

# INTRODUCTION

## OVERVIEW

By the Treaty of Paris in 1783, Great Britain not only gave formal recognition to the independence of the United States, but also ceded to the newly created nation vast holdings east of the Mississippi River, including the area of present-day Wisconsin. As a part of the United States, Wisconsin was successively governed by the Northwest Ordinance of 1787, the laws of the Indiana Territory, the Illinois Territory, the Michigan Territory, and finally the Wisconsin Territory.

On August 6, 1846, the United States Congress authorized the voting population of the Territory of Wisconsin "to form a constitution and State government, for the purpose of being admitted to the Union." Based on this enabling act, the Wisconsin voters called a constitutional convention to draft a fundamental law for state government. The convention submitted its draft constitution to the people in April 1847, only to have it overwhelmingly rejected. A second draft was ultimately approved in March 1848, and on May 29, 1848, Wisconsin became the thirtieth state to be admitted to the Union. The constitution that was originally adopted remains in effect today, although it has been amended with moderate frequency.

According to the enabling act passed by the United States Congress, Wisconsin became a state equal in all respects with the original states. The original 13 states, by ratifying the United States Constitution, had delegated certain powers to the federal government. By achieving statehood Wisconsin agreed that the same portion of its sovereign powers would be delegated to Washington. As a result the Wisconsin people, lawmaking bodies, courts, and administrative machinery became subject to the provisions of the Constitution and to certain expressed prohibitions, primarily concerned with coining money, taxing imports and exports, making agreements with other states and with foreign governments, and waging war. The states also delegated certain duties to the federal government, including the regulation of interstate and foreign commerce, the imposition and collection of taxes, the maintenance of armed forces and the declaration of war, and the establishment of a postal system. But, in all areas in which the states did not delegate their sovereignty to Washington, they had sovereignty. While the powers delegated to the federal government and the powers reserved to the states are neatly delineated and appear clear-cut, in practice it is not nearly so simple. Many powers are exercised concurrently by the federal government and the states.

In addition to the United States Constitution and the Wisconsin Constitution, the government of the state of Wisconsin is presently regulated by the laws contained in over 5,500 pages of Wisconsin Statutes. Even this body of law is not detailed enough. The Wisconsin legislature has discovered that there are some areas that are so technical and complicated that implementation must be left to the specialists charged with administering the law. Consequently the law invests certain administrative agencies with rule-making powers.

While the framework of Wisconsin government remains substantially as provided by the state constitution, the size of government has dramatically increased with the development of the state. In 1848 the needs for state government services were relatively simple. In the annual report of 1849, the Secretary of State reported payments to only 14 people performing duties for the state comparable to those performed by today's executive branch. In April 1985 full-time state employees numbered over 53,000, while over 11,000 more served in part-time, seasonal, or project positions.

The principle of the division of power among the three branches of state

government--executive, legislative, and judicial--is a concept firmly rooted in the American system. Within that framework, however, change is common in the allocation of functions among the agencies of the executive branch of state government, in the organization and operation of agencies of the legislative branch, and in the types and number of courts in the judicial branch (Wisconsin Legislative Reference Library 1985-1986:269-273).

In Wisconsin state government, there are nearly 100 administrative agencies for carrying out the law. These agencies vary in size from some examining boards with less than one full-time employee to agencies such as the university, Department of Public Welfare, and Highway Commission with literally thousands of employees.

Organizationally these administrative agencies follow three patterns. Some have one person at the head who is responsible for the entire operation. Typical of this type are the Insurance Department, Motor Vehicle Department, and the Department of Taxation. A second group have a full-time commission of three at the head of the agency; these include the Highway Department, Industrial Commission, and Public Service Commission. The third type of organizational pattern involves a part-time board which selects a full-time administrator to operate the agency under its supervision. This group is numerically the largest and includes such agencies as the Department of Agriculture, Public Welfare Department, and the university.

All these agencies are entrusted with a variety of functions, with tasks falling into three general categories. First, the agencies provide services: if a farmer's cow dies, the Animal Disease Control Laboratory of the Department of Agriculture will attempt to determine the cause of death. Secondly, these agencies counsel and advise: if a community wishes to build a swimming pool, the Board of Health will advise them where to locate it. Finally, these agencies supervise and regulate: they license of food processors, inspect of factories, and arrest violators of traffic laws on state highways (Wisconsin Legislative Reference Library 1958:144).

Over the years Wisconsin state government has developed a reputation for advanced practices. The state has initiated many important functions in government, including the direct primary election, workmen's compensation, unemployment compensation, and vocational education. The multi-member commission developed to direct the work of certain state agencies, modern budgeting practices, the highway marking system, and a reference library for legislators were initiated in Wisconsin as well (Wisconsin Legislative Reference Library 1958: 146-147).

In order to fulfill the numerous responsibilities of state government, Wisconsin law establishes subordinate units of government, which also may be abolished, or changed, or given increased powers and duties by state law. The subordinate units of government consist of counties, towns, villages, cities, school districts, and special districts. Each of these units, within the limits established by state law, has the power to tax and to make legally binding rules for the government of its own affairs.

The government of each county is located in a community in the county called the "county seat" and is carried out in a building called the "county courthouse." Wisconsin statutes contain a long and detailed listing of the powers and duties of Wisconsin counties, but the county is not invested with home rule powers. The county governing board is the board of supervisors. County boards vary in membership from six to 46, but on each board every supervisor represents as nearly as practicable an equal number of inhabitants. Elected county officials include the members of the county board and such administrative officers as the district attorney, sheriff, clerk, treasurer, coroner, register of deeds, and clerk of circuit courts. They are elected for two-year terms, except for the Milwaukee County Board supervisors, whose members serve four-year terms. Counties may substitute a county medical examiner for a coroner and may employ a registered land surveyor in lieu of electing a surveyor. In Milwaukee County these officials may not be elected. Counties

may elect a county executive, who serves a four-year term. As of 1986 eight counties had an elected executive, while another ten had an appointed administrator or similar official.

Wisconsin cities and villages are incorporated under general law. Based on a constitutional amendment ratified in 1924, they have home rule powers to determine their local affairs. In 1986 there were 581 such municipal corporations, including 189 cities and 393 villages. Minimum population for incorporation as a village is 150 persons, and for a city 1,000 persons, but unincorporated settlements exceeding the minimum population have not been required to become municipal corporations. The basic responsibility for the government of each city or village is vested in its governing body; in a city this body may be a common council or a commission and in a village the governing body is the village board. There are 3 forms of executive organizations of city government: mayor-council, council-manager, and commission. In 1986 only 11 cities operated under a council-manager system; none operated under a commission. In villages the executive power is administered by the village president, who presides over the board but cannot veto its actions.

Town governments are found in all areas of Wisconsin not included in the corporate boundaries of cities and villages. In 1986 Wisconsin had 1,267 towns. Towns have no powers other than those granted by the Wisconsin statutes. In addition to local road maintenance, Wisconsin town governments carry out a variety of functions and, in some instances, even undertake urban-type services, usually through town-established sanitary and utility districts. The governing body is the town board composed of three supervisors, who are elected biennially at the town meeting. If a board is authorized to exercise village powers, it may have up to five members with staggered terms. The position of town supervisor is largely administrative; supervisors carry out the policies set at the annual town meeting held on the second Tuesday of April or another date set by the electors. The town board chairperson has a number of executive powers and duties. The town board may also create the position of town administrator.

There are 432 school districts in Wisconsin. These are special units of government organized to carry out a single function, the operation of the public schools. Each district is run by an elected school board, which appoints the administrators of the system.

In addition to school districts, special districts have also been created in Wisconsin to carry out functions which are strictly local in nature, involving no state-level agency. Each special district seeks to solve a specific problem or perform a specific function, usually across municipal boundaries. Special districts are corporate bodies, may sue and be sued, levy taxes and special assessments, spend money, and may acquire property. Some special districts are designed to be permanent; others are temporary. Because of the single function of each district, organization and operational staffing are relatively simple.

Although there is no exact count of the number of special districts in the state, the Bureau of the Census set the 1982 figure at 265. This includes public inland lake protection and rehabilitation districts, metropolitan sewerage districts, county drainage boards, drainage districts that are independent of county drainage boards, housing and community development authorities, and a single municipal electric company. Town sanitary districts and dependent lake and rehabilitation districts are not included in the Census count. Using different criteria, the Wisconsin Department of Revenue totalled 437, including seven sewer districts, 300 sanitary districts, and 130 lake districts (Wisconsin Legislative Reference Bureau 1985-1986:274).

In addition to the many functions of government already described, the military role of government is an important consideration. Early military forts and their garrisons of soldiers maintained control between American, British and French trappers and traders and Indian tribes throughout the region. Later, as miners and agricultural settlers began moving into southern Wisconsin, these garrisons constructed roads, provided protection

from Indian threats, and often formed a nucleus around which communities developed. Along with federal troops and forts, local and state militias organized around the state in response to Indian threats and to fulfill social and fraternal needs. These militias in turn filled Wisconsin's troop quotas in the early days of the Civil War, trained in Wisconsin military camps, and fought and died for the Union cause.

As Wisconsin grew in the years following the Civil War, so did the concept of a professional state militia. The Wisconsin National Guard answered this need and provided trained troops for federal service during the Spanish-American War, World Wars I and II, the police action in Korea, and the Vietnam conflict. Wisconsin also became the site for numerous National Guard and federal military installations, including training camps, air fields, munition plants, missile and communication bases, as well as local Guard posts and armories.

Today, state and federal military establishments in Wisconsin continue to provide a primary defense network based on trained preparedness, and to maintain civil order in the event of emergency or natural disaster. Military activity is a part of Wisconsin's heritage spanning one hundred and seventy years, from the days of horses and muskets to modern jets and nuclear missiles.

## **PROTECTION**

### **Threats to Resources**

Due to poor historical documentation, it is extremely difficult to identify the locations of historic resources and archeological sites associated with Wisconsin's territorial period. Thus, those resources that do remain are threatened by their very age, as well as by a lack of identification. Others may have been altered beyond recognition, while still others, especially those constructed in choice waterfront locations, are increasingly threatened by industrial or recreational development.

Over the past few decades, many state-owned and operated resources have become threatened with obsolescence and the changing functions of state government. Other structures have become threatened as a result of the state's withdrawal from the administration of various programs and facilities or by the assumption of functions by the private sector or municipalities. Orphanages are an example. Specific threats to state-owned properties such as educational facilities and roads, are discussed in greater detail in other themes.

The growing urbanization and suburbanization of many areas in the state has resulted in the assumption of some historic functions of county government by city and other municipal governments. Recently, the private sector also has become involved in the administration of some programs. As a result, county associated properties have become threatened with abandonment, unsympathetic re-use, or alteration. Over the past few decades both the private sector and various levels of government have equated a "modern image" with a modern building. This has resulted in the unnecessary abandonment and demolition of numerous historic properties that could have been upgraded to make them functionally more acceptable.

County courthouses remain the most representative resource for county government. Many of these survive relatively intact; other county associated properties, such as schools and jails, have not fared as well and are threatened because of their perceived obsolescence.

Few resources associated with Wisconsin's military frontier remain extant. Archeological resources are the more common resources from this period, but even these are

threatened. Agricultural expansion and urban and suburban development in southwestern Wisconsin over the past several decades have obliterated many associated resources, such as the stockades and blackhouses built during the Blackhawk War. The site of Fort Winnebago is presently threatened by suburban development around the city of Portage (Columbia County). The precise location of Fort Howard at Green Bay (Brown County) still needs to be identified; this in itself poses a threat to any surviving archeological evidence. More recent federal military installations are subject to continual modernizations and alterations as dictated by military needs and advances in technology.

Civil War camps became practically obsolete with the cessation of hostilities in 1865. Because many of these camps were located in communities which experienced expansive urban development during the late nineteenth and early twentieth centuries, few associated resources remain extant. The site of Camp Scott, for example, is now part of the Marquette University campus. The largest of Wisconsin's Civil War camps, Camp Randall in Madison, was incorporated into the University of Wisconsin campus and is now the site of a major university athletic complex.

Most resources associated with Wisconsin's early militias are no longer extant. Like so many other military associated resources these structures have succumbed to age, abandonment, urban and suburban development, and advances in military technology. Today, Wisconsin National Guard facilities are subject to continual modernizations and alterations as dictated by the federal government.

### **Survey Priorities**

Intensive survey of Prairie du Chien, (Crawford County), with particular attention to those resources associated with all aspects of the territorial period.

Intensive survey of Portage (Columbia County), with particular attention to those resources associated with the territorial and early statehood periods.

Intensive survey of Mineral Point (Iowa County), with particular attention given to those resources associated with all aspects of the territorial period.

Completion of the State Facilities Survey, approaching each branch of government on an individual basis.

Thematic survey of state-owned correctional facilities.

Thematic survey of state-owned institutions for the handicapped.

Thematic survey of armories.

Thematic survey of state-owned vocational schools.

Thematic survey of state office buildings.

Thematic survey of Wisconsin National Guard camps.

Thematic survey of county jails and sheriffs' residences.

Thematic survey of county hospitals.

Thematic survey of county educational facilities.

Thematic survey of obsolete structures associated with county government, eg. sanatoriums and asylums.

Thematic survey of town halls over 50 years old.

Locate exact site of Fort Howard (Green Bay, Brown County) to determine if archeological evidence remains or if it has been destroyed by the railroad yard.

Intensive survey of the Military Road between Prairie du Chien and Green Bay to locate and evaluate archeological sites and structures along its route.

### **Registration Priorities**

Because there are so few extant resources associated with the territorial period, those that are discovered should be nominated to the National Register. When the exact location of Fort Howard is discovered, that site should be nominated as well.

# MILITARY FRONTIER

**Temporal Boundaries:** 1805-1862.

**Spatial Boundaries:** The Upper Mississippi and Wisconsin-Fox River corridors, with particular emphasis on Prairie du Chien, Portage, and Green Bay; the lead mining district of southwestern Wisconsin; and northwestern Wisconsin.

**Related Study Units:** Federal Military Installations, State Militia, American Fur Control, Lead and Zinc Mining, Territorial Government, State Government, Early Road Networks.

## HISTORICAL BACKGROUND

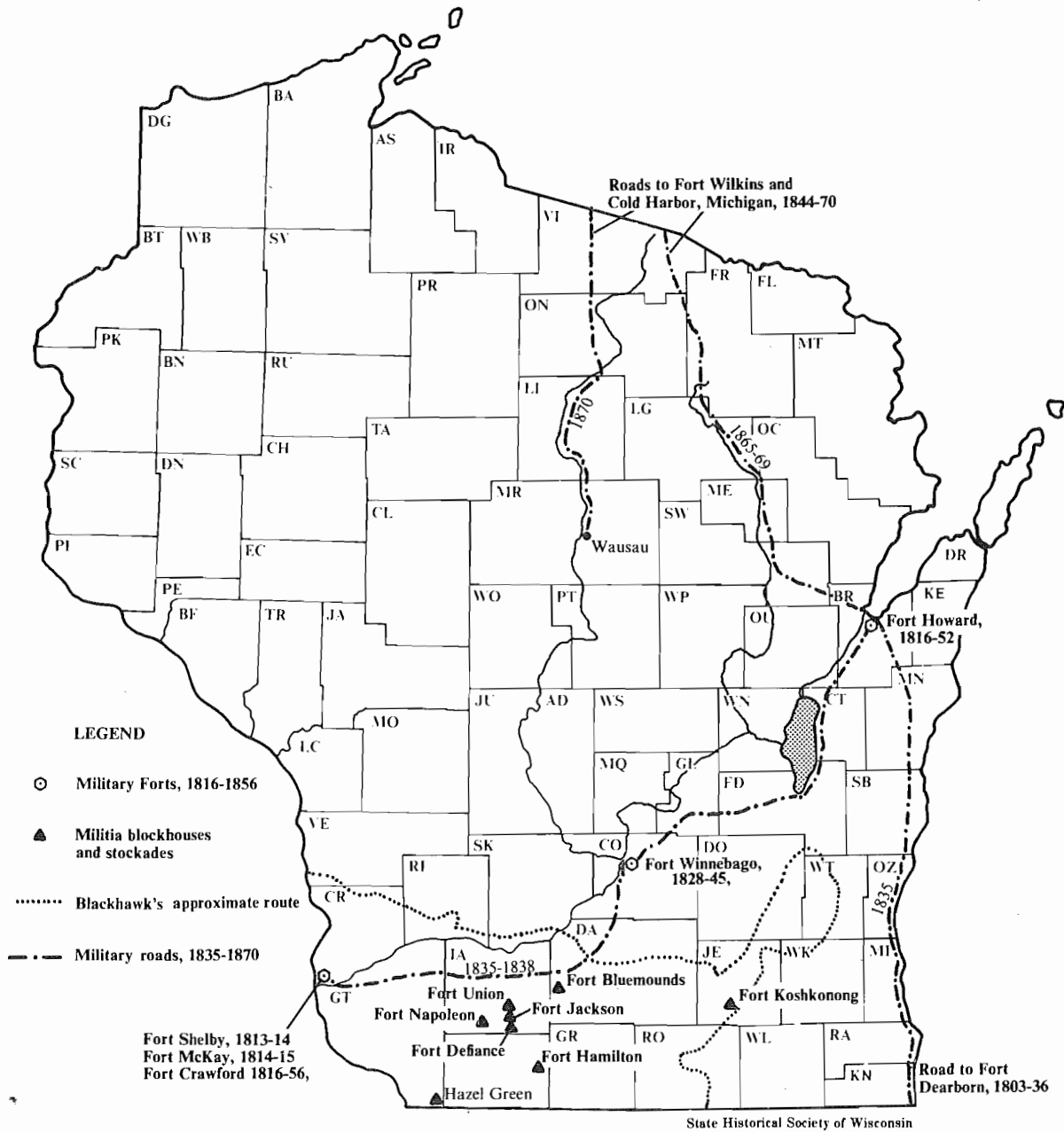
The early American explorations into the Upper Mississippi Valley, beginning with the Pike expedition of 1805, and the outbreak of war with Great Britain in 1812 served to convince the United States government of the need to control the routes used by American and British fur traders to reach the Indians residing on American territory. To accomplish this end, garrisons were posted and forts built at Detroit, Chicago, Mackinac, Rock Island, and elsewhere to protect the northwestern frontier.

The first military frontier outpost in Wisconsin was established at Prairie du Chien in 1813. This outpost, Fort Shelby, was captured by the British in 1814 and renamed Fort McKay. Shortly after the British withdrawal from Fort McKay in 1815, three permanent military outposts were established in Wisconsin--Fort Crawford at Prairie du Chien (1816) Fort Howard at Green Bay (1816), and Fort Winnebago at the portage between the Fox and Wisconsin Rivers (1828). In 1828 Fort Crawford, which had been built on the site of Fort Shelby, was abandoned for a more favorable location on higher ground above the Mississippi river.

By the 1820s, the American government had succeeded in extending its presence throughout the Old Northwest for the purpose of enforcing its Indian policies and regulating the fur trade in the Upper Mississippi region. In doing so, the military played an important pioneering role in the settlement of the frontier. The early military outposts became the first population centers in the territory and fostered a period of much activity. Many an enlisted man found himself engaged in building roads and bridges, farming, cutting lumber, and the like. The frontier outposts served as the first political and judicial centers of the region. The presence of the military, particularly the officers and their families, also helped set the social tone of the early settlements by promoting education and religion, and by hosting social gatherings (Smith 1973:99-102; Gara 1962:41-42).

The unregulated influx of settlers into the region during the 1820s, 1830s, and 1840s led to the accelerated cession of lands in Wisconsin by various Historic Indian groups and undoubtedly contributed to the outbreaks of defiance among the Winnebago in 1827 and the Sauk and Fox in 1832. The suppression of these outbreaks of Indian hostility by the military and militia, opened up the lead region and the Upper Mississippi Valley to increased white settlement. Between 1845 and 1856 all of the frontier military outposts in Wisconsin were permanently abandoned (Gara 1962:43). During the Sioux uprisings in Minnesota in 1862, great alarm spread across northwestern Wisconsin. As a result, several Home Guards were organized and stockades built. By the summer of 1863, the militia units had been withdrawn and many stockades such as the one erected in Superior were abandoned (Current 1976:319-320).

# MILITARY FRONTIER



Military Forts and Roads, 1805-1862

Source: Compiled by Lewis, 1983.



## IDENTIFICATION

**Resource Types.** Forts, blockhouses and stockades, surgeons' quarters, military roads, Indian agencies, sutler stores, sawmill sites, river landings, portages, rendezvous locations, treaty signing sites, battle sites, cemeteries.

**Locational Patterns of Resource Types.** Military frontier outposts are located at strategic points such as portage routes, the mouths of rivers, and on important lakes and bays; blockhouses and stockades erected during the Black Hawk War of 1832 are located at or near early lead mining communities scattered throughout southwestern Wisconsin; the early military roads, built to connect the frontier outposts for communication and supply purposes, are found in southern, eastern, and northeastern Wisconsin.

