

# In Search of

*A.D. Smith*

## A History Detective's Quest

By Ruth Dunley

I am a woman haunted. I don't hear trembling voices, nor see silvery apparitions, nor feel the cold sensation of inexplicable breezes in the hallway. Nevertheless, a long-dead man from Wisconsin has a grip on my imagination, and he steadfastly refuses to let me go. His story, buried along with his body, has occupied my mind, drained my bank account, and become the focus of my doctoral dissertation.

All this is for a man who remains largely and inexplicably unknown. For, in an astounding act of nineteenth-century Forrest Gumpery, Wisconsin's A. D. Smith managed to participate in some of the most important historical events of his time and yet no one in the cities where he lived seems to be aware of his fantastic tale.

After three years of searching, much of it in vain, I am all too aware. I like to blame my academic adviser for this, for it was a chance meeting with him that first summoned the ghost of A. D. Smith. Reading aloud one day, my professor pointed to a passage in an old American history book by Glyndon Van Deusen, *The Jacksonian Era*.

*"In September, 1838, some 160 Hunters from both sides of the border attended a convention in Cleveland, where they elected one Smith, a resident of that city, President of the Republic of Canada."*

What? President of Canada?



Photo courtesy of Ruth Dunley

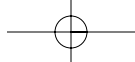
*The author, Ruth Dunley, at the National Archives in Washington, D.C. In this photo she was looking at ship records, searching for passenger lists for the Arago, hoping to find clues about Abram Smith's final voyage. (See page 26 for a photo of the Arago.)*

My adviser explained that he had often cited the passage to his undergrads and had always wondered who this Smith fellow was, but I confess I didn't hear much after that.

One Smith. 1838. Cleveland.  
Not even an initial.

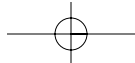
It was then, at that very moment, that Smith began to haunt me and to propel me on a historical detective trail that has taken me on an adventure spanning two countries and several states. I suspect it was the impossibility of it all that imprinted Smith in my mind's eye in such an indelible fashion. As someone who can't turn down a dare, it was unfathomable to me to ignore a story that I knew from the beginning would be a research nightmare. It was not as if I didn't realize the folly of dedicating a good portion

of my young adult life to an attempt to trace and document a long-dead man named Smith, but it was too late. I knew all the cautionary tales of weaving oneself into the narrative and about spinning fictitious yarns from the bits of factual wool that are collected in archives and manuscripts. Yet, three years later, I am hopelessly gone, setting aside all fear and consumed by the secret life of a man to whom I have no personal connection. The truth is, the drive to exorcise the phantom of A. D. Smith has become something of an obsession for me—the riddle of his life looms



*This portrait of A. D. Smith hangs in the Wisconsin Historical Society in Madison.*

WHS Museum 1942.481



## WISCONSIN MAGAZINE OF HISTORY



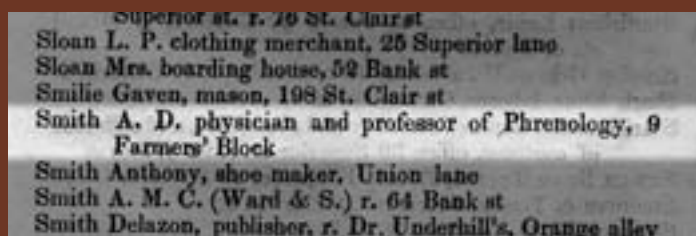
1853 Blue Book

*A page from the 1853 Blue Book listing A. D. Smith as an Associate Supreme Court Justice.*

*This page from the Cleveland city directory lists A. D. Smith as a physician and professor of Phrenology, the study of the skull's conformation. At the time, it was believed that the structure of the skull related to a person's mental faculties and character.*



*One of the first clues was a listing for an A. D. Smith in the 1837 Cleveland city directory.*



WHS Rare Books, Dir 68-528

before me as something that is, like a ghost, present but impossible to capture.

