsin press has been prosecuted at intervals.

### CATALOGUE DIVISION

The Catalogue Division has little to report outside the daily routine of the division. The current accessions numbering, in all departments, 14,828 items, have been classified and catalogued as received. Much has been done in revising, correcting, and rewriting old cards. The constant use of the general catalogue in the reading room will necessitate more and more of this kind of work, as cards become soiled and worn with handling.

The work in the Maps and Manuscripts Division has covered the current accessions of maps, pictures, and manuscripts. All maps are classified, catalogued, labeled, and put away in drawers; shelf lists are made and cards filed. Pictures are treated in the same manner. The manuscript collections have been sorted, boxed, and catalogued. Many small lots have been received, but the largest collections handled have been the Baker papers, Hamilton papers, Knapp papers, and Rusk papers. This work has required the full time of one assistant, but with the opening of the University half time has been all that we could get.

The cataloguer of the Documents Department is engaged largely in reference work with the students, but she has been able to take care of

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the daily accessions and has done much work in recataloguing the labor material and city documents.

### DOCUMENTS DIVISION

During the year the collection of war documents has gone steadily on. One by one the documents printed in France have been coming in, some of them well-thumbed and torn. Bulletins, orders, court martial orders, daily news bulletins, and instructions are being acquired gradually. The state Councils of Defense are issuing final reports of the state operations during the war, and federal documents which were held strictly confidential from 1917 to 1919 are now available. The reconstruction period is prolific in investigations, surveys, and comparisons; the publications are being collected now to avoid extravagant prices in years to come.

The Documents Division needs a full-time assistant if it is to be administered so as to be of real service to the student of source material.

### IV EDITORIAL DEPARTMENT

At the beginning of the year under review the following editorial enterprises were under way:

I. Volume XXVII of the *Collections (The Convention of 1846)* sent to the state printer in November, 1918, had reached the galley proof stage. In the year which has since elapsed, enough progress has been made to justify the expectation that the work will finally go to press about November 1, 1920. If so, it should be ready for distribution to members within a few weeks thereafter.

II. Volume XXVIII of the *Collections (The Struggle Over Ratification, 1846-47)*, copy for which was sent to the state printer in August, 1919. During the year this has been carried forward to the point where it is now (October 21) in process of binding, and is promised for delivery within two weeks.

III. Under process of editing a year ago was the fourth volume of the Constitutional Series. The editorial work has since been carried to completion, and the volume awaits the further disposition of the Society.

IV. A history of Wisconsin in the period ending with 1836, under preparation by Miss Kellogg.

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V. A study of government patronage of Indian missions, by Miss Edwards.

VI. A history of the press of Wisconsin and revised newspaper checklist, by Mrs. Levi.

VII. The *Wisconsin Magazine of History*. Four numbers have been issued during the year (December, March, June, and September). Some of the more extended articles have been: "A Forgotten Trail," by James H. McManus; "The Kensington Rune Stone," by H. R. Holand; "Historic Spots in Wisconsin" (four articles), by W. A. Titus; "The Story of Wisconsin, 1634-1848" (three articles), by Miss Kellogg; "Observations of a Contract Surgeon," by William F. Whyte; "An Experiment of the Fathers in State Socialism," by M. M. Quaife; "The Early History of Jonathan Carver," by William Browning; "A Physician in Pioneer Wisconsin," by John C. Reeve; "A Journal of Life in Wisconsin One Hundred Years Ago" (two installments), by Willard Keyes; "Early Life in Southern Wisconsin," by D. F. Sayre; "The Career of Edward F. Lewis," by F. F. Lewis; "The Division as a Fighting Machine," by General Haan; "Muscoda, 1763-1856," and "The Wisconsin Domesday Book," by Joseph Schafer; "Lincoln in Wisconsin," by Julius Olson.

A second calendar volume of the Draper collection has been edited and awaits further disposition by the Society; the work of editing a third volume in the series has been carried almost to completion, but nothing has been done on it the past year.

The extraordinary advance in the cost of publishing presents to the Society the problem of securing a more generous financial support for this department, as well as for the purchase of books and for the other purposes mentioned in previous sections of this report. Clearly, the publication for the use of the people of the state, of invaluable historical sources, and of monographs based upon the rare documents in our collections, is one of the primary functions of the Society, and the output of publications ought normally to be considerably increased year by year. Yet, as this report shows, we have been holding back, and the reason is purely financial. It is earnestly to be hoped that more settled conditions in the publishing business will bring some relief, and that the budget for the next biennium can be augmented to an extent which will permit reasonable development in our publication program.

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### V RESEARCH FOR THE PUBLIC

One feature of the work of Louise Phelps Kellogg, senior research associate, is the answering of inquiries for information that come to the Society from citizens scattered over the state, and from others without the state. These inquiries are constantly increasing in number and in variety.

During the past year she has conducted researches for the Minnesota, Iowa, Indiana, Illinois, and Tennessee historical societies, for the Filson Club of Kentucky, and for the Department of Canadian Archives; also for the United States War Department and the United States District Court. Among the state departments served were the Highway Commission, the Good Roads Association, the Conservation Commission, the Geological Survey, the Legislative Reference Bureau, and the Bureau of Immigration of the Department of Agriculture. The historian general of the Daughters of the American Revolution wrote for information; the state officers of that organization and the Wisconsin local chapters have also been furnished with historical material. Librarians both from within and without the state have been aided. Women's clubs have sought information our Society could furnish; also, chambers of commerce from various cities, and the local historical societies of the state.

The following is a brief summary of some of the more important lines of research conducted by Miss Kellogg: The early history of woman suffrage in Wisconsin; the routes and directions of the trails that were used in early territorial days; the military roads of northern and southern Wisconsin; a bibliography of early travels in Wisconsin; material on the fur trade and fur trade operations; missions conducted for the Indians and for early American residents; material for local and county histories; biographies of noted pioneers; the history of agricultural fairs in the state; the meaning and origin of Wisconsin place names; the history of the state's several Indian tribes; conditions among Wisconsin Indians at the present time. Some of our correspondents have inquired concerning the amount and scope of the Spanish manuscripts in our collection. The Canadian Archivist has requested a description of our materials bearing upon the Canadian Revolution of 1837. To the Historical Society of Tennessee we have furnished information on the prisoners from that state kept in the Fort at Mackinac during the Civil War. Much interest has appeared

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concerning the Sioux Indian alarm of 1862 and the companies of guards enrolled in northwestern Wisconsin to protect the settlers. Among the Draper manuscripts genealogical and local historical information has been secured. An author who is tracing St. Clair's campaign wrote for unpublished military journals; another concerning the portraits of Daniel Boone, James Sevier, James Robertson, and other trans-Alleghany explorers. A literary editor wrote for material on Edgar Allen Poe, which was found among our rare newspaper files. For Wisconsin editors brief sketches of early lumbering in Wisconsin; of the first editors of Madison journals; and of the earliest white men on the site of Madison have been prepared.

### VI THE MUSEUM

The number of additions made to the Museum during the year, 8,465 specimens, is the greatest number received during any year of the sixty-six years of its history. Of this number 8,201 were gifts, 222 purchases, and 42 deposits.

The most important single acquisition is the Indian archeological collection of the late Henry P. Hamilton of Two Rivers, consisting of nearly seven thousand specimens of stone, clay, bone, iron, and copper implements. It was valued by its owner at \$35,000. It came into the Society's possession on October 22, 1919, and is the most valuable single gift which the Museum has ever received.

The native copper implements and ornaments in this great collection were Mr. Hamilton's special pride. They number 1,735 specimens. Their addition to the large copper collection which the Museum already possesses makes it one of the largest, if not the largest collection of Indian artifacts of this class, in any museum in the United States. Included also in the collection are about one thousand of the rare and exquisitely beautiful "jewel" points from Oregon.

The assembling of this great collection occupied the spare moments of Mr. Hamilton's life from the year 1884 to the time of his death on June 15, 1919.

The Hamilton collection has been described in numerous pamphlets, magazines, and books; it and its owner were known to students of archaeology in every part of the United States.

Another notable addition is a collection of two hundred United States divisional and other World War insignia especially prepared for the



## Report of Executive Committee

Museum by Mr. W. F. Anger of the Globe Tailoring Company, Milwaukee. It is as complete as it can be made.

A collection of about fifty specimens of old Sioux and other Indian ethnological materials is the gift of Mr. Robert Baldwin Lang of Racine, who obtained most of the specimens in the year 1880. The most valuable single specimen is a girl's buckskin dress, the waist of which is solidly ornamented with a beautiful beadwork design.

Miss Mary E. Rusk of Viroqua has presented many articles formerly belonging to her father, the late Governor Jeremiah M. Rusk. Among these are parts of his Civil War uniform, his sabre, and his saddle cloth.

Mrs. J. M. Evans of Madison has given a large number of old-fashioned toys, children's storybooks, kitchen utensils, medical history materials, and Civil War articles from the home of the late Dr. John M. Evans of Evansville.

The late Chief Justice J. B. Winslow placed in the Museum's custody the Cross of the Commander of the Crown, conferred upon him on May 12, 1919, by King Albert of Belgium for his services to the Belgian War Relief. Major R. H. Hess has deposited a series of fourteen of the most famous of the British, French, and German war medals. Dr. D. S. Bullock has deposited a large part of the fine collection of specimens made by him among the Arucanian Indians in southern Chili, the Reverend Joseph Meier, M. S. C. of Sparta has sent a string of shell money, a bone pestle, a nutshell rattle, and a tapa breechcloth obtained by him during his missionary labors in New Britain. From Mr. Henry C. Campbell, Milwaukee, has been received a facsimile of the Pulitzer medal presented in 1919 to the *Milwaukee Journal*. Mr. F. A. Kartak, Oconomowoc, has presented the compass chain and pins used by Increase A. Lapham in making surveys in Milwaukee in 1836. A collection of carbines, rifles, and swords used in the Civil and Spanish-American wars was given by Mrs. Ella D. Goodyear of Madison. A small, but precious, collection of archaeological specimens from the site of Aztalan is the gift of the Reverend A. N. Somers, now a resident of Westboro, Mass.

The World War history collection has received numerous additions through gifts by Lieutenant Colonel James R. Scott, Appleton; Captain Victor Morris, Milwaukee; Captain Joseph W. Bollenbeck, Lieutenant H. B. Wengler, New York; Lieutenant W. B. Wilson, Belleville; M.

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S. Dudgeon, Milwaukee; E. D. Ridenour, Lansing, Mich.; Christo Ganchoff, Wauwatosa; C. L. Holman, Fond du Lac; G. L. Hill, Wycena; J. R. Heddle, Miss Alice Jackson, R. W. Scott, and W. L. Dabney, Madison.

Among other generous friends who have made interesting and valuable gifts to the Museum are Lieutenant Colonel George E. Laidlaw, Victoria Road, Canada; Henry E. Knapp, Menomonie; Dr. F. C. Rogers, Miss Julia A. Lapham, Oconomowoc; Charles Lapham, Miss Mary E. Stewart, A. E. Haise, Milwaukee; J. P. Albee, Prairie du Chien; A. Appel, Mark W. Terrill, George and Robert Crawford, Mineral Point; Sidney Schuldrup and Mrs. Ella Harman, Stoughton; J. L. Sturtevant, Wausau; M. W. Sergeant, Sheldon; Andrew J. White, Campbellsport; David B. James, Richland Center; Mrs. Hans Olson, Sturgeon Bay; Mrs. G. B. Pearl, David Atwood, Matthew Breckheimer, J. W. Riley, Mrs. E. H. Van Ostrand, Faith S. Farlin, Madison; Edward L. Baker, Lake Forest, Ill.; Brother Joseph Dutton, Kalawao, H. I.; Mrs. George A. Lawrence, Galesburg, Ill.; E. B. Rodriguez, Manila, P. I.; Robert Richards, Riverton, Kas., and H. L. Grider, Cromwell, Ind.

### SPECIAL EXHIBITS

These exhibits have been as numerous the past year as in previous years; they appear to justify the very considerable amount of time and labor often expended in assembling and installing them.

The first of these, made in October 1919, was an exhibit of United States army divisional insignia, occupying three table cases. During December a fine show of airplane photographs and of German and French war maps and posters collected by Captain L. P. Jerrard of the Sixty-seventh United States Field Artillery Brigade was shown in cases and on screens in the World War history room. A special exhibit illustrating the history of Christmas customs was also made during this month.

Other exhibits made between the first of the year and Commencement were those illustrating Indian quillwork, showing rare books and bindings in the historical library, the autograph of the signers of the Declaration of Independence, photographs of Indian effigy mounds, early valentines, interesting bookplates, Indian seed corns, and American homespun textiles.

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Successive exhibits of selected specimens from the various classes of Indian implements (coppers, jewel points, pipes, ornaments and ceremonials) represented in the Henry P. Hamilton collection were made during the year to enable the public to form an acquaintance with its contents until the entire collection was in readiness for permanent display.

Through the courtesy of the Underground Railways Company of London, England, it was possible to exhibit on screens in the Museum corridor, a series of its very artistic historical and other posters. These never failed to attract the interest and admiration of visitors.

The Photo-Art Company of Madison very kindly permitted the Museum to exhibit during the month of May its pictorial history of the University of Wisconsin, consisting of five large volumes of mounted photographs illustrating the activities of the student body during the years 1893-1920.

The fiftieth anniversary of the Wisconsin Academy of Science, Arts, and Letters, which was celebrated at Madison with appropriate exercises on April 23, 1920, was remembered by the Museum with an extensive exhibition which occupied the greater part of its south exhibition hall. It consisted of photographs of early officers and members of the Academy, of its publications, early correspondence, minutes books, programs, the medals awarded to the University of Wisconsin, and similar material. This exhibition was announced as a feature of the anniversary program and brought many visiting members to the Museum.

Exhibits of United States and foreign postage stamps for the young collectors of Madison and vicinity were made at different times from January to July. In the making of these exhibits various local philatelists rendered valuable service by loaning special series and entire collections of stamps. No exhibits made during the year were more widely advertised or more popular among local youth than these.

From July 10 to 17 Mrs. E. Niblack of Brooklyn made an extensive exhibit of aboriginal, mediaeval, and other textiles in the north hall of the Museum for the instructors and students of the Home Economics department of the University. Later in the same month an exhibit of batiks by Miss Lucy Maverick of San Antonio was made in the auditorium.

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### ART EXHIBITS

The art exhibits of the Madison Art Association were made in the Museum Auditorium, the first, made during October 1919, being one of designs for stage settings by Herman Rosse of the Chicago Art Institute. In January a remarkable exhibition of figure pastel paintings by Max Wieczorek, a collection of etchings by Ernest D. Roth, and landscape paintings by Edward C. Volkert were on display. In February, an exhibition was made of the fine Venetian canvases by Frida Gugler, a Wisconsin girl, pupil of William Chase of Venice.

During the months of March to May the exhibits consisted of a decorative group by Bryson Burroughs, and a collection of particularly attractive landscape paintings by C. Ambrose Webster.

The art exhibits closed in June with the hanging of a fine collection of the paintings of Martha Walter. These canvases continued in place through the University summer session, when students of the session were also given an opportunity to study them.

The information given in another chapter of this report on the attendance of University and high school art classes at these successive exhibitions indicates how useful they are and how very greatly they are appreciated by both instructors and students. Other students and the general public, of whom there is always a gratifying attendance, also speak highly in praise of the opportunity thus given to study the work of leading American and foreign artists. Many persons make several or a number of visits to the Museum during each exhibition. We consider it most unfortunate that some at least of the art lectures, now given in various University halls, are not given in the Museum auditorium as in previous years.

The Madison Art Association held its annual meeting in the Museum on June 15, 1920.

### SCHOOL AND UNIVERSITY ATTENDANCE

The records of the Museum show that the total attendance of public school and University students, in classes, during the year was 2,408, an increase of 1,057 over the previous year.

The Applied Arts classes of the University made constant use of the Museum, visiting its halls on forty-two different occasions during the year to listen to lectures on the art exhibits, to sketch objects in the

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several halls, to work with living models for which the Museum furnished the costumes and accessories, and to study the collections of Indian earthenware, basketry, carved wood, and metal ware. These classes alone brought 784 students to the Museum. All possible assistance was given to the instructors on these occasions, the chief of the Museum himself giving a number of the art lectures.

Under an arrangement with Professor Pearse the chief of the Museum gave several lectures in the Indian history room to two classes from the biology department of the University, on "Aboriginal Man in America," these lectures supplementing those on "Aboriginal Man in Europe" given by Mr. Pearse. This course was so very successful that it will probably be repeated this year. Eighty students were thus given instruction.

Other University classes making use of the Museum came from the journalism, English, pharmaceutical and philosophy departments, and the Library School, the total attendance of students in all University classes being 1,104, an increase of 531 over the year previous. Last year the total number of University classes receiving instruction was 22; this year it was 51, or more than twice as many. Hundreds of other University students visited the Museum as individuals in search of assistance of various kinds, which was freely given.

Twelve Madison public and private schools visited the Museum, the total number of pupils coming from these schools being 520. These schools came by invitation, attendance at the Museum not being compulsory. The Madison High School sent eight art classes, 142 pupils in all.

Thirty-one teachers training schools, high schools, public and parochial schools, and rural schools visited the Museum halls. One Sunday school also attended.

The teachers training schools have been coming for the past two years. This year they were represented by the Columbia County School, the Algoma, Kewaunee County School, and the Richland Center Normal School. High schools came from:

Belleville, Brodhead, Cambria, Janesville, Lake Mills, Milton, New Lisbon, Oregon, Pardeeville, and Wabeno.

Public graded schools came from:

Baraboo, Blue Mounds, Burke, Cottage Grove, Dane, Evansville, Hartland, Mazomanie, Mt. Vernon, North Freedom, Rockdale, Sauk City, Stoughton, and Windsor.

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Rural schools came from:

Brooklyn, Burke, Gannon, Sauk County, and Sun Prairie.

The total attendance from all of these schools was 714. The attendance of high school classes outside of Madison, 202, shows an increase; the attendance of high and public schools, outside of Madison, 19 schools, has slightly decreased; the total number of pupils, 430, has slightly increased.

### MISCELLANEOUS SERVICE

On the afternoon of January 31, 1920, a meeting of the boy and girl postage stamp collectors of the city was held in the north hall of the Museum. A special exhibit of six cases of the beautiful war issues of postage stamps was arranged for this meeting, which was advertised in the local papers and in other ways. The success of this meeting was far beyond the hopes of those interested in it, some fifty enthusiastic young collectors and a considerable number of adults attending. Helpful talks were given by Mr. Brown, and by Mr. Forest C. Middleton, Mr. John G. Bassler, and Mr. George A. Chandler, local philatelists. On March 28, during a Sunday afternoon opening of the Museum, a special exhibition of the postage stamp collections of some forty boys and girls was made in the same hall. The entries of exhibits were made several days previous to the exhibition. Prizes were awarded for the best exhibits in a number of designated classes, the Messrs. Bassler, Middleton, and Lowell G. Ragatz acting as judges. To them the Museum acknowledges its indebtedness.

The attendance at the Museum on this Sunday afternoon reached the 500 mark. A hundred or more persons came especially to be present at the stamp exhibition. Mr. Ragatz and Mr. Bassler talked to the boys and girls.

During January a series of specimens from the Joseph Jastrow collection illustrating European handicrafts was by the depositor's wishes lent to the Milwaukee Art Institute for a short time for a special exhibition.

At the request of the Extension Division of the University and through the requests of individuals and clubs portions of the costume picture collection were sent to libraries in various parts of the state. The collection has also been very frequently consulted by University instructors and by other persons engaged in pageant, festival, and

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dramatic undertakings, and in costume design. Its ever increasing value never fails of appreciation.

Two boxes of specimens illustrating pioneer domestic arts prepared late last year, which were ready for circulation in October 1919 as loan exhibits to state schools, were lent to public schools at Blue Mounds, Middleton, Merrillan, and to the State Normal School at La Crosse; in each instance they were greatly appreciated, one of the schools requesting an extension of the time permitted for their use.

Owing to the large amount of extra work falling upon the chief of the Museum and his single assistant in shipping the Hamilton Collection from Two Rivers, and in the work of accessioning it, etc., and the greatly increased attendance at the Museum of University and school classes, no special attention could be given to pushing the circulation of these loan exhibits. They were several times exhibited at meetings of school teachers and librarians. The Museum feels that the preparation of additional loan exhibits is warranted by the appreciation and educational value of these.

During the year the chief of the Museum on a number of occasions spoke at local outdoor meetings of Boy Scout and Camp Fire Girl organizations and at other gatherings. He was one of the speakers at the Rural Planning School, held at the Capitol under the auspices of the Rural Planning Committee of the State Department of Agriculture, on May 15, 1920.

He also conducted during the month of July the annual local historical excursion of University summer session students, some 150 persons participating.

The work of cataloguing the Hamilton Collection, a very large task, continued from December to June. Outline drawings of the more important specimens have been made and the installation of the collection will soon be undertaken.

Miss Ruth Johnson has very ably assisted the chief of the Museum during the year in this and a great variety of other work.

### ARCHEOLOGICAL REPORTS AND MEETINGS

The Wisconsin Archeological Society has co-operated closely with the State Landmarks Committee of the State Historical Society in all of its plans and undertakings. To assist in securing the preservation of the site of Aztalan it appointed a special committee consisting of Dr.

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S. A. Barrett, Mr. Robert P. Ferry, and Mr. Brown, which met and worked with the state committee in its several meetings with the Jefferson County Rural Planning Committee and the County Board.

The marking and permanent preservation by Fort Atkinson Chapter, D. A. R., on June 5, of the fine intaglio effigy mound at Ft. Atkinson, has successfully completed an undertaking which the Society has for years been endeavoring to accomplish.

Fieldwork was undertaken during the year in Columbia and other counties.

The reports published by the Society since September 1919 include "Beloit Mound Groups," by Ira M. Buell; "Save Aztalan," "The Potawatomi," by Publius V. Lawson, and "Sheboygan County," by Dr. Alphonse Gerend.

### REQUESTS AND RECOMMENDATIONS

The chief of the Museum desires to call attention to some of its present needs:

1. An additional full time assistant is asked for, to assist in caring for the greatly increased work and activities of the Museum and especially to help in extending its educational service to the schools of the state, and students of the University. (See article 4, 1919 Recommendations.) The present assistant, Miss Johnson, should be made a full-time assistant.
2. Cases should be built to house properly the ever increasing and important World War Collection.
3. The children's history room proposal mentioned in article 2 of the recommendations in the 1919 report should be carried out.
4. It should be possible for the Museum under some arrangement with the University or Library school to assist in training students desiring to acquire training in museum work. Attention is called to the steady increase in the number of public library museums in the state.
5. Attention is called to the deplorable condition of the ceilings in the new wing of the Museum.
6. Attention is likewise called to the faded and dirty condition of the burlap wall coverings, especially in the auditorium.
7. Many of the old and valuable portraits are sadly in need of revarnishing and repairs. Their present condition is deplorable.
8. The school loan collection service of the Museum should be extended by the preparation of additional loan exhibits; many schools which have been coming to visit the Museum in the past are unable to do so now because of the increased railroad fares.
9. The addition of a hand printing press to the equipment of the building would be of the greatest assistance to the Museum. For twelve years past the chief and his assistants have printed by hand all of the many thousands of labels needed to explain the historical interest of specimens and collections.
10. Under some arrangement for special Sunday attendants the Museum should be able to have more frequent Sunday openings for the public during the autumn and winter months.



## Report of Executive Committee

### NECROLOGY

#### JOHN BRADLEY WINSLOW

John Bradley Winslow, the distinguished Chief Justice of Wisconsin Supreme Court, passed away on the thirteenth day of July, 1920. Judge Winslow had been a curator of this Society since 1894—a staunch supporter of its activities and a generous giver of his time and talents to the development of its policies. He contributed to Wisconsin history a notable monograph "*The Story of a Great Court,*" which is the history of the Supreme Court of this state from 1848 to 1880.

#### WILLIAM AUGUSTUS PRINGLE MORRIS

The Honorable William A. P. Morris, who passed away on September 18, 1920, has a record of continuous service for the Society as curator since January, 1885, a period of more than thirty-five years. Born in 1832, the son of General Jacob Morris, an officer in the American army during the Revolutionary War, and grandson of Lewis Morris, one of the signers of the Declaration of Independence, Mr. Morris was a representative among us of the most authentically American phases of our history. His personal service to the cause of history in Wisconsin cannot be appraised in the brief space available in this report.

It is proper to add here that on the occasion of Mr. Morris' eighty-eighth birthday one of his sons, Mr. Howard Morris of Milwaukee, presented to this Society a valuable collection of 207 volumes on the early English drama, stipulating that the volumes are to be distinguished from other library books by a bookplate showing that the donor presents them as a memorial to William Augustus Pringle Morris.

#### ARTHUR L. SANBORN

Judge A. L. Sanborn, at the time of his death, October 18, 1920, had not been a curator of the Society for the space of two years. But he had previously filled the office of curator continuously for twenty-five years, from 1893 to 1918, performing services for the Society, the importance of which cannot be overestimated. It is fitting that he should be memorialized together with the other distinguished jurists, Judge Winslow and Mr. Morris, with whom he served the cause of history so long, so faithfully, and with such signal ability.

# Wisconsin Historical Society

## TREASURER'S REPORT

### STATEMENT OF

#### CONDITION OF STATE HISTORICAL SOCIETY

July 1, 1920

*Assets:*

Cash—Private Funds Income.....	\$9,276.24	
Mortgages .....	108,500.00	
Real estate.....	580.54	

\$118,356.78

*Belonging as follows:*

General and Binding Fund.....	\$42,000.00	
Antiquarian Fund.....	27,000.00	
Draper Fund.....	15,000.00	
Mary M. Adams Art Fund.....	6,500.00	
Anna R. Sheldon Memorial Fund.....	1,500.00	
Hollister Pharmaceutical Library Fund.....	6,000.00	
Emily House.....	500.00	
Reuben G. Thwaites Bequest.....	10,000.00	\$108,500.00

General and Binding Fund Income.....	\$884.60	
Antiquarian Fund Income.....	1,962.25	
Draper Fund Income.....	880.68	
Mary M. Adams Art Fund Income.....	273.01	
Anna R. Sheldon Memorial Fund Income.....	549.34	
Hollister Pharmaceutical Library Fund Income....	1,177.93	
Emily House Income.....	166.94	
Reuben G. Thwaites Bequest Income.....	2,352.13	
John Moran Fund.....	410.19	
Special Book Fund .....	1,199.71	9,856.78

\$118,356.78

#### STATE TREASURER—PRIVATE FUNDS INCOME

*Treasurer, Cr.*

1920

Jan. 10	Transferred by check to State Treasurer.	\$7,083.07	
June 30	Balance of income to date.....	3,941.83	\$11,024.90

*Vouchers Submitted to State Treasurer for Payment:*

Jan. 14	Banta Publishing Company.....	\$310.84	
	H. C. Netherwood Printing Company.....	12.60	
	R. C. Nicodemus.....	3.00	
	Frederick L. Paxson.....	25.00	
	Mississippi Valley Historical Association.	100.00	
Mar. 23	J. Franklin Jameson.....	100.00	
Feb. 12	Banta Publishing Company.....	49.76	
Mar. 23	F. E. Ellis.....	13.50	
May 1	Banta Publishing Company.....	282.32	
25	Banta Publishing Company.....	14.48	
	C. E. Brown.....	9.28	

## Treasurer's Report

	Mrs. Howard Greene.....	30.00	
	Chas. E. Brown.....	225.00	
	John J. Watson, St. Paul.....	9.38	
June 18	R. C. Nicodemus.....	12.50	
	L. S. Hanks.....	250.00	
	J. Mayme Dieruf.....	60.00	
	Chas. E. Brown.....	225.00	
	Grimm Book Bindery.....	16.00	
July 1	Balance private funds income.....	9,276.24	11,024.90

### GENERAL AND BINDING FUND INCOME

*Treasurer, Dr.*

One-half Annual Dues.....	\$660.80	
One-half Life Membership Fees.....	438.00	
One-half Sale of Duplicates.....	225.72	
One-half Institutional Membership.....	22.50	
Photostatic .....	20.32	
From General and Binding Fund.....	447.92	
Interest .....	2,021.07	\$3,836.33

*Treasurer, Cr.*

1919		
July 1	Photostatic supplies.....	\$2.40
Aug. 6	R. C. Nicodemus, bond.....	3.00
22	George Banta Publishing Company.....	271.67
Oct. 4	Photostatic supplies.....	19.60
4	Photo Art House, supplies.....	.75
	M. M. Quaife.....	44.67
	G. Banta Publishing Company.....	429.31
Nov. 4	Mississippi Valley Historical Society....	50.00
21	R. C. Nicodemus, bond.....	25.00
	G. Banta Publishing Company.....	453.11
22	Central Wisconsin Trust Company box, safety deposit.....	10.00
25	Maj. Gen. W. G. Haan, travel.....	45.94
	Commercial Camera Company.....	56.40
Dec. 30	J. M. Dieruf, services to Jan. 1.....	60.00
	L. S. Hanks, services to Jan. 1.....	250.00
1920		
Jan. 13	George Banta Publishing Company.....	310.84
14	H. C. Netherwood Company, vouchers....	12.60
	R. C. Nicodemus, bond.....	3.00
	Frederick L. Paxson, travel.....	25.00
	Mississippi Valley Historical Society....	100.00
	George Banta Publishing Company.....	23.51
Feb. 12	Grimm Book Bindery, binding.....	12.50
	R. C. Nicodemus, bond.....	12.50
	Photo Art House, supplies.....	1.25
Mar. 23	J. Franklin Jameson.....	50.00
	Mississippi Valley Historical Society....	50.00
May 1	George Banta Publishing Company.....	270.82
	Grimm Book Bindery, binding.....	11.50
25	George Banta Publishing Company.....	14.48
26	J. J. Watson, St. Paul taxes.....	9.38

## Wisconsin Historical Society

June 18	R. C. Nicodemus, bond.....	12.50	
	J. M. Dieruf, services to July 1.....	60.00	
	L. S. Hanks, services to July 1.....	250.00	
July 1	Balance on hand.....	884.60	3,836.33

### GENERAL AND BINDING FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$42,447.92	
Jan. 1, 1920	Transferred to income account by order of the Finance Committee..	447.92	
July 1, 1920	New balance.....		\$42,000.00

### ANTIQUARIAN FUND INCOME

*Treasurer, Dr.*

One-half Annual Dues.....		\$660.80	
One-half Life Membership Fees.....		438.00	
One-half Sale of Duplicates.....		225.72	
One-half Institutional Membership.....		22.50	
From Antiquarian Fund.....		187.56	
Interest .....		1,294.75	\$2,829.33

*Treasurer, Cr.*

1919			
July 1	E. F. Richter.....	\$30.00	
	Frank J. Wilder, badges.....	6.00	
	A. Atlas Levi, specimens.....	2.65	
Oct. 4	Geo. A. Chandler, specimens.....	2.40	
	M. S. Dudgeon, collection.....	157.25	
	Globe Tailoring Company, supplies.....	70.00	
Nov. 25	American Express Company.....	126.00	
1920			
Mar. 23	F. E. Ellis, specimens.....	13.50	
May 25	C. E. Brown, travel.....	9.28	
	C. E. Brown, salary for May.....	225.00	
June 18	C. E. Brown, salary for June.....	225.00	
July 1	Balance .....	1,962.25	2,829.33

### ANTIQUARIAN FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$27,187.56	
Jan. 1, 1920	Transferred to income account by order of Finance Committee.....	187.56	
July 1, 1920	New balance.....		\$27,000.00

### DRAPER FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$15,132.32	
	Sale of duplicates.....	20.80	
			\$ 15,153.12

## Treasurer's Report

*Treasurer, Cr.*

Jan. 1, 1920	Transferred to income account by order of Finance Committee.....\$	153.12	
July 1, 1920	New balance.....	15,000.00	15,153.12

### DRAPER FUND INCOME

*Treasurer, Dr.*

Jan. 1, 1920	Transferred from Draper Fund.....	\$153.12	
June 30	Sale of duplicates.....	2.46	
	Share of interest.....	725.10	\$880.68

### MARY M. ADAMS ART FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$6,490.90	
Jan. 1, 1920	Transferred from income account by order of Finance Committee.....	9.10	
July 1, 1920	New balance.....		\$6,500.00

### MARY M. ADAMS ART FUND INCOME

*Treasurer, Dr.*

June 30, 1920	Interest.....	\$312.11	\$312.11
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*Treasurer, Cr.*

Jan. 1, 1920	Transferred to Mary M. Adams Art Fund .....	\$ 9.10	
June 30	Mrs. Howard Greene, photos.....	30.00	
July 1	New balance.....	273.01	312.11

### HOLLISTER PHARMACEUTICAL LIBRARY FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$16,431.28	\$16,431.28
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*Treasurer, Cr.*

Nov. 3, 1919	B. W. Jones attorney, in full payment of claim of Celeste K. Burrows vs. Estate of George B. Burrows deceased, according to stipulation of settlement made in a statement September 8, 1919. Same having been satisfied and confirmed by the Curators October 23, 1919.....	\$10,040.17	
Jan. 1, 1920	Transferred to income account by order of Finance Committee.....	391.11	
July 1, 1920	New balance.....	6,000.00	16,431.28

## Wisconsin Historical Society

### HOLLISTER PHARMACEUTICAL LIBRARY FUND INCOME ACCOUNT

*Treasurer, Dr.*

Jan. 1, 1920	From Hollister Pharmaceutical Library Fund.....	\$391.11	
June 30	Interest .....	786.82	
July 1	Balance .....		\$1,177.93

### EMILY HOUSE BEQUEST

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$630.15	\$630.15

*Treasurer, Cr.*

Jan. 1, 1920	Transferred to income account by order of Finance Committee.....	\$130.15	
July 1, 1920	New balance.....	500.00	630.15

### EMILY HOUSE BEQUEST INCOME

*Treasurer, Dr.*

Jan. 1, 1920	From Emily House Bequest.....	\$130.15	
June 30	Interest .....	36.79	\$166.94

### REUBEN G. THWAITES BEQUEST

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$11,788.42	\$11,788.42

*Treasurer, Cr.*

Jan. 1, 1920	Transferred to income account by order of Finance Committee.....	\$1,788.42	
July 1	New balance.....	10,000.00	11,788.42

### REUBEN G. THWAITES BEQUEST INCOME

*Treasurer, Dr.*

Jan. 1, 1920	From Reuben G. Thwaites Bequest..	\$1,788.42	
June 30	Interest .....	563.71	
July 1, 1920	Balance .....		\$2,352.13

### ANNA R. SHELDON MEMORIAL FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$1,950.82	\$1,950.82

*Treasurer, Cr.*

Jan. 1, 1920	Transferred to income account by order of Finance Committee.....	\$450.82	
July 1	New balance.....	1,500.00	1,950.82

## Treasurer's Report

### ANNA R. SHELDON MEMORIAL FUND INCOME

*Treasurer, Dr.*

Jan. 1, 1920	Transferred from Anna R. Sheldon Memorial Fund.....	\$450.82	
July 1	Share of interest.....	98.52	
July 1, 1920	Balance.....		\$549.34

### INSTITUTIONAL MEMBERSHIP

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$45.00	\$45.00

*Treasurer, Cr.*

	One-half to General and Binding Fund Income.....	\$22.50	
	One-half to Antiquarian Fund Income.....	22.50	\$45.00

### JOHN A. MORAN FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$410.00	
	Interest a/c.....	.19	
July 1, 1920	New balance.....		\$410.19

### SPECIAL BOOK FUND

*Treasurer, Dr.*

July 1, 1919	Balance .....	\$1,215.71	\$1,215.71

*Treasurer, Cr.*

June 18, 1920	Grimm Book Bindery, mounting maps	\$16.00	
July 1, 1920	New balance.....	1,199.71	1,215.71

## Wisconsin Historical Society

### REPORTS OF LOCAL AUXILIARY SOCIETIES

#### BELOIT

The Beloit Historical Society has held meetings at different times throughout the year and has had some that were of special interest and value. A paper presented by Cornelius Buckley on the capture of Rebecca and Sylvia Hall by the Indians during the Black Hawk War was of genuine historic value; it showed a most careful study and thorough knowledge of the subject as well as of the Indian history of northern Illinois and southern Wisconsin. It is our intention to have this paper put in such form that it may be submitted to your society in the hope that it will merit publication.

