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WISCONSIN PIONEERS

Some Lessons on Wisconsin

by

JENNIE McMULLIN TURNER

*Have the elder races faltered?
Do they droop and end their lesson,
wearied, over there beyond the seas?
We take up the task eternal, and the
burden and the lesson
Pioneers! O Pioneers!*

—Whitman

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FOREWORD

The following chapters were written with the idea that they might furnish to pupils of the part-time school and to any others interested a simple sketch of certain fundamental features of Wisconsin's growth and contributions to government and to life. This picture may be filled in to good advantage by a study of more detailed text books on Wisconsin history, and of the Blue Books issued biennially, which contain histories and descriptions of the work of the various departments.

For assistance in making these chapters practical, and for other helpful suggestions and encouragement, I am greatly indebted to Miss Anna Lundeberg of the Beloit Vocational School who has taught for several years from the mimeographed copies of these chapters and who has gone over the entire manuscript with me. I am grateful also for the helpful suggestions of many friends who have read the manuscript, and especially for the suggestions of Mr. E. E. Witte, Mr. Fred L. Holmes, Mr. A. O. Barton, William Kirsch, and the late Colonel W. J. Anderson.

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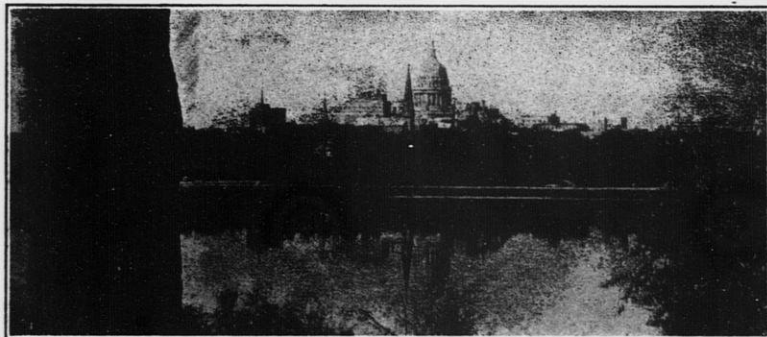
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CHAPTER I

FORWARD!

One hundred years ago the Indians roamed the wooded hills around the "Four Lakes of Wisconsin." Today the tourist, winding along the smooth hard roads, between some of the finest dairy farms in all the United States, sees in the distance a great gray-white dome rising in stately grandeur from one of these hills among the lakes. The buildings of the state's great University loom from another hill a mile away. It is the most welcome sight in the world to the home coming traveler as his train crosses Monona Bay. But he who gets his first glimpse of the capitol of Wisconsin at night is the one who sees something which he can never forget: a marvelous white dream standing out cameo-like among the soft green foliage against the blue-black sky, and high over all, the gleaming bronze figure of "Forward" poised as if eager to carry the whole state onward and upward with her.

The farmers and city workers, who are the rulers of Wisconsin, have given themselves a home for their government which might arouse the envy of the greatest monarchs of the past. In this granite home of theirs are marbles from France, Italy, Algiers, and Greece; marbles from Tennessee, Missouri, and Vermont; granite from Norway and Wisconsin; limestone from Minnesota and Illinois. There are glorious paintings of great masters; costly mosaics; magnificent spaces and stairways.

Are we worthy of the home we have built for ourselves? Are we fit to follow our proud leader "Forward"? Where has she led in the past? How far have we gone with her? Whither shall we follow her in the future?

A few years ago a book was written called "The Wisconsin Idea." All over the United States people speak of "The Wisconsin Idea."

What is the Wisconsin Idea? It is simply this. It is the way the people of Wisconsin have met their problems. It is the example Wisconsin has set to the rest of the world in meeting the problems of living and working together.

Every state has contributed some examples of good ways of doing things. The state of Massachusetts, for example, has been a pioneer in many things. Massachusetts claims to be first, or among the first, to provide free schools, free text books, savings bank insurance, a minimum wage law for women, regulation of child labor and of the hours of labor of women, one-day rest in seven, mothers' pensions, the income tax, and many other things which did not come easily, but which are accepted now as a matter of fact by almost every state in the union.

Wisconsin has pioneered with Massachusetts in some of these very things. These two states, in fact, have kept very close together in their methods of meeting their problems.

When you have finished this book you will know some of the problems Wisconsin has been forced to meet and how it met them. You probably know something of them already. Almost everyone knows about Wisconsin's part-time schools; its extension courses; its agricultural short courses; its Immigration service and other services to farmers; its development of dairying; its cooperative marketing; its protection of industrial workers; its assistance to law makers; its income tax.

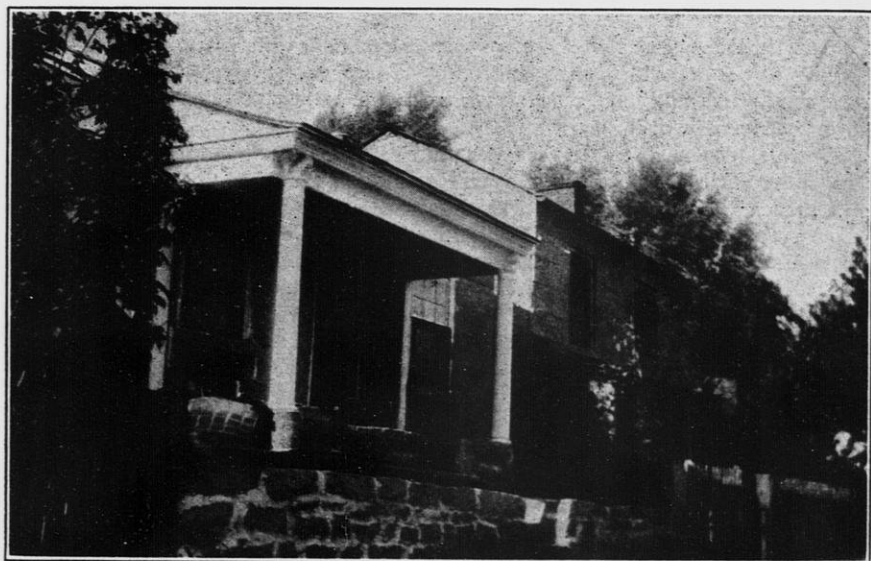
As we go along, you will see how Wisconsin has tried to prevent wrongs rather than to punish them; to protect the weak against unjust treatment by strong individuals or groups of individuals, but to be reasonable in all of its dealings with these strong individuals or groups; to be scientific, acting in the light of all the facts that can possibly be obtained; to be democratic, calling into service the representatives of every considerable element in the state; and bringing education within the reach of all.

Almost everyone knows something about some of these items. Few, however, stop to think of the problems out of which they grew. People attack or defend these institutions without knowing much about the reason for their existence.

Wisconsin people ought to know the contributions they are making to the science of government and to the science of living. They ought to know more about them than just their names. To help them to know more about them and to think what they want to do about them, is the purpose of these lessons.

The "Wisconsin Idea" is constantly changing. As new problems arise, we evolve new ideas to meet them. If our ideas are good, the "Wisconsin Idea" is good. Whether the statue of "Forward" shall in the future stand truly for the character of the growing state, or whether it shall become merely a monument to a dead past, depends entirely upon us, Wisconsin's living, working, voting citizens, and upon the way we meet our problems.





Courtesy Miss Harriet Grimm

Old houses built by the Cornish miners at Mineral Point.

CHAPTER II

EARLY PIONEERING IN WISCONSIN

Wisconsin has belonged to three different nations. It belonged to France for a little over 125 years. Then it belonged to England for 23 years. Since 1783 it has belonged to the United States.

Three hundred years ago the Indian tribes of Wisconsin saw their first white man. He was a Frenchman, Nicolet, the son of a mail carrier in Normandy. Like most explorers in the west he had been sent to find the northwest passage to Asia. Expecting to reach China, he took along with him his clothes of state, and greatly astonished and awed the natives of Green Bay when he landed in a brilliantly flowered gown, making mysterious fire with a loud report to impress the expected Orientals.

This was in 1634. For over a hundred years the history of Wisconsin is the history of the adventures of French missionaries and fur traders—Raddison and Grosseilles, Father Menard, Father Allouez, Father Marquette, Joliet, the Langlades—and of the establishment of trading posts—Green Bay, Prairie du Chien, Chequamegon Bay, and others.

The English were established along the Atlantic coast and the French had crept in behind them and scattered trading posts all the way down the Mississippi valley. But the French did not develop agriculture, and when the English pressed them, they could not hold the country. It is not surprising that at the end of the long series of wars between England and France for colonial territory, France lost the St. Lawrence

and the Mississippi Valleys. Wisconsin, with the rest of the valley, was surrendered to England by the treaty of 1763.

It is hard to realize that for more than a hundred years Wisconsin was French; that it was the French language which sounded through the forests where the French woodsmen wandered; and French songs which the voyageurs sang as they paddled down the rivers in their canoes.

There are many descendants of the old French families still in Wisconsin. But they speak English, not French. About all that is left to remind us that our state was once French are French names of cities and counties, and rivers and lakes, and of some of our people: Flambeau, Cour d'Orelles, Pepin, Vieux Desert, Butte des Morts, Bois Brule, Eau Claire, Eau Plaine, Embarrass, Fond du Lac, La Crosse, Langlade, Marquette, Portage, Racine, St. Croix, Trempeleau, Prairie du Chien.

England really owned this territory only twenty years, from 1763 to 1783. But although she agreed at the close of the American Revolution to turn it over to the United States, she actually retained possession of it until the United States sent in regular army troops in 1816.

Before the American Revolution began, the French and Indians back here in Wisconsin had plotted against the British. Charles de Langlade, the son of a member of the French nobility and of an Indian woman, was one of the leaders in the French and Indian attack upon the English General Braddock and the young colonial soldier George Washington at Fort Duquesne, and is given credit for the defeat of Braddock. But when the colonies rebelled against England, these same French and Indians took the part of England against the colonies. Even after the territory was granted to the victorious colonies, they continued loyal to England. In the war of 1812 they assisted England against the United States.

After the United States took possession, this country was called the Northwest territory. After the state of Ohio was lopped off, the territory left became Indiana Territory; then Illinois Territory; then Michigan Territory. Finally, in 1863, when the states of Indiana, Illinois, and Michigan had all been cut out of it, what was left became Wisconsin Territory. In 1848 part of it became the state of Wisconsin.

The three problems which the early settlers had to meet were making a living, getting along with the Indians already here, and getting along with each other. The French had solved the first two problems together. They made friends with the Indians and made a living by trading goods for furs and selling the furs to Europe. A few French farmers supplied the needs of the French trading posts. But they never became so numerous as to frighten the Indians. The third problem, that of keeping the peace, was in the hands of the fur trader of the community.

The English and the people of the United States were different from the French. They came in to farm and mine the land. The way they met their problem of getting along with the race already on it cannot be considered at first as particularly successful.

The number of Indians was really very small. There were probably only about forty thousand in the whole state; not as many as the population of Madison today. The few, poor Indian farmers might have lived peacefully side by side with the newcomers as they do now. But neither people knew how to do it. The Indians were nervous. They soon realized that the white settlers were supplanting them. They watched suspiciously as their chiefs signed away to the white people one great piece of land after another. The white people were nervous too. At the slightest suspicious movement of the Indians they would become excited and start trouble. Naturally there were scenes of horror and bloodshed.

Of the Indian civilization we have inherited little except geographical names, like Sauk, Waukesha (meaning fox), Sheboygan (Shaubwa-way-kum, a great noise was heard at the river), Manitowoc (devil's den), Neshotah (twins, now Two Rivers), Kewaunee (prairie hen), Muskego (cranberry), Koshkonong (the lake we live on).¹ Some of our best known families, however, have some Indian blood. Josette Vieau who married Solomon Juneau in 1814 was French Canadian and Indian. Their youngest daughter married John Pierre Husting. Paul Husting, a son of this marriage, was the first man in Wisconsin to be sent to the United States senate by the direct vote of the people. He was greatly respected and admired by the people of Wisconsin for his conscientious attempts to protect their interests in the water power of the state and to curb corrupt practices at elections.

Beginning in 1816, the federal government established forts for the protection of the settlers against the Indians. One of these forts was at Green Bay; another at Prairie du Chien. At these forts, and in the conflicts between the settlers and the Indians, Zachary Taylor, Jefferson Davis, and Abraham Lincoln all served. Jefferson Davis is said by some authorities to have been the first white man to view the site on which the city of Madison is now located.

The Indians had guarded jealously the lead mines of Wisconsin, Illinois and Iowa. They finally let the French in, and worked side by side with them. But for many years no Englishman was permitted to come near the mines. The lead was brought out to the English by the French traders.

In 1816 John Shaw, a St. Louis trader, came to get some lead. The French traders had not brought it out, and asked him to wait. He offered to go to the mines and get it. The Indians objected, but he spoke French well and the French traders told the Indians he was French, and it was all right. So he got in.

He saw about twenty smelting places. He took back the news to St. Louis.

It was several years before migration of the Americans to the lead mines started. In 1822 the federal government sent troops to awe the Indians. The Indians submitted, and sold their claims to the United States.

People flocked to the lead mines of Wisconsin and Illinois and Iowa as they were later to flock to California and Alaska. Galena, Illinois, and Mineral Point, Wisconsin, were "boom" towns. They were much more important at one time than Chicago or Milwaukee. Welsh and Cornish miners came from the British Isles. When Charles Dickens made his famous visit to the United States in 1842, he was commissioned by a mother in England to be sure to see her son who was working in the lead mines of Wisconsin.

Life in these mining camps was rough. Mineral Point was a typical mining camp. It was a line of huts straggling along a deep gorge. Saloons and gambling houses flourished. Dancing and singing, drinking and gambling furnished the entertainment for the wilder spirits.

At meal time the cook would come out of one of the huts and shake a rag on a pole. This was to announce to the hungry miners who ate there that their meal was ready for them. So the town itself came to be called by the queer name of "Little Shake-Rag," or "Shake Rag Under the Hill."

There were other camps besides Mineral Point. They bore the suggestive names of Hardscrabble Diggings, Buncome, Snake Hollow, Rattle Snake Diggings, Big Patch,

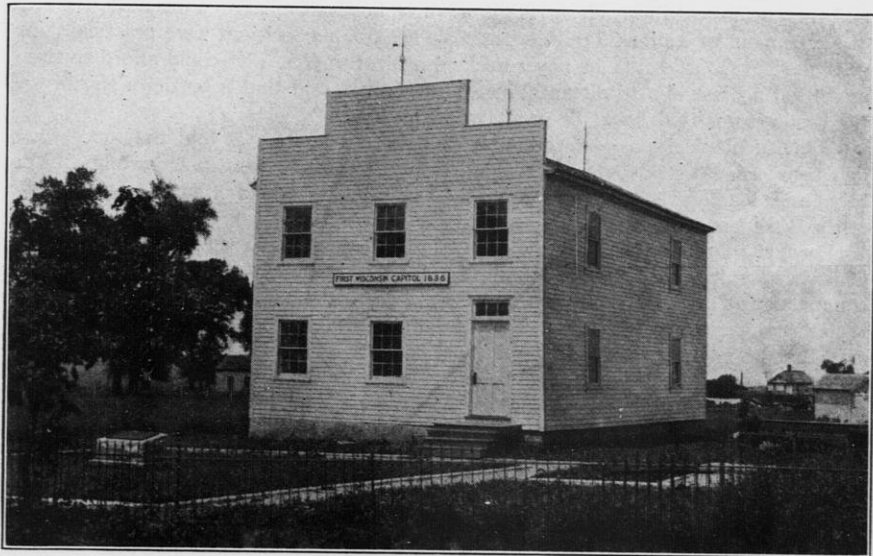
¹ See *Indian Names* by Joshua Hathaway, Wisconsin Historical Collections, v. 1, p. 116. See also *Wisconsin Geographical Names* by Alfred Bunson, same, p. 110.

and many others. They flourished until gold was discovered in California. Then many of the Wisconsin miners deserted for the west.

It was early in these lead mining days that the people of Wisconsin began to build good roads. A road was built from Mineral Point through Madison to Milwaukee. Another was built from Galena to Prairie du Chien. The lead was carried along these roads in great prairie schooners to lake and river boats. Lead and quantities of grain also went over the good road from Janesville to Milwaukee. Stage coaches left Milwaukee daily for Janesville, a distance of sixty-five miles.

Even after a few roads were built, most of the pioneer families lived far away from population centers and from each other. So far as the material comforts of life were concerned, they might as well have lived two thousand years ago. The early Wisconsin farmer had to raise his own food. He furnished his own sweets: maple sugar and syrup, sorghum and honey. He raised his own sheep and his wife spun her own woolen and linen thread and wove it into clothing. The family made their own candles, and most of their own furniture. They built their own log cabin. Often there was no bread, for the crops had to be planted and harvested before the bread could be made. The children had to pretend that the breast of the wild turkey was bread.

The great distances between families made government, at first, a small problem. It grew rapidly in importance. How this problem was met, the next chapter will show.



CHAPTER III

GOVERNMENT IN EARLY WISCONSIN

In the few small settlements of the French and the early sparse settlements of English and Americans, there was little attention to "government." People settled their disputes as best they could. Sometimes they used their fists, sometimes a gun. Sometimes they might appeal to the big man of the community, the trader, to decide their disputes. The French trader used such French law as he knew.

When the country was given to the United States it naturally came under the laws of the United States. The Ordinance of 1787 was passed for the government of the Northwest Territory, of which Wisconsin was a part. This ordinance divided the Northwest Territory into townships six miles square. But the legislature of the territory was left free to determine the government of the territory.

For a long time there were not enough people in that part of the Northwest Territory which is now called Wisconsin to make "government" necessary. One white man in a township—and there was not even one in most of them—would not need much government. There were only two real settlements, the little villages of Green Bay and Prairie du Chien.

In 1803, Wisconsin received its first attention from the territorial government. Charles Reaume was appointed justice of the peace at Green Bay.

Judge Reaume was an odd character. A session of his court was as odd as he was. It was supposed to be an American court representing the United States Government. But he was French and spoke with a strong French accent. He wore the British uniform, a red coat and a cocked hat. He kept a copy of Blackstone, the British authority on law, in a conspicuous place. But he dealt out his decisions under the laws of France

and the customs of the traders. As it was five hundred miles to Vincennes, the seat of government of Indiana Territory, appeals against his decisions were practically impossible.¹ Some said that he never decided against anyone who could afford to carry an appeal against him to distant Vincennes. Others said that a bottle of spirits was the best witness that could be produced in his court.