Abram Smith (he almost always went by A. D. in the references I have found) left few clues for me to solve his riddle—he remains a partial apparition, the brilliance of which fades and flares at different times of his life. He came to Milwaukee around 1842 and is best known in the state for his landmark legal work on the early Wisconsin Supreme Court. Few could imagine that this great legal mind of Wisconsin, a man who traveled in the highest social circles and who had so much political clout that his name was once suggested as a possible vice-presidential candidate,<sup>1</sup> had previously led a double life as part of a paramilitary group that sought to overthrow

Crown rule in pre-Confederation Canada. So respected was he within this group of militant republicans, that letters in Canada's national archives confirm that, in 1838, he was actually elected president of a provisional government of the "Republic of Canada."<sup>2</sup> Had he and his group, which called itself the Hunters' Lodge, been successful, Abram Daniel Smith, who played such a key role in early Milwaukee history and in American legal history, may not have arrived in the badger state at all.

Tracking Smith has proven a far more trying methodological endeavor than I could have predicted that day with my professor. Typing "Smith" into search engines or genealogical databases can produce hundreds, sometimes

thousands, of hits. Many librarians and archivists, and frequently other academics, have laughed outright when I have tried to explain that I was searching for a Smith. Over the years I have noticed an intriguing trend: when people stop laughing, they actually want to know more. How do you find someone named Smith? Where do you recover your evidence? How have you not gone crazy?

A trip to the University of Ottawa's library confirmed the existence of the Hunters, that they had held an election, and that they had chosen a fellow named Smith to be the first president of the Republic of Canada. I also discovered that his middle initial seemed to be D, but no answers about what his full name was. I traveled to Cleveland, Ohio, a few weeks later and began my search in earnest, but was not able to confirm much, except that the Hunters had been particularly active in that city and that Smith had been active politically and socially in that city as well. Confirming his name took several more weeks.

It is this difficulty, this chase, that is part of the appeal of his tale. Apart from Smith's cloak-and-dagger activities with the Hunters, his bold and courageous legal decision in Wisconsin, and his groundbreaking defense of the property rights of freedmen in South Carolina, what people love most about Smith's story is not the considerable historical events to which he is tied, but the air of inscrutability that surrounds his specter. What we all love about history, quite simply, is the mystery. At its most basic level, history allows us to be armchair detectives in the search for the truth. As the great historian Robin Winks noted, quoting the fictitious spy Lew Archer: "Someone ought to be interested in the finding out the truth about things, for the truth ought to matter." It's getting at the truth that is the problem—especially when your subject's name is Smith.

Abram Smith's early life, in particular, remains a question mark. I have yet to discover who his parents were, or if he had siblings, even though I have searched wills, obituaries, cemetery records, and marriage registers in numerous places.

As far as I can determine, he was born somewhere in New York state in 1811, although conflicting accounts and documents place his birth as either Lowville, Lewis County or Cambridge, Washington County. After studying law in Sackets Harbor, N.Y., not far from the Canadian border, Smith met and eventually married Mary Augusta Reed in the fall of 1832. Almost two years later, the couple had a daughter, Mary Frances, in Lansingburgh, New York.<sup>3</sup>

In 1836, the family settled in Cleveland, where Smith quickly rose to prominence in the community by securing a spot on city council, joining the board of a school for girls and, as was popular at the time, practicing phrenology and lecturing on the subject. By 1838, he had another daughter, Maria Cecilia, and became involved with a secret society, the Hunters' Lodge. (It is likely that Smith was involved in the Hunter movement before 1838, but the group's election of a provisional government of the "Republic of Canada," which is documented in a handful of sources, is the first event in Hunter history to which I can tie him.)

Located primarily in the Great Lakes states, Hunters' Lodges were found all along the Canadian border and consisted mostly of Americans who saw parallels in the Canadian political scene and pre-Revolutionary America. Some Hunters would have had grandfathers who fought in the Revolutionary War and even more would have suffered the loss or the destruction of property during the War of 1812, predisposing many of them to a bitter Anglophobia. As historian Oscar Kinchen has noted, they were "bred in revolutionary tradition and nourished on Fourth-of-July oratory to the hatred of all things British."<sup>4</sup> They probably felt that they had a fraternal duty to help free their Canadian brothers from what they felt was the

tyranny of British rule.