The society presented a request to the city government asking for a small appropriation to aid in its work, especially in equipping its room with cases, etc. The Council granted an appropriation and we plan on getting some new fixtures.

Special work has been done in collecting souvenirs, relics, and other articles of interest in connection with the late war, and also local historical facts relating to it.

We maintain commodious quarters in the City Library, and our historical museum is open regularly each week for the use of the public, and is in charge of a regular caretaker.

We should be glad to get such information and suggestions from time to time as the State Historical Society may be kind enough to give.

H. W. ADAMS.

#### LA FAYETTE COUNTY

For the first time in years, when I received your request for the annual report, I had about come to the conclusion that I wouldn't make one, as there was so little of general interest to report. The following is a partial list of the year's acquisitions:

A charter for the Northwestern Lead Company at Shullsburg, with capital stock of \$500,000.00, approved by Governor Farwell, April 2, 1853.



## Reports of Local Auxiliary Societies

A photostatic copy of Lincoln's Gettysburg Address, written in his own hand, together with a letter from Robert T. Lincoln, guaranteeing the authenticity of it.

A large spinning wheel, and carding machine.

Quite a collection of prehistoric relics, remains of the stone age, and petrifications.

A fine view of Havana harbor, taken September 22, 1906, showing the American war ships, and a glimpse of the upper parts of the *Maine*.

American iron helmets and foreign coins.

A number of trench knives, bayonets, and other articles collected in Europe.

A fine collection of service flags from the cities, towns, and villages of the county.

We have had the usual number of portraits and pictures of early settlers.

We have had a great many books and documents, including the final report of General John J. Pershing; Volume XXVI of the State Historical Society, and reports of the proceedings of the sixty-sixth and sixty-seventh annual meetings; the quarterly numbers of the *Wisconsin Magazine of History*; annual report of the National Museum; and a large collection of pamphlets on prohibition, taxation, and the great political and social questions of the day.

We are already crowded for room, as I suppose nearly all the county historical societies are.

P. H. CONLEY.

October 11, 1920.

### SAUK COUNTY

While the Sauk County Historical Society had but two gatherings during the past year, they were both largely attended and of unusual interest. The annual meeting was held October 22, 1919, at which time the report of the treasurer was read and the election of officers was held. The business meeting was followed by an intensely interesting address by H. R. Holand of Ephriam, Door County, his subject being "The First White Men in America, an Account of an Exploring Expedition to the Center of North America in 1362." It is thought an exploration party was lost in Minnesota before Columbus came to America, and Mr. Holand has spent several years investigating the matter.

## Wisconsin Historical Society

Under a tree about forty years old the Kensington Rune Stone was found near a town in Minnesota by the above name. The tree was evidently growing over the stone before the advent of the pioneers. Strange characters were on the stone and at first it was rejected as a fraud. About ten years after it was found, the matter was referred to Mr. Holand, who, after some study, decided it was genuine. The Minnesota Historical Society also reported the inscription as genuine. Mr. Holand took the stone abroad in 1912 and spent some time studying it. He recently found new evidence in Minnesota to verify his belief. It is supposed that an expedition of Norsemen sailed into Hudson Bay, then up the Red River of the North, west of Minnesota, where the boats were abandoned and a journey began overland to the east. Where the Rune Stone was found part of their number were killed by Indians, the survivors leaving the record.

The above in substance was the convincing information given by Mr. Holand to the members of the Sauk County Historical Society; his remarks were accompanied by a display of pictures and maps in verification.

On Tuesday evening, March 2, 1920, this society held a picnic supper at the home of Mrs. Frank Avery, this affair having now become an annual event with the members. More than sixty enjoyed the occasion which also included in addition to the repast served, talks by Judge James O'Neil of Neillsville; O. D. Brandenburg, editor of the Madison *Democrat* and once a resident of Baraboo, and others. A short history was also given of the life of A. N. Kellogg, once an editor in Baraboo and the originator of the "patent insides" for newspapers, an idea which made Mr. Kellogg a millionaire.

About a dozen new members have joined the society during the past year which continues to have a healthy growth.

While not part of the work of the historical society itself, it is fitting that mention should be made herejn of the book published during the year by the society's president, H. E. Cole, as it deals with the geology, archeology, history, and scenic beauty of this region. The pages contain several maps and many pictures of various points of interest throughout Sauk County; the entire edition was soon exhausted. Not only did people hereabouts want one or more copies, but tourists found it the best guide they could find to the scenic and historic places around Baraboo.

H. K. PAGE.

## Reports of Local Auxiliary Societies

### WAUKESHA COUNTY

Two meetings of the Waukesha County Historical Society were held during the year.

At the fourteenth annual meeting held at Waukesha, May 6, 1920, Mr. G. B. Rhoads was elected president, Esau Beaumont, vice president from Hartland and A. J. Hutton, vice president from Waukesha. All other officers and the Advisory Board were re-elected.

Mr. J. H. A. Lacher, the custodian, spoke of the great need of more room for the rapidly growing collection and help in caring for and cataloging it. He was authorized to appoint an assistant.

During the intermission many members and guests visited the collection.

It was decided by vote to renew the Liberty Bond owned by the Society. Five members were elected. An invitation, given by Miss Ida Sherman, to hold the September meeting at North Prairie was accepted.

The afternoon session was opened with music on the zither by F. P. Lindl of Milwaukee. This was followed by a biographical sketch of Porter P. Barnes, an early settler in the town of Brookfield, by his son, the Reverend Roscoe A. Barnes of Madison. Reminiscences of Prairieville and early Waukesha by John L. Gasper brought pleasant memories to those present. "A Song of Songs," compiled by Nelson C. Hawks by using the titles or first lines of familiar old songs, was sung by Mrs. Ione Gove Hawley in her very pleasing manner. Mr. Hawks, now in California, was an old resident of Delafield. Mr. Lacher's paper told of the value of historical collections and also of some old-time prices.

After singing "Auld Lang Syne" the meeting adjourned.

The thirtieth meeting of the Society was held in the Methodist Church at North Prairie, September 18.

On arriving, the members and guests proceeded to the Condensary in response to an invitation from the superintendent, R. G. Morey.

On returning to the church a message of welcome was read by Mr. W. O. Bloomer of the Condensary. The president asked for some account of the gavel belonging to the society, and Mrs. H. B. Edwards told its history. The wood was from a beam in the house built by

## Wisconsin Historical Society

A. R. Hinckley, the first settler of Eagle, in 1836. The gavel was presented by the Open Door Club of Eagle in 1909; the silver plate on it was presented by a former president, Mr. George Westover.

In his address the president, Mr. Rhoads, spoke of the importance of local historical work, what might be accomplished through the schools, and the importance of the preservation of school records. Dr. Joseph Schafer spoke on "Co-operation Between the State Historical Society and the County Societies in Local History Study." He told in a very interesting manner of the possible results of such co-operation and the need of local studies as revealing the historical forces affecting our people. Dan L. Camp's paper, "The Trail of the Red Man," sent from California on his eightieth birthday, February 29, was greatly appreciated by his old friends; greetings and thanks were sent to him by the Society.

A piano solo by Mr. Ernest Lartz and a song by his niece, little Miss Helen Koplein, were greatly appreciated.

Mrs. Edwards spoke of the importance of collecting present history as well as that of the past and mentioned the fact that Mrs. McMillan, a granddaughter of Mr. A. H. Hinkley, the first settler of Eagle, is the first woman candidate for the Assembly.

Miss Ida Sherman presented sixteen photographs of old settlers in North Prairie and vicinity, handsomely mounted in a large frame which was furnished by Mr. C. D. Simonds. Mr. Simonds also presented a photograph of Mr. William West, an old settler of Mukwonago.

Two members were elected.

A rising vote of thanks was given to all who took part in the program, to Mr. Bloomer and his assistants at the Condensary, and to the people of North Prairie who entertained the Society.

After singing "Auld Lang Syne," the meeting adjourned. A social hour followed, light refreshments being furnished by Miss Sherman and Mr. Morey.

JULIA A. LAPHAM.

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**HISTORICAL PAPERS**

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## THE RUMP COUNCIL

### INTRODUCTION

The territory of Wisconsin was created by an act of Congress approved April 20, 1836, which went into effect July 3 of the same year. The boundaries of the new territory on the east, and on the south as far west as the Mississippi, were the same as those of the present state. Beyond the Mississippi they embraced the present Iowa, Minnesota, and most of the Dakotas, regions which in 1834 had been attached to Michigan Territory for administrative purposes. President Jackson appointed Henry Dodge governor and John S. Horner secretary. The new government began to function July 3, 1836, and Wisconsin thereafter went its way independently of the Michigan peninsula to which it had been attached since 1818. The first legislative assembly of the new territory was convoked by Governor Dodge at Belmont, in the present Lafayette County, on the twenty-fifth of October, 1836.

All this time, however, Michigan was still technically in the territorial stage, and her affairs for some years back, owing largely to the struggle with Ohio over the southeastern boundary, were in a disturbed, not to say chaotic, condition. The peninsula claimed by 1834 a population of more than 80,000; and inasmuch as under the Ordinance of 1787, 60,000 qualified for statehood, there should have been no difficulty in the way of her admission into the Union. The boundary dispute, however, which raised up against the territory the powerful political enmity of Ohio, rendered abortive the effort for statehood which began in the United States Senate as early as May 9, 1834, and was continued unavailingly for nearly three years.

Meantime, the people of Michigan, falling back upon the supposed sanctions of the Ordinance of 1787, the overruling law of the Northwest, decided to sever the Gordian knot in the one way that seemed open to them. They held a constitutional convention in May, 1835, drafted a constitution which fixed the boundaries of the new state according to the Ordinance (thereby arousing the hostility of Indiana in addition to Ohio), and at the regular election in November adopted the constitution by the overwhelming majority of 6,299 to 1,359.

## The Rump Council

They also, at the same election, chose a full set of state officers headed by Stevens Thomson Mason, former secretary and acting governor of the territory, as first governor of the new state. Then they confronted Congress with the *fait accompli*, only to encounter new complications requiring more than a year to unravel, not gaining admission into the Union until the twenty-sixth of January, 1837.

After the framing of the constitution, which it was foreseen would be adopted, Acting Territorial Governor Mason on August 25, 1835 issued a proclamation for the election of a legislative council in the district not embraced within the proposed state of Michigan, and convoking the Council at Green Bay for January 1, 1836. This proclamation, the sole legal basis for holding the Rump Council, was as follows:

### A PROCLAMATION<sup>1</sup>

WHEREAS, By an act of the Legislative Council, approved March 30, 1835, the Governor of the territory is directed "to make such apportionment of the members of the Legislative Council to the several counties in that district of country not embraced within the limits of the state of Michigan, as he may deem expedient, and by proclamation to convene the said Legislative Council for the transacting of business at such time and place as he may appoint";

Now, THEREFORE, By virtue of the authority vested in said act, I do hereby make the following apportionment of the members of the Legislative Council to the several counties not embraced within the limits of the state of Michigan, viz:

The counties of Brown and Milwaukee shall compose the first district and shall be entitled to elect five members of the Legislative Council.

The county of Iowa shall constitute the second district and shall be entitled to elect three members.

The county of Crawford shall constitute the third district and shall be entitled to elect one member.

The county of Dubuque shall constitute the fourth district and shall be entitled to elect two members.

The county of Des Moines shall constitute the fifth district and shall be entitled to elect two members.

And I do further appoint Friday the first day of January next for the meeting of the said Legislative Council; and the members thereof are hereby required to convene on that day at Green Bay, in the county of Brown, or such other place as may be hereafter directed by law, in order to proceed to the execution of their official duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the great seal of  
the territory this 25th day  
of August, A. D. 1835.

[L. S.]

<sup>1</sup>From Green Bay *Intelligencer*, September 19, 1835, p. 3, c. 4.

## Wisconsin Historical Society

Governor Mason's motive was to guard against a possible lapse of civil government in the region beyond the Peninsula. Michigan proper was about to reorganize under the state constitution, though some time would inevitably elapse before she could be admitted into the Union and before a law could be passed for organizing the western regions, until then associated with her, as a new territory. His idea was to bridge over the interval by continuing technically the territorial legislature of Michigan for the behoof of what was coming to be called, though without warrant of law, the territory of Wisconsin. This explains why the Rump Council styled itself "The Seventh Legislative Council of the Territory of Michigan." The act of the Council of March 30, 1835, permitting the election of a western Council, and an amendatory act of September 23, 1835 prove that the people of Michigan generally shared the Governor's views in the matter and were anxious that Michigan's anomalous political status should not work a hardship upon their erstwhile associates west of the lake.

Doubtless this plan would have worked out smoothly had Mason remained territorial governor, and had Washington remained quiescent. But the "Toledo War," as the Ohio boundary dispute was called, wrecked these plans. Governor Mason had engaged in sharp conflict with the federal government, as well as the government of Ohio, over the boundary question and on the fifteenth of August, 1835 he was removed from the office of secretary and acting governor of Michigan Territory, President Jackson appointing in his stead the same John S. Horner (of Virginia) who became secretary of Wisconsin Territory the next year.

The boundary dispute having entered upon a new phase about that time, Mr. Horner as a young official received his baptism of trouble without delay. Whether it was because of these harassments or by reason of a natural want of tact, he very promptly took steps which were bound to arouse against him the united opposition of the western people. For, instead of co-operating with them by falling in with Mason's program, which was in process of execution—the western districts having engaged in a canvass for members of the Council in accordance with his proclamation of August 25—Horner now, on November 9, issued his proclamation convoking the Council at Green Bay for December 1, 1835, instead of January 1, 1836. This proclamation reads:



## The Rump Council

### A PROCLAMATION<sup>2</sup>

WHEREAS, By an act of the Legislative Council, approved March 30th, 1835, the Governor of the territory is directed "by proclamation to convene the said Legislative Council for the transaction of business at such time and place as he may appoint"—

NOW, THEREFORE, By virtue of the authority vested in me by said act, and for divers good causes and considerations, I do hereby appoint the first day of December next for the meeting of said Council, instead of the first day of January, 1836: And the members thereof are hereby required to meet on that day at Green Bay, in the county of Brown, in order to proceed to the execution of their official duties:

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the great seal of  
said territory this ninth day  
of November, 1835.

[L. S.]

JOHN S. HORNER,  
*Secretary and Acting Governor in and over  
Michigan Territory.*

The election was held on the sixth of October, and it was several weeks before the result was clearly known. Mr. Horner's proclamation came so late that, considering the means of travel, compliance with it would have been impracticable. As a matter of fact, it produced such universal irritation and was considered so unreasonable that the representatives appear to have decided spontaneously on the policy of disregarding it and going to Green Bay for a session at the time set in Mason's proclamation of earlier date. Horner himself did not come to Green Bay for the session he had convoked. Nor was he at hand when the members of the Council came together a month later. Instead of meeting the Council, he caused the publication, December 30, 1835, in the Green Bay paper, of the letter by his private secretary which is printed in the proceedings, making excuses for his absence.

It was under these trying circumstances that the Council met and organized, and it is these conditions which determined the character to be given the proceedings. No ordinary legislation was possible, the Governor being absent; this limited the Council's activity to the preparation and adoption of reports and memorials to Congress. The discussions centering in the subject matter of these reports and memorials throw some light on the conditions in the territory at that time and more on the expectations and hopes of its citizens, while the documents themselves have a distinct historical value.

<sup>2</sup> *Ibid.*, December 9, 1835, p. 3, c. 1.

## Wisconsin Historical Society

The "Rump Council," as will be seen by reading the proceedings of that body, despite its anomalous political status and precarious financial footing, did not leave to chance the recording of its work. On the second day of the session, January 4, 1836, it was "Resolved, That Messrs. Ellis and Arndt be appointed printers to the Council, and that they be paid for their services such compensation as is allowed to the printers to Congress."

On January 6 it was "*Resolved*, That the printers to the Council be required to furnish each member twelve copies of their paper, published in this town, and containing the proceedings of the Council."

The paper referred to was the *Green Bay Intelligencer and Wisconsin Democrat*, of which A. G. Ellis and C. C. P. Arndt were editors and publishers. Mr. Ellis was also secretary of the Council, chosen to that post on the opening day of the session, and he was given the custody of all "books, papers, and records" of the session when the Council adjourned. When the committee on expenses made their report, January 15, they recommended that the sum of \$491.22 be paid Ellis and Arndt, printers to the Council, as per bill rendered. Mr. Burnett moved to amend the report by inserting a proviso that the sum of \$310 [additional] be paid the printers to the Council, "on completion of the *Journal of Proceedings*." After some discussion, this was agreed to and the report was adopted.

The printers produced a *Journal of Proceedings* but that document is so excessively rare that the State Historical Society of Wisconsin, which has been on the lookout for it these many years, has succeeded in locating only a single copy, the one that is now in the state library of the state of Michigan, at Lansing. Moreover, that copy is so fragile as to be practically unusable, it having been decided by the custodian not even to permit it to be taken from the vault for reproduction by photostatic process. There is therefore an obvious necessity for the publication of the records of this, the first legislative body to deal with the problems of the territory lying west of Lake Michigan.

Ellis and Arndt having been regularly appointed as printers to the Council, and their paper being regarded by the Council as the official journal of its proceedings, from week to week, there can hardly be much divergence between the reports carried by the *Green Bay Intelligencer* of January 6, 13, 20, 27 and February 3, and the so-called *Journal of Proceedings* issued after the Council adjourned. At all

## The Rump Council

events, the newspaper provides us with the only available text of the proceedings, and it is that text which is reproduced in the following pages. The first days' proceedings only are taken from the text contained in the *Gazette and Advertiser* of Galena, for January 30, 1836, no copy of the Green Bay paper for January 6, 1836, being available. The editor of the *Gazette and Advertiser* says: "We give the proceedings of the Legislative Council of Wisconsin as far as we have received them." Doubtless they were received from Green Bay, in the form of a copy of the *Intelligencer*, and were merely copied into the Galena paper.

J. S.

## Wisconsin Historical Society

### LEGISLATIVE COUNCIL OF WISCONSIN

[*North Western Gazette and Galena Advertiser*, January 30, 1836]

GREEN BAY, January 1, 1836

The Legislative Council of the territory of Michigan convened this day pursuant to law: Joseph B. Teas of Des Moines was elected president pro tem; A. G. Ellis was elected secretary pro tem; and Levi Sterling, sergeant at arms pro tem.

On motion of Mr. Hamilton: *Resolved*, That a committee of three be appointed to receive and decide upon the credentials of the members elect; and that the persons ascertained by said committee to have been elected by the people be sworn as members of this Council.

Messrs. Hamilton, Burnett, and Smith were appointed said committee.

Mr. Hamilton from the committee appointed to receive and decide upon the credentials of the members made a report: that it appeared to the satisfaction of said committee that the following gentlemen were duly elected:

From the first district, composed of the counties of Brown and Milwaukee, John Lawe, George H. Walker, Gilbert Knapp, William B. Slaughter, and Benjamin H. Edgerton.

From the second district, composed of the county of Iowa, William S. Hamilton, James R. Vineyard, and Robert C. Hoard.

From the third district, composed of the county of Crawford, Thomas P. Burnett.

From the fourth district, composed of the county of Dubuque, Allen Hill and John Parker.

And from the fifth district, composed of the county of Des Moines, Jos. B. Teas and Jeremiah Smith.

On motion of Mr. Slaughter: *Resolved*, That the secretary pro tem (he being one of the justices of the peace for the county of Brown) be, and he is hereby authorized and required to administer the oaths of office to the said members.

Whereupon the following named gentlemen appeared, were qualified, and took their seats: John Lawe, Wm. B. Slaughter, William S.

## Legislative Council of Wisconsin

Hamilton, Thomas P. Burnett, Jeremiah Smith, Gilbert Knapp, Benjamin H. Edgerton, James R. Vineyard, Joseph B. Teas.

A quorum being present, the Council then adjourned until tomorrow at eleven o'clock A. M.

JOSEPH B. TEAS, President, pro tem.

A. G. ELLIS, Secretary, pro tem.

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Saturday, January 2

The Council met pursuant to adjournment.

The minutes of yesterday were read and approved.

On motion of Mr. Hamilton the rules of the sixth Legislative Council (after having been read by the secretary) were adopted as the rules of this Council.

On motion of Mr. Burnett: *Resolved*, That the Council proceed to the election of a president, and that Mr. Knapp and Mr. Slaughter be appointed tellers of the election.

Upon counting the ballots, it appeared that William S. Hamilton received eight votes, and William B. Slaughter one vote. Whereupon William S. Hamilton was declared duly elected president and Mr. Slaughter and Mr. Burnett were appointed a committee to conduct him to the chair.

The president elect upon taking the chair briefly addressed the Council as follows:

Gentlemen—Honored by being called to preside during the deliberations of the session of this Legislative Council, every exertion shall be used on my part to perform the duties with promptness and fidelity. The delicate relations we bear to the general government and to the Peninsula—the numerous and varied interests of our extensive country, of its rapidly increasing population, connected to our own peculiar political existence—require the exercise of the utmost moderation and caution, at the same time firmness; the duties of the chair, growing out of these circumstances, with those of any ordinary session, are so great that I could scarcely expect to sustain myself and preserve the dignity of the station, but for the unanimity and good feeling which exist throughout; relying therefore upon your kindness

## Wisconsin Historical Society

and friendly disposition to aid me, it leaves a hope of being enabled to act as will produce the end you desire.

Gentlemen, you will accept my sincere thanks for the honor conferred by your unanimous suffrages.

On motion of Mr. Slaughter it was *Resolved*, That the Council proceed to the election of a secretary. A. G. Ellis received nine votes and was declared duly elected.

On motion of Mr. Burnett, it was *Resolved*, That the Council proceed to the election of a recording clerk. Thomas A. B. Boyd received nine votes and was declared duly elected.

On motion of Mr. Slaughter, it was *Resolved*, That the Council proceed to the election of an enrolling clerk. William B. Long received nine votes and was declared duly elected.

On motion of Mr. Vineyard, it was *Resolved*, That the Council proceed to the election of a sergeant at arms. Levi Sterling received nine votes and was declared duly elected.

On motion of Mr. Knapp, it was *Resolved*, That the Council proceed to the election of a doorkeeper. W. H. Bruce received nine votes and was declared duly elected.

On motion of Mr. Knapp, it was *Resolved*, That the Council proceed to the election of a messenger. Charles Green received nine votes and was declared duly elected.

On motion of Mr. Slaughter, it was *Resolved*, That the Council proceed to the election of an assistant messenger. George W. Lawe received nine votes and was declared duly elected.

On motion of Mr. Slaughter, it was *Resolved*, That the officers now elected come forward and receive the oath of office.

On motion of Mr. Burnett, it was *Resolved*, That a committee of two be appointed to wait upon John S. Horner, secretary and acting governor of the territory of Michigan, and inform him that the Council is now duly organized for business, and ready to receive any communication he may have to make. Messrs. Burnett and Knapp were appointed said committee.

The Council then adjourned until 3 o'clock.

## Legislative Council of Wisconsin

### Afternoon Session

On motion of Mr. Slaughter: *Resolved*, That fifty copies of the standing rules be printed for the use of the house.

Mr. Vineyard moved, That a committee of two be appointed to contract for all printing that may be necessary for the Legislative Council.

Mr. Burnett moved to amend the motion so as to make the committee consist of three. The amendment was accepted.

Mr. Slaughter moved further to amend the motion, so as to require the committee to receive proposals from printers, and report to the house. The resolution thus amended was adopted.

Messrs. Vineyard, Slaughter, and Knapp were appointed the committee.

On motion of Mr. Burnett: *Resolved*, That J. D. Doty be and he is hereby appointed fiscal agent for this Legislative Council.

On motion of Mr. Burnett: *Resolved*, That the president of the Council be requested to invite the different ministers of the gospel at Green Bay to attend alternately at the meeting of the Council, on each day during the session.

On motion of Mr. Burnett: *Resolved*, That the Council shall meet on each day at the hour of eleven o'clock in the forenoon.

Mr. Knapp offered the following: *Resolved*, That the following standing committees be appointed: committee on judiciary, schools, militia, claims, enrollment, territorial affairs, and expenses.

Mr. Vineyard moved to add a committee on memorials which was accepted.

Mr. Burnett moved to amend the resolution by striking out the "committee on memorials." Mr. Burnett said that it was unusual to appoint a standing committee on memorials. He had never heard of such a committee. The ordinary standing committees would embrace in their labors almost every subject of legislation of a general nature. Should a memorial be presented to the Council requiring its action upon any subject of general interest, it would be most usually referred to some one of the standing committees organized to inquire into subjects of such nature. If a subject was presented of an extraordinary character which could not, from its nature, or general interest, be referred to one of the standing committees it would then

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be referred to a select committee. He could see no reason for the appointment of the committee proposed—it was an unusual committee and he hoped that it would be stricken out.

Mr. Slaughter was opposed to the appointment of standing committees. He thought it would be time enough to appoint those committees when the presence of the governor would enable the Council to proceed to the enactment of laws.

Mr. Burnett said that he should support the resolution for the appointment of standing committees. He wished the Council to be prepared in every way to discharge the duties which it owed to the country. So far as the laws would enable him, he would do all that he could to fulfill those duties; and if there should be any failure in carrying on the affairs of the government of the territory according to the expectations and rights of the people, he wished the blame and the responsibility to rest where they ought to rest.

The probability that the Acting Governor will not attend the present session of the Council has been alluded to by the gentleman from Brown, as a circumstance which renders it unnecessary for us to prepare for the regular business of legislation. "Sir," said Mr. Burnett, "I shall proceed in the discharge of my duty in this house as far as I can go, without any consideration of such probable contingency. We have no assurance that the Governor will or will not be here. He seems to be one of those incalculable beings whose course no man can anticipate, and whose merits, perhaps, no man can estimate. From what little we know of his eccentricities, he may come upon us when no one looks for him, and, like another Paul Pry, pop into the house here when we least expect to see him. In any event, I wish the Council to be every way prepared, so that should His Excellency arrive, we may be ready to proceed at once to business. Should he fail to attend, we will thus show to the country that we have done all that it was in our power to do, and the responsibility of all the evils resulting from the want of legislation will rest where it ought to rest, upon the executive of the territory."

Mr. Burnett said he was in favor of appointing the standing committees, but he hoped the committee upon memorials would be stricken out.

The question being taken on the amendment, it was agreed to, and the resolution adopted.



## Legislative Council of Wisconsin

The following named gentlemen were appointed on the said committees:

Judiciary—Messrs. Burnett, Slaughter, and Edgerton.

Schools—Messrs. Teas, Smith, and Knapp.

Claims—Messrs. Lawe, Smith, and Vineyard.

Expenses—Messrs. Knapp, Slaughter, and Edgerton.

Enrollment—Messrs. Edgerton, Burnett, and Vineyard.

Militia—Messrs. Smith, Teas, and Slaughter.

Territorial Affairs—Messrs. Burnett, Teas, and Edgerton.

Adjourned.

## Wisconsin Historical Society

### SEVENTH LEGISLATIVE COUNCIL

[Green Bay *Intelligencer and Wisconsin Democrat*, Navarino, January 13,  
20, 27, February 3, 10, 1836]

Monday Morning, January 4

Council met pursuant to adjournment. After the call to order, the throne of Grace was addressed by the Reverend Richard F. Cadle.

Journal of Saturday read and approved.

Mr. Teas offered the following: *Resolved*, That a select committee be appointed to draft a memorial to the President of the United States, expressive of the wishes of the people in that part of the territory west of the Mississippi River, and in the county of Milwaukee, in relation to the survey and sale of the public lands, and the creating of additional land offices for these purposes.

Mr. Burnett moved to lay the resolution on the table.

Mr. Knapp wished the resolution to be tried. It was such an one as the condition of many parts of the country required, and as his constituents would be looking for. It might be of material service to many parts of the territory, and could do injury to none. He should vote for the resolution.

The motion was lost.

Mr. Vineyard offered the following additional resolution as an amendment, to-wit: *Resolved*, That the said select committee be instructed to request that the right of pre-emption be extended to the mineral lands. The amendment being accepted, the resolution was adopted. Messrs. Teas, Knapp, and Vineyard were appointed said committee.

Mr. Edgerton moved the following: *Resolved*, By the Legislative Council of the territory of Michigan, That the Auditor and Treasurer of the territory be requested to furnish the Council with a statement of the receipts and expenditures for the past year, the amount of debts due (if any), and the cash on hand.

Mr. Burnett moved to strike out the word "requested," and in lieu thereof insert the word "directed." The amendment being accepted, the resolution was adopted.

## Seventh Legislative Council

On motion of Mr. Teas, it was *Resolved*, That the select committee appointed to prepare a memorial to Congress, praying that a separate territorial government in the country west of Lake Michigan, commonly called Wisconsin Territory, may be established, be instructed to form their memorial so as to pray for the establishing of a court of general jurisdiction in the counties west of the Mississippi River, in case it shall be found inexpedient to establish a separate territory, during the present session of Congress.

Mr. Vineyard moved the following: *Resolved*, That the committee appointed to draw a memorial to Congress, praying that this territory be set apart from Michigan, be instructed to embrace as a part of the wishes of the inhabitants, that the seat of government be established on the east bank of the Mississippi River, south of the Wisconsin River.

Mr. Slaughter moved to lay the resolution on the table, which was carried in the affirmative. So the resolution was laid upon the table.

Mr. Burnett, from the committee appointed to wait upon His Excellency, the Governor, made the following report:

The committee "appointed to wait upon the Governor of the territory and inform him that the Legislative Council is now organized and ready to receive any communication which he may think proper to make," would respectfully submit the following report:

The committee would inform the Council that they have not been able to perform the duty assigned to them, in consequence of the absence of the Acting Governor from Green Bay. They do not conceive that they are required by the Council to travel to Detroit in search of him; and should they do so, from the uncertainty of his movements and vacillating official course for a few months past, they could not rely with any certainty upon finding him.

The committee are sensible, from the proclamation of the Acting Governor Horner, of the ninth of November, 1835, requiring the Council to assemble on the first day of December following, that the members and the public generally had a right to expect that he would attend the meeting and give to the labors of the Council the benefit of executive aid; but it is with regret that the committee have to say that this just and reasonable calculation has entirely failed.

The committee have not been able to ascertain whether the Acting Governor may reasonably be expected to arrive in any short period of time, nor do they know of any reasonable apology for his absence;

## Wisconsin Historical Society

the only thing which they have seen intended to excuse it is a communication addressed to the editor of the *Wisconsin Free Press*, dated December 14, 1835, and published in that paper, which seems to bear the sanction of his authority; and although the committee cannot perceive the sufficiency of the reasons therein given for his failure to attend at the time which he had himself appointed, they respectfully submit the document with this report to the Council for its consideration.

T. P. BURNETT  
GILBERT KNAPP

*(Letter referred to in the foregoing Report)*

The Acting Governor in and over the Territory of Michigan desires to inform the citizens of the Territory of Wisconsin that he deems it of vital interest to them that George W. Jones, Esq., their delegate, should obtain his seat in Congress at the earliest day practicable. It is decidedly more important in his opinion to Wisconsin, that she should at this particular crisis be represented in Congress, than that there should be a session of the Legislative Council.

To prevent mistakes, and excuse his absence from Green Bay, he takes this occasion to express his utter surprise and dissatisfaction that no returns of the Wisconsin elections have as yet been furnished the Clerk of the Supreme Court at Detroit, according to law. Upon a lean vote of 730, in the Peninsula, William Woodbridge Esqr. has demanded the Certificate of election as Delegate.

Being satisfied from inofficial, though credible evidence, that the Wisconsin Delegate, has received a greater number of votes, the returns of which are now from some unknown cause outstanding, the Acting Governor has hitherto declined giving a certificate to Mr. Woodbridge, until the receipt of the Wisconsin Poll.

The people of Wisconsin will at once perceive the necessity of the Acting Governor's remaining at Detroit, until the Delegate elect is furnished with his certificate.

He announces also his great desire and anticipated pleasure in visiting the western portion of the territory, and feels not only bound but eager, promptly to respond to the public opinion and interest.

The Legislative Council shall be convened at the earliest possible period, under existing circumstances, of which due notice will be given.

DETROIT, Dec. 14, 1835.

*Sir*—Acting Governor Horner requests me to send you the foregoing for insertion in your paper. In it you will perceive the reasons which have prevented him from visiting Green Bay as he contemplated.

Very respectfully your obedient servant,

H. H. BROWN.

*To the Editor of the Wisconsin Free Press.*

## Seventh Legislative Council

The report was ordered to be printed.

Mr. Vineyard, from the committee appointed to receive proposals from printers, gave in the following:

NAVARINO, Jan. 4, 1836.

I have, according to the request of the Legislative Council, forwarded you the terms of printing to be executed at the coming session.

For printing per thousand M's, including the necessary materials, \$1.00.

WM. STEVENSON,

Publisher of the *Wisconsin Free Press*.

To Messrs. James R. Vineyard, Gilbert Knapp, and William B. Slaughter, Esquires, Members, and a Committee of the Legislative Council of the territory of Michigan, appointed to receive proposals from printers for doing the printing for said Council, at its present session.

GENTLEMEN: We, the undersigned, respectfully apply for the situation of printers to the Council, for which we are prepared with the necessary materials and workmen.

We respectfully suggest our inability to propose prices by the piece, or thousand, inasmuch as it is impossible for us to anticipate its extent, or the number of copies which may be required of any one form of the same. Should the Council however see fit to favor us with the work, we will endeavor to execute it with promptness, and in the best manner; and having the utmost confidence in all the members of that honorable body, we would most cheerfully accept such remuneration, as, at the end of the session, it might be found proper to allow us.

With great respect we are, Gentlemen,

Your obedient servants,

A. G. ELLIS,

C. C. P. ARNDT.

GREEN BAY, Jan. 4, 1836.

On motion of Mr. Slaughter, it was *Resolved*, That Messrs. Ellis & Arndt, be appointed printers to the Council, and that they be paid for their services such compensation as is allowed the printers to Congress.

Mr. Burnett asked consent of the house to offer the following resolution, which was granted: *Resolved*, That a committee of three members be appointed to inquire into the obstructions which prevent the Council from proceeding in the regular course of legislation to the enactment of laws for the good government of the territory, with instructions to report by resolution or otherwise. On motion of the mover it was laid on the table till tomorrow, and ordered to be printed.

The Council then adjourned.

## Wisconsin Historical Society

Tuesday Morning, January 5

The Council met pursuant to adjournment.

Prayers by the Reverend George White.

Journal of yesterday read and approved.

Mr. Vineyard moved that the resolution offered by himself on yesterday, on the subject of the seat of government for the Wisconsin Territory, and laid on the table, be now taken up in the committee of the whole.

Mr. Hamilton moved to amend the resolution by striking out all after the word "established" and inserting in lieu thereof "at Cassville." He did this to ascertain the true sense of the house and present to Congress a point in which a majority of members had concurred, and thereby do away [with] all impression of management, or that several interests were united to carry the measure. "I am satisfied," said Mr. Hamilton, "that the vote will, as to the point, be almost unanimous. I unavoidably come to this conclusion when I consider how vitally the interest, not only of this people, but of the whole United States, is concerned in uniting the country on both sides of the Mississippi in one and the same territory, and finally in the same state.

"The measure now proposed will aid in bringing about this result. Cassville stands on the east bank of the Mississippi, surrounded with very pretty scenery; the eye can rest upon the soft and soothing, the grand and the sublime; it will find there everything necessary for the promotion of man's comfort and the exercise of his energies; in a word, nature has done all in her power to make it one of the most delightful spots in the 'far West.' A single glance at the map will show that it is almost equally distant from the most remote extremes of any portion of the country now inhabited, or that will be for a long time yet to come. Running nearly through the centre are the Fox, Wisconsin, and Mississippi rivers, the great highways of the country, which almost the whole population will in its ordinary business intersect at some point or other, and from thence pass to Cassville. It is, therefore, the point most convenient of approach, and will best fill the various interests of the entire territory, and unite the bonds of union between its different parts."

