

THE PALIMPSEST

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Creation of the Territory

Iowa was for two years a part of the original Territory of Wisconsin. The year 1936 marks the centennial anniversary of the establishment of that Territory.

On April 2, 1836, a bill to establish the Territory of Wisconsin was pending in the lower house of Congress. Representative John M. Patton of Virginia advocated the passage of the measure because of the sheer necessity of a legal system on the frontier. "Murders", he said, were being "almost daily committed" in the Wisconsin area, and "there was no lawful punishment provided for any crime." He would, therefore, "move to suspend" the rules of the House for one hour, in order to consider the bill which would give to Wisconsin the law needed for its protection.

The question of establishing a Territory in the Wisconsin country was not a new problem in Congress. Indeed, it had come to be a frequently

recurring issue. As early as 1818, Wisconsin was attached to Michigan Territory for governmental purposes. In the years immediately following that annexation a considerable population came into this frontier region, and four counties — Brown, Crawford, Iowa, and Milwaukee — were formed between Lake Michigan and Green Bay on the east and the Mississippi River on the west.

This arrangement was not satisfactory, however. The capital at Detroit, four or five hundred miles away, was totally inaccessible several months of the year. Representatives could not attend the legislative sessions in the winter, and citizens in the remote parts of the Territory did not receive copies of the laws until long after they had gone into effect. Moreover, important offices remained vacant for months before new appointments could be made. In view of these conditions several attempts were made between 1824 and 1836 to establish a Territorial government in the Wisconsin area.

Various bills to separate Wisconsin from Michigan were defeated. Meanwhile, a strip of country west of the Mississippi River was opened for settlement and left without any government for more than a year. On June 28, 1834, Michigan Territory, instead of being curtailed, was extended to include the vast region north of Mis-

souri between the Mississippi and Missouri rivers. Thus Iowa became a part of Michigan.

If Michigan Territory had previously been too large, this annexation made it a political monstrosity. Everybody realized that a division was necessary. The inhabitants of the region between Lake Huron and Lake Michigan were anxious to form a State. Thinking that the creation of a new Territory west of Lake Michigan would facilitate their plans, they joined in advocating separation.

At last affairs reached a crisis. In the autumn of 1835 the people of Michigan adopted a State constitution. In compensation for the loss of a narrow strip of territory to Ohio on the south, the northern peninsula between Lake Michigan and Lake Superior, which was geographically part of the Wisconsin region, was included in Michigan. On the assumption that Congress would admit the new State promptly, State officers were elected in October. Legally, however, the Territorial government remained in effect. Nevertheless, the new State government assumed political control and practically abandoned the western part of the old Territory.

In anticipation of statehood, Territorial Governor Stevens T. Mason issued a proclamation on August 25, 1835, for the election of members of a new Legislative Council for the western country

not embraced in the proposed State of Michigan. By the time this legislature met at Green Bay on January 1, 1836, however, Mason had been elected Governor of the State and Territorial Governor John S. Horner did not attend the session. Inasmuch as the Governor was a part of the legislature nothing official could be done. Little was accomplished aside from caustic criticism of the absent Governor, and the adoption of a report declaring that the people of Michigan Territory west of Lake Michigan had been ruled "rather as a distant colony than as an integral portion of the same government." Wisconsin was a political orphan in effect if not in fact.

On January 21, 1836, Senator John M. Clayton of Delaware introduced in the United States Senate a bill to establish the Territory of Wisconsin. The bill was twice read and referred to a committee where it lay until March 28th. At that time Senator Clayton called attention to the status of the bill and moved that the Senate "postpone all the previous orders" for the purpose of taking up the bill. He explained the importance of "speedy action", and remarked that there was no law "to restrain, punish, or prevent" crime in that part of the country. Judges selected for the counties east of the Mississippi, had no jurisdiction in the territory farther west, "and in the case of a mur-

der committed in the county of Dubuque, the murderers were discharged, after argument before the judge, for want of power to punish them."

One of the largest and most fertile portions of our country, Senator Clayton said, was by the neglect of Congress "permitted to remain the scene of lawless violence, where private vengeance was the substitute for public justice." He argued that Congress ought not to permit this state of things to exist any longer. "If we do our duty towards this noble Territory," he said, "the day is not distant when it will be made to appear that it is capable of supporting the population of an empire."