Formed in response to the failed Canadian rebellions of 1837, the Hunters' Lodge was a secret society with rituals that echoed the Masonic rites. According to the accounts found in the Library and Archives Canada, initiation into the society included elaborate ceremonies in which candidates were blindfolded and sworn to secrecy on peril of death. The group had clandestine meetings, passwords, codes, and special handshakes. Estimates of the group's numbers range from 20,000 to 200,000, and they were clearly of great concern to colonial officials in the Canadas (who were also dealing with a similar francophone group, Les Freres Chasseurs, that had Lodges in the east) as well as the British government at a time when the United States was attempting to remain neutral on the growing popularity of the Hunters.<sup>5</sup>

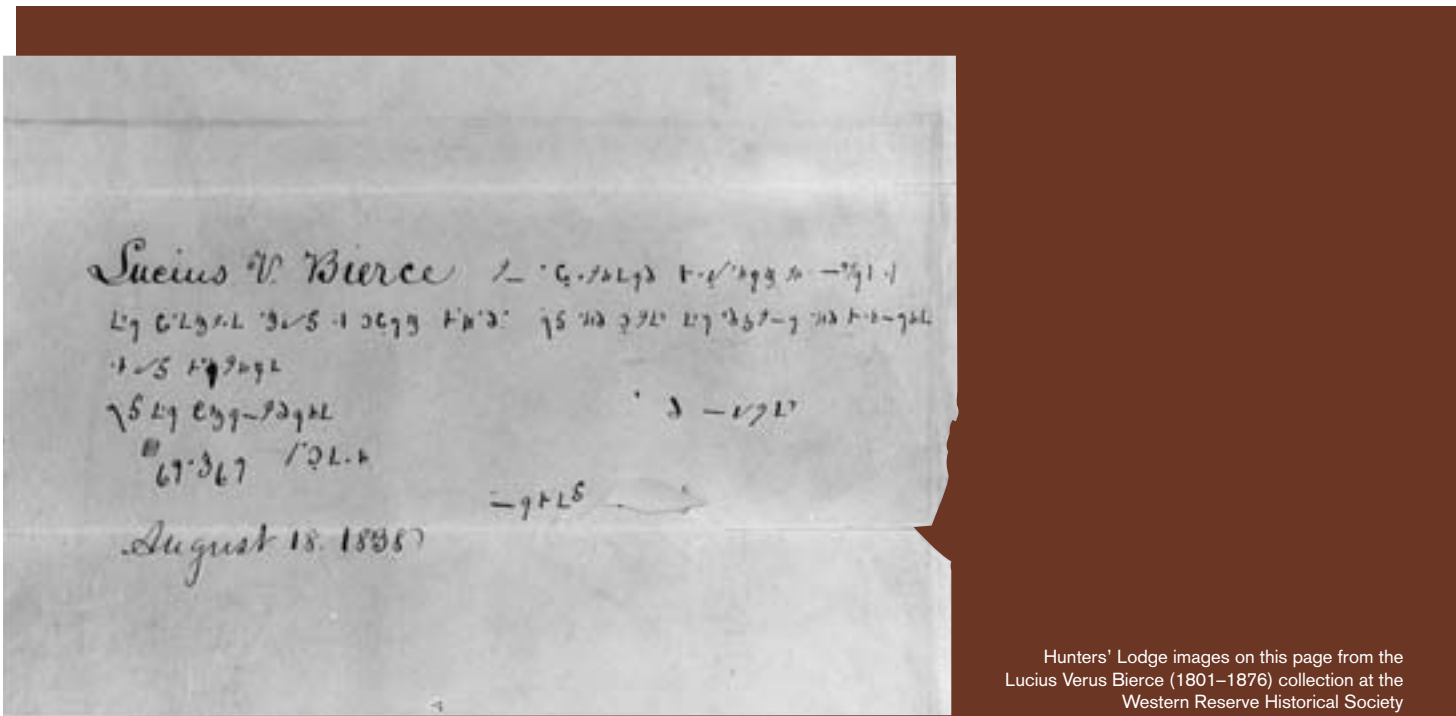
Tying Smith to the Hunters' Lodge is extremely difficult. While there are references in a few books and articles about the election of an A. D. Smith as President of Canada in 1838, I have found nothing in personal papers or manuscripts that would cement his involvement. The profile I have been able to glue together from the bits and pieces I have found, however,