Mr. Hamilton further remarked that the general government to carry out its great designs would support this measure by making it one government; the happy balance of power, which now exists in

## Seventh Legislative Council

the Senate of the United States between the slave and nonslaveholding states, would be still preserved, and so long as our land is affected with the evil of slavery it should be the first wish of every patriot and true American that this balance of power should never be broken—divide the proposed territory into two governments and the United States will be driven to the necessity to violate its faith pledged to the several tribes of Indians they are now removing to the west side of the Mississippi, in order to make another government where slavery will be admitted to balance the two thus created. Now Michigan stands opposed to Arkansas, and Wisconsin, that is to be ere long, will be, to Florida. It may be said that the unhappy Indian will have to remove still farther west—true it may be—but let us hope the government will never legislate so as to make it necessary to violate its faith, nor, by spreading slavery farther over our fair land, root the evil deeper and deeper among us.

To say we are legislating prematurely on this subject, or that it ought to be left to a vote of the people, is to shrink from our duty and to avoid that responsibility that our constituents have called upon us to take. When will the time arrive that the country will be so settled, Mr. Chairman, that you can put your finger upon the center and say, "Here is the point." Not during our times, and are we therefore to be without a seat of government, or must the capitol travel at the will of the executive?

Experience teaches us that the ballot box is no more the place to fix the seat of government than it would be to enact laws. The people of this country have too much wisdom to trample down representative government; and they have delegated this among other acts to be performed by their representatives, and we must not shrink therefrom.

Mr. Slaughter said he felt himself bound to oppose the amendment, because in his estimation it was too early to agitate a subject fraught with such deep interest to the present and future population of the proposed territory. He said we were now asking the general government to give us a separate political existence, and the circumstances under which we were asking this boon were so peculiar and delicate as to render doubtful our most sanguine hopes.

It should not be denied, therefore, by all, that union of counsel and harmony of action should characterize all our proceedings as well upon this as upon other subjects of equal interest.

## Wisconsin Historical Society

In the formation of states or in the organization of new governments few subjects excite more party zeal or sectional jealousy than the location of the seat of government. In the present case we are unacquainted with the extent or boundaries of the territory as Congress may think proper to organize it, unacquainted with any concerted plans of internal improvement which might so vary the interests of the territory as to render any proposed point ineligible for that purpose; he was opposed to the amendment because the late elections were not conducted in reference to this subject, and the Council were incapable of representing the views and wishes of the people upon it, and also because, judging from the rapidity with which the population has increased during the last two years, we may reasonably suppose it will double its present amount when the proper time shall arrive for action upon this subject. He had been taught to believe that the people were the only tribunal competent to judge and to decide upon all subjects affecting their rights or their interests. If there was any other doctrine in this country he would be glad to learn it from the gentleman. But, say the gentlemen, the country west, in which it is proposed to locate the seat of government, is now the most populous, and that if the people decide this matter the result is certain. Why then embarrass our counsels with conflicting views and sectional jealousies? Why this percipitancy upon a subject in which they have everything to gain and nothing to lose? Why anticipate the decision of the people? There is an inconsistency in the arguments of the gentleman which leads me to suspect that they either doubt the capacity of the people to decide it, or their numbers to carry it. He said he had no local preference to influence him; he was opposed equally to all locations; he was opposed to this anticipated legislation, but would place the subject upon the broad principle that it was the people's right, the people's interest, and it should be their privilege to divide it. He hoped therefore the amendment would not be adopted.

Mr. Burnett said that the resolution under consideration was introduced unexpectedly to him. He had held no conversation with any member upon that subject and had not expected that it would be brought forward at the present session of the Council. But as the question had been presented, he was ready to meet it. The subject is one, not only of great importance to the country at large, but calculated in its consideration to excite the feelings and interests of every section. It was for this reason that he had voted on yesterday to lay the reso-



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lution upon the table, and not from any principle of opposition to the measure, or that he shrunk from recording his opinion upon it. But in a matter of so much importance he wished every member to have full time for deliberation, and to give to the subject that serious consideration which it merited.

Mr. Burnett was aware of the delicate character of a question proposing to fix the seat of government for the new territory, and of the various and conflicting interests that would be brought to bear upon it. He knew that the subject was one upon which neither the people nor the Council could be brought to act with perfect harmony and unity of opinion. There are too many feelings of local partiality, too many present speculations and future expectancies involved in the measure for none to be disappointed in its adjustment. But in a matter which concerned the interest of the whole territory the wishes of the people ought to be consulted and complied with; and, like all other questions of a general character, some of the parts must yield to the will of the majority. We ought not, in reference to this subject, to look alone to the interests of any particular section or district, but the general good should be taken into consideration and form the criterion for our discussion. Was it left to him to fix the seat of government, and could he feel at liberty to consult only his own interest and that of his constituents he would establish it at Prairie du Chien. Looking to the future purchase and settlement of the country on both sides of the Mississippi, north of the Wisconsin, there is, perhaps, no situation more eligible. Even in relation to the present population and business of the country its claims are worthy of being compared with those of any other place. He had intended to propose that place, but he saw that a majority of the members were decidedly opposed to it, and he would not increase the division which already existed and jeopardize the settlement of the question.

The gentleman from Brown (Mr. Slaughter) has considered the measure as premature, and alluded to the minority of the eastern members on this floor. Mr. Burnett would say to that gentleman in perfect frankness of spirit and kindness of feeling, that if he should postpone the question until the counties on Lake Michigan should have a majority in the Council, it would never be settled. Those counties have now a greater voice here than they can ever again have upon any equal principle of representation. Look at the number of votes given in the different counties and compare them with the numbers

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of representatives elected. Brown and Milwaukee, with about three hundred votes, have elected five members, while Iowa, with five hundred votes, has elected but three members, and a disproportion nearly as great exists in the counties of Dubuque and Des Moines; and under all this inequality of representation the two members from Dubuque and one from Iowa are not here to maintain the interest of the country on the Mississippi. Can the gentleman then, in reason expect that the counties on the lake will ever have a stronger voice upon this question than they have now? Mr. Burnett thought not.

But, says the gentleman, submit the question to the people, it has not yet been agitated among them, and no reference was had to it in the late elections. Mr. Burnett could not see how the people would decide the question except through their representatives. If the gentleman contemplated submitting it to the decision of the people in their primary assemblies or at the ballot boxes, there would be so many conflicting interests arrayed, so many places voted for, that in all human probability a succession of years would pass over before we would have any fixed seat of government. Such a course could result in no practical benefit to the country and would only serve to procrastinate the measure and excite the sectional feelings of the people. Mr. Burnett wished the will of the people carried out in this as well as in other cases, but that will was to be exercised through their representatives.

Whether the question was new to the people of Brown and Milwaukee and [one] upon which they had not reflected, Mr. Burnett could not pretend to say; but he knew that in the counties on the Mississippi, on both sides of the river, it was considered as one of the first importance. It has there been extensively discussed and had an important bearing upon the late election of delegate to Congress. In those counties he believed that every man was in favor of establishing the seat of government on the Mississippi, and all expected it to be fixed by the Legislative Council.

The gentleman from Brown has said that Congress knew but little of the country and we would be asking too much to request the establishment of the seat of government at any particular place, when the members of that body were not sufficiently informed as to its expediency. If, said Mr. Burnett, it be true that Congress knows but little about the country, and he was inclined to believe from the course pursued towards it that it was true, he thought it was time that that

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body should be informed. He had confidence in that body to believe that it would provide for the interests of the country when properly made acquainted with them. He thought that the reason given was a strong argument why the representatives of the people should speak to Congress upon a subject so deeply interesting to them. The last bill introduced to Congress to organize the territory of Wisconsin vested the authority to fix the seat of government in the Legislative Council. Whether this shall be done by an act of the Council or by Congress in accordance with a resolution of the Council, the practical result is the same—the only difference is in the mode of offering the same measure.

Looking to the interests of the whole territory, Mr. Burnett thought that the place proposed in the resolution [was] as eligible as any other and perhaps the only one which could unite a majority of voices in its favor. According to the best information, the [division effected by the] Mississippi in the present population of the territory is in almost equal parts, and although the tide of emigration is flowing into the counties on the Lake with a current exceeding all former years, that same tide rolls on to the west and will not be arrested in its course until it reaches the boundary line of the Indian tribes. The same principle which is filling the eastern counties with an intelligent and enterprising population and giving such an impetus to trade and commerce in the country is operating with the same effect in the west, where the population is increasing and will continue to increase in as great a ratio as in any other part of the country. The Mississippi not only divides the population in nearly equal parts, but also the territory to which the Indian title has been extinguished. The site of Cassville is nearly midway between the northern boundary of Illinois and the Indian boundary beyond the Wisconsin. From the southern extreme of the county of Des Moines, it is a greater distance to that place than from any part of either of the counties of Brown or Milwaukee. Nature seems to have designed that the seat of government for this extended territory should be placed upon the great river which divides it, and the indications of nature cannot be changed by anything that we can do.

The gentleman from Brown is of opinion that there will be another territory established in a few years west of the Mississippi, in which case it would not be proper to have the seat of government for Wisconsin on the extreme west. "If," said Mr. Burnett, "we can judge of

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the future policy of the general government by the history of past years, we cannot expect a division of the territory until the part between the Mississippi and the lakes is prepared to enter the Union as a state. The measure of separating the territory of Michigan has been postponed from year to year until the Peninsula has a population of one hundred thousand and has formed for itself a state government. We cannot, therefore, in reason, expect that the remaining portion of Michigan Territory will be speedily subdivided into two new governments."

Looking then to the interest of the whole country, to its present advantages and future prospects, Mr. Burnett thought it was proper that this question should be settled in the commencement, and that the seat of government should be fixed at the most central point, which could be reached with the greatest facilities from all parts of the territory. Believing that the site of Cassville combines these great advantages more than any other place in the country, and that it would be more acceptable to the great body of the people than any other, he should vote for the amendment.

The call was made for the yeas and nays on the amendment.

Yeas—President, Burnett, Edgerton, Knapp, Smith, Teas, and Vineyard.

Nays—Lawe and Slaughter.

So the amendment was adopted.

The committee then rose and reported to the house which concurred in the amendment.

Mr. Slaughter then moved to postpone the resolution indefinitely. He said he felt it his duty to make this motion but should despair of its adoption by the house; he had looked to a quarter for aid in which he should not find it; he had thought that the eastern portion of the territory would be interested in locating the seat of government at some point in the interior, equally convenient to the lake shore and the Mississippi. What objection can the gentlemen from Milwaukee have to its location upon the Rock River? Already there is a natural communication on the south of [to] the Mississippi; an immediate improvement is contemplated on the north by which it will be united to Lake Winnebago. A railroad or canal will readily connect it with the Milwaukee and Root rivers on the east; and it may as easily be united with the Mississippi on the west. He protested against the

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passage of the resolution because of the delicate relations in which we stand to the general government, and because it will increase the difficulties under which we at present labor in the organization of our territory. He protested against it because we were not prepared by the known wishes of the people to act upon it, and because it was depriving the people of their right to act upon a subject interesting to them alone.

Mr. Knapp replied to the gentleman from Brown: He had supported the measure and in doing so was conscious of having not only acted for the best, but in perfect accordance with the wishes of his constituents, whose minds and feelings he believed himself well acquainted with. Mr. Knapp believed that the general good was always to be preferred before any private or local consideration. The site proposed was central and would accommodate the greatest number of the whole; he felt no regrets for voting as he had.

The question, being taken by yeas and nays on the motion to postpone, was lost.

Mr. Edgerton moved to strike out the word "draw" and insert in lieu thereof the word "draft," which was agreed to.

The final question, being taken on the adoption of the resolution, was carried in the affirmative.

Yeas—President, Burnett, Edgerton, Knapp, Smith, Teas, and Vineyard.

Nays—Lawe and Slaughter.

The Council then adjourned.

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Wednesday Morning, January 6

The Council met pursuant to adjournment.

Prayers by the Reverend Daniel E. Brown.

Journal of yesterday read and corrected.

Mr. Burnett moved to take up the resolution offered by him on Monday, and laid on the table, "inquiring into the obstructions which prevent the Council from proceeding in the ordinary course of legislation."

Mr. Slaughter said he should feel bound to oppose the matters embraced in the resolution throughout, and he would do so now, but for

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the ill health of the President, which rendered it impossible to enter into a discussion; he therefore reserved his remarks upon it for the report which it was intended to produce.

The resolution was adopted. Messrs. Burnett, Teas, and Edgerton were appointed the committee.

The Council then adjourned.

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Thursday Morning, January 7

The Council met pursuant to adjournment.

Prayers by the Reverend John Clarke.

Journal of yesterday read and approved.

Mr. Burnett offered the following: *Resolved*, By the Legislative Council of the territory of Michigan, That the Librarian be desired to make his annual report to the Council, as required by law.

*Resolved*, By the authority aforesaid, That the President transmit a copy of the above to the Librarian; and also a copy of the resolution adopted on the fourth of January, 1836, directing the Auditor and Treasurer to report to this Council, to each of these officers.

The resolution was adopted.

On motion of Mr. Slaughter: *Resolved*, That the printers to the Council be required to furnish each member [with] twelve copies of their paper, published in this town, and containing the proceedings of the Council.

Mr. Burnett offered the following: *Resolved*, That the committee appointed to draft a memorial to the Congress of the United States, praying for the establishment of a separate territorial government west of Lake Michigan, be instructed to insert in the said memorial a prayer that the Legislative Council for the said territory shall consist of *twenty-five members*, and that a majority constitute a quorum for business.

The resolution was adopted.

Mr. Vineyard offered the following: *Resolved*, That the Legislative Council adjourn on Saturday the 9th inst., *sine die*.

Mr. Burnett moved to lay the resolution on the table. Mr. Burnett said he would not be one to protract this session one moment longer than he thought would be necessary to enable the Council to accom-

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plish the business imperiously required of it. But until that was done he should oppose any motion to terminate its labors. Its constituents felt an interest in its proceedings and would look earnestly at the result; and although from the absence of one branch of the legislature they might be embarrassed and in a great measure prevented from going into the ordinary business of legislation, yet there were many things which the Council could still do, and which the people would expect and require. Several committees have been appointed which have not had time to report. He thought the time altogether too short and hoped the resolution would lie on the table.

Mr. Slaughter concurred with the gentleman from Crawford; he thought it of the highest importance that the Council continue till the committees have time to report.

Mr. Knapp thought Tuesday a more suitable day. The motion to lay on the table prevailed.

The Council then adjourned.

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Friday, January 8

The Council met pursuant to adjournment.

Prayers by the Reverend Richard F. Cadle.

Journal of yesterday read and approved.

Mr. Edgerton moved the following: *Resolved*, That a select committee be appointed to memorialize Congress on the subject of internal improvements.

The resolution was adopted.

Messrs. Edgerton, Teas, and Vineyard were appointed the committee.

Mr. Smith moved the following: *Resolved*, That a committee of three be appointed to draft a memorial to the President of the United States, praying the extinguishment of the Indian title to all the lands on the Iowa River, reserved to the Sauk and Fox Indians by the treaty made at Rock Island in the year 1832.

The resolution was adopted.

Messrs. Smith, Teas, and Vineyard were appointed the committee.

Mr. Edgerton moved the following: *Resolved*, That the committee appointed to memorialize Congress on the subject of internal improvements be instructed to pray for an appropriation for the survey of

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the harbors at the mouths of the Milwaukee, Root, and Pike rivers, and also for the examination and survey of a route for a railroad from Lake Michigan passing through the mining district to the Mississippi River.

Mr. Knapp moved to amend the resolution by adding the words "to terminate near Cassville." The amendment was accepted, and the resolution adopted.

Mr. Smith moved the following: *Resolved*, That the select committee on internal improvement be instructed to memorialize the President and the Congress of the United States on the subject of making an appropriation to remove the obstructions at the rapids of the Mississippi River, and to make Galena a port of entry.

Mr. Burnett moved to amend the resolution by striking out the word "Galena," and inserting the word "Cassville." The amendment was accepted and the resolution adopted.

Mr. Edgerton moved the following: *Resolved*, That the Secretary of the territory be authorized and directed to furnish each member of this Council with a copy of the laws of the territory, and one copy of the journal of the Legislative Council now published.

The resolution was adopted.

Mr. Slaughter moved the following: *Resolved*, That the select committee appointed to memorialize Congress on the subject of internal improvement be instructed to ask for surveys for harbors at the mouths of the Kewaunee, Twin, Manitowoc, and Sheboygan rivers.

*Resolved*, That the said committee be also instructed to ask for a survey of the Fox, Rock, and Wisconsin rivers, for the purpose of ascertaining the most practicable mode of connecting the waters of Green Bay and the Mississippi.

*Resolved*, That the said committee be also instructed to ask an appropriation to improve the present harbor at the mouth of Fox River.

The resolutions were adopted.

Mr. Burnett, from the committee to inquire into the obstructions which prevent the Council from proceeding in the ordinary course of business to pass laws, etc., made the following report:

The committee appointed to inquire into the obstructions which prevent the Council from proceeding in the regular course of legislation to the enactment of laws for the good government of the territory,



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with instructions to report by resolution or otherwise, respectfully submit the following report:

In considering the subject referred to them, the committee have thought proper to go back into the legislative history of the country for some years past, and to notice the former and present position of the country lying west of Lake Michigan, in relation to the general and territorial government. According to the former organization of the government for the territory of Michigan, the country lying west of the lakes were [was] entitled to but two representatives in the Legislative Council; and consequently the country which those two members represented, from the minority of voices in the Council, could not obtain anything in the course of legislation, except from the courtesy of the majority. That majority seemed to be entirely engrossed with the interests of the Peninsula, while those of the western counties were either entirely neglected, or but partially attended to. The whole system of legislation seems to have been directed to the affairs of eastern Michigan alone, while the interests of the residue of the territory could scarcely obtain the smallest consideration; and if the western counties ever received anything from the Council, it was rather by way of exception, than in the course of general legislation for the common good of the whole territory.

We have beheld the singular spectacle of one immense district of country united under the same government, relying upon the same legislative body for laws to protect the people in the equal enjoyment of their rights and their liberties, and that government and that legislative body dispensing one system for one part of the country and another system for the other. Where the interests of the country represented by the majority were presented, they were fostered and cherished with the most assiduous care, while those of the minor parts of the same community met the blighting influence of utter neglect. The judiciary system and the system of taxation were established upon principles as essentially different in the Peninsula and in the western counties as if they had been two separate and distinct governments. Even the few boons which were ever granted the people of the west from their eastern brethren were from the negligence of the governmental authorities, the lapse of time, and the length of distance by which the countries are separated, often lost to the people for whom they were intended.

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The majority of the Council, having the control of the territorial treasury and of the whole municipal policy of the country, established for the benefit of the Peninsula a system of circuit courts with general jurisdiction to supply the deficiency of the United States' judiciary, while the western counties have been left with a system of county courts of limited jurisdiction, the judges of which, from their habits, studies, and pursuits, are not qualified to decide upon the litigated rights of the citizens. The counties of Dubuque and Des Moines have no court, either national or territorial, with jurisdiction in civil cases over one thousand dollars, or in criminal cases of a capital nature. The Legislative Council has been asked to remedy the evils under which the country was suffering and establish for the west the same system of circuit courts that had been provided for the east: but a deaf ear was turned to so just and reasonable a claim, and the country left in the deplorable condition of one that enjoys the name of government with but a partial and imperfect administration of law and justice.

The people of the western counties have for a succession of years been looking with anxious expectation for the establishment of a separate territorial government. They have prayed to be set off from the Peninsula of Michigan, which rules them rather as a distant colony than as an integral portion of the same government; but this measure so important to the best interests of the country has been postponed from time to time. At length the period arrived when the boon so long wished for, was, though not in the form desired, reached out to the people of our country. The Peninsula, exercising the right secured to them by the ordinance of Congress of 1787, have formed a separate state government, in order to demand admission into the Union upon the same footing with the original states. Preparatory to the separation which this measure would effect between the east and the west, at the last regular session of the Legislative Council a law was passed to provide for the carrying on of the territorial government in the residue of the country not embraced in the new state of Michigan. The government of the territory still existed, although a part of the country formerly embraced in it was formed into a new government; the people not included in the state were still entitled to all the rights and privileges secured to them by the constitution and laws of the country before the separation. Under the provisions of that law the Acting Governor of the territory apportioned the Legislative Council as

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established by the Act of Congress among the counties west of Lake Michigan, and by his proclamation appointed January 1, 1836, that being the day formerly fixed by law, for its assembling at Green Bay. Thus the constituted authorities of the territory did all that it was in their power to do to provide for the administration of law and government upon the separation of the territory, until such time as Congress could act upon the subject and establish a better system. It appears that the regular and extra sessions of the Council of 1835, together, sat out the whole of the sixty days which it is authorized by law to do in any year. The late Acting Governor Mason, looking no doubt to the importance of the subject, appointed the earliest day at which the Council could by law commence its session.

This Legislative Council, although elected in the name and under the authority of the territorial government of Michigan, is in effect the Legislative Council for the country intended to form the territory of Wisconsin. The whole body having been apportioned among and elected from the western counties, the people have looked with a feeling of deep interest to its organization, and considered it as an era of the highest importance in their political existence; for whether the government was carried on under the name of the old or a new territory, it was for all practical purposes to them the birth of a new government, upon which they could rely with confidence for every necessary measure to promote their prosperity and welfare. But it seems as if the hopes of this community are to be ever marred by some adverse and fatal policy. The sanction of the executive branch of the government being essential to the validity of any act that may be passed, it is vain for the Council to attempt to legislate for the country, when that [sanction] cannot be obtained. The present Acting Governor of the territory was still at Detroit the latest day at which any intelligence has been received; and although the committee are satisfied that he has been instructed to attend the present session and maintain the territorial government west of Lake Michigan, they have no ground to hope that he will fulfil this high and responsible duty.

Acting Governor Horner, soon after he was installed into office, issued his proclamation directing the Council to assemble on December 1, 1835. This measure strikes the committee as most unwise in its character, and one that could not have been adopted by a man who had any correct knowledge of the laws of the land and the circumstances of the country, and who felt the least regard for the rights

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and interests of the people. The whole time which the Council could lawfully set in one year, having been exhausted by the two sessions of 1835, the proclamation was wholly nugatory, and only exhibited the folly of attempting that which the executive had no power to perform. But the measure appears still more absurd, when we consider that it was not possible that the proclamation should be complied with. The Acting Governor allowed only twenty-one days from the date of the proclamation, which was issued at Detroit, to the day of assembling. At any season of the year the information could not have reached the most distant counties in time to enable the members to arrive at the time and place appointed; but to suppose that it could have been done so after the winter season had commenced, when the transportation of the mails is so slow and uncertain, and traveling so difficult, is ridiculous in the extreme. It need not be said in extenuation of the folly of this measure that the Governor was a stranger in the country and unacquainted with its condition and circumstances. Any man of rational comprehension needed not to have been told of its inexpediency. Had he but cast his eye upon the map of the country as he stood in the capitol at Detroit, and surveyed the extended distance of its extreme points, reflected upon the climate, and recollected anything of its history and improvement, he would have at once seen the utter impossibility of effecting the measure proposed.

The members of the Council, very justly in the opinion of the committee, have disregarded the proclamation and assembled and organized on the first of January, 1836, according to the proclamation of the late Acting Governor Mason; and upon doing so, instead of finding the executive here to co-operate with them in their labors for the good of the country, they have been met with a letter written by his authority to a newspaper editor, in which he tells the people of the country that he considers it a matter of more importance that they should be represented in Congress than that the Legislative Council should assemble, and that he is remaining at Detroit for the purpose of giving to the delegate elect a certificate of his election. This kind regard for the people, however mistaken it might be in policy, and ruinous in its effects to their best interests, might, to some extent, excuse the absence of the Acting Governor, if the law of the territory rendered it at all necessary for him to give any certificate of the election of delegate, or imposed upon him any obligation in the matter. The extra session of the last Council which was held after Governor Mason had

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issued his proclamation before mentioned, anticipating the probable necessity for the Governor to be here, or on his journey at the time when the election returns would be coming into Detroit, passed a law making it the duty of county clerks to forward the returns of that election to the clerk of the supreme court, who should give a certificate of the whole vote given; so that whether the returns had been made in due time or not, His Excellency had no lawful business with the subject; and his apology intended to excuse his absence appears to the committee to be frivolous and insufficient. And the committee cannot forbear to remark the extraordinary circumstance of the Governor tendering such an apology to the editor of a newspaper instead of the legislative body which he had called upon to meet him at Green Bay. As a co-ordinate branch of the government, without whose presence and sanction no law can be passed for the benefit of the people, it is a matter of unfeigned regret that the executive officer should, for no better reasons, determine to remain at Detroit and disappoint all hope of benefit from the present session of the Council.

The committee deem it proper to call the attention of the Council to the delinquency of the Treasurer, Auditor, and Librarian of the territory. Each of those officers is required by law to make an annual report to the Council; but notwithstanding this positive obligation of law and duty, no report has yet been received from either of them. Whether this default is in any way chargeable to the Governor, it is not now possible to ascertain; but the committee think it probable, if His Excellency had fulfilled his duty in removing the executive office to this place and attended himself at the opening of the Council and required the officers under his direction to perform their respective duties, that the necessary reports and information would have been furnished.

As a necessary branch of the executive office to which the Council ought to have access in the discharge of their duties, the office of the secretary of the territory with the public books, papers, and documents therein deposited with the executive and legislative records, ought, in the opinion of the committee, to have been removed from Detroit to Green Bay. The committee conceive this to be a measure of great importance to enable the Council to legislate with a proper knowledge and understanding upon matters of general interest to the country, and one to which the attention of the Governor ought to have been directed.

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The Acting Governor seems to have failed in every legal measure proper to continue and carry on the operations of the territorial government for the benefit of the people. He himself remains, with all the records, books, and documents belonging to the executive office, within the bounds and jurisdiction of another state where the laws of the territory are no longer regarded.

The committee have thus presented the principal obstructions embraced in the resolution of the Council. They are of such a character as will, at present, prevent the passage of any law for the benefit of the country. In the absence of the Governor, the Council can do nothing more than to adopt such resolutions, memorials, etc., as the circumstances and situation of the country require. Having done this, they will have exerted the extent of their power, and the responsibility of having done nothing more will not rest upon them. That responsibility, weighty and serious as it is, will be thrown where it ought to be, upon the Acting Governor of the territory; and the committee consider that the Council would not be true to the high trust reposed in it, if it did not represent the facts and in the name of the people request the President of the United States to relieve the country from the authority of a man who seems to be only calculated to bring evil upon it. Entertaining this opinion, the committee would respectfully submit to the Council the following preamble and resolutions, which they recommend for its adoption.

T. P. BURNETT,  
J. B. TEAS,  
B. H. EDGERTON.

WHEREAS, By an act of the legislature approved the 30th of March, 1835, it was among other things provided, that in case the Peninsula of Michigan should be formed into a separate state government, the Governor of the territory should apportion the members of the Legislative Council among the counties west of Lake Michigan, and appoint the time and place at which the Council should assemble:

AND WHEREAS, The people of the Peninsula have created for themselves a separate government, leaving the territorial government in full legal force and operation in the country west of Lake Michigan:

AND WHEREAS, The late Acting Governor, Stevens T. Mason, did by his proclamation, dated the 25th day of August, 1835, apportion the members of the Legislative Council of the territory among the coun-

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ties not embraced within the limits of the new state, and appointed the first day of January, 1836, for the assembling of the Council at Green Bay:

AND WHEREAS, The present Acting Governor, John S. Horner, did by his proclamation, dated 9th of November, 1835, attempt to change the time of assembling the Council to the 1st day of December, 1835, without any lawful authority to do so, and when it was well known that the measure which he proposed, if lawful, was utterly impossible and destitute of the smallest reason for its adoption; which proclamation was calculated to produce great confusion in the affairs of the country and induce the people to expect that he would in the discharge of his highest duties attend when and where the Council should assemble:

AND WHEREAS, In pursuance of law and of the lawful proclamation of Governor Mason, the Legislative Council did assemble at Green Bay on January 1, 1836 and proceed to organize as a body for the regular business of legislation:

AND WHEREAS, The Acting Governor, John S. Horner, has failed to attend to approve of any laws that might be passed for the benefit of the people and which the exigency of the country might require; alleging as the reason of his absence, that he was waiting at Detroit for the election returns in order to give a certificate to the delegate in Congress, when the law of the territory required another officer to receive the said returns and give the certificate thereof, and did not impose any duty upon the Governor, or vest in him any authority upon the subject:

AND WHEREAS, The people of our country are suffering great evils from a defective system of laws, which it is of the highest importance should be speedily corrected:

AND WHEREAS, The present Acting Governor, John S. Horner, has thrown every possible obstruction in the way calculated to prevent the enactment of laws for the good government of the territory and has displayed such gross ignorance of the condition and circumstances of the country and of the laws of the territory and such utter disregard of the rights and best interests of the people as show him to be wholly unfit for the high and responsible office to which he has been appointed:

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THEREFORE, BE IT RESOLVED, By the Legislative Council of the territory of Michigan: That John S. Horner, secretary and acting governor of the territory, has forfeited all just claims to the confidence of the people, and from his incapacity and disregard of his official obligations and duties to the country he is, in the opinion of this Council, unworthy of the high office which he fills.

AND BE IT FURTHER RESOLVED, That the President of the United States be and he is hereby requested in behalf of the people of the territory to revoke the commission of the said John S. Horner, and to appoint some other person better qualified to fulfill the duties of the office.

AND BE IT FURTHER RESOLVED, That the President of the Council transmit to the President of the United States a copy of the foregoing preamble and resolutions, together with the report which they accompany.

Mr. Slaughter moved that the house now resolve itself into a committee of the whole, and take up the report, preamble, and resolutions just read.

The house in committee of the whole, Mr. Teas in the chair:

Mr. Slaughter moved to strike out all after the word "report." In making this motion he said he was not influenced by any want of respect for the committee who reported it, nor was he insensible to the portion of interesting matter which it contained; but that it contained some matter, in his estimation, so objectionable and so irrelevant as to overbalance all the good that might otherwise result from its adoption. In considering the past wrongs which have been inflicted upon the territory, and in enumerating her present evils, the committee seem to have permitted their passions to become inflamed with indignation, and have not paused to locate the causes where they should rest. It would have been well for the action of this house if the committee had discriminated between those matters which have any necessary connection with Governor Horner, and those which have not; his situation has been a delicate one, and his duties arduous: but few individuals could have been induced to accept the station he now occupies; devoted, however, to the principles of the present administration, he was willing to encounter those trying difficulties which seemed insuperable to the mind of others.



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His high offense in the estimation of the committee consists in his delay at Detroit, whilst the Legislative Council is in session here. Do the committee think there is no territory of Michigan in the Peninsula and no duties to be there discharged by the Acting Governor? If so, he has mistaken his instructions which required him to repair to Detroit and enforce the authorities of the territory.

Mr. Burnett said that he did not intend to go into a particular examination of the facts set forth in the report, but as the chairman of the committee who had made it, he felt bound to defend the measure which it proposed and the principles which it contained. He owed this as a duty to the committee who had acted with him, as a duty to the house, and as a duty to his country. He came to the Council without any feelings of prejudice against the Acting Governor, who came to the territory as a stranger, sent by the general government to administer the laws of the country; and so far as he knew, the people were ready to receive him with that kindness and treat him with that courtesy and respect which are due to a stranger and to the highest officer in the territorial government. So far as mere personal considerations were involved, he had none to influence him. It was always with regret that he took any course calculated to prejudice the interest of any man—he never did so unless impelled by a sense of imperious duty. He was ever ready to go as far as others in extending the courtesies of life. But he did not come here to abandon the interest of the country from feelings of delicacy towards any individual. He stood here for higher and nobler purposes. He raised his voice to maintain the interest of his constituents—to vindicate the rights of his country, and to ask in the name of the people that their injuries should be redressed. Every man knew the deplorable situation of the country, growing out of a defective system of laws. The people have sent us here for the purpose of remedying the evils under which they are suffering. They expect us to make an effort for their relief—they have a right to expect it. And when we find that the Acting Governor from whim or folly chooses to absent himself from the session of the Council and stop the progress of the whole machinery of the government, shall we stand silently by and fold our arms together in quiet satisfaction? Shall we from the watchtower cry out that all's well, when all is not well? Shall we say to the country peace, peace, when there is no peace? Whenever any officer of the government, however high he may be, shall pursue a course so ruinous to the

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best interests of the country, if there was no voice but his to sound the alarm, it should be given. If no one would support him in calling for redress, the call should still be made.

Mr. Burnett said that we have good reasons to believe that the Acting Governor has been instructed to repair to Green Bay and attend the present session of the Council. His own proclamation shows that he had authority to do so. Letters have recently reached the post office at this place, directed to him as Superintendent of Indian Affairs from the Indian Department at Washington. This shows that the authorities of the general government expected that he would come to Green Bay and not remain at Detroit. What has he to do there? Is not the state government there in practical operation? And has he not exercised his pardoning powers in favor of the Ohio prisoners, the purpose for which he seems to have been sent out? Is not this then the proper place for the exercising of his official duties? And can so frivolous a pretext as the giving of a certificate of election to the delegate in Congress, who did not need it, be put, seriously, in opposition to the rights and privileges of the people of a whole territory? He thought not.

The Acting Governor, without ever having been in the territory of Wisconsin, and having resided at Detroit but a few months, undertakes to decide for the people what is best for them. He tells them that it is of more importance that the delegate should take his seat in Congress, than that the Council should assemble; and to effect so important an object, he, forsooth, must remain at Detroit as though the fate of the whole territory depended upon his giving to the delegate a certificate of his election, interposing an insuperable barrier to legislation for the good of the country. This apparent regard for the interests of the people, this seeming kindness towards them, might entitle him to some respect for his motives, if there was any probability of his doing aught to promote their welfare by remaining at Detroit. But what are we to think when we look at the laws of the territory, and find that his certificate is not necessary to secure the seat of the delegate elect, and see, from the latest information that Colonel Jones has taken his seat in Congress at an early day in the session without any aid from the Governor, and that, too, before the date of his letter to the *Wisconsin Free Press*? Whether this unexpected course of the Acting Governor has been adopted from his ignorance of the laws and institutions of the country, or from any evil intent,

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the people are equally the sufferers. Is it proper then, that we, as the representatives of the people, should remain silent and return to our constituents without being able to tell them why it is that we have not been able to pass any laws for their benefit? Mr. Burnett thought the people ought to know the whole truth, and that the representatives of the people on this floor ought to ask of the proper authority to apply a corrective to this evil.

After the Acting Governor has issued his proclamation requiring the Council to assemble on the first of December, if any sufficient cause has intervened to prevent him from attending the session, common courtesy as well as official duty would seem to require that he should make his communication to the Council. His proclamation gave us to understand that he would meet us in person; but upon our arrival, do we find His Excellency? No, sir. Do we receive any official communication from him informing us when it will be his high will and pleasure to be waited upon by the legislative body of the country? No, sir, nothing of all this. He passes by the Council and makes his opinion known to the people through the medium of the press. Mr. Burnett said that he could tell His Excellency that if he expected the people to be satisfied with this course he was mistaken. The people will not be content that the legislative session should prove an abortion, for no other reason than because His Excellency chose to remain at Detroit for a purpose which neither the facts of the case nor the law of the land required him to fulfill. The people would perceive the necessity, if they ever expected to have their interests cherished and their rights protected, of asking to have a man sent to administer the government among them who could understand those interests and who could respect those rights.