When the bill establishing the Territory of Wisconsin was presented in the House of Representatives, the question of compensation of public officers became a paramount issue. In this connection Representative Samuel F. Vinton of Ohio arose to say that Wisconsin was "a fertile and abundant country, very productive in wheat and other grain," and that "living there was almost as cheap as dirt." The expenses of a Governor "living in a log cabin in Wisconsin", he thought, would not in any manner equal those of a person holding the same office in Ohio, where the salary of the Governor was only \$1000.

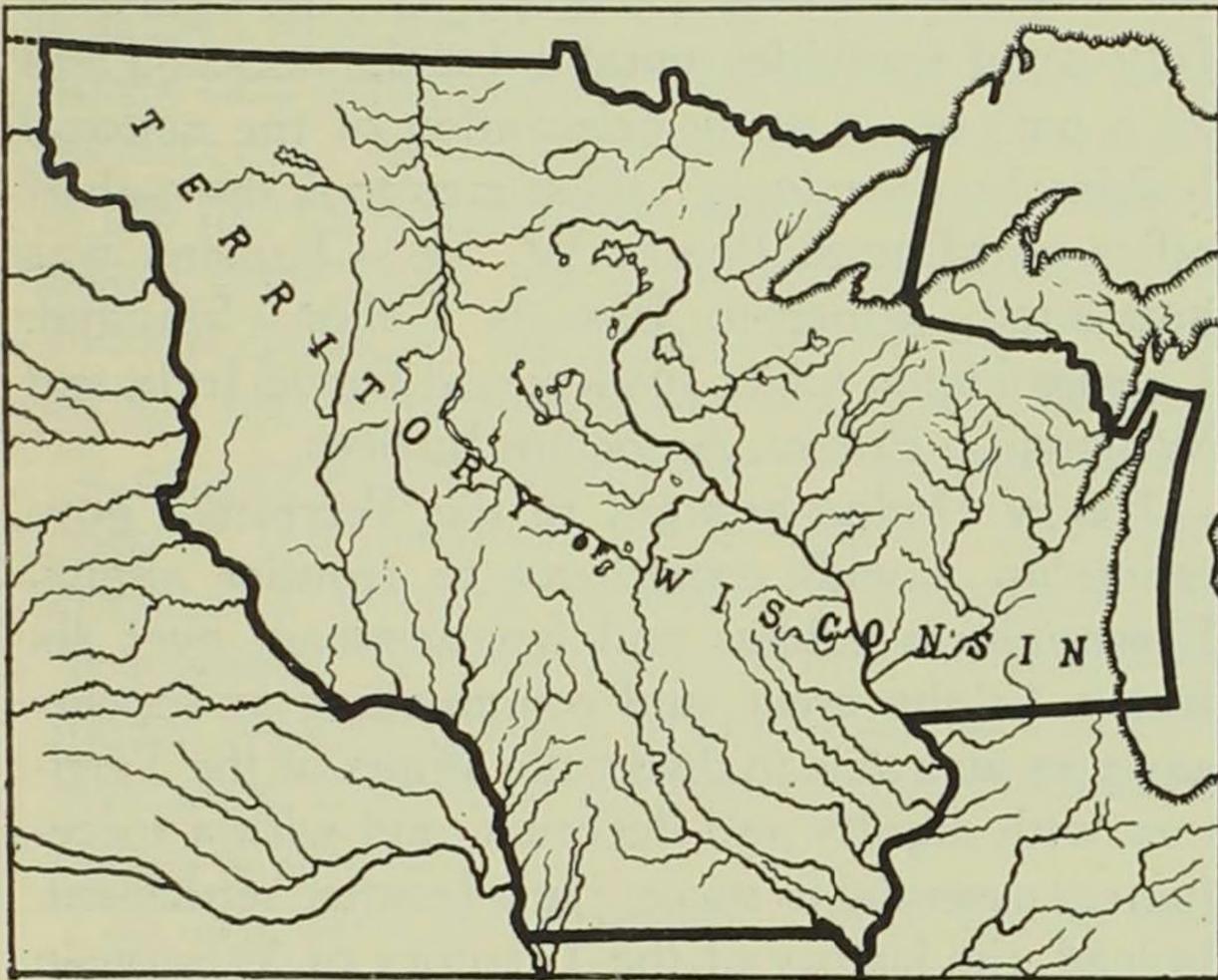
Representative William H. Ashley of Missouri

reflected that the Governor "would be the great father of all the Indians" within the Territory, and "would be frequently compelled to receive and entertain them." Expenses on this account alone, in twelve months, Mr. Ashley believed, "would not be less than one thousand dollars." Moreover, he contended that the responsibilities and labors of this office were greater than those of a Governor of any of the States. In view of these facts the Missouri Representative advocated the payment of a liberal salary.