**Previous Surveys.** Numerous archeological reports have been written concerning the various early fort sites: A Report on Archeological Excavation to Determine the Location of Fort Koshkonong (Fort Atkinson, Wisconsin) by James W. Porter; Preliminary Test Excavations at Fort Winnebago by Jay Brandon; Archeological Investigation to Determine the Site of Fort Koshkonong, Jefferson County, Wisconsin by Robert P. Fay and Lynne Goldstein; and Prairie du Chien: A Historical Study by Edgar S. Oerichbauer.

**Survey and Research Needs.** Identify significant individuals from this period, locate and evaluate resources associated with these individuals. Locate and identify significant Indian treaty signing sites. Locate exact location of Fort Howard site; determine what archeological evidence remains.

## EVALUATION

### National Register Listings and Determinations of Eligibility

#### Forts

Fort Howard Buildings (1816-1852), Heritage Hill State Park, Town of Allouez, Brown County (NRHP 1979)

Tank Cottage (1776), Heritage Hill State Park, Town of Allouez, Brown County (NRHP 1970)

Fort Winnebago Site (1828-1845), Town of Pacific, Columbia County (NRHP 1979)

Fort Winnebago Surgeons' Quarters (1828), Town of Pacific, Columbia County (NRHP 1970)

Old Indian Agency (1832), Old Agency House Road, Portage, Columbia County (NRHP 1972)

Fort Winnebago Portage Site (1673), Wauona Trail, Portage, Columbia County (NRHP 1970)

Villa Louis, Villa Louis Rd. and Boilvin, Prairie du Chien, Crawford County (NRHP 1966); site of Fort Shelby (1813-1814) and First Fort Crawford (1816-1826).

Second Fort Crawford Military Hospital, Rice St. and S. Beaumont Rd., Prairie du Chien, Crawford County (NRHP 1974)

Brule-St. Croix Portage (1680, 1766, 1832), Town of Solon Springs, Douglas County (NRHP 1970)

Site of Fort Koshkonong, Eli May House (1832, 1864), 407 Milwaukee Ave., E., Fort Atkinson, Jefferson County (NRHP 1972)

**Context Considerations.** Any extant resources associated with these early

military outposts will be significant because of age and historic associations. Because of the great historical significance of these structures, integrity requirements may not be as high as for later military associated resources. Archeological sites may be significant under criterion D for their potential to yield information relating to Wisconsin's territorial and early statehood periods.

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# CIVIL WAR INSTALLATIONS

**Temporal Boundaries:** 1861-1866

**Spatial Boundaries:** Southern and southeastern Wisconsin, particularly in and around the cities of Madison, Milwaukee, Kenosha, Ripon, Janesville, Racine, La Crosse, Oshkosh, and Fond du Lac.

**Related Study Units:** Federal Military Installations

## HISTORICAL BACKGROUND

With the election of Abraham Lincoln to the presidency in November, 1860, the threat of Southern secession which had plagued the nation for so long finally found embodiment in the actions of South Carolina's secession convention. In response to what he perceived to be acts of revolution and treason, Governor Alexander Randall warned Southern secessionists that Wisconsin would sustain the Federal Government and "never consent to a disunion of the States . . ." (Klement 1963:11). A Republican "fire-eater," committed to armed intervention to prevent secession, Randall quickly directed Wisconsin to a state of emotional and military preparedness. In the Spring of 1861, Randall informed the legislature that they must "determine for Wisconsin . . . the way of arming, equipping and uniforming its own citizens for military purposes, . . . by putting them in the shape of regiments, into camps to be drilled, inured to the hardships of soldier life and made skillful in the use of arms before being called upon to face experienced armies in battle," (Mattern 1981:ix-x). Randall asked for and received \$100,000 in appropriations and the right to raise \$100,000 more through bonds in order to organize the state and volunteer militias into regiments, supply them, and establish camps for their training.

Wisconsin was prepared and eager when Lincoln's call for state regiments came. Authorized by Secretary of War Simon Cameron to enlist one regiment of ten companies, Randall was overwhelmed by 36 companies that applied for the distinction of making up Wisconsin's First Infantry Regiment. Reluctant to accept the enlistment restrictions from Washington, Randall proudly reported on April 22--only eight days after Lincoln's call--that Wisconsin had one regiment ready, a second in camp, and five more being formed. Randall's far-sightedness and preparedness anticipated the nature of the unfolding conflict--one which would ultimately consume a total of 56 Wisconsin infantry, cavalry, and artillery regiments recruited and trained at one of the 11 temporary military camps established in southern Wisconsin.

The First Wisconsin Infantry Regiment was ordered to rendezvous at Camp Scott (named after General Winfield Scott) in Milwaukee by April 27, 1861. Located on Spring Street Hill--a vacant lot on the north side of Spring Street (now Wisconsin Avenue) between Twelfth and Fourteenth Streets, today a part of the Marquette University campus--Camp Scott was still under construction by the time the First Regiment arrived. Faced with conditions deemed "worse than primitive" by one volunteer, with no barracks, an inadequate water supply and no surrounding fence, these volunteers were boarded in hotels and public buildings at state expense, while some members of the five Milwaukee companies commuted daily from home (Nesbit 1973:48). Eventually a large mess hall and booths for the soldiers were erected. On June 9, the First Regiment had left Camp Scott for the East, poorly equipped and with little practical training.

With extra volunteer companies to organize and train, Governor Randall accepted the offer of the Wisconsin Agricultural Society to use their fairgrounds just outside of Madison for a training camp. Inspected and accepted by S. Park Coon, Colonel of the 2nd Wisconsin

Regiment, the facility was named Camp Randall in honor of the Governor, and the existing agricultural and display buildings modified, refurbished, and expanded by Superintendent Horace A. Tenney at an initial cost \$2,750.95. Over the next four years Camp Randall provided training for the majority of Wisconsin regiments--some 70,000 men trained there--while being continually modified and expanded, and eventually able to accommodate 5,000 soldiers at one time. The initial barracks (converted stables and cowsheds) proved to be physically inadequate, cold with leaky roofs, and generally uncomfortable. Large conical tents were used much of the time to accommodate troops, but in the long run proved equally detrimental to health and morale. Other structures included the "Temple of Art," used as an indoor drill room, the machinery exhibition building which served as kitchen and mess hall, an officers' quarters, quartermaster's building, and a camp hospital located in Floral Hall.

Surrounded by an eight foot fence with two guarded gates on the Madison side, Camp Randall also served as a prison camp between April and June, 1862, for Confederate soldiers taken in the capture of Island No. 10 in the Mississippi River. Wholly unprepared to accommodate and keep 1,260 prisoners secure, plagued with disease and inadequate supplies which contributed to an alarming mortality rate among the prisoners, Camp Randall was soon relieved of this duty and returned to training Wisconsin troops. It continued in this capacity throughout the rest of the war, despite a major barracks fire in 1862, and served as the premier depot for mustering Wisconsin troops out of service until early 1866.

Camp Randall, the largest and best documented camp, reflects the general experience of most Wisconsin camps. Volunteer and recruited companies stayed in camp from a few weeks to two months. In that time they received what training and supplies were available--both deemed insufficient. Until January, 1862, the state conducted these camps and filled troop quotas. Even after the federal government assumed authority, no regular army officers were available for training Wisconsin troops. That important task was left up to the unprepared and inexperienced regimental officers, resulting in a widely acknowledged lack of discipline, over-emphasis on marching drill, and uneven tactical training. Coupled with the scarcity of supplies, weapons and practical training in their use, troops left Wisconsin relatively "green." Camp discipline problems spilled over into community relations with drunken soldiers occasionally wreaking havoc in town as well as in camp, leading one historian to interject that, "Madison endured the military much as it has its student population over the years. Girls and chickens strayed from their yards at their own peril," (Nesbit 1973:249). Yet these communities recognized the national importance of the camps, as well as their local economic benefits, and endured, regularly feting the troops with donated blankets and clothing, celebratory meals, and attendance at their dress parades.

Besides Madison and Milwaukee, the town of Racine played host to another of the better-known Wisconsin camps. Camp Utley, named in honor of the state Adjutant General William L. Utley, was established in June, 1861, on the farm of Truman G. Wright--75 acres, bounded by Lake Michigan, and running from Sixteenth Street south to the grounds of Racine College. Originally established for Wisconsin's 3rd Infantry, Camp Utley served mainly as the state's artillery training camp. Composed of tent housing, a mess hall, Quartermaster's office, and an extended artillery range (which at times included the lake), Camp Utley served a total of 15 regiments, despite the intentional firing of old barracks by disgruntled draftees in December, 1862.

Other Wisconsin training camps for which little information exists include Camp Fremont (named after John C. Fremont) near Ripon; Camp Harvey (named after Governor Louis P. Harvey) near Kenosha; Camp Barstow (named after Governor William A. Barstow) near Janesville; Camp Salomon (named after Governor Edward Salomon) near La Crosse; and Camp Hamilton (named after General Charles H. Hamilton), near Fond du Lac. Camp Bragg (named after General E. S. Bragg) was located in Oshkosh on old County

Fairgrounds, bounded by E. Irving Avenue on the north, Hazel Street on the east, E. Parkway on the south, and Evans Street on the west. In Milwaukee, there were two camps besides Camp Scott. These were Camp Sigel (named after Franz Sigel, Commander of the Northern Army, later renamed Camp Reno after Brigadier-General Jesse Lee Reno who was killed in battle in 1862), located near present-day Lafayette and Prospect Avenues along the lake, and Camp Washburn (named after Cadwallander C. Washburn, Commander of the 2nd Wisconsin Cavalry and later governor of Wisconsin), located on the old racetrack west of Twenty-Seventh Street. In all of these camps Wisconsin regiments rendezvoused, organized, "drilled and learned the secrets of camp life," (Klement, 1963:23). Though supplying only minimal practical training and sense of military discipline, these camps contributed to the preparedness of Wisconsin troops soon to see action at places such as Bull Run, Antietam, Chancellorsville, the Wilderness, Vicksburg, and numerous others.

The spring of 1865 brought with it an end to hostilities and the need for military training camps. Most camps had been gearing down since the summer of 1864. The largest, Camp Randall, hosted only a few recruits and a unit of invalid corps, although seven regiments stopped there briefly to organize on their way east. Operational until early 1866 to facilitate the mustering-out of Wisconsin troops, Camps Washburn and Randall soon closed, the latter to be purchased by the University of Wisconsin a generation later.

While not strictly military installations, Wisconsin became the beneficiary of several institutions resulting from the war experience. These included the Harvey United States General Hospital, established in Madison in October, 1863, and subsequently transformed into the Soldiers' Orphan's Home in 1866; the Milwaukee Officer's Hospital and the Swift Hospital in Prairie du Chien, both established 1864; the Wisconsin Soldiers' Home in Milwaukee which became the United States National Soldier's Home in 1867; and the establishment of a Grand Army of the Republic Post in Madison in 1866.

## IDENTIFICATION

**Resource Types.** Barracks, mess halls, officers' quarters, homes of significant military officers, stables and outbuildings, quartermaster and supply buildings, hospitals, artillery range, bath houses, sutler stores, guard stations, guard houses, parade grounds, cemeteries;

**Locational Patterns of Resource Types.** Most associated properties will be located on the outskirts of major population centers in southern Wisconsin

**Previous Surveys.** None

**Survey and Research Needs.** Location and identification of the actual camp grounds, number and types of buildings, and physical and archeological remains. Identify prominent individuals associated with these Civil War facilities; locate and evaluate resources associated with them.

## EVALUATION

### **National Register Listings and Determinations of Eligibility**

Camp Randall, University of Wisconsin Campus, Camp Randall Memorial Park, Madison, Dane County (NRHP 1971)

**Context Considerations.** It is likely that few, if any, properties remain relating to Civil War installations. When any associated resources are found they should be nominated to the National Register under criterion A. Because of overwhelming historical significance, architectural integrity requirements may not be as high as for later military associated resources. Archeology sites may be significant under criterion D for their potential to reveal information relating to Wisconsin's role in the Civil War.

# CIVIL WAR INSTALLATIONS



## Civil War Training Camps, 1861-1865

Source: Compiled by David Lewis

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# STATE MILITIA

**Temporal Boundaries:** 1818-present

**Spatial Boundaries:** The entire state of Wisconsin, particularly areas of population concentration large and prosperous enough to support volunteer associations; spreading throughout the state from southwest to north over time.

**Related Study Units:** Territorial Government, State Government, Nineteenth Century labor, Civil War Installations

## HISTORICAL BACKGROUND

The idea of local defensive units, or militias (loosely defined), dates back to the rise of independent city-states, and more directly to the height of European and English systems of feudal land ownership and decentralized sovereignty. Transplanted to North America, along with other English social and political norms, local and state militias served as the first line of defense in a thinly populated frontier environment.

The ideal of local militia organization transcended American independence and became institutionalized in federal law. Basic to this concept of militia service was the notion that "American military power should be essentially defensive and local," thus discouraging the federal government from maintaining a standing force larger than that necessary for simple enforcement of the constitution (Nesbit 1973:247). Formalized by the Militia Act of 1792 and the Distribution Act of 1808, which provided that each state should have an adjutant general to enroll, staff, and train the militia, maintain an inventory of federally supplied arms, and be answerable to the state's governor, the system of state militias soon proved its inadequacy. Poorly organized, trained and equipped, state militias seldom met an emergency well. Officered by political appointees of the governor who were often not inclined to take orders from regular army officers, and who more often failed to arrange regular militia musters, "the system degenerated into a paper force officered by paper officers." Plagued by decentralization and the administration of state governments, militias formed after 1800 were little more than "a fictitious army" (Cooper 1968:4-6).

Supplementing the state militias were voluntary militias, locally organized, funded, equipped and trained. "Most often vehicles of social prestige and fraternal association," these units of local middle class and social elites performed similar defensive and emergency services for the government, but were under direct state or federal control. In many ways these voluntary associations proved more successful than their state counterparts in answering the military demands of the state and nation. Yet volunteer companies were far from being the ideal defensive units desired, as most were "almost always more social and sporting clubs than military units" (Cooper 1968: 9-11). The Wisconsin experience with state and voluntary militias, and the later directions taken to remedy their weaknesses reflects in general this national experience. (No attempt will be made here to identify all of the state and voluntary militia companies as there are several hundred identifiable units and many more without a formal name. They existed in almost every Wisconsin community, organized and disbanded over time, and were generally amorphous groups of individuals. The most complete listings of units can be garnered from the reports of the State Adjutant General on a year-by-year basis).

The earliest example of a militia organization (loosely defined) in Wisconsin appeared in 1818 when the area was administered as a part of the Michigan Territory. Largely symbolic, militia officers were appointed at Green Bay and Prairie du Chien. Actual militia activity in Wisconsin had to wait until the Red Bird Incident of 1827. Composed of

southern Wisconsin lead miners, spontaneously raised to defend their economic interests from Indian claims to the land, this militia proved largely ineffective in meeting the perceived Winnebago threat. But under the leadership of Colonel Henry Dodge, this early militia began to take form and to represent the interests of southern Wisconsin miners in establishing a separate state government and state militia organization. Not until the Black Hawk War in 1832 did a Wisconsin-based militia see real action and prove their worth. Mobilized by General Henry Atkinson to assist his 600 regulars in crushing the fleeing Sauk and Fox Indians, Colonel Dodge and his Iowa County regiment of 200 mounted volunteers from Dodgeville, Platteville, Mineral Point, Blue Mounds, and Galena, Illinois, mustered into federal service. Over-enthusiastic in their construction of stockades and in their pursuit and slaughter of the retreating Indians, the militia clearly used this uprising to strike against the Wisconsin tribes and insure their own title to the rich mineral lands. In this instance, success of the militia in meeting a perceived threat was largely attributable to the leadership ability demonstrated by Dodge, and to a commonality of purpose shown by the miners in defending their vested economic interests. This pre-territorial militia development was a natural and voluntary response to a given social and economic threat, not a product of Michigan Territorial law or organization (Cooper 1968:42-64).

The development of an official Wisconsin militia came in 1836 with the creation of the Territory of Wisconsin, and the appointment of Colonel Henry Dodge as governor. Playing on the unrealistic fear of further Indian uprisings, Dodge asked the legislature for a well organized and armed militia, but was forced to settle for a "paper list" militia and some volunteer companies. Between 1838 and 1848 continual organization and reorganization of these paper militia units was carried on by Adjutant General William R. Smith to meet the ever-changing population dimensions of a growing state. Interest in an active and physically organized militia was revived with the outbreak of the Mexican War, and volunteer militias offered their support, but because of Wisconsin's territorial status, all but the Crawford County Volunteer Militia were turned down.

In 1848, Wisconsin was granted statehood and authorized to organize a state militia. But when the legislature finally acted on this provision in 1851, it merely reaffirmed the past tradition and practice that "all able-bodied white males between the ages of 18 and 45 were enrolled in the militia" (Current 1976:189-190, Klement 1963:13). Enrollment of men was carried on as it had been in the past--local town and village officers recorded the names of those eligible and forwarded them to Madison. The inefficiency of this law and accounting system is reflected in the large fluctuations in numbers of men enrolled--for example, enrollment dropped from 50,000 in 1855 to 44,000 in 1856, and then doubled the next year to 95,000.

"Notwithstanding the inadequate operation of our militia law," wrote a contemporary chronicler, "several independent companies had been organized in various parts of the State, who took soldierly pride in their knowledge of drill" (Quiner 1866:48). These voluntary associations contained those most interested and most financially able to bear such military service, and therefore suffered less from absenteeism at musters and were able to mobilize more effectively in military fashion. Even though the General Militia Act of 1858 and the 1859 law authorizing "Schools of Practice" (encampments) allowed more power in organizing and training the state militia, "for all intents and purposes, . . . the militia of Wisconsin after 1858 consisted of volunteer companies and a host of paper generals and colonels" (Cooper 1968:88).

The state militia with its top-heavy leadership structure served as an organ of political patronage and personal recognition, while the volunteer militias served similar class aspirations. Given the social nature of their organization, volunteer companies often "built or bought armories which served as combination drill halls, club houses, banquet halls and convention sites." By 1859 there were 55 volunteer companies in Wisconsin, 10 being in Milwaukee. "These companies paraded on holidays, held sham battles, travelled to

Chicago and Detroit for drill competitions and engaged in friendly competition to top each other in splendor and precision drill" (Cooper 1968:90,92). Most state militia men and officers encouraged these voluntary associations because they viewed the primary function of militia enrollment as a means to obtain federal arms and equipment for the state. But from a military perspective, this decentralized system of state and voluntary militias was inherently weak and lacked any sense of military discipline, with militias often serving only as units for the distribution of patronage. This system was to prove its own weakness in the face of civil conflict.

The outbreak of hostilities resulting in the Civil War brought the inadequacy of the old militia system into sharp focus. Governor Alexander Randall recognized both the important place state and voluntary militias would play in the approaching conflict, and the relative atrophy and "paper" basis of the militia in 1861. After the initial flush of volunteering for service died down, the hesitation to enlist and high drop-out rate among volunteer companies created problems, eventually necessitating a draft to fill later troop quotas. Wisconsin's First Regiment, made up entirely of local volunteer companies, was designated as Wisconsin's "Active Militia" in order to fulfill the principles of government use of state militias first. "The volunteer militia of Wisconsin . . . served as a core around which the first three regiments of war volunteers were built. The regular militia, with its multitude of paper field officers and paper organizations, could not even serve a nucleus" (Cooper 1968:157). Wisconsin's state militia design proved bankrupt in effectively mobilizing troops--a function somewhat better handled by the volunteer companies.

During the war, Wisconsin militias formed into regiments and received further training and equipment at one of eleven military training camps located around the state (see Civil War Installations). Here they exchanged their individual company uniforms (which varied from the fashionable French Zouave to Garibaldi's "red-shirts") for the traditional Wisconsin grey suit and eventually the standard blue jacket. Although camp officers attempted to impart more tactical training to these former "parade-ground companies," most regiments left for the front with little more than a basic knowledge of drill. Some of the better known volunteer companies included the Milwaukee Light Guard, the Madison Guard, the Park City Greys of Kenosha, the Black Yagers of Milwaukee, the Sauk County Riflemen, the Union Guard of Milwaukee, the Hiberian Guards of Fond du Lac, the Washington Guards of Milwaukee, the Lemonweir Minutemen, and the Governor's Guard of Madison.

With the end of the Civil War came a general disaffection with military associations and lifestyles. What few companies formed were mere social clubs, and often failed due to lack of interest and financial resources. Some encouragement was given company organization in 1873 and again in 1875 when the Adjutant General's office offered cash grants to volunteer companies, but the one to three hundred dollar grants attracted only 24 companies.