Mr. Burnett said he would call the attention of the committee to the letter of His Excellency. That letter was, certainly, one of the most singular productions that ever bore the sanction of executive authority. He would not attempt to play the critic. Mere verbal criticisms are beneath the dignity of a grave debate. But thus much he would say—that as a literary production, it would add no high degree of credit to a schoolboy twelve years of age. But it was the tone and spirit of the document that required animadversion. He styles himself the “Acting Governor in and over the territory of Michigan,” and sends his missive to the citizens of the territory of Wisconsin, as though there were two separate and distinct territories, and he, having

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the chief power and authority in the one, had also the control of the other as an appendage to his dominion. So ridiculous an idea, and such a ridiculous expression of that idea, were perhaps never conceived by any governor before.

His Excellency, assuming a high magisterial tone, expresses his utter surprise and dissatisfaction at the conduct of the clerks west of Lake Michigan in failing to forward the returns of the election to Detroit. What have we to do, what have the people to do with the dissatisfaction of the governor at the conduct of other officers of the territory? Is that any reason why the Council should be deprived of the power of legislation? And is the indignation of the Governor a satisfaction for the injustice of the course which he has taken and all the evils consequent upon it? Mr. Burnett would tell His Excellency that, although it may be satisfactory to him, it will not be satisfactory to the country.

His Excellency says that the people of Wisconsin will at once perceive the necessity of the Acting Governor's remaining at Detroit. Sir, said Mr. Burnett, the people of Wisconsin are not so deluded as to perceive things which are not perceptible. The people can never understand any good reason for his conduct. They may perceive his folly and feel the consequences of his folly, but they never can be made to believe that he has acted towards them as a faithful executive. They are not to be courted by the annunciation of "his great desire and anticipated pleasure in visiting the western portion of the territory." The people of Wisconsin are independent in their principles, jealous of their rights, and firm in their purposes. They look at the acts and measures of the government. They ask for measures of justice, and not for expressions of kindness and regard. Smooth words will never compensate the people of Wisconsin for rougher evils.

Mr. Burnett said that the people on the frontier had suffered great injustice from the appointment of incompetent persons to offices among them. It would seem that the hangers-on at the palace, who will not let go the skirts of the President, and whom the states will not have, are to fall to the territories as their portion, as though it mattered not what sort of officers we had nor how their duties were discharged. Whether the Acting Governor was one of these pensioners on the frontier he did not know; but as one of the representatives of the people

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he protested against the system of consulting the wishes of men, instead of the interest of the country, in filling the territorial offices. He did not intend to cast any blame upon the President. He knew the difficulties which he had to encounter at almost every step of his administration. From the very necessities of his situation, he had to trust much to his friends and often act upon their knowledge and information instead of his own. That he was often deceived into injudicious appointments by the representations of his professed friends, Mr. Burnett had no doubt, and he was willing to believe the appointment of the present Acting Governor was a case of that kind. But he felt it a duty which he owed, as a friend of the President, to represent the case to him, having every confidence in his integrity to correct the evil when it should be made known to him. He considered it the duty of the Council to give to the President correct information of the situation of the country and the conduct of the executive. If we shall fail to do so, he thought that we had every reason to fear that he would be entailed upon us with all his follies in the organization of the new territory.

Mr. Burnett said he took this occasion to say that he had always belonged to the great Democratic party, to the principles of which he had ever adhered without wavering. He had been the friend and supporter of the present chief magistrate of the Union since 1824. When his residence entitled him to the right of suffrage in the presidential election, he had recorded his vote in favor of Andrew Jackson. He had supported the most of the measures of his administration from its commencement to the present time. But he was not a believer in the infallibility of any man. He believed that the President might err as well as others, and that he had erred. He was not willing to attribute his errors to intention, but thought that they resulted from the misrepresentations of professed friends and the improper information upon which he often had to act. "Although," said Mr. Burnett, "I have ever belonged to the Democratic party and have acted with that party in most of its measures, in early life I laid it down as a principle from which I have never departed—from which I trust I never shall depart—that I never will support a measure which I honestly believe to be wrong, because it is the measure of my party; nor will I oppose a measure that I honestly believe to be right, because it is the measure of my political opponents. My sincere desire is to take all that is good and to reject all that is evil. Acting upon this

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principle, whenever I see a course pursued, calculated, in my opinion, to work incalculable evils to my country, I care not from what high source it may have emanated, or what party purposes it may be intended to subserve, I, for one, will raise my voice in opposition to the measure. These are my principles; I am willing to stand or fall by them—if they are to be prostrated before the time-serving policy of the day and I shall sink with them, I will still invoke the spirit of justice and the power of protection in behalf of this young and defenseless country.”

Mr. Burnett said that he thought it due to the high character and deserved influence of the state of Virginia, that the Acting Governor should be recalled. No man entertained a higher respect for the people of that state than he did. He looked upon that state with the profoundest reverence, as the birthplace of heroes, of patriots, and of statesmen; as the mother of states and of the democracy of the states; as one of the strongest pillars of the constitution and the constitutional liberty of the country, round which has been shed a halo of glory which time itself can never dim. He felt no desire to draw an invidious distinction between the states—they had all sent into the service of their country sons of proud renown, whose names stood high in the pages of history. But as a native of Virginia, whose feelings turned with filial and reverential affection to the soil which gave him birth, he trusted that he would be excused for paying a feeble tribute of respect to “his own, his native land.”

“If Virginia,” said Mr. Burnett, “wishes to perpetuate her fame and to maintain her reputation and influence abroad, she ought to send out men who are true to her principles, and who have capacity to sustain the dignity of office. If the character of a state is reflected by the conduct of its citizens, she can derive no benefit by appointments like the present, and the sooner such men are recalled to their native obscurity, the better it will be.”

Mr. Burnett said that when he first saw the account of the excitement created against the Acting Governor in the Peninsula and of his extravagant conduct there, he supposed that his actions had been greatly exaggerated and misrepresented. He had attributed the excitement of the people to the peculiar circumstances under which he had been appointed to office and came among them, and supposed that a temperate and prudent course on the part of the Governor would in a short time restore quiet and tranquility to the public mind. But

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from the best evidence which we have of his manner of discharging his official duties, and his ideas of his official obligations, he was well satisfied that he never could gain the confidence and respect of the people in the high office to which he has been appointed. "As I before remarked," said Mr. Burnett, "it is with extreme regret that I ever take any course prejudicial to the interest of any person. But when the obligations of courtesy are put in opposition to my duty to my country, I cannot hesitate. That duty shall ever be discharged according to the best of my poor abilities. Believing, as I honestly do, that it is of the first importance to the people whom we represent here that they should be relieved from the authority of the present executive, that he is unqualified and unfit for the important office which he holds, and that the people of the country will never be satisfied with his administration, I feel bound by the most sacred obligations to sustain the report, preamble, and resolutions now under consideration."

Mr. Slaughter said he was willing to accede to the gentleman's exemption of all feelings of personal hostility, but he thought the gentleman had permitted himself to become so much excited as to do great injustice to the Acting Governor and make him responsible for things with which he has had no connection; he hoped the gentleman would be calm and discuss the subject upon its merits. What, sir, were the circumstances under which the Acting Governor came to the territory? Michigan, almost in a state of frenzy at the commission of real or supposed outrages against her by Ohio, is upon the verge of civil war. The President thought proper to remove the Acting Governor from office, to prevent such a conflict, and clothed Governor Horner with power to uphold the laws and the authorities of the United States in the territory of Michigan, and ordered him to repair to Detroit. The integrity of the laws has been preserved, civil war has been averted, and the difficulties with Ohio, for the present at least, suspended. Governor Horner had no direction to change his location, nor could he have met the Legislative Council without violating his duty. In his letter to the editor of the *Wisconsin Free Press* he expresses his surprise and dissatisfaction that no returns of the election west of Lake Michigan have been received by the clerk of the supreme court at Detroit. Desirous that the delegate elect west of Lake Michigan should take his seat in Congress, and that the proposed new territory of Wisconsin should be there represented, he refuses to give a certificate of election to a gentleman of the Peninsula who demanded it upon the ground of

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having received upwards of seven hundred votes, and that no other returns had been received by the proper officer.

The gentleman relies upon the ground that the law had been changed requiring the Governor to give a certificate of election, and therefore his delay at Detroit was unnecessary. It is true that the law was changed at the last session of the Council, of which it was possible the Acting Governor was not aware, but, sir, there were other imperative duties which required him to remain; even if he were desirous to leave, he had no discretion left him.

We, sir, have received no certificate from the clerk of the supreme court; I presume no returns have been received by him; consequently we were not qualified to enact laws. Had Governor Horner met us here it would indeed have been an idle mission. Admit that his impression in regard to the regulation of the certificate was correct, and he had left Detroit for Green Bay. In his absence the returns are received, no certificate is given, and the delegate fails to take his seat. He meets the Council who have received no certificate, and consequently [are] not qualified to enact laws. How then would the interests of Wisconsin have been presented to the national counsels and her rights asserted on the floor of Congress?

Then indeed would the Acting Governor have deserved the unmeasured denunciations with which he has been assailed, then might the resolution for his removal be properly presented, and doubtless sustained by this house. But, sir, in him there has been no misplaced confidence nor forfeiture of political respect; he has fulfilled the just expectations of the President and manifested a deep interest for the people of Wisconsin.

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Friday, January 8

Mr. Hamilton said he should detain the house but a few moments as much had been said already on this subject:

“It is an unpleasant task for one branch of the government to examine into the conduct of its coordinate branches, but there are cases when it becomes an imperious duty. In all state governments, as well as that of the United States, the executive is chosen by the people and is responsible to them; and only in extreme cases would it be proper for the legislative body to take any exceptions to the con-



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duct of the executive. Here, however, the executive is not the officer of the people, but receives his appointment from another government from which, it is true, we derive our existence; for us now to be silent, when the best interests of our people are trampled upon, would be basely surrendering our rights and convincing the world that we are unworthy of the confidence of our constituents. Yes, Mr. Chairman, it would argue such a degeneracy that you, and I, and all who are acting with us would have our names blotted out, as unworthy to be called the sons of these patriots who resisted the usurpations and malpractices of the mother country to her colonies—these United States.

“Mr. Chairman, the report does not exactly meet my views, nor has it been drafted with that care that I should have wished. The chairman of the committee says it was drafted in haste; the face of the paper shows it; such as it is, I am willing to take it, without even striking out or amending one word; yes, sir, I can swallow it whole and digest it. But I fear it will be too heavy a dose for His Excellency. Too much in that paper is attributed to ignorance—it ought to be called design. On the ninth of November he issues his proclamation to convene the Council for divers good causes, but what they are he has not told us. The time appointed to meet is the first day of December. He could not otherwise than have known—he did know—that the day would arrive before the proclamation could be received; and he thus intended to defeat the session. Again, the period allowed for the session of the Council in any one year had been exhausted for the year 1835—his own office contained the evidence of the fact—the records were at his elbow, at the very time he was signing his mandate. Is this, too, to be attributed to ignorance? No, sir, no.

“Again, sir, look to that paper, now lying on the Secretary’s table, issued by his authority—addressed to a newspaper editor, designed for the people and not for the Council. Oh ye people! how often the designing attempt to gull you by the specious cry of ‘the good of the people!’ He is waiting at Detroit to perform an act for your benefit, which was not by law made his duty, but made expressly the duty of another! He give the certificate to the delegate! Why, sir, it would be of no more value than that blank sheet of paper, and well did he know it for he had the law before him; he has quoted from it and given a part of the statute. Is this, too, to be called ignorance? It might be said he was a roundabout fool—which is a man who designs

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wrong, but has not sense enough to carry it out; to be plain, we speak the truth when we say he did not intend that the Council should meet, and that he has attempted to gull our constituents. I am willing, however, Mr. Chairman, as I said before, to take the report as it is, although we ought to have attributed his conduct to design and not to weakness, and so to have expressed it.

“The gentleman from Brown, who is disposed to excuse him altogether, finds that it was His Excellency’s duty to remain at Detroit by order of the government, an excuse that availeth nothing here, for out of his own mouth do we find the negative to this position; for if it was his duty to remain at Detroit, why have so little respect as to call upon the members at this inclement season of the year to travel over such extent of wilderness for no purpose? And in the face of the general government promise to do an act that he was forbid? His proclamation in effect denies the existence of any such order.”

Mr. Burnett said that when he took his seat he intended to say nothing more upon the subject under consideration. But some remarks of the gentleman from Brown (Mr. Slaughter) required a reply. As to all the ignorance of our laws and inexperience in office, which the gentleman has urged with so much force in excuse of the conduct of the Acting Governor, he had nothing to say, but would leave that part of the argument to have all the effect that could be given to it. But the gentleman has gone farther than His Excellency in his apology for his absence. He insists that it is necessary that the Governor should receive the returns of the election of members of the Council and give them a certificate of their election before they can legally assemble and organize as a body; and as we have not obtained his certificate, we have no authority here. “Sir,” said Mr. Burnett, “I was not prepared to hear such a declaration from the gentleman. Are we to present the spectacle of a legislative body formally organized, debating questions of the highest importance to the country, sending our acts out to the world, and yet admit that it is all a farce—that we are but a set of grown up children, playing at the game of schoolboy Congress? Had I entertained such opinions of our right to sit here, my voice would have never been heard on this floor. But, sir, I deny the correctness of the position assumed by the gentleman. I deny that the certificate of the Governor under the great seal can strengthen our right or add to our authority here. The

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law does not require us to look to him for the evidence of our election. It is the duty of the clerks of the different county courts to make their returns to the clerk of Brown County. (Mr. Slaughter explained; the clerks of some of the counties, Milwaukee for instance, were required to make their returns to the clerk of the supreme court.) The gentleman's explanation of the duty of the clerks is perhaps correct. It is perhaps requisite that they should all send duplicates of their returns to the clerk of the supreme court. But he is not correct in his conclusions. It is not the legal result, that the evidences of our election must be first sent to Detroit, and then certified back to us before we are entitled to our seats. The certificate of election from the proper officer has ever been regarded by legislative bodies as prima facie evidence of the member's right to his seat. But this is not the only evidence that can establish his right, nor is it conclusive evidence either. Members have been often turned out, after taking their seats under the proper certificate, upon proof that the greater number of votes had been given to a competitor. In the present case the certificates of the county clerks have just as much force and legal effect, so far as we are concerned, as that of the clerk of the supreme court, or the governor of the territory. Suppose the returns from the county clerks should be lost on their way to Detroit, or the certificate of the governor on its return; or that he should, from negligence or design, withhold it altogether—is the voice of the people to be silenced and their will defeated by any such contingencies? Are their representatives, elected according to the forms of law, to be denied authority, because they cannot show the signature of the governor and the great seal to the evidence of their election? Can any man seriously contend for principles so absurd? No, sir; we derive our right to sit here from a higher source—from the will of the people, the fountain of all power and authority, before whose potent spell parchment records and seals of state crumble into dust. We have brought with us evidence of our election sufficiently authentic to establish any fact in a court of justice, and have taken our oaths as members, and had the Governor himself been here, he could have added nothing to our rights and privileges as such.

“The gentleman from Brown thinks that I have yielded to excitement upon this subject. Sir, if an honest indignation at a great outrage upon my country be excitement, I am excited. If an ardent zeal in behalf of the people's rights against executive misrule be

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excitement, I am excited. If a firm determination to call aloud for redress if no voice should sustain me be excitement, then indeed am I excited. But have I been carried beyond the bounds of truth and reason? Do not the facts and circumstances of this case demand all that has been said? In this, as in all other things, I am willing to be judged by the country.

"The gentleman thinks that the language of the report, preamble, and resolutions is too strong, that it is not altogether as decorous and respectful towards the executive of the territory as it ought to be.

"Sir, I am not one of those who are in the habit of dressing their style in delicate phrases to suit the fastidious tastes of courtly palates. Upon all occasions I endeavor to apply such homely and common sense words as are best calculated to express the ideas intended to be conveyed. In this present case I have tried to adapt the true words to the truth of the subject.

"Sir, it was once said by a very great man that words are things. I am one of those who always desire to call things by their right names. When, in the discharge of a high trust, we speak of acts seriously affecting the best interests of the country, it is incumbent on the house to speak of those acts as they deserve, and to tell to the President and to the world the truth; and where truth strikes no man ought to regret the blow.

"I have heard it said that the Acting Governor expects to be appointed the governor of the territory of Wisconsin; and his canting letter to the *Free Press* looks like courting the people in advance for a favorable reception. I wish this Council, in the name of the people, to protest in advance against the measure; to take steps in time to secure the country against so great an evil."

The question, being then taken on the amendment, was lost.

Mr. Burnett moved that the committee rise and report to the house.

The question on adopting the report and resolutions was taken by yeas and nays thus:

Yeas—President, Burnett, Edgerton, Knapp, Lawe, Smith, Teas, and Vineyard.

Nays—Slaughter.

So the report and resolutions were adopted.

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On motion of Mr. Vineyard nine hundred copies were ordered to be printed.

Adjourned.

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Saturday, January 9

Council met pursuant to adjournment.

Prayers by the Reverend John Clark.

Mr. Slaughter from the committee appointed to memorialize Congress on the subject of a new territorial government reported the following memorial.

The memorial of the Legislative Council of Michigan sitting at Green Bay represents to the Congress of the United States that in obedience to law the Council have assembled to perform their legislative duties; but that in consequence of the absence of the Acting Governor they are unable to pass laws which will have any binding effect upon the citizens of the territory, who are in a great degree dependent upon the feelings of natural justice for the preservation of their lives and their property; already have a large portion of our citizens, upon the trial of one for the murder of another, been adjudged to be beyond the jurisdiction of the courts of the United States. Thrown off by Michigan in the formation of her new state, without an Acting Governor to enforce the fragments of laws under which we still live, without a competent civil jurisdiction to give security to our lives and our property, we have deemed it our last and best policy to ask the intervention of the national aid, to give us new, efficient, political existence.

The memorial represents that the country west of Lake Michigan, and north of the states of Illinois and Missouri is unsurpassed in three particular qualities, essential to its early settlement and ultimate prosperity, to-wit: fertility of soil, salubrity of climate, and commercial facilities. The country bordering on Lake Michigan has many outlets to the eastern markets through the bold, and some of them navigable, rivers which intersect its fertile soil; the first of importance on the north is the Fox. Rising far in the interior, thence meandering through alternate forests and prairie in a northeasterly direction, it passes through Lake Winnebago, precipitates itself in a few miles over rapids of one hundred and fifty feet, and finally after

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a gentle current of twenty miles, loses its character and influence in Green Bay. Further south, and at distances sufficient to authorize the construction of harbors, are the Kewaunee, the Twin, the Manitowoc, the Sheboygan, the Sac, the Root, and Pike rivers, most of which rise at considerable distances in the interior, water fertile lands through which they flow, and empty themselves into Lake Michigan.

Through our western border, rising in the exhaustless lakes of the north with its thousand tributaries, flows the majestic Mississippi in lonely grandeur. Passing through the center is the Wisconsin already navigable for steamboats to a point from which one mile of canal will unite it with the navigable waters of the Fox River; further south is the Rock River, rising near Lake Winnebago, with which it must shortly be united by railroad or canal, and which will then form the connecting link between the lakes of the north and the Mississippi on the south. Near the sources of several of these rivers lies the beautiful Lake Winnebago, thirty miles in length and ten in breadth, and elevated one hundred and fifty feet above the level of Lake Michigan on the east and the Mississippi on the west; its shores are surrounded by a rocky ledge rising near one hundred feet in height and forming a sort of battlement which commands an entire view of the lake and of the surrounding country, furnishing to the contemplation of the lovers of nature the grandest amphitheatre in the natural world.

That a country embracing such a variety of interesting inducements and natural advantages should have remained hitherto unknown save to its savage inhabitants is a matter of regret and astonishment.

It possesses a climate so pure that disease as being peculiar to it is unknown, a soil as rich as the alluvial Delta; broad and navigable rivers sending their tributaries to the Atlantic in the east and the Gulf of Mexico in the south.

A large portion of this territory is owned by the general government, and not yet in market, and a still larger portion by the native inhabitants from which it has not been purchased.

The present population of American citizens is estimated at twenty-five thousand souls, and when it is recollected that two years ago, with the exception of two or three Indian trading posts, this extensive territory was for all purposes of settlement and agriculture an untrodden wilderness, we should not be surprised if in two years

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more we should have the requisite number under the Ordinance of 1787 to entitle us to admission into the Union as a state.

Near the head of Green Bay and upon the bank of the Fox River, stands the flourishing village of Navarino, in which property has risen during the last season from one hundred to three hundred per cent. Vessels of the largest burden come without difficulty to its wharves, and during the ensuing summer a weekly line of steamboats is contemplated to be run between it and Buffalo.

At the mouth of the Milwaukee an extensive town has been laid out, and lots are selling from one hundred to one thousand dollars.

The country south of Milwaukee, including the Root and Pike rivers, is now being surveyed and will probably be in market early in the ensuing summer. A great portion of the most valuable land is already settled and settling so fast, that, when in market, there will be but little opportunity for capitalists to monopolize or the speculator to extort a premium from the industrious yeoman.

On either side of the Mississippi, through the whole extent of the territory, is an industrious and enterprising population engaged in agriculture and the production of mineral by which they are amassing large private fortunes and adding greatly to the value of the national stock.

There are several flourishing villages upon its banks; among the most prominent is Cassville, which the Council would recommend as the most eligible for the seat of government for the proposed territory.

According to the decision of our federal court the population west of the Mississippi is not within its jurisdiction, a decision which is presumed to be in accordance with the delegated powers of the court and the acknowledged laws of the land; but that ten or twelve thousand freemen, citizens of the United States, living within its territory, should be unprotected in their lives and their property by its courts of civil and criminal jurisprudence is an anomaly unparalleled in the annals of republican legislation. The immediate attention of Congress to this subject is of vital importance to the people west of the Mississippi.

Considering the extent of the territory, the diversity of its interests, its present and growing population, we would recommend that twenty-

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five instead of thirteen members be authorized to be elected to the Legislative Council.

The other subjects of chief interest to the territory, the extinguishment of the Indian title, the further surveys of the public lands, the passage of pre-emption laws to secure to the industrious farmer his home and the products of his labor, and the appropriation of means for the construction of harbors and improving the navigation of the rivers, we doubt not will receive that attention from the national counsels, which their merits deserve.

When these objects are accomplished and the territory exhibits all her natural advantages improved by art in one picture of associated beauty, those who contributed to so laudable a result will point to this Eldorado of the North and say, "This is my work."

On motion of Mr. Burnett, the house went into committee of the whole on the memorial, Mr. Vineyard in the chair.

The memorial was read in paragraphs.

Mr. Hamilton moved to amend it by adding after the words "natural world," "On the west side of the Mississippi are the Iowa and Des Moines rivers, with several smaller streams watering that beautiful and fertile country lately acquired by the government from the Indians and made a part of the present territory, already densely inhabited, numbering half of the entire population." Also, after the word "Delta," the words "a portion of it containing rich mines of different minerals essential to our daily wants, which are now productive and furnishing a quantity sufficient for the supply of the United States." The amendments were adopted.

Mr. Burnett moved to amend the memorial by inserting a prayer, "that a law be passed at the present session of Congress organizing the territorial government of Wisconsin, so as to include all the residue of Michigan Territory not embraced within the limits of the state of Michigan. And the Council further prays that in the organization of the said territorial government the offices of governor and superintendent of Indian Affairs may be separated, and that the people of the said territory be permitted to elect their governor and secretary."

Mr. Burnett in support of this amendment offered a few remarks.

Mr. Slaughter concurred with the gentleman from Crawford. He was one who believed that the choice of rulers and governors should



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be left to the people. Formerly, under the old system of territorial governments, no such right had been extended to them. And it had been noticed with regret that many of the persons heretofore appointed to fill the executive offices had evinced but little community of feeling and interest with the citizens over whom they had been sent out to rule; he hoped the amendment would be agreed to.

Mr. Hamilton moved to strike out all after the word "separated."

He had taken this course not because he did not think the people would act correctly in choosing a proper person to fill this office; we are the property of the government and it is not reasonable to suppose that they will give up all control of us: if the office is made elective, then all the authority of the general government is at an end; and I must think that by asking that which I deem unreasonable we endanger the whole.

Mr. Burnett said that he had not offered the amendment to the memorial without deliberation. He had reflected upon the effects of the system of connecting the offices of governor and superintendent of Indian Affairs in the territories; and he had been long since convinced that the policy was evil in its tendency and calculated to corrupt the country. The governor of a territory ought to be acquainted with the people, to feel an interest in their affairs, and to endeavor so to discharge his duties as to promote, in the best manner, their happiness and welfare. If no community of feeling and interest exists between the people and their governor, he will not be likely to administer the government with a view to their benefit. How can he entertain the sentiments and opinions which ought to influence him, when he is sent from abroad to rule over our strangers, with whose laws and customs he is wholly unacquainted? Connect this foreign appointment with the patronage and authority of superintendent of Indian Affairs, and he will gather around him a petty court of favorites to speculate upon the treasury of the government, who will look to a single individual for place and favor, and through him to the general government for support. An influence will be thus created, adverse to the best interests of the country, which influence will have the control of the administration and direct its operations to promote the fortunes of particular families and individuals without regard to the good of the people. "Sir," said Mr. Burnett, "this is no idle speculation. Look at the manner in which the affairs of Michigan

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were formerly conducted. There the ruling principle has been to swell the power and fortune of one man and of his devoted partisans at the expense of the general government, often without regard to the principles of justice, or the laws of the country. The great sums of public money which have been disbursed under his authority, for holding Indian treaties, making tours through the Indian country, and carrying on the Indian department in all its operations, and the patronage and influence which his office of superintendent gave him might, if the money had in all cases been expended, and the influence exerted with a single eye to the public good, have been productive of important benefits to the country. But those who have looked deepest into the mysteries of the Indian department, and of his acts in its management, do not doubt that in all his measures his object has ever been to make the most for himself and his devoted followers; to effect which, law, policy, and even justice itself have been readily made to yield. I am aware, sir, of what I say and of whom I speak. I know the fame which the Secretary of War has acquired for learning and talent, and, with some, for public virtue; I know something, too, of the means that have been resorted to for the purpose of extending and perpetuating his celebrity—hired puffers, paid with the public money, and sent out by him to sound his praise through the country, under the most shallow pretenses of public employment and public service.

“From information that I have received, which I cannot doubt, which I think no man can doubt, I am convinced that the greatest abuses have been committed and are still continued to be committed under the sanction and authority of the present Secretary of War, and that a true exposé of all his expenditures in the different stations which he has filled would not bear the light. If Congress would pass a resolution calling upon him for information upon the subject, the call might be so framed that *it could not be answered*. Efforts have been made within my knowledge, are still making, and will continue to be made, to induce some member who is not too much afraid of the power and influence of the Secretary to move the resolution. I trust that the day is not far distant when some man will be found sufficiently independent to stand up against the war minister and call the truth to light.

“I wish to see law and justice, truth and integrity beam upon the birth of this young and infant territory, and shed their benign influences over its early years. I hope to see no unrighteous principles,

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no evil policy, no depraving systems connected with its destiny, to draw it from the road to virtue into the highway of corruption. Let your governor and superintendent be separated, and you will guard against one of the strongest temptations to a maladministration that could be held out to the executive, a temptation which the former governor wanted either the will or the firmness to withstand. So far as the interest of the national government is concerned, while the present system of the Indian Department is continued, those interests will be as well protected by a superintendent specially appointed, as if they were placed in the hands of the governor. The general government can therefore have no interest in continuing the measure but the perpetuation of an old system.

“I have said thus much upon the subject of separating these two high offices, the very natures of which are so different that it seems to me they ought never to have been concentrated in the same person. The subject of electing the governor and secretary, a measure which seems to be so objectionable to the gentleman from Iowa, will require a few remarks.

“I, sir, hold to the doctrine that all governments are created for the benefit of the people; that if the country is worth governing at all, it is worth governing well; and whether the government be colonial or otherwise, it ought to be so organized as best to promote the happiness of the people under its control and operation. Looking to this object of a good government, is it not reasonable that so important an officer as that of governor should be elected by the people? Where all the institutions of our country, and all the features of our government are republican, it is consistent with the spirit of those institutions, with the legitimate ends of the measures of the government, that the chief officer in the country should receive his authority from the hands of the people, who of all others are the most interested in the proper discharge of his high duties. The population of the territory is sufficiently large to trust them with the election. The prosperity and happiness of twenty-five thousand inhabitants will, I doubt not, be deemed by Congress of sufficient importance to engage the most serious consideration. Let us ask in behalf of the people whom we represent that our government may be purely republican in all its features—that we may be relieved from foreign influences of such corrupting tendency as those that have heretofore swayed the destinies of this territory.

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“But, says the gentleman, we will be asking too much of the general government, when we request it to change its policy and to relinquish all control over our territorial affairs, and we will jeopardize interests of greater importance by making the application. I, sir, do not believe that the general government is so bigoted as to refuse to change its policy, when it shall be apparent that it may be done for the better; nor do I believe that it is so illiberal as to grant us nothing because it may be considered that we have asked too much. But the measure proposed does not ask the national government to relinquish its control over us. Congress has, and ever has had, the power of nullifying our laws. That power will, doubtless, be continued in the new organization of the territory. The power might be reserved to the President of suspending or removing the governor and secretary, until others could be elected. This would give to the general government all the control over that of the territory that is necessary for the good of either.

“But the gentleman says that we are the property of the United States, and they have a right to do with us as they please. Sir, I deny the correctness of this doctrine—I never can subscribe to its principles. I deny that the people are, lawfully, the subjects of property in any government. The gentleman has referred to the clause in the constitution which authorizes Congress to make needful rules and regulations respecting the territory and other property of the United States, and says that it is the only constitutional authority for establishing territorial governments; and because the word property is there used in conjunction with territory, the people of the territory are the property of the United States. Sir, territory and property never can be made to mean the people. Territory has a geographical meaning and relates to the soil of the country; but because the United States have the property of the soil, it does not therefore follow that they have unlimited jurisdiction over the people also. Property and jurisdiction are not co-relevant terms. If the principle be correct as contended for, Congress has the right to exercise control over the people of the states who may be settled upon the public lands, and yet no man will contend for this. I know that the general government, as the great landlord of the country, can do what she likes with her property in the soil, but the people of the country are not yet slaves. I am not ready to acknowledge that we are without the pale of the constitution—that we have no constitutional rights. This country was

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a part of the confederacy before the adoption of the constitution. Its rights have never been forfeited. Those rights are secured by the Ordinance of 1787 so firmly that Congress itself cannot take them away. Besides the "unalienable right of life, liberty, and the pursuit of happiness," which no government can extinguish, that ordinance secures to us the right of a good government. It is the duty of Congress in forming that government to look to the best means of effecting the most valuable ends.

"I have said but little upon the election of the secretary. The same reasons which apply to the election of the governor will also go, to a certain extent, in favor of electing the second officer of the government. In the absence of the governor the secretary of the territory will fill his stead, clothed with all his power and authority. We have seen in the Peninsula how important the office has of late become. I hope to see the principle established, that every officer who may, upon any contingency, be vested with so much power in the country shall derive his authority directly from the people."

Mr. Hamilton replied that he must not be understood as objecting to the whole amendment of the gentleman from Crawford, but that he was perfectly willing that the office of superintendent of Indian Affairs and that of governor should be separated. "But, Mr. Chairman, I must be allowed to say that I come not here to engage in philippics against any individual or to court the people—I came to do my duty. When the gentleman denies we are the property of the United States he denies our very existence; he forgets the only clause of the constitution which gives Congress power to possess and provide a government for the country, the language of which is 'territory and other property.' We are therefore the property of the United States; and are we to suppose that the government will divest itself of all power over its property? If the people elect the governor, the government has no right to remove him—he may violate the laws—sacrifice the interest of the general government, and they have no power to control him. Would you, Mr. Chairman, having property, place it in the hands of another in such manner as to do away with all authority over it? No, sir, you would not, even when you have the choice of the person. Can you then hope that the government will do that which you would consider unwise? But, sir, the resolution not only asks Congress to give away all control, but that the agent shall be chosen by another power. It

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seems to be so contrary to good common sense that I cannot consent to ask it—the recent instance of the Peninsula is too fresh in our memories to induce us to believe that it may not be necessary for the government to exercise that control which it has heretofore retained in its possession, and I am one, sir, who dares believe that the act of the President in removing Governor Mason was big with the best of consequence. Where that difficulty would have ended is impossible to say, had not the government interfered. I must therefore think that by asking this, motives will be attributed which will endanger our best interests and restrict the liberality the government has heretofore exercised towards its territories. Much has been said, sir, about the conduct of one of the governors of Michigan—that he kept everything at his own door to enrich himself and did nothing for Western Michigan; to these remarks I will freely say that Michigan proper has been the most favored child that the government ever had, and that most of these favors have been attributed to this very governor, and you must recollect, sir, that this portion of the country, although by law a part of Michigan, has never been considered as a part of that territory; and, sir, it has been a wilderness till a very short space of time. We could not expect that moneys would be expended for its improvement until there were persons to improve and to be benefited by them. Sir, even suppose that the Governor only labored to benefit himself, nevertheless these very exertions operated beneficially to Michigan and his country; and in the same manner will the same circumstances operate in our own Wisconsin.”

Mr. Burnett said that he hoped the motion of the gentleman from Iowa to strike out would not prevail. “Although the gentleman has made an ingenious argument in support of his principles, and an able defense of the Secretary of War, still he has not convinced me that his principles are correct, or that the Secretary is a faithful politician.

“Admitting the truth of all that has been said of his talents and influence, and the exercise of them for the good of the territory, what part of the country has derived the benefit? Not ours; not the west, but the Peninsula, where his home and his property lie, and where his host of court favorites reside; where the expenditure of every dollar of public money, in its effect, tended to swell the value of his own fortune. When the general government was scattering its favors with a profuse and liberal hand over Michigan, its favored child, as the gentleman says, this prodigal munificence was all confined to the

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eastern part of the territory; while the west, the poor savage west, derived no more advantage from these kind benefactions than if they had been expended in the most distant part of the Union. With the exception of two small appropriations for roads, amounting together to the pitiful sum of seven thousand dollars, I believe that no appropriations for the benefit of the territory have ever been extended to the country west of Lake Michigan. So, sir, however much the Peninsula may have been benefited by the influence of the Secretary, however much it may have prospered under his care, the people of the west owe him no debt of gratitude; on the contrary they have every reason to distrust him on the account of his unjust partiality.

“From the reputation which the Secretary has gained for skill and acquaintance in all the affairs of the territory and in our Indian relations he will doubtless be consulted in making the appropriations for the new government when it shall be organized. The trace of his finger may have been seen in most of the measures of the administration relating to the territory, and I do not believe that there is a man in the country who honestly thinks we have been benefited by his interference. I wish to guard the country in the commencement against so baneful an influence as he has exerted. I hope not to see his junto of pliant and subtle politicians, whom he has formed and fashioned in the Peninsula after his own heart, entailed upon the new territory as a part of our portion. As I remarked upon a former occasion, I am, and ever have been, the friend of the President. But, sir, I am not the friend of all who, from personal motives, pretend to be friends to him and the country. I am not the friend of the Secretary of War and of his iniquitous measures. Such men and such measures I never can support.

“The gentleman from Iowa says that he did not come here to indulge in philippics and deal in general denunciations against other persons. I presume that he did not—I do not suppose that any of us come here for that purpose. But, sir, public men are public property; and whenever the acts of public men tend to prejudice the rights and privileges, and to corrupt the honesty of the country, and are calculated to have an injurious bearing upon any measure under consideration, I shall not hesitate to speak of those acts as they deserve. If the gentleman wants a specification I will refer him to a single matter. I have good authority for saying that there were transactions under the Chicago Treaty, sanctioned by the Secretary of War, which, if unveiled before the

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eyes of honest men, would make them look aghast at the shameful scene. What think you, sir, of a single individual's making in the short space of a few months upwards of fourteen thousand dollars, clear of all expenses, upon the purchase and delivery to the Indians of thirty thousand dollars worth of goods, which were bought and paid for with the public money? Think you that this would bear exposing to the people of the country? And yet this individual has acknowledged his profits, and I am credibly informed that the money of the government was drawn from one of the banks at Detroit and placed in his hands to make the purchase. Although other cases of equal enormity exist, I shall not now refer to them; this will suffice for a specimen. Occasion may hereafter require a more particular exposition.