Some of his decisions were certainly singular. The story is told that once when two men brought a dispute before him, he declared they were both wrong. "You bring me a load of wood," he said to one. "You bring me a load of hay," he said to the other. "And now the matter is settled."²

For a short time after 1816, the two chief settlements of Green Bay and Prairie du Chien were ruled by army officers. Forts were established in these two places. The commander at the fort could seize and try anyone caught violating the law. Some of the officers were very arbitrary. Colonel John Shaw, who opened up the lead region, says that he abandoned the grist mill he had built four miles from Prairie du Chien because the commander of the garrison was so tyrannical and overbearing. He was dangerous when intoxicated. At one time he ordered Menard, a farmer near there, to be tied, stripped and given twenty-five lashes by twenty-five soldiers with a cat-o'-nine tails. Menard's offense had been the protection of a young girl against the drunken commander!³

In 1818 Wisconsin was attached to Michigan Territory. The territorial government divided what is now Wisconsin into three counties: Brown, Crawford and Michilimackinac. In 1820 Governor Cass of Michigan territory appointed officers for each of these three counties including judges, county commissioners, clerk, sheriff and justice of the peace. In 1812 the "borough" of Prairie du Chien was incorporated. It was empowered to elect a warden and two burgesses to carry on its business.⁴

In 1823 the territorial government sent a boy of twenty-three to be judge over Brown, Crawford and Michilimackinac counties. This young judge, James D. Doty, had to ride on horseback over 500 miles of Indian trails in order to hold court in his three county seats, Prairie du Chien, Green Bay and Mackinac.

This would seem something of a task today, even to a judge with an automobile and our boasted good roads. But Governor Cass did even better. While Wisconsin was part of Michigan territory, Governor Cass used to come all the way from Detroit by horseback and canoe. He travelled over Wisconsin until he knew all its main routes of travel.

These are the days of air explorers and channel swimmers. We have many specialists in strength and endurance. But those were the days when everybody, including the politicians, were doing remarkable feats of physical prowess. Women and children walked hundreds of miles over the Alleghenies to their new home in the west. An interesting example of a woman's endurance occurred during the war of 1812 with Great Britain. The British in Canada stirred up the Indians to attack the settlers in the middle west. A woman was captured by the Indians at Fort Dearborn (Chicago). The Indians forced her to march with them all the way from Chicago to Green Bay, carrying her baby daughter, and back again in the same way over the same road the next spring!

In 1823 the counties of Brown, Crawford, Michilimackinac and Iowa were formed into a district, and directed to send two representatives to the territorial legislature at Detroit.

¹ Lockwood's Narrative. Wisconsin Historical Collections, Vol. II, p. 107.

² Shaw's Narrative. By Colonel John Shaw, same, Vol. III, p. 197.

³ David E. Spencer. Local Government in Wisconsin, same, Vol. XI, p. 502.



Courtesy Wisconsin Magazine

Mrs. Rosaline Peck (left), the first white woman in Madison. Died at Baraboo in 1898, at the age of ninety. First house in Madison (center), built in 1837 by Rosaline Peck. Mrs. Victoria Wisconsena Peck Hawley (right), first white child born in Madison, September 14, 1837. Died at the age of eighty-five.



Courtesy Wisconsin Historical Society

Governor Doty's home in Madison.

Although the territorial government in 1820 appointed officials for each county, many of what are now considered the most important duties of government were then performed voluntarily by the settlers on their own initiative.

The establishment of correct boundaries and proper titles to land was one of the problems handled by the settlers themselves at first. Serious quarrels often rose over boundary lines. To keep the peace, the people in a community would sometimes get together and appoint one whom they all trusted as Register of Claims for the whole community. The man selected for this duty in Milwaukee was Increase Lapham, of whom we shall hear later. The boundaries established thus voluntarily were later reviewed, and most of them approved by the federal government.

Another important problem was the education of the young. So far as material comforts were concerned, the American pioneer was not very far beyond the farmers of two thousand years ago. But one thing he would have which they did not have. He would have a few books to read—at least a Bible. He would have his children learn to read and write. As soon as a few families gathered in a neighborhood, they would get together and establish a school for the children. How this private school came to be a free, public school we shall discuss later.

Other problems soon arose. Roads and bridges must be built. The poor must be cared for. Criminals must be housed. At first it seemed easier to do all these things by popular subscription than to levy and collect a tax. In 1821, for example, a jail was built at Green Bay by voluntary subscription.

As we have seen, the law of 1818 had established county government in Michigan territory. The county commissioners were appointed by the governor. There was no



Where the governors of Wisconsin now live in Madison.

Courtesy Wisconsin Magazine

self government except for the services which the people were voluntarily cooperating to perform together. In 1827, however, the three county commissioners were made elective. The name of "commissioner" was now changed to "supervisor."

The change in name was significant. It indicated the beginning of a struggle between the settlers from the northern and those from the southern states. The people who came from the south were accustomed to doing their public work through a large political unit. They could elect three county commissioners and give them control over roads, schools, and the poor, and other matters. The people who came from New England and New York were not accustomed to handing over the details of government to a few men at the distant county seat. The county for them was simply the unit for judicial purposes. They were used to a small unit of government, the town. They were used to meeting together frequently and settling public questions at the town meeting. They wanted "home rule."

The first large inflow of population was from the south. It was the southerners who at first settled in the lead region. It was their idea of local government which was reflected in the law of 1818. They also won their principle in the later law of 1827. But the settlers from the north of Michigan territory had enough influence in that year to change the name of the governing body from "commissioner" to "supervisor."

In 1834, Milwaukee County was taken out of Brown County. Wisconsin territory was organized in 1836, and a Wisconsin resident, Henry Dodge, was appointed governor by the president. Government was coming a little closer to Wisconsin people. The new governor called for an election of members to the territorial legislature.

The first territorial legislature met at Belmont in 1836. The session lasted forty-six days and there were forty-two laws placed on the statute books. One of the laws provided for the incorporation of the Dubuque and Belmont Railroad Company. Another established the University of Wisconsin at Belmont.

A vote was taken on the permanent location of the capitol. Almost every little settlement in the central and southern part of the state was a candidate for the honor of becoming the capital. Fond du Lac, Dubuque (Iowa was part of Wisconsin territory), Helena, Portage, Milwaukee, Racine, Belmont, Astor, Mineral Point, Platteville, Cassville, Belleville, Wisconsinapolis, Peru and Wisconsin City were among the competitors. One of the two sites owned and lobbied for by Judge Doty won. The capitol was located permanently at Madison.

The lobbying methods of those interested would horrify the Wisconsin political conscience today. There was some sentiment against the transaction but it did not cause any great scandal when many of the members of the territorial legislature left Belmont with the deeds to desirable corner and other lots in the new capital city. Governor Dodge is said to have been one of those who refused to accept any lots. We appreciate the later Wisconsin zeal for cleaning up politics better when we know what traditions the reformers had to overcome.

In 1838 the legislature assembled for the first time in Madison, the new capitol. One of the legislators has left a vivid description of the first meeting:

"The floors were laid with green oak boards full of ice, the walls of the room were iced over; there were green oak seats and desks made from rough boards, one fireplace and one small stove. In a few days the flooring near the fireplace and stove shrunk so on account of the heat that a person could run his hands between the boards. The basement story was all open and James Morrison's large drove of hogs had taken possession.

"We had a great many smart members in the house. When members of this ilk became too tedious, I would take a long pole, go at the hogs and stir them up. The speaker's voice would become completely drowned and he would be compelled to stop.

"The weather was cold, the halls were cold, our ink would freeze, everything froze, so when we could stand it no longer, we passed a joint resolution to adjourn for twenty days. I was appointed by the two houses to procure carpeting for both halls during the recess. I bought all I could find in the territory and brought it to Madison and put it down, after covering the floor with a thick covering of hay. After this we were more comfortable."

The southern element was strong in the first sessions of the territorial legislature. In 1837 they reestablished the county commissioner form of government.¹ But settlers from New England and New York were coming in fast along the lake shore, and protesting loudly against the "arbitrary and autocratic" system of local government which they found. In 1841 they succeeded in putting a compromise local option bill through the legislature.² This compromise bill provided for a choice by each county, by popular vote, between the existing county and the proposed town system of government.

When we are disturbed over the number of state officers and boards we have now we may get some comfort by taking a look at the list of servants which every town was to have in those days if the people of the county voted to transfer most of the powers of the county to the towns. There were first three supervisors, "who shall also be overseers of the poor;" from one to three assessors; three commissioners of highways and as many overseers of highways "as there are road districts in the town;" three commissioners of common schools "who shall also be school inspectors;" one town clerk, one treasurer, one collector; one sealer of weights and measures; from one to three constables; and last, and strangest of all, three or more fence viewers!

Here are some of the services which these numerous officials were to render. The school commissioners of the town were to divide the town into school districts; apportion the school money raised by the town to these various districts; inspect the school in each district; and give the examination and certificates to applicants for teaching positions.

Other officers had the care of the poor; of the town lands; of the highways and bridges. Two very important duties were the determining of the time and manner in which cattle, horses, sheep and swine should be allowed on the highways; and the imposing of penalties upon those who failed to keep their fences up properly.

But these New England pioneers were not yet satisfied. They brought government still closer to the people. Every school district had its annual meeting of all the taxpayers to elect their own board of trustees, who, in their turn, were to build and keep the school house in repair and to employ the teacher.

Very little power was left with the county board. Its main duty was to equalize the assessments of the various town assessors so that no town would pay more than its share of the county taxes. Little money was needed by the county except for the expense of the court and the jail and the sheriff.

The county board itself was changed from a small board of three members to a larger board representing each town. It was now composed of the chairmen of each town board.

By this time the legislature had divided up the original large counties into several smaller ones. The eastern counties all voted for town government. Grant, Green, LaFayette, Iowa and Sauk left the power in the hands of the county commissioners.

In 1848 Wisconsin adopted a constitution and was admitted to the Union as a state. By this time the settlers from the north far outnumbered those from the south. They

¹ Laws of 1837, p. 16.

² Laws of 1841, No. 72.

put into the constitution a provision for a uniform system of town and county government. As they were in the majority, the uniform system which they adopted was naturally the town system. Each town was to have its Board of Supervisors, and the county government was to be in the hands of a County Board consisting of the chairman of each Town Board. Thus every town was represented in county affairs.

Strangely enough, there soon came to be general dissatisfaction with this system. It was said to be expensive and inefficient. In 1861 this dissatisfaction was expressed in a law which restored the county commission form of local government. The term "supervisor" was retained; "commission" and "commissioner" were avoided. The county was divided into three districts for the election of a "supervisor." This time it was the people from New England and New York who voted for the system. Wisconsin was beginning to experiment in the interest of efficiency.

The experiment did not satisfy them. Some said that the new system did not represent the people. Some said that it was more expensive than the old. The legislature of 1870, therefore, repealed the law of 1861, and restored the town supervisor and County Board system.

This was the system of county government until 1921, when a law was passed giving counties permission to change, by referendum vote, to the county commissioner form of government. The law provides for from three to nine commissioners, according to the population of the county. One county, Burnett, changed to this form in 1923. Rusk county adopted the new system in the spring of 1928. The people of Waukesha rejected it in April, 1928.

DAVID E. SPENCER. *Local Government in Wisconsin*. Johns Hopkins University Studies. 1890.

LOUISE PHELPS KELLOGG. *Organization, Boundaries and Names of Wisconsin Counties*. Wis. State Historical Association, 1910.

HENRY NOLL. *County and Municipal Organization*. Pub. by Dane County League of Women Voters, Madison, Wisconsin, 1922. 36 pp. 25c.

Wisconsin Laws of 1837, 1841, 1861 and 1870 sessions.

C. G. GRATIOT. *History of County Government in Wisconsin*. 1905. University of Wisconsin. Thesis

CHAPTER IV

THE BOUNDARIES OF WISCONSIN

Few know that Wisconsin, which fought so valiantly to save the union during the Civil War, once actually threatened to leave the union.

The trouble came about over the boundary lines on the Michigan and Illinois sides. According to the Ordinance of 1787, there should have been formed "one or two states in that part of the Northwest Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan." This would have put Chicago in Wisconsin. But the northern statesmen violated this promise of Congress. In 1787 they gave to Illinois a strip of land north of what she should have had. Their object was to give her an outlet to the great lake so that her financial interests would be tied up partly with New York and the north east. Then, in case of a struggle between north and south, her interests would not lie wholly or chiefly with the south. Thus Wisconsin's prosperity was sacrificed early to the welfare of the union and to the need for checking slavery.

But this was not the only sacrifice. When Ohio was admitted as a state, Ohio was given some of the land which the people of Michigan Territory had thought would be saved for them. Michigan was incensed. There was even some violence along the border. Finally Michigan was quieted, although not satisfied, by being given the northern peninsula of what is now the state of Wisconsin, the rich copper and iron country entirely separated from the mainland of Michigan.

Thus Wisconsin lost rich farm land and minerals and the city which was to be the second largest in the United States. In January, 1840, the territorial legislature passed a resolution asking for a popular vote on the question of including the northern strip of Illinois in Wisconsin when it should become a state. If a majority voted in favor of it, a convention was to be called, to consider "lawful and constitutional" measures for the adjustment of the southern boundary. The inhabitants of Northern Illinois were invited to express their sentiments and to send delegates to the convention.

The lawmakers must have thought they had gone a little too far this time, for in August of the same year, they adopted a resolution explaining that the previous resolution did not intend to authorize the convention to declare Wisconsin an independent state.

In 1842 Governor Doty urged the territorial legislature of Wisconsin to petition the federal government to restore the old Michigan boundary. Henry Dodge was deputized by the territorial legislature to do what he could at Washington. Nothing came of it. Next year Governor Doty and the territorial legislature again took up the matter. A compromise was put up to the federal government by a committee appointed to study the question. Wisconsin would give up her claim to the upper peninsula if the federal government would (1) Build a railroad from Lake Michigan to the Mississippi; (2) improve the Fox and Wisconsin Rivers; (3) connect the Fox and Rock Rivers; (4) construct six harbors along Lake Michigan.

The committee threatened, if the federal government did not act, to take for themselves the boundaries fixed by the Ordinance of 1787, "apply for admission into the Union with these boundaries, and if refused, so that we could not be a state of the Union, we would be a **state out of the Union**, and possess, exercise, and enjoy all the rights, privileges and powers of the sovereign, independent state of Wisconsin, and if difficul-

ties must ensue, we could appeal with confidence to the Great Umpire of Nations to adjust them.”*

The legislature, after many bitter speeches, adopted the report of the committee. They refused, however, to give it the bold title one of its members suggested: “A declaration of war against Great Britain, Illinois, Michigan, and the United States.”

The matter never went any further than threats. Congress did nothing. Wisconsin did not go to war. Gradually the feeling quieted down.

It is interesting to speculate on what sort of institutions Wisconsin might have had if it had included Chicago and the Michigan iron and copper country. Would we have been pioneers in protecting labor? Would dairying have flourished? Would education have been extended to such a large per cent of the population? Would we have had part-time schools? Would we have had an income tax? Would we have regulated public utilities so early?

It is quite as interesting, however, and more profitable to us, to see what we have done with what we had left.

¹ Reuben G. Thwaites. *The Boundaries of Wisconsin*. Wisconsin Historical Collections, Vol. XI, p. 451.

CHAPTER V

THE PEOPLE OF WISCONSIN

Pioneering keeps on. It is a different kind of pioneering from what it used to be, but it is pioneering just the same. In 1920 the census takers found that 42% of the people who live in Wisconsin were not born here. Out of a total population of 2,632,076, there were 309,899 who were born in some state other than Wisconsin, and 460,485 who were born outside the United States and its territories. Think of the "ideas" these great numbers are bringing to Wisconsin!

Wisconsin born people are pioneering too. The census of 1920 showed that 607,527 people born in Wisconsin live in other states. 113,000 of them were living in Minnesota; almost 87,000 in Illinois; 51,000 in the state of Washington; 45,000 in California; 38,000 in Iowa; 37,000 in Michigan; 27,000 in South Dakota; 26,000 in North Dakota; 23,000 in Montana; 22,000 in Oregon; 16,000 in Nebraska; 12,000 in New York; 11,000 in Missouri; 11,000 in Colorado; 10,000 in Kansas, and so on down to 143 in Delaware. Think of the "ideas" Wisconsin is contributing to all these states!

A state, like most industrial concerns, has a high rate of turnover. It has to go ahead laying plans and carrying them out while thousands of new people who know little or nothing about its institutions, come in. It has to keep right on while other thousands who may or may not know much about their state, are going out to carry to other states their knowledge or their lack of knowledge, as the case may be, of Wisconsin's ideas and ideals.

With all this coming and going the state has gone on steadily establishing and developing its educational, protective and other institutions. Some of the ideas which have been developed here in Wisconsin are the ideas of the older states which have contributed most to our numbers: New York, Ohio, Vermont, Pennsylvania, Indiana, Michigan, and Illinois. To these ideas have been added those of certain large groups of immigrants from Europe, including the Germans; the Scandinavians from Norway, Sweden and Denmark; the English speaking races from England, Ireland, Wales, Scotland, and Canada; and the Swiss. Of late years other groups have added their influence. The following table shows the status of the foreign born population of Wisconsin in the larger cities of the state in 1920.



Mr. and Mrs. Carl Schurz as they looked when they came to live at Watertown, Wisconsin.

CHAPTER VI

INFLUENCE OF THE LARGEST OF THE EARLY NATIONAL ELEMENTS IN WISCONSIN

Nobody knows just what proportion of the people of Wisconsin are English, what of German, and what of other stock. Few of us know enough about our ancestry to give the census taker exact information as to what we are.

We can tell, however, by looking at the census reports every ten years, what groups have been coming in in greatest numbers. We know, for example, that in 1850 there were in Wisconsin 198,000 people who were born in the United States, and 106,000 born outside the United States. We know that of the 198,000 born in the United States, half came from New York. About 13% came from Vermont, 13% from Pennsylvania and 13% from Ohio. 63,000 were born in Wisconsin. The few others came from other states. We know that the census showed that about 35,000 were from Germany; 21,000 from Ireland; 19,000 from England; 8,500 from Norway; 8,300 from Canada; 4,300 from Wales; 3,500 from Scotland; 1,200 from Holland. The census of 1860 showed the largest number of Irish we were ever to have (about 50,000), and of Scotch (about 7,000). 1870 was the banner year for England (28,000) and for Wales (6,550);

1880 for Belgium (5,267); 1890 for Germany (260,000); and for Norway (66,000); 1900, for Sweden (26,000), and for Canada (34,000); 1910, for Russia (30,000); for Switzerland (8,036) and for Hungary (10,500); 1920, for Poland (50,500); for Denmark (16,500); and for Italy (11,000).

British in Wisconsin

The English, Irish, and Scotch distributed themselves all over the state, except that the English had especially large groups in the lead mining counties, Iowa, Grant, and LaFayette; in western Dane county, at Mazomanie; in western Racine county, at Rochester and Waterford; in Waukesha and Milwaukee counties.