Image ID 34860

*A daguerreotype portrait of a young  
A. D. Smith*

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Hunters' Lodge images on this page from the Lucius Verus Bierce (1801-1876) collection at the Western Reserve Historical Society

*The coded message translates to: "Lucius V. Bierce is appointed kommander-in-chief of the patriot army of upper kanada and with the advice and konsent of my kabinet/ by the president/AD Smith/Earle Lawton/skty of war."*

*This Hunters' Lodge flag shows that the Hunters chose their symbolism carefully, if not subtly, with the American eagle seizing a hapless British lion in its talons.*





Brief mentions. Vague references. The paucity of information makes research extremely difficult—part of the reason why Smith’s ghost is so difficult to capture. Even when I do find a shred of information here and there, it is often a dead end. When I was trying to determine Smith’s first name, for example, I was certain I’d hit pay dirt when I found his docket books in Cleveland, where he was justice of the peace. Instead, I found hundreds of pages where he had signed his name using only his initials. When I found a manuscript collection in the Western Reserve Historical Society that was written by one of Smith’s Hunter colleagues, I was certain it would contain valuable clues. It did—but was written in code. This called for advanced skullduggery, and I subsequently enlisted the help of a computer hacker to help me figure out what it said (they don’t teach this stuff in grad school). It read: Lucius V. Bierce is appointed kommander-in-chief of the patriot army of upper kanada and with the advice and konsent of my kabinet/by the president/AD Smith/Earle Lawton/sekty of war (the Hunters’ code often substituted the letter K for the letter C). While I found secondary sources that mentioned an A. D. Smith’s involvement in the Hunters, and while I found primary documents that quoted people speaking of an A. D. Smith’s involvement in the group, this coded message was the first primary document among the Hunters’ Lodge material that said A. D. Smith was, in fact, a president of some sort.

It is unclear what Abram Smith made of the Hunters’ demise. His dreams of becoming the first Canadian president faded quickly in the early 1840s, and his in-laws, the Reeds of Massachusetts, had moved farther west, settling in Wisconsin territory. Perhaps he was persuaded that nothing was left for him in Canada, or in Cleveland, and that Wisconsin represented better opportunities.

Whatever he thought, it was around 1842 that he made his move. He first appears in the *Milwaukee Sentinel* in that year in a notice about his temperance lecture at Presbyterian House (which is ironic when one considers there is sufficient evidence to suggest Smith had a drinking problem).

Smith’s name surfaced in 1847 as a candidate in the second constitutional convention, but he lost the seat to Rufus King.<sup>7</sup> After Wisconsin achieved statehood in 1848, Smith was nominated to run on a Democratic ticket in the second judicial circuit, but lost to Levi Hubbell, an independent.<sup>8</sup> After his loss, Smith formed a law practice with Henry L. Palmer<sup>9</sup> and in 1851, he garnered attention for his successful defense of a murderer who subsequently confessed to the crime.

After making a name for himself as a lawyer, Smith aimed for an even more powerful position. In 1852, when the state held an election for its fledgling Supreme Court, he ran on a Democratic nomination and was successful, securing a position as associate justice (and ousting Hubbell).<sup>10</sup> In 1854, he was presented with a case that made American legal history.

In terms of my detective work, Smith’s involvement in the case presents one of the best-documented phases of his professional, if not personal, life.

A man named Joshua Glover had been working away at a Racine sawmill for about two years when his world fell apart. An escaped slave from St. Louis, the legend goes that Glover was playing cards with a few friends one night when a knock was heard at the door. Outside, his master, Bennami Garland and federal marshals prepared to enforce the controversial Fugitive Slave Act of 1850. Glover resisted arrest, but was clubbed and hauled off to jail. Abolitionist Sherman Booth galloped up on a white horse soon after and, with a posse armed with pick axes, stormed the jail and set Glover free. Booth, was then arrested and jailed for aiding a fugitive slave. His case ended up before Smith.