"The gentleman has intimated that I am making speeches for the purposes of courting the people, and disclaims all such intention on his own part. I am willing to admit that he has no such object in view; and I will tell him further that I am not shaping my course either to court the favor of the people on the one hand, or the parasites of power on the other. But, sir, I did come here to contend for the people's rights and to advocate their interests, faithfully and fearlessly, let the consequences fall when, and where, and how they may."

Mr. Hamilton would offer a few remarks.

The gentleman has attended to some circumstances as he says of improper conduct in the furnishing of goods for the Chicago Treaty. Sir, what have we to do with that? We are to look into the conduct of an officer who has no connection with the territorial government. Be it good or bad it can have no bearing here, and you must allow me to say that I have not seen any reason to complain. Make, sir, the governor elective and you cut off that link which binds the two governments together—they become estranged—that connection and good feeling which has heretofore existed is done away—we set up for ourselves before we have become of age, and I fear that we will be allowed to pursue our own course unaided by our natural parent.

The question was then taken on the amendment and carried in the affirmative; so the amendment was adopted.

The committee then rose and reported to the house, which concurred in the amendment and adopted the memorial as amended.

On motion of Mr. Burnett five hundred copies were ordered to be printed.



## Seventh Legislative Council

Monday, January 11

The Council met pursuant to adjournment.

Prayers by the Reverend Daniel E. Brown.

Mr. Teas, from the committee appointed to draft a memorial to Congress on the subject of the public lands, reported the following memorial:

The Legislative Council of the territory of Michigan respectfully represents:

That the part of the said territory which lies west of the Mississippi River, and which was acquired by the treaty with the Sauk and Fox Indians in the year 1832, is now settling with almost unexampled rapidity by a highly respectable and enterprising class of citizens from all parts of the United States. Although it is not yet three years since the first emigration into the country, the counties of Dubuque and Des Moines already contain a population, estimated by those best acquainted with their numbers, at ten thousand inhabitants. These citizens have in the settlement and improvement of the country had to encounter all the hardships and difficulties incident to frontier lives. By their spirit of industry and enterprise they have in an almost incredibly short time settled nearly the whole west shore of the Mississippi to the extent of three hundred miles, and in some parts, to the distance of forty miles back from the river. Throughout the whole of this delightful region, where three years since, the white man's habitation was not to be found, there have sprung up, as if by enchantment, flourishing villages and cultivated farms, where all the business of commerce, agriculture, and domestic industry are prospering in a degree unexampled in the history of our country. The settlers of this important and interesting district have relied upon the liberal policy of the general government heretofore pursued towards the settlers upon the public lands, for protection in the possession of their homes. Many of them have invested all their means in the improvement of the country, and to be put in competition with the speculator for the purchase of their farms and habitations would bring distress and ruin upon many worthy and industrious families. The country which they have settled is, perhaps, unsurpassed for fertility of soil, salubrity of climate, and commercial facilities, and a portion of it abounds in the richest mines of lead ore. They have by their industry and enterprise brought the country into notice and enhanced its value to an

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incalculable extent. The town of Dubuque in the county of that name and the town of Burlington in the county of Des Moines have been regularly surveyed and are growing up with great rapidity. For population, capital, and commercial business, they are already places of great importance in the western country. As a measure of the first importance to this portion of the territory and one calculated to promote the general interest of this portion of the country, the Council respectfully ask of the Congress of the United States the passage of a law to provide for the survey and sale of the country as early as may be practicable, the establishment of two new land offices, one in the county of Dubuque and the other in the county of Des Moines, and to secure the usual pre-emption rights to all actual settlers who have made improvements prior to the first day of January, 1836. As an act of justice to the citizens of the towns of Dubuque and Burlington, a special pre-emption law should be passed to secure them in the possession of their lots upon such terms as Congress may deem equitable and just.

It becomes the duty of the Legislative Council also to represent that there is a large district of lands lying in the southeast corner of the territory, known as the Milwaukee, Root, and Pike river countries; part of this country is as yet unsurveyed and already contains a large number of inhabitants. The fertility of the soil, the abundance of fine water power, the beautiful diversity of prairie and woodland, its contiguity to Lake Michigan, and the salubrity of the climate give it every advantage that can be desired to make it a prosperous, thriving, and densely populated district. It is now a part of the Green Bay Land District and is so far removed from the land office that the expense, time, etc., of going and returning is in value equal to that of a good lot of land. This operates peculiarly hard upon the poor man; so much so as to take from him the power of purchasing his home particularly when it is considered that he is in a wilderness where every moment of his time is wanted to shelter himself and family from the inclemency of the winter season.

Believing that there is every disposition on the part of the general government to protect as far as possible all its citizens, and more particularly the needy, the Council considers it one of its first duties to ask that the Green Bay district, which extends something near two hundred and fifty miles from north to south and about one hundred from east to west, be divided into two land districts by the line be-

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tween towns thirteen and fourteen, which would make each district contain about six millions four hundred thousand acres of land. It is also a duty to say that the inhabitants who are now upon the lands not yet brought into market in these districts and who have undergone all the privations incident to the wilderness and by first settling thereon have called into notice this country are without the protection of the law granting the right of pre-emption to settlers. We therefore in their behalf, as well as those mentioned in the preceding part of this memorial, ask that a law may be passed to secure them in the homes they are now enjoying through the courtesy of the government.

The Council would further represent that the miners, a large and respectable portion of the counties of Iowa and Dubuque, by the operation of laws passed for the government of the mines, and those that have been passed relative to the sale and survey of the public lands, are placed in a position that makes them a prey for the speculator.

This want of security damps their industry and enterprise, cramps their operations, and has to a very great extent prevented the extending further their exertions to make new discoveries of mineral. The law provides that where lead minerals may have been discovered previous to the purchase of any lands, such sale is null and void, manifesting clearly that it was not the original design of the government to dispose of the mineral lands. But that law does not provide any means by which those discoveries can be made known to the register and receiver of public lands in the district where this land lies. The miners resting satisfied, confiding in the good faith of the government, have until lately quietly pursued their occupation, believing as they do that in a court of justice it will be decided that the purchaser's title be declared of no effect and that the title never has been parted with by the government. But as it is the nature of the worthy, industrious, and honest man to avoid law, they have ceased to pursue any further their search for mineral and have in most cases compromised with the purchaser for a temporary right to mine on lands thus purchased. It is now [con]ceded on all hands that the interest of the mining regions as well as that of the government will be best promoted by the sale of those lands. The investment of capital, the introduction of methodical mining, and the regular transaction of business will render the mining operations more certain; there will be a great saving of labor and expense; and instead of being

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a lottery as it now is, it will become a sure and safe business. So soon as this change is effected, lead may be furnished at a less price than at present, whereby the community at large will be benefited, and those employed will be acquiring by their daily exertions a competency. The first wish of these people is that the mineral lands be sold, that those sales already made be revoked, and that the actual possessor who may have obtained the ownership as recognized under the regulations governing the mines, either by discovery or purchase, be entitled to the right of pre-emption. The town of Mineral Point in the county of Iowa is situated in the heart of the richest part of the mining country, and for population, business, and capital is the most important inland town in the country. The quarter section upon which it is situated is all reserved as mineral lands except the forty acres upon which the town is built. The citizens have settled upon this forty acres as public lands, without any security [as] to their improvements except occupancy.

The Council would therefore ask that the right of pre-emption may be extended to the owners of lots in that town upon such principles as Congress may deem equitable and just. The limits of this paper will not allow the Council to point out the details of such law, they therefore leave its superintendence in the hands of the proper delegate in Congress, in whom the people, and more especially the miners, have the utmost confidence. He is one of them having resided a long time in the mining districts.

On motion of Mr. Burnett the house went in [to] committee of the whole on such memorial, Mr. Vineyard in the chair.

Mr. Burnett moved to consider the memorial by paragraphs.

Some discussion arose on that part of the memorial which prays for a division of the Green Bay Land District.

Mr. Burnett said that before the vote was taken upon this paragraph of the memorial, he wished to state the reasons why he was in favor of its adoption. He was a stranger to the country and to the people where it was proposed to establish a new land office. The most of the knowledge which he had gained of either, had been obtained since the commencement of the present session of the Council. But as strangers, the people of the county of Milwaukee should receive from him the same justice, the same liberal support of their rights, which he was ready to render to his own constituents or to the people of any

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other part of the territory. Whenever the principles of justice, of protection to the rights of the poor, were involved, he was determined to know neither district nor people, but to maintain those principles and protect those rights according to the utmost of his ability, and mete to strangers the same measure that was due to his own friends. The members of that county had asked in behalf of their constituents that the memorial should pray for a division of the Green Bay Land District. Presuming that they truly represented the wishes of their constituents, and relying upon their information, he was willing to add his voice to theirs in the support of the measure. He did this with the kindest feelings towards the register and receiver of the land office at Green Bay. Towards those gentlemen he entertained no other feeling than that of friendship and respect; and he was the better satisfied with the course he was taking, from the assurance which he had received from one of them, that a division of the district would not operate prejudicially to his interest. Looking at the map of the country, he saw that the distance from the extreme part of the county of Milwaukee to Green Bay was too great to require any man to travel for the purpose of entering a tract of land whether large or small. It was the policy of every good government to bring justice home to every man's door, and he thought that it ought to be the policy of every liberal government to place its favors within the reach of those for whom they are intended. He thought that it was more to the interest of the country that the public domain should be speedily settled with honest, industrious, and enterprising citizens, than that those citizens should pay high prices for their lands. He wished to see measures adopted to encourage the settlement and improvement of the country. He wished to see the interests of the farmer and of the laboring man cherished and protected. He wished to see the poor emigrant enabled to buy his eighty acres of land, without having to travel a hundred and over a hundred miles to pay the purchase money, and expend half its value upon the journey necessary to secure his home.

Mr. Slaughter said he was the only individual present whose pecuniary interest would be affected by the adoption of the present measure; but, he said, he did not come here to consult his pecuniary interest; he came here to consult the interests of the country and to advocate the wishes of the people. If he had thought his pecuniary interest would have controlled his course, he would not have accepted a seat upon that floor; he should have deemed himself unworthy of the generous con-

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fidence of his constituents who had given him a seat in that body so shortly after his arrival among them. He said he believed that the southern part of the district was entitled to a land office nearer than the present one; it is several days' journey from the southern extreme of the district to the present land office; and the expense and difficulties necessary to be incurred in entering land from so great a distance are formidable barriers to the sales of the public lands and the rapid settlement of the country. Whatever sacrifice, therefore, he said, he may be called upon to make, it should be made—divide the district, strike off half the fees of the present office, or the whole, if the people require it; and in furtherance of their wishes he would move an amendment to the gentleman's proposition, providing, that if it should be deemed inexpedient to divide the district, the present office shall be moved to Milwaukee.

Mr. Knapp was opposed to the amendment. It would facilitate the accumulation of floating rights, and the location proposed would not accommodate the people in his section of the country.

Mr. Hamilton should also oppose the amendment for the reason that we want a new land district and not a *removal* of the present office. He should go with the gentleman from Milwaukee on this question and hold out to the government that an *additional* land office was the only thing that would be satisfactory. Let the present one be *moved* when it is ascertained that no new one will be granted.

Mr. Slaughter could not see how the proposed amendment would embarrass the question, but with the gentleman's leave he would withdraw it.

The committee then rose and reported the memorial to the house; it was then adopted, and five hundred copies ordered to be printed.

Mr. Vineyard offered the following: *Resolved*, That the Governor of this territory be requested to call the next Legislative Council, to meet at Cassville, in the event of another Council being called before the organization of the territory of Wisconsin, and that the house adjourn on the 12th inst. *sine die*.

On motion of Mr. Edgerton, the resolution was laid on the table. The house adjourned.

## Seventh Legislative Council

Tuesday, January 12

Council met pursuant to adjournment.

Prayers by the Reverend John Clark.

Mr. Vineyard moved to take up the resolution offered by him yesterday, and laid on the table, on the subject of the place of convening the next Council.

On motion of Mr. Slaughter the house resolved itself into a committee of the whole on the said resolution, Mr. Teas in the chair.

Mr. Slaughter moved to amend the resolution by striking out the word "Cassville," and inserting "Fond du Lac" in its place. He thought this as central as any place, and one which for many reasons would better accommodate the Council than Cassville, or perhaps any one that could be named. Communications between it and this place would be almost daily. An objection to Cassville, and a serious one, too, in his mind, was that no printing could be done there for the Council. But at Fond du Lac they would be in reach of this place, from whence all the facilities necessary for the convenience of the Council could readily be obtained. Large buildings were about to be put up immediately at Fond du Lac, and by the time of the Council every convenience could be readily obtained at that place.

Mr. Burnett must express his opinion on this subject: And he would offer one reason, at least, why Cassville was to be preferred to any other place in the territory for the next meeting of the Council: and that was, that the Council had chosen Cassville for the seat of government. To ask the Governor, therefore, to convene the Council at Fond du Lac, or any other place than that recommended in their memorial as the proper one for the seat of government of the contemplated new territory, would in his opinion manifest the grossest inconsistency and go very far towards defeating that part of the memorial which prayed that the seat of government might be thus fixed. As to Fond du Lac, the place proposed by the gentleman from Brown, he did not know what accommodations it might furnish; probably as good as Cassville; but as to printing—such work could be had as near, or nearer, to the latter place than to the former. He should therefore be opposed to the amendment.

Mr. Slaughter regretted that his motion should be opposed by the gentleman from the west. He thought it in some degree uncourteous

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in them to oppose every measure that seemed to favor his constituents. The members from the west had made, he thought, pretty large demands on the Council, in favor of their section; they had obtained the recommendation of Cassville for the seat of government to the disparagement of Green Bay and the Rock River country, which had good if not paramount claims; and he thought that a sense of justice, at least, if not of delicacy, ought to restrain their opposition. It partook of *ultraism* in them to grasp at the whole with a single swoop. What equity was there in requiring everything for Cassville and *nothing* for other places? Cassville, he could not consider the only place in this whole territory worthy of notice. We come from different counties—represent different sections; and it ill becomes us to sacrifice the whole to one place already perhaps favored by us beyond its true deserts. He only wished equity and justice shown alike—his section had been ungenerously, unjustly avoided in the action of the Council as though gentlemen were afraid it had claims which they wished to keep out of sight. He was for doing no more for one section than another. He repeated that Fond du Lac was in every way a suitable place for the next session of the Council.

Mr. Burnett must reply. He regretted that he and the gentleman from Brown did not understand courtesy alike. Courtesy and a true adherence to principle were essentially different. Can this house be consistent in asking the Governor to convene the Council at any place other than that recommended for the seat [of] government? It would evince a wavering of purpose in this body; and such a course might be made to operate to effect the gentleman's object. "It has been said, Mr. Chairman, that I am seeking the benefit of my own section. But, if so, why have I not advocated Prairie du Chien? The gentleman wishes all points in the territory duly considered. It is well—but has he not already pictured forth the beauties of Fond du Lac, his favorite place, in his memorial? I am willing all his favorite points should be praised and receive their full share of benefits at our hands—but I cannot be so inconsistent as to recommend Cassville for the seat of government and pray to have the Council convened at Fond du Lac."

Mr. Hamilton said he should mainly go with the gentleman from Crawford. Upon the principle of permanency he thought the seat of government should be located where perhaps *now* there might not be a single house. Suppose the people of the west side of the Mississippi should be lopped off, neither of these extremes would be central. But



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the real centre should be pointed out to the government. All this is just. But should we ask the Governor to convene us there now? Certainly not. On this principle no *wavering* of purpose could be attributed to us. Fond du Lac has much to recommend it on the score of location; but unfortunately it is yet in the wilderness. But could we be assured that accommodations would be in readiness, he would be in favor of the Council's meeting there. As it is, however, Mr. Chairman, I see no reason for going against Cassville; I should however prefer on many accounts Prairie du Chien—and if the resolution were so amended, should vote for it.

Mr. Slaughter was willing such an amendment should be tried. The question was taken on it and lost.

Mr. Knapp moved to amend the resolution by inserting "Racine," at the mouth of Root River. Mr. Knapp said that excellent accommodations could be had there; it was a place easy of access; and he knew of no good or serious objection that could be urged.

Mr. Slaughter should be in favor of this amendment. The country was densely populated—it was central on the Lake; steamboats would be running; and the traveling facilities for reaching it as good as those to any other point.

The amendment was not agreed to.

Mr. Slaughter now thought the original resolution out of order. The law and proclamation of the Acting Governor required the Council to meet at Green Bay. He did not think it competent for the executive to alter the place.

Mr. Hamilton concurred with the gentleman from Brown and moved that the committee rise and report against the resolution.

Mr. Burnett thought otherwise. The law authorized the Governor to fix the time and place of holding the Council. It was in pursuance of law that the Governor had chosen Green Bay; by the same rule he had a right to alter it where he pleased.

Mr. Hamilton read the law and observed that power was given to the executive to convene the Council at Green Bay—but no power of changing the place of holding it was inferred.

The committee rose and reported against the resolution; and the house concurred. So the resolution was lost.

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Mr. Vineyard asked leave to introduce the following: *Resolved*, That the printers to the Council be instructed to print five hundred copies of the journal of the Council—laid on the table.

Mr. Vineyard also moved the following: *Resolved*, That the Legislative Council adjourn on Thursday the 14th inst. *sine die*.

Mr. Slaughter moved to amend the resolution by striking out "Thursday the 14th," and inserting "Friday the 15th," which being agreed to, the resolution was adopted.

Adjourned.

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Wednesday, January 13

Prayers by the Reverend Richard F. Cadle.

Mr. Edgerton, from the committee on internal improvements, reported the following memorial:

The Memorial of the Legislative Council of the territory of Michigan respectfully represents:

That the amount of shipping upon Lake Michigan has increased within the last four or five years to an extent that to those unacquainted with the rapid settlement of the western country would seem improbable. While this amount of shipping has been increasing with such unexampled rapidity, little has been done on the part of the general government to facilitate and protect it, which a proper regard for the lives and property of those engaged in it, would seem to require. Appropriations for the construction of harbors and lighthouses have repeatedly been asked for, but from the pressure of other business or from the urgent demand for appropriations from quarters better represented, very little attention has been paid to them.

From the south end of Lake Michigan to Rock Island the nearest shelter that can be made on Lake Michigan in a storm is a distance of about three hundred and fifty miles, and from the mouth of Kewaunee River (the most northerly point at which vessels have any occasion to stop) to Rock Island is about seventy-five miles; so that vessels unladen at any place on the Lake, should they be so unfortunate as to be overtaken by a storm, are obliged [to] cast off and be driven back a distance varying from 75 to 350 miles, should the wind be so favorable as to admit of even that alternative; but if the storm should come from

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a northerly direction they are doomed to almost certain destruction. A steamboat in making a trip to Chicago is obliged to take in wood enough at Mackinac or Green Bay to last her through the whole distance of four hundred miles, which anyone acquainted with the management of these vessels knows they cannot carry without greatly endangering the lives of their passengers. The recent disasters upon this Lake, still fresh in your recollection, may all be ascribed to want of harbors. The value of human life is beyond all price; and the common dictates of humanity require that the means of its preservation should be the first great object of an enlightened government. So urgent was deemed the necessity for harbors that the Secretary of War, after returning from a visit to this country, issued orders for the immediate surveys of the harbors of Milwaukee and Green Bay in order that Congress at its present session might make provisions for their improvement. But the officer to whom these orders were directed did not receive them until too late to admit of the surveys being taken this season. Your memorialists would therefore pray your honorable body to make an appropriation sufficient to cover the expense of surveying all the necessary harbors on the western shore of Lake Michigan, and also for the construction of two lighthouses: one at Milwaukee and one at Root River.

One engineer would be able to survey them all in a short time and save the government much future expense in sending men from distant posts and at different times to survey them separately.

Your memorialists would also ask your honorable body for an appropriation for the survey and examination of the Fox and Wisconsin rivers, and for the removal of the obstructions at the Rapids in the Mississippi River. From Fort Howard to Depere, a distance of six miles, the Fox River is navigable for vessels of any burden that can navigate the lakes.

At this place commences the first rapids. By an act of the Legislative Council of the territory of Michigan a company was incorporated to build a dam across the Fox River, giving to the company the exclusive right to all the water power created by the dam with the proviso that the company shall forever pass all vessels and craft toll free through the locks. The dam will be completed the coming season, and by this means the river will be made navigable to the Little Caucala.

The construction of the dam will create an immense water power and already, in anticipation, the village of Depere has sprung up and

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must soon from the beauty of its location and its manufacturing and commercial advantages become the Birmingham of Wisconsin.

From the Little Caucala to Lake Winnebago is a succession of rapids and slack water. By the aid of a few more locks the rapids might be overcome and the navigation of this part of the river made complete amounting in distance to about forty miles.

From this lake to Fort Winnebago by the way of Fox River is about one hundred sixty miles, with a sufficient depth of water for all purposes of inland navigation; the river is however circuitous, but by the aid of a few miles of canal, above one-third of this distance might be saved and the navigation be made more safe and expeditious. From Fort Winnebago to the navigable waters of the Wisconsin is a distance of only one mile and a quarter over a country so well adapted to the purpose as to require but a small amount to construct a canal across. This done, and with some slight improvements in the navigation of the Wisconsin River and the removal of the obstructions at the Rapids of the Mississippi, a chain of inland navigation would be opened that no other country in the known world could present.

The benefits to be derived from such a communication, your memorialists deem so obvious as not to require a distinct rehearsal.

The removal of the obstructions at the rapids of the Mississippi is a subject which your memorialists pray you will take into immediate consideration. It has been computed that the annual transportation over these rapids exceeds two million of dollars, and the dangers of the navigation are such that very few vessels ever attempt it without previously unlading and transporting their freight over in keel-boats, causing great loss of time and much damage to merchandise. It has been satisfactorily ascertained that the loss of time and damage to vessels and cargoes exceeds 10 per cent upon the whole amount of merchandise transported over the rapids.

This item alone gives a dead loss to the country of more than \$200,000 annually. By reference to the report of the engineer who surveyed these rapids in the year 1832 it will be seen that the sum of \$250,000 only is required to make the navigation over these safe and complete, so that steamboats may pass at all stages of the water to any point on the Mississippi below the falls of St. Anthony. Your memorialists would most earnestly solicit your attention to this most important object, as it is a matter of deep interest not only to the people

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of this country, but a matter of equal interest to the whole country, as the government might then at all times transport men and munitions of war to the various depots upon this river with considerable saving and greater expedition and would place it completely in their power at all times to meet and repel any invasion that may arise in that part of the country. The preceding facts in the opinion of your memorialists are conclusive arguments in favor of their request, without adverting to the great number of disasters which annually occur. Twenty lives were lost at one time by the collapsing of a steamboat flue occasioned by the boat's striking upon the rocks.

The opening and building of the road from Chicago to Green Bay, the surveys of which were completed last season, is another subject to which your memorialists beg leave to call the attention of your honorable body.

It is a work of much importance both to the general government and to the people of this territory. It may be safely calculated that the increase in value of the public lands yet unsold would pay for the construction of the road.

For seven months in the year it is the only practicable route by which the troops stationed at Fort Howard could be taken to the south and east should any event require their services there, and without the construction of the road it would require a labor of many days to get the troops only to Chicago, while no munitions of war could be taken whatever. The mails are frequently detained for a long time at a distance of fifty or sixty miles from any settlement for the want of proper bridges to cross the streams in high water; and several times the past season large mails have arrived at the post office at Milwaukee, so completely saturated with water as to require a detention of several days to open and dry them; and many of the letters and papers were so defaced by being carried in this condition as to baffle all attempts at deciphering their directions. No public documents in going to or returning from the garrison or the land office at Green Bay will ever be safe until some means are provided for the crossing of the rivers on this route.

The subject of constructing a railroad from Lake Michigan, passing through the mining district terminating at or near Cassville on the Mississippi River, is one which claims the attention of all who take an interest in the prosperity and growth of our country; and we would pray your honorable body to make provision for the survey and exam-

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ination of the route. Something may be judged of the importance of this railroad, by calculating the immense saving that through its means might be made in transporting lead by the way of the Erie Canal to New York. There are annually transported from the Upper Mississippi lead mines by the way of New Orleans to New York about fourteen million pounds of lead. The average cost of transporting this lead to the navigable waters of the Mississippi is thirty-one cents per hundred pounds. From thence to New York it is one dollar and twenty-five cents per hundred pounds. By means of a railroad running directly through the heart of the mining country, the cost of transporting this amount to Lake Michigan would but little exceed the present cost of transporting it to the Mississippi. From Lake Michigan by the way of the Erie Canal to New York the cost of transportation is but forty-two cents per hundred pounds. By allowing the cost of transportation by the way of the railroad to Lake Michigan to be thirty-five cents per hundred pounds, which it will not exceed, the cost of transporting the fourteen million pounds of lead by the different routes would stand thus:

### By the way of New Orleans

31 cents per 100 for delivering it upon the Mississippi.....	\$43,400
\$1.25 per 100 from thence to New York.....	175,000
	\$218,400

### By the way of the Erie Canal

35 cents per 100 to Lake Michigan.....	\$49,000
42 cents per 100 from thence to New York.....	58,800
	\$107,800

Making a saving in the transportation by way of the Erie Canal,  
annually, of.....\$110,600

Besides this, persons shipping their lead by the way of the Erie Canal would be enabled to get the proceeds of their sales at least three months sooner than by the way of New Orleans.

Valuing the lead at six cents a pound in New York, and deducting from this sum the amount of transportation, a balance of \$732,800 is left.

The interest upon this amount at seven per cent for the three months lost time will amount to \$12,813 which, added to the balance in favor of the Erie Canal route, will amount to \$123,413. Add to this the saving of imports and the amount will be nearly doubled.

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The distance from Lake Michigan to the Mississippi is about one hundred and fifty miles over a level country abounding in all the materials necessary for the construction of the road.

It becomes the duty also of your memorialists to pray your honorable body to declare Navarino, at the head of Green Bay, and Cassville, on the Mississippi River, ports of entry.

The Council are aware that much has been asked by them in behalf of this country from the general government, more perhaps than under ordinary circumstances could reasonably be expected, and the Council would have but little hope of success if it was not known to your honorable body that this country has been almost entirely without government, even to promote the interest of the few who have been scattered over this extensive region, and that the short space of two years has changed what was then a wilderness and the abode of the Indians to the residence of civilization where may be seen farms opened, mills built, villages and towns growing up as if by magic. The treasury of the United States, which has the past year received ten millions of dollars from the public lands, is the best witness to show the increasing prosperity of this and other parts of the West. This rapid, and it may be said unexpected increase of population and of improvement has enlarged its wants in the same ratio. Relying upon the past liberality of the government the people of Western Michigan through their representatives submit the foregoing exposé of their wants with the confident expectation that they will receive from Congress that attention which is due to their importance.

The memorial is reported above, as it was finally adopted—the house in committee of the whole, Mr. Vineyard in the chair, discussed its merits and amended it as follows:

Mr. Slaughter moved an amendment, asking among the surveys for harbors, etc., a survey of the Manitowoc River, to its source, with a view to ascertaining the practicability of connecting Lake Michigan and Lake Winnebago by slack-water navigation and a canal of about two and a half miles. Mr. Slaughter considered the improvement contemplated in this resolution among the most important that could be made in the eastern part of Wisconsin; and he assured the house upon the best authority of gentlemen who had made personal examinations of the ground that the project was perfectly feasible and that at a very small expense. Not more than two and a half to three miles of

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canal, over favorable ground, would be required to connect Winnebago Lake with navigable waters of the Manitowoc.

Mr. Knapp would be opposed to any such amendment. It was bad policy—by asking for too much we should lose the whole; he hoped the gentleman would withdraw the amendment.

Mr. Slaughter believed the measure founded in justice to many of his constituents and his section of the country, and could not consent to withdraw. Why should he? What parts of the territory have not been considered by this house, and everything asked for them? Nothing had before been solicited for Manitowoc; and it was an important stream, watering a large and beautiful tract of country; it offered a direct and economical route of communication with Lake Winnebago. He saw no reason or sense of justice in refusing the small boon of a survey.

Mr. Knapp was not opposed to any improvement—by no means—but his object was, if possible, to secure some; the gentleman from Brown would ask for too many, which would be the means of defeating the whole. It was not good policy, nor was it required of this house to recommend every creek and river to the government for appropriations. But there are some great objects to which our best and united efforts should be directed.

Mr. Hamilton also thought it would be asking too much. We had already assented to ask for the improvement of the Fox River route to Lake Winnebago. Shall we now propose to reach that lake by a new route from Lake Michigan? He thought the one would injure the other. Besides, it was quite too early to think of improvements for the Manitowoc. It would doubtless require it soon, but not yet. Mr. Hamilton further thought the appropriations should be asked for surveying the coast, and not for that of rivers. The day is fast approaching when these inland seas will be covered with the sails of the mariner; it is to protect the shipping of this lake commerce, by harbors, that our present exertions should be directed. Harbors should be the main object; and in no case should canals be put in competition with harbors. He should vote against the amendment.

Mr. Slaughter said he did not expect to speak again on this question; but the more he heard from those opposed, the more he was impressed with its importance to those whom he had the honor to represent upon this floor. He should be recreant to their rights did he suffer the



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question to be taken without again urging the justness of its claims on the action of the Council. The gentleman from Milwaukee was disposed to undervalue the Manitowoc, and to class it with creeks! It might indeed appear small to the gentleman from Milwaukee, and unimportant just now to the gentleman from Iowa. But in truth the Manitowoc is second to no stream on the west shore of the lake for size; and it is even now exciting attention and interest; and he believed the time was not so very distant when the sense of at least a very respectable portion of the people of the territory would require the improvement spoken of.

He must be permitted again to allude to what he could not but believe an unjust and illiberal policy in the gentlemen who are so warmly opposing this amendment. The memorial which we are about to adopt was drawn up by one of the Milwaukee members, with the remainder of the committee from the west. One of its boldest features is the prayer for a railroad of about three hundred miles, to connect the Mississippi with Lake Michigan at the mouth of the Milwaukee or Root River. This measure these gentlemen advocate with all their power. I have not alluded to it, Mr. Chairman, for the sake of opposition; on the contrary I think well of it—that the route should be surveyed. But I must propound the question—By what rule of correct, just, liberal legislation, we are to ask the government to build a railroad of some hundred miles for one section, which will cost millions, while the prayer for that of a slack-water and canal of less than three miles, to cost probably about \$5,000, for the benefit of another section, is to be voted down? The people of the county of Brown seem to be particularly unfortunate in the legislation of the Council if this system of partiality and injustice is to prevail. What is the objection to this measure, I have not been able to perceive. Are the gentlemen of the railroad policy afraid of a rival in the “unimportant,” “little” Manitowoc? I hope not. But it is true that the measure proposed in this amendment will effect a communication, far better than that of a railroad, between the Mississippi and Lake Michigan; and it is for this very reason, Mr. Chairman, that I urge the insertion of this prayer in the memorial. To prepare the way for the perfecting of a grand thoroughfare between these two waters, by the way of Manitowoc River, Winnebago Lake, the Fox, and Wisconsin rivers, at the small expense of a few thousand dollars, is the alternate object of this resolution. To effect it, we

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only ask at present for a survey of thirty-six miles of river; it is an important object, although it may appear small to the optics of the gentlemen from Iowa and Milwaukee. It is one of the great common interests of the territory; the justice of its claims has not, nor cannot be impaired—Mr. Slaughter hoped that a returning sense of justice and liberality would induce the gentlemen to withdraw their opposition.

The question was taken on the amendment and lost.

Mr. Burnett moved to strike out the word "Des Moines Rapids" and insert "Rapids of the Mississippi,"—agreed to.

Mr. Hamilton moved to strike out the words "territory of Wisconsin" and insert "the Upper Mississippi lead mines,"—agreed to.

Mr. Hamilton moved to amend the memorial by the addition of the last paragraph as reported above, which was agreed to.

The committee then rose and reported the memorial to the house with amendments, and the house concurred.

On motion of Mr. Vineyard, 300 copies were ordered to be printed.

Mr. Burnett asked consent to introduce a resolution, which was granted: *Resolved*, That the President of the Council transmit a copy of each of the memorials to Congress adopted at the present session, to the President of the Senate, the speaker of the House of Representatives, and to the delegate from Michigan.

Mr. Slaughter moved to amend the resolution by inserting the words "by mail." The amendment was agreed to, and the resolution adopted.

On motion of Mr. Burnett: *Resolved*, That the books, papers, and records of the present session shall remain in the custody of the Secretary of the Council, until such time as the Secretary of the territory shall see proper to take charge of them.

Mr. Vineyard moved that the resolution offered by him yesterday, and laid on the table, relative to the printing of the journal, be now taken up. The resolution was accordingly taken up and adopted.

The Council adjourned.

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Thursday Morning, January 14, 1836

Council met pursuant to adjournment.

Prayers by the Reverend George White.

Mr. Smith from the committee appointed to draft a memorial on the subject of extinguishing the Indian title west of the Mississippi River reported a memorial. [We regret that the only copy of this able document having been sent to the delegate, we are not able to report it; the substance of it was as follows:]

Mr. Smith, from the committee appointed to prepare a memorial to Congress, praying the extinguishment of the Indian title to the reservation on the lower Iowa River, reported a memorial setting forth the facts; that the reservation of land to the Sauk and Fox Indians, under the treaty of Rock Island 1832, on the lower Iowa extended down on both sides of that river near to its junction with the Mississippi; that the country on either side was settled back near to the Indian boundary line; that all communication between the white settlements on either side of the reservation had, necessarily, to pass through it, or, in some cases, a great way round its extreme end; that the contiguity of the white and Indian settlements was the cause of frequent disturbances and collisions which threatened to interrupt the peace of the country; that the soil, climate, etc., of the reservation would render it an important acquisition to the country, and particularly to that part of the territory lying west of the Mississippi; and praying that the Indian title might therefore be extinguished.

On motion of Mr. Teas the house resolved itself into a committee of the whole on said memorial, Mr. Edgerton in the chair.

The memorial was discussed at length, and on motion of Mr. Hamilton the direction changed from that of the two Houses of Congress to the "President of the United States." It was then reported back to the house, and adopted, and 200 copies ordered to be printed.

On motion of Mr. Vineyard the house agreed to reconsider its vote, adopting the memorial to Congress on the subject of the public lands and pre-emption rights.

Mr. Vineyard then moved to amend the memorial so as to pray that the right of pre-emption be granted to the people on the lots in the town of Mineral Point.

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The amendment was agreed to, and the memorial adopted as amended.

The house adjourned.

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Friday, January 15

Council met pursuant to adjournment.

Prayers by the Reverend Daniel E. Brown.

Mr. Knapp from the committee on expenses made the following report: *Resolved*, By the Legislative Council of the Territory of Michigan, That there shall be paid by the fiscal agent of the Council, from the sum appropriated by Congress for defraying the contingent expenses of the legislative Council for the year 1836, the following sums, for each of their services as members of the Legislative Council, and their mileage and returning, to-wit: To

William B. Slaughter .....	\$ 45.00
Benjamin H. Edgerton .....	81.00
Joseph B. Teas.....	195.00
James R. Vineyard.....	112.50
Gilbert Knapp.....	90.00
William S. Hamilton.....	112.50
Thomas P. Burnett.....	129.50
John Lawe.....	45.00
Jeremiah Smith.....	195.00
William S. Hamilton, for extra services as president of the Legislative Council.....	30.00
A. G. Ellis, as secretary.....	45.00
William B. Long, for his services as enrolling clerk.....	45.00
Thomas A. B. Boyd, for his services as recording clerk.....	45.00
Among the several ministers of the gospel who waited upon the Council.....	45.00
A. G. Ellis and C. C. P. Arndt as printers to the Council, as per bill rendered.....	491.22
William H. Bruce for house rent and use of furniture.....	175.00
William H. Bruce, for his services as doorkeeper.....	45.00
Levi Sterling, for his services as sergeant at arms.....	45.00
Charles Green, for his services as messenger.....	45.00
George Lawe, for his services as assistant messenger.....	45.00

Mr. Burnett moved to amend the report by inserting a proviso that the sum of \$310 be paid the printers to the Council, on completion of the journal of proceedings.