The first British settlers in Wisconsin were miners from Cornwall, England. About seven thousand of them came into the lead mining region. They were Methodists in religion. They had received little or no education in England. Probably 75% of them were illiterate, and brought with them no traditions of learning.

In the 40's and 50's the Welsh came. They were very religious and musical, having many musical festivals. Many of them were dissenters who had left England because they disliked to pay tithes to the Church of England. In politics they were radicals, remembering the landlord's oppression and the church tithes in the old country. They joined the Republican Party with enthusiasm. In occupation they were chiefly farmers and miners. They had settlements in Racine, Waukesha, Columbia, Iowa, Jefferson and Dodge counties. In Waukesha county they settled at Genessee and Delafield; in Iowa county at Ridgeway and Dodgeville.

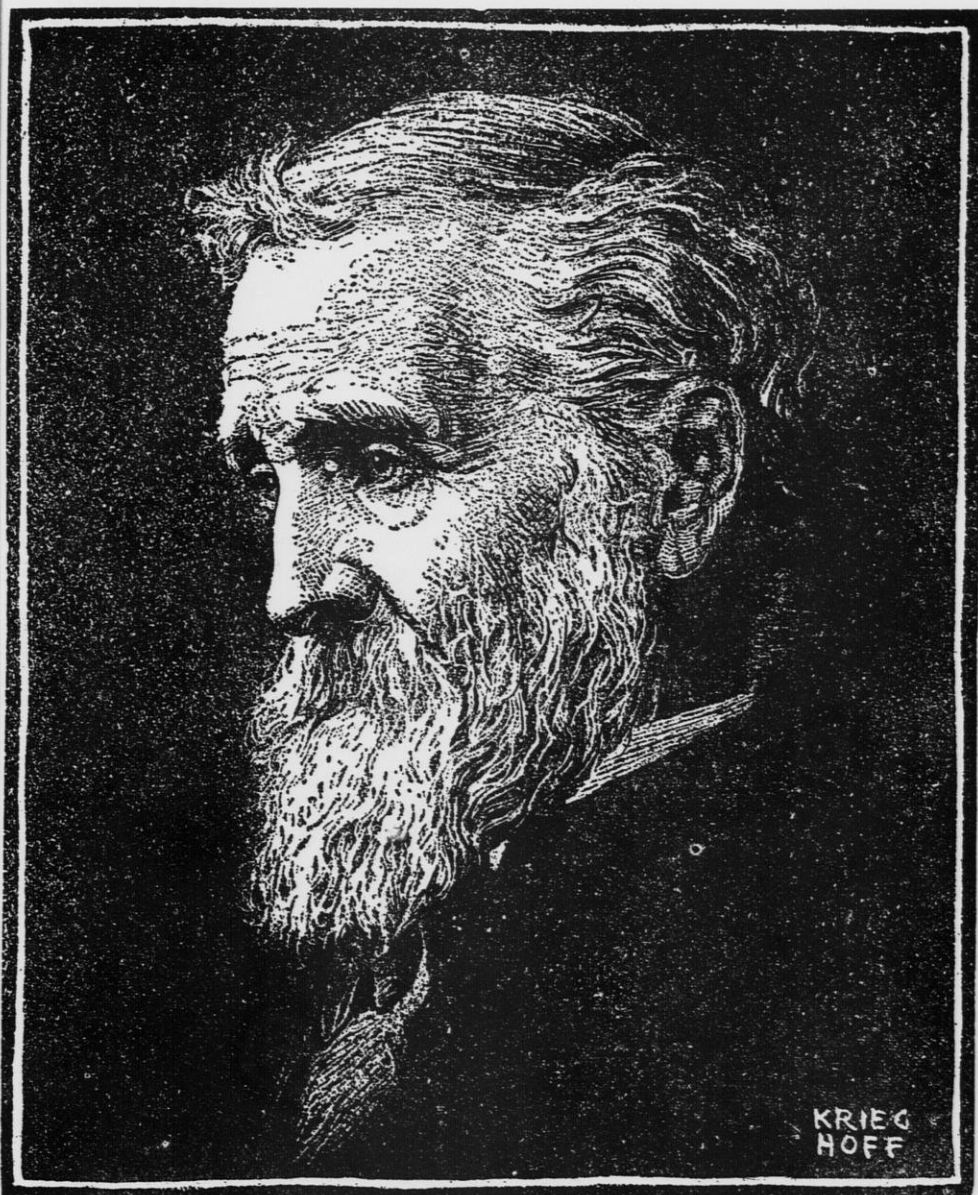
Among the English born citizens of Wisconsin who have shown a strong public spirit here are Frederick Layton, who built and endowed an art gallery in Milwaukee; and Doctor Joseph Hobbins, who was a physician when he came, and who organized the first Madison Health Department, and was active in establishing the State Board of Health. He was also president of the State Horticultural Society, and a constant experimenter with fruit, flowers, and vegetables.

Another distinguished citizen of English origin was Samuel Fallows, who came over from England when he was thirteen. He lived at Deansville, near Marshall, about 15 miles from Madison. He walked home every Saturday while attending the University, and carried back to Madison the food his mother had cooked for him. His father hauled into Madison enough wood to keep the stove going in his room. Samuel Fallows later served in the Civil War as Chaplain, Lieutenant Colonel, and Brigadier General; was three terms State Superintendent of Public Instruction; was a University Regent; preached for sixty years and became a Bishop in the Reformed Episcopal Church.

The British were a strong element in Racine and Kenosha counties. They were leaders in the movement for better cattle. They brought in Shorthorns, Herefords, Ayreshires, Jerseys and Guernseys. They also introduced good breeds of hogs: Berkshires, Suffolks, Essexes, Chester Whites, and Jersey Reds. By bringing in cattle, they saved from bankruptcy thousands of farmers who had nearly ruined themselves by persisting in wheat raising.

Among the Scotch immigrants were such trained men as Duncan McGregor, who served the State for more than fifty years as teacher and Normal school regent. He had left Scotland within a year of graduation from Aberdeen University, had worked in logging camps, and had finally become a school teacher and graduated from Lawrence College.

Alexander Mitchell, who founded the Chicago, Milwaukee and St. Paul Railway was a farmer boy in Scotland. He became a law student and a bank clerk and was so able that his firm sent him to America to take a position in Milwaukee.



Reprint From The Milwaukee Journal
John Muir.

The position was a difficult one. He was sent by the Smith Insurance Company in 1839 to start a bank in Milwaukee. This was at the time when the whole country was afraid of banks. The people of Wisconsin would not allow a bank in the state. But the Smith Insurance Company got a bill through the Wisconsin Legislature chartering an Insurance Company. The bill said in words that it was not giving "banking privileges." But it did give them just the same. It permitted the company to accept deposits, lend money and issue notes.

The young man of 22 had a delicate task. He had to conduct a bank; to keep his enemies from destroying his bank by their often tried runs on it; and to keep the legislature from repealing his charter. At last the people gained confidence in his operations and other banks were permitted in the state.

Wisconsin's best known Scotchman was John Muir, who came from Scotland at the age of eleven, was brought up on a Wisconsin farm, and studied at the University of Wisconsin. Years after he became a world famous traveler, explorer and naturalist. In his old age he visited Alaska and explored the Amazon.

The Germans in Wisconsin

The Germans scattered all over the state, but they also formed large groups in Milwaukee, Washington, Ozaukee, Waukesha, Dodge, Jefferson, Sauk, Sheboygan, and Racine counties. In 1850 in Milwaukee county approximately one-third of the residents were natives of Germany; in Washington county, one-half; in Manitowoc county, one-third; in Sheboygan county, one-fourth; in Dodge and Fond du Lac counties, one-sixth. In Washington county in each of eight towns, from one-half to three-fourths of the population were natives of Germany. The town of Belgium was practically all German.

Some of the Germans came directly from Europe, some came from other states, either as first or second generation Germans. Both have strongly marked characteristics which have impressed themselves upon Wisconsin.

Some Germans came over as religious congregations. In 1839 a Lutheran colony, resisting the attempts of Prussia to change the church, settled in Washington county. Many more followed. With almost every church, a school for the education of the children was established. The German Evangelical and the German Reformed Church were also brought in.

A large Catholic immigration began about 1843. Catholic clergymen and their followers came from Austria, Bavaria and Switzerland. In 1844 Rev. John Henni came from Cincinnati to be the first Bishop of the new diocese of Milwaukee. Churches, parochial schools, convents, monasteries, hospitals and orphan asylums were established in great numbers. A unique event was the transplanting of a whole parish from the Black Forest, Baden, to St. Nazianz, in Manitowoc county. For a time the people held property in common, like the early Christians.

As early as 1824, people began to arrive to escape persecution from the governments of the German states. As a result of the teachings of the American and French Revolutions, and in order that their people might stand with them against Napoleon, the rulers of the little German states had given their people more liberal governments. But now that the danger from Napoleon was over, the rulers began to try to take back what they had given. They feared the people. They feared the newspapers and teachings of the universities. They feared all talk of reform. They resorted to arrest and imprisonment of those who talked or wrote in favor of reform. Some liberals gave up in despair, and left the country to come to America. Others stayed to keep up the

fight. In 1848 revolution broke out all over Europe against the tyranny of the rulers. Republics were established in France and some of the German states. But the Revolutions were crushed, and those who were responsible for them were lucky if they managed to escape the country. In 1849 the German refugees, or "Forty-Eighters" as they were called, began to pour into Wisconsin.

The "Forty-Eighters," fleeing from their troubles in Europe, got here just in time to take part in our own terrible civil struggle. It was a painful shock to these seekers for freedom, to find slave markets in the national capital of this land of the free. It was bewildering and painfully disappointing to find this great union of republican states which they had revered from afar threatened with rebellion and possible breaking up into little, quarrelling, fighting groups like the states of Europe.

It was lucky for the United States that they came. Wherever they were, in Wisconsin, Illinois, Indiana, Ohio, Iowa, Missouri, and Pennsylvania, they joined the Republican party and threw themselves into the struggle to save the Union and abolish slavery. Dr. James of the University of Illinois says, "The influence of the "Forty-Eighters" at this critical time of our national life was to my mind, decisive. They turned the balance of power in favor of universal liberty."

The recognized leader of the Germans in the United States at this period was Carl Schurz. He had become famous as the daring German youth who, having fled from Germany to Switzerland to save himself from prison, returned to help his old friend and teacher Gottfried Kinkel, escape from the prison where he was held. He plunged into American politics as soon as he arrived, and from his home in Watertown, Wisconsin, toured the United States urging Germans to stand by the Union and the cause of anti-slavery. He became a friend of Abraham Lincoln, soldier in the Civil War, Minister to Spain under President Lincoln, and Secretary of the Interior under President Hayes, 1877 to 1881. He was one of the best known and one of the most influential citizens Wisconsin has ever had. His intense interest in good government led him to write hundreds of letters of advice and criticism to those in power. He became the leader in Civil Service Reform for the United States in the worst period of corruption. His story of his own life, called "Reminiscences of Carl Schurz," and his biographies of Henry Clay and of Abraham Lincoln are well worth reading.

At Watertown, where the Schurzes lived for a time, Mrs. Schurz, who had been the pupil of Froebel, the great founder of the kindergarten, conducted the first kindergarten in Wisconsin, probably in the United States.

The "Forty-Eighters" were eager to have free public schools. One of them, Colonel Krumrey, who had been a member of the revolutionary parliament of Rhennish Bavaria, and who came to Sheboygan county in 1849, kept a journal which shows that a free public school system had been one of the demands of his group for Bavaria. Not all Germans in this country, however, were advocates of free public schools. Many preferred to have their own church schools.

Some of the German States did have free public schools. In 1839 the Reverend Calvin Stowe addressed a teachers' convention at Columbus, Ohio, on "The Prussian system of Public Instruction and its application to the United States." His speech attracted much attention, and the state of Ohio sent him to Europe to investigate. He studied the educational systems of England, Scotland, France, the Netherlands, the various German states, Denmark and Russia, and recommended the Prussian system as that best adapted to the United States. Horace Mann, after a similar visit made a similar recommendation. The school laws of Ohio of 1839 were patterned after them.

Colonel Michael Frank, of Kenosha, who labored long to secure free public schools in this state, was a German but a second generation one from New York. His father

had fought for the American cause in the American Revolution. In Wisconsin the struggle to establish public schools was probably not so bitter as in the East, where the idea was called "Un-American" and where German Americans were severely criticized for advocating the education of poor children by the state, the free school, and the forcing of parents to send their children to school.

It was a German of a German community, Professor Theodore Barnard of Watertown, through whose influence the first free text book bill was enacted. His city was the first in the state to supply free text books.

The Germans have contributed much to the artistic taste and ability of the state. They have founded musical activities, orchestras, and bands. German architects designed the cathedral and city hall of Milwaukee and the libraries of Milwaukee and Madison. Carl Marr, an art student of Milwaukee and the son of a German engraver, continued his painting in Munich and became one of the most famous painters of his time.

Some of their art is of a practical nature. They have a fondness for landscape gardening and for flowers, and have been influential in obtaining public parks and playgrounds.

The Germans are artisans as well as artists, excelling in trades which require a long apprenticeship, like that of the blacksmith, jeweler, baker, shoemaker, harness maker, carpenter, cabinet maker, mason, and others.

The teaching of singing, drawing and gymnastics came into the public schools through the German influence. We are also greatly indebted to the Germans for their example and experience in the teaching of home economics, trade and industry, and in the application of the principle of part-time continuation schools for young workers.

The majority of the Swiss who came to Wisconsin were from the German cantons and spoke German. Among the German Swiss are two men who stand high in the scientific world, Dr. Nicholas Senn, teacher, writer, and one of the world's greatest surgeons, and Dr. Albert J. Ochsner, a native of Sauk county, a great physician and surgeon. Dr. Senn was born in Switzerland in 1844 and came to Wisconsin when eight years old.

The German made a good farmer. He rotated his crops, fertilized his fields, and housed well his stock and implements. He built warm barns for his stock where others used open sheds. He was willing to live in a poor house for a time in order to have a good barn.

Agriculture had been taught in the old country in special schools and the idea of teaching agriculture in the schools of Wisconsin was suggested very early by the German farm papers.

The German farmer might sacrifice his house for the sake of his barn, but he would and did have a variety of food and drink. Germans introduced the growing of barley and hops and the making of lager beer. They introduced the culture of grapes, planting vineyards and making wine in Sauk, Sheboygan, Washington and Waukesha counties. It is said however that a German, Colonel Michael Frank, was one of the earliest advocates of temperance in the state.

The German women were good cooks and bakers, and they introduced new methods of cooking and new articles of food, such as sauer kraut, cold slaw, potato salad, dill pickles, sour meats, Hasenpfeffer, Hamburger Steak, Vienna, Frankfurt, and other sausages; goulash, noodles, pickled green beans, endive, chives, leeks, dill, spinach, asparagus, kohlrabi, red cabbage, sugar beets and others. The Germans of Dodge county introduced brick and limburg cheese. This county also became famous for the "Watertown goose," fattened properly for the market.

Although people of English stock took the lead in organized effort to develop the dairy industry, a German, Julius Rust of Bremen, was the pioneer breeder of pure Holstein cattle; and another German, Henry Krumrey of Plymouth, organized the Wisconsin Cheese Producers' Federation. The Swiss of Green county introduced the Swiss brown cattle. The Swiss introduced the making of Swiss cheese into Wisconsin.

The Scandinavians in Wisconsin

There are three groups of Scandinavians in Wisconsin: the Norwegians, the Swedes and the Danes.

The Norwegians, who form the largest group, were the first to come. They spread over the state, but their strongest settlements were in Dane, Rock, Racine, Waukesha, and Jefferson counties. Later settlements are in Columbia, Waupaca, Waushara, Portage, Winnebago, Manitowoc, LaCrosse, Vernon, Trempealeau, and St. Croix counties.

The largest and most prosperous Norwegian colony is on Koshkonong Creek, in the Eastern part of Dane county and western part of Jefferson county. In 1850, two-thirds of the towns of Deerfield, Pleasant Springs, and Christiana were Norwegians. Stoughton is almost entirely a Norwegian city. Another Dane county settlement includes the townships of Vienna, Windsor, Bristol, and parts of Burke and Westport, with the villages of Norway Grove, De Forest, and Morrisonville. A third Dane county settlement was in the west, in Blue Mounds, Vermont, Springdale, Primrose, and Perry Townships, with Mount Horeb as the later commercial center.

The Norwegians are mainly farmers. While not the beginners of the dairy industry, they have helped to build it up, especially in their settlements about Viroqua and Barron. In Dane, Rock, Vernon, Monroe, LaCrosse, Trempealeau, and St. Croix counties, they have become the chief tobacco growers of the state.

The Swedes have come in much smaller numbers. Their first settlement was at Pine Lake, near Hartland, in Waukesha county. Other settlements were on Lake Koshkonong; in Burnett and Polk counties; St. Croix Falls; Stockholm, Pepin county; near Superior, Ashland, Ogema, Prentice, Glen Flora, and in Waupaca and Portage counties.

Among the Swedish settlers have been many men and women of science and letters, and several of the Swedish nobility. Among those on Lake Koshkonong was Thure L. Kumlien, who won fame as a naturalist.

The most important Danish settlements were in Racine, Kenosha, Winnebago, Polk and Brown counties. At New Denmark, in Brown county the settlers clung for many years to the farming methods and the social customs of Old Denmark.

The Danish farmers in the old country have become world famous for their good butter and their culture. They organized cooperative associations to market their butter and other products, and to see to it that every pound sold was sweet and good. They established two kinds of winter schools for young farm people: agricultural schools where they go to learn how to be better farmers, and the "People's High Schools" where they go for general instruction in English, history, music, and other subjects which will make their lives richer.

Inspired by the example of the home land, the Danish people of Wisconsin have encouraged the movements to make Wisconsin likewise famous as the producer of clean, good butter and cheese; and to train the farm youth of Wisconsin for their work and for good living.

The Scandinavians have been farmers. They broke and built up thousands of acres of prairie lands. They were the chief labor element in the early lumbering industry in the cutting, rafting and sawing of lumber, and in the clearing of cut over lands.

Other Groups in Wisconsin

There are other groups in Wisconsin whose stories would be well worth telling, but whose influence on the state has not been so great as that of the British, Germans and Scandinavians. They came in smaller numbers, or they came after the state was well established. Among these are the Belgians, who began to come over in 1853. They settled in little groups in Door, Kewaunee and Brown counties. They talked French. It is interesting now to find out whether the people with French names in and around Green Bay are descendants of the early French traders or of the later Belgian settlers.

There are numerous Polish settlements in the larger cities. Bohemians or Czechs are also found in considerable numbers. The last census shows large numbers also from Russia, Italy, Jugo-Slavia and Hungary.

Wisconsin: *Its History and Its People*. Edited by MILO M. QUAIFE.