Between 1879 and 1882 the state militia system came under close scrutiny. Led by Governors William E. Smith and Jeremiah Rush, Adjutant Generals Edwin E. Bryant and Chandler P. Chapman, and Inspector General Colonel Charles King, the old enrollment system and militia organization was scraped. The newly organized Wisconsin "National Guard" adopted regular army standards, centralized a fragmented system of local companies and regiments, provided uniform equipment and training, and instituted regular inspections and annual encampments. With the purchase of 440 acres in Juneau County in 1888, a National Guard campground was established and named Camp Douglas. In the years that followed it served as an isolated reserve for practicing tactical maneuvers and regimental coordination, as well as a storage and maintenance facility for Guard equipment. The most prominent Guard companies during the 1880s included the Milwaukee Sheridan Guards, the Kosciuskos Guards, Lincoln Guards, South Side Turner Rifles, all from Milwaukee; the Lake City Guard of Madison; the Guppy Guard of Portage, and the Evergreen City Guard of Sheboygan.

During the last two decades of the nineteenth century, the Wisconsin National Guard fulfilled two major functions: civil control and war duty. As early as 1862, Wisconsin militia companies participated in suppressing draft riots which broke out in Ozaukee and Milwaukee counties. In 1881, at the request of mill owners, Governor Smith used the Guard to suppress a large-scale labor strike in the mills of Eau Claire (the Sawdust Campaign). Again in 1886, the Guard was called on by Governor Rusk to protect the interests of corporate capital in Milwaukee against workers striking for an eight-hour day. In both instances, the Guard ultimately broke the strikes and the unions involved (Cooper 1968:Chap. 5). By 1898 and the outbreak of the Spanish-American War, the Wisconsin National Guard consisted of four regiments of infantry, one troop of cavalry, and one light artillery unit. Three regiments were called into service during that war and two saw action in Puerto Rico (Olson 1956:267-68).

With the Wisconsin National Guard being on call by the federal government in case of national emergency, Wisconsin legislators looked at the possibility of creating a temporary back-up system. In 1905, they acted to provide for a State Guard to be raised for temporary service to meet local emergencies while the Wisconsin National Guard was called for federal service out of the state. This State Guard system was utilized for several years during both the First and Second World Wars to maintain public order, and guard public and private property following natural disasters.

In the twentieth century, the Wisconsin National Guard continued to grow and to expand the size and variety of its companies to include medical, tank, police, engineer, and naval duties. The Guard furnished approximately 15,000 men to the Thirty-second Division, which saw action in the trenches of France during World I. During World War II, Wisconsin Guards of the Thirty-second Division logged 654 days of combat in the South Pacific. After 1945, the federal government's cold war policies dictated a doubling of the size of National Guard units throughout the United States. Between 1946 and 1951, Wisconsin received a tactical fighter wing and Aircraft Control and Warning Squadron, and with federal aid constructed Air National Guard facilities at Truax Field near Madison; General Mitchell Field, Milwaukee; and a training facility at Volk Field, Camp Williams. Both the tactical fighter wing and the Aircraft Control and Warning Squadron units were inducted into federal service during the Korean conflict, making up part of the 132,000 Wisconsin troops. Between 1952 and 1968, over 54 National Guard armories and maintenance shops were built with federal aid in Wisconsin, and over 280 separate buildings belonged to the Guard, the majority located at Camp Williams in Juneau County. In 1958, a Wisconsin Military Academy was established for the Guard as an Army-accredited school for training National Guard officers.

During the 1960s, the Wisconsin National Guard continued in its duty to provide a first line of defense and assure civil control by its service in Vietnam, and by active participation in the containment and suppression of anti-Vietnam War protests on the University of Wisconsin campus in Madison and around the state. In 1966, the Adjutant General reported an aggregate strength of 9,942 Wisconsin Guards--almost four times as large as the 2,594 men mustered in 1886. Since 1970, the Wisconsin National Guard's numbers have dwindled in response to a peacetime society and economy, but its large number of camps, armories, and aircraft facilities remain intact. (For a listing of Wisconsin National Guard units as of 1981 see State of Wisconsin, Department of Military Affairs, Biennial Report, 1979-1981. Madison, WI.)

## IDENTIFICATION

**Resource Types.** Armories, military camps and forts, stockades, parade grounds, barracks, shops, sheds, warehouses, hangars, airport facilities, administrative headquarters and assorted buildings, battle sites, military roads, cemeteries.

**Locational Patterns of Resource Types.** Local volunteer militias and their armories were usually located in urban environments, particularly the larger cities of the state. State militia companies involved all eligible Wisconsin males throughout the state, supposedly administered from each town or village. Militia posts began in southwestern Wisconsin in the early 1800s, and spread northward with the influx of population.

**Previous Surveys.** State Facilities Survey (conducted by the Historic Preservation Division of the State Historical Society of Wisconsin in 1979) includes a partial survey of armories throughout the state.

**Survey and Research Needs.** More research is needed regarding the Wisconsin Home Guard system, particularly its role in maintaining public order during the First and Second World Wars. A comprehensive investigation of National Guard camp, Camp Douglas (Juneau County), should be undertaken as well. Further survey data is needed to identify and evaluate camps, stockades, and parade grounds.

## EVALUATION

### **National Register Listings and Determinations of Eligibility**

Camp Randall (1861), University of Wisconsin campus, Camp Randall Memorial Park, Madison, Dane County (NRHP 1971)  
The Armory (1930), 10 S. High St., Janesville, Rock County (NRHP 1978)  
National Guard Armory, 127th Regiment, Infantry Company G (1921), 102 W. Jefferson St., Oconomowoc, Waukesha County (NRHP1984)

**Context Considerations.** Facilities associated with state or volunteer militias, the Wisconsin National Guard, and the Wisconsin Home Guard may have undergone various alterations or modernizations in order to accommodate changing military needs and technology. Some modern intrusions will not detract from National Register eligibility, but the overall architectural integrity of these facilities, particularly armories, should be an important context consideration. Any original materials or equipment should be retained when possible. Archeological sites may be significant for their potential to reveal information concerning early state and volunteer militias.

# STATE MILITIA



## Wisconsin National Guard Posts and Facilities, 1981

Source: State of Wisconsin, Department of Military Affairs, *Biennial Report 1979-1981*. Madison, Wisconsin.

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# FEDERAL MILITARY INSTALLATIONS

**Temporal Boundaries:** 1813-present.

**Spatial Boundaries:** Beginning in Prairie du Chien and at Green Bay in the 1810s, along the Upper Mississippi and Wisconsin-Fox Rivers, southwestern Wisconsin in the 1830s, and extending throughout central Wisconsin into the twentieth century.

**Related Study Units:** Military Frontier, Civil War Installations, State Militia, American Fur Control, Territorial Government, Early Road Networks.

## HISTORICAL BACKGROUND

The earliest federal military installations within the present-day boundaries of Wisconsin were small forts to secure control of fur trading routes between American and British traders and the Indians. Fort Shelby was established at Prairie du Chien in 1813, captured by the British and renamed Fort McKay in 1815, and then reoccupied and named Fort Crawford by American forces in 1816. After 1815, two other military outposts were established: Fort Howard at Green Bay in 1816, and Fort Winnebago in Columbia County in 1828. The initial complement of troops at Green Bay and Prairie du Chien each numbered about four infantry companies which built the forts they were sent to staff. These companies served to enforce the federal government's Indian policy, regulate the fur trade, and at the same time provided the nucleus for early settlement. (For further information on this early series of federal installations see the Military Frontier study unit.)

By 1856, most federal military posts in Wisconsin had been abandoned as the frontier swept westward. Yet federal military activity was re-ignited in Wisconsin as the country responded to southern secession and Civil War. In response to Abraham Lincoln's call for troops in 1861, Wisconsin governor Alexander Randall and the state legislature established 11 military camps to induct, organize, and train Wisconsin militias for national service (see Civil War Installations study unit for more information on these camps). After one year of administration by the state government, without regular army officers to provide practical and tactical training, the federal government assumed control of the camps on January 1, 1862. These camps operated under federal control for the duration of the war, and two, Camp Randall and Camp Washburn, operated as centers for mustering out Wisconsin troops until the spring of 1866.

Through the latter half of the nineteenth-century, federal military activity in Wisconsin fell to low levels, being confined almost exclusively to supplying aid to the Wisconsin National Guard. In 1909, the Department of Defense acquired 59,779 acres of federal land in Monroe County near Sparta for a federal military installation. Named Fort McCoy, this post served as a basic military training, storage and supply depot. As of 1979, Fort McCoy listed 1,461 buildings with 6,104,136 square feet of floor space, which included offices, hospital, school, other institutional facilities, housing, storage, service, and research and development centers. The fort also included a paved airfield, self-contained utility systems, railroad access, and communication and navigation systems (General Services Administration, 1981:457).

World War II brought increased federal military activity in Wisconsin. In 1942, the federal government established the Badger Army Ammunition Plant in Sauk County. An industrial complex of 1,152 buildings with 5,778,122 square feet of floor space, situated on 7,417 acres of rural land (as of 1979), the plant turned out munitions to meet the growing defense, and later Cold War, demands. Buildings on the site included office, school, storage and service facilities, industrial shops, utility and communication systems, and

railroad access. Truax Field in Madison was also acquired and expanded for Air Force use in 1942, and included aircraft service, storage, and communication facilities. Two other airfields were later established by the federal government for Air Force and Air National Guard use: General Mitchell Field in Milwaukee in 1951, and Volk Field at Camp Williams in 1961.

In 1956, the United States Air Force acquired 43 acres of land in rural Marathon County for a military communications center. Antigo Air Force Station consisted of 62 buildings with 97,371 square feet of floor space, including office, housing, storage, service facilities, and utility and communication systems. As of 1979, the station was apparently without personnel.

During the 1960s, the Department of Defense deployed a system of Nike missile bases in Wisconsin. Established in and around major cities for purposes of defense, military planners soon realized that they had in fact made targets of these cities. In the following years, these missile bases with their numerous support, storage, and communications facilities were closed and the concrete missile silos filled in and capped. It is difficult to detail how many such facilities existed then or exist today. One Nike base was located on the outskirts of Waukesha. Two more were in Milwaukee--one on the present Summerfest grounds downtown, and one north of the city center, bounded by Silver Spring Road on the south, Mill Road the north, and Hopkins Road on the east.

Another federal military project in northern Wisconsin involved the Department of the Navy's construction of a test transmitter in 1969 for communicating with submerged vessels. Known as Project ELF, this underground test grid was laid out in the Chequamegon National Forest in Ashland and Sawyer Counties. Future plans call for an updated version of this antenna system to extend 28 miles in Wisconsin (and 56 miles in Upper Michigan). These plans are currently stalled pending congressional funding and federal and state approval.

While the Wisconsin National Guard and their facilities are not federal military installations per se, (see State Militia study unit), the federal government has underwritten 75 percent of National Guard armory construction costs since 1952. Many Guard facilities have been funded totally by the federal government, including the Air National Guard hangar at Madison, the multi-million dollar conversion of a portion of Camp Williams to a permanent Air Guard training site, the Army National Guard hangar at West Bend, and "several warehouses, 15 motor vehicle maintenance shops, some motor vehicle storage buildings, and several smaller buildings" ( Wisconsin Blue Book 1962:204). Federal appropriations for the Wisconsin National Guard in 1979-1980 topped \$103,025,603, with an additional \$400 million held in federal equipment. This kind of federal military and financial intervention, along with the understanding that Wisconsin National Guard Camps, such as Camp Douglas and Williams, and airfields may be used or leased by the federal government, make these facilities de facto federal installations. While they are administratively separate entities, there is so much overlap in funding supply, service obligations, and lease agreements between the state-controlled Guard and the federal government as to make any clear-cut division more real on paper than in practice. As of 1980, Wisconsin contained 75,681 acres of real property controlled by the United States military, worth \$209,599,000 (excluding National Guard facilities). The actual extent of federal military involvement and facilities in Wisconsin is hard to define, as many of their present operations may be classified.

## IDENTIFICATION

**Resource Types.** Military compounds, offices, schools, hospitals, barracks, forts, cemeteries, hangars, service and maintenance shops, industrial shops, warehouses, airfields, communication facilities, laboratories, utility systems, roads and bridges, miscellaneous military and personnel facilities, armories, missile silos.

**Locational Patterns of Resource Types.** Most federal military facilities are either located in or near major urban centers, or set in rural environments away from population centers, yet accessible to transportation routes. Early federal military installations were located at strategic points along rivers, portages or bays with transportation access.

**Previous Surveys.** State Facilities Survey (Historic Preservation Division, SHSW, 1979) includes a partial survey of armories. Numerous archeological reports have been written concerning the various early for sites: A Report on Archeological Excavation to Determine the Location of Fort Koshkonong (Fort Atkinson, Wisconsin) (Ms.) by James W. Porter; Preliminary Test Excavation at Fort Winnebago (Ms.) by Jay Brandon; Archeological Investigation to Determine the Site of Fort Koshkonong, Jefferson County, Wisconsin (Ms.) by Robert P. Fay and Lynne Goldstein; and Prairie du Chien: A Historical Study by Edgar S. Oerichbauer.

**Survey and Research Needs.** Locate and identify historic structures within the Fort McCoy complex (Monroe County).

## EVALUATION

### National Register Listings and Determinations of Eligibility

Fort Howard Buildings (1816-1852), Heritage Hill State Park, Town of Allouez, Brown County (NRHP 1979).

Fort Winnebago Site (1828-1845), Town of Pacific, Columbia County (NRHP 1979).

Fort Winnebago Surgeons' Quarters (1848), Town of Pacific, Columbia County (NRHP 1979).

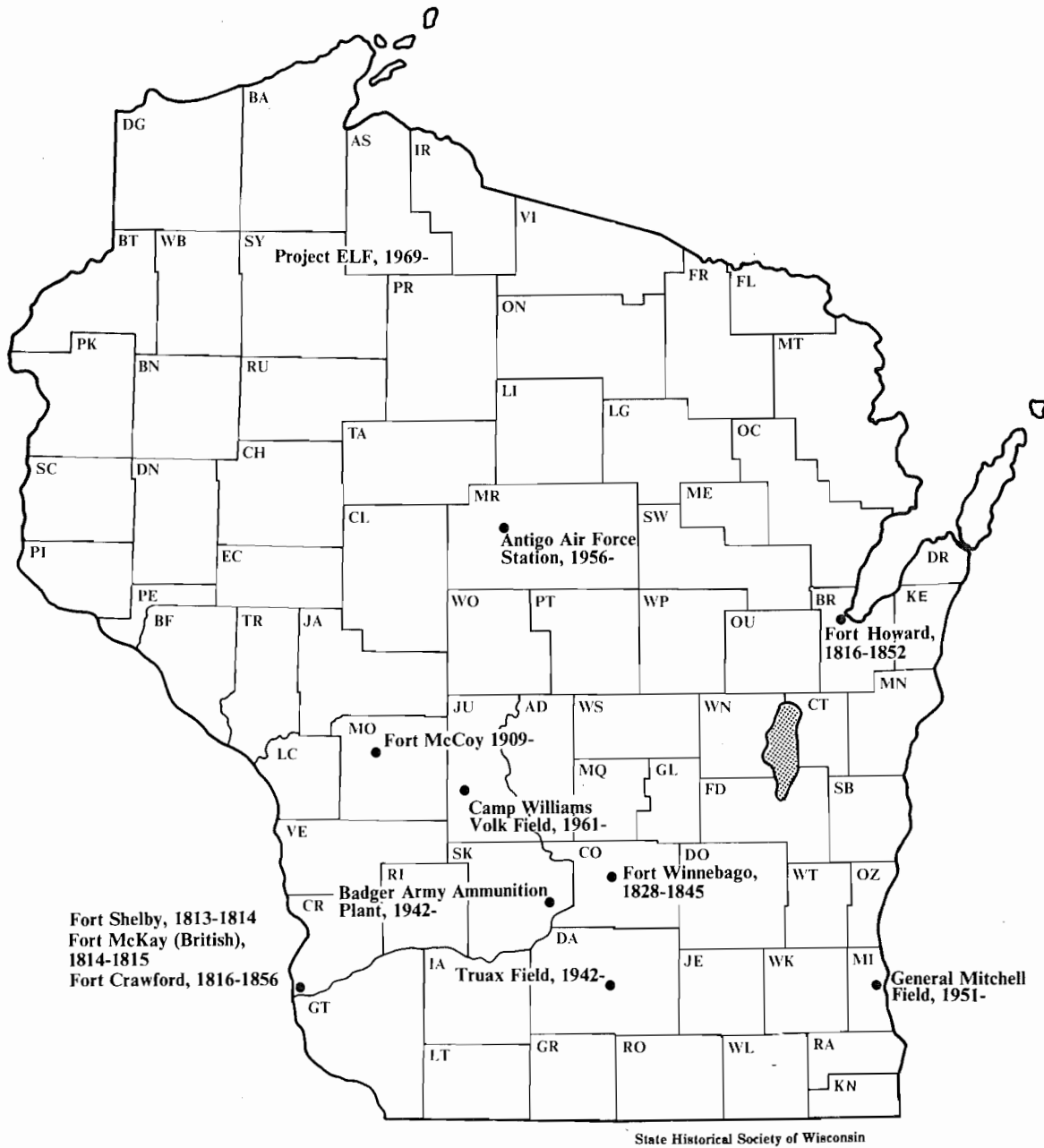
Villa Louis, Villa Louis Rd and Boilvin, Prairie du Chien, Crawford County (NRHP 1966); site of Fort Shelby (1813-1814) and First Fort Crawford (1816-1826).

Second Fort Crawford Military Hospital, Rice St. and S. Beaumont Rd., Prairie du Chien, Crawford County (NRHP 1974).

Site of Fort Koshkonong, Eli May House (1832, 1864), 407 Milwaukee Ave., E., Fort Atkinson, Jefferson County (1972).

**Context Considerations.** Since so few historic structures associated with federal military facilities exist today, extant properties which retain architectural integrity should be nominated at the state or even national levels of significance. In some cases the question of integrity may be difficult to resolve because of large additions or alterations. Generally, the historic building should not be overshadowed by later additions and most of the historic fabric should remain intact. Archeological sites may be significant for their potential to reveal information concerning early federal military installations.

# FEDERAL MILITARY INSTALLATIONS



## Federal Military Installations, 1813 To Present

Source: Compiled by David Lewis

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# TERRITORIAL GOVERNMENT

**Temporal Boundaries:** 1787-1848.

**Spatial Boundaries:** Entire state.

**Related Study Units:** County Government, State Government, Local Government, Lead and Zinc Mining, Military Frontier, Federal Military Installations, Early Road Networks

## HISTORICAL BACKGROUND

The Wisconsin Territory was created by an act of Congress in April 1836. The act took effect on July third, and territorial officials were inaugurated on Independence Day at ceremonies in Mineral Point (Smith 1973:249). The population of the new territory was concentrated in the lead mining district, but the boundaries embraced a vast region west of Lake Michigan, including the future states of Iowa, Minnesota, and parts of North and South Dakota. The frontier west of the Mississippi River eventually gained separate territorial status. But for present day Wisconsin, the new government was the last stage before statehood.

The creation of the Wisconsin Territory followed a pattern established by the Northwest Ordinance of 1787. Under the provisions of that landmark law, the "Old Northwest" was administered by territorial governments that combined federal control with a degree of self rule (Smith 1973:200). As population on the frontier grew, new territories were created from old, while the most populous territories became states. Under this evolutionary process, Wisconsin passed successively through the jurisdiction of the original Northwest Territory (1788-1800), the Indiana Territory (1800-1809), the Illinois Territory (1809-1818), the Michigan Territory (1818-1836), and the Wisconsin Territory (1836-1848) (Gara 1962:64, Smith 1973:201).

Throughout the late eighteenth and early nineteenth centuries, the area that constitutes the present state of Wisconsin was a remote wilderness, a province of Indians and French and British fur traders. Few Americans lived in the area, and the authority of the United States government was at most tentative. In fact, the only government officials in the region were a few militia officers and justices of the peace appointed by the territorial governors. In 1802, for example, William Henry Harrison, as governor of the Indiana Territory (which held jurisdiction over the Wisconsin region at the time), recognized the existence of Prairie du Chien through the appointment of three of its residents as militia officers and two others as justices of the peace (Smith 1973:203).

After the War of 1812, a federal presence was established in the region through the construction of three military posts: Fort Howard at Green Bay, Fort Crawford at Prairie du Chien, and Fort Winnebago at Portage. During the next few years of changing territorial status, however, the federal government exercised only minimal control of the vast area located between Lake Michigan and the Mississippi River (Smith 1973:203-204, Gara 1962:41).

With the decline of British influence in the region, the population of the Northwest increased dramatically. By 1818, both Indiana and Illinois had achieved statehood. That same year, the boundaries of the Michigan Territory were officially extended westward to the Mississippi River. As a result, the largest part of the Michigan Territory lay west of the Straits of Mackinac, an area comprising the present upper peninsula of Michigan, all of the area that became Wisconsin, and part of what eventually became northeastern

Minnesota.

The area beyond peninsular Michigan was usually viewed as a single "unit" and its citizens were "entitled to the same privileges and immunities, and subject to the same rules and regulations, in all respects, with the other citizens of Michigan Territory" (Smith 1973:208). The Michigan territorial governor, Lewis Cass, created three counties out of this unit to administer local government. These were Crawford County in the west with the seat at Prairie du Chien, Brown County in the east with its seat at Green Bay, and Michilimackinac County, an area that included northern Wisconsin and the upper peninsula of Michigan with its seat at Mackinac (Smith 1973:207-209).