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. Mr. Vineyard thought the account for printing was too high and wished to have it curtailed.

Mr. Burnett thought that the price having been fixed by previous resolution it was now too late to curtail.

Mr. Slaughter concurred—also Mr. Knapp—and thought the only inquiry should be whether the prices corresponded with the resolution.

Mr. Vineyard thought that inasmuch as other printers had offered to do the work much cheaper than the prices proposed to be paid the present printers, that the house ought to reconsider its vote—he thought the prices too great—he was not for doing injustice to the printers on the one hand, or being profuse with the public moneys on the other.

Mr. Knapp thought that cheapness was not the first consideration in this affair; he had wished the work well done, and then the printers well paid. If any light could be shed upon the subject—if the price was greater than that contemplated in the resolution—he should like to know it.

Mr. Burnett presumed it was not—and not equal to the prices heretofore paid by the Council at Detroit. He then referred to items of printing expenses for the last Council.

The amendment proposed by Mr. Burnett was then agreed to and the report of the committee adopted.

The President then announced the receipt of the following communication from James D. Doty, the fiscal agent of the Council:

ASTOR, January 14, 1836.

To the Hon. William S. Hamilton,

*President of the Council.*

Sir,

A misunderstanding having arisen relative to the amount of money it was expected I could furnish the Council at its present session, I beg leave to say that it was my proposition to defray the necessary contingent expenses of the Council, and nothing more. And my object as was well known at the time was to enable that body to proceed to business, which it was supposed they could not do unless some person became responsible for the payment of those expenses. I will say that the members with whom I conversed particularly, before and after my appointment as agent, understood the matter as I did.

I am told now that some of the members are dissatisfied with this view of it, and conceive that I ought to furnish them from my private funds, the full amount of their pay.

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This would require a sum which I have not at command, and could not therefore undertake to meet it.

For these reasons, and to relieve the Council from any further difficulty upon the subject, as I have not qualified or in any manner entered upon the duties of the office of Fiscal Agent, I beg leave to decline the situation.

At the same time I wish to express my perfect willingness to make the advances as originally proposed by me and accepted by the Council, if it is satisfactory to the Council, but not otherwise. I shall await their determination therefore whether I shall qualify as their Agent, with no other liabilities than such as I have mentioned. But as motives have been attributed to me of which I was entirely unconscious, I should now prefer to decline it altogether.

*With much respect I am Sir,*

*Your most Ob'd't Serv't,*

J. D. DOTY.

Mr. Edgerton, from the committee on enrollments, reported the following as correctly enrolled, to-wit:

1. Memorial praying for the organization of a separate territorial government.
2. Memorial for appropriations for internal improvements.
3. Memorial on the public lands.
4. Memorial on extinguishing the Indian title west of the Mississippi River.
5. Preamble and resolutions on the obstructions preventing the Council from proceeding in the ordinary course of legislation.

On motion of Mr. Slaughter: *Resolved*, That the thanks of this house are due to the Honorable William S. Hamilton, for the enlightened, dignified, and impartial manner in which he has presided over their deliberations.

The President then, in a few appropriate and brief remarks, very handsomely expressed his sense of the honor conferred in the resolution, at the same time disclaiming all merit of such distinguished marks of respect from his colleagues in the welfare of the territory.

Mr. Burnett said that he thought some disposition ought to be made of the communication from Mr. Doty, which had been laid before the Council. It was due to the fiscal agent and to the house that the subject matter of that communication should be understood. He had expected that those opposed to him would take some course calculated to produce a decision when the letter was laid upon the table. As they seemed disposed to let the matter rest there, he would himself

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call it up, and in order to test the sense of the house upon the subject, he would offer the following resolution: *Resolved*, That the terms proposed by James D. Doty upon which he will perform the duties of fiscal agent for the Council are satisfactory; and that it is the wish of the Council that he may accept the appointment of fiscal agent.

Mr. Knapp said that before he voted on this question he wished to be informed what might be expected from the fiscal agent. If he would perform the duties, he should vote for the resolution; otherwise he could not.

On motion of Mr. Burnett the house resolved itself into a committee of the whole upon the resolution, Mr. Slaughter in the chair.

Mr. Burnett said that in offering the resolution now before the committee he was influenced by a sense of justice to the Council; by a sense of justice to Mr. Doty, who had consented to serve as the fiscal agent; and by a sense of justice to himself as the original mover of the resolution, conferring upon him the appointment. It was due to all concerned that the measure which seemed likely to produce some excitement should be fully understood.

Members came, generally, under doubts and uncertainty whether the Council would be organized and if organized, whether the necessary expenses of its organization and sittings would be paid. "I," said Mr. Burnett, "came without any expectation of receiving the per diem and mileage due to a member. I not only expected to receive nothing myself, but I did suppose that the members would have to make a contribution among themselves to defray the necessary expenses of house rent, fuel, stationery, etc., before the Council could proceed to business. So far as I was concerned, I came prepared in my feelings and intentions for all this. After our arrival, and before the Council was organized, in conversing with Judge Doty upon the subject, and expressing my views upon it, he stated that if the Council would appoint him their fiscal agent, he would advance the necessary funds to defray the most urgent expenses. The whole conversation was of a loose character and did not assume the nature of a business transaction. I only understood that he was willing to advance what was absolutely necessary. I thought the proposition to do that much so liberal, so much better than I had expected anyone to make, that I did not inquire how far he would go, how much money he would advance for us. Could any man reasonably expect

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that he would do more? Could it, for a moment, be supposed, that any person in the country would undertake to advance the whole expenses of the Council, including pay, etc., of the members and other officers, amounting to several thousand dollars, and lie out of his money, probably for six or eight months, without any adequate compensation? I think not. When I offered the resolution, which was adopted by the house, appointing him the fiscal agent, I had no definite understanding with him upon the subject. On yesterday I called upon him for more particular information, and I am authorized by him to say that although he had never desired the appointment, and would not hold it in opposition to the wishes of the Council, he was still willing to do everything that could reasonably be required of him in consequence of his acceptance, if his proposition shall meet the approbation of this house. He is willing to advance the amount of \$500 if necessary, to defray the most urgent claims against the Council, and to draw the money and pay over the residue so soon as the appropriation shall be made by Congress and can be received. Whatever others may think, I still consider his proposition as I first considered it, a liberal one, more liberal than any other man can be found to make. If the gentlemen opposed to Mr. Doty can suggest any other measure better for the Council and better for the public, let us hear it. If they cannot, I hope the resolution will be adopted.

“Some gentlemen entertain political feelings hostile to Mr. Doty, and perhaps these operate to destroy their confidence in him as a man and as an agent. Sir, political feelings must and will exist in the country, and so long as they are governed by reason and directed by prudence, it is right that they should be indulged. But I shall never judge the integrity and moral worth of any man by the standard of the politics which he professes. I am engaged in no measures of building up the political fame of any man; nor am I going to sit silently by and hear a man’s principles and integrity unjustly assailed without vindicating them. I will defend the principles of justice, whatever may be the political views of the man, or the opinions of others upon them. In all this matter I am bound to say that Mr. Doty has acted fairly and liberally; nor have I been able to discover in all that he has said and done anything calculated to excite the smallest degree of dissatisfaction or distrust.”

Mr. Knapp said he had no personal objections to Judge Doty. But he had misunderstood the affair. He had been led to believe from



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previous conversations that all the expenses of the Council would be paid. It was not till yesterday that he had understood differently—that this was not to be the case. “There has been a misunderstanding,” said Mr. Knapp, “nor is it *yet* explained. Judge Doty has been requested to confer with this body—did he do so, and comply with this reasonable request? No, sir. He only consulted the gentleman from Crawford! Nor can I, sir, conceive it by any means a hardship to advance these moneys—he will of course be paid for the use of his money. If he is to receive \$100 for advancing \$500 for a few months, it seems to me to be too much: he ought to advance the whole for that sum.”

Mr. Vineyard thought the truth had not been hinted at in this business. “Sir,” said Mr. Vineyard, “Judge Doty had his object in the commencement; his offering himself as fiscal agent was but one step towards another—to him a much more important one. At the commencement of this session there was in the minds of some, both in and out of this house, an expectation that an agent would be sent from this body to Washington City to bear the memorials and confer with the delegate on the best mode of inducing Congress to act in our behalf—and, sir, I must add, it is beyond disguise that Judge Doty coveted and expected to be this agent. But the Council sends no such messenger to Washington, but forwards its papers ‘by mail’ to the seat of government; and to this circumstance and not to any want of means or ‘misunderstanding’ are we now to be referred for the refusal of the fiscal agent to do his duty. Had he been commissioned by the Council and armed with authority to appear at Washington, I hazard nothing in saying that all the bills on your table would have been paid. Sir, I shall vote against the resolution; and I will go further, sir; I will pay my share of the expenses out of my own pocket before giving the agency to Judge Doty.”

Mr. Hamilton regretted that anything should occur just at the close of the session to mar the good feeling and kindness that had prevailed to this time. We may differ in our opinions, and that, too, most honestly and sincerely; but still good feelings should be preserved. Mr. Hamilton said it ought to be remarked that the appointment of fiscal agent was made, he believed, without any political bearing; at least so he understood at the time. Furthermore the agent is not expected to receive any compensation at present for his services. No one of us I believe has expected the whole bills advanced—but merely the

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smaller, necessary, contingent expenses. Had the agent consented to foot the whole of the bills without compensation, it would look like bribery. Why should he do it? Money is too valuable at this time for any gentleman to give the use of three thousand dollars for a year. "We came here, Mr. Chairman," said Mr. Hamilton, "without any prospect of receiving expenses. It was supposed perhaps that the agent considered it a duty to the country to do what he could to aid the Council in holding a session. He has done so, and for my part I regard it in the light of a meritorious act. He knew that, politically, many or most of the members had always been opposed to him, and perhaps always would be. But laying aside these considerations he has generously come forward and offered to advance for us such a sum as will enable us to defray the immediate expenses of the session. He has acted honorably—magnanimously—what more could we ask or expect?" Mr. Hamilton also said he would further explain that Judge Doty had asked of him privately how much money would be required? I replied, "A small sum for printing, stationery, etc., but the pay of members would not," I thought, "be expected. I think he has acted in good faith, and that no impure motives should be attributed to him in this transaction."

Mr. Knapp said the explanation now given was satisfactory—but that he had not so understood it at the first—and he was sure others had been in the same error. There had been cause—did not Judge Doty say on yesterday that if he could be sent to Washington all our expenses would be advanced? This looks strange, to say the least of it. But he should not longer oppose the resolution.

Mr. Burnett said that he reciprocated, with the greatest cordiality, the kind and liberal feelings of the gentleman from Iowa. The labors of the Council have progressed thus far with great harmony and singleness of spirit. "I had hoped that nothing would occur to disturb, in the slightest degree, the concord of feeling and union of purpose which have governed and directed all our exertions; and that in returning to our respective homes there would not be a single heart less kind in its recollections of our associations than in its anticipations before it commenced. It is therefore truly painful to perceive that any action of the Council is likely upon the eve of our separation to disappoint these general expectations. But whatever may be the feelings produced upon this occasion, I cannot consent to separate

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under any misunderstanding of what I have said or done or those that have had any connection with me. I must correct the mistake of the gentleman from Milwaukee. He has wholly misunderstood the conversation that passed between Mr. Doty and myself. In all my conversations with that gentleman, as well in relation to the fiscal agency as to other subjects, he never in a single instance suggested or alluded to the measure of sending him as a delegate to Washington. He did not say that if the Council would send him on in that capacity he would advance the money for all their expenditures—nor anything like it—nor have I at any time represented him as having made such a proposition. He stated to me—and I repeated the statement to the gentleman and to others—that he had to remit a large sum to New York, and if he could be in Washington City himself when the appropriation should be passed, so as to receive and forward it, he could advance the money here and send it on from the seat of government as a part of his remittance. But as he did not expect to go on, he would, necessarily, have to wait the reimbursement of any payments he should make here, for several months, at least, which would, under present circumstances preclude him from advancing more than \$500—which sum he was ready to pay upon the order of the Council. And yet gentlemen have suffered their imaginations to construe this fair and liberal offer into a direct attempt to bribe the Council to send the fiscal agent as a delegate to Washington. I trust, sir, that I shall ever be as ready as any other man, in or out of this house, to repel indignantly any offer that can possibly assume the appearance of bribery. But I am not ready to sanction by any proceeding of this house such a chimera of the brain, that for such a pitiful object and by such pitiful means, a private citizen had attempted to bribe the Council, and that he had considered the members as fit subjects for such a corrupt operation, when I know that there is not a single fact to justify such an opinion. That individual is not here to defend himself. As one of the oldest friends which I have in the territory, whose course towards me has ever been liberal, kind, and generous, I would be false to the best of human feelings to permit him to be unjustly assailed without attempting his vindication. In doing this I feel that I am sustained by the sacred principles of truth and justice.

“Whatever may be the political views of Mr. Doty, or of others respecting him, my own feelings of friendship towards him have

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never involved me in any of the political controversies in which he has been engaged. The delegate in Congress and all his friends are well aware of this. I can therefore have no view to his advancement in the course which I have taken upon the subject now before the committee. The gentleman from Iowa, who has presided over our deliberations with so much satisfaction to the members and honor to himself and who can never be suspected by anyone who knows him of entertaining the remotest desire of advancing the fame and influence of Mr. Doty, understood all his conversations and propositions relative to the fiscal agency precisely as I have understood them. We both consider that those propositions were generous and liberal and prompted by a spirit desirous of promoting the labors of the Council and the good of the country; and that in the whole matter he has acted honestly and without any just ground of reproach."

Mr. Vineyard said, "Judge Doty has the advantage of me in good counsellors—but, sir, he needs them all. He has cast a slur on the Council that will not be easily effaced. To whom did he make the offer of advancing money? Not to me as one; and I am glad that he did not."

The resolution was then adopted in the committee, Mr. Vineyard voting against it. The committee rose and reported to the house, and the house concurred and adopted the resolution.

On motion of Mr. Vineyard: *Resolved*, That the thanks of this Council be presented to the several clergymen who have honored it with their attendance upon its sittings.

On motion of Mr. Slaughter to adjourn, the President tendered to the members his cordial thanks for the kindness and goodwill with which they had sustained him uniformly in his duties in the chair—and he improved the occasion, in the name and behalf of the Council, to tender their sincere acknowledgments to the people of Green Bay who had so courteously and generously afforded every possible facility in the discharge of their duties.

The Council then adjourned, *sine die*.

## Biographical Sketches

### BIOGRAPHICAL SKETCHES

CHARLES COATSWORTH PINCKNEY ARNDT was born October 31, 1811, at Wilkesbarre, Luzerne County, Pennsylvania. While still in youth, he came with his father's family to Michigan. In 1824 he removed with his family to Green Bay, where he continued to reside until his death, except during the period spent in acquiring his collegiate education and in completing his professional studies.

Having received a suitable preparatory education, he entered Rutgers College, New Brunswick, New Jersey, from which he was graduated an A. B. in 1832, and where he subsequently received his master's degree.

He studied law with the Honorable Joel Jones of Easton, Pennsylvania, and was there admitted to the bar in April, 1835. Subsequently, during the same year, he returned to his home at Green Bay, where he was admitted to practice in the courts of the then territory of Michigan. During the next six or seven years, and until his tragic death, he continued his practice at that place and was beginning to take a high standing at the bar and bid fair, if his life had not been cut short, to attain distinction.

In 1839 he was elected a member of the Council in the second legislative assembly for the unexpired term (three years) of Alexander J. Irwin, and served at four sessions, one of which—in August, 1840—was a short extra session of only eleven days.

At the session of 1841-42 Governor Doty had nominated, for the advice and consent of the Council, one Enos S. Baker, for the office of sheriff of Grant County. Mr. Vineyard, a member for Grant County, was opposed to his confirmation and Mr. Arndt was in favor of it. On the eleventh of February, 1842, upon a motion to postpone for a few days the consideration of the nomination, a discussion ensued in which angry and offensive words were exchanged between the two, in the midst of which the Council was adjourned, when they met in close proximity; threats of violence ensued, and the result was that Vineyard took from his pocket a pistol from which he instantly discharged a bullet that went directly to the heart of Arndt, who immediately fell to the floor and expired at once without the utterance of a sound. [From *Reports of Wisconsin State Bar Association, I, 172-73.*]

THOMAS PENDLETON BURNETT was born in Pittsylvania County, Virginia, on the third day of September, 1800. His father, John Burnett, migrated to Kentucky when he was a young child. His education was secured in the common schools and at one of the county academies of Kentucky. He began the practice of law at Paris, Kentucky, attaining some eminence in the profession. During Jackson's administration he was appointed sub-Indian Agent at Prairie du Chien, October 15, 1829, under the agency of J. M. Street. He arrived at Prairie du Chien in June 1830, finding there only two or three American families, together with the garrison of Fort Crawford. In addition to his duties in the agency Mr. Burnett also practiced law, attending the

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courts not merely in the county of Crawford at Prairie du Chien but also at Mineral Point and Green Bay. From the year 1834 Mr. Burnett devoted all of his time to the practice of law and the pursuit of politics. After being a member of the Rump Council, he was elected by the people of Crawford County to membership in the first legislative assembly of the territory, although he was not permitted to take his seat owing to a technical objection, and Crawford County remained unrepresented in that assembly. Mr. Burnett removed to Cassville in 1837. In 1838 he was an unsuccessful candidate for the delegacy, and this experience was repeated in 1839. In addition to his law practice he held the office of reporter of the supreme court and prepared the reports which were published in 1843-44. He was a member of the legislative assembly in 1845 and 1846; and he was a delegate to the constitutional convention in 1846 but died on November 5, before the close of the convention.

In politics Mr. Burnett prided himself on being a strict follower of Jefferson and Jackson. [See obituary in *Wis. Hist. Colls.*, II, 233-325.]

BENJAMIN HYDE EDGERTON was born in Saybrook, near Norwich, Connecticut, April 17, 1811, the eldest son of Elisha and Diana (Hyde) Edgerton. His family removed to a farm near Rome, New York, and afterwards to Buffalo. In the early thirties he went to Green Bay, Wisconsin, where he was employed on United States government land surveys, for which he had prepared himself through his earlier education. He continued his engineering studies while surveying, and became one of the leading civil engineers of early Wisconsin, following that profession until about 1870. Mr. Edgerton platted a part of the city of Milwaukee and afterward was made chief engineer of the Milwaukee and Mississippi River Railway. Later he was engineer in chief of the Milwaukee and Northern Railway, surveying the line to Green Bay with a branch to Menasha, Neenah, and Appleton; he was also chief engineer of the McGregor Western Railway in Iowa, and of the Kansas Southern Railroad.

The above statement does not exhaust the list of railroad building enterprises with which this distinguished engineer was connected. He died in Chicago, December 9, 1886. [See sketch in *Wisconsin Magazine of History*, IV, 354-57.]

ALBERT GALLATIN ELLIS was born at Verona, Oneida County, New York, August 24, 1800, and died at Stevens Point, December 23, 1885. He came to Green Bay in the summer of 1822 as an Episcopal lay reader and teacher to the Oneida Indians, who had just been transferred from Oneida County, New York, to the country of the Menominee near Fort Howard (Green Bay). He held various offices under the governor of Michigan in the years following, acting for a time as deputy under the surveyor general, in which capacity he surveyed, during the years 1832 and 1833, a portion of the government lands about Green Bay.

Mr. Ellis is said to have done the first printing which was done in the territory of Wisconsin. He had planned as early as 1831 the publication of a

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newspaper at Green Bay, and contracted for a Ramage press on which to print the same. However, the newspaper was begun by others, Ellis coming into the project as a partner soon after its inception; he may not improperly be regarded as the founder of the Green Bay *Intelligencer*, the first newspaper published in Wisconsin. In 1852 Mr. Ellis removed to Stevens Point, where in 1853 he established the *Wisconsin Pinery*. In the same year he was appointed first receiver of the newly created United States land office at Stevens Point, a position which he continued to hold until 1861. He published the *Wisconsin Pinery* until 1860. In 1884 he began still another newspaper venture, the *Wisconsin Eagle*, which he continued until a short time before his death.

Mr. Ellis' courtesy title of "General" has its origin in the fact that in 1837 he was appointed by President Van Buren surveyor general for Wisconsin and Iowa, which position he held until 1841, when he resigned. He was a member of the first Territorial Council held at Belmont in November, 1836, and of the Territorial Assembly in 1841, 1842, and 1843. [See his "Recollections" in *Wis. Hist. Colls.*, VI, 206-37.]

WILLIAM S. HAMILTON was born August 4, 1797, the sixth child of Alexander Hamilton. He passed his early years and received his early education at New York. In 1814 he was admitted to the United States Military Academy at West Point, resigning in 1817 on receiving an appointment on the staff of Col. William Rector, surveyor general of Illinois, Missouri, and Arkansas. He then went to Illinois, where he was occupied in the work of land surveying as deputy surveyor general for several years. As early as the year 1825 he entered the territory of the present Wisconsin, driving a herd of cattle north from Illinois to Fort Howard at Green Bay. In 1827 Hamilton began the business of lead mining at Hamilton's Diggings, later called Wiota, in the present Lafayette County. He was prominent in the lead mining region for more than twenty years. His business included mining the ore, as well as smelting. In addition to his home establishment he operated, from the year 1837, a smelter at the Wisconsin River on the site of the later town of Muscoda, then known as English Prairie. He was interested in promoting commercial improvements, was a stock holder in the Pecatonica Navigation Company, in the Mineral Point Bank, etc., and was an active promoter of schemes for the upbuilding of the country.

Hamilton had served a term as member of the assembly in the legislature of Illinois before coming to Wisconsin. This experience may have had some influence in causing his election to the presidency of the Rump Council, though his general reputation and ability, and his relation to the great Alexander Hamilton doubtless had their effects.

Hamilton was a member of the house of representatives from Iowa County in the fourth legislative assembly, 1842-43, and he was an unsuccessful candidate for a seat in the constitutional convention of 1846. Being a Whig in politics in a Democratic territory and state, his chances for political preferment gradually ebbed away. In 1843 there was a movement among the

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Whigs to nominate him for the delegacy, which, however, failed of success, and this practically ended Hamilton's political career. In 1849 he joined the overland emigration to California. He died of a fever in Sacramento on the eighth of September, 1850.

GILBERT KNAPP was born at Chatham, Cape Cod, Massachusetts, December 3, 1791, the son of John and Sarah (Smith) Knapp, both descended from English ancestors. John Knapp was a captain in the Revolutionary War and after the war became a ship captain, trading with European ports. Later, he followed merchandizing in Poughkeepsie, New York.

Gilbert Knapp studied in his native town, becoming proficient in English, mathematics, and navigation; to the latter subject he gave special attention. At the age of fifteen he went to sea, sailing first to Davis Straits, then to Cadiz in Spain. During the War of 1812 he was maté on a privateer (the *Leo*) which had several engagements with British vessels.

After the close of the War of 1812 young Knapp entered the government service on the Great Lakes. In 1819 he was commissioned captain in the United States Revenue Marine Service in command of the *A. J. Dallas*. In this service Captain Knapp did much to stop the illicit trade which English merchants were carrying on to the detriment of licensed American traders like John Jacob Astor. After eight years of this experience he retired, in 1828, to private life.

During one of his cruises on Lake Michigan it is said that he landed at the mouth of Root River, went on shore, and satisfied himself of the desirability of that location as the site of a town. Six years later, in 1834, he went back to the place from his home, which was on Lake Erie, and in company with Gurdon S. Hubbard of Chicago founded the town of Racine.

The legislative service of Captain Knapp, which began with the Rump Council, was continued throughout the first legislative assembly of the territory of Wisconsin, the last session of which convened at Burlington, June 11, and adjourned June 25, 1838. He returned to the revenue service in 1840, remaining this time until 1845. Then, after the lapse of four years, he went back for another period of four years, retiring in 1853. This might have been the end of his career as a naval officer but for the breaking out of the Civil War, which induced him to take service once more in coast and blockade duty. Afterwards he commanded the *Morris* in Boston harbor and at the close of the war was stationed on the Lakes, remaining on active duty until 1874. Captain Knapp has always been held in high esteem by the people of Racine, because of his relation to the beginnings of that city and on account of his personal qualities.

JOHN LAWE was a native of York, England, his father being a captain in the English army and his mother an English Jewess. He was educated at Quebec and went to Green Bay in the summer of 1797 with his uncle Jacob Franks, in whose employ he entered into the Indian trade on Fond du Lac River. Subsequently he traded at various points between Green Bay and the



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Mississippi, ultimately, about 1812, becoming the successor of Mr. Franks as manager of the business.

During the war Mr. Lawe held a commission in the Indian Department under the British, but performed little active service. He was the leading fur trader of the early settlement of Green Bay, friend and counselor of the Indians, and chief representative of the French-speaking settlers on the lower Fox. He was agent for many years of the American Fur Company, and lost his lands by heavy mortgages to Astor, when the fur trade began to decline. He was appointed by Governor Cass associate judge of Brown County Courts, and was a man of great probity and benevolence of character. His death occurred at Green Bay February 11, 1846, in his sixty-fifth year.

WILLIAM B. SLAUGHTER was a native of Culpepper County, Virginia, and was born on the nineteenth day of April, 1797. He was English by descent. His early education was acquired at select private schools and the Stevensburg Academy. He was also a student at William and Mary College. In 1826 he began the practice of law at Bardstown, Kentucky, removing four years later to Bedford, Lawrence County, Indiana. He was a member of the legislature of Indiana in the session of 1832, and in 1833 was appointed by President Jackson register of the land office at Indianapolis.

In 1835 Mr. Slaughter was appointed register of the land office at Green Bay, from which position he was transferred to the secretaryship of the territory of Wisconsin in 1837. This office he resigned in 1841 and returned to Virginia, where he resided until the breaking out of the War of the Rebellion in 1861, when he came back to Wisconsin and settled in Madison. In 1862 he was appointed by President Lincoln quartermaster in the Union army, resigning in 1864 and returning to private life. He died on his farm near Madison July 15, 1879.

Colonel Slaughter devoted much of his time to literary pursuits, producing a work entitled *Reminiscences of Distinguished Men* (Madison, 1878). In the Rump Council he was the author of the memorial to Congress praying for the establishment of a separate territorial government for Wisconsin. [Facts gleaned from his own *Autobiography*.]

JEREMIAH SMITH was born in Pickaway County, Ohio. It is said that he carried on fur trading with the Sauk and Foxes on the Iowa River, arriving in September, 1833. He had a farm west of Burlington. His oldest daughter, later Mrs. Amelia Hay, was born at Burlington, April 18, 1835. He had previously lived in Greene County, Illinois; at least he is so listed in the roster. He was first a captain of one of the companies of the Second Regiment which participated in the Black Hawk War, and later was elected lieutenant colonel. This regiment was part of the Third Brigade.

After his services in the Rump Council he was in the year 1836 elected to the territorial council from Des Moines County and participated in the sessions at Belmont and Burlington. As an inducement to have the legislature meet at Burlington, Smith constructed a suitable building at his own

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expense; in this structure the legislature met in November, 1837. The building was destroyed by fire in December of the same year. Smith petitioned Congress for payment, and his petition was granted, but, it is said another Jeremiah Smith secured the money—something over \$4000—by signing his name to the voucher. As late as 1844 Governor Chambers wrote to Major Jeremiah Smith concerning the necessity of his going to Washington as a witness against the other Jeremiah Smith, but we have found no evidence of his having received the money.

Jeremiah Smith was present at the treaty made by Governor Dodge with the Sauk and Foxes on September 28, 1836, and benefited by an assignment of annuities. [For the material of this sketch we are indebted to the State Historical Society of Iowa.]

LEVI STERLING was born in Woodford County, Kentucky, January 2, 1804. He came to Galena in March, 1828, and in May following located in the neighborhood of Mineral Point. He was, in 1830, appointed deputy clerk of the United States District Court, and County Court of Iowa County; and during the Indian war of 1832 served as a lieutenant in Captain Frances Gehon's company, under Colonel Henry Dodge. In 1833 he was appointed by Governor Porter of Michigan Territory sheriff of Iowa County, and at the same time discharged the duties of marshal of the United States District Court for the counties of Crawford and Iowa—a district of country then embracing the whole of the present limits of Wisconsin, excepting the old county of Brown.

In 1836 Mr. Sterling resigned the sheriffalty; when, the same year, Wisconsin Territory was organized, he was appointed auctioneer of Iowa County. He was also elected transcribing clerk of the Wisconsin territorial legislature, at the session held at Burlington in June, 1838; and was, the same year, appointed one of the commissioners to relocate the half-breed Indian lands reserved by the Winnebago under the treaty of 1829. He was also in 1838 chosen a member of the Legislative Council from the county of Iowa for the term of four years. He took his seat at the first session held in Madison in November of that year; he served in the Council five sessions, including two extra sessions, and resigned in 1841. He was in that year appointed by the President receiver of public moneys of the Mineral Point land district.

Mr. Sterling was chosen sheriff of Iowa County for the second time in 1846, and re-elected to the same office in 1848; in 1850-51 he served a term in the state senate; in 1851 he was appointed a deputy surveyor of United States lands by the surveyor-general of Iowa and Wisconsin; and in 1852 he was again chosen for a term of two years in the state senate. He was once more elected sheriff of Iowa County in 1854; he was this year (1857) appointed by Governor Bashford a commissioner, in conjunction with ex-Governor L. J. Farwell and Hon. John P. McGregor, for the location and erection of the Wisconsin State Hospital for the Insane. This long list of public services attests the worth and popularity of the man, whose ambition, with his natural modesty, probity, and industry, seems to have been directed to serving faithfully those who confided important trusts to him; and to have

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done this for so long a series of years is in itself high praise and must carry with it ample satisfaction. [*Wis. Hist. Colls.*, III, 50-51.]

JOSEPH B. TEAS was born in Knox County, Tennessee; he was a brother of George W. Teas, also prominent in early Iowa. In February, 1833 Joseph B. Teas was among the settlers who built cabins on the site of Burlington. They were driven off by soldiers under the command of Colonel Davenport but returned June 1, 1833, when the land was opened to settlement.

After serving in the Rump Council in January, 1836 Mr. Teas was chosen a member of the Council of Wisconsin Territory which met later in 1836 at Belmont, and in 1837 at Burlington. He was also a member of the council of the Iowa legislative assembly from 1842 to 1846, the fifth and sixth assemblies.

With his brother he was attorney for the plaintiff in the first case tried in Washington County, Iowa. He was also prosecuting attorney in the first criminal case tried in Des Moines County—*The State vs. Richard Chaney. T. S. Parvin*, in "The Early Bar of Iowa" (*Iowa Historical Lectures*, 1894, p. 82), says that both Joseph B. Teas and his brother had been Methodist preachers. [For the material of this sketch we are indebted to the State Historical Society of Iowa.]

JAMES R. VINEYARD was born in Kentucky in 1804. He came to Wisconsin as one of the early lead miners, settling in the vicinity of Platteville, Grant County. In addition to serving in the Rump Council, he was a member of the first, second, and third legislative assemblies, attending the sessions regularly from the first session of the first assembly, which convened at Belmont October 25, 1836, to and including the second session of the third assembly in 1841 and 1842.

It was during this last session, on the eleventh of February, 1842, that Vineyard shot and killed Charles C. P. Arndt, a member of the Council from Brown County. After this tragic incident, although Vineyard was acquitted on the ground of self-defense, he took only a minor part in politics. He was, however, a member of the constitutional convention of 1846 from Grant County, and was a member of the assembly from the same county in 1849. In 1850 he removed to California, where he attained some prominence in state politics. He died in 1863.

WISCONSIN'S FARM LOAN LAW, 1849-1863

JOSEPH SCHAFER

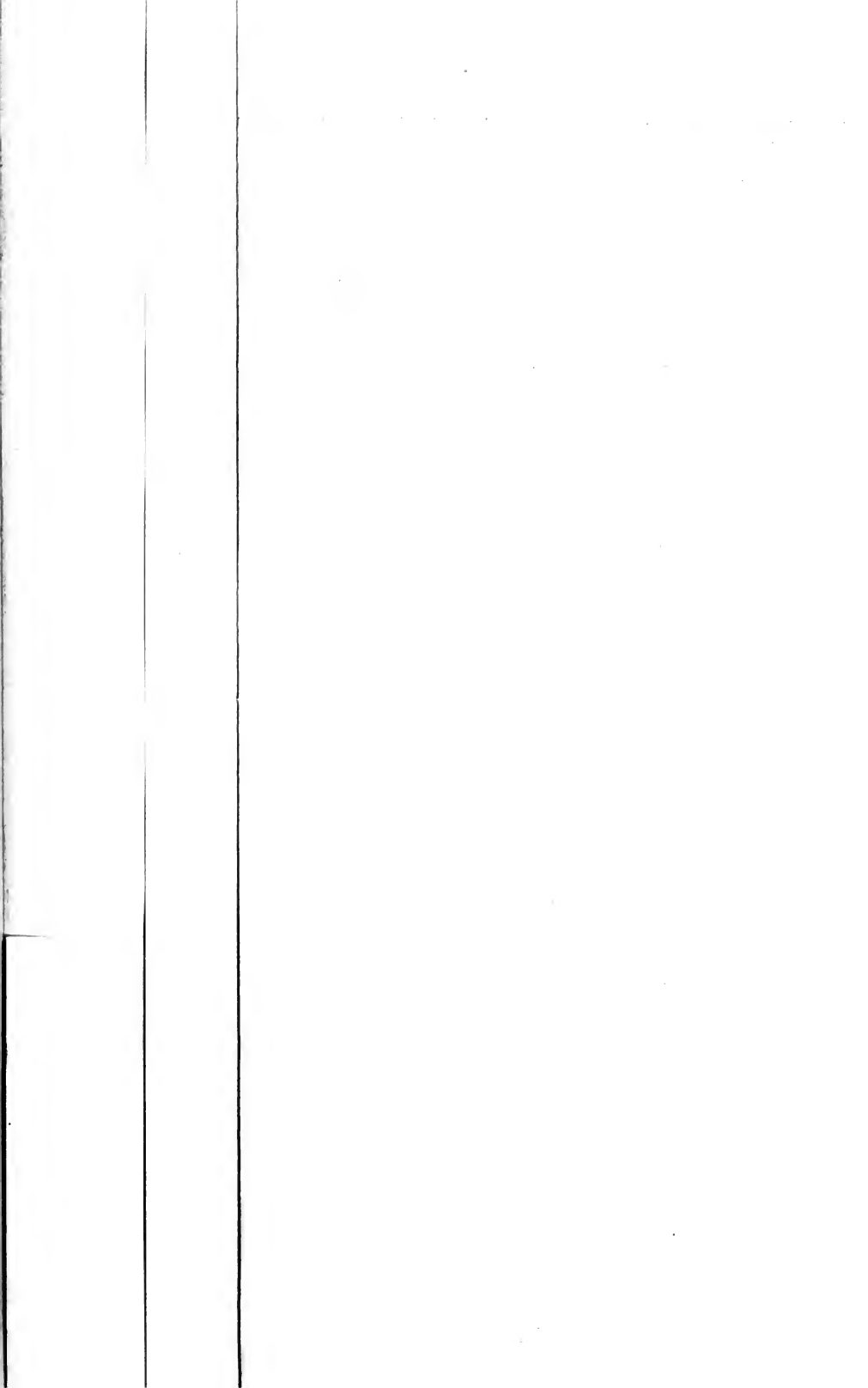
The title of this paper may seem misleading to some who have looked in vain for "farm loan law" in the indexes of all editions of the revised statutes. Nevertheless, there was a law on the statute books which might properly have borne that title but did not. It was called "An Act in relation to the School and University Lands, the sale and superintendence thereof, and the powers and duties of commissioners of said Lands." This act (chapter 24, *Revised Statutes*) was passed by the Legislature of Wisconsin at its second session and was approved by Governor Nelson Dewey April 2, 1849. Supplementary acts and amendments were passed at various times thereafter.