Volume I, Chapter XX. *Territorial Development and Politics*, by DR. QUAIFE.

Volume II, Chapter XXIX. *The Scandinavian Element in Wisconsin*, by A. O. BARTON.

Chapter XXX. *The German Element in Wisconsin*, by J. H. A. LACHER.

Chapter XXXI. *The British Element in Wisconsin*, by DR. WILLIAM F. WHITE.

REUBEN G. THWAITES. *Stories of the Badger State*.

JOHN MUIR. *Story of My Boyhood and Youth*.

ALBERT BERNHARDT FAUST. *The German Element in the United States*. Houghton Mifflin, 1909.

S. Y. BRANDE. *The Evolution of the Free School at Kenosha*. *Columbian History of Education in Wisconsin*.

CARL SCHURZ. *Reminiscences of Carl Schurz*.

CHAPTER VII

WISCONSIN AND THE STRUGGLE OVER SLAVERY AND THE UNION

It comes as a surprise to many people to learn that slavery ever existed in Wisconsin. The Ordinance of 1787 had made slavery illegal in the whole Northwest Territory. But mine operators from the south brought their slaves with them and put them to work.

Henry Dodge, the first territorial governor of Wisconsin, before removing from the south to Wisconsin, is said to have called his slaves together. He promised that if they would follow him to Wisconsin and work for him there for five years, he would give them their freedom.

They came, and he kept his word, according to the story. In addition to their freedom he gave each of them forty acres of land and a yoke of oxen.¹

Colonel James Johnson of Kentucky and James W. Shull, founder of Shullsburg in Iowa county, also brought their slaves with them. They worked in the mines and on the flat boats which carried ore to St. Louis, New Orleans and Pittsburg.

Slaves were also brought to the military posts by southern army officers. For five years, from 1828 to 1833, Lieutenant Jefferson Davis kept a slave in Wisconsin as a body servant, alternately at Fort Crawford and Fort Winnebago.

The people of Wisconsin saw little of slavery. But they saw enough to make them hate it. One woman tells how, as a little girl, she heard a slave mother and her sons cry out as they were hurried to the Mississippi on their way to the south. Two of the sons had been her schoolmates.

"That midnight cry," she said when an old woman, "is not yet forgotten. It helped make my father, mother and myself abolitionists."

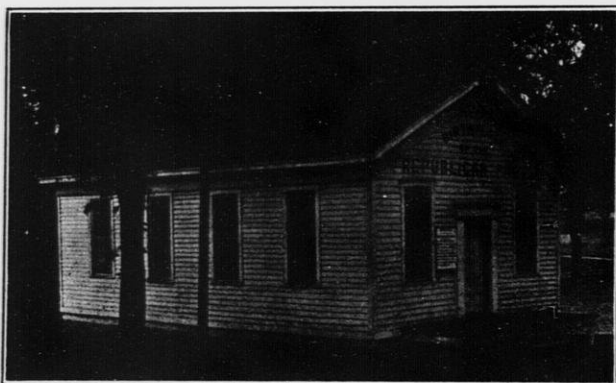
Many Wisconsin citizens were part of the organization known as the "underground railroad" system, by which runaway slaves were hidden and passed from one friendly hand to another until they crossed the border into Canada where they were free. The Southern representatives succeeded in getting a law through Congress forbidding residents of the free states to help runaway slaves to escape, and requiring them to help the masters to find them. It greatly irritated the people of Wisconsin to have angry masters chasing their property through the state and insisting on receiving information and help. The Supreme Court of Wisconsin expressed the feelings of the people of the state when it declared the Fugitive Slave Law of the United States unconstitutional.² The court held that the law violated various sections of the constitution including the Fifth Amendment to the constitution of the United States which declares: "nor shall any person be deprived of life, liberty or property without due process of law."³ The Fugitive Slave law claimed to give to federal officers the power to seize a man who might later be proved free and to take him into a slave state, there to determine whether he really was a slave or not. Free negroes might be picked up and enslaved in this way. This decision is famous as an instance of a state court declaring a federal law unconstitutional under the federal constitution.

The quaint little college city of Ripon, Wisconsin, claims to be the birthplace of the Republican party. Groups of people were meeting all over the north to protest

¹ Article in Adams County Press, Friendship, Wis.

² In re Booth, 3 Wis. 1.

³ Same, p. 43.



Courtesy Ripon Commonwealth |

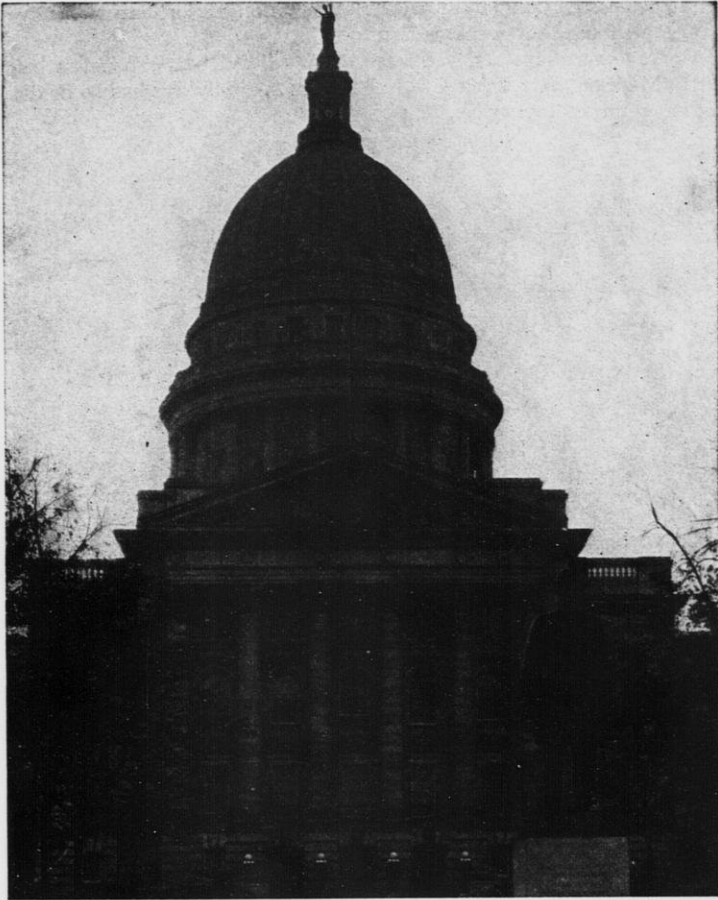


*Birthplace of the Republican Party,
Ripon, Wisconsin.*

against the extension of slavery into the western territory of the United States. It is said that the first of such groups to adopt the name "republican party" was one which met at Ripon in 1854. Soon after that, at a mass convention of 8300 people in the Capitol Park at Madison, the name Republican was formally adopted.

In general, Wisconsin people were steadfast enemies of slavery and supporters of a union of free men. Those who came from foreign countries looking for freedom and for a peaceful home, thought slavery hideous. The prospect of the breaking up of the nation was a great disappointment to them. They threw themselves whole-heartedly into the struggle against slavery and for the continued existence of the United States.

When the Civil War broke out, Wisconsin accepted a full share of the burden the war laid upon the states. Wisconsin soldiers were always in the thick of the fight. If you go over the great battlefields of the Civil War,—Chickamauga, Missionary Ridge, Gettysburg, Vicksburg, everywhere you see monuments to this and that Wisconsin



Courtesy of S. T. Dodge, Capitol Guide

*Statue of General Hans Heg, who was killed in the Battle of Chickamauga.
State Capitol, Madison.*

regiment. Scandinavian, German and English names mingle in the list of Wisconsin dead. A pile of cannon balls marks the places where every general fell at Chickamauga. The General Hans Heg, whose name appears on one of them, is the same General Hans Heg whose statue stands at the east entrance to the Capitol Park at Madison.

An interesting illustration of Wisconsin spirit is found in the story of the appeal of Mrs. Harvey, wife of Governor Harvey, to President Lincoln, to let wounded and sick Wisconsin soldiers come home to a Wisconsin hospital to be nursed back to health. Mr. Lincoln thought it rather a dangerous experiment. She assured him that the

men would not desert. They were homesick; they needed northern air. Give them a chance to get well and they would return to fight.

Mrs. Harvey was right. Of one hundred considered nearly hopeless before they were sent to Madison, only seven died in Madison and only five had to be discharged. All the others returned to service.



Courtesy Wisconsin Historical Society

Increase Lapham, "Father of the U. S. Weather Bureau," and one of the early Wisconsin Conservationists.

CHAPTER VIII

WISCONSIN AND THE PROBLEM OF NATURAL RESOURCES

An aged Beloit woman tells the story of how, one night when her husband had gone into town and was late in coming home, she became so frightened at the howling of the wolves that she called in an old woodsman to stay with her until her husband returned. The woodsman had to stand with his back against the door to keep the wolves from breaking it down and bounding in!



A Wisconsin forest on the ground.

Courtesy Wisconsin Conservation Commission



Courtesy Wisconsin Conservation Commission

Erosion is eating away this \$50,000 farm in Jackson County.

When the first settlers came to Wisconsin, they found so much woods and wild life that they started in at once to get rid of some of it in order to make more room for themselves.

It did not take them long, pouring into the state as they did, to get rid of the bears, the wolves, the elk, the buffalo, and the deer. The wild fowl soon followed—pheasants, swans, cranes, wild geese, ducks and quail. A few quail stay with us; a few ducks and geese pass over in the spring and fall. But in our cities there are thousands of children and even adults who never heard "Bob White"; who never saw a wild fowl except in the zoo.

The settlers swung their axes doggedly against the oppressive forests. In southern Wisconsin they hacked away at the beautiful hardwoods, piled up the wood and burned it. They did their job so thoroughly that today you can drive from Madison to Oshkosh, from Madison to Janesville and Beloit, from Madison to Milwaukee and never see a real woods—a great dense area of trees which give a grateful mile of cool shade in the summer, of warmth and protection from the wind in winter. They did it so thoroughly that southern Wisconsin seems now more bare than Illinois, Indiana, Missouri and other states which began their life with less of the riches of the forest than did Wisconsin. They did it so thoroughly that the children of southern Wisconsin can have no conception of the wonder and glory of the October days of their grandparents.

It is true that even October days were not all wonder and glory. The forests, especially the evergreen forests of the north, have always held a menace over the lives and property of those who settle among them. When we look out from the trains and cars at some of the peaceful villages and prosperous cities of northern Wisconsin it seems hard to believe that these were once the scene of terrible disasters which sometimes wiped out whole settlements. One of the worst of these tragedies was on Sunday night, October 8, 1871, when eleven hundred people were burned to death in the village of Peshtigo in Marinette county. Senator Stephenson tells how "a number of people took refuge in the river and stood for an hour or two in the water, all but blinded and suffocated by the intense heat and smoke, while the fiery turmoil raged on all sides of them. But most of the population had been overtaken in their houses or on the streets by the sudden outburst and were numbered among the missing. Every house was gone and only twisted ruins marked the places where the factory, mills, the supply store, and other buildings had been." Strangely enough, this was the night when the people of Chicago were standing in the waters of Lake Michigan driven there by the greatest fire in the history of the city.

The early settlers in southern Wisconsin wasted the trees they cut. Later settlers did not. The prairie states to the south were filling up rapidly. They offered a market for the trees Wisconsin people did not want. Lumbering became the great industry of Wisconsin. The evergreen forests of the north were not destroyed uselessly as were the hardwoods of the south. They furnished wood to the nation.

Within twenty years after the beginning of the heavy immigration of settlers to Wisconsin, the people began to notice that they had done their work too thoroughly in many places. They had cut and killed and fished recklessly until some of the finest resources—birds, fish and forests, were almost gone.

It is too late to remedy some of the destruction. The birds that are gone cannot be brought back. The Eskimo Curlew has disappeared from the shores of Lake Superior. The passenger pigeon which used to travel in countless millions over the middle west, has entirely disappeared. The last known passenger pigeon died at the Cincinnati Zoological Garden in 1914 at the age of twenty-nine years. The quail or Bob White is one of the best friends the farmer ever had. He has saved them thousands of dollars a

year from losses due to noxious weeds and insect pests. He is the most effective enemy there is against the potato beetle. But he is going so fast that experts say his case is almost hopeless.

Apparently one of the earliest state-wide attempts to control reckless waste of wild life was in 1851. It was forbidden to kill prairie chickens, quails, woodcock or pheasant, between February 1 and August 1. A five dollar fine was the penalty, one-half to go to the informer; one-half to the county for the care of the poor.

In 1853 fishing was regulated. The use of nets and seines on inland lakes of less than twelve square miles, and the use of gill nets in inland streams or water courses were forbidden. These laws were amended year by year. In 1873 the legislature provided \$500 for the propagation of fish and the introduction of better kinds of fish.

In 1874 three fish commissioners were appointed. One man, Mr. James Nevin, served on this commission from 1882 to 1921—almost forty years. The policy of propagation has been continued and expanded until today there are more speckled trout in our streams than there were fifty years ago. The first fish hatchery was established near Madison in 1876. There are now trout hatcheries at Madison, Bayfield, Wild Rose, Sheboygan, Sturgeon Bay and St. Croix Falls; black bass hatcheries at Minocqua and Delafield; pike at Eagle River and Spooner. Thousands of people come to Wisconsin every year to fish, bringing in several million dollars.

The forests have not fared as well as have the fish, although we did begin quite early to worry about their fate. In 1867 the legislature directed a committee to inquire into the question "Whether the destruction of the forests of this state, now going on so rapidly will tend to diminish the moisture of the atmosphere, to increase the degrees of cold in winter and the heat in summer, or otherwise, and whether, owing to the want of information in individuals and the shortness of their lives, it is the duty of the state to interpose its authority to prevent an undue destruction of forest trees where they now exist, and to encourage their cultivation where they are deficient."¹

The chairman of this committee was Increase A. Lapham, a Wisconsin pioneer of whom we may be proud. He had come to Milwaukee from Michigan in 1836. As a mark of the confidence of his community, he had been made register of deeds, without pay—a most important position in those days of numerous disputes over the possession of land. He is best known in the nation as the "father" of the weather bureau. He became thoroughly convinced, by careful experiments, that storms could be foretold and many lives and much valuable property saved thereby. It was he who induced the government of the United States to undertake the prediction of storms.

Mr. Lapham and his committee made a vigorous report "On the Disastrous Effects of the Destruction of Forest Trees now going on so rapidly in the State of Wisconsin."² It is so good that it might well be reprinted and used as a reader in our public schools. Here is one of the gloomy pictures with which he tries to awaken the people.

"Clearing away the forests of Wisconsin will have a very decided effect upon the climate and productions, and therefore upon the inhabitants themselves. The summers will become hotter and more oppressive; the winters colder; both the cold blasts of winter and the hot winds of summer will have full unobstructed sweep over the land; the dryness of the ground will be increased; springs dried up; rivers cease to flow at some seasons of the year, and become floods at others; the soil on sloping hills washed away; loose sands blown over the country preventing cultivation; snow will accumulate in

¹ Chapter 36, General Laws, 1867.

² Report on the Disastrous Effects of the Destruction of Forest Trees Now Going on so Rapidly in the State of Wisconsin, by I. A. LAPHAM, J. G. KNAPP and H. CROCKER, commissioners. Published as a pamphlet by Atwood and Rublee, state printers, Journal office, Madison, Wis., 1867.

great drifts in some places, while other places are left bare and unprotected; the ground will become frozen to great depth; vegetation retarded in the spring; the productiveness of the soil diminished; thunder-storms will be increased in number and violence; and there will be more hail and more heavy damaging rains.

"Under these changes of climate and productiveness, the people being deprived of so many of the means of comfortable living, will revert to a condition of barbarism!

"While we are holding out inducements for the oppressed of all the earth to make new homes in our midst we are planting the seeds of decay, that will sooner or later render their homes miserable, and send these people and their posterity to other more favored lands, for that home they will have failed to find here.

"Of the consequences of the destruction of the forests to the future inhabitants of the state we can only judge from the experience of other countries where selfishness, folly, and want of proper appreciation of the wants of the future, have already brought upon them the evils that may be soon looked for here. Consult the history of Egypt, of Palestine, of Greece, of Italy, and we shall see that the original fertility and productiveness of a country may be destroyed; a country capable of sustaining a dense population of happy, prosperous and civilized people, may be converted into one of comparative sterility where the scanty population living in tents, or rude huts, are but little above the lowest of the human family. Such may be our future unless we profit by their example."

He urges that the state should interfere to prevent all this destruction.

"A state that finds authority to regulate the times and seasons when its citizens may catch fish, or shoot game, may certainly assume such as may be needed to preserve the civilization of the present times; it would require no greater stretch of power to regulate the cutting of timber where it would obviously entail a public calamity, or to encourage its production where it is so much needed for the public good.

"One of the most serious evils this state has to contend with is the purchase of large tracts of land by persons who reside in some other state, or who, if residing here, still have no permanent and living interest in the land. It is purchased by such persons, not for the ordinary, legitimate and proper purpose of converting it into a farm or homestead for himself and family, but solely with a view of stripping it of its valuable timber. Leaving the worthless trees and bushes to encumber the ground, he sells it for what it is worth, and renews his depredations upon other lands. He builds fine houses in a distant place—he destroys the fair face of nature here. Surely there should be some means devised to compel such men to spare at least a belt of these noble trees for the purposes contemplated in this report. Their interest should be made to yield to that of men who are to become the permanent occupants of the land, and whose interest in the state will induce them to improve and adorn it, rather than to injure and destroy it."

For twenty years after the report was made, nothing fundamental was done about it. Then, in 1895 a state fire warden and local wardens were provided for, and regulations were passed for the prevention of fires. In 1903 a state board of forestry was created. This board through its state forester, made plans for a far reaching program of developing as a forest reserve, the drainage and school lands of the state; of regulating the cutting of the timber on privately owned land; of acquiring more forest land; and of reforesting cut-over lands.

But there appeared to be an obstacle in the way of the development of state forests. This was the provision of the state constitution (Art VIII, Section 10), that "The

State shall never contract any debt for works of internal improvement, or be a party in carrying on such works." This was amended in 1910 to permit the state to appropriate money "for the purpose of acquiring, preserving, and developing the water power and the forests of the state." But when a case was brought before the Supreme Court of the state in 1914, the court said that the amendment was void. All sorts of mistakes had been made in passing it. It had been given different titles at different times. The records did not show that there was any roll call in 1909. It was a bad slip on the part of a legislature which prides itself justly on its carefulness and accuracy.

So we had to start all over again. In the fall of 1924, the people again had put up to them a forestry amendment. Again they passed it. It was just like the one they adopted fourteen years before except that it does not mention water power. It gives the legislature power to develop forests whenever it is ready.