Smith, who had been involved in abolitionist groups in Ohio and likely participated in anti-slavery activity



Photo by Ruth Dunley

*The Wisconsin Historical Society’s headquarters building which the author describes as, “a treasure trove of information about Smith, including an account of his death in a diary”*

upon his arrival in Wisconsin, declared the act unconstitutional and Booth was sprung from his cell. (Glover, in the meantime, began his escape to Canada.)<sup>11</sup>

His decision sparked a firestorm of controversy and caught the attention of the national media, including the *New York Tribune*, which wrote of the “manly vigor” of Smith’s words.

“His judgment has all the bone and muscle, with the strong spirit, in which his youthful State exults. As a composition it is excellent, especially when compared with the dead level of judicial opinions, while it is often lifted by its animating principles into a region of true eloquence.”<sup>12</sup>

When Smith’s decision was re-argued to all three judges of the Supreme Court, the outcome was the same, which made Wisconsin the only state to declare the Fugitive Slave Act unconstitutional.

In many ways, however, that was the beginning of the end for Smith’s legal career. As the Glover case was disappearing from the headlines, another story was taking its place.

The land grants scandal rocked the state and dozens of politicians were implicated in a bribery scheme with Milwaukee founder Byron Kilbourn, who was seeking land grants for his La Crosse & Milwaukee Railroad. Smith was accused of accepting \$10,000 in railway bonds, a charge he refuted.

“There never was, at any time, any agreement, understanding, or intimation, suggestion or hint, whatsoever to me, or between me and any other person, touching the receipt by me, or payment, or presentation to me of any La Crosse & Milwaukee Railroad Company bonds or stock of any kind or denomination whatever,” he said in his testimony to a legislative committee which was documented at the time for all to see in the *Milwaukee Sentinel*. Smith said that one morning, he simply found a package on his library table containing railway bonds for La Crosse & Milwaukee.

“I had no reason that I knew, or could think of, to believe or suspect that they were intended for any unworthy purpose.

But although I stood in no official relation to the company, I could perceive that such relation might arise. I could foresee other circumstances wherein I thought it would be my duty, in justice as well to myself as to the State, to retain those

bonds, safely and securely within my control, to be produced as circumstances might require,” Smith said. “I therefore replaced the bonds in the envelope, took them into the bank where I kept my account, and requested the Cashier to put his seal upon it, and deposit the package in the vault of the bank subject to my order, as a special deposit, and there they remain to this day.”<sup>13</sup>

The grant that had gone to La Crosse & Milwaukee was revoked by the 1858 Legislature and the scandal ruined many political careers in the state. The following year, Smith’s term on the court ended and he did not seek reelection as an associate justice. His name was suggested as a possible candidate for chief justice in 1860, but he declined to pursue it, despite the urgings of others.

“There is no man whom the Republican Party could nominate who would begin to come up to his standard, whether you regard the measure of his ability or the character of his backbone,” read one letter to the editor in the *Milwaukee Daily Sentinel*. “. . . His reelection at the present crisis, would be an announcement to the world that Wisconsin takes no steps backward towards Despotism, but is firmly pledged to UNION AND LIBERTY.”<sup>14</sup>

The *Sentinel* itself argued that Smith belonged in the United States Senate, not the state’s Supreme Court.

“There is not hardly a Republican in Wisconsin who does not desire to see A. D. Smith in the Senate of the United States—No more eloquent and earnest champion of freedom can our State produce,” it reported in 1860.<sup>15</sup>

Nevertheless, Smith declined and decided, instead, to take over the *Milwaukee Free Democrat* (which, incidentally, had once been edited by none other than Sherman Booth).<sup>16</sup> In January 1862, however, he announced in the paper that he had sold



Image ID 6270

*Escaped slave Joshua Glover*

Image ID 9485

*Abolitionist Sherman Booth*

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In the name of the  
State of Wisconsin }  
To Alpha V. R. Chlesman.