In the development of civil government in the Michigan Territory, laws passed for peninsular Michigan were often extended to cover the three western counties, and in some instances special enactments provided for western needs. This helped the western settlers become familiar with the institutions and responsibilities of self government.

The first townships in the area of present day Wisconsin were laid out in 1821, and the Borough of Prairie du Chien was established in the same year. Real estate tax rolls were recorded for Brown County as early as 1824 (Smith 1973:210-211).

The earliest election recorded in the western unit of the Michigan Territory was held at Green Bay in 1821 to elect a Congressional delegate. In 1823 and 1825, the voters of this region also elected members to the Michigan Territorial Council, as well as a Congressional delegate.

As a part of the Michigan Territory, the Wisconsin region's judicial situation significantly improved. County courts for each of the three western counties were established in 1818, and a separate circuit or superior court was created for the three western counties in 1824. In actual practice, this court functioned as a supreme court in itself. James Doty served as circuit judge until 1832, when he was succeeded by David Irwin (Smith 1973:211-213).

Between 1818 and 1836, the population of the western counties of the Michigan Territory experienced a surge in population growth. Two factors in particular contributed to the growth: discoveries of lead, which attracted miners to the southwest in the 1820s and 1830s, and the Black Hawk War (1832), which opened agricultural land in the southern Wisconsin region to American settlers. As the population grew, the territorial legislature created new counties: Chippewa in 1826, Iowa in 1829, and Milwaukee in 1834. This resulted in the area's increased representation in the territorial legislature (Smith 1973:223).

But the extension of territorial government had less impact on the settlement of this western area of the Michigan Territory than the direct actions of the federal government. In 1822, the government established a leasing system to encourage and regulate mining in the southwest (Smith 1973:183). During the 1820s, the United States also recognized private title to land in the western counties and initiated government surveys of claims in Prairie du Chien, Green Bay, and Portage which led to the first legal land ownership in present day Wisconsin (Smith 1973:165-166). In 1831, the government began the systematic survey of ceded lands and, in 1834, established land offices in Mineral Point and Green Bay. By the end of 1836, the entire region between Illinois and the Fox-Wisconsin waterway was surveyed, and 650,000 acres had been sold (Smith 1973:189-190, Gara 1962:58). These actions were both responses and stimuli to increased settlement and created a foundation for a permanent community of Americans in the future Wisconsin Territory. Another stimulus to settlement included the narrative reports published by the several exploratory expeditions that were sponsored by the federal government during the period (Smith 1973:166-171).



As the settlement of the three western counties of the Michigan Territory expanded, the movement to gain separate territorial status gained momentum. But while there was a general consensus among the western population to seek a separate territorial identity, there was much less agreement on choosing a name for the new unit. As early as 1823, James Doty had petitioned Congress to establish the "Chippewau Territory," and in 1829 a legislative council led by Robert Irwin planned the creation of the "Huron Territory." By the early 1830s, however, "Wisconsin" had become the preferred title for the future territory (Smith 1973:226-228).

By 1835, the eastern portion of the Michigan Territory had more than enough residents to enter the Union (Smith 1973:224-228). Anticipating statehood for the east, and concerned with the orderly administration of the west, the territorial government established a new legislative body for the area beyond Lake Michigan. Elections were conducted in the fall of 1835, and the following January representatives from the future Wisconsin Territory met in Green Bay. This body had no authority in law because Michigan had not yet become a state, and its effectiveness was undercut because Acting Territorial Governor John S. Horner was not present. But the so-called "rump council" sent several petitions to Congress and won distinction as the first legislative body convened in Wisconsin (Smith 1973:235).

Although the rump council was premature, territorial status for Wisconsin soon followed. In April 1836, Congress passed an organic act for the new Wisconsin Territory to take effect July 3. Officers appointed by the president were inaugurated in July, Governor Henry Dodge ordered a census of the population, and elections for the territorial legislature were scheduled for October (Smith 1973: 249-51).

On the surface, the new government reflected a degree of self rule previously unknown in the region. At the same time, the influence of the federal government was as strong as at any time in Wisconsin history (Nesbit 1973:118). The paradox was due to the structure of territorial government in America. Under the provisions of the Northwest Ordinance, the territory was both an adjunct of the federal government, serving to expedite the administration of far flung lands, and an orderly interim government that prepared a region for autonomous statehood.

The imprint of the federal government was clear. Congress created the "organic act" that outlined the scope of territorial powers in lieu of a constitution. Congress provided funds for the new government; the President appointed the territorial governor, secretary, attorney general, marshal, and land office registrars. Territorial legislation was subject to Congressional review. Internal improvements in the region were initiated at the behest of Congress, and, just as importantly, the federal government shaped Wisconsin settlement through the ratification of Indian treaties, the survey and sale of public lands, and the published narratives of government-owned expeditions (Smith 1973:167-171). In sum, the territory was a ward of the federal government, susceptible to swings in the political climate of Washington as much as to those in Wisconsin.

But territorial status had benefits too. Indeed, the Wisconsin Territorial Act became a liberal model adopted in subsequent territories (Smith 1973:246, Nesbit 1973:121). Although acts of the Wisconsin legislature were subject to Congressional review, the body itself was democratically structured. The 13 members of the upper house (council) and the 26 members of the lower house of representatives were elected by qualified voters (white males over 21), a degree of democracy unknown in previous territories where members of the upper house were appointed by the governor. The terms of the representatives were intentionally short in duration, a further concession to democratic aspirations. Terms for the council were four years until 1844, when the terms were shortened to two years. Terms for the lower house were two years until 1844, when the terms were shortened to one year. In addition, voters in the territory elected a delegate to Congress who served as the region's advocate in the national capital. Even appointed

officials were responsive to voters and were mostly (by tradition rather than rule) residents or past residents of the territory and popular among constituents. This combination of federal rule and home rule, of autonomy and dependence, shaped the territory's political character, and neither the governor nor the legislature could act in an arena free of the political conflict between the demands of Washington and the desires of Wisconsin.

Throughout the territorial period, the legislature was dominated by Democrats from the lead mining district. But as the complexion of the Territory changed, so did the make-up of the assembly. The dominance of the southwest district was weakened after 1838, when the Iowa Territory was established. In the following years, population grew in the eastern lakeshore counties, and the legislature increasingly reflected the new balance in territorial politics. The territorial assembly met for the first time in Belmont in October 1836. Over the next 12 years, the legislature considered a wide range of topics but was limited in its actual authority. Prohibited from raising funds or initiating internal improvements, the legislature petitioned Congress for money and land grants to help finance public works like canals, harbors, and improved waterways. The depression of 1837, and fiscal instability on the frontier, created a conservative climate in Washington, and Congress was cautious about expensive internal improvements. Thus, Congress responded to the territorial requests by giving a small but inadequate amount for harbor improvements in Milwaukee, Racine, Southport (Kenosha), and Sheboygan; appropriating money and land for the survey and improvement of the lower Fox River; granting land for the ill-fated Milwaukee-Rock River canal; maintaining military roads; and stationing troops on the frontier (Clark 1957:6-11, Gara 1962:59).

While direct improvements were hamstrung by the legislature's lack of authority, the group was able to encourage and direct development by granting powers to local governments. For example, the responsibility to maintain roads designated by the legislature, to establish schools and prisons, and to pass acts of incorporation for private ventures was granted to local bodies. Acts of incorporation, granted to individuals and to groups, occupied much of the legislature's attention. Incorporations took a variety of forms, and the powers granted through them varied widely. For example, the legislature incorporated businesses, highways, plank roads, canals, railroads, schools, and a variety of organizations. The acts of incorporation encouraged private citizens to do what the legislature could not (Smith 1973:390-391).

Unlike members of the legislature, the governor was appointed by the president for a three-year term and thus more directly reflected the political climate of Washington. As the head of the government, the governor had the power to veto territorial legislation, appoint various lower level officials, and serve as commander in chief and superintendent of Indian affairs (Smith 1973:247). He was clearly the most powerful man in the territory, although much of his authority rested in his ability to persuade both his local and federal constituencies.

Because the territorial governors were appointed by the president, Democrats occupied the office during the administration of Jackson, Van Buren, and Polk. Henry Dodge, a hero of the Black Hawk War, and a colorful figure on the Wisconsin mining frontier, was appointed first governor of the new territory. He was a popular choice. The imposing Dodge articulated the need for internal improvements and sound monetary policies. But most of his time was consumed with treaty negotiations and other Indian affairs. By the time his term ended, most Indians had left Wisconsin or were under contract to do so (Smith 1973:263-267).

When Whig William Henry Harrison succeeded Martin Van Buren in 1841, former territorial judge (and one-time Jacksonian) James Doty of Green Bay was appointed governor. To his credit, Doty knew Wisconsin better than most residents of the territory. In 1834, he assisted with the survey of the military road and he had served as a circuit

riding judge in Wisconsin during the years of the Michigan Territory.

But familiarity won few friends. Upon his succession to office, Doty met the determined opposition of the Democratic legislature, the press, and the southwestern lead mining community. Nonetheless, Doty advocated many of the causes that Dodge had championed, including defense from the Indians and grants from the federal government, as well as early admission to statehood (Smith 1973:351).

With the sudden death of Harrison in 1841 and the ascendancy of his vice president, one-time Democrat John Tyler, Doty's position was less secure. Henry Dodge, who had been elected Congressional delegate, lobbied in Washington for Doty's removal. Doty himself realized his untenable hold on the office and eventually resigned his position, recommending the appointment of distinguished New York senator John Tallmadge (Smith 1973:376).

Tallmadge, a Democrat who had flirted with Whig affiliation, was appointed in 1844 and was the first chief executive of the territory who had not lived in the region. As such, he came to the office in a weakened position. But Tallmadge took up the cause of increased democracy, internal improvements, and the growth of the region. For example, Tallmadge argued for a shorter naturalization period, for the establishment of trade and agricultural schools, and for the development of railroads (Smith 1973:362-63). When President Tyler was replaced by Democrat James K. Polk in 1845, Henry Dodge was again appointed governor, and under his leadership the territory made the transition to statehood.

The judicial structure of the Wisconsin Territory was based on the Michigan precedent. The territory was divided into three judicial circuits with a circuit riding judge, appointed by the president, holding court in each county courthouse in the district. Annually, the three circuit judges sat together as the territory's supreme court to consider appeals. The first session of the supreme court was conducted in December 1836 in Belmont (Smith 1973:249). The judges were appointed to life terms (or good behavior tenures). Local justices of the peace and probate judges handled small civil cases. But the law was often informal; books were rare and judges relied as much on common sense as on carefully worded legal arguments. There was no territorial prison; instead, the detention of criminals tended to be a county responsibility (Smith 1973:401-402).

The territory's congressional delegate, a non-voting member of the United States House of Representatives, was clearly the most important elected official in territorial Wisconsin. When the territory was first organized, David Wallace Jones, a Democrat from the lead region, was elected delegate and managed to win some favorable concessions for the territory, including money for lighthouses, federal roads, post offices, and mail routes (Smith 1973:268). Jones, who served until 1839, was succeeded by James Doty. Serving until 1841 when he was appointed governor, Doty secured some funding for internal improvements, including roads and railroad surveys (Smith 1973:333). He also helped secure legislation that enabled the territorial legislature to override the governor's veto power (Nesbit 1973:129). When Doty was appointed governor, former governor Henry Dodge was elected to Congress and served until 1845 when he was reappointed governor. During his term in Congress, Dodge helped secure legislation that allowed Wisconsin voters to elect sheriffs, justices of the peace, and county surveyors (Smith 1973:347). When Dodge was reappointed Governor in 1845, voters elected Morgan Martin of Green Bay as their Congressional delegate. The last delegate to serve the territory was Milwaukee Democrat and editor John H. Tweedy.

Accounts of territorial politics are incomplete without reference to the selection of a permanent seat of government. Understandably, the prize was coveted by towns in all regions of Wisconsin, each boasting the superiority of its location. Convenience, housing, available meeting halls, and the prospect of future growth were all weighed in the decision. Governor Dodge's initial selection of Belmont was roundly criticized by the

legislature, but a legislative hall and supreme court building were constructed for the short time that the village served as the capital in 1836. The city of Burlington (Iowa) served as the capital until 1839, a decision helped no doubt by the community's offer of a meeting hall for the assembly. But James Doty, in his role as both politician and speculator, convinced the assembly (partially through gifts of building sites) that his townsite of Madison was the ideal choice. With a federal grant to construct a capitol and a law library, the permanent seat of government was established at Madison in 1839 (Smith 1973:256-257, Nesbit 1973:128).

The movement toward statehood began early in the Territorial era. In 1838 a bill to establish a state government for Wisconsin was introduced in Congress; it was reported favorably out of the House Committee on Territories, but progressed no further (Smith 1973:269-270). Between 1841 and 1846 Wisconsin voters noted on the same issue almost yearly (Nesbit 1973:212). During this period, however, the population showed itself unwilling to forego the federal assistance (and low taxes) that came with its territorial condition. By 1846 the population of Wisconsin had far outstripped the required 60,000 souls, the lack of internal improvements were seen as a detriment to growth, and popular sentiment had switched to the side of statehood. Congress passed enabling legislation in the summer of 1846 and at the first Constitutional Convention of that year a document was prepared that contained several controversial clauses. It was defeated by the voters (Gara 1962:76). The more compromising convention of 1847-1848 resulted in a constitution that was approved by voters in April of 1848. Congress quickly ratified the decision, and Wisconsin entered the Union as the twenty-first state on May 24, 1848.

## IDENTIFICATION

**Resource Types.** Buildings, sites, and structures related to the three territorial periods of Wisconsin government: as part of the Northwest Territory and Michigan Territory, and as the Wisconsin Territory. resources include places where important meetings took place or that served as seats of government, courts, jails, and land offices; houses of territorial elected and non-elected officials and people prominent in territorial politics; buildings associated with territorial commerce and industries that helped attract the population for eventual statehood; improvements made during the territorial period; and military-related resources. Because buildings from this period are not numerous, the emphasis may be on archeological sites.

**Locational Patterns of Resource Types.** Resources will occur in the southern part of the state, particularly the southwest, in the Fox River Valley, and along the lower Wisconsin River. The vicinities of Fort Howard (Green Bay), Fort Crawford (Prairie du Chien), Fort Winnebago (Portage), Belmont, and Mineral Point are particularly important.

**Previous Surveys.** An intensive historical survey of Green Bay is underway; this survey may identify resources associated with Wisconsin's territorial period.

### **Survey and Research Needs.**

Intensive historical surveys of Prairie du Chien, Portage, and Mineral Point are needed to identify territorial period resources.

## EVALUATION

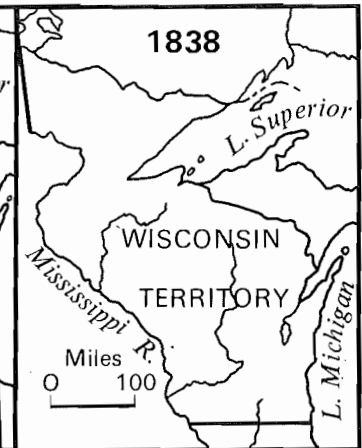
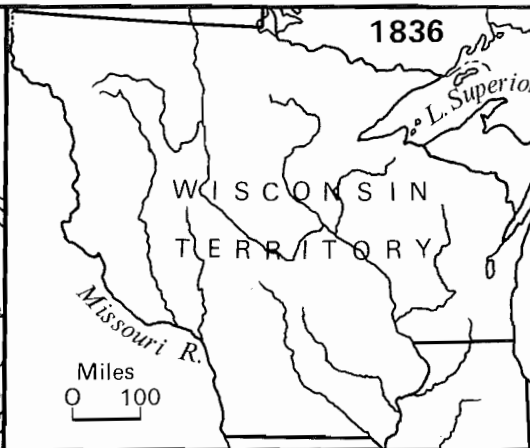
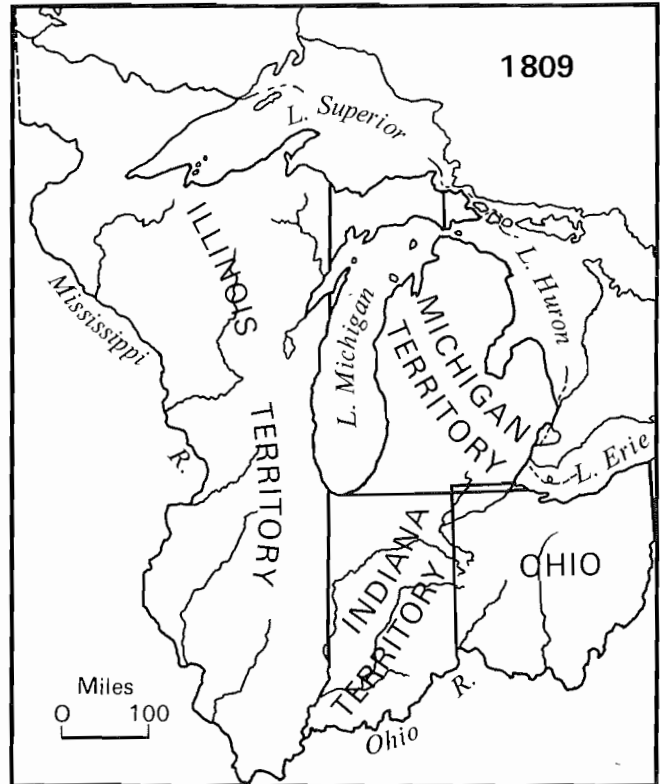
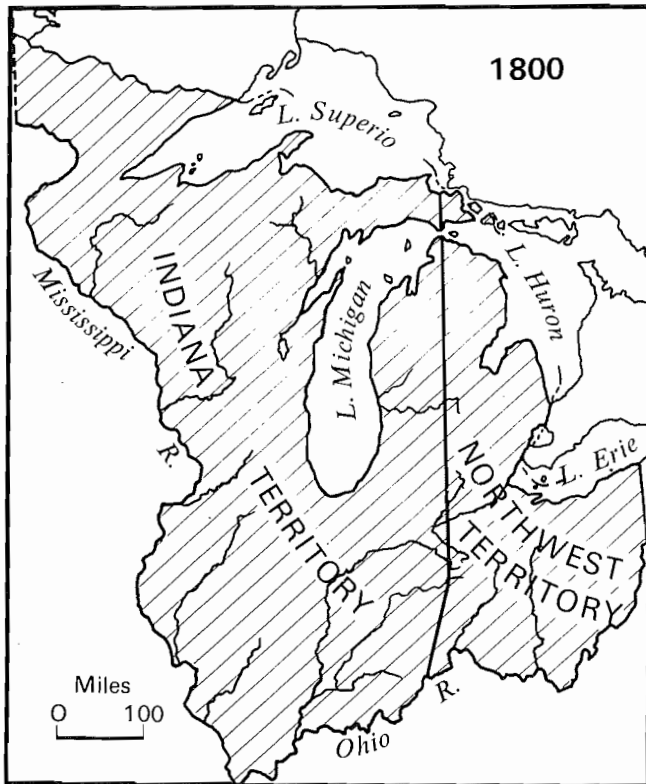
### **National Register Listings and Determinations of Eligibility**

First Capitol (1836), Town of Belmont, Lafayette County (NRHP 1970)  
Mineral Point Historic District, Mineral Point, Iowa County (NRHP 1971)  
Fort Winnebago Site (1828-45), Town of Pacific, Columbia County (NRHP 1979)  
Fort Winnebago Surgeon's Quarters (1828), Town of Pacific Columbia County (NRHP 1972)  
Portage Canal (1835, 1851, 1876), Between Fox and Wisconsin Rivers, Portage, Columbia County (NRHP 1977)  
Merrimac Ferry (1844) town of Merrimac, Columbia County and town of West Point, Sauk County (NRHP 1974)  
Fort Howard Buildings (1816-17), Heritage Hill State Park, Town of Allouez, Brown County (NRHP 1979)  
Tank Cottage (1776), Heritage Hill State Park, Town of Allouez, Brown County (NRHP 1970)  
Baird Law Office (1831), Heritage Hill State Park, Town of Allouez, Brown County (NRHP 1970)  
Cotton House (1849), Heritage Hill State Park, Town of Allouez, Brown County (NRHP 1970)  
Hazelwood (1837-61), 1008 S. Monroe Ave., Green Bay, Brown County (NRHP 1970)  
Augustin Grignon Hotel (Nevitt Site) (1843), Town of Winneconne, Winnebago County (NRHP 1975)  
Charles A. Grignon House (c. 1836), Augustine Street, Kaukauna, Outagamie County (NRHP 1972)  
Club Harbor (c. 1846), Town of Calumet, Fond du Lac County (NRHP 1980)  
Edwin Galloway House, (1846), 336 Pioneer Road, Fond du Lac, Fond du Lac County (NRHP 1976)  
Denniston House (1836), 117 E. Front St., Cassville, Grant County (NRHP 1975)

W.H.C. Folsom House (c. 1842), 109 Blackhawk Ave., Prairie du Chien, Crawford  
County (NRHP 1984)  
Second, Ft. Crawford Military Hospital, Rice St. and S. Beaumont Rd., Prairie  
du Chien, Crawford County (NRHP 1974)

**Context Considerations.** Because of the scarcity of buildings related to the territorial government, and from the Territorial period in general, most buildings that do remain may be significant for a territorial association; for example, they be representative of the growth of Wisconsin during that period. Thus, any building constructed in the Territorial period should be evaluated for its potential significance under criterion A, as well as under other criteria that may apply. Archeological sites dating to the Territorial period may be significant for their potential to reveal information concerning all aspects of Wisconsin's territorial period.