Until the constitution was amended the state could not buy cut-over lands for reforestation. It could not use its own forests for commercial purposes. It could and did accept and hold land donated to it for forest purposes by the federal government and by private individuals or corporations. It could also, and it did, buy parks for recreation spots.

Included in the land which the state now owns are Devil's Lake Park, in Sauk county; Peninsula-State Park, in Door county fronting on Green Bay and Ephraim Harbor; Nelson Dewey State Park on the bluffs overlooking the spot where the Wisconsin unites with the Mississippi; Interstate Park on the St. Croix river; Patterson State Park, twelve miles south of Superior, in which are the beautiful Manitou Falls of the Black River; Brule Park, along the Brule in Douglas county; Perrot Park along the bluffs of the Mississippi twenty-five miles north of LaCrosse; Cushing Memorial Park, a tiny plat of eight acres west of Milwaukee; Northern Lakes Park; Shot Tower area, at Spring Green; the Old Capitol at Belmont; Rib Hill in Marathon county; and several hundred thousand acres of school and forest land in Vilas and adjoining counties, given to the state by the federal government. These latter include several hundred islands in the northern lakes set aside by the federal government in 1912 for forestry purposes.¹

Protecting the forests we have, and restoring some of those we have destroyed, is of far more importance than many people imagine. We need the forests for wood. We cut some 700,000,000 feet of lumber annually, but we require for our buildings and our wood using industries more than a billion and half feet each year. We import from other states some eight or nine hundred million board feet at an annual cost in freight alone, of about ten million dollars.²

A study of Wisconsin's wood using industries in 1910 shows the largest to be the pulp and paper industry, using balsam, hemlock, poplar, and spruce. Sash, doors and finish come next, using ash, basswood, birch, butternut, chestnut, cypress, Douglas fir, elm, gum, hemlock, mahogany, maple, Norway pine, oak, poplar, redwood, western spruce, western pine, white pine and yellow pine. Third is the making of boxes, using a little ash and balsam, but chiefly basswood, beech, birch, butternut, hemlock, Jack pine, Norway pine, poplar, tamarack, and white pine. About the same amount is used for all sorts of furniture, including chairs. These articles are made of ash, basswood, beech and birch, chestnut, elm, gum, hemlock, mahogany, maple, oak and walnut.

¹ For description of these parks, see articles on Wisconsin Parks, by C. L. Harrington in the Blue Book for 1923, page 53, and the 1927 Blue Book.

² Report of Forestry Committee of the Engineering Society of Wisconsin. 1925.

Other products made from wood are agricultural implements, bee hives, boats, caskets, excelsior, handles, refrigerators, toys, trunks, vehicles, windmills, tanks and silos.¹

As choice wood has become scarce, the need for study of the properties and best possible uses of the various woods has been felt. The Forest Service of the federal government wanted a laboratory for their work, but had not enough money to build one. They asked the various universities if any of them could furnish the laboratory. The University of Wisconsin offered to furnish the building, heat, light, and power. The Forest Products Laboratory at Madison was the result.

This laboratory is busy all the time on behalf of the wood industries of the whole country. It is working on preservatives, testing the strengths of woods, experimenting on glues; on products that can be taken from woods; and on the fungi which attack wood. The laboratory in 1921 had made over a half million strength tests, specific gravity and moisture tests; and had classified the tested woods for various purposes. For example, it has determined the best kind of wood and design of construction for barrels and boxes for different uses.

In this laboratory are machines capable of applying breaking strains of from 10,000 to 200,000 pounds. There are tumbling drums to test boxes. One of these can take boxes weighing as much as half a ton and shatter them slowly or quickly. The time it takes to shatter them shows their strength. The laboratory has on a small scale all the machines used in paper making, and experiments constantly with them. During the war the laboratory was most useful. It was able to show how to dry wood in a hurry so as to make it ready for immediate use. It tested wood for airplanes and tested the strength of various designs of aircraft parts. It developed water resistant glues for airplane construction. It worked out the standard for boxes and crates for supplies bought for the government. It found the woods needed for ship building. It recommended to the railroads a substitute to meet the shortage in coal tar creosote. It developed a highly absorbent charcoal for use in gas masks for protection against chlorine. It worked out a way to produce cellulose from wood to be used as a substitute for cotton linters. It developed several types of shrapnel nose plugs. It gave courses of instruction to airplane, box and dry kiln inspectors. With an expense of two million dollars over a period of ten years, it is estimated to have saved American industries annually about thirty million dollars.

There are plenty of problems still to be solved. The surface has scarcely been scratched in working out economy of wood in box production, in the substitution of built up for solid wood; in the preservation of woods from fire, decay in mines, in salt water and under various conditions; in extracting the by-products of waste in lumbering and milling; in the saving of wood in pulp and paper making; in fighting fungus which results in pulp decay; in saving waste in the process of manufacturing furniture, vehicles, and other wood articles; in fixing economical standards for cutting.

But saving woods alone will not solve our problem. We must have a sure and steady supply for our industries.

There are several ways by which a state may help in the solution of the forest problem. First it may protect both state owned and private forests from fire. Wisconsin is one of the twenty states which by spending at least an equal amount, receives federal funds for the employment of lookouts and patrols for fire protection for forests along the watersheds of navigable streams. In spite of this, the Forestry Committee of the Engineering Society of Wisconsin in 1925 pointed out the astounding fact that Wisconsin loses every year through fire and cutting **two hundred thousand** acres of forest.

¹ A study of the Wisconsin Wood-Using Industries, by Franklin H. Smith, under the direction of E. M. Griffith and H. S. Sackett, Madison, Wis., 1910. Democrat Printing Co., state printer.

Second, the state may furnish small trees to private owners. Wisconsin is one of the states which furnishes trees for planting at small cost.

Third, the state may so adjust the taxes on forest land that it will not be a burden to the owner to hold it without cutting. The legislature of 1927 greatly lightened but did not entirely remove the burden for Wisconsin landowners.

Fourth, the state may furnish expert advice and assistance to private owners. In a few states forestry is taught in the public schools. In others the farmers are urged to take extension courses planned to help them in the planting and management of their own wood lot. In some of the eastern states, paper manufacturers and railroads own the forests from which they get the supply of wood necessary to their business. Some of them are practicing cutting and planting along scientific lines which will insure their future supply.

Fifth, the state may regulate cutting in private forests. This is done in European countries. In some places, such as the watersheds of streams, a man would have to get permission to cut a tree and agree to replace it. The Engineering Society of Wisconsin in the report mentioned above, says that we have cut or lost by fire five or six billions of acres of land in Wisconsin and that in the last fifteen years there have been replanted but 2400 acres.

Sixth, the state itself may own and grow forests. This is a common practice, both in Europe and in the United States. The United States itself owns 152 National Forests of about 155,407,920 acres. New York has a state reserve of 1,825,882 acres in the Adirondack and Catskill Mountains. Pennsylvania has more than 1,000,000 acres of state forest, chiefly in the mountains in the central part of the state. Minnesota has 43,000 acres now in state forests and approximately 1,000,000 acres of school lands which are to be made into state school forests. Michigan has 589,000 acres; Wisconsin 400,000 acres; South Dakota 75,000 acres in the Black Hills; New Jersey 13,720 acres; and New Hampshire, Vermont, California, Connecticut, Indiana, Massachusetts and Maryland, from 2,000 to 9,000 acres each.

In France, Germany and Switzerland, many cities and villages own their own forests. One such forest in Germany was so profitable before the war that it paid all the expense of city government, without resort to taxation. The city of Fitchburg, Massachusetts, was the first in the United States to acquire a community forest. Several cities in Massachusetts have followed Fitchburg's example. In New York state, about 200,000 acres have been acquired by forty or more communities, including Rochester, Glen Falls, Gloversville and New York City. Cincinnati and Oberlin, Ohio, and several cities of Colorado now own forests. About 35,000 acres are owned by New Jersey cities.¹

The whole problem of saving the resources we have left and of adding to them is one about which the next generation is going to hear constantly. Already leaders are lining up together to plan the campaign.² Among them are representatives of organizations interested in preserving the sports of the state. There are farmers who want to see land classified and forestry put on its feet as a branch of agriculture. There are paper manufacturers who want to see the source of supply of their raw materials preserved. There are workmen who want to see the great industries in which they are engaged retained in this state. There are water power owners who fear for the rivers and streams if the forests disappear. There are local communities built around wood

¹ Forestry Almanac, published by American Tree Association, Washington, D. C. J. B. Lippincott, Philadelphia, 1924.

² See *Forestry in Wisconsin: A new Outlook*. Official Report of the Wisconsin Commercial Forestry Conference held at Milwaukee, March, 1928. H. L. Ashworth, 49 E. Wells St., Milwaukee. \$1.

industries and dependent upon a continuous wood supply for their existence. There are railroads which will lose their freight if the wood products fail them. There are individuals and communities dependent upon tourists who will no longer be attracted to Wisconsin if the forests and game disappear. There are public minded citizens who have no special financial interest in the forests and forest industries but who love the outdoors and lament the loss of beauty and the health giving qualities of forest and stream, of lakes and birds. They fear that future generations will pay dearly for the unscientific rashness with which we and those who came before us have destroyed nature's balance in this favored spot.

CHAPTER IX

WISCONSIN AND THE PROBLEMS OF THE FARMER

The early Wisconsin farmers were woodsmen first and farmers second. They had to cut the forests down to make open spaces for their farms. When they had felled and burned the trees they could put in grain and gardens to feed their families.

When the prairie states to the south demanded lumber for building, the professional lumberman came into Wisconsin, took up great tracts of land from the government, cut and sawed the timber and let the land go back to the government or sold it to settlers for farms. Gradually they worked their way to the north, the settlers following after them into the cut-over lands.

There were many in Wisconsin as well as in other new states who looked with disfavor upon this practice. As early as the forties the Party of National Reformers began to protest against the grabbing of large tracts of cheap land by individuals. They proposed that in new country not yet settled the amount of land which a person or corporation could own should be limited. In the older states already settled they proposed to limit the amount which any individual could inherit. The proposal to limit inheritance was carried in the lower house of the Wisconsin Legislature in 1851 by a majority of ten votes, but was defeated in a final vote. Wisconsin was the only state in which it got as far as a vote.

It is interesting to read now what Horace Greeley, editor of the *New York Nation*, and a leader in the movement, wrote:

"Well, this was the first earnest trial to establish a great and salutary principle. It will not be the last. It will yet be carried, and Wisconsin will not need half as many poorhouses in 1900 as she would have required if land limitation had never been thought of."

Mr. Greeley was mistaken about the direction which the interest of Wisconsin farmers would take. They have centered on other things rather than on land limitation.

They have interested themselves, for one thing, in the problem of keeping up and of improving the fertility of the soil. The early settler had to raise everything for the use of his family. Later Wisconsin farmers became great wheat growers and shipped much of this crop to the growing cities of Wisconsin and neighboring states. Like the pioneer farmers of other states they were so busy trying to wrest a living from the soil that at first they took all they could get from it and forgot to put anything back.

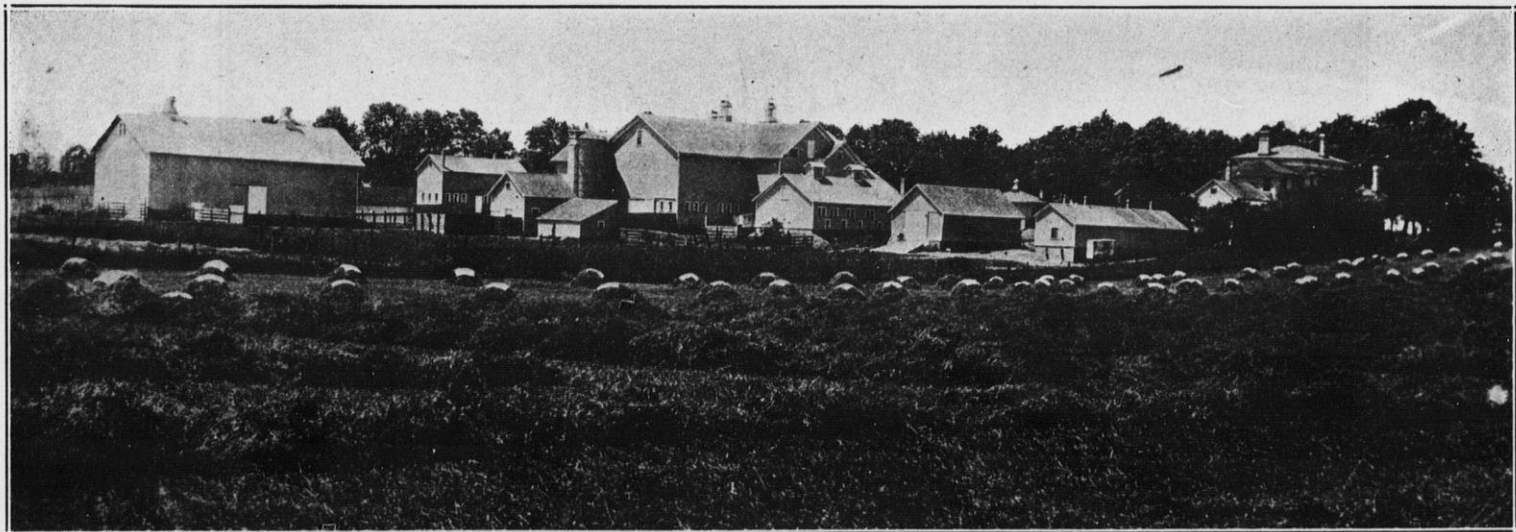
There are many fertile spots in Wisconsin, but in general the land does not in its natural state, yield such crops as could be won from the soils of Illinois, Iowa, and other prairie states as they were when white settlers came. Fortunately there were people in Wisconsin who very early saw the danger of using up the fertility of our soil by raising wheat year after year. They began to preach to the farmers that they should vary their crops, and especially that they should raise cattle in order to maintain or build up the fertility of the soil.

Certain conditions made dairying a natural occupation in Wisconsin. There are streams which do not dry in the summer, and well distributed rainfall which keeps the grass green when the meadows of the prairie states to the south of us are parched and brown. Then we have with us the English makers of Cheddar cheese; the Swiss makers of Swiss cheese; and the German makers of brick and Limburger cheese.



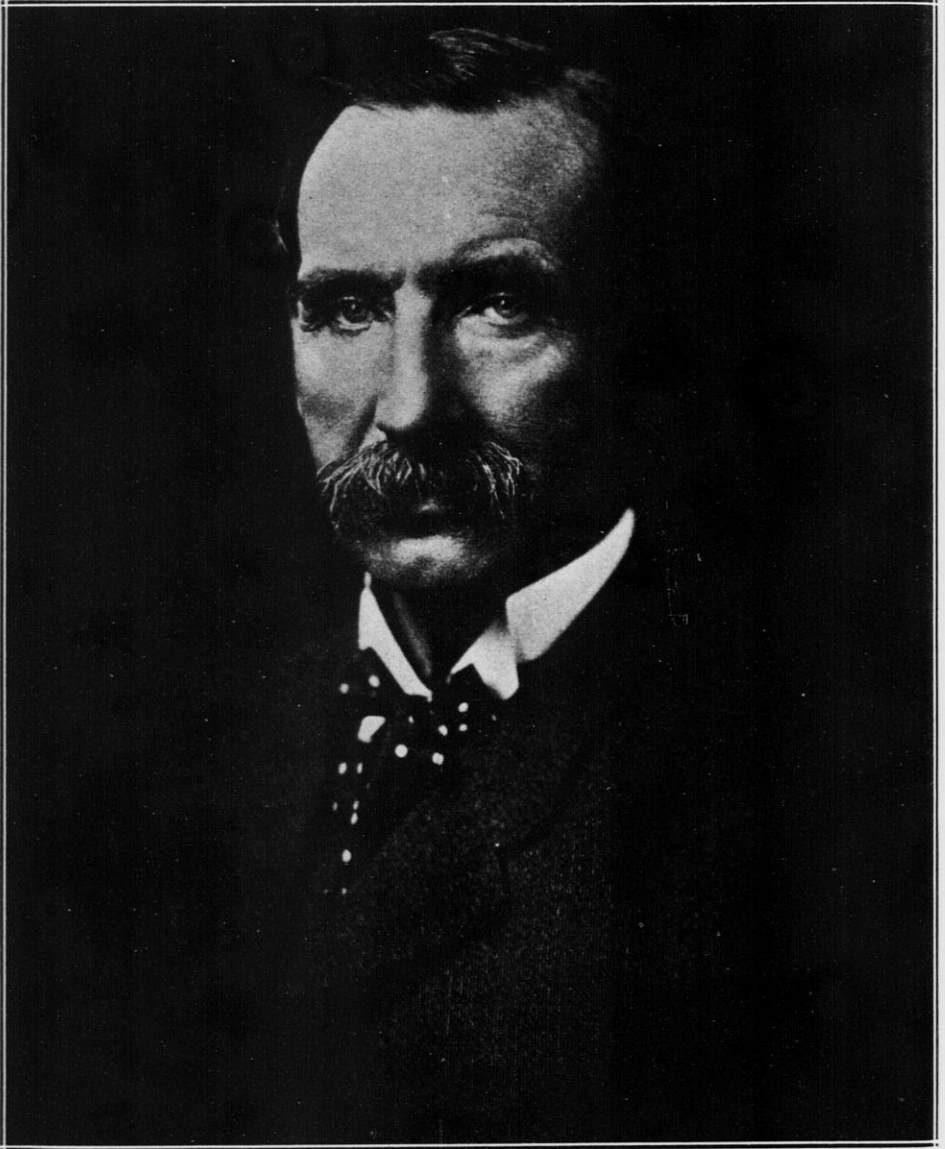
Courtesy Division of Immigration, Wisconsin Department of Agriculture

The early Wisconsin farmers were woodsmen first and farmers second.



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A modern Wisconsin dairy farm—the Hoard farm at Fort Atkinson.



Courtesy W. D. Hoard & Sons Co.

William Dempster Hoard, founder of Hoard's Dairyman; governor of Wisconsin, 1889-1890.

The Wisconsin Dairymen's Association was the other great force in the development of dairying. It was organized in 1872. Its leaders came mainly from dairying districts of other states and countries. Chief among its organizers were W. D. Hoard of Fort Atkinson, publisher of the Jefferson County Union, and the founder of Hoard's Dairyman, first published as the dairy edition of the Jefferson County Union. Other active members were H. F. Dousman, Chester Hazen, Stephen and A. D. Farill, W. S. Greene, and H. C. Drake. Chester Hazen, a native of New York, had built the first cheese factory in Wisconsin at Ladoga in Fond du Lac county—the first instance where the production of cheese was something more than a side line of farming.