You are here by commanded to  
have the body of Sherman M. Booth, by you imprisoned  
and detained, as it is said, together with the time and  
cause of such imprisonment and detention, by whatsoever  
name the said Booth shall be called or charged,  
before me, Abram D. Smith, one of the Justices of the  
Supreme Court of the State of Wisconsin, forthwith, at  
my dwelling in the City of Milwaukee to do and  
receive what shall then and there be considered, con-  
cerning the said Sherman M. Booth. And have you  
thus and then this writ

Witness my hand and seal at  
Milwaukee this 27th day of May A.D. 1854

A. D. Smith  
Jst. Justice of the Supreme  
Court of the State of Wisconsin

Endorsed. "I certify that the within writ has been  
allowed by me this 27th day of May A.D. 1854.

A. D. Smith  
Justice of Supreme  
Court of Wisconsin

WHS Series 1633, box 12

Writ of habeas corpus written by A. D. Smith, Wisconsin Supreme Court Justice,  
in the case of abolitionist Sherman Booth in 1854. Booth was jailed  
for aiding fugitive slave, Joshua Glover.

his subscription list to the *Milwaukee Sentinel* and lashed out at his “foes on this side of the Slave States”:

“The undying love of the Union is too deeply rooted in the hearts of the northern people, to permit one star to be stricken from our flag, or one stripe to be removed from its folds, except temporarily to lash traitors into submission. Howl on, ye sympathizers with rebellion; ye are welcome to all the satisfaction you can get from your howlings.”<sup>17</sup>

It was this kind of pro-Union rhetoric that probably qualified him for his next job, to which he was appointed six months later, as one of Lincoln’s federal tax commissioners in Beaufort, South Carolina. I knew this, fortuitously, because of a book my professor had given me, *Rehearsal for Reconstruction: The Port Royal Experiment*, by Willie Lee Rose (which I had yet to pull off my shelf).

Long before I found the newspaper announcement about Smith’s appointment as a tax commissioner, I had found obituary references to him having relocated to South Carolina after his time as a judge in Wisconsin. What, I wondered, was an abolitionist judge from Milwaukee doing in the heart of Dixie during the Civil War? At the time, I was only a few weeks into my research and knew very little at all about the Federal occupation of South Carolina and so I asked my academic adviser in Ottawa what he made of Smith’s appearance in the South. He said it was a long shot, but suggested I check the Rose book he had given me. I was skeptical, but took a look. There, in the index, was another clue: “Smith, Judge Abram D.” There was enough in Rose’s book to confirm it was the same Smith I had found in Milwaukee and there are ample surviving federal records of the Direct Tax Commission detailing his activities, but Smith’s personal life is, once again, a mystery.

Once he arrived in the South, it did not take long for Smith to clash with his fellow commissioners, William Henry Brisbane and William Wording, about how things should be run. The trio’s acrimony is obvious in their paper trail—in most votes it was two to one with Smith standing alone. The feuding continued with bitter complaints sent to Washington about Smith’s excessive drinking and tardiness. Those familiar with Brisbane, a former South Carolina slaveholder who turned his back on slavery and lived part of his life in Arena, Wisconsin, might find it odd that two men with strong abolitionist beliefs and ties to the same Northern state could have such an acrimonious relation-



Photo by Ruth Dunley

*The Milwaukee County Historical Society yielded A. D. Smith’s will, one of the author’s best research finds.*

ship, but as my research unfolded, it became clear that neither one was very fond of the other. “We have patiently borne with him thus far in the cherished hope that his own course or other circumstances might render such a communication as this unnecessary. But we feel that we owe it to the country in general, and to our own commission in particular, to now say to you that the frequent inebriation of our said colleague unfits him for the proper duties of the commission,” Brisbane and Wording wrote to Salmon Chase in early September 1863.<sup>18</sup>

Brisbane and Wording’s letter-writing campaign paid off and Smith disappeared from Commission records in 1864, just after Brisbane wrote in his diary of Smith’s “removal.”<sup>19</sup> Like a good thief, Smith slipped away without leaving a trail—taking all his secrets with him. It is unclear from the records what, exactly, Smith did after leaving the Commission because he does not appear to return to Wisconsin, as logic might suggest. Based on the Rose book, he does seem to have formed a cordial relationship with Brigadier General Rufus Saxton, the military governor of the Sea Islands, so it is possible he continued working for him in some capacity. Whatever he was doing in South Carolina, shortly after the end of the war he boarded a northbound steamer, the *Arago* and began to feel ill soon after. By the time the *Arago* docked in New York, he was dead.