At the date of Wisconsin's admission into the Union the Congressional policy, begun by the Continental Congress in 1787, of granting to new states one section of each township for the support of common schools was, of course, thoroughly established.<sup>1</sup> That "endowment for education," as it was generally called, came to the state automatically in the grant of the "sixteenth section." In addition Wisconsin received at the hands of Congress during the territorial period the so-called Five Hundred Thousand Acres. This was a grant made in the year 1841,<sup>2</sup> under the Whig régime, to promote the policy of internal improvements in the states.

Influenced no doubt by the example of Iowa, public sentiment in Wisconsin favored the plan of adding the Five Hundred Thousand Acres to the land fund for the support of public schools. However, the constitution of 1846 contained no provision covering the point. That instrument being defeated at the polls, the new draft adopted in 1847 included a provision (article X) for devoting the Five Hundred Thousand Acres to the support of schools, Congress consenting. And in the debate on ratification which followed, this provision was

<sup>1</sup> Minnesota, admitted in 1858, was the first state to receive two sections, 16 and 36, in each township.

<sup>2</sup> September 4, 1841.





## Wisconsin's Farm Loan Law, 1849-1863

made an outstanding argument on the affirmative side.<sup>3</sup> Very naturally, there was also an argument against the constitution on the ground that the Five Hundred Thousand Acres grant was thereby diverted from its original object, internal improvements, so sorely needed in counties like Crawford, for example, and was added to the school fund which one writer predicted would, even without that addition, amount in ten years to about four million dollars. With the adoption of the constitution, however, the provision became at once effective through its previous acceptance by Congress.

Another early educational grant received by Wisconsin was the customary seventy-two sections for the support of a university; there were certain minor grants besides. In the process of making the fund available the first step would be to select these lands, and a law of July 29, 1848 provided for the appointment, by the governor, of commissioners in each county for that purpose. The selections were made promptly and in most instances with proper care, for the selected lands were always considered more valuable, acre for acre, than those arbitrarily located in the sixteenth sections. The next step was to appraise all of the educational lands, including the sixteenth section, and an act of August 12, 1848, made provision for this. The two houses, by joint resolution, were to appoint three persons in each county as appraisers, which was done four days later.

It had been expected, and indeed the law provided, that the appraisal of all school and university lands should be made during the year 1848, the appraisers to report to the Secretary of State not later than December 15, and the Secretary to make a detailed report to the legislature before January 20, 1849. Here is evidence of hot haste; and it is true that there was a widespread desire to get the lands on the market with the loss of as little time as possible. The motives behind that policy were only in part educational. Probably quite as many people were effectively interested in the fund as were interested in the educational upbuilding for which the income from the fund alone could be used. Everyone knew that when the lands were sold and the returns therefrom invested, there would be an income for edu-

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<sup>3</sup> See *Wisconsin Historical Collections*, Constitutional Series, No. III, pp. 343-44. A writer in the *Madison Argus*, March 30, 1847, feared that if the constitution were defeated, opposing interests might reverse this policy, thus perhaps pledging the state to what most Democrats considered the very dangerous doctrine that public improvements should be carried out by the states, not by individuals.

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cation; and most people had either an active or a passive desire to see education promoted. On the other hand, some persons—an influential and energetic group—were very anxious to procure the means of building a railway privately and looked to the school fund as offering at least an opportunity. Another group was keen to have the state undertake the building of roads, canals, and, perhaps, railways, employing the school fund for such enterprises. Still others—and these were numerous—looked upon the prospective school fund as a resource for impecunious counties, towns, cities, and villages that needed to borrow money for local improvements. But there was a fourth class, more numerous than all the others combined, who coveted the privilege of borrowing, privately, from a fund controlled by the state which could be loaned on easy terms, at a low rate of interest. Times were hard in the new state. Money could be had, from Eastern sources indeed, but the rates of interest were crushingly severe. Ten per cent was the minimum, and we hear of twenty, twenty-five, or even higher rates being charged. The state would charge seven per cent on its school fund. Since almost everyone was in debt or was anxious to extend his business on a credit basis, it followed that many looked to the prospective school fund as a vital personal resource.

The first appraisals were confined to the counties south and east of Wisconsin and Fox rivers. This was the region of rapid settlement, the government survey of which had been carried out in the years 1833 to 1836. North and west of that line much surveying remained to be done.

When the legislature convened in January, 1849, plans for the management of the school lands and the school fund were already in process of formulation. In fact, the first bill relating to school lands reported June 19, 1848, was intended to cover the sale of such lands and the investment of the proceeds.<sup>4</sup> These provisions were deemed premature and the committee was instructed to bring in a substitute which should provide for locating and appraising the university and school lands. Thus the business was set back to its logical beginning. But the draft of the original bill is interesting by way of forecast.<sup>5</sup> It constituted the Secretary of State, State Treasurer, and Attorney

<sup>4</sup> Reported by Mr. Philo White, chairman of the Senate Committee on Education and School Lands.

<sup>5</sup> Ms. in files of Secretary of State's office.



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General a commission to manage the school lands. The commission was empowered to appoint a board of three appraisers in each county. After the appraisal of the lands in any county the commission was to sell them at the county seat of the county at public auction to the highest bidder, but not below the appraised valuation. There was to be a pre-emption right in not to exceed eighty acres. Left-over lands could be disposed of by private sale.

Two provisions of this bill are especially interesting in view of the legislation actually adopted the next year, namely, the terms of sale of school lands, and the mode of loaning the school fund. On the first point White's bill provided: "The commissioners shall not require any portion of the purchase money to be paid at the time of such sale nor within ..... years thereafter," etc. Warranty deeds were to be given to all purchasers. If purchase price had not been paid, a mortgage was to be taken back as security. On the second point it provided that money in the school fund should be invested in "securities," or loaned on the security of unincumbered real estate in the state of Wisconsin, the rate of interest to be seven per cent and the loans to be made, as far as practicable, to the people of the several counties in proportion to population as shown by the last census.

This White bill aroused some discussion at the time it was presented. The assembly committee on education and school lands criticised it (see printed Report of July 12, 1848) for the provision permitting sales of land without requiring part payment at time of sale. They suggested the requirement of an initial payment of not less than twenty-five per cent, in which they probably followed the Michigan law. This committee also raised the question (a) whether it might not be advantageous to sell now only the alternate sections, or lots within sections, leaving the balance to acquire social value as settlement progressed; (b) whether the sale to any individual purchaser should be limited in quantity, and actual settlement on the land purchased be made a condition of sale. The last point is specially significant, as it looked to the exclusion of speculators.

The assembly bill (101A), passed and approved April 2, 1849, is a long and comprehensive measure which was designed to cover every question connected with the management of the school and university lands, their sale, and the investment of the moneys to be derived

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from their sale.<sup>6</sup> The agent for the administration of this prospectively huge business was the Board of Commissioners of School and University Lands, composed of the Secretary of State, the State Treasurer, and the Attorney General. The commissioners were empowered to employ necessary clerical assistance, but there is no provision for a responsible unitary directing head, nor is there a clear division of functions among the three officers concerned. Any two of the commissioners constituted a quorum for the transaction of business.

The law subdivides under three main heads, dealing respectively with the sale of the lands, the investment of the funds, and miscellaneous. It was provided that all appraised sections of the sixteenth section lands and the university lands should be offered for sale at auction before the fifteenth day of December, 1850, the appraised valuation plus the cost of appraising and subdividing the lands to constitute the minimum price.<sup>7</sup> The commissioners and the governor might, at their discretion, reserve given tracts for later sale at auction, and no land could be offered at private sale until after it had been offered at public sale. Then they must go to the first applicant. Ten per cent of the purchase money must be paid at the time of purchase; the balance might be paid at any time within ten years, interest at the rate of seven per cent being paid each year in advance. But, when the purchase money fell due, the purchaser might still retain it as a loan, from year to year, leaving title to the lands in the state as before and paying interest as before. All school lands were subject to taxation from the date of the issuance of certificates of purchase. They were patented only when purchase money was fully paid. The law says (section 10) "no bid shall be received from any one person for more than one hundred and sixty acres of land in this state."

As money should come into the school fund from the sale of school lands, and into the university fund from the sale of university lands, it was made the duty of the commissioners to loan the same to citizens of Wisconsin, in sums not less than \$100 nor more than \$500, on real estate mortgage security; and whatever was contributed to the fund from the lands located in a given county should be loaned in that

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<sup>6</sup> See title, p. 1. It occupies fifteen pages, 149-65, in *Laws of Wisconsin, 1849*, and is cited as Chapter 24, *Revised Statutes*.

<sup>7</sup> In the case of university lands and the Five Hundred Thousand Acres, the cost of selecting the tracts was of course additional to the above items.

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county. The commissioners had to pass on the adequacy of the security offered for loans, but the law placed upon the applicant for the loan the burden of furnishing a complete abstract of title. The loans were limited formally to five years, with interest at seven per cent paid in advance, provided the borrower might at his option extend the loan from year to year. This proviso made the duration of loans indefinite, but with a five-year term assured. The sum loaned might not exceed one-half of the appraised value of the premises to be mortgaged, "clear of all perishable improvements"; and the commissioners had power to limit loans to a smaller relative amount.

Among the miscellaneous provisions is one granting a pre-emption right to settlers on school and university lands to purchase forty acres of such land embracing their improvements, at a minimum price of \$1.25 per acre.

### GENESIS OF THE LAW, REVISED STATUTES, CHAPTER 24

This brief summary shows the general relation of the law of 1849 to White's bill of the previous year. The organization of the commission is identical in the two plans. But in the terms of sale the law of 1849 differed from White's bill, as it did also in the plan of loaning the funds and in limiting the amount of land which might be bid in by a single individual.

The history of the law, as it passed through the legislature, reveals some of the influences under which it was moulded. The bill (101A) was reported by the revisors of the statutes who, in preparing their draft, seem to have followed mainly the Iowa and Michigan laws.<sup>8</sup> The manuscript draft, as it reposes in the archives, is much cut and pieced, pasted over, interlined, etc., so that it is not easy in all cases to know precisely what it originally contained. However, it seems plainly to provide that the purchaser was required to pay down not less than ten per cent of the purchase price; the credit was for twenty-five years; there was no limit upon the quantity of land which might be bid in by an individual; and the funds were to be invested in securities probably outside of the state.

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<sup>8</sup> A legislative committee, J. T. Mills, chairman, which reported to the assembly February 4, 1856 (see Ms. in Secretary of State's files), declared the law had been "slavishly copied from R. S. of Michigan 1846, being Ch. 60." But that statement is hardly justified by the facts.

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This last provision drew a fire of criticism at once, the editor of the *Watertown Chronicle* complaining that the withdrawal of so large a sum of money from the state would cripple business seriously, whereas if it were loaned to individuals in the several counties, as it easily and safely could be, the people might save from thirty per cent to forty per cent in interest. "The money cannot be spared," he says, "it must not be."<sup>9</sup> The *Wisconsin Argus*, of Madison, published a long article on the thesis that the school fund ought to be invested in a railroad to be built by the state from Milwaukee to the Mississippi River. The writer undertakes to show that the business of such a railroad in transporting wheat, mineral, lumber, and other traffic would yield, above the cost of maintenance and repair, at least \$400,000 per annum, which would be several times the income from such a fund if invested in the ordinary way. Besides, the indirect advantage of the plan, in augmenting the value of lands and other property, would be incalculable. These would be similar to the advantages realized by the state of New York from the construction of the Erie Canal. "The income would continue to increase until the state and the whole country west of us were filled with inhabitants, and the full extent and the capacity of our bountifully producing soil should be developed. Real estate far back in the interior would rise in value until it would stand at the same valuation with that in the vicinity of the lake, and our products near Milwaukee prices."<sup>10</sup> There was still a third view, expressed by the *Lancaster Herald* editorially.<sup>11</sup> The editor, after calling attention to the passage of the bill incorporating the Milwaukee and Mississippi River Railway, with Cassville as the western terminus, says: "If the school fund can be safely invested in the road, we say it ought to be so invested. That fund surely ought to be invested in stocks as fast as it accrues; then why not invest in stocks of our own so as to benefit incidentally the universal interests of trade and agriculture in our midst as well as to secure in the end a liberal dividend for the support of schools."

<sup>9</sup> March 21, 1849, p. 3, c. 2. The editor says the draft provides for the investment of the school fund in stocks either of the United States or of the state of New York.

<sup>10</sup> The article was printed in the *Lancaster (Grant County) Wisconsin Herald* of March 17, 1849. The writer thinks 19/20 of the legal voters would favor such an investment. He is opposed to lending the money to private railway companies.

<sup>11</sup> March 17, 1849, p. 2, c. 6.

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The public discussions, of which the above are samples, are doubtless representative of opinion in the legislature as well as out of it. When, therefore, on March 20 the assembly debate began in committee of the whole, it was pretty sure to center largely on the loan feature of the bill. Other points were considered also, and numerous detailed amendments were adopted. But the tug of war came over the sections providing for the loaning of the funds. In fact, the sections of the law covering the question of loans (61, 62, 63, and 64) were stricken out of the original draft and wholly new sections provided by way of substitutes. The House *Journal* for March 20, 21, 22, 23, and 24 records the multiplicity of motions made and votes taken, but one has to go to the newspapers for a description of the debate and an adequate idea of the intensity of feeling it engendered.<sup>12</sup> Partisans of each plan were on the alert—the railway group, who wanted a law that would permit the railway company to borrow the school fund for the purpose of building their road, and the farmer party, who wanted a law that would enable small men to borrow small sums, were the chief contenders; though some members held for the plan of state-built public works to be financed from the school fund, and others wanted to give opportunities to counties, cities, towns, and school districts to borrow from the fund for public purposes.

The upshot was that wherever, in the original draft, the word "invest" had been used, it was stricken out and the word "loan" substituted. One section (92) of the original bill permitted loans to the several counties in the state, to incorporated cities, towns, and villages therein, on the faith and credit of the said county, town, or village

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<sup>12</sup> See Milwaukee *Sentinel*, March 24, 1849, Madison correspondence of March 23: Assembly—"The bill concerning the school and university lands occupied all the session. A very exciting debate sprang up and some personal feeling was manifested. Without any action the house adjourned."

See also the *Wisconsin Express*, Madison, March 27, 1849. Report of legislature for March 23. Assembly, Afternoon Session—"The consideration of the bill for the sale of university and school lands was resumed, and amendment followed amendment in quick succession, and a warm and excited discussion took place—personal allusions were made—explanations were called for—propositions were submitted and plead. One proposition was to make the proceeds a general fund to be loaned to the several counties equally—another to distribute the proceeds on the basis of population—and yet another to make the proceeds a county fund, and loan in each county the funds derived from the sale of lands in that county. The longer the discussion continued the farther was the assembly from union. Motions were made to adjourn and lost—calls of the house were ordered and dispensed with. The proposition to loan the proceeds in the county where the land lies was finally adopted—ayes 30, noes 14."

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applying for the same." This was stricken out. The amount of the loan to any one person was an important issue, several amendments being proposed on that point, until the figures finally stood at \$100 minimum and \$500 maximum. Then there was a struggle over the allocation of the loans. Should the fund, as a whole, be loaned freely to any applicant in the state? Or, should it be parceled out? If so, should it be apportioned among the counties on a population basis? Should the county be taken as the unit, the lands lying in each making the basis of the loan fund for the county? Or, should each township be given the advantage of a loan fund derived from the lands located within its borders? Each plan had its advocates, and there were motions covering all the plans. The outcome was the proviso added to section 62: "That all moneys arising from the sale of any school or university lands situated within the limits of any county in this state, shall be set apart and loaned to individual citizens residents of said county."

The vote by which this proviso was adopted—30 ayes, 14 noes—is probably as good a test of the division of sentiment in the assembly as the records reveal. For, the doctrine once established, that the fund was to be loaned, not invested, loaned to individuals, not to corporations, and for the purpose of loaning divided among the several counties in proportion to the proceeds of the lands located within the counties, the hope of financing railways or other privately promoted schemes of internal improvements from the school fund would be gone forever. Other considerations may have entered into the vote, yet it is interesting to note that, of the fourteen who voted against the proviso,<sup>13</sup> four were from Milwaukee County, two from Racine, and two from Washington, making a total of eight (a majority) from the three lake counties to whose people a railroad was just then the engrossing interest. The other opposing votes came two from Walworth County, and one each from Dane, Columbia, Sauk, and St. Croix—all of them, save the last, from counties which would be directly benefited by railway construction from Milwaukee to the Mississippi.<sup>14</sup>

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<sup>13</sup> Noes—Messrs. Bird, Bowron, Colwell, Flynn, Hastings, Kerr, Leland, Martin, Phelps, Pratt, Reymert, Turck, Wasson, and White.

<sup>14</sup> Even the counties of St. Croix and Chippewa would be interested in securing such a line to distribute to the interior the lumber they sent down the Mississippi.

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Of special interest is the fact that, while Milwaukee County had seven assembly members, and only four are counted among the noes, none of the others appears among the ayes. This would seem to indicate a powerful sentiment, or at least a powerful influence, in that county against the proviso. And, while it is possible to explain this on the ground that the proviso gave an advantage to the less populous counties as against the more populous,<sup>15</sup> still, in the light of the effort made one year later to break down the plan adopted and use the school fund to finance the Milwaukee and Waukesha Railway Company we shall probably not be far wrong in ascribing the result partly to a railway influence in the background.<sup>16</sup>

To state the matter differently, while the evidence is not absolutely clear, it looks as if the lines were pretty definitely drawn between business interests on the one hand and the farming interest on the other. It was J. H. Wells of Prairieville, Waukesha County, a farmer, who introduced the proviso, and in the critical vote, of 30 to 14, on the proviso twenty-three of the ayes were cast by farmers. Of the seven remaining aye votes, four were cast by miners, and one each by a merchant, a physician, and a lawyer. On the other hand, the fourteen nay votes were cast, two by lawyers, two by merchants, one by a contractor, one by a "forwarder" [of freight, in Milwaukee], one by a lumberman, one by an editor, and six by farmers.<sup>17</sup>

After its passage by the assembly, March 27, the bill was further amended by the senate and finally by a conference committee, but there is no evidence to show that it was vitally changed thereby.

### THE FIVE HUNDRED THOUSAND ACRES

The Five Hundred Thousand Acres, their sale, etc., are covered by Chapter 236, *Laws of Wisconsin*, 1850, approved February 9. It

<sup>15</sup> On a preceding motion, to divide the school fund for loaning purposes among the counties on the basis of population and to loan to any county its share, on the application of the county "within one month from the time said moneys shall be paid into the treasury," such application to be accompanied with the requisite securities, the Milwaukee County members voted six "aye," none "no."

<sup>16</sup> Milwaukee County, in 1850, had a population of 31,011, the largest in the state. Second, stood Rock with 20,750; while Dodge, Washington, and Waukesha each had over 19,000. Dodge, Rock, and Waukesha voted solidly in favor of the proviso.

<sup>17</sup> See list of the assembly, giving name, post office address, county, age, place of birth, occupation, years in state, and Madison address, in *Wisconsin Argus*, Madison, January 30, 1849.

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provides that these lands shall be appraised as fast as they are located, that a fair price be fixed by appraisers, and that a pre-emption right in one hundred sixty acres be allowed to settlers who shall pay at the appraised valuation and in no case less than \$1.25 per acre for the pre-empted land. This generous pre-emption right was merely carrying out the terms of the Congressional grant of September 4, 1841, which guaranteed the pre-emption privilege.<sup>18</sup>

Another feature of the act, at least equally liberal, had behind it no such compulsion. It recites, section 12: "In all cases in which in the opinion of the treasurer, secretary of state and attorney general the said lands are an adequate security for the purchase price, and will remain so during the time for which credit shall be given thereon, the same shall be sold on a credit of not exceeding thirty years, with interest payable annually, at the rate of seven per centum in advance." Thus, while the act of April 2, 1849 loaned nine-tenths of the value of the school and university lands for an assured term of only ten years, this law loans the entire value of these other lands for a period three times as long.

In passing this bill the assembly took no test vote, and the senate merely concurred in the measure as sent up by the lower house. The printed journal of the assembly affords no clue to the reason for selling these lands on terms especially favorable to the purchasers. The manuscript of the bill 97 (A) shows that section 12 was added, by amendment, the original draft merely providing that the sales of lands belonging to the Five Hundred Thousand Acres were to be governed by the restrictions "now provided for the school and university lands by Chapter 24 of the Revised Statutes or as may hereafter be provided."

It is clear that the idea of loaning the full value of the land for thirty years was injected during the discussion of the bill in the assembly, but whose was the proposal, and what argument was presented in its support, we do not know. Whatever the argument, it must have been so convincing as to meet with general approval, for there is no

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<sup>18</sup> See *U. S. Statutes at Large*, 5, Public Laws 1836-1845, p. 455. Sess. 1, 27th Cong., Ch. 16, 1841. Sec. 10.



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sign of a contest, as there was over a similar idea presented in 1848 in Philo White's bill.<sup>19</sup>

### THE RAILROAD LOAN QUESTION

Though no direct light is shed on these questions either by the legislative records or by the contemporary newspapers, there are some side lights which may be significant. During virtually the whole period in which the bill 97 (A) was passing through its several stages in the legislature, usually without discussion or agitation of any kind, another measure was before that body which aroused the most intense and continuous excitement. This was a bill, 85 (A), reported by a select committee of the assembly to which had been referred a memorial from the Milwaukee and Waukesha Railroad Company requesting a loan from the school fund.

The memorial, which was presented January 18 by Mr. J. E. Dodge of Grant County, was signed by the president (Byron Kilbourn) and directors of the railroad. They asked for a loan of \$250,000 out of the school fund "to be used for the purpose of purchasing iron rails and locomotive engines with which to furnish the road from Milwaukee to Whitewater, after being graded, bridged, etc., by the company." They argued that the railroad was a nonmonopolistic enterprise "for the benefit of the people and community at large," and it ought to appeal strongly to the legislature which has general control over the school fund of the state and is interested in loaning this fund in such a way as to derive the maximum income therefrom, for the use of the schools, in the least costly and troublesome way, which would not be the case if it were loaned in small sums to individuals scattered widely over the state.

Moreover, the directors say: "A large part of this fund will be derived from the sale of the Five Hundred Thousand Acres, which were originally granted by Congress for purposes of internal improvement, and diverted from that purpose and incorporated in the school

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<sup>19</sup> The report of proceedings for the afternoon of February 4, when amendments were offered to the bill, is as follows in the *Wisconsin Argus*, Madison, February 12, 1850: "The assembly went into committee of the whole on the special order of the afternoon, being the consideration of such bills as do not excite debate. In committee, the general file was taken up and being partly gone through, the committee rose and reported back an immense number of bills most of which were ordered to be engrossed, and the assembly adjourned."

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fund, at the request of the state and the assent of Congress. It would seem to be an appropriate use of this fund to an amount equal to that so derived [from the Five Hundred Thousand Acres] to invest it in such works of internal improvement for the benefit of that fund, as will be perfectly and absolutely safe. It is not probable that this road will require, or that it will be absolutely necessary to its completion, to obtain or seek for more than one half a million of dollars from this source during the whole progress of the work to its completion. More than this sum might undoubtedly be beneficially applied to this work; but with even this amount applied in aid of the means of the company between the Lake and Madison, that part of the road can be completed, and by the time this has been accomplished, it is presumed that the means of the company will be so strengthened that the remainder of the road can be completed if necessary by their means alone." The company had always planned to borrow the means of ironing and equipping the road. The choice would be between securing loans abroad or securing them within the state. They hold the latter method possesses mutual advantages to the school fund and to the company. Prompt, efficient aid now will shorten materially the time of completion of the road, a point in which all the people are interested. The company claimed to have means in hand to grade the road to Whitewater. "We therefore respectfully request your honorable body to pass a law authorizing a loan to be made from the school fund of one hundred thousand dollars, to aid in the construction of the railroad from Milwaukee to Waukesha, and furnishing locomotives for the same; and of one hundred and fifty thousand dollars additional to aid in extending it to Whitewater. And also that said law be so framed as to guarantee future sums equal to and not exceeding five thousand dollars per mile, to be in like manner applied on the several divisions of the road from Whitewater to Madison, and from Madison to the Mississippi River."<sup>20</sup>

To give their request the momentum of popular enthusiasm, the railroad management had staged a railway convention in the assembly chamber of the state capitol on the fifteenth of January. This meeting voted to recommend the desired loan to the legislature, provided the state could be made amply secure. Among the resolutions of the

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<sup>20</sup> This memorial was signed by Byron Kilbourn, president; E. D. Holton, J. W. Weeks, John H. Tweedy, James Kneeland, Alex. Mitchell, E. D. Clinton, and E. B. Wolcott.

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convention which were laid before the two houses of the legislature on the seventeenth of January is one which condemns as impolitic the mode of loaning the school fund to individuals.<sup>21</sup>

This, coupled with the text of the railway company's memorial, the reports made by legislative committees, and discussions in the newspapers, makes clear the relation of the railway loan drive to the proviso in Chapter 24, *Revised Statutes*, secured, as we have seen, by the farmer vote in the assembly in 1849. It was a question of substituting a plan of centralized investment of the school fund for the plan of diffusive loaning.<sup>22</sup>

The bill, providing for a loan as requested by the company, was introduced into the assembly on January 22, accompanied by the committee's report. And immediately the storm broke. Motions to print 500 copies, 300 copies, even 150 copies of the report were decisively defeated.<sup>23</sup> A discussion in committee of the whole, January 30, resulted in a substitute bill being proposed. Subsequently, on February 1, the discussion was continued, in a highly controversial spirit. As the recorded motions and votes reveal, the tactics of the opposition evidently were to prevent a test vote on the measure itself. Finally, amendments were reported, to which in turn a very important series of amendments was proposed,<sup>24</sup> and then a motion to strike out the enacting clause led to a test vote in which the bill was killed.

That vote stood 41 ayes to 21 nays, the latter being distributed geographically as follows: Milwaukee, 5 (with none among the ayes); Dane, 2 (1 aye); Grant, 3 (1 aye); Iowa, 2 (no ayes); Rock, 3 (2 ayes); Columbia, 1; Washington, 2 (2 ayes); Waukesha, 1 (4 ayes);

<sup>21</sup> *Wisconsin Argus*, Madison, January 22, 1850. The *Argus* calls the existing plan of loaning to individuals in small amounts "insufferably faulty," and says it will have to be changed. It is not sure the loan to the railroad company would be safe.

<sup>22</sup> The select committee of the assembly, to whom the company's memorial was referred, began their favorable report with an argument to show the defectiveness of the plan of loaning in small amounts, which they believed would entail much loss as well as much unnecessary expense to the school fund. The senate committee reporting later, after adverse sentiment had come into play, was noncommittal on the subject of a loan to the railroad, but yet advocated a change in the policy of chapter 24, *R. S. Ms.*, S. of St. Off., Resolution No. 4.

<sup>23</sup> The record was taken on the motion to print five hundred copies, and the vote stood 23 ayes to 38 nays.

<sup>24</sup> By Mr. Abbott of Dane County, a partisan of the bill, in the hope of satisfying the opposition that the loan to the railroad could be made with safety so far as security for its payment was concerned.

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Walworth, 1 (4 ayes); Portage, 1. In other words, the four counties of Milwaukee, Dane, Grant, and Iowa, through which the road was planned to run, gave a clear majority of the 21 votes and showed a marked degree of unanimity; while of the other counties contributing to the total, Columbia and Portage, each with one vote, cast it for the railroad, while Rock County voted 3-2, Washington 2-2, Waukesha and Walworth each 1-4. On the other hand, Racine County, Dodge County, and Jefferson County were solidly on the other side, as were also Brown, Calumet, Crawford, Fond du Lac, Lafayette, St. Croix, Waushara, Sauk, Sheboygan, and Winnebago.

The analysis seems to reveal a sectional result, and it was charged in some of the speeches favoring the loan that the opposition was sectional. But it would be quite as logical to argue that the only support for the scheme came from those sections which would have benefited directly from the building of the road, which was designed to run via Madison to the Wisconsin River at Helena, up Helena Creek to the Military Ridge, and then through Iowa and Grant counties to the Mississippi.<sup>25</sup> Another road was planned to run down the Rock River valley to join the Chicago-Galena railway. That road would intersect the Milwaukee-Mississippi road near Janesville.<sup>26</sup> Doubtless we have in this second scheme an explanation of the coldness or lukewarmness of certain counties, especially Walworth, Rock, and Racine, towards the loan project.<sup>27</sup>

In the vote we are considering there is no such clear indication of occupational interest as in the test vote on the loan limitation proviso in 1849. Among the nay votes (favorable to the loan) are seven farmers, two miners, two lumbermen, one paper-mill owner, three merchants, one painter, and five lawyers. On the opposition are fifteen farmers, three printers, two innkeepers, four merchants, two manufacturers, one mechanic, two physicians, and nine lawyers. Nevertheless, the discussion brought out a strong sentiment in favor of making loans to farmers, according to the plan which had been agreed upon. The farmers, it was argued, are in sore need of loans in small

<sup>25</sup> *Prairie du Chien Patriot*, January 30, 1850.

<sup>26</sup> *Ibid.*

<sup>27</sup> From Walworth County came a remonstrance against the proposed loan by the Board of Supervisors of the county. This was referred to the committee on education and school lands of the senate, who reported "that they fully approve of the resolution contained in the said remonstrance and recommend that the same be entered on the Journal of the senate." Report tabled. See *Senate Journal*, 1850, pp. 119-20.

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amounts at a low rate of interest. The railroad people insist on their ability to procure capital from the East. Let them do so. The money they bring in will help to lower interest rates in Wisconsin. It is evident that more money is needed in the state. Who shall go after it, the big concern or the small borrower?<sup>28</sup> The bill being killed, the Milwaukee *Daily Wisconsin* Madison reporter wrote: "Corporations seem to have but little favor with this Legislature and the school fund will probably be loaned to the farming community, as it should be."<sup>29</sup> Editorially, the *Daily Wisconsin* defends the existing school loan law (Chapter 24, R. S.) saying it was framed on the model of the New York educational statutes, "where over \$4,000,000 has been invested throughout every county in that state, on real estate security; and we venture to say that New York has lost less of this fund,—so peculiarly the people's—in proportion to its magnitude, than any other state."<sup>30</sup>

The stinging defeat of the plan to finance the railroad out of the school fund did not necessarily imply perfect satisfaction with the plan which was already written into the statutes. In fact, there was a widespread feeling that this plan, in practice (for it had hardly been tried as yet), would prove decidedly faulty.<sup>31</sup> This may have had some influence on the legislature in persuading them to withhold from the loan fund, for a long period, the money that might be derived from the first sales of land belonging to the Five Hundred Thousand Acres. However, the loan law could be corrected in its details at any time and there is no reason to think the legislature was prepared to abandon the principle of loaning in small amounts to the people of the counties. Hence, when we find them preparing to sell lands of the Five Hundred Thousand Acres on an absolute credit of thirty years, the inference is almost irresistible that they sought by that means to sequester the value they represented, at the same time putting the lands themselves on improvement and obtaining from them an income for the aid of schools. The railroad loan drive had shown that the proceeds from the sale of the Five Hundred Thousand Acres, by reason of the original grant, whose object was to foster internal improvements, would be the portion of the school fund subject to the most relentless attacks on the part of corporations. "Then," one can imagine the legislature

<sup>28</sup> See *Wisconsin Express*, February 5, 1850. Report of the speeches of Vanderpoel and Spooner against the bill.

<sup>29</sup> *Daily Wisconsin*, February 5, 1850.

<sup>30</sup> *Ibid.*, February 2, 1850.

<sup>31</sup> *Ibid.*, January 30, 1850. Madison report by "Tompkins."

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reasoning, "why not leave the money where it will be safe, in the hands of the honest farmers who will buy the land in order to make homes upon it?" In their hands the security for the loan would be growing better year by year, with the progress of improvement, and there would be no chance for loss as in railroad loans.<sup>32</sup>

### THE SPECULATOR'S OPPORTUNITY

There is no reason to suppose that the legislature of 1850 intended to favor the land speculator any more than the corporation. Yet, unwittingly, they did so. It was their intention, as expressed in section 8 of the law, to permit the provisions of Chapter 24, *Revised Statutes*, or later provisions, to govern land sales. Now, Chapter 24, section 10 contains the hopeful proviso: "No bid shall be received from any one person for more than one hundred and sixty acres of land in this state." The assembly, indeed, had adopted the more inclusive formula: "No person shall bid or become the purchaser of more than 160 acres of land in this state."<sup>33</sup> But, in the final draft this was emasculated by omitting "or become the purchaser." Moreover, it was joined on at the end of the section which describes the order of sale of lots in the school and university sections,<sup>34</sup> and apparently the commissioners regarded the limitation as being applicable solely to the sales of those lands, though what the legal or logical ground for such an interpretation was does not appear.

When the act of 1850 was passed, there had already been located, of the Five Hundred Thousand Acres, 326,550.19 acres, of which some of the older counties, notably Milwaukee, Washington, Sheboygan, Walworth, Racine, Rock, and Green, had none, while some of the less fully settled counties—Brown, Calumet, Columbia, Chippewa, Crawford, and Lafayette—had from 26,000, as in the last named,

<sup>32</sup> There was a widespread belief that, if the railway company should get one loan it would get one after another, each one put in by a fatal necessity in order to save the last, until the entire fund might be absorbed, when the whole would probably be lost, as were the funds given and loaned to the Milwaukee and Rock River Canal Company a few years earlier. See Vanderpoel and Spooner's speeches. *Wisconsin Express*, February 5, 1850.

<sup>33</sup> On motion of Mr. Enoch Chase. It passed by a vote of 38 to 11.

<sup>34</sup> Sec. 10, Ms., recites: "The order of sale at auction of the school and university lands shall be, to begin at the lowest numbers of the sections, townships, and ranges in each county, and proceed regularly to the highest, until all then to be sold are offered for sale; and no bid shall be received from any one person for more than 160 acres of land in any section." The last three words were changed to read "in this state."

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to 80,000 acres in Crawford.<sup>35</sup> Dane had 16,000; Manitowoc, nearly 17,000; Richland, 20,000. Grant, Iowa, Sauk, Marquette, Waukesha, and Winnebago had from 3,000 to 8,000; while Fond du Lac had less than 2,000.<sup>36</sup> Having been specially selected, these lands were rightly regarded as more valuable than those located by chance in the sixteenth sections, and under ordinary circumstances would be sought earlier by purchasers and presumably would bring a higher price.<sup>37</sup>

The only school lands sold in the year 1849 were those in the sixteenth section lying within the village of Racine. This tract was subdivided, sold as town lots, and brought to the fund the gross sum of \$74,474.72. Of this amount, \$8,400 was paid down, the balance being secured by bond and mortgage. It brought in at the end of the year 1849 the first income (\$588) to be derived from the school lands directly.<sup>38</sup>

At the beginning of the year 1850 there was in the treasury just \$1,058.54 belonging to the school fund. Therefore, if the state had adopted the policy of financing the railroad to the extent of a quarter of a million, it would have been necessary not only to sell great quantities of the school lands at once, but also to require a much larger initial payment than the minimum prescribed in Chapter 24, *Revised Statutes*, which was ten per cent of the purchase price. The law permitting a requirement of seventy-five per cent, at the discretion of the commissioners, there is no reason why the needs of the railroad could not have been met, even to the extent of more than \$250,000, had the state been so minded. But the defeat of the railroad loan bill in the assembly, February 1, 1850, and the adoption immediately

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<sup>35</sup> But the Crawford of that day included also what are now Vernon, Monroe, and La Crosse counties.