## TERRITORIAL GOVERNMENT



State Historical Society of Wisconsin

### Territorial Changes, 1800 - 1838

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# STATE GOVERNMENT

**Temporal Boundaries:** 1848 to present.

**Spatial Boundaries:** Governmental seat at Madison; state institutions and facilities in all regions.

**Related Study Units:** State Militia, County Government, Local Government, Territorial Government, Later Road Networks, Iron and Steel Metal Truss Highway Bridges.

## HISTORICAL BACKGROUND

When Wisconsin entered the Union in 1848 as the thirtieth state, its newly ratified constitution combined democratic ideals with careful limits on the power of the new government. Drawing on examples from other states (notably New York) and on its own territorial heritage, the Wisconsin constitution reflected political liberalism and fiscal conservatism. Liberal aspects of the constitution were the inclusion of a bill of rights and provisions for an elected judiciary (Current 1976:3). A strict limit on state debt and prohibition of state funded internal improvements reflected the fiscal conservatism of the constitution. Provisions concerning controversial issues of the day, such as the establishment of banks in the state or the extension of suffrage, were subject to change by popular vote or legislative action. Less popular causes, like the property rights of married women, were neither protected nor prohibited but simply ignored.

The constitution ratified in 1848 served as the basic law for a rapidly growing population, and the tone of moderation and flexibility reflected the diverse interests of its citizens. By statehood, over 150,000 people had settled across the state, mostly in the southern region. Pioneers in spirit as well as in fact, the state's residents favored the political independence of statehood while distrusting a powerful state government.

The benefits of statehood for Wisconsin settlers in 1848 were clear. With statehood, democratic government was extended well beyond the limits established in the territorial era. For the first time, American citizens in Wisconsin elected their governor, major state officers, Congressional representatives, and a bicameral legislature that enacted legislation without review from Washington. Nor were the benefits of statehood exclusively political. With statehood, Wisconsin inherited a sizable land grant from Congress (500,000 acres) to be sold by the state with proceeds used to fund internal improvements.

Together with land grants to support public education, including the sixteenth section of each township, and grants for projects like the improvement of the Fox-Wisconsin waterway, federal land grants to the state eventually totaled over ten million acres (Nesbit 1973:227). Thus, the state became a source of land for new settlers. In turn, land sales were an important source of revenue for establishing public services previously unavailable.

But despite increased autonomy, state government in the nineteenth century remained a dim shadow of the shape it assumed in the next century. Governors and legislatures alike, limited by constitution and convention, did not aggressively extend the regulatory powers of the state or erect an infrastructure of public works or social welfare programs. Instead, public welfare in the nineteenth century was mostly the responsibility of local and county governments. The legislature, empowered to create political subdivisions, endowed the local units with both the power and obligation to address issues of public welfare. For example, although voters elected a state superintendent of public instruction, education

was the province of local school districts. Public relief services fell mostly to the counties, with county poor houses and asylums built to house the unfortunate and indigent. Although the first state legislature created a board of public works, internal improvements were encouraged but not directly financed by the state. For example, in 1848 the legislature authorized but did not contribute to Milwaukee's efforts to improve its harbor through local taxes and bond issues. Although the legislature established a rough network of "state" roads, the actual construction and maintenance of those roads and all others was the responsibility of locally financed road districts (Current 1976:26). Not surprisingly, 86 percent of all local and state taxes in the first decades of statehood were raised by local units of government (Current 1976:157).

The legislature further encouraged necessary public works through a liberal exercise of its power to charter and incorporate private organizations and businesses, often granting them the right of eminent domain in order to foster desired improvements. In its first session, the legislature chartered 16 plank road companies (Current 1976:24). Companies proposing to build bridges, operate ferries, and construct dams were chartered. The first bridge company, for example, was chartered in 1849 to construct a bridge at Prairie du Sac, completed in 1852 (Current 1976:27). To facilitate the extension of rail lines across Wisconsin, the legislature chartered over 100 railroads in the 1850s, although only a few were actually built. Throughout the nineteenth century, the charters of private companies continued to contain special rights to promote improvements. Railroads and lumber companies were granted monopolies and the power of eminent domain (Current 1976:29, 470-471).

Despite the emphasis on local and private initiative, the state began the first in a network of state funded public institutions before the Civil War. Although the state did not provide general relief for the poor or unemployed until the twentieth century (such responsibility rested with local government), several educational, health, and penal facilities were established at mid-century.

In 1851, in an attempt to alleviate the crowded and ill-equipped county jails (until then the only penal facilities in the state), the legislature established a state prison at Waupun that is still in use, although greatly expanded. The prison, patterned upon the New York state prison at Auburn, was designed and operated in an attempt to embody current notions of penal reform, such as the use of convict labor (Nesbit 1973:231). By the end of the century, a reformatory for first offenders was established at Green Bay in 1898 (now Wisconsin State Reformatory) to supplement the prison at Waupun. Almost simultaneously with the construction of the prison, the first state institution for the reform of delinquent youths was established at Waukesha with construction of the Industrial Home for Boys in 1857. The home, which combined schooling, vocational training, and work, was located on a campus-like setting. The school, now called the Ethan Allen School, was moved to Wales in 1970. The equivalent Industrial Home for Girls was established at Milwaukee in 1875 and eventually moved to Oregon. It is extant today as the Oakhill Correctional Institution. An Industrial Home for Women and the Prison for Women was opened at Taycheedah in 1921. In 1945 the two were merged to form the Wisconsin Home for Women, still in use as the Taycheedah Correctional Institution.

The state assumed control of two private welfare institutions for the handicapped in the early 1850s, the Wisconsin Institute for the Education of the Blind (now the School for the Visually Handicapped) at Janesville and the Wisconsin Institute for the Deaf and Dumb at Delavan (now known simply as the School for the Deaf). Both facilities provided education and training in an institutional context typical of the era (Current 1976:187). Another specialized treatment facility was the State Hospital for the Insane, established at Mendota in the early 1860s and now called the Mental Health Institute--Mendota. The hospital, which included extensive farmland and farm buildings, provided an alternative to the traditional pattern of confining the insane in county poor homes or jails (Current 1976:188, Hannan 1927:214). A second hospital, the Northern State Hospital for the

Insane, now the Mental Health Institute--Winnebago, was established at Winnebago (near Oshkosh) in 1873 (Current 1976:516). In 1914, the Central Wisconsin Hospital for the Insane, now Central State Hospital, was established at Waupun, specifically to treat the criminally insane. Like the other hospitals, the extensive grounds included farms operated by the patients as well as subsidiary buildings for work activities and staff housing. A state-run hospital for veterans, Memorial Hospital, was established at Mendota in 1921 (Hannan 1927:214). A large veterans home at King, which the Grand Army of the Republic (GAR) established in 1887, became partially state-run in 1917 and fully state operated in 1929. (See Hospital and Civil War Installations study units).

Not until the late nineteenth century did the state establish the first institutions for the care of the mentally retarded. The Northern Wisconsin Colony and Training School for the Feeble Minded (now the Northern Wisconsin Center for the Developmentally Disabled) was established at Chippewa Falls in 1895. The Southern Colony and Training School (now the Southern Wisconsin Center for the Developmentally Disabled) was established at Union Grove in 1919 (Hannan 1927:214). In the early twentieth century, the state created two facilities to help treat victims of the most debilitating disease of the age. The Wisconsin State Sanatorium for victims of tuberculosis was built at Wales (Waukesha County) while the Camp Tomahawk at Tomahawk Lake, was built in 1915 to house recovering tubercular patients (Hannan 1927:214). Both the State Sanatorium and Camp Tomahawk ceased operation in 1957. (See Facilities for the Poor and Handicapped).

The Soldiers Orphan Home, organized through the energetic leadership of Cordelia Harvey, wife of the Civil War era governor, was the first state facility to care for orphaned children. The home, which housed the children of Civil War fatalities, operated in Madison from 1866 to 1874 (Current 1976:516). Except for this home, however, orphans were cared for, if at all, in county poorhouses or by private benefactors. Not until 1885 was the State Public School established at Sparta specifically to educate and care for Wisconsin orphans (Toepel 1952:97-98).

Until 1881, most state charitable institutions were managed by individual boards of trustees appointed by the governor. One exception was the warden at Waupun, who was elected by voters in the mid-nineteenth century. The various boards had considerable autonomy, however, and were largely free of legislative oversight (Current 1976:517). In 1871, the State Board of Charities and Reform was created and given powers of inspection, research, and recommendation over both state and local institutions. In 1881, the State Board of Supervision of Wisconsin Charitable, Reformatory, and Penal Institutions was established by the legislature to provide centralized control over state institutions. Both agencies were replaced in 1891 by the State Board of Control, an agency which lasted until 1939 when the State Department of Public Welfare was formed from the Board of Control, the State Pension Department, and the Public Welfare Department (Hannan 1927:215). Parallel with the rest of the nation, beginning in the last quarter of the nineteenth century, a pattern of increased concern by the state government with humanitarian treatment of the socially dependent was initiated. This emerging concern was reflected in the 1880s with the legislative mandate to release all indigent and mentally handicapped from county jails and poorhouses.

Public education, like social welfare, was mostly a local or private concern even at the college level. As such, the state chartered several private colleges in the nineteenth century. The first legislature also established a state university (in accord with the Constitution) endowed through federal land grants and administered by a board of trustees (Current 1976:173). But regular state aid did not begin until the 1870s (Current 1976:174). To train public school teachers, the state created a Normal School fund in 1857, financed by the sale of swamp lands, with proceeds directed to any colleges with a normal department except for the state university (Current 1976:175). The legislature established the first of a network of state normal schools when it created the school at Platteville in 1866, followed by similar institutions at Whitewater, Oshkosh, River Falls,

Milwaukee, La Crosse, Eau Claire, Stevens Point, and Superior (Current 1976:507). (See Normal Schools and State Teachers Colleges study unit). With the passage of the federal Morrill Act in 1862, the state received land grants to support agricultural training at the state university. By the 1880s, the university extended that education beyond the bounds of the traditional classroom, with the establishment in 1886 of short courses in Madison and farmers institutes at a variety of locations around the state (Nesbit 1973:293).

Funding for university buildings and charitable institutions came in many forms. In addition to direct legislative grants, money was raised through land sales, federal aid, loans, and private gifts. No coordinated state building program, however, existed until 1906 when the State Building Commission was given responsibility for the review and coordination of state funded construction.

The state government provided a variety of non-institutional services in the nineteenth century, many designed to encourage settlement and development. In 1853, for example, the State Geological and Natural History Survey began a series of investigations of the mineral wealth and other natural resources of the state. The office of state commissioner of immigration was created in 1852 to attract settlers to the state, the first such agency in the nation. Although the office was terminated later in the 1850s, it was revived after the Civil War and helped attract newcomers to northern Wisconsin (Current 1976:44, 416-417).

The State Historical Society, established as a private society in 1846, was chartered by the state in 1853 and reorganized and given state aid the following year under the inspired leadership of Lyman Draper (Current 1976:179-80). Other organizations with statewide constituencies, such as the State Agricultural Society, the State Horticultural Society, and the state GAR, received official recognition and some limited benefits (including offices and publishing services) while retaining their independent status.

The state legislature first exercised its regulatory powers in the nineteenth century, establishing the Railroad Commission, Banking Commission, and a Department of Insurance, among others, to minister those critical industries. By the last decade of the century, the state expanded its efforts to improve the safety, health, and well being of its citizens through an array of commissions and bureaus. The Free Library Commission, the Bureau of Labor and Industrial Statistics, and the State Forestry Commission are but a few examples of this extension of state government.

Imbued with progressive ideals and led by progressive politicians, the legislatures and executive agencies of the early twentieth century greatly expanded the role of state government, regulating food, drugs, industrial conditions, and the process of government itself through Civil Service and anti-lobbying laws. In 1911 alone, the legislature imposed the nation's first income tax, created the Industrial Commission (to administer the new workmen's compensation act and to regulate labor conditions), the Highway Commission (to coordinate a system of state trunk highways), a State Life Insurance fund, and more (Nesbit 1973:425-426). The expanded role of the state was supported and sometimes staffed by University experts such as economist John Commons or by trained specialists such as Charles McCarthy of the Legislative Reference Bureau (Nesbit 1973:426-27). The bureau, an off-shoot of the Free Library Commission, was created in 1901 and began its famous bill drafting service in 1907, leading some critics to call it a "bill factory" for the Progressive movement (Gara 1962:201).

As the role of government expanded, so too did its physical presence. Wisconsin government began acquiring lands for a state park system in the 1890s, and the first permanent state park was created at St. Croix Falls in 1901. By the 1920s, parks existed in many parts of the state. State forests expanded in the early twentieth century, and the state encouraged settlement of the northern Cutover region. The University embodied the government's new outreach, creating extension programs and extension

campuses in the first quarter of the twentieth century (Nesbit 1973:437). Other programs expanded. The first state fish hatchery was established at Madison in 1875. By 1927, 15 state operated hatcheries existed: at Bayfield, Wild Rose, Minocqua, Delafield, Oshkosh, St. Croix Falls, Sturgeon Bay, Sheboygan, Osceola, Lakewood, Hayward, Westfield, Spooner, and Eagle River, and Madison.

By 1927, 17 state institutions provided social services to Wisconsin residents (Hannan 1927:215). The most imposing symbol of the government's increased status was the construction of a new capitol at Madison. Begun in 1904 (during the Robert La Follette administration) and completed 13 years later, the imposing edifice was an appropriately scaled symbol of an enlarged state government. An equally imposing symbol of the expanded state bureaucracy was the official State Office Building, constructed in Madison in 1929.

The social services and regulatory powers of state government grew apace in the mid-twentieth century. After World War I, pioneer Wisconsin social legislation, including an old age pension plan (1925) and unemployment compensation (1931), were emulated by other states and provided models for the federal government's package of "New Deal" social programs (Gara 1962:251). To combat unemployment during the early 1930s, the state began a labor intensive public works program (1931-1933) and constructed overpasses at dangerous railroad crossings (Gara 1962:253). Later, the state cooperated with the federal Works Progress Administration on a variety of projects.

## IDENTIFICATION

**Resource Types.** Facilities associated with state government and any of the departments, agencies, commissions, board, etc. (generally, any facility built to house a state sponsored or funded service) that developed over the years. Homes of people prominent in state government, particularly governors, representatives to either house of the state legislature who served for several years or who spearheaded important legislation; homes or offices of crusaders for expanded services or reform in state government; appointees to boards or commissions that contributed to social change or improvements in quality of life (such as the Board of Control).

**Locational Pattern of Resource Types.** State facilities are concentrated in the Madison area, but are evident throughout the state. State houses, schools, and educational institutions tend to be located in urban centers of the state, particularly county seats. Certain communities are regionally important for their role in state government because of a cluster of state facilities.

**Previous Surveys.** In 1978 and 1979 the Historic Preservation undertook a partial survey of state facilities. Results are filed at the State Historical Society. Efforts to complete the survey were revived in 1985, and several National Register nominations were prepared as a result of this effort. The Wisconsin Department of Transportation maintains an inventory of bridges. WISDOT's survey efforts are on-going, often to comply with Section 106 of the National Historic Preservation Act.

**Survey and Research Needs.** A complete survey of state facilities is needed so the State Historical Society of Wisconsin can comply with state historic preservation statutes. Surveys would probably best be approached on an agency by agency basis. The Department of Natural Resources, which owns hundreds of properties, probably poses the biggest challenge.

## EVALUATION

### National Register Listings and Determinations of Eligibility

The following list does not contain all properties owned by the state that are listed in the National Register. The state owns various properties that are significant for archeological and historic government. Other properties omitted from the list are significant for stronger historical associations, such as educational. Properties listed below are significant for their association with the function of state government or for their association with prominent statesmen.

- Camp Randall (1861), University of Wisconsin, Madison, Dane County  
(NRHP 1971)
- Old Executive Mansion (1854-56), 130 E. Gilman St., Madison, Dane County  
(NRHP 1973)
- State Historical Society of Wisconsin (1900), 816 State St., Madison, Dane  
County (NRHP 1972)
- State Office Building (1929), 1 W. Wilson, Madison, Dane County (NRHP 1982)
- Wisconsin State Capitol (1906-17) Capitol Square, Madison, Dane County  
(NRHP 1970)
- Governor Edward Schofield House (1897-1901), 610 Main St., Oconto,  
Oconto County (NRHP 1973)
- Governor William H. Uphm House (1880), 212 W. 3rd St., Marshfield, Wood  
County (NRHP 1976)



**Context Considerations.** Properties associated with state government should be evaluated for their role as state facilities, as well as for their contributions to a particular field, such as education, and to local history. Many properties will not be significant for their state association, per se, but for stronger associations.

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# COUNTY GOVERNMENT

**Temporal Boundaries:** 1818 - 1961.

**Spatial Boundaries:** Entire state.

**Related Study Units:** Territorial Government, State Government, Local Government

## HISTORICAL BACKGROUND

Designed to serve as administrative subdivisions of state government, the 72 counties of Wisconsin are both instruments of the state legislature and essential units of local government, intermediaries between the largest and smallest civil divisions in the state. The first Wisconsin counties were created in 1818, 30 years before statehood, when Governor Lewis Cass of the Michigan Territory divided present-day Wisconsin into Brown County (in the east), Crawford County (in the west), and Michilimackinac County (in the north) (Smith 1973:208). As settlement expanded, the territorial government created additional counties to help administer the region. In 1829, Iowa County was divided from Crawford. In 1834, Milwaukee County was carved from Brown. By the time the Wisconsin Territory was organized in 1836, 19 counties had been established within its boundaries. By 1848, when Wisconsin entered the Union, 29 counties had been created from the original three.

Empowered by Article IV of the state constitution to create and regulate counties, the state legislature established new counties from old throughout the nineteenth century. By 1860, all of today's counties south of a line drawn west from Green Bay had been established. For the next 40 years, the northern tier of counties was formed. After 1901 the process halted until 1961 when Menominee County was created from parts of Shawano and Oconto counties.

The creation of new counties was a political phenomenon of the nineteenth and early twentieth centuries. In an era of widespread settlement and slow communications, the county provided a basic framework of local government, a variety of essential services, and a direct connection to the state capital. For most residents, the county was the most important and immediate unit of government: closer than the state and more powerful than the town or village. Just as importantly, creating counties was a favorite device for multiplying political offices and enhancing the power of the party bosses (Smith 1973:387). Thus, the growth of county government was both a political necessity and a political opportunity. When the county making process finally came to an end at the turn of the century, democratic institutions and electoral politics had reached into every part of the state, symbolized by the county courthouse and run by a full roster of electoral officials.

## STRUCTURE

The structure of county government in Wisconsin changed several times after the first three counties were established by proclamation in 1818. The early governments in Brown, Crawford, and Michilimackinac counties were composed of three commissioners and a sheriff appointed by the territorial governor in Detroit. In 1827, however, Cass replaced the "commissioner" system with the "county-township" form of local government, reflecting the precedent of New York State. With the "county-township" system, each county was divided into smaller units of local government ("towns") with a county board composed of supervisors (usually town chairmen) representing each town in the county (Smith 1973:211). The system was hailed as more democratic, an extension of political

rights to Wisconsin residents.

But whatever the advantages, the "county-town" system was synonymous with Yankee political tradition and unpopular among transplanted southerners in the lead mining district. In 1836, when the Territory of Wisconsin was established at Mineral Point, the southerners held sway. The act that established the Territory decreed that each county in Wisconsin adopt the commissioner (or "southern") system of county government. The uniform system did not last long, however. Yankees in the lakeshore counties advocated a return to the county-town system. In 1841, Congress acquiesced and permitted optional forms of county government in Wisconsin. By 1848, all Wisconsin counties except Grant, Green, Iowa, Lafayette, and Sauk had adopted the county-town form of local government (Current 1976:158). Despite dual forms of county government in the territory, the state constitution adopted in 1848 stipulated that the "legislature shall establish but one system of town and county government, which shall be as nearly uniform as possible" (Toepel 1952:120). The edict was difficult to implement. Not until 1861 did the legislature mandate a three person board of supervisors in each county (Smith 1973:389, Current 1976:397). In 1869, the legislature enacted a law that established the true county-township plan, with town chairmen serving as supervisors on a large county board (Current 1976:492). Subsequent changes in the structure of county government included a law in 1907 that authorized populous counties to elect one supervisor for each assembly district (Toepfel 1952:121).