For months I have sought details of his death. What killed him? Was it alcoholism finally catching up with him? Was it



National Archives

*A. D. Smith died while aboard the Arago, an army ship that made frequent trips between South Carolina and New York. Smith died aboard the ship on June 4, 1865.*

a fever? I have searched for ship logs (which is complicated by the fact that the *Arago* was an army ship, not a navy vessel), tried to track down the records of the ship's doctor, and read through all of Smith's death notices. When I finally found a passenger list for the date the *Arago* sailed, Smith's name was mysteriously absent. I was about to give up hope when I found a detailed description of his death in the most unlikely place: William Henry Brisbane's diary, located in the Wisconsin Historical Society. In a bitter twist, it was Brisbane, Smith's nemesis on the Commission, who took care of his gravely ill former enemy.

As I leafed through the diary, hoping to find even the smallest shred of information about Smith's death, I failed to find the cause but did find this:

"Sunday, June 4th, 1865. Atlantic Ocean. Judge A. D. Smith died this morning at 6 o'clock. I was with him in his last moments & closed his eyes. The physician of the steamer (the *Arago*) was also with him. With the waiter & doctor I assisted

in laying him out. A rough box was prepared for the body & with the use of ice it will be kept to be sent to Milwaukee."

In Wisconsin, Smith was mourned by the *Milwaukee Sentinel*, by the *Daily Wisconsin*, by the *Daily Milwaukee News* and by the Supreme Court.

"Judge Smith died in a time when death was common to this country, when presidents, heroes and statesmen were lost to us by death almost daily, and it was not so much observed as it would have been in times of profound peace; but with him as with the others, history will redeem their memory, and their names will not be forgotten, when we recall those who have faithfully served their country," said H. S. Orton in a tribute to his former colleague and friend.<sup>19</sup>

But Orton was wrong. They *did* forget his name. And granted, Smith is not a terribly memorable surname, but surely what he did is worth remembering, not just for Wisconsin history, but also for American and Canadian history.

Once again, to quote Lew Archer: *Someone ought to be*



Photo courtesy of Ruth Dunley

*In March 2004, the author made her first research trip to Wisconsin, where she immediately went to Smith's grave, in Forest Home Cemetery, in Milwaukee. He is buried next to his wife, Mary Augusta, and his son, Marius, who died as a child.*

*interested in finding out the truth about things, for the truth ought to matter.*

Questions of what killed Smith, what he was doing between 1864 and 1865 in South Carolina, and what happened to his family and, indeed, his legacy in Wisconsin are among the many questions with which Smith haunts me. In tracing his descendants, I have located a great, great, great-granddaughter still living in Wisconsin, but even she was unaware of the enigmatic relative in her family tree. Through the generations of Smith's family, somehow, his glorious story simply faded away, his ghost ignored and, then, forgotten. I have been unable to locate a death certificate for him and the registers at Forest Home Cemetery in Milwaukee, where he is now buried, do not indicate the cause of death. I suppose all cemeteries have their secrets.

Tangled up between the bones, soil stifles stories, lies, and the embroidery of spectacular lives that are represented only by the sterile names and dates of moss-covered epitaphs. They are all there, the secrets, if only we can find them.