The Dairymen's Association did not waste time. Within a short time it had secured a reduction of sixty per cent in freight rates on cheese between Wisconsin and New York, so that Wisconsin cheese came into competition with New York cheese on the New York market. It secured refrigerator cars for shipment of Wisconsin products. It was influential in the establishment of the College of Agriculture; of the Butter Makers' and Cheese Makers' Association; of the dairy school at the University of Wisconsin; of the Dairy and Food Commission in 1889; of cow testing associations; of Farmers' Institutes. These Farmers' Institutes in turn offered a good opportunity for propaganda for dairying. One of the pioneers who used these Institutes most effectively for that purpose was George McKerrow.

Two inventions of Wisconsin men have greatly helped in the process of transferring from wheat raising to dairying. The first was the roller flour mill; the second was the Babcock test.

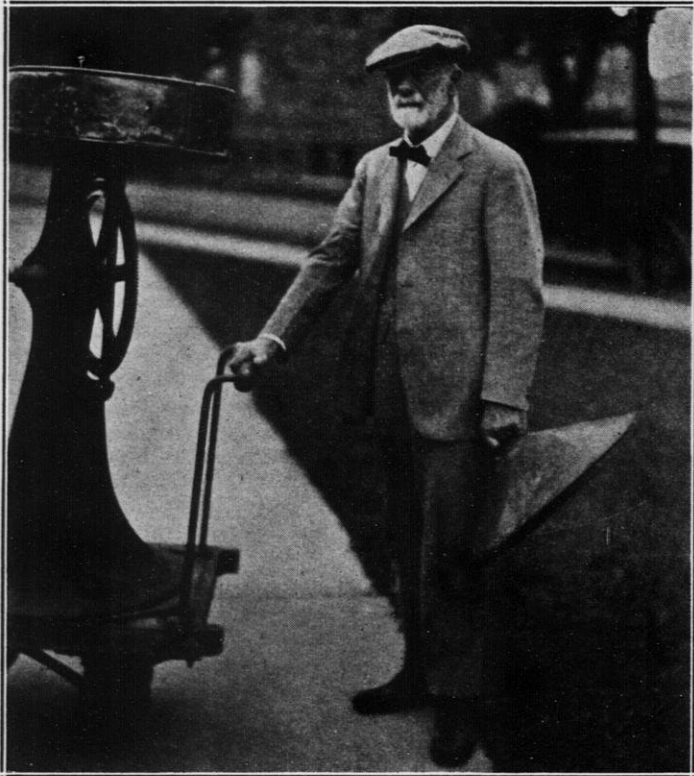
John Stevens, the Welsh boy who came to live in Neenah, is credited with inventing a roller flour mill which, by separating the hard outer shell of the wheat grain from the flour and passing the former off into bran, makes it possible to use the hard wheat grown far to the north in the Dakotas and Canada, as well as the softer wheat grown farther south.

"This invention drove wheat raising from Wisconsin and the Middle West and closed the flour mills of Stevens' own city," said a writer in 1907. "Some day this invention of John Stevens' will make Canada a rival to the United States in flour production."¹

If we should select the one occurrence most favorable to the dairy industry, it would probably be the invention of the Babcock test of the amount of butter fat in milk. It is a simple device—just a bottle with marks on the neck, mounted so that it can be rapidly revolved. The milk is put into the bottle with the proper amount of sulphuric acid. When the bottle is rapidly rotated, the fat rises to the neck of the bottle, which is marked to indicate how much fat there is. That is all there is to it. But it has meant all the difference between producing milk, butter and cheese blindly, and producing it with exact knowledge of the kind of milk the cow is producing; what the farmer is getting for it, and what the cheese and butter makers are getting when they buy the farmer's milk. It has put dairying on a business basis. For it, Doctor Babcock has received testimonials of gratitude from every dairying country, and the grand *prix d'honneur* at the Paris Exposition of 1900. He did not have his invention patented, but simply gave it to the world.

One result of the predominance of dairying has been the maintenance everywhere of passable roads. All weather gravel roads for every milk producer have been considered more important than a few fine concrete roads. All over the southern third and in spots

¹ PUBLIUS VIRGILIUS LAWSON. The Invention of the Roller Flour Mill. Wisconsin Historical Society Proceedings. 1907. p. 244-258.



Courtesy W. D. Hoard and Sons Co.

*The inventor and his invention.
Stephen A. Babcock and the original testing machine.*

over the entire state, creameries and cheese factories dot every road at intervals of a few miles. The cheese factory must be close to the milk supply. For Swiss cheese the milk should arrive at the factory when it is less than two hours old. This means that it must be hauled to the factory twice a day. For other kinds of cheese, once a day is often enough to take the milk to the plant. For butter, the cream should be brought to the creamery three or four times a week. The dairying industry has thus forced good roads on Wisconsin.

The Wisconsin farmer found that not all of his problems were solved by going into dairying. New ones arise constantly. Again and again he has appealed to the law makers for help. In response to this appeal, besides the College of Agriculture, three different departments have been set up, one by one, to work from different angles upon the problem of successful farming: The Department of Agriculture, the Dairy and Food Commission, and the Department of Markets.

The Department of Agriculture has charge of the improvement of the health of herds through the use of the tuberculin test. The idea came in through the College of

Agriculture, but the administration and supervision of testing is done by the Department of Agriculture. So well has it succeeded in its fight on tuberculosis that there is a tremendous demand from other states for Wisconsin cattle.

The Department of Agriculture has been given many duties relating to the quantity and quality of farm products. It inspects the feeds sold for cattle in the state. During the war it saved the farmers thousands of dollars by forcing the sale of oat hulls at one-third its former price, which gives its true value relative to other feed. It has also saved the farmer thousands of dollars by establishing grades to prevent wheat mixing with low priced products and sale at the regular price; and by exposing the adulteration of linseed meal offered for sale as pure linseed.

The Department of Agriculture is engaged in the control of hog cholera, foot and mouth and other animal diseases; in the improvement of the quality of the horses; in the cleaning up of bee diseases; the protection of seeds to prevent sale of seeds with low germination power; the eradication of weeds; the inspection of fertilizers and the prevention of their sale under false claims as to what they will do for the soil; the protection of immigrants to Wisconsin farms.

The protection of immigrants was an important problem during the years when the settlement of northern Wisconsin was going on rapidly. Some land companies painted rosy pictures of conditions there, and inveigled into settlement many who were totally unfitted for farming. Land was sold for agriculture which was fit only for reforestation or summer resort. The many pathetic cases of failure aroused public spirited people to establish the Bureau of Immigration.

After the Bureau of Immigration was established the city tradesman who decided to buy a farm, had some place to go for advice. At the Immigration Bureau he could find out whether he had saved enough money to make a safe venture. He could learn in general what kind of soil there was on the farm at which he had been looking. He could study prices of farm land all over the state. He was asked "Did you ever live on a farm? Did your wife ever live on a farm? Does she want to leave the city?"

If after he had talked over everything with the Bureau people he still thought it wise to make the attempt, he could ask the advice and aid of the Bureau in laying out his money to the best advantage. How much should he put into his house and barn and how much into livestock? How much into farm machinery? All these questions and many others, the Bureau, with its background of years of contact with farmers who have failed and farmers who have succeeded is well fitted to answer. It has tried to insure that not only shall Wisconsin residents start right in their farm ventures, but also that prospective settlers from outside shall not be cheated by unscrupulous land speculators into sinking their money in hopeless ventures and becoming burdens upon the State of Wisconsin. For this purpose, representatives of the Wisconsin Immigration Bureau for many years kept an office in Chicago to which those who were planning to become Wisconsin settlers could come for information.

For a number of years, while the lumbermen were cutting steadily north and the settlers falling in behind them to establish farms on the cut-over lands, the immigration problem was one of the most important which the commissioner of Agriculture had to handle. But the period of rapid settlement is over now. New problems relating to the comfort and prosperity of the settlers now press for solution. Most people expected that the valuable timber land would be changed into valuable farm land. But settlers are finding that while some of the land is suited to dairying, or to potato raising, some of it is not at all suited to dairying or to the raising of other crops. Some of the counties which once were rich because of the valuable timber crops now find themselves poor with cut-over land which will not yield a living to the hardest working farmer and his



Courtesy Land Economics Inventory, Wisconsin Department of Agriculture

A well regulated wood lot near Seeley, Wisconsin. The owner is a Dane who learned good forestry practice in the old country. The tall trees are second growth pine; the smaller ones are spruce.

family. The cities depending upon the fast disappearing lumber industry themselves threaten to disappear. People are beginning, now that it is too late, to say that the forests should have been treated as farms, not as mines; that instead of slashing blindly at everything in sight and cutting old, young and middle aged trees in a clean swath, the owners of forests should have taken out, year by year, the trees ready for harvest, following good forestry methods now practised in many countries of Europe. The care and proper harvesting of forests, in other words, should have been one form of farming. The cutting should have been careful; seedlings and young growing trees should have been planted wherever necessary to replace the old ones.

The growing need for putting the raising of trees on a permanent basis as one phase of farming has let the Department of Agriculture into a new field. The Commissioner of Agriculture, in cooperation with the College of Agriculture and other departments, has completed a careful land survey of Bayfield county in order to find out for what use the various lands are best suited: dairying, the raising of potatoes, forestry, recreation, or something else. This is only a beginning. Numerous requests coming in from landowners in various counties for advice as to the most effective use for their land show that there is a real demand for this service. The State of Michigan has begun a similar survey. The need for a widespread training in forestry begins to loom up as one of the future problems of agriculture and education. The task of transferring some of our farm land from the present crops which give them quick returns to a forest crop which requires years to mature is not an easy one. It will take earnest effort and intelligence to accomplish it.

A second state department grew out of the realization that prosperity does not come with quantity even of dairy products. There must also be quality. It is not enough to produce cheese and butter. The cheese and butter must be good if it is to command a good price. Every producer in the state is hurt if one producer sells bad cheese or butter. At one time the reputation of Wisconsin cheese was so bad that cheese producers tried to conceal its identity, and Wisconsin butter was quoted on eastern exchanges as "Wisconsin grease." Cheese made in America was so poor that exports fell from almost 150,000,000 pounds in 1881 to 34,000,000 pounds in 1896.¹

This second department was the Dairy and Food Commission. It was established in 1889 to prevent the sale of adulterated, impure, or diluted milk, butter and cheese. It maintains a laboratory to test samples of dairy products. It has inspectors who visit the dairies, creameries and cheese factories of the state. They give orders as to sanitary conditions and as the need arises, instruction on the Dairy industry. It is also the duty of the Dairy and Food Commission to prevent the adulteration of drugs, drinks, and foods, and the mishandling of foods; to enforce proper sanitation not only in cheese factories, creameries, and condenseries, but also in canning factories, bakeries, confectioneries, cold storage warehouses and bottling plants; and to enforce the laws relating to trading stamps, linseed oil, white lead, zinc oxide and turpentine. The Commission also inspects and tests all commercial scales and measures. It is estimated that during the first year that the tests were made, the correction of short weights and measures gave a saving of \$325,000 to consumers on gasoline; \$162,550 on milk; \$97,187 on cream; \$743,750 on butter.

J. Q. Emery, at one time state superintendent of Public Instruction, served in the capacity of Dairy and Food Commissioner from 1902 to 1915, and from 1921 to 1926.

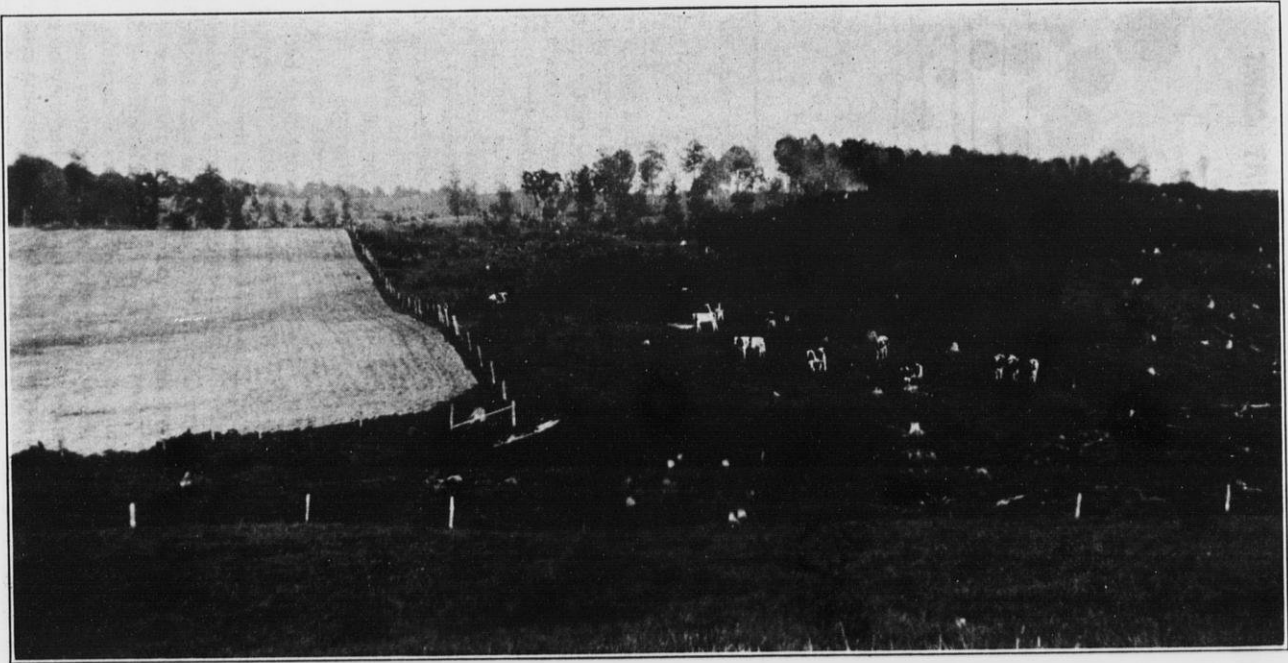
The third state agency created particularly to assist the producers of farm products was the Department of Markets.

¹ REMY. *Half Century of Agricultural Development. In Wisconsin, Its History and Its People*, edited by MILO M. QUAIPE. Volume II, p. 41.

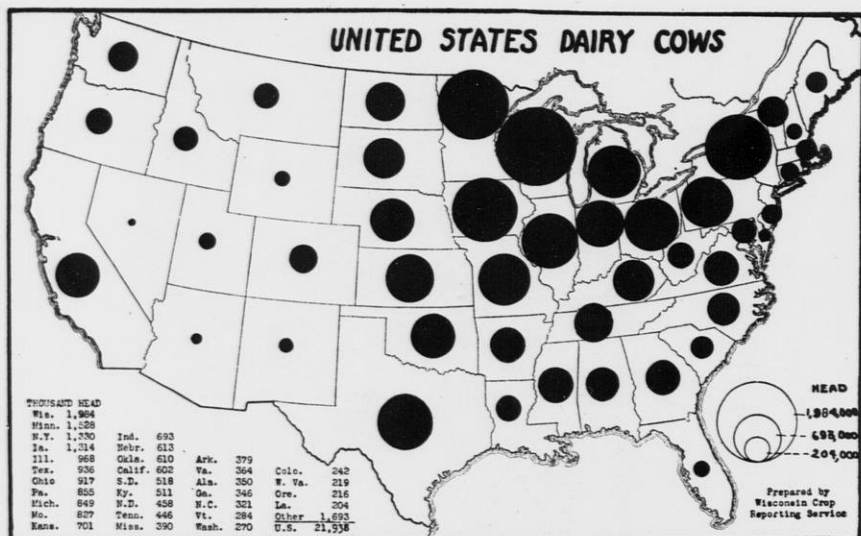


Courtesy Division of Immigration, Wisconsin Department of Agriculture

Wisconsin



Wisconsin

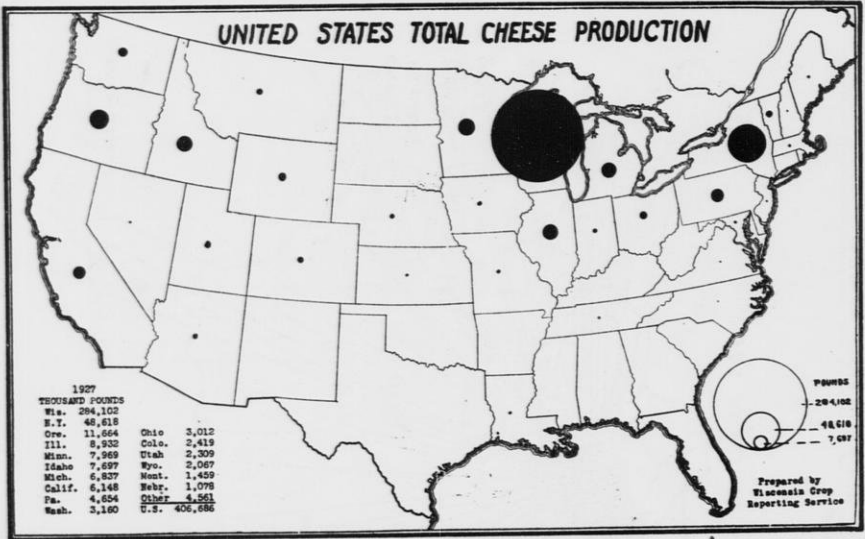


Courtesy Division of Agricultural Statistics, Wisconsin Department of Agriculture

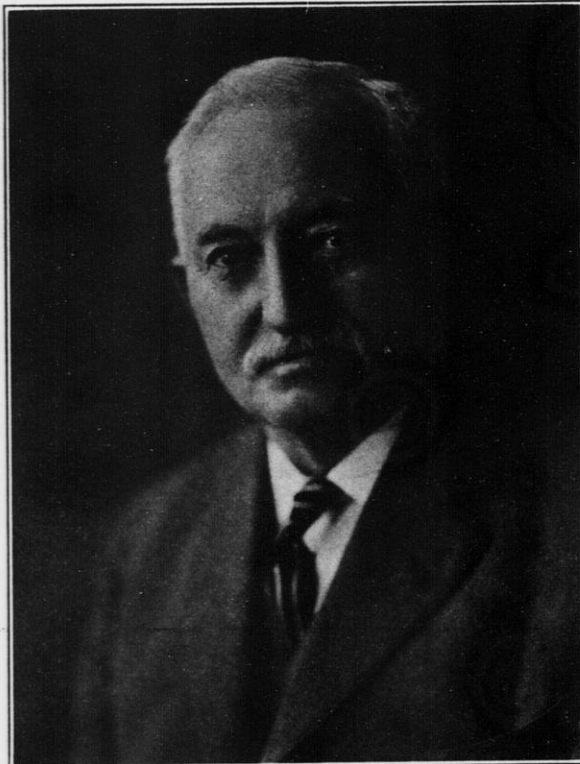
United States Dairy Cows.