Through most of the twentieth century, Wisconsin counties worked within the general framework of government first created in the nineteenth century. County government was administered by an elected board of supervisors, generally composed of representatives of each unit of local government or assembly district, largely conducting business through a series of committees. (Some counties since World War II have elected county administrators). In addition to the board, county government included the elective offices of clerk, treasurer, clerk of the circuit court, registrar of deeds, district attorney, sheriff, coroner, and surveyor, with each officer responsible to both the voters and the board of supervisors. Proportionately, county government had more elected officials than either local or state government. In addition to the elected officials, specialized aspects of county government (hospitals, airports, and the like) were administered by appointed commissioners or boards. The entire administrative structure of county government was financed by property taxes as well as by grants from the state and federal governments.

All of the 72 counties are coterminous with judicial circuits, with judges elected by county voters (Blue Book 1985:638). The county court system has traditionally handled cases of family, juvenile, and limited civil and criminal law. County legal systems also include superior courts, small claims courts, and justices of the peace.

## RESPONSIBILITIES

Despite the democratic structure of county government, Wisconsin counties lacked the authority of "home rule" that characterized Wisconsin villages and cities. Instead, counties discharged responsibilities expressly delegated by the legislature. Historically, the list of powers and responsibilities has been long, including both mandatory and elective duties. From about 36 activities enumerated in 1848, the legislature required or permitted nearly 200 by 1945 (Toepel 1952:126).

As an administrative division of the state, Wisconsin counties traditionally undertook state mandated chores; such as the maintenance of a road system and courts, the establishment of a sheriff's office and jail, and the discharge of social services, such as county hospitals, normal schools, insane asylums, poor farms, and the like, that the legislature deemed necessary or appropriate over the years.

The long list of responsibilities was an expensive burden. The legislature gave county

government the onerous task of financing almost all public services in the nineteenth century. As a result, 86 percent of all taxes in those years were raised by the "counties, towns, villages, cities, and school and road districts" (Current 1976:157).

The importance of county government is best illustrated by the role of the county jail. In 1870, 48 of 58 counties had jails, housing not only felons but also the homeless, impoverished, orphaned, and insane (Current 1976:515). Only the single state prison in Waupun and a few city jails provided additional jail space. County jails had deplorable conditions; the unsanitary and cramped facilities are well illustrated by the Crawford County jail in Prairie du Chien (NRHP 1983) built in the mid-nineteenth century. The sheriff's responsibility went beyond apprehending criminals and housing the homeless, however. During the Civil War, for example, county sheriffs were responsible for drafting men for the Union army (Current 1976:312).

The county jail was supplemented in the nineteenth century by the county poorhouse. In 1870, 22 of 58 counties had poorhouses, usually with affiliated farms (Current 1976:514). The poorhouse provided residential facilities for orphans, handicapped, and indigent citizens. Through the nineteenth century, the social services provided by county government grew and new, more specialized facilities were built to house dependents. County insane asylums, tuberculosis sanitoriums, and hospitals supplemented the jails and poorhouses. By 1927, Wisconsin had 36 county asylums and one asylum for the tubercular insane; 15 tuberculosis sanitoriums; 52 poor farms; and 368 county jail facilities (Hannan 1927:214).

At the turn of the century, counties assumed special responsibility for the education of teachers. The first county normal schools were established in Dunn and Marathon counties in 1899. During the same period, technical and agricultural schools were established, first built in Dunn and Racine counties. By 1927, 31 county normal schools provided teacher training in Wisconsin.

Early county parks were established in the late nineteenth century, and during the Progressive Era the legislature granted counties expanded powers to create county forests and fisheries (Nesbit 1973:470). Counties were also given the power to designate county agents, who worked in cooperation with the USDA, and to enact zoning laws. With the advent of the Great Depression, Wisconsin counties were burdened unexpectedly with additional problems of social welfare and financial solvency. To alleviate those problems and keep county government functioning considerable amounts of federal aid, often through the Works Progress Administration, were routed to the counties.

By the mid-twentieth century, the vast number of mandatory and permissive functions of county government resulted in a complex structure that varied from county to county. Counties supported diverse services, from county airports to county fisheries. A survey of county government in the mid-twentieth century noted that the "most striking fact" about county government in the twentieth century was the "emergence from a relatively simple government activity with few functions to a highly important activity with a largely increased number of functions, a development that is continuing at a rapid pace" (Toepel 1952:125).

## **THE COUNTY COURTHOUSE**

Unlike larger and more expansive branches of government, the affairs of the county are traditionally managed from a single building. A center of law, a storehouse of records (and hence county history), and a conduit to state government, the county courthouse inevitably became the center of the community and a focal point for the entire county. In addition to housing the offices of judges, commissioners, clerks, and supervisors, the courthouse also provided a forum for the politics and gossip which attend such activities, and the courthouse square was historically the center of civic life: the site of hangings,

(although not often in Wisconsin), elections, mass meetings, and political rallies.

Not surprisingly, acrimonious debate and contested elections accompanied the selection of a courthouse site. "County seat wars" erupted in many counties, and courthouses occasionally moved from one city to the next depending on the lure offered by competing villages or political groups.

Wherever located, the courthouse building became an instant landmark, a self-consciously stylish building of imposing scale and design. When courthouses were replaced in subsequent years, the new structures were often more elaborate and stylish than the predecessors. Today, Wisconsin county courthouses range in style from Greek Revival (Iowa, Pepin counties) to Modernistic (notably Sheboygan, Juneau, Racine counties), with the greatest number conceived in the Neoclassical-Beaux Arts tradition characteristic of the turn-of-the-century. Other outstanding examples are built in the Italianate (Crawford County) and Romanesque (St. Croix, Waukesha counties) styles. Distinguished designs of the Romanesque, Neoclassical, and Modernistic modes in particular were the work of well-known Wisconsin, Minneapolis, and Chicago architects, deliberately selected to achieve the necessary architectural sophistication. (See "County Courthouses of Wisconsin Thematic Nomination" for description and evaluation of courthouse architecture).

Testifying to their symbolic prominence, Wisconsin courthouses were formally sited in open squares, on generous centrally-located lots, or on dramatic hillside sites. Many were transitional elements between commercial and residential areas of the community. Although most courthouses were built on "courthouse squares" near a central business district, the "square" was often little more than a lawn surrounded by uncomplimentary business buildings or residences. In the early twentieth century, however, as the ideals of city planning became widespread, several counties determined to make the courthouse the focal point of a monumental civic center. Typically located in the city's heart, punctuated with plazas and boulevards and composed of classical architecture, the civic center plans (although often unrealized) reflected the dramatic growth of the City Beautiful movement in the first decades of the twentieth century. Two Wisconsin county courthouses are historically significant for their association with that movement, in Kenosha and Milwaukee.

The Kenosha County Courthouse (1925), the first unit completed in the state's most successful civic center, was the result of unusual inter-governmental cooperation, fostered in large part by the progressive city manager system which had just been adopted in Kenosha, the first such system in the state. As the cornerstone of the civic center, the courthouse was recognized throughout the state and honored nationally as an example to small cities of "how much can be accomplished."

Less successful than Kenosha and burdened by conflict and delays, the Milwaukee County Courthouse was nonetheless an important local landmark, reflecting an early and historically important attempt of Milwaukee County and the City of Milwaukee to cooperate on the development of a monumental civic center in the heart of the city. The result is a historically significant landmark in the history of regional planning in Wisconsin.

Closely associated with county courthouses are county jails. The oldest extant county jail in Wisconsin is located in the basement of the Crawford County courthouse and dates from the years before statehood. Later in the nineteenth century, separate jail houses and sheriffs' residences were built near courthouses. By the early twentieth century, jails had changed again, incorporating modern penal concepts instead of the paternalism associated with the traditional sheriff's residence. Historic jails in Wisconsin have been replaced over the last few decades because of inadequate size and functional obsolescence.

The structures of county government are visible and significant symbols of Wisconsin



history. While neither the most ubiquitous symbols of civil authority nor the most powerful, county courthouses and jails continue to evoke a historical continuity which predates statehood and mirrors the development of Wisconsin, a symbol recalling both the authority of the state and the development of local self-government.

## IDENTIFICATION

**Resource Types.** Courthouses, jails, sheriffs' residences, poorhouses, county farms, asylums, hospitals, sanitariums, county normal schools, technical, vocational, and agricultural schools, forests, fisheries, parks, airports, road maintenance buildings, roads, bridges.

**Locational Pattern of Resource Types.** County courthouses, jails, and sheriff's residences are located in or near central business districts, and are situated on courthouse squares, generous lots, or dramatic hilltop sites. Large county institutions, such as asylums and jails, often are located on the periphery of the county seat or in an isolated rural setting, where the ample space required by large, multi-building complexes was available.

**Previous Surveys.** The County Courthouses of Wisconsin Thematic Nomination identified 22 architecturally and historically significant courthouses. Individual survey forms were completed for each nominated structure. Intensive survey reports of county seats (i.e. Waukesha, Kenosha, La Crosse, Ashland, Milwaukee, White Hall, Racine, etc.) provide the local historical context for a variety of county courthouses and other county facilities.

**Survey and Research Needs.** Further survey data is needed to identify and evaluate county jails, sheriffs' residences, and social and educational institutions.

## EVALUATION

### National Register Listings and Determinations of Eligibility

Adams County Courthouse (1913-14), 402 Main St., Friendship (NRHP 1982)  
Ashland County Courthouse (1915), 201 W. Second St., Ashland (NRHP 1982)  
Old Bayfield County Courthouse (1883), Washington St., Bayfield (NRHP 1974)  
Bayfield County Courthouse (1894), 117 E. 5th St., Washburn (NRHP 1975)  
Brown County Courthouse (1908-10), 100 S. Jefferson St., Green Bay (NRHP 1976)  
Calumet County Courthouse (1913), 206 Court St., Chilton (NRHP 1982)  
Clark County Jail (1897), 215 E. 5th St., Neillsville (NRHP 1978)  
Crawford County Courthouse and Jail (1867-68), 220 N. Beaumont Rd., Prairie du Chien (NRHP 1982)  
Dodge County Courthouse (1878, 1973), E. Oak and N. Main Sts., Juneau (NRHP 1982)  
Douglas County Courthouse (1918-19), 1313 Belknap St., Superior (NRHP 1982)  
Florence County Courthouse and Jail (1889), Town of Florence (NRHP 1985)  
Grant County Courthouse (1902), 126 W. Main St., Lancaster (NRHP 1978)  
Green County Courthouse (1891) Courthouse Square, Monroe (NRHP 1978)  
Green Lake County Courthouse (1899, 1964), 492 Hill St. (NRHP 1982)  
Iowa County Courthouse (1859), Iowa and Chapel Sts., Dodgeville (NRHP 1972)  
Old Iron County Courthouse (1892-94), 303 Iron St., Hurley (NRHP 1977)  
Juneau County Courthouse (1938-40), 220 E. State St., Mauston (NRHP 1982)  
Kenosha County Courthouse (1923-25), 912 56th St., Kenosha (NRHP 1982).  
Lafayette County Courthouse (1905), 626 Main St., Darlington (NRHP 1978)  
Langlade County Courthouse (1905), 800 Clermont St., Antigo (NRHP 1977)  
Lincoln County Courthouse (1902), 1110 E. Main St., Merrill (NRHP 1978)  
Manitowoc County Courthouse (1906), 8th St. at Washington Ave., Manitowoc (NRHP 1981)

Marathon County Fairgrounds (1921), Stewart Ave., Wausau (NRHP 1980)  
 Marquette County Courthouse and Jail (1916), 77 W. Park St., Montello  
 (NRHP 1982)  
 Milwaukee County Courthouse (1929-31), 901 N. 9th St., Milwaukee  
 (NRHP 1982)  
 Milwaukee County Dispensary and Emergency Hospital (1927), 2430 W. Wisconsin  
 Ave., Milwaukee (NRHP 1985)  
 Monroe County Courthouse (1895), 418 W. Main St., Sparta (NRHP 1982)  
 Oconto County Courthouse (1891/1907), 300 Washington St., Oconto (NRHP 1982)  
 Old Ozaukee County Courthouse (1902), 109 W. Main St., Port Washington  
 (NRHP 1976)  
 Pepin County Courthouse and Jail (1873-74), 307 W. Madison St., Durand  
 (NRHP 1982)  
 Pierce County Courthouse (1905), 411 W. Main St., Ellsworth (NRHP 1982)  
 Polk County Courthouse (1899), Main St., Balsam Lake (NRHP 1982)  
 Geiger Building/Old Polk County Courthouse (1874-75), 201 Cascade St.,  
 Osceola (NRHP 1985)  
 Racine County Courthouse (1930-31), 730 Wisconsin Ave., Racine  
 (NRHP 1980)  
 St. Croix County Courthouse, 904 3rd St., Hudson (NRHP 1982)  
 Sauk County Courthouse (1906), 515 Oak St., Baraboo (NRHP 1982)  
 Sheboygan County Courthouse (1933/1956, 1968), 615 N. 6th St., Sheboygan (NRHP 1982)  
 Taylor County Courthouse (1893), 224 S. 2nd St., Medford (NRHP 1980)  
 Vernon County Courthouse (1880), N. Dunlap Ave., Viroqua (NRHP 1980)  
 Washington County Courthouse (1899) and Jail (1866), 320 S. 5th Ave., West  
 Bend (NRHP 1982)  
 Waushara County Courthouse (1928-29, 1978), Sheriff's Residence, and  
 Jail (1908), 209 St., Maine St., Wautoma (NRHP 1982)  
 Winnebago County Courthouse (1937), 415 Jackson St., Oshkosh (NRHP 1982)

### **Context Considerations**

Facilities associated with county government should always be evaluated for historical significance, even though in the past some resources were evaluated only for architectural significance. Historical association would primarily concern properties built with county funds to carry out aspects of county jurisdiction. Integrity questions may be difficult to resolve because of large additions and alterations. Generally, the historic building should not be overshadowed by later additions and most of the historic fabric should be intact. Because of the great historical significance of courthouses, integrity requirements, may not be as high as for other county buildings.

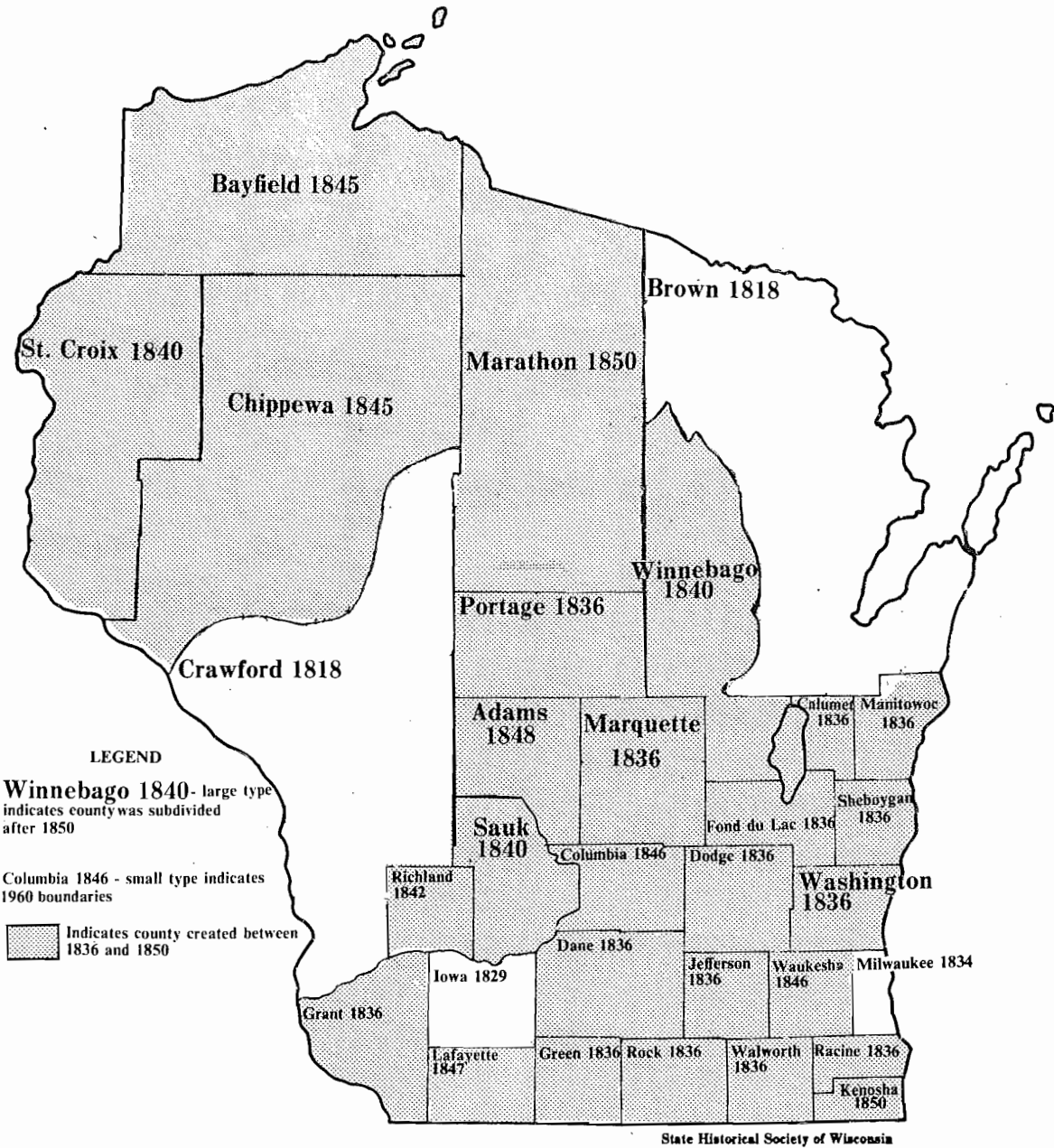
## COUNTY GOVERNMENT



### Wisconsin Counties and County Seats in 1835

Source: Wisconsin Legislative Reference Bureau, *Wisconsin Blue Book 1979-80*, (Madison:1979), p. 772 and Alice E. Smith, *The History of Wisconsin (vol. 1: From Exploration to Statehood)* (Madison:1973) p. 250.

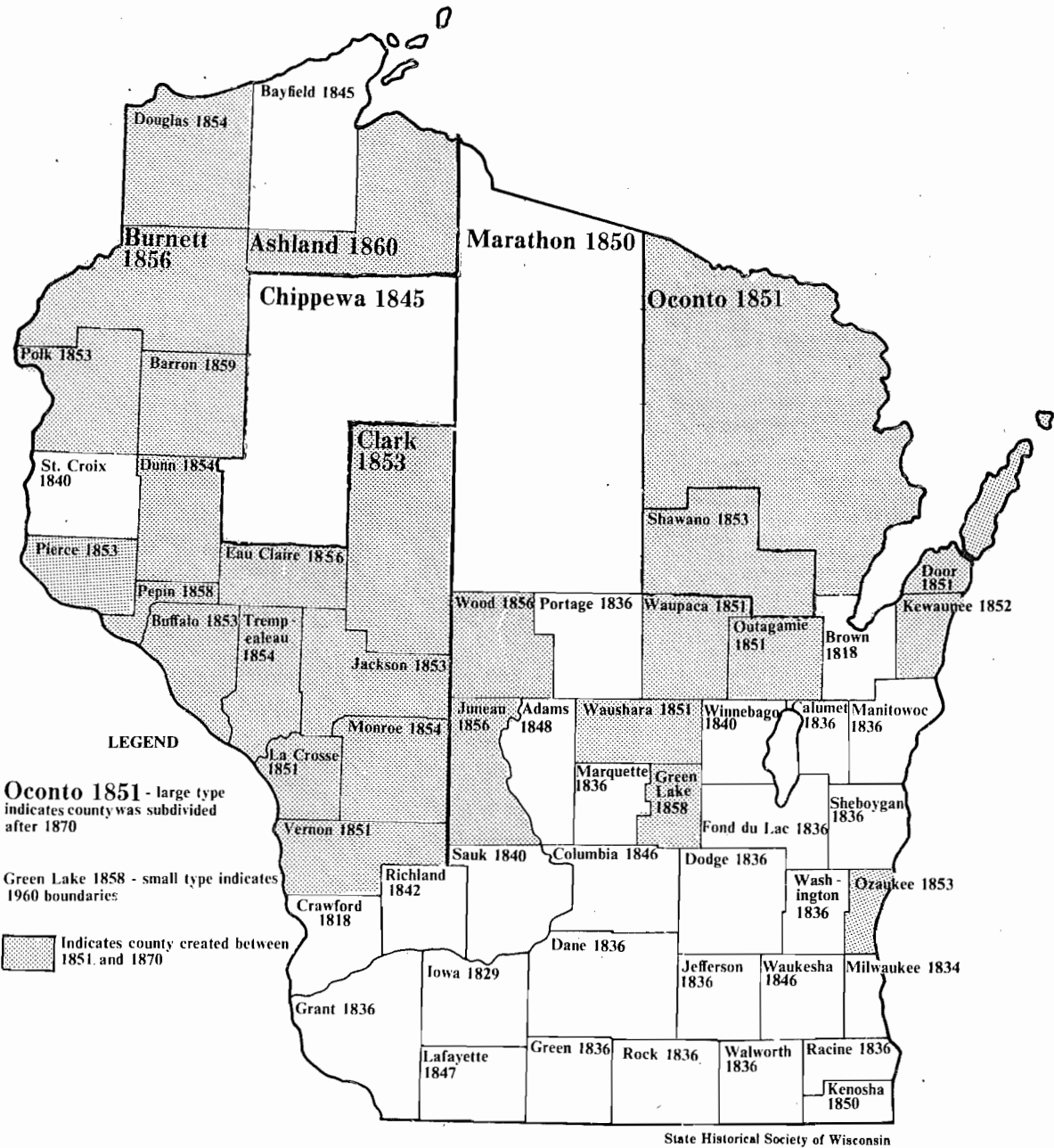
# COUNTY GOVERNMENT



## WISCONSIN COUNTIES CREATED 1835-1850

Source: Wisconsin Legislative Reference Bureau, *Wisconsin Blue Book 1979-80* (Madison:1979), p. 772, and Alice E. Smith, *The History of Wisconsin (vol. 1): From Exploration to Statehood* (Madison:1973) p. 469.