<sup>36</sup> See Governor Dewey's reply, January 23, to the request of the assembly for information. *Assembly Journal*, 1850, pages 125-26. The counties which had no lands belonging to the Five Hundred Thousand Acres controlled an aggregate of 35 votes in the assembly. Counties having such lands controlled 31 votes. This fact renders untenable the theory that the thirty-year full credit provision of the law of February 9, 1850 was put through by new county votes. Besides, such a move would have aroused the old counties, and the resulting controversy would have revealed itself in the recorded motions and debates.

<sup>37</sup> This was the opinion of the assembly committee on education and school lands. See their *Report*, January 31, 1850, p. 6. Our survey of townships for the *Wisconsin Domesday Book* reveals the fact that, in some townships at least, the lands belonging to the Five Hundred Thousand Acres were purchased before the lands belonging to the sixteenth section.

<sup>38</sup> See Treasurer's *Report* for 1849.

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afterwards of the law permitting an absolute credit, for thirty years, in the sale of the Five Hundred Thousand Acres, shows that the people were intent on a very different policy.

Sales regularly commenced May 1, 1850, and by November 13 of that year "all of the school and university lands in the following counties were offered for sale, to-wit: Waukesha, Walworth, Kenosha, Racine, Milwaukee, Washington, Sheboygan, Fond du Lac, Marquette, Columbia, Dodge, Jefferson, Rock, and Dane." The offerings aggregated 148,021.44 acres, and the amount sold was 89,757.70, leaving a balance of land unsold in those counties of 58,263.30 acres. None of the Five Hundred Thousand Acres lands are included in the first year's sales, the proceeds of which brought to the fund \$444,265.19. Only \$57,617.38 of this amount was paid down; for the commissioners, despite their wide discretion, adopted at once the policy of receiving "as small a percentage as they deemed prudent to secure the permanency of the sale; believing that the land itself furnished as perfect security as could be otherwise obtained, thus diminishing the expense of securing the fund against loss, and at the same time extending to the purchaser a long credit at a moderate rate of interest, thereby increasing the number of sales, at enhanced prices."<sup>39</sup>

Here, at the outset of the business of converting the school lands into an income-producing fund, we find a powerful tendency to invest the proceeds with the purchasers of the land rather than accumulate them in the treasury and negotiate new loans. This was doubtless the simplest, least expensive mode of procedure. And while at first blush it would seem to give all of the advantages of the loan fund to a single class in each locality, namely, the actual purchasers of school lands, yet by stimulating the processes of settlement and improvement in all the counties the policy was indirectly perhaps as beneficial to all the people as if the purchase price had been fully paid and the money loaned to others than the purchasers. At least that would have been true except for one serious defect in the law and for laxness, possibly culpability, in its administration, whereby it soon became evident that the school lands would become the happy hunting ground of speculators.

Land speculation, to be sure, was in 1850 an ancient and honorable means of individual advancement, and in the period during which the

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<sup>39</sup> *Report of the commissioners of school and university lands, Madison, January 1, 1851.*



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general government followed the credit system in selling its lands, speculation was especially rife. Even under the cash payment régime, which applied in all government land sales in early Wisconsin, a large proportion of the public domain was entered by speculators who hoped to make their profits through resale to actual settlers, the laying out of town sites, etc.<sup>40</sup>

Government sales of lands in Wisconsin having been in progress since 1834, and the movement of immigration being strong during most of that time, the southern and eastern counties were already partly settled agriculturally by 1850. Still, there was government land to be had in most of the counties, particularly as the means of transportation and communication opened new areas to profitable cultivation. To a certain extent, therefore, even in the older counties, the state was now entering into rivalry with the national government in marketing its lands, a condition which would be greatly accentuated in the newer counties which, as we saw, contained the bulk of the Five Hundred Thousand Acres, aside from the sixteenth section. The university lands, located early, were in the older counties. In that competition the credit system adopted by the state gave it an advantage in attracting farmer purchasers, notwithstanding the school lands were sold at prices usually somewhat higher than the government prices.<sup>41</sup> Settlers with a very little money could buy a quarter section of school land, make the necessary ten per cent payment, find the interest year by year, and hope to pay out in ten years.

In case of the Five Hundred Thousand Acres lands the matter was simpler yet, as an example will show. On the twenty-second of October, 1853, an Iowa County pioneer, wishing to secure a better farm, attended the sale of such lands in Grant County and bought three subdivisions of section 6, T 7N, R 1W. It was rich, river bottom land, described as "first rate" by the surveyor, with a small amount of timber thinly scattered over the surface, so that the expense of clearing and breaking would be very light. The purchase price of two of these tracts of forty acres each was \$51.08; of another

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<sup>40</sup> The *Wisconsin Domesday Book* is bringing to light the fact that many distinguished public men, like Daniel Webster, Edward Everett, Caleb Cushing, and Ralph Waldo Emerson, entered government lands in considerable amounts, selling again to settlers.

<sup>41</sup> The regular price for government lands, at auction, was \$1.25, though more might be bid. If lands once offered were not taken, they might afterwards be sold at a price as low as \$.50 per acre.

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(41.97 acres), \$53.50. He paid down money as follows: for interest, to January 1, 1854, on each forty-acre purchase, 68 cents; on the purchase price of the larger tract, 70 cents; total, \$2.06! One year later this settler added to his holdings two forties of government land, of similar character, lying alongside of his state land. For one of these he paid \$50 cash; for the other (left over land from a sale), \$20. If he borrowed the money to pay the land office, his interest rate must have been anywhere from ten to thirty per cent on a short-term loan. On his state lands he paid, annually, seven per cent and might take thirty years to pay the principal. Under the circumstances, it is not surprising that he (and a friend), having looked over the lands of this township, in which settlement was only just beginning, decided to buy some of the Five Hundred Thousand Acres lands.

Between them, these two friends<sup>42</sup> brought away from the sale certificates for five forty-acre tracts, or 200 acres, of these lands. They were the only settlers who bought lands at that sale. All of the balance of the good lands, thirty-two forties, or 1,280 acres, were bid in by a firm of land speculators consisting of J. Allen Barber of Lancaster, Ben C. Eastman of Platteville, and Stephen O. Paine of Milwaukee. In every case the speculators bought on exactly the same terms as the settlers. They paid their interest from October 22 to January 1 and nothing more, and they had the same credit for thirty years.

At that sale (October 22, 1853) Barber, Eastman, and Paine also bid in all that was sold of the Five Hundred Thousand Acres lands located in the adjoining township, 8 N, R 1W, except three forties, 120 acres, which went to a farmer. Their purchases amounted to thirty-four forties, or 1,360 acres. The records of the sales of this description of lands in one other Grant County township tell a similar story and it is known that these partners, or at least two of them, operated in Iowa County also, where they purchased Five Hundred Thousand Acres lands to the amount, at least, of 3,100 acres, "no part of the purchase money of which has been paid but the same is yet due to the state."<sup>43</sup>

Although the regular public sale of all sixteenth-section lands in Grant County took place in 1851, the land office records prove that not

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<sup>42</sup> Mathias Schafer and Christopher Dieter.

<sup>43</sup> 1856.

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more than three forties of the sixteenth section in T 8N, R 1W, was sold on the day of public sale, and no part of the sixteenth section in T 7N, R 1W. The fact is that for meeting the legitimate public demand for land, this sale was three years too early for that locality, which was settled up agriculturally mainly between 1854 and 1857.<sup>44</sup> Since, therefore, under Chapter 24, *Revised Statutes*, such of these lands as were once offered at public sale and not purchased were open to entry at private sale, without restriction as to the amount any one person could buy, it followed that in the years after 1851 speculators were free to buy up those school sections whenever they considered the lands a favorable investment. That time was when settlers were drifting into the region in numbers prepared to buy the lands.

Examination of the sales record for section sixteen in the two townships, 8N, R 1W, and 7N, R 1W, in Grant County shows that of the former, three forties were entered possibly by a settler as early as 1851, and another by the same person in 1852, which accounts for one-fourth of the section. Other subdivisions were bought by settlers as follows: One in 1851; one in 1853; two in 1861; one in 1871. The balance, seven forties, was bought by two speculators in 1854. And, that these speculators had timed their purchases judiciously may be seen from the fact that every one of the seven forties was assigned to settlers within four months of the date of entry. This simply means that the settlers paid, as tribute to the speculators, probably quite as much as the state's price in addition to the regular price for the land. In 7N, R 1W, the sixteenth section was entered mainly in 1854. All but three forties was bought by speculators who, in this case, were compelled to carry the purchases on the average about two years. There is no instance in which the speculators paid down more than the legal requirement of ten per cent of the purchase money.

In the older counties the story is a different one. The school lands in Milwaukee County were offered at auction on the fifteenth of June, 1850. The record for T 5N, R 21E (Franklin) shows that all except one forty was sold on that day at prices ranging from \$121 per forty to \$311 per forty. The left-over forty was sold on June 24 following for \$163.33. No person could legally buy more than 160 acres at the sale, and only one person obtained his limit. He held the land ten years and assigned before receiving patent. It is possible,

<sup>44</sup> *Wisconsin Domesday Book, Farms and Farmers of 1860. Towns of Muscoda and Castle Rock.*

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though by no means certain, that he was a speculator. For the rest, seven forties were patented to the persons entering them, or to some member of the same family; and, while the balance was assigned before patents were issued, there is no reason for supposing they were not purchased, in good faith, by actual settlers, though local research would be required to establish the facts.

In Walworth County, T 3N, R 16E (Sugar Creek), the sixteenth section seems to have been sold entirely at private sales and brought from \$3.00 to \$10.00 per acre. One person secured 240 acres, all of which was four years later assigned. Some of the other purchases were assigned with suspicious promptness, but most of them were either patented to the purchasers or held long enough to indicate good faith on their part. In T 4N, R 15E (Whitewater), the majority of the subdivisions of section sixteen were sold at the public sale, May 15, 1850, and the balance, except three forties, within a few days thereafter. It is clear from the prices attached to them that the left-over tracts were of poor land. There is no obvious evidence of speculation in the records for this township.

In T 5N, R 7E (Primrose) in Dane County we meet conditions similar in one respect to those we found in our Grant County townships. The sixteenth sections in Dane County were offered in 1850. But not a single subdivision in that township was bid in at that time and all were sold at private sale. Still, except in three or four cases, it is not evident that speculators took the land, and the probability is that the purchasers were nearly all farmers. Only one forty went as early as the year 1851, most of them selling in 1852, 1853, and 1854.

T 17N, R 4W (Sparta, Monroe County) contained school lands aside from the sixteenth section to the aggregate amount of 118 forties, or 4,720 acres. At a public sale of the Five Hundred Thousand Acres lands located in that county, November 13, 1851, the purchasers numbered twenty-five, and the amounts bid in aggregated fifty-seven forties, or 2,280 acres. This brought the uniform price of \$50.40 per forty, on which the purchaser paid down as interest \$0.47. The largest amount bought by any other bidder directly was eight forties, or 320 acres. All of the purchasers seem to have been bona fide, though whether all were farmers or prospective settlers we do not know. Since several tracts were bought by pre-emptors, there is evidence that the district was beginning to settle up.

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We have seen that the law, Chapter 24, *Revised Statutes*, gave the commissioners and the governor authority to withdraw from sale any school lands which in their judgment ought not to be sold at a given time. One of the best reasons, it would seem, for refusing to permit lands to be offered would be the absence of a demand for them. Yet our survey shows that they were sometimes offered before market conditions justified, and afterwards sold to speculators. The commissioners professed to believe that the interests of the school fund required them to sell the lands at the earliest opportunity. But it is very clear that speculation in these lands was against public policy and ought never to have been permitted. Besides, it was an effective demand, which came only from settlers, that brought up the selling price of the lands above their appraised valuation, as the sales in the eastern counties prove. When sold to speculators they usually went at minimum prices; and speculators, after all, were unwilling to buy much before the lands were wanted for cultivation. They were ready enough to take a chance on the Five Hundred Thousand Acres lands, which required very little capital to hold, but they were less keen to purchase the school and university lands because for these they had to pay down ten dollars of every hundred dollars of purchase money.<sup>45</sup>

It should have been possible for the commissioners to determine in every instance whether or not it would be wise to offer lands at auction and to govern their proceedings accordingly. Since the effect of once offering given lands which were not wanted for settlement was to throw those lands open to the rapacity of speculators, a proper regard for the public interest would have demanded the greatest care in this matter. The conduct of the commissioners in the first period shows that it was quite immaterial to them whether the lands went to settlers or to speculators.<sup>46</sup>

<sup>45</sup> The forfeitures represented many thousands of acres. In 1858 the commissioners sold 40,000 acres of forfeited sixteenth section lands, and 16,000 acres of forfeited Five Hundred Thousand Acres lands. Doubtless the attractive terms induced some speculators to assume a larger interest burden than they were able to carry.

<sup>46</sup> "It is for the legislature, however, to consider whether there are reasons relating to the promotion of other interests than those of the school fund . . . sufficient to induce the adoption of a policy limiting and restricting the sales of these lands." *Report of Commissioners of School Lands, 1854*, p. 9. This was a purely negative attitude and there is no evidence that the legislature, prior to the adoption of the law of 1855 limiting sales of school lands to settlers, received any positive advice or aid on this point from the commission.

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The criticisms of the school land commission included more serious charges than that they offered the lands too soon. A committee of the assembly, reporting February 4, 1856, made a direct charge of collusion between the school land commissioners and the speculators. Alluding to the exploits of certain speculators who, in 1854, bargained to purchase all the school lands remaining unsold, and actually secured thousands of acres by private arrangement with the commissioners, this committee waxes eloquent in its denunciation. "Knowledge is power" says Lord Bacon; and the books of the secretary's office flew open of their own accord, as Heaven's gates 'on golden hinges turning' when Ludington and Blackwell approached those records and there they saw the fertile and well watered domain of the school lands mapped before their eyes. They gazed as the mighty Hannibal looked from the summit of the highest Alp upon the sunlight plains and olive groves of Italy. . . . The feats of Ludington like those of Julius Caesar may be recorded in three words, *veni, vidi, vici*—and now the tenant of the soil, confined at home by daily labor, and who could not attend this great auction where his hopes and heritage were sold, nor compete with the confederacy between state officers and hungry speculators must chaffer for his 40 acres with the Julius Caesars of the school lands."<sup>47</sup>

The same legislature, at an adjourned session, received on September 12, 1856 an exhaustive report from a joint select committee of the senate and assembly appointed "to investigate the offices of the State treasurer, the Secretary of State, and school and university land commissioners, and to carry such examination back to the beginnings of our state government."<sup>48</sup> This committee was appointed in February; they employed a force of clerks, took charge of the land office, worked over all records, and tabulated results. It is not necessary to believe that political motives were altogether absent; indeed, in that troubled time—with civil war imminent between the Barstow and Bashford elements—such motives could not be absent. Yet the report exhibits findings of fact which cannot be ignored. The com-

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<sup>47</sup> Ms. report, in state archives. The committee consisted of Joseph T. Mills of Lancaster, Grant County, chairman; John F. Potter of East Troy, Walworth County, and D. K. Noyes of Baraboo, Sauk County. Mr. Mills presented the report, which is remarkable for its rhetoric.

<sup>48</sup> *Report*, published in 1856, occupies 175 pages. The senate committee included D. Taylor, P. H. Smith, and D. Worthington; the assembly committee, William Hull, A. Greulich, H. H. Gray, John F. Potter, and Charles Burchard.

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mittee took testimony which shows that at some of the public sales speculators made false bids—through hirelings—which bids were made merely to be forfeited. The commissioners then reoffered the lands so early the next morning that “no opportunity was afforded bona fide purchasers to bid upon them. Some of the lots were not reoffered at all, and they were then left subject to the private entry of speculators.” They charge that clerks in the land office were in the habit of entering land for themselves and also in behalf of speculator friends. This was done in spite of a specific provision of law forbidding the officials of the office to purchase lands. They charge, moreover, that “no regard has been paid” to that provision in the law which forbids the commissioners to receive bids for more than 160 acres from any one person. “It has been constantly evaded,” they say, “by the use of other names by the party making the purchase, by a system of forfeiting bids made in the names of fictitious persons, and also by its open violation.”<sup>49</sup> On the sales sheets used at the sale of lands in Outagamie County the name of A. McNaughton appears opposite the description of 192 lots, making over 7,600 acres.<sup>50</sup> They charge that the principal clerk in the land office had relations with parties in New York who acted as school land brokers; that the clerks habitually filled out certificates of sale of school lands and sold them on the open market “like any other property.”<sup>51</sup> Finally, they charge that “there has been a large issue of school land certificates upon which nothing has ever been paid. This is the case with many of the certificates issued [for lands] . . . in which . . . it appears the clerks and some of the acting commissioners were directly interested.”<sup>52</sup>

On the sixth of March, 1855, was approved the law providing for sales to actual settlers only, in amounts of not more than 320 acres to

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<sup>49</sup> Report, p. 25.

<sup>50</sup> Plenty of illustrations of this practice are available from the records of sale of Five Hundred Thousand Acres lands, as witness examples given for Grant County townships. The *Wisconsin Domesday Book*, T 2N, R 11E (town of Plymouth, Rock County), contains an example for sixteenth section land. At the sale of the sixteenth section, July 12, 1850, John J. Orton bought six forties and Edward D. Holton bought eight forties. Two went to Solomon Huston. All six of Orton's certificates were assigned to Holton twelve years later and patents issued to him in 1864 for these lands and for six of the forties entered in his own name.

<sup>51</sup> Pages 20-21.

<sup>52</sup> Page 16. This would be a case, said by the committee to have been common, where lands were marked “sold” in order to hold them for some favored individual. The fund was deprived of income from them.

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any one person.<sup>53</sup> The committee declare that, while this law was pending, "large entries were made in the name of Howell by the clerks in the office, and also by others. . . . More land was probably entered between the first and sixth days of March, 1855, than at any other time before within the same period of time. . . ." <sup>54</sup>

Summarizing their conclusions, the committee condemn the policy thus far followed of crowding the school lands onto the market. They believe that great loss to the school fund has resulted from it. By adopting the plan of holding the lands till other lands in their vicinity shall be disposed of, which the committee recommends, "the school lands could be sold at a greatly enhanced price. The lands would be more likely to fall into the hands of men who desire them for actual occupation, and the school fund would receive the benefit of the advance in price, which would inevitably follow the purchase and occupation of the government land, instead of the land speculators who, under the present system, have seized upon them.

"The argument always urged against the policy of withholding the lands from the market, that it retards the growth and settlement of the country, is fully answered by the facts to be derived from our experience under the present system. These facts show that the school lands have not fallen into the hands of those who want them for occupation, but are held by speculators in large quantities, ranging from 5,000 to 75,000 acres, thus more effectually retarding the settlement than if held by the State." <sup>55</sup>

At the date of the above report, practically the whole of the Five Hundred Thousand Acres had been sold. Since all but about fifty thousand acres of that land had been disposed of prior to January 1, 1855, it follows that only a small fraction remained to be sold, to settlers only, under the law of March 6, 1855. From the examples given to show the relative amounts of it which went to settlers and to speculators, respectively, one would hazard little in assuming that fifty per cent of the half million acres was absorbed by speculators.<sup>56</sup>

<sup>53</sup> An act to suspend the sale of school and university lands except for purposes of settlement and cultivation. Chapter 21, *Laws of 1855*.

<sup>54</sup> Page 23.

<sup>55</sup> Page 31.

<sup>56</sup> That these lands were generally sold prematurely is evidenced by the fact that the average price received for 476,795 acres of them was only \$1.42, while half a million acres of the sixteenth section lands sold during the same period brought on the average \$2.74. This in spite of the fact that the former were "selected" lands. See *Report of Joint Select Committee, 1856*, p. 25. Premature sales meant the speculator's opportunity.



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The sixteenth section lands went more largely to settlers, but still the speculators secured a liberal share. Fortunately, sales of these lands were not nearly completed when the new policy of restricting sales to settlers was adopted. The new law helped matters, no doubt, but it would be rash to say it stopped all sales to speculators.

### SALE OF THE SWAMP LANDS

Another description of lands which comes under this inquiry is the swamp lands granted to the state by an act of Congress in 1850 and located gradually, over a period of years, as government surveys proceeded. The disposal of the swamp lands began in 1857, when 566,071.33 acres were sold for \$818,070.48. Of that sum, \$85,681.48 was paid on the purchase price. This, it will be seen, was a little more than ten per cent. Under the law, the terms of sale were the same as those governing sales of sixteenth section and university lands, save that persons who had improved any of the swamp lands had a pre-emption right in 160 acres, which could be bought at the minimum price of \$1.25 per acre, to be fully paid at the time of purchase. In 1857 the amount of pre-empted lands sold was 173,037.32.

The pre-emptors had two important advantages: (a) the privilege, already exercised, of selecting their lands; (b) the minimum price. Other purchasers of swamp lands had to take what they could get at the best price the competition permitted. Doubtless much of it, perhaps most of it, went to actual settlers as the law contemplated, although the distribution of some 240,000 acres of the 1857 purchases of swamp lands in four of the lumbering counties—Oconto, Shawano, Waupaca, and Portage—suggests the possibility that even thus early a goodly share of it was bought up for the benefit of existing or prospective milling companies. Buyers had the privilege of paying nine-tenths of the purchase money in ten years, thus constituting a new and important body of borrowers from the school funds of the state. The money paid in by the pre-emptors amounted, in 1857, to \$216,206.66, which, added to the ten per cent paid on the other swamp lands sold that year, swelled the loan fund by about \$330,000. The years following, so far as they fall within our period, are far less prolific. One question now is to trace the loans and see how far they may have gone, as intended, to farmers.

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### HANDLING THE LOAN FUND

The law made it the duty of the commissioners of the school fund to loan the money belonging to that fund to individual citizens of the counties in which it arose, in amounts from \$100 as a minimum to \$500 as a maximum. The low rate of interest, seven per cent, made these loans highly desirable, and it is not surprising that the commissioners who controlled the funds and could grant or deny favors at will should have been charged with both political and personal favoritism. Such charges were made and repeated constantly—with how much justification it is difficult in all cases to determine. One specific charge, that the members of the legislature and the state officers were given free access to the fund for personal loans, can be successfully investigated.

We have the printed list of all borrowers from the school and university funds during the years 1849, 1850, 1851, 1852, and 1853. In those years there were held five different sessions of the legislature, the first four each numbering nineteen senators and sixty-six assemblymen, the fifth twenty-five senators and eighty-two assemblymen. This makes the whole number of senators 101, the whole number of assemblymen 346; while the total membership of the two houses was 447. A study of the lists of senators for the several years shows that slightly more than one-half of the membership was each year replaced with new men. Assuming the proportion to have been one-half, and starting with the number nineteen of the first session, we would have for the five sessions sixty different senators. The assembly changed in personnel year by year much more radically. It is safe to say that eighty per cent of the members of each session were new, making the total of different persons in the assembly, for the period, approximately two hundred and eighty. On this computation, therefore, the two branches were represented by 340 different persons. Of this number, thirty-four, or exactly ten per cent, secured loans at some time during the period, either while members, before they became members, or after ceasing to be members. To this list should be added one lieutenant governor, one ex-governor, and one sergeant at arms, making, all told, thirty-seven state officers and legislators.

This showing hardly justifies the vehement charges that the early state legislatures "raided" the school fund. It is of course true that

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members of the legislatures had an advantage as against the masses of the people, in that they were on the ground, were familiar with the methods of procedure in securing loans, and doubtless were able, from their positions, to facilitate the business in various ways. Yet, one almost wonders why, under the circumstances, a larger proportion of them did not obtain loans; unless there existed pretty generally either a delicacy which restrained these men from seeking special favors when their constituents, in large numbers, **needed the loans** fully as much as themselves or—more likely—a feeling that it was not politically wise for a representative of the people to negotiate a school fund loan for himself. A considerable proportion of the loans were obtained at dates other than those during which these men were actually members of the legislature or of the state government.<sup>57</sup>

The members of the legislature in those days were not generally men of wealth. Of the thirty-seven (including other state officers) who obtained loans, I have found the ratings of eighteen as given by themselves to the census taker in 1850. Only five were in the \$10,000 class; six others had \$5,000, one \$6,000, and one \$7,000. Three were rated at \$4,000, one at \$2,000, and one at \$1,500. It may well be, therefore, that sharp necessity sometimes had its part in influencing them to seek a school loan.

On the general question of the exercise of favoritism in making loans, the committee of the assembly already referred to, which reported February 4, 1856, used characteristically vigorous language. This committee was appointed for the purpose of finding a way to distribute the school fund, both for safe-keeping and for loaning, among the counties of the state. In reporting such a plan they say: "The acting Governor [Barstow] has stated that its [the fund's] use of right belongs to the dominant party. But not a few exceptions by special grace are made in favor of the unfortunate. Who is willing to trust these funds to any administration of whatever name, that openly declares that they are to be the grand rallying point of political partisans, hacks and parasites. The carcass is ready, and practised and petted harpies alone are ticketed to the carnival. Under the present law whoever gets a loan must either be a favorite with the 'powers that be,' or he must communicate with the august Board of the political Rothschilds through some powerful courtier. And thus a

<sup>57</sup> Nelson Dewey, for example, had been ex-governor for two years at the date of his loan.

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system of diplomacy is established that is no contemptible miniature of the Boulevards [Court of France] or the Court of St. James [Britain]. Ministers and ambassadors come here from remote counties to negotiate loans, and the success of needy citizens depends on the influence of the representative they send to the council Board of this huge monopoly. But can this Board ever communicate with the toiling mechanic, the quiet farmer, the secluded laborer?"<sup>58</sup>

On the charge of partisan favoritism it is not possible to speak with assurance when we go outside the relatively small group of legislators. For, while we have the names of the borrowers, we have not (and there is no practicable way to obtain) a record of their political affiliations. But when this committee asserts the impossibility of reaching the mechanic, the farmer, and the laborer with the blessings of the loan fund, we do have the means of testing their accuracy. The select committee appointed in 1854 to investigate the securities taken for loans from the school and university funds published a list of borrowers numbering 479. In each case they present, opposite the borrower's name, the description of the real estate which has been mortgaged to secure the loan. These descriptions, giving subdivision, section, township, and range, enable one, in most cases (not all), to locate the borrower in his appropriate township. And if he was living there in 1850 he was most likely visited by the census taker, who would record his name, age, occupation, property rating, nativity, etc. Now, by carefully searching the manuscript census schedules it has been possible to trace 253 of the 479 borrowers listed, a large enough proportion to make a safe basis of generalization.<sup>59</sup>

The result is both interesting and instructive. It is found that, out of the 253 names, 182, or practically seventy-two per cent, describe themselves as farmers. With this group might be associated a group of thirty others who, while not farmers, are of the same general economic and social standing. Among them are cabinetmakers, shoe-

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<sup>58</sup> Ms. report, state archives, evidently written by Joseph T. Mills of Lancaster, chairman of the committee.

<sup>59</sup> Theoretically, all of the names ought to be discoverable in the census schedules. But, (a) census takers always missed a certain proportion; (b) they sometimes allocated individuals wrongly as to township; (c) the newer counties sometimes were divided into census districts comprising a number of undesignated townships, which renders the search for names extremely trying. Then, too, many of the borrowers listed doubtless located in the townships to which they are referred after the census year, 1850. Some also lived in one township and gave mortgages on property located in another.

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makers, liverymen, blacksmiths, wagon-makers, carpenters, teamsters, masons, lime burners, tailors, small sawmillers (having a few hundred dollars invested), a butcher, several "laborers," a brickmaker, a dentist, several small merchants, a teacher, and a clergyman. The two groups combined account for 212 of the total number, 253, or nearly eighty-four per cent.

Of the thirty-six that remain, ten are merchants of some importance, rated at from \$2,500 to \$25,000; eight are lawyers; six, physicians; the balance, lumbermen, other manufacturers, landlords of hotels, mill owners, and one "Lieutenant Governor." The wealthiest men who borrowed from the school fund were: a Janesville lawyer rated at \$20,000; a merchant of Theresa, Dodge County, rated at \$25,000; and a miller of Delafield, rated at \$30,000.

At the end of the year 1853 there had been loaned to individuals in the several counties from the school and university funds the sum of \$154,886.51. The commissioners say: "The loans being small in amount are generally applied for by persons who need a little money, at a reasonable rate of interest, to improve their farms, or to retain possession of them, and with the rise in the value of real estate, the security being every year enhanced, the failures to make payment of interest or of principal, now but few, will be proportionally lessened."<sup>60</sup> The grand inquest into the commission's affairs, in 1856, brought out these facts: On January 1, 1856, there was due the state school fund

(a) as a balance on sales of school lands.....	\$1,717,143.47
(b) mortgages to secure loans, amounted to.....	291,201.10
(c) the university fund, balance on land sales.....	153,102.28
(d) loans on mortgages.....	12,845.00
(e) loan to the university.....	15,000.00

This shows \$306,201.10 distributed among the people of the state in small loans such as we have been considering. The borrowers must have numbered nearly or quite one thousand, and there is no reason to suppose the list would be essentially different in character to that we have already analyzed. We may assume, then, that at the close of the first six years about seven hundred and fifty farmers were enjoying the benefits of these loans. By September 30, 1862, the amount

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<sup>60</sup> Report for the year 1854, p. 20.

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of the school fund loans was.....	\$832,425.15
of the university fund loans.....	54,144.90
and of the drainage fund loans (swamp lands).....	76,330.00
Grand total in the hands of the borrowers.....	\$962,900.05

A computation made by the commissioners showed that, on the above date, loans had been made, out of the school fund, since the organization of the state government, to the number of 3,098. Every one of the fifty-three counties of the state has had loans, though in nine of the newer counties the number is expressed in each case by a single figure. Eight counties require three figures to express the number. These are Columbia with 166, Dane 283, Dodge 180, Iowa 115, Jefferson 112, Racine 103, Waukesha 132, and Waushara 105. The rest range from thirteen in Crawford to ninety-six in Marquette and Manitowoc.

The number of loans in each county depended on the amount of loanable money the school lands in that county produced, the average amount of the loans, and the turnover. Since the average of the loans would probably vary but little from county to county, we must look for the differences in the other two items. Dane County's pre-eminence in number of loans does not appear to rest on the amount of her school land, for several other counties had as large or a larger acreage. It seems to have been due to the high average price received for the school lands in that county, the promptness with which they were sold and paid for, and, possibly to a rate of turnover somewhat higher than elsewhere on account of the proximity of borrowers to the loaning agency.

Our study of the list of borrowers in 1853 shows that, in addition to being distributed among the counties, they are also widely distributed in the counties. There is no "bunching" except in the town of Racine, due to the sale of the sixteenth section there, and in Milwaukee on account of the massing of Milwaukee County's population in the city. But, even in Racine and Milwaukee counties more loans, by far, went to rural towns than to the cities. In Dane County the twenty-four borrowers of 1853 were distributed over eleven towns and the village of Madison, the latter having three—the same number as Cross Plains and Fitchburg, and one less than Cottage Grove. In several of the counties borrowers were located in nearly every one of the organized towns. From the two standpoints, of distribution among the economic

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class chiefly designed to be benefited and of distribution over the state as a whole, the purposes of the law seem to have been reasonably well fulfilled.

We do not know from direct evidence whether there was discrimination based on party allegiance or on the relationships between politicians and their personal supporters. But our study has revealed one surprising fact bearing on this point, namely, that only six borrowers were of German origin, while those born in Ireland numbered thirty-four. Now there were 38,000 Germans in the state in 1850 and only 21,000 Irish, so that the explanation cannot lie in relative numbers of the two elements.<sup>61</sup> For some reason, which the records do not proclaim, the Irish, with seven per cent of the total population, won thirteen and one-half per cent of the school fund loans; while the Germans, with twelve and one-half per cent of the population, obtained only two and three-tenths per cent of the loans. What can that reason have been unless it was that such loans took on, as was charged, a political color through the fact that they were negotiated not directly by the would-be borrower but indirectly by state officers and members of the legislature for the favored among their constituents? It is well known that the Germans of this early period were politically quiescent and tractable; they were not yet trained to active participation in politics and, in a word, did not "count" politically. With the Irish the case was exactly reversed. They were so alert, vigorous, and insistent, so class conscious withal, that it was worth while for politicians to take special pains to conciliate their support.

The view that loans went to people who "counted" politically is strengthened on the positive side by what we have already learned concerning loans to members of the legislature, and negatively by the fact that women did not participate in them. There must have been a certain proportion of widowed women who needed loans, yet only two female names appear independently in our list of 253 borrowers and one of these is the wife, not the widow, of a member of the assembly.

On the whole, therefore, we are compelled to pronounce the loan feature of the law, as administered, fatally defective. A loan law ought to result in building up the interests of the community. It

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<sup>61</sup> The total population of Wisconsin in 1850 was 305,391. Those born in Germany were 38,114, and the natives of Ireland were 21,043.

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should do this by distributing its benefits among those of the morally responsible class who can make the best use of them economically. The attainment of such a result cannot be expected unless considerations other than the moral and the economic are rigorously excluded. By some adequate means the loaning agency must be brought in such contact with the borrowing constituency that selection of borrowers can be made on right principles.

It was doubtless the neglect of those principles which led to the large numbers of foreclosures under the school loan law. Despite the commissioners' prediction quoted above,<sup>62</sup> the failures to pay loans when due rose to an alarming extent. By 1856 the committee of investigation could declare, possibly with some exaggeration, that "hundreds of thousands of dollars" of the fund had been lost.<sup>63</sup> This was due obviously to a failure to select the right kind of borrowers. There were numerous instances of worthless security, offered and received, particularly when the property mortgaged was city lots. October 1, 1862, there were 506 loans past due and forfeited.

### CHANGE TO THE INVESTMENT SYSTEM

The objections to the loaning system outlined above were cumulative, and the legislature never attacked the problem with a determination to retain the essentials of the system and correct its abuses. There is no inherent reason why that could not have been done, yet the discussion all along contrasted the existing plan of loaning the funds to individuals in small amounts and the plan of investing them safely in large amounts. Constantly, too, the legislature was bombarded with petitions to lend sums to municipalities, to school districts, etc. Several loans to the university of moneys from the university fund stood as precedents for special statutory investments. Finally, the Civil War came, and March 14, 1862, an act was passed which directed the commissioners to invest the school funds in the bonds of the state and by September 30, 1863, the sum of \$323,000 had been so invested.

This practically inaugurated the new policy, though a few loans to individuals were still made from the drainage fund in 1863. The policy of investments begun during the war was continued, municipal

<sup>62</sup> See p. 187.

<sup>63</sup> *Report of Joint Select Committee, 1856, pp. 35-36.*



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and school district bonds becoming in time the leading substitutes for the earlier state bonds.<sup>64</sup> Thus the farm loan law passes out of existence at a time when, one would suppose, it might have been of great service in rehabilitating the fortunes of returning veterans.

### SUMMARY

The state's policy in handling its school lands and the funds arising from their sale during the years 1849 to 1863 undoubtedly proved beneficial to a considerable number of individuals and, to a certain extent, promoted the well-being of the masses. It seems clear, however, that it was the sale of lands on credit rather than the loaning of the funds which was of chief significance to the common people. And the sales policy for a time was vitiated by the speculative feature, whose tendency was the direct opposite of democracy. The loan feature, while conceived in the interest of the plain people and doubtless proving a boon to many worthy individuals and families, had in it the seeds of its own destruction on account of the social injustice and the coincident losses involved in what was practically a political selection of its beneficiaries.

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<sup>64</sup> The commissioners' *Report* for the year 1879, p. 7, says: "Exhibit K shows the amount of outstanding loans to individuals, in the several counties, aggregating \$140,585.99. These loans were made prior to the year 1864, and were long since matured, but are extended under the provisions of section 265 of the revised statutes. Although the statutes authorizing these loans have not been repealed, the great losses sustained by the several trust funds in times past, partly in consequence of the impossibility of obtaining correct data for securities, have admonished the commissioners in office since that time that they are unwise and unsafe, and hence none have been made by them. We have had frequent applications for loans under those statutes, but have deemed it best for the security of the trust funds to decline to make a single investment of that character." The commissioners at that time were making loans, under Chapter 17, *R. S.*, to school districts, and under special statutes to counties and to cities.







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