Ex-Governor Hoard was recognized as a leader in the state and nation in the early movement for the improvement of the dairy industry. In the movement of the past twenty years for better marketing methods, and for securing better quality of the product through the setting up of state wide standards of quality, one of the leaders was Charles McCarthy, of the Wisconsin Legislative Reference Library. He went to Europe and brought back to the Swiss and Danish and German farmers of Wisconsin the stories of the marketing organizations of their Swiss and Danish and German brethren in the old country. He brought samples of the standards used by the cooperative marketing societies of Germany and Ireland and Denmark in grading their products—their potatoes, their eggs, their butter, their cheese, their poultry. He filled shelf after shelf of the Reference Library with the most carefully selected material on cooperative methods elsewhere. He went out and told groups of farmers what farmers of other countries were doing. He showed, for example, how the Danes, by forming cooperative societies to market their own butter, were getting better prices in the New York market than we were getting for Wisconsin butter. He showed how the California raisin growers were beginning to organize to market their product.

Slowly the number of cooperatives grew. Many able and public spirited men engaged in the practical work of organizing and establishing on a safe footing hundreds of cooperative organizations. Perhaps you know and remember the name of some one of these heroes of the cooperative movement, such as Henry Krumrey of Sheboygan, who gave years of his life to building up the Cheese Producers' Federation. Most of them we shall never know but we can be fairly sure that behind every one of the hundreds of successful cooperatives scattered over the state, whether they be creameries, cheese factories, feed, elevator and produce companies, potato shipping concerns, live-stock shipping associations, cow testing associations, fruit exchanges, the statewide,



Courtesy Division of Agricultural Statistics, Wisconsin Department of Agriculture
United States total cheese production.



Henry Krumrey, leading spirit in the organization of the cheese federation.



Courtesy Wisconsin Department of Markets

Headquarters, National Cheese Producers' Federation, Plymouth, Wisconsin

now nationwide, tobacco selling organization, the livestock breeding associations, cooperative stores, laundries or insurance companies—behind every one of these, can be found some person who sacrificed his time and money, perhaps his wealth and life to the task of building up and nursing the organization in which he believed.

While managers labored at home, the law makers had work to do at Madison. One of the first things which had to be done to clear the way for the development of cooperation was to get rid of the unscrupulous promoter who would sell stock in any kind of cooperative venture regardless of its chance of success. To sell stock in a cooperative creamery where there was no hope of getting enough milk was as profitable for the promoter as to organize a legitimate plant. One of the first things needed therefore was a law establishing safe practices in the organization of cooperatives.

Wisconsin passed one of the first cooperative laws in the Union, limiting to a reasonable amount the payment to the promoter, and insuring a real cooperative by prohibiting the use of the word "cooperative" except for organizations in which every shareholder has just one vote regardless of the number of shares.

But even with a good cooperative law, efficient marketing did not come fast. Too many cooperative organizations began and failed. Too many faithful workers saw their sacrifices go for nothing. Without some central department whose business it is to assist and encourage farmers in marketing, it is only slowly that producers come to see the desirability of getting together, of grading their goods, of advertising and building up a demand for their different grades of goods, of guaranteeing their reliability and of adopting the best business practices in marketing.

For many years the need for such a central agency was felt. Gradually the idea crystallized in the form of a bill introduced into the legislature. Of course, the first bill did not pass. It was discussed and criticized and rejected. But at last, after several sessions, after a careful investigation by a legislative committee, a bill was actually passed in 1919. The new Marketing Department which it set up as the third great state agency to help the farmer, was given the power to establish standards for all products raised in Wisconsin and to require that they be branded before being sold. Thus we now buy Wisconsin potatoes as Wisconsin Badger Brand, U. S. Grade No. 1; U. S. Grade No. 2, and Ungraded. When we buy them we know exactly what we are getting. Gradually, people in Wisconsin and out of it learn to know our grades, and learn to have confidence in them.

To have men from the State Marketing Department going around from farmer to farmer inspecting his apples, his potatoes, his cabbages, would be expensive and annoying. The farmer would not endure it. The Marketing Department tries, therefore, to help the farmers to organize themselves into cooperative marketing groups so that they can be instructed through their shipping organizations. If the farmers have no shipping organization the Marketing Department works with the shippers, whoever they are. The latter call on the Marketing Division when they need an expert in cabbage or potatoes or fruit or some other product to come and instruct them in grading it. Each group thus becomes responsible for the quality of each box or barrel or crate of produce it puts out. The name of the organization is attached, and the buyer can come back upon the organization if the goods are not as represented.

In addition to instructing the organization in grading its own goods, the State Department of Markets also gives valuable advice and assistance to the farmers who need help in starting their organization. It furnishes the forms of organizations that have been found to work best, starts their books and shows how to keep them. If the cooperatives desire, it will audit their books occasionally or at regular intervals. It advises them as to the most economical way to lay out their funds in the light of the



Courtesy Wisconsin Magazine

The apple orchard country of the Kickapoo Valley. One of our problems is the protection of our fruit districts from insects and disease.

experience of other organizations. In this way the Marketing Division acts as a sort of clearing house for good and bad experiences for farmers' cooperation in the state. Another state department might well be listed with the Department of Agriculture, the Department of Markets, and the Dairy and Food Commission as departments relating to agriculture. That is the Conservation Commission. It is becoming clearer all the time that the cutting of the trees and the killing of birds may mean disaster to the farmer. Floods sweep his land and wash away his good soil. Insects eat his grain and his fruit. Streams go dry in the summer when he wants them for his cattle.

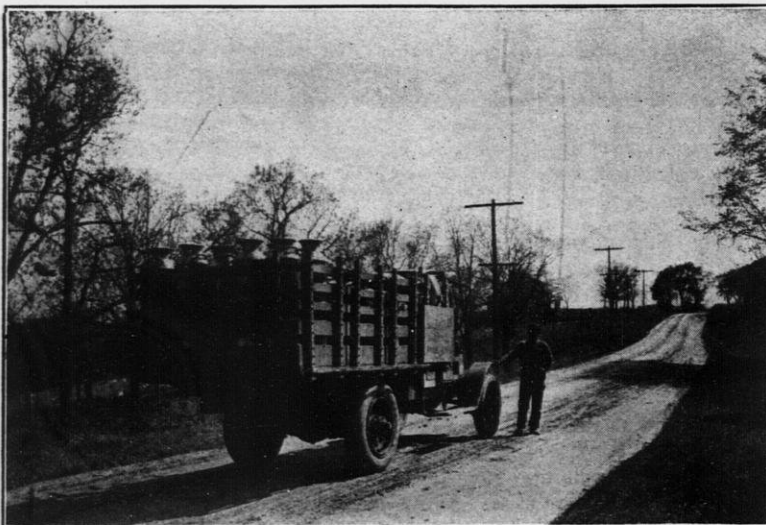
Farm problems in Wisconsin have changed and will continue to change. Perhaps the state government will also have to be changed again and again to meet the new conditions. It is interesting to see how the scale of manufacturing of cheese and butter is growing. As the new hard surfaced roads are spreading over the state, milk can be hauled longer distances in larger trucks. The result is that larger creameries and cheese



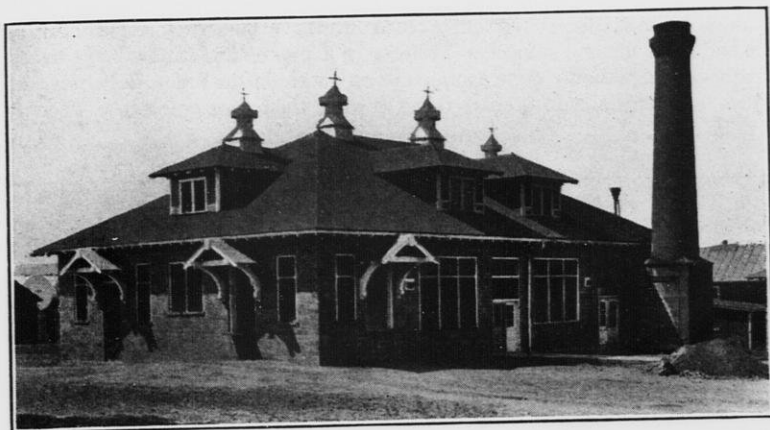
Courtesy Wisconsin State Board of Vocational Education
School boys in the Kickapoo Valley getting a laboratory exercise in pruning.

factories are going up and many of the smaller ones are disappearing. This is only one of many recent changes. Perhaps the most interesting of all is the one of which we have spoken before; the recognition of forestry as a farm problem.

One of the most important problems connected with farming is the problem of educating the young people. The fact that farmers live farther apart than city people makes it more difficult to provide good schools and more expensive to send the young people to school. In communities where the farmers are not prosperous it is often a



Courtesy Wisconsin Department of Markets
Better roads mean longer hauls, more and larger loads, and—



Courtesy College of Agriculture, University of Wisconsin

*Larger plants.
The co-operative creamery at Iola.*

heavy burden upon them to try to provide their children with opportunities equal to those of children in the city. If improvements are suggested or required by the state, the taxpayers are often annoyed because they feel that they are already doing all they can. On the other hand, it is against their own interest and the public interest that their children should receive poor training in bad quarters, and should be unable to keep up with the children from better schools if they enter a college or their own state university.

Here is a real problem for future generations to solve. We have taken some commendable steps in dealing with it in Wisconsin, but we still have far to go.

The establishment of the College of Agriculture in the University of Wisconsin was one of the first steps toward insuring an intelligent and prosperous farm population. The establishment within this college of short courses of all sorts lasting from a few days to two years was a decided step in advance. The sending out by the University of Farm Institute leaders and Extension lecturers has helped some. The encouragement by the University of the employment of county agents to become the permanent teacher and adviser, business manager, salesman and organizer for the farmer was another step in advance. The putting of agricultural courses into the high schools attended by farm children has helped greatly. Project work, supervised by the teachers, has become popular. A few counties have established schools known as County Schools of Agriculture and Domestic Economy where farm boys and girls of high school age can receive their secondary instruction in two and three year courses which are based on their own rural environment rather than on city conditions.

With all these schools, there are thousands of farm boys and girls in Wisconsin who stopped going to school and went to work on the farms as soon as they were permitted by the school law, but who are poorly trained for the difficult tasks and problems of modern farm life.

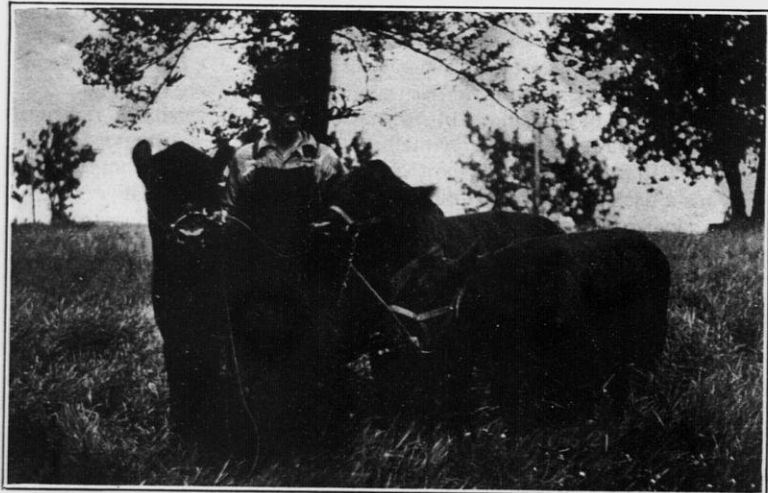
To help this group and to help the men and women who have grown up without the training they need, short courses in both day and evening classes are being organized throughout the state as fast as money can be obtained for it from federal, state and

local funds. Some of these short courses teach farming; others teach English, Economics, Science and other general subjects. Training in home-making is now being developed.

Wisconsin has probably done as much as any state in the union to help its farmers solve their problems and to prepare them to solve their own problems. There is still much to be done.



*Practice in the selection of beef cattle.
(Farm near West Salem)*



Courtesy State Board of Vocational Education

A school boy and his home project.

YOUTHFUL WISCONSIN FARMERS DOING THEIR SCHOOL WORK

CHAPTER X

WISCONSIN AND THE PROBLEMS OF THE INDUSTRIAL WORKER

The people of Wisconsin who live on farms have problems which are different from those of other states where the soil and climate are different. The people who work in the stores, factories, hotels, and other places of business in the city have very much the same problems as those who live in Chicago, New York and San Francisco.

One of the biggest problems for them is personal safety. They work in great buildings owned by people they have never seen. They have no way of knowing whether these buildings are safe; and they could do very little about it if they knew they were not. They often do not know the employers who own the machinery and equipment. They do not know anything about the people with whom they work, and they have nothing to say about it.

The machines with which we work are growing larger and more dangerous. There is a good deal of difference between the hand spade with which we used to excavate our cellars, and the great monsters that scoop up tons of earth at one time. A light tap with one of these big scoops could flatten out a little human being instantly.

Grandmother could doze over her knitting needles without much danger. But grandmother's grandchild, who watches over a knitting machine with fourteen thousand needles might find herself pretty well cut up if she tried dozing over her work.

The increase in the number of work accidents in the last century brought about an increase in the number of damage cases in the courts. Several centuries ago the English courts declared that when a person was injured, he could recover damages from the person responsible for the injury. As machinery increased and it became more and more dangerous to work, the number of cases of persons injured at work asking for damages from their employers greatly increased.

It was often very hard for the employer to pay damages. A single serious accident in a plant might cost the employer so much for damages that it would break up the business. Many employers tried to get out of paying damages. They used various methods. Some of them asked their employees to sign a paper assuming the risks they took and relieving the employer of responsibility. This was known as the "assumption of risk" method. Some tried to get out of paying and did get out of it on the ground that some other employee, not the employer, was responsible for the accident. This excuse was known as the "fellow-servant" theory. Still others tried to escape and did escape on the ground that the employee injured had done something he ought not to have done, and was at least partly to blame for the accident. This was known as the "contributory negligence" theory.

Some courts accepted all these defenses of the employer. This meant that as a rule the injured employee got nothing. It could almost always be proved that either the employee or some fellow servant had been negligent in some way.

So far as the suffering of the injured wage earner and his family was concerned, it did not make any difference who was to blame for the accident; the employer, the injured employee, or some careless co-worker. The family needed the money it was losing. Consequently they would take a chance on suing for damages, even though the outcome was doubtful.

The courts became clogged with damage cases. If after a year of postponement the lower court got to a case and decided for the injured wage earner, the employer

might appeal to a higher court and there would be another long wait. Sometimes whole families would grow up in dire poverty while they waited for damages for some injury to their father.

Worse still, by the time the damages were awarded, the lawyer's costs on both sides were so much that it took most of the damages to pay the workman's lawyer, and the employer had a big bill to pay his own lawyer besides.

It was a bad situation. The employees did not like it; the employers did not like it. Only the lawyers profited, and many of them were disgusted with the whole arrangement.

The result was that after years of agitation and discussion, the legislatures of Wisconsin and other states worked out a regular plan of accident compensation and set up a board to administer it.

In 1909 the legislature of Wisconsin appointed a committee to study the question for two years, and report some plan to the next legislature. Meanwhile, in 1910 the legislature of the state of New York passed a law requiring employers to pay compensation for accidents regardless of contributory negligence, fellow-servant negligence and assumption of risk.

The Supreme Court of New York held the law unconstitutional. They said that it violated the fourteenth amendment to the constitution of the United States which provides that no person shall be deprived of his property without due process of law. They held that simply compelling employers generally to pay a certain amount to a person for a certain kind of injury was taking property away from one individual to give to another without due process of law and was not legal.

The Wisconsin lawmakers took warning from the troubles over the New York law. The Wisconsin law of 1911 was very carefully worked out. There were long hearings before the legislative session began and long hearings afterwards. Criticisms and advice were welcomed. The members of the interim committee and the draftsmen in the Legislative Reference Library did their best.

They produced a law which the courts could not say was taking property without due process of law. The law gave the employer the choice between coming under the new arrangement or staying under the old. If the employer came into the new scheme, he could join some insurance company—either a regular old-line company or a cooperative company made up of employers, and pay regular premiums so that there would be sure to be a fund from which to pay for accidents to his workmen. In case of accident, payment would be made from this fund according to a regular schedule: so much for a broken right arm, so much for an eye, so much for a leg. The employer could, if he preferred, stay out of the new compensation arrangement, and let his employees continue to sue him for damages as of old, but without the right to use the three defenses of assumption of risk, contributory negligence, and fellow-servant negligence.

The Wisconsin law was passed in May 1911. Many states passed similar laws in that same year. The state of Washington passed a law in March which contained the very features which the New York Supreme court declared unconstitutional. The Washington court upheld the Washington act by a decision given in September. In November the Supreme Court of Wisconsin passed upon the Wisconsin law.

The opinion upholding the Wisconsin law was written by the late Chief Justice Winslow. It is such a good statement of the principle which the Wisconsin court has followed in dealing with new and strange measures rising out of the people's needs, that Wisconsin people should know it just as Americans generally know the Declaration of Independence and the Constitution of the United States. None of these is light erasing, but they are good to remember.

"When an eighteenth century constitution forms the charter of liberty of a twentieth century government, must its general provisions be construed and interpreted by an eighteenth century mind surrounded by eighteenth century conditions and ideals? Clearly not. This were to command the race to halt in its progress, to stretch the state upon a veritable bed of Procrustes.

"Constitutional commands and prohibitions, either distinctly laid down in express words or necessarily implied from general words, must be obeyed and implicitly obeyed so long as they remain unamended or unrepealed. But where there is no language or policy to be considered, the conditions prevailing at the time of its adoption must have their due weight, but the changed social, economic and governmental conditions and ideals of the time, as well as the problems which the changes have produced, must also logically enter into the consideration, and become influential factors in the settlement of problems of construction and interpretation."¹

The passage of this accident compensation law, known as "The Workmen's Compensation Act," did not insure against disputes between employees and employers. There were found to be many differences of opinion concerning the nature and extent of the injury, whether or not the injury occurred during the time the workman was employed, and many other questions.

To insure quick settlement of dispute and relieve the courts, the Wisconsin Industrial Commission of three members was set up. They settle the cases without the formalities of the courts and without a jury. If either side is dissatisfied, it can appeal to the Circuit Court of Dane County and from there to the Supreme Court. Without this appeal it might have been said that due process of law was lacking.

Many problems besides accident compensation were turned over to the Industrial Commission. One of these is the prevention of accidents in industry. Their work with the victims of accidents shows under what conditions accidents are most likely to occur. This knowledge is very helpful to them in framing safety regulations. The Industrial Commission draws up rules and regulations of safety and sanitation for factories, restaurants, and all places of work, as well as of recreation, where there are known to be dangers; and the inspection of these places to see that they comply with the rules. Boiler explosions used to be very common. The commission has worked out rules for the installation and operation of boilers, and inspects them to see that the rules are followed. It has rules for putting up buildings, for installing and running elevators, for lighting industrial plants, for the prevention of fires; for keeping clean hotel and restaurant kitchens; for making mines and quarries as safe as possible; for the lighting of automobiles.