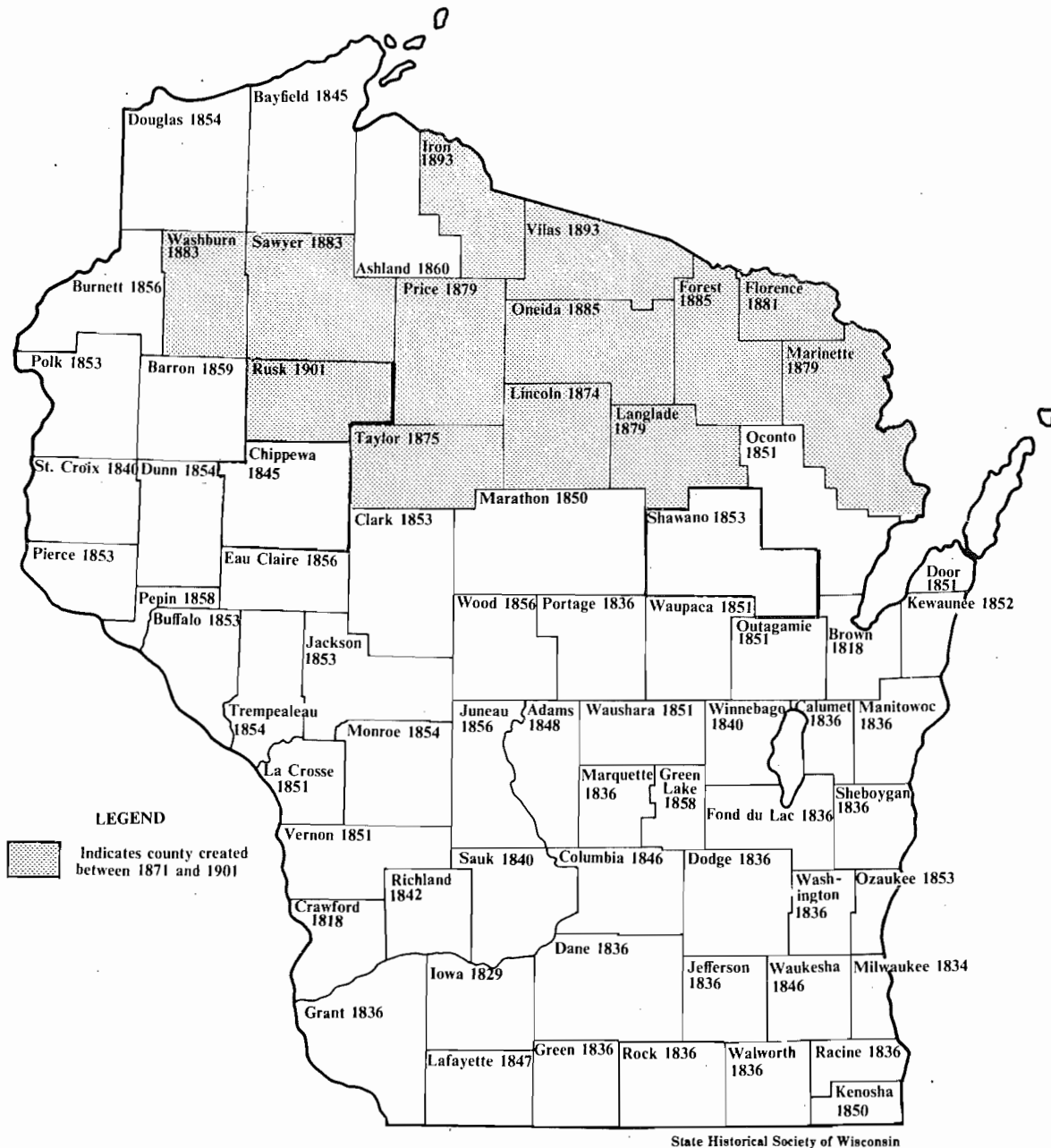
# COUNTY GOVERNMENT



## WISCONSIN COUNTIES CREATED 1851-1870

Source: Wisconsin Legislative Reference Bureau, *Wisconsin Blue Book 1979-80* (Madison:1979), p. 772 and Richard N. Current, *The History of Wisconsin (vol. 2): The Civil War Era, 1848-1873* (Madison:1976), p. 424.

# COUNTY GOVERNMENT



## WISCONSIN COUNTIES CREATED 1871-1901

Source: Wisconsin Legislative Reference Bureau, *Wisconsin Blue Book 1981-1982* (Madison:1981) p. 718.

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# LOCAL GOVERNMENT

**Temporal Boundaries:** 1840 - present

**Spatial Boundaries:** Entire state

**Related Study Units:** County Government, State Government

## HISTORICAL BACKGROUND

Local units of government in Wisconsin include counties, cities, villages, towns, and special districts that execute specific public functions. All local units of government are characterized by the following: "they have an entity, may sue and be sued, may levy taxes or special assessments, may expend moneys, and may acquire property" (Blue Book 1952:163). Over the years the Wisconsin Blue Book has published several good descriptions of local government. This study unit is comprised of edited versions of articles that appeared in the 1952 and 1979-1980 Blue Books. Portions that are dated or of little interest have been excised; words in parentheses replace words that appeared in the original version.

### **THE WISCONSIN TOWN AND ITS GOVERNMENT (exerted from The Wisconsin Blue Book, 1952:147-161)**

Except for a very few areas within Indian reservations the State of Wisconsin is blanketed by a level of local government composed of cities, villages, and towns. The towns . . . comprise the most numerous of these units of local government. Because they are predominantly rural, they likewise comprise most of the territory of the state and generally are more sparsely populated and less concentrated in wealth than are the cities and villages. Typically they are composed largely of farms, and may have one or more small concentrations of population which are described as hamlets or unincorporated villages, often at prominent crossroads. Organized under general legislative authority, they have only the powers specifically granted them by statute.

The late university professor George S. Wehrwein, an authority on town government in Wisconsin, described the background of Wisconsin towns in these words:

"The town can trace its ancestry back to New England and historians have tried to establish a line of descent from the English township or parish, even back to the early Germanic mark. In the old colony days government centered around the meeting house. Here the voters met as often as once a week to legislate for the town, covering every phase of community life from the church and the school to the manner in which cows should be driven to the common pasture by the village herdsman. Later more power and discretion was given to the officers, and town meetings were held annually. These towns embraced both the village and the agricultural land around it. This is true today of New England even though the village has become an urban center with thousands of people. Members of the state legislature are still elected from towns; counties were not created until 1665 and then only as administrative units for the collection of taxes, courts, and for military service.

"If New England is the grandfather of Wisconsin's system of local government, New York is the father. In this state a dual county-town form of government was evolved with the county on a parity with the town in functions and importance. Moreover the two are closely connected through the board of supervisors. The chairman of the town serves in two capacities; first, as a town officer, and second, as a delegate or representative of his

town on the county board of supervisors. A second significant deviation from the New England town is the separate incorporation of villages thereby making them independent of the surrounding rural areas. The villages as well as cities were given representation on the county board, a feature which we have copied also.

"In Pennsylvania the town was given a subordinate position to the county, and in the South it was omitted entirely. In all these states the county legislature consists of a small board of commissioners elected from the county without regard to other units of government.

"It was natural for the New Yorkers and New Englanders who first settled in the old Northwest to bring with them the town government of their home states. Thomas Jefferson was much impressed with these 'pure and elementary republics' even though he was Virginian. He hoped to foster their formation by the rectangular method of surveying, dividing the land into 'hundreds' of ten miles square. Congress adopted this manner of surveying land but provided for townships of 36 sections, subdivided into quarter sections and 'forties'. This survey township has in fact become the civil township in the majority of cases. County boundaries have also followed the surveyor's lines, especially in the level prairie square counties and towns of similar shape. In the Lake State with a rougher topography and many lakes and rivers, the boundary lines of units of government often consist of natural features, but even here the straight lines of the surveyor predominate.

". . . In the upper Fox River Valley the Indian reservation and the old French settlements are responsible for towns of unusual shapes and small areas; some of them cover less than 10 square miles.

"The mixture of surveying and government has brought confusion into our terminology. 'Town' to many people means a village or small city, and 'township' is used in many states to mean the subdivision of the county which we call the "town." Even our state constitution uses 'township' where 'town' is evidently meant. (Article VII, Section 16). However, the legal name for this unit of government in Wisconsin is 'town' and for an incorporated hamlet, 'village.' Township refers to the surveyor's 36 square miles, six miles square -- also called a 'government township'.

"In spite of the New England and New York background of our earlier settlers, the New England town never left its native soil and the New York town-county-supervisor system was adopted by only three states -- Wisconsin, Michigan and the northern part of Illinois. It was tried for a while in other states but all of these have gone over to the commissioner type which is now in vogue in 12 states, the remaining 25 having adopted the southern 'townless' county . . ." (George Wehrwein, The Wisconsin Blue Book, 1935:95-107)

### History

For a long period during the formative days, the ultimate form which local government would take in Wisconsin was in doubt. A wide difference of opinion existed between the settlers in the eastern portion of the territory who came from New England and New York and the settlers in the southwestern portion of the territory who came from the south. The eastern group favored the town unit of rural local government; the western group favored the strong county unit of local government.

The original plan of 1827 provided for towns, but in the 1830's the southwestern influence caused the abolition of the towns and the substitution of county control. About 1840 the eastern population got control of the territory again and caused the territorial legislature to permit the establishment of optional forms of government whereby each county could decide for itself if it would have the county unit or town unit of local government. By 1845 all the counties except the five southwestern most counties had adopted the town

form of local government. Thus these were two forms of rural local government in operation in 1848 when the Constitution of the state was adopted providing for one system of town and county government. This Constitution, however, did not spell out the particular form of local government to be adopted, and it was not until 1870 that the legislature decided what the system should be. It then provided for the town system of rural local government, and since that time all counties have been organized into towns. Originally some counties had but one town, but gradually the number of towns increased as the population was more widely dispersed into the rural areas of the county.

It cannot be said that all towns were created because of a pressing need for an independent local government. Not infrequently new towns were established because of a clash of personalities within and existing town. On some occasions more towns were created to increase representation on the county board; the town chairman being the representative of the town on that board. In the early days some towns were created in order to make it easier for the people to participate in the town meetings and elections. This was particularly true when the towns were exceedingly large and roads were poor. It was not unknown for the lumber companies to establish new towns in the north in order to get preferential tax treatment. In some cases portions of large towns were split off because the people in one part desired services which the dominant group would not provide for them.

It is interesting to note that the towns for years loomed large in the administration of schools. The territorial law of 1839 provided for five elective town inspectors of the common schools to appoint teachers and to visit the schools. In 1841 legislation was enacted providing that the town school commissioners should have full power to form and alter school districts. In 1848, when the state was created, the power to organize and alter school districts was taken out of the hands of the town school commissioners and placed in the hands of the town superintendent of schools, created at that time. He could apportion moneys, collect statistics, supervise instruction, combine schools, organize grade schools, and employ the teachers within the town. Almost immediately the powers of the town superintendent were restricted and it was not long before the power of the town superintendent to organize and alter school districts was removed and placed in the hands of the town board where it has remained to this date.

In 1861 the town superintendents, of which there were then 743, were abolished and the county superintendents created in their stead with somewhat different powers and considerably higher professional standing. The town system of school administration remained dead until 1869. In that year the law was enacted which provided that each city and village having a grade school with no less than three departments must constitute a separate school district. A second law in the same session made it permissive for towns to vote for the adoption of the so-called township system of school government whereby the district schools of a town could be brought together under the administration of one board. Under the law creating city and village districts progress was made, but because the law relating to town districts was permissive rather than mandatory, little was actually accomplished. In the first year four town districts were created, and by 1890 there were 19. In 1911 the law was repealed as obsolete. It should be pointed out, however, that the principle was revived in practice in the 1940s in northern towns where all of the districts of a town have been combined into one.

### **Organizational Powers**

**(exerted from The Wisconsin Blue Book, 1979-1980:140-142)**

At the center of town government is the town meeting and the town board. The meeting is the legislative body and includes all qualified voters, not simply elected representatives as in the case with every other governmental unit except the common and union high school districts. At least one town meeting must be held annually, on the first Tuesday in April, or within the 10 days that follow. Special meetings can be called at the request of

12 voters. The town meeting can transact all business required or permitted by law. Normally the major items of business are a review of the past year's activities, adoption of the budget, and the levying of taxes for town purposes. But many other things come up -- the condition of roads and bridges, snow removal, zoning changes and threatened annexations. The "town meeting" is one of the last survivals of "direct democracy", but there is dispute as to how well it fulfills this role under contemporary conditions. Attendance is often meagre, citizen participation is low. But when stirring issues arise, the town hall may not be large enough to hold those who show up. In the very large towns, the meeting as the gathering of voters deliberating and deciding policy is only occasionally practicable.

The town's day-to-day working today is the town board, which is usually made up of a chairman and two "side" supervisors elected at large for 2-year terms on a nonpartisan ballot at the spring elections. Typically the chair is the key official. He or she presides at town or board meetings. The chair used to represent the town on the county board. In citizen perspective, the town chair is regarded as the person to contact to get things done even though the law does not assign the chair functions apart from the board. The law assigns to the board many powers and duties: carrying out decisions of the meeting, exercising the powers of a village board when authorized by the town meeting, creating sanitary districts, establishing zoning and building regulations, maintaining roads and bridges, and providing public improvements.

In addition to the town board, the other officers are the clerk, who serves as secretary of the board, conducts elections, prepares tax bills, maintains records, and is generally at the center of affairs; the treasurer, who collects the taxes and other moneys due, pays the bills, and keeps the financial accounts; the assessor, who values property in the town for tax purposes unless a different arrangement is followed; up to 3 constables; and a municipal justice if that office is created. All these are elected for 2-year terms in the spring nonpartisan election. In most towns the constable, even though elected, typically does not serve since the sheriff usually provides police services in the unincorporated areas.

The statutes allow or require towns to appoint additional administrators. Among these are park and sanitary district commissioners, planning-zoning commissioners, highway superintendents, police officers, health officers, and relief directors. This larger work force is typically found in the more populous towns. Most town employes are part-time. Indeed, about one-third of all town personnel are elected.

The main tasks of towns relate to the construction and maintenance of roads and bridges. In the rural towns, highway service is the only one of importance. In the very large towns, a large array of functions may be performed by full-time employes, notably police and fire protection, zoning and building regulation, provision of water and sewers, health regulation, and operation of parks and other recreation facilities.

Although towns are the most numerous unit of local government by far, they provide only a small portion of the governmental services performed in the state -- at least as measured by expenditures and number of employes.

### **CITIES AND VILLAGES**

(exerted from The Wisconsin Blue Book, 1979-1980:143-159)

Cities and villages are incorporated as municipalities and thus have been viewed differently than other kinds of local government. This different treatment arises mostly out of the fact that cities and villages provide the local government in concentrated population areas and concentration of population has always meant a special order of complexity. The legal theory underlying local government has recognized these differences.

## The Place of the City

Cities and villages come into existence at the request of their inhabitants to perform total services. Other kinds of local units, so the theory runs, come into existence at the behest of the state itself to perform state services in local areas. It is perhaps not relevant that cities and villages also perform state services in their territories, or the residents of counties, towns and school districts have a voice in creating their units. Long standing practice defines cities and villages as "full" or "true" municipal corporations and distinguishes them from partial or quasi-municipal corporations such as counties and towns. Wisconsin law never explicitly stated the precise distinctions, but the differences are apparent most of the time in the separate treatment accorded cities and villages. Much of the rationale for difference in legal status among the several kinds of units has been supplied by the courts in interpreting constitutional statutory provisions.

## Home Rule and City-State Relations

All local units encounter problems in their relations with the state, but those of cities and villages have been more complicated and reach farther back in time than those of other units. Cities and villages stand on a different legal footing than other units and the main element of this difference has usually turned on the degree of independence from the state government at Madison -- that is, the power of cities and villages to govern themselves in local matters without state interference. "Home rule" is the shorthand term used to describe this relationship. There are many facets to this relationship, legal, political and operational.

Home rule issues are ultimately rooted in the law. In Wisconsin and other states, a very complicated body of law has developed with respect to municipal corporations -- creation, structures, powers and liabilities. Typically, these matters find expression in a municipal charter, which may be created and adopted by the municipality itself or created by acts of the state Legislature.

Initially in Wisconsin, the Legislature chartered cities and villages (and even towns) by special act. However, abuses in the special act procedure accumulated so that constitutional amendments were adopted prohibiting the Legislature from incorporating any city, town or village by special act. This was done in 1871 for villages and towns, in 1892, the prohibition was extended to cities. Some 213 villages and 110 cities first came into existence by virtue of special acts. After 1892, all modifications in municipal charters had to be made by general law. The Legislature, even prior to 1871, had sought to reduce the burden of making changes in individual charters by the device of optional laws which, in effect, created classes of municipalities. Municipalities in these classes could then elect on their own to make changes in their structure or powers.

The general law requirement cured only a part of the problem. Cities and villages continued to operate under a confusing mixture of special and general laws. As part of a continuing revision of general state laws, the codification of charter laws was undertaken. The village codification was adopted in 1919 and the city one in 1921. These 2 enactments, as amended in 1927 and 1933, provide the basic structure of the city and village law that appears in the statutes today. In the process of codification and enactment, many of the old special charter provisions were superseded (the charter of the City of Milwaukee was not affected).

The goal of proponents of home rule was to exempt cities and villages from legislative control so far as possible. Their efforts got underway in earnest in 1903 with the blessing of Governor Robert M. LaFollette, and achieved the first victory in 1911, when the Legislature passed a home rule statute as well as a joint resolution to amend the Wisconsin Constitution. When the Wisconsin Supreme Court, in 1912, voided the home

rule statute, home rule proponents turned their attention to constitutional amendment. It was finally approved by the voters in 1924 (Art. XI, Sec. 3). In the home rule enabling act, adopted in 1925, the Legislature set out a procedure for the adoption of amendments to charters (see Section 66.01 of the statutes). As part of the 1933 statutory codification, the Legislature substituted for the long list of enumerated powers in the old law, a short comprehensive grant of power which now appears as Section 62.11 (5) of the statutes for cities, and as Section 61.34 (1) of the statutes for villages.

Thus, by 1933, Wisconsin cities and villages had achieved both constitutional and statutory home rule. A municipality contemplating a change thus had the choice of proceeding under the constitutional provision by charter ordinance or under the statutes procedure.

Constitutional home rule -- as a barrier to state control over cities and villages -- proved less sweeping than was first thought. The amendment made a direct grant of legislative power to municipalities and thus constituted a limitation on the Legislature's authority. However, the grant of power to municipalities itself was qualified in what the Legislature was still able to deal with matters of "statewide concern as shall with uniformity affect every city or every village." The problem thus became that of defining what was a matter of statewide concern.

Over the years, a long line of statutes and court decisions have attempted to evolve a set of principles distinguishing local affairs from matters of statewide concern. To what extent those efforts have introduced clarity in so complex an area is a matter of argument. After all, home rule involves not only legal issues but political ones as well. Requiring police and fire commissions or local collective bargaining or setting levy limits are political in character and reflect the ebb and flow of pressure group activities of the Capitol. Thus, it is not surprising that there has been only modest resort to the constitutional home rule procedures.

### Incorporation

Municipal units come into existence at the request of their residents. As the builtup territory grows, the theory says that this territory should be added, or annexed, to the municipality. Stated in this way, the issues seem clear and straightforward. However, both incorporation and annexation -- indeed, boundary line questions generally -- have been controversial matters almost since founding and have been perennial topics on the legislative agenda at Madison.