Amid the graves of war heroes and politicians and society ladies in Forest Home is a story of intrigue and patriotic passion that cannot be detected when one passes the plain, grey obelisk located at Lot 2, Block 1, Section 26. The rather ordinary name on the obelisk, Smith, belies an extraordinary tale of Wisconsin history that Abram Daniel Smith took to his grave more than a century ago. ❧

## Notes

1. *Milwaukee Sentinel*, May 2, 1859, 1. Although very poor quality, microfilm indicates that Smith's name was mentioned in connection with the Republican nomination for vice-president.
2. References to Smith's election as President of Canada, as well as a wealth of information on the Hunters' Lodge and the Canadian Rebellions, can be found in the Library and Archives Canada.
3. My research on Smith's descendants shows that all of his daughters married well. Mary Frances married William Sydney Huggins, a minister, and moved to Michigan. When he died of typhoid pneumonia, she remarried a second minister, Lucius Delison Chapin, who had been a preacher at Milwaukee's Presbyterian church in the late 1840s. Maria Cecilia Smith married William Sprague Candee, a cashier at the Manufacturers' Bank whose father was a physician. Marion Augusta Smith, who was born in 1851 in Milwaukee, married Charles Elkanah Andrews, who had established a dry goods empire that was known for its Pearl Baking Powder (their "impressive" wedding was written about in the *Milwaukee Sentinel*). A son, Marius, died in 1845 when he was not yet two. There were undoubtedly other Smith children born between the births of Marius in 1843 and Marion in 1851, but as yet I have been unable to find them and only the three daughters appear in Smith's will.
4. Oscar Kinchen, *The Rise and Fall of the Patriot Hunter* (New York: Bookman Associates, 1956), 5. Kinchen's work, along with Edwin C. Guillet's *Lives and Times of the Patriots* (Toronto: University of Toronto Press, 1963) and Donald E. Graves's *Guns Across the River: The Battle of the Windmill, 1838* (Prescott: The Friends of Windmill Point, 2001), remain the most authoritative works on the Hunters' Lodge.
5. Although they are somewhat dated now, for more about the diplomatic snarling surrounding the Hunters, see William D. Overman's "A Sidelight on the Hunters' Lodges of 1838" in the *Canadian Historical Review* 19 (March 1938) and William Porter Shortridge's "The Canadian-American Frontier During the Rebellion of 1837," also in the *Canadian Historical Review* 7 (March 1926).
6. *The Green Bag* 9 (1897): 110–112.
7. John Bradley Winslow, *The Story of a Great Court: Being a Sketch History of the Supreme Court of Wisconsin, Its Judges and their Times From the Admission of the State to the Death of Chief Justice Ryan* (Chicago, IL: T. H. Flood & Company, 1912), 41.
8. *Ibid.*, 38.
9. John R. Berryman (prepared under direction of), *History of the Bench and Bar of Wisconsin* (Chicago, IL: H. C. Cooper, Jr., & Co., 1898), 47.
10. Winslow, *The Story of a Great Court*, 38.
11. There are several accounts of Joshua Glover's arrest and the subsequent legal wranglings that resulted in *Ableman v. Booth*. See the *Milwaukee Sentinel* from the spring of 1854 until the early winter of 1855. Also, Joseph A. Ranney's *Trusting Nothing to Providence: A History of Wisconsin's Legal System* (Madison, WI: UW Law School, Continuing Education & Outreach, 2000), and, for a slightly outdated but entertaining account, see Fred L. Holmes's *Badger Saints and Sinners* (Milwaukee, WI: E. M. Hale and Company, 1939). The text of the *Ableman v. Booth* case is widely available online.
12. *New York Tribune*, as quoted in the *Milwaukee Sentinel*, July 17, 1854.
13. Smith's testimony can be found in the *Milwaukee Sentinel*, May 29, 1858, 2.
14. *Milwaukee Daily Sentinel*, Jan. 17, 1860, 2.
15. *Milwaukee Daily Sentinel*, Jan. 14, 1860, 2.
16. *Milwaukee Daily Sentinel*, Dec. 13, 1860, 1.
17. *Milwaukee Sentinel*, Jan. 28, 1862, 1.
18. U.S. National Archives and Records, Record Group 58, Records of the Internal Revenue Service, College Park, Maryland.
19. Wisconsin Historical Society, William Henry Brisbane Diary, Jan. 1, 1864–Jan. 7, 1866. WIS MSS VD 17.
20. *Wisconsin Supreme Court Report of Proceedings*, vol. 18 (Chicago, IL: Callaghan & Company, 1874), 17.

## About the Author

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