On April 8, 1836, the measure to establish the Territory of Wisconsin finally passed the House. The Senate accepted an amendment, and the act was approved by President Andrew Jackson on April 20th. Touching Michigan and Illinois the boundaries given to the new Territory were the same as those of the present State of Wisconsin. To the west and southwest, however, its limits extended far beyond the present State border — including as it did all the lands lying north of the State of Missouri and westward to the Missouri and White Earth rivers. The law also provided that the Governor should receive an annual salary of \$2500 for his services as Governor and as Superintendent of Indian Affairs.

While the bill was pending in Congress, President Jackson and George Wallace Jones, Michi-

gan's Territorial Delegate to Congress, were constantly importuned for political appointments in the new Territory when it should be established. The President estimated that he would have a thousand applications for offices in the Territory.



IOWA WAS IN WISCONSIN TERRITORY FROM 1836 TO 1838

There was scarcely a day that the influence of Delegate Jones was not sought in behalf of "some rascally office-hunter." Indeed, he declared, "I have become so disgusted with the hungry wolves that I cannot treat them with common civility."

Jones favored the appointment of persons already in Wisconsin.

Within a month after the establishment of Wisconsin Territory, President Jackson appointed Henry Dodge as Governor and John S. Horner as Secretary of the new Territory. On the Fourth of July, amid festivities suitable for the occasion and as a part of "a noisy celebration of the national holiday by the miners", these men took the oath of office at Mineral Point. W. W. Chapman was appointed Attorney; Francis Gehon, Marshal; Charles Dunn, Chief Justice; and David Irvin and William C. Frazer, Associate Justices.

Henry Dodge brought to the Territorial governorship a wide experience in frontier affairs. Essentially a soldier and frontiersman, over six feet in height, erect, and commanding in appearance, he was able to direct the affairs of the Territory with dignity and decorum, and with a forcefulness essential to success in a frontier settlement. Indeed, the history of the Territory of Wisconsin is in large measure the biography of Henry Dodge.

Born in 1782 at Post Vincennes (now Vincennes, Indiana), the son of a Revolutionary soldier, he crossed the Mississippi River at an early age and spent his youth in the frontier lead-mine region near Saint Genevieve in what is now the State of Missouri. In 1805 he succeeded his

father as sheriff of the Saint Genevieve district — an office which he held for sixteen years.

Dodge was in his thirtieth year when in June, 1812, war was declared with Great Britain. By experience, taste, and capacity he was well fitted to take an active part in that encounter, and his activities as a leader of troops in defense of the Boone Lick settlement on the Missouri River were noteworthy. At the close of the war he returned to the Missouri lead mines where he continued to reside until 1827, when glowing reports of the mineral fields of the upper Mississippi Valley caused him to migrate to that region and settle at the present site of Dodgeville, Wisconsin, then a part of the Territory of Michigan. He commanded a force of mounted volunteers in the Winnebago War of 1827, took a distinguished part in the Black Hawk War in 1832, and in 1833 was made Colonel of the first regiment of United States dragoons.

In the office of Governor, Henry Dodge was influential in securing internal improvements. He recommended that Congress be asked to make appropriations for the removal of obstructions in the upper Mississippi River, for the construction of harbors and lighthouses on Lake Michigan, and for the improvement of the navigation of the Fox River. He was instrumental in locating the capi-

tal at Madison, "the newly platted town so charmingly situated within encircling lakes". He secured the passage of an act abolishing imprisonment for debt, and obtained legislation for the establishment of counties and the location of county seats. During his administration several seminaries were established and Congress was asked to make a special appropriation for a university at Madison.

In 1838 the land west of the Mississippi River was organized into the Territory of Iowa. Dodge continued, however, to be Governor of the diminished Territory of Wisconsin until 1841, when he was succeeded by James Duane Doty who was a Whig appointed by President William Henry Harrison. Dodge was then elected Delegate to Congress, but four years later he was again appointed Governor of the Territory. In 1848 Wisconsin was admitted to statehood and Henry Dodge became one of its first United States Senators. He retired to private life in 1857 and died a decade later in his eighty-fifth year.

Experienced as a frontiersman, trained and renowned as a soldier, Henry Dodge became eminent as a statesman. "His greatest contribution to public life was his service of eight years" as Governor of Wisconsin Territory.

J. A. SWISHER