Historically, towns have provided territory for the creation and expansion of municipal areas. Transportation and commercial development encouraged industry and people to settle within the confines of incorporated municipalities. With the coming of the automobile and the hard surfaced highway, a different kind of urban growth was possible. It became possible to live at the edge of the city or in the countryside, and still work in the city. The family that moved from the central city, however, remained a city family and voiced demands for city-type services -- among others, water, sewers, schools, police and fire protection and many more. The city family found that the town was not the city. The town was not organized to provide services and perhaps even unwilling to. The solution was to carve territory out of the town and set it up as a separate municipal unit. Separate municipal status perhaps brought with it other advantages. Well-to-do residents could draw municipal lines so that they could separate themselves from the less well-to-do, taking advantage of the way state-shared funds were distributed so that they were able to afford good local levels of service with little local property tax effort.

Under the general incorporation laws, cities were first required to have a population of 2,000, later reduced to 1,000. Villages were required to have 300 -- later 400 -- inhabitants per square mile. Despite these standards, one suspects that in early years



incorporation was an almost casual process. If the inhabitants wanted a municipality, met the standards and followed the correct legal procedures, then they could have it. Law and common practice acknowledged an order of precedence -- town territory should provide acreage for villages, and villages would grow into cities. But then towns began to defend boundaries with passion against both incorporators and annexers. Incorporated areas competed with each other. The number of separate units continued to grow, especially in the metropolitan areas. All of this led the Legislature in 1959 to tighten up the process of incorporation. The prime thrust of the revision was to make it more difficult to add to the number of governmental units in the metropolitan communities of the state.

In the law a "metropolitan community" is defined as an area containing a city of 25,000 population or more (or 2 cities with a total of 25,000 people) plus contiguous area with a population density of 100 persons or more per square mile. Milwaukee and all second class cities meet the defined standard as to population minimum, as do some of the third class cities.

To be incorporated in a metropolitan community, an area must exhibit urban characteristics, including territory beyond the built-up core area. It must also have a tax base adequate to defray the cost of services at a level comparable to those which could be provided by a contiguous municipality. The impact on the remainder of the town must be taken into account as well as the impact on the metropolitan community. There must be an express finding that the incorporation will not substantially hinder the solution of problems affecting the metropolitan community.

In addition to laying down more comprehensive standards, the 1959 law was notable in that it provided explicit recognition for the first time of a state as well as a local interest in the establishment of a new municipality. Under current procedure an incorporation petition goes first to the circuit court which ascertains whether procedural requirements have been met. The court also enforces the minimum standards as to population. The petition then goes to the secretary of local affairs and development who reviews it to see whether the other standards are met. The secretary can suggest changes to bring the proposal into conformity with these standards, or dismiss the petition, or approve it and send it back to the court to order a referendum.

The statutes also provide for consolidation of contiguous towns, villages and cities. Consolidation requires a two-thirds vote of the governing bodies of the units affected, plus ratification by the electors in each place. In the past 20 years, only a few consolidations have taken place, although proposals have been voted on in several places. Finally, the law provides a procedure by which a village may go out of existence (dissolution) and revert to town status. A petition must be signed by one-third of the voters to get on the ballot and be approved by two-thirds of those voting on the question at either a regular or special election. Hence, few villages ever go out of existence.

### City Organization

Over the years, American cities have experimented with a variety of organizational patterns or, as they are called, "forms of government." The 3 basic forms are the mayor-council, the council-manager and the commission form. Wisconsin statutes provide for all 3, but the commission form can be omitted from discussion since it is nowhere used in Wisconsin. Cities and villages differ in some organizational and other features, but broadly exercise the same powers. This is often the reason why a village with enough people to become a city chooses to remain a village. Typically, it does not make much difference. The particular features of village organization are discussed later in this chapter.

To know the organization of a particular city beyond a few main essentials, one must consult the ordinances and bylaws of that city. The statutes leave many details to be

decided locally. The main exception to local decision-making about organization is that in some fields, particularly those designated as of statewide concern, the state has specified particular arrangements -- for example, the police and fire commission in large places. Thus, in contrast to counties and towns, municipalities display a considerable variety of arrangements.

It should be noted that many special arrangements and provisions relate only to the City of Milwaukee. It does not come under the general charter law, but is governed under the original charter grants by the Legislature, plus additions and changes since then. In part, this arrangement reflects Milwaukee's status as the oldest and largest city in the state. In every state, the "big city" is treated differently than other cities based on the intrinsic importance of the "big city" in the political and economic life of the state.

### **The Mayor-Council System**

This is the traditional form; originally, it was another of the colonial importations from Britain. It is overwhelmingly the most prevalent form of city government in the state and in the United States. It was in effect in Wisconsin in 1978 in all except 11 of the 187 cities.

Most Wisconsin cities follow the so-called "weak" rather than the "strong" mayor system. The differences between weak and strong are differences in degree, not kind. The terms describe gradations in the sharing of power between the people and the government, between the executive and the legislative branches and within the executive branch itself. In the weak mayor system in Wisconsin, the mayor typically shares executive powers with the council and in some cases with other elected officers. Actually it would perhaps be more accurate to call this the "strong council" form.

The main features of the mayor-council form are well-known since they embody many of the same elements found at state and national levels -- a separately elected chief executive known as mayor and legislators known as aldermen (the statutory term). Together the mayor and aldermen comprise the common council, a kind of departure from strict separation-of-powers doctrine.

The statutes also enumerate as city officers the treasurer, clerk, comptroller, attorney, engineer, one or more assessors, municipal justices, constables, a health commissioner or board of health, street commissioner, the board of police and fire commissioners, chief of police, fire chief, board of public works, board of education or of school commissioners, and "such other officers or boards as are created by law or by the council." Only the governing body and the mayor, if there is one, must be elected. The others, with some exceptions, may be combined, changed or eliminated.

**The Mayor.** The mayor is by law "the chief executive officer" of the city. The law directs the mayor to take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties. From time to time, the mayor must give the council information about the city and recommend measures he or she deems advantageous. Except in Milwaukee, the mayor presides at council meetings and by vote in case of a tie. The mayor can veto acts of the council, but the council can override the veto by a two-thirds vote. Most of the mayor's appointments must be confirmed by the council and the power of removal is limited. In most Wisconsin cities, the mayor is a part-time official and is paid modestly. The trend among the larger cities is to make the mayor a full-time officer and to pay a reasonable salary but one which is typically below amounts paid city managers, superintendents of schools and other appointed officials.

Since in the smaller places the mayor is still typically a part-time official, many municipalities have found it expedient to employ a full-time administrator to oversee

day-to-day operations. There is great variety from place to place in these arrangements. In some municipalities the post may be simply that of administrative assistant to the mayor. At the other end of the scale the job may involve broad, governmentwide authority comparable to that of a manager.

### The Council-Manager Form

In most respects, manager cities are governed under the same laws that apply to mayor municipalities. Yet, the city government is consciously organized in quite a different way. The manager system in fact was designed to correct what were believed to be the weaknesses of the mayoral and commission plans.

The outlines of the manager plan are quite simple. The voters elect a small council, preferably at large, for 2-year terms. The council, in turn, selects a manager. The manager, as stated in Chapter 64 of the statutes, is to be chosen on the basis of merit and professional qualifications alone. The law goes out of its way to state that the manager does not have to be a resident of the city or of the state. The council fixes the salary. The manager serves at its pleasure and can be dismissed on 60-days notice if the council deems the work unsatisfactory. The manager is entitled to a hearing.

The manager is designated as the chief administrative officer of the city, with the power to appoint and remove all nonelected officers and to direct operations. The manager does this under the control of the elected council. It gives orders to the manager. The position was modeled directly on that of the general manager of a corporation who serves under the guidance of a board of directors representing the stockholders. Like the corporation executive, the manager is expected to make recommendations to the council and in this sense, the manager is supposed to help shape policy. Like the corporation executive, the manager is expected to avoid involvement in politics (that is regarded as the special province of the council).

How has the council-manager plan fared in Wisconsin? It was first authorized in 1923 under a statute then widely regarded as one of the best in the country. Many observers rate the Wisconsin law as the purest form of the manager plan. The first city formally to adopt the manager plan was Kenosha in 1923 (Horicon, as early as 1914, had a kind of manager plan). Kenosha was soon followed by others, particularly by cities which abandoned the commission form. In 1925, the provisions of the plan were extended to villages. In 1971, many features of the plan were embodied in the position of county administrator.

Despite satisfaction with the plan in the cities which adopted it, the spread of the manager plan in Wisconsin had been uneven. As of 1978, the plan was officially in effect in 21 places in the state, or about 3 percent of all municipalities. Elsewhere in the United States the manager plan enjoys more extensive use.

### Governmental Organization in Villages

Much of the discussion applies to villages as well as cities since both are governed by common chapters in the statutes. However, there are differences. Villages are organized under a separate chapter of the statutes (Chapter 61). They have a somewhat different form of government in recognition of the fact that villages typically are smaller and thus require a less elaborate government than cities.

The governing body of the village is the board of trustees, elected by the voters of the village for 2-year terms (unless a charter ordinance specifies differently) at the spring nonpartisan elections. In villages containing over 350 persons, 6 trustees are required; in places having 350 or less, there are only 2. Half the trustees are elected each year so that the board has continuity. Trustees are elected at large, not districts. In addition, the

voters choose a president who by virtue of office is a trustee, presides and votes at meetings, signs ordinances and other official documents.

The statutes also identify the other village officers as the clerk, treasurer, assessor and constable. All of these may be elected or appointed as the village determines. Finally, as pointed out above, the village may elect to go under the manager plan in which case the provisions discussed under cities go into effect.

The "president" is not truly a chief executive officer, but is comparable to the mayor in "weak mayor" cities. The president is required to maintain peace and order, to see that laws are faithfully obeyed and to have charge of the village jail. Moreover, the president does not have the veto power since he or she is a voting member of the board of trustees. Like the mayor, the president typically is expected to provide leadership on current issues, to suggest improvements and coordinate the work of the various parts of village government, even though lacking formal powers and even though serving only part-time.

A number of villages have administrators. Of the other officials, the most important usually is the "clerk" whose duties are similar to clerks in other governmental units. The clerk serves as secretary to the boards of trustees and maintains records relating to its work. Together with the treasurer the clerk is responsible for financial matters. He or she draws up and countersigns all orders on the treasury, draws up the payroll and transmits it to the treasurer. The clerk is in charge of all elections in the village. Finally, the clerk performs other duties required by law or by direction of the village board. Like the county clerk, the formal listing of powers of the clerk does not convey the importance of the office when filled by an energetic and experienced person. In small places the clerk is typically one of a handful of full-time employees. Even in larger places, the position is close to the board and the decision-making process and this enables the clerk to play a key role in village affairs.

#### **SPECIAL DISTRICTS IN WISCONSIN** (exerted from The Wisconsin Blue Book, 1952:163-172)

The units of government in Wisconsin may be divided into two types according to the broadness of their functions. One type is the general governmental unit. This form includes the counties, cities, villages, and towns, each of which carry out the broad variety of functions such as protection, public welfare, highways, health, which we normally associate with the term, government. The second type of governmental unit is the special district which carries out a specific public function, frequently in the proprietary or business field of activities. School districts which operate the educational program, soil conservation districts which are concerned only with the soil conservation function, drainage districts which are created solely to provide for the drainage of farm land are illustrations of these districts.

Such special districts, like units of general government, meet the requirements of a unit government because they have certain essential elements; they have an entity, may sue and be sued, may levy taxes or special assessments, may expend moneys, and may acquire property. There is, however, no agreement as to what constitutes a unit of government, with the result that the many enumerations of the number of special districts vary to some degree. The dividing line between what is an independent unit of government and what is merely a function of an existing unit of government is very hazy. . . .

The vague line of demarcation between special districts and just another function of existing units of general government is very marked in the case of the metropolitan sewage district and the joint sewage district. The metropolitan district is considered a special sewage district; the joint sewage district is considered a cooperative venture governed jointly by a group of participating municipalities.

## Why Special Districts Developed

Underlying the growth of special districts are several basic causes. Frequently the area desiring a particular service is not coterminous with any established unit of government. The group of people desiring the service may constitute only a portion of the people in a given unit and they may be unable to persuade the unit to provide the service for them alone. Often, perhaps, the area desiring the service overlaps several municipalities and includes only part of each. This is particularly true of the services desired in the fringe areas surrounding our cities.

In an expanding economy people with a community of interests do not always remain a single political subdivision. People who are closely tied to the city have spilled over in the surrounding towns with which they have no real common interest except perhaps a desire for low taxes. There are many school districts, for example, which cross town lines and are therefore called joint districts. Sometimes county boundaries likewise form an artificial barrier to inhibit services. . . .

## Alternatives to Special Districts

To forestall the establishment of a much broader variety and a greater number of existing types of special districts two developments have occurred. The first was the enactment of section 66.30 of the statutes which as amended provides that counties, municipalities, or school districts may enter agreements to do jointly anything which they may do individually and to prorate the costs. Thus, for example, Neenah and Menasha have created a joint sewage disposal plant; the several municipalities surrounding Lake Geneva cooperate in a milk inspection program; Sauk City and Prairie du Sac have a joint police department.

The second device is through the enactment of specific laws authorizing such cooperation. Statutes exist for the cooperation in the matter of sewage disposal, health departments, isolation hospitals, fire protection, city-county buildings, auditoriums, parking lots, recreational authorities, public schools, drawbridges, highways, intergovernmental purchases, civil defense, and many other subjects. . . .

## School and VTAE Districts

(exerted from The Wisconsin Blue Book, 1979-1980:160-163)

The school was viewed as the doorway to opportunity and in its support were marshalled the strongest, most persistent and passionate drives in American society. Decisions about schools were entrusted at the local level to elected citizen boards set apart from other governments. Elected boards guided and were guided by career professionals to an extent not matched in any other local government field. All of this suggests that elected officials and citizens sought to structure education controversies around issues related to the schooling of children rather than around the usual partisan issues of municipal life. There is some evidence that portions of the traditional consensus no longer hold today.

The instrument for providing public education has been the school district -- the common school district in rural and small urban areas and a different kind of district in some of the larger places. Early territorial and state statutes set up procedures for creating, altering and abolishing districts. Generally, the power to create common school districts was vested in the people and in the local school officials. But town and village boards and municipal councils were early given power to initiate reorganization orders. The attempt to coordinate rural common school district activities through a town superintendent of schools was soon abandoned.

In the larger urban places, the association of the schools with municipal units persisted

longer. Initially, in urban places, most schooling was provided under private auspices. However, by 1827, Michigan Territory law required a board of school commissioners in Milwaukee Town when 20 families had settled. Until 1848, when a board of school commissioners was set up on a ward basis, the private schools carried the main part of the burden. After that, the public system began to grow. School districts continued to be organized on a ward basis for many years. It was not until after 1905, as part of a more general reform of city government, that schools in Milwaukee were consolidated on a citywide basis, and in 1907 the schools were set off from the municipal government and established as a separate entity.

The public school was drastically changed after World War II. Responding to the plea that the schools (especially small rural ones) needed revamping, the Legislature established the Commission on the Improvement of the Education System, made up of legislators and eminent private citizens. Acting on the Commission's recommendations, the Legislature in 1949 strengthened the authority of the county school committees to reorganize districts and required them to file plans with the Superintendent of Public Instruction for a comprehensive education plan for their county. The system of state financial aids was overhauled to provide more money to improve programs in districts that reorganized or consolidated. The authority of the state Superintendent to promote and guide reorganization was strengthened.

The broad aim of school reorganization was to increase education opportunity for all children. For the most part, this meant improved access of rural and small-town youngsters to better education than they were then getting, if possible equal to that provided in the larger city school systems. Thus, it is not surprising that the movement for changing the schools early enlisted the support of perceptive senior legislators from rural and small urban constituencies who viewed it as a practicable way to enable their young people to do better in an increasingly competitive world.

## IDENTIFICATION

**Resource Types.** Resources most directly associated with local government include city halls, town halls, village halls, and homes of prominent local officials. Resources associated with services provided by municipalities include fire stations, police stations, jails, water utilities, and recreational facilities. Resources associated with local government, but better known for their stronger association with other themes in the document, include schools, libraries, and parks.

**Locational Patterns of Resource Types.** City halls and village halls, fire stations, jails, and police stations generally are located in or near central business districts. Town halls generally are located on main thoroughfares. Other resources associated with local government, such as parks, recreational facilities, and homes of prominent local officials, can be scattered throughout a city, village, or town. In many communities administrative services are located in civic center complexes or combined into single multi-purpose buildings.

**Previous Surveys.** Various aspects of local government and their associated resources have been examined in nearly all the intensive survey reports published to date.

**Survey and Research Needs.** Research concerning the functions of various special districts should be undertaken, particularly concerning those created earlier in the century that are now obsolete. Types of properties associated with the special districts should be identified.

## EVALUATION

### National Register Listings and Determinations of Eligibility.

- Mellen City Hall (1896), Bennett and Main Streets, Mellen, Ashland County (NRHP 1979)
- Columbus City Hall (1892), 105 N. Dickason, Columbus, Columbia County (NRHP 1979)
- Fire Station No. 4 (1904-1905), 1329 W. Dayton St., Madison, Dane County (NRHP 1984)
- Madison Water Works (1917), 400 E. Johnson, Madison, Dane County (NRHP 1980)
- William T. Leitch House (1854-1857), 752 E. Gorham St., Madison, Dane County (NRHP 1980)
- Robert M. Bashford House (1858), 423 N. Pinckney St., Madison, Dane County (NRHP 1973)
- Curtis-Kittleson House (1901), 1102 Spaight St., Madison, Dane County (NRHP 1980)
- Mazomanie Town Hall (1878), 51 Crescent St., Mazomanie, Dane County (1980)
- Trade and Commerce Building (1890), 916 Hammond Ave., Superior, Douglas County (NRHP 1890)
- Ephraim Village Hall, 9996 S. Water St., Ephraim, Door County (NRHP 1985, Ephraim MRA)
- Martin K. Dahl House (1879), 314 Beaver Dam St., Waupun, Dodge County (NRHP 1975)
- Daniel C. Van Brunt House (1858), 139 W. Lake St., Horicon, Dodge County (NRHP 1981)
- Eau Claire City Hall (1916), 203 S. Farwell St., Eau Claire, Eau Claire County (NRHP 1983)
- Aetna Station No. 5 (1875), 193 N. Main St., Fond du Lac, Fond du Lac County (NRHP 1976)
- Jonathan H. Evans House, 440 W. Adams St., Platteville, Grant County (NRHP 1982)

Lancaster Municipal Building (1923), 206 S. Madison St., Lancaster, Grant County (NRHP 1983)

Jefferson Fire Station (1871), 146 E. Milwaukee St., Jefferson, Jefferson County (NRHP 1984)

Merrill City Hall (1888-1889), 717 E. Second St., Merrill, Lincoln County (NRHP 1978)

Amberg Town Hall (1894), Town of Amberg, Marinette County (NRHP 1981)

Germania Building (1896), 135 W. Wells, Milwaukee, Milwaukee County (NRHP 1983)

Milwaukee City Hall (1893-1898), 200 E. Wells St., Milwaukee, Milwaukee County (NRHP 1973)

Milwaukee Fire Department High Pressure Pumping Station (1931), 2011 S. First St., Milwaukee, Milwaukee County (NRHP 1981)

North Point Water Tower (1873-1874), E. North Ave., Milwaukee, Milwaukee County (NRHP 1973)

Beloit Water Tower, 100 S. Pleasant St., Beloit, Rock County (NRHP 1983, Beloit MRA)

Clinton Village Hall (1913), 301 Cross St., Clinton, Rock County (NRHP 1985, Clinton MRA)

Clinton Water Tower (1895), High St., Clinton, Rock County (NRHP 1985, Waterworks Structures of Rock County Thematic Group)

Janesville Pumping Station (1887-1888), River St., Janesville, Rock County (NRHP 1985, Waterworks Structures of Rock County Thematic Group)

Shorewood Village Hall (1908), 3930 N. Murray Ave., Shorewood, Milwaukee County (NRHP 1984)

Alvah A. Heald House (1879-1880), 202 Sixth Ave., Osceola, Polk County (NRHP 1985)

Fifield Town Hall (1984), Town of Fifield, Price County (NRHP 1978)

No. 4 Engine House (1888), 1339 Lincoln St., Racine, Racine County (NRHP 1979)

Richland Center City Auditorium (1912), 182 N. Central Ave., Richland Center (NRHP 1980)

Jump River Town Hall (1915), Town of McKinley, Taylor County (NRHP 1974)

Oconomoc City Hall (1886) 174 E. Wisconsin Ave., Oconomoc, Waukesha County (NRHP 1980)

Lain-Estburg House (1848), 229 Wisconsin Ave., Waukesha, Waukesha County (NRHP 1974)

Menasha City Hall (1855-1886), 124 Main St., Menasha, Winnebago County (NRHP 1984)

**Context Considerations.** City halls, town halls and village halls, except in precedent setting or extremely unusual circumstances, should be evaluated under Criterion A at the local level of significance. Any resource symbolizing local government should convey the history and authority of that government. Historical association will primarily concern properties built by the municipality to carry out aspects of local jurisdiction. Integrity may be questionable because of additions or alternations. Generally, the historic building should not be overshadowed by later additions and most of the historic fabric on the exterior should remain intact.