Another duty laid upon the Industrial Commission by the legislature is to determine the occupations in which children may work, and to give out permits only in those occupations where it is considered safe. Still another is to study the hours which women and children can and ought to work, and to issue orders forbidding work beyond a safe period or under unsafe conditions. In 1913 the commission was ordered to study the wages for which children and women worked, to determine the lowest wages at which it was safe for the community to let them work, and to order industry to pay no less than that wage.

In 1911, the year of the Workmen's Compensation Act, another important duty was laid upon the new Industrial commission. By the Apprenticeship Act the Commission was empowered to cooperate with industry in setting up regular courses of training for young people and to supervise the drawing up of apprentice contracts binding

¹ Borgnis v. Falk. 147 Wis. 327, 133 N. W. 209.

young people to work a certain length of time on condition of receiving the training outlined.

In carrying out all these duties, the Commission has often called in for advice and information the people actually affected and primarily interested. Thus representatives of employers and employees as well as experts and people interested in a general way, have been invited to form committees to frame apprentice programs in every trade; to work out minimum wage orders and orders concerning safety and sanitation. The orders proposed in this way are put out for hearing either at Madison or elsewhere in the state. After the public is given a chance to criticize and suggest, the committee and commission work on the problem again. This method of getting the state's work done by getting together those with different opinions and letting them thresh it out, is one of the most important items in the Wisconsin Idea. It is a slower way of getting things done than for the commission to lay down orders without asking anybody, but it seems to be more satisfactory in the long run.

There used to be many employment agencies in the state. They charged large fees just at the time when the worker was least able to pay. To protect the worker, the state has told the Industrial Commission to keep an eye on these agencies; to make and enforce rules for their conduct; and to set up state agencies for the benefit of both the worker and employer, wherever possible.

CHAPTER XI

WISCONSIN AND THE PROBLEM OF EDUCATION

The first school in Wisconsin is said to have been an Episcopal Missionary School for the whites and half-breeds of Green Bay. It was started in 1823 by the Reverend Eleazar Williams who claimed to be the lost Dauphin of France, son of Marie Antoinette and Louis XVI who were beheaded during the Reign of Terror.

A little later, in 1829, a school was opened for the white children of Mineral Point. A log cabin was built for it, with a big fireplace and split logs for floor and seats. The school was open until 1832 when people became so much excited and alarmed over the Black Hawk War that they kept their children at home.

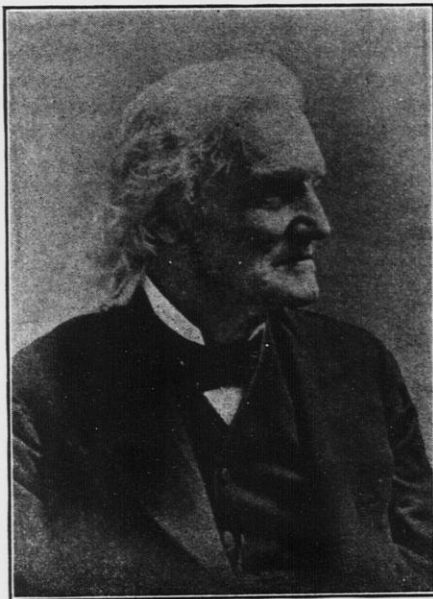
It was two years before the school reopened.

According to one writer, this school at Mineral Point was the first free public school in the territory, "Public in that the village government supported the school for the benefit of all the children within its jurisdiction." According to other authorities, Kenosha, (then Southport), established the first free public school in 1845.

When Wisconsin was still a part of Indiana Territory the federal government had given to the territory the sixteenth section of land in each township, the rents from which, or the interest upon the proceeds of the sale of which, were to be used for the support of schools. In 1837, the territory of Wisconsin required every township having a school section of land, and having twenty or more electors, to hire a teacher for **at least three months**, paying his wages out of the rents coming in from the school lands. If this were not sufficient, the expense of upkeep was to be paid by a tax upon **those whose children attended school, in proportion to the number in school**. Those who had no children were excused from the tax.

In 1839 the legislature authorized each county to levy a tax of not more than one-fourth of one per cent to be spent in building or supporting schools. But this was not enough. The local districts were constantly coming to the territorial legislature asking for permission to levy an extra tax to build a school house.

Of course this couldn't last. With a rapidly growing population over a territory the size of Wisconsin it was not practical for every little community to run to the territorial legislature for permission to build a school house. Colonel Michael Frank of



Courtesy Wisconsin Historical Society
Michael Frank

Southport (now Kenosha), a member of the territorial legislature, pointed out a better way. He said that local communities should be permitted to levy a tax sufficient to build and maintain schools. Moreover, instead of having those who sent children to school pay most of the teacher's salary, he believed that the whole community should be taxed enough for the purpose, and the schools should then be free to all children.

There was much opposition to Colonel Frank's plan. It was considered radical and impractical. When he saw that it would not pass applying to the whole territory, Colonel Frank changed it so that it would apply only to Southport. But even that was too strong for the legislature. They attached to it a local referendum, and then passed what was left of it. Thus the people of Southport were given permission to vote on the question as to whether they would tax themselves to establish free public schools.

The law took effect on February 24, 1845, and Southport was given until May 1 to act upon it. Colonel Frank hurried home to work on public opinion. Fortunately he was editor of the Southport Telegraph, and by using the paper and distributing leaflets he reached most of the people with arguments for the free public school.

The first meeting called to vote on the law broke up without a vote. Feeling against the measure was strong.

One excited citizen exclaimed, "What? I be taxed to pay for the education of the Dutch and Irish! Never!"

Strangely enough, even the poorer citizens with the largest families were somehow or other persuaded that a free public school would be a bad thing, and the majority vote was against that dangerous institution. However, the friends of the free school did not give up. They kept on working among the voters; called a second meeting, and won their point.

So Southport went to work and made model public schools, and soon had the reputation of being the most thoroughly organized school in the West. The school was visited by committees from Racine, Chicago, and other cities, who came to take note of its methods and management.¹

In 1848 Wisconsin became a state. The early teachings of Colonel Frank had borne fruit by this time, for the constitution directed the legislature to provide for free public schools all over the state; established two state school funds, one for the benefit of the university and one for the common schools, academies and normals; and required local communities to levy a tax to equal at least the income from the state funds for the support of the public schools. These measures were not passed without opposition.

The strongest opposition to public schools, according to Duncan McGregor,² came from the lead region, which was largely settled by people of southern birth, who came prejudiced in favor of private schools, and who looked forward hopefully to the time when they could organize and support their own academies or colleges. On the side of education at public expense were found the few who had hailed from the eastern, especially from the New England states.

The Constitutional Convention discussed the question whether schools should be open free of charge to people up to twenty years of age, or only to the age of sixteen. One member considered it improper to tax the people for the education of men and women. If persons over that age had not sufficient ambition to defray the expenses of their own education, the people should not be taxed for them to be educated. Opposed to this view, another pointed out that in a new country the early settlers had little

¹ S. Y. BRANDE, the Evolution of the Free School at Kenosha. *Columbian History of Education.*

² The Schools of Iowa County and Mineral Point. *Columbian History of Education in Wisconsin.* p. 578.

chance of schooling, and often came to the age of sixteen almost unschooled. One member brought out what an advantage it would have been to him had there been free schools when he was young. He told how, at the age of sixteen, he was apprenticed, and at twenty-one he was turned loose upon the world without an education. If in the days of his youth there had been provision similar to that which it was now endeavored to engraft in the school article, it would have been stipulated in his indentures that he should be sent to school for some portion of the time, because this would cost his employer nothing except the loss of a portion of his time.

Following the adoption of the Constitution a system of free schools over the entire state was provided by the legislature of 1848. It was not until 1879, however, that children were **compelled** to attend them. A law of that year, (ch. 121, p. 155) required that all children between the ages of seven and fifteen should be sent to some schools either public or private, **for at least twelve weeks in each school year**. It seems like a long road from that standard to the present law which requires school attendance five days a week for nine months in the year until completion of the eighth grade or of nine years in school; and after that completion of high school, or half-time to the age of sixteen and eight hours a week to the age of eighteen. Education has gained ground step by step. Each step has meant a hard struggle.

By the time the Constitution was adopted there were many private schools in the state. Most of these were supported by religious congregations. There were Presbyterian schools, Baptist schools, Methodist, Catholic, Lutheran, and every other sort of denominational school. They were of three main types: common schools for children, middle schools known as academies for youth; and colleges.

One by one these three types of schools have been provided at public expense. First the common schools were established as free public institutions, as we have seen. Next came college training. The state constitution adopted in 1848 provided for a state university to be supported by public funds. Last of all came the middle schools, which postponed entrance to college by offering further training than the eight grades could give.

Today every city in the state has a great institution known as the high school. Some of the buildings are magnificent. They have more equipment and a broader course than any college in the country seventy-five years ago—much more than the University of Wisconsin in the first year of its life. Most people who come to the University now have already had four years of high school equal in many cases to four years in the old time college. In the early days, they either went from the city grades or the country schools for a few months or a year or two to some private academy or preparatory school, and came from there to the state University; or they came directly from the graded or country school to the University, and went into the preparatory department for a few months or a year or two. In 1857 the first pupils were graduated from a public high school in Wisconsin; ten "young ladies and gentlemen" from the high school at Racine. The free public high school did not really flourish until the 80's and 90's. It is in the twentieth century that they have really become institutions for the mass of the people.

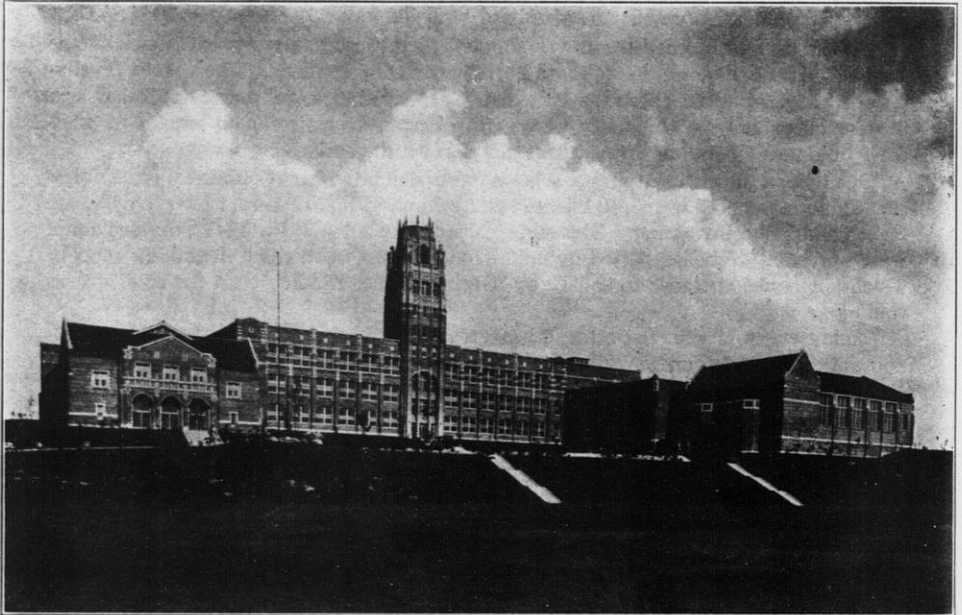
Before the high school became popular, several teacher training schools had been established by the state. One by one different communities have asked the state to give them a normal school, until now there are nine in the state, besides Stout Institute for the training of the vocational teachers.

In addition to these ten normal schools or teacher's colleges in the state, there are now more than twenty rural normals in as many different counties, supported partly

by the state and partly by the county. They are engaged in the training of teachers for the one room country schools.

An important part of Wisconsin's educational system are her public libraries and the great travelling library which serves the homes and communities and schools which are not near to a public library. With real Wisconsin thoroughness, a school for training librarians has been established as a part of the state university. This school which ranks as one of the two or three great library schools of the country, trains librarians for Wisconsin and for every state of the union and many foreign countries.

We have already told about the development of agricultural education in the state. We shall give the next two chapters to the stories of the University of Wisconsin and of the part-time schools of the state.



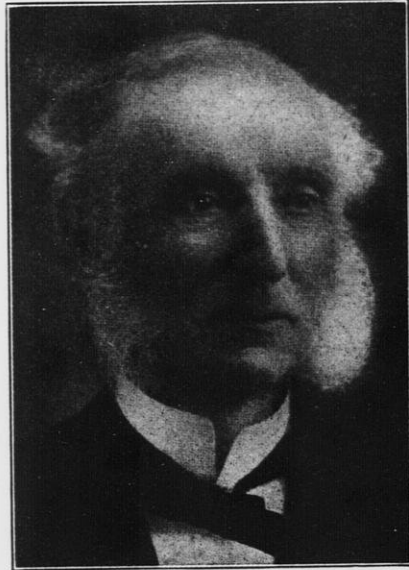
The Manitowoc high school. A modern free educational institution.

CHAPTER XII

THE UNIVERSITY OF WISCONSIN

The University was not very popular in its early days. The legislature would grant little money for buildings. At one time a petition was presented to the legislature to abolish the University and distribute the income from the University fund to the various private colleges in the state. The local press favored the measure. One of the regents of the University actually introduced a bill to that effect in 1855. One regent proposed at a meeting of the board to suspend the University for a time.

The University was for many years handicapped by real poverty. The land which the federal government gave to the state to support the University was sold off in a hurry at low prices. The small funds obtained from the sale were not managed very well. They were lent, sometimes, to irresponsible persons. The result was that while Wisconsin had twice as much as land as Michigan for its University fund, Michigan realized more than twice as much from what she had. The University of Wisconsin was



Courtesy Wisconsin Magazine

John Bascom

"He stamped high purposes deeply on the men who came under his coinage."

thus dependent on the bounty of the legislature from year to year at a time when the state felt too poor to give much. First there was a panic, then came the Civil War.

At first, the University was open only to men. During the Civil War, however, the men students left in such numbers that the doors were opened to women. When the war was over, the women stayed. Coeducation, however, was not pleasing to President Paul Chadbourne, who placed them in a separate normal department. The young men and women recited to the same instructors, but at different hours. The president would hear the six or eight young men of the senior class in philosophy and the next hour would step into an adjoining room and hear a class of six or eight women. In 1874, after President Chadbourne left, the women were given the full privileges of the University and put into classes with the men. None of the dreadful things expected came to pass.

From 1874 to 1887 the University had a president, John Bascom, whose influence upon the young people of the state had much to do with making Wisconsin a center of political and social pioneering. "He stamped high purposes deeply on the men who came under his coinage," said Frederick Jackson Turner.

Every senior at Wisconsin came into classroom contact with President Bascom. One of his students, Senator LaFollette, has told what that contact meant.

"His addresses to the students on Sunday afternoon, together with his work in the class room, were among the most important influences in my early life. It was his teaching, iterated and reiterated, of the obligation of both the University and the students to the mother state that may be said to have originated the Wisconsin Idea in Education. He was forever telling us what the state was doing for us, and urging in return our obligation not to use our education wholly for our own selfish benefit, but to return some service to the state. That teaching animated and inspired hundreds of students who sat under John Bascom."

President Bascom was known as a reformer. He was a courageous advocate of coeducation, of prohibition, and of labor reform at a time when these subjects were not popular. He also had his own ideas of vigorous administration of the university. He came into conflict with the regents and returned to the east where he taught until his death. But Wisconsin has never ceased to feel his influence. His close friend, Dr. Edward A. Birge, former president of the university, bears the same testimony of his work as do his pupils:

"I question whether the history of any great commonwealth can show so intimate a relation between the forces which have governed its social development and the principles expounded from a teacher's desk as that which exists between Wisconsin and the class room of John Bascom."

The state of Michigan was the first to establish a college of Agriculture. Wisconsin was the first to establish a College of Agriculture as a part of the State University, on the same grounds with the old established colleges of Letters and Science, Law and Medicine. Wisconsin was also the first to have a dairy school within the College of Agriculture.

For many years, the farmers of the state paid little attention to their University. Most of them were too poor and too busy grubbing up stumps to think of sending their children to the University. When the bill was up in 1858 to establish the Agricultural College, there was great opposition. The senator from Rock county declared that the farmers he represented did not want it, and that the bill contemplated "only another institution like the enormous pile on yonder hill which is an eyesore to the people of the state,—another institution to plunder and rob the treasury."¹ This can be taken with a grain of salt, however, as this senator was a partisan of Beloit College, and not anxious to see the rival school at Madison develop very rapidly.

Even after the College of Agriculture was established, it was many years before there was any considerable number of four-year college students in the department. Before people became much interested in the Agricultural course, several things had to be done. First, the professors had to put their knowledge of scientific principles into language which the farmer could understand and send it out in bulletins to help the farmers on practical questions. Second, farmer's institutes were begun, the professors going out into the state to meet the farmers. There were many distinguished lecturers, among them the Honorable Hiram Smith, a regent of the University, who worked out the problems of the dairy business on his own farm, and was able to defend modern scientific methods by pointing to the results on his own place. W. D. Hoard was another. Professor W. A. Henry did much to make the institutes a success, organizing programs on such practical subjects as: Restoring the fertility of the farm; the manurial value of different kinds of feed; clover as a fertilizer; plowing and cultivation; how to improve our country roads; how I feed dairy cows; how to avoid losses of butter fat in butter making; cooperative creameries; pig pens; construction of the cow stable; ventilation and sunlight in our stables.

¹ PYRE. *Wisconsin*, p. 10.

Fourth, farmers and their wives and daughters were invited to come to Madison for a few days or weeks or months to study the farm problems in which they needed help. If they could not spend four years working for a degree, the University was willing to give them all it could for the time they had. Today, in addition to the four year course leading to a degree, there is a two year course known as the "middle course;" a short course in agriculture consisting of two winter terms of fifteen weeks each; a winter dairy course of twelve weeks; a summer dairy course of ten weeks; and five courses of one week each, known as Farmer's week; Women's Week in Home Economics; a special Dairy course for cheese factory and creamery operators and managers; the cow testing courses; and Young People's Week.

A fifth influence which has made the College of Agriculture popular is the success of university professors in making discoveries and inventions so clearly valuable that they win the respect of the farmers of the state. Professors, apparently, are not all "high brows" with their heads in the clouds, but men whose work means money in the pockets of Wisconsin farmers and prosperity for the whole state. Here are some of the things they have done:

They have produced a kind of corn which can be grown in the northern part of the state.

By planting orchards in the northern part of the state they have shown the farmers there that they can have a variety of fruits.

They have found ways of getting rid of noxious weeds.

They have worked out new methods of cranberry culture, increasing the production of cranberries from a range of one to ten barrels per acre to one of seventy to eighty barrels per acre.

They introduced the use of the round wood silo to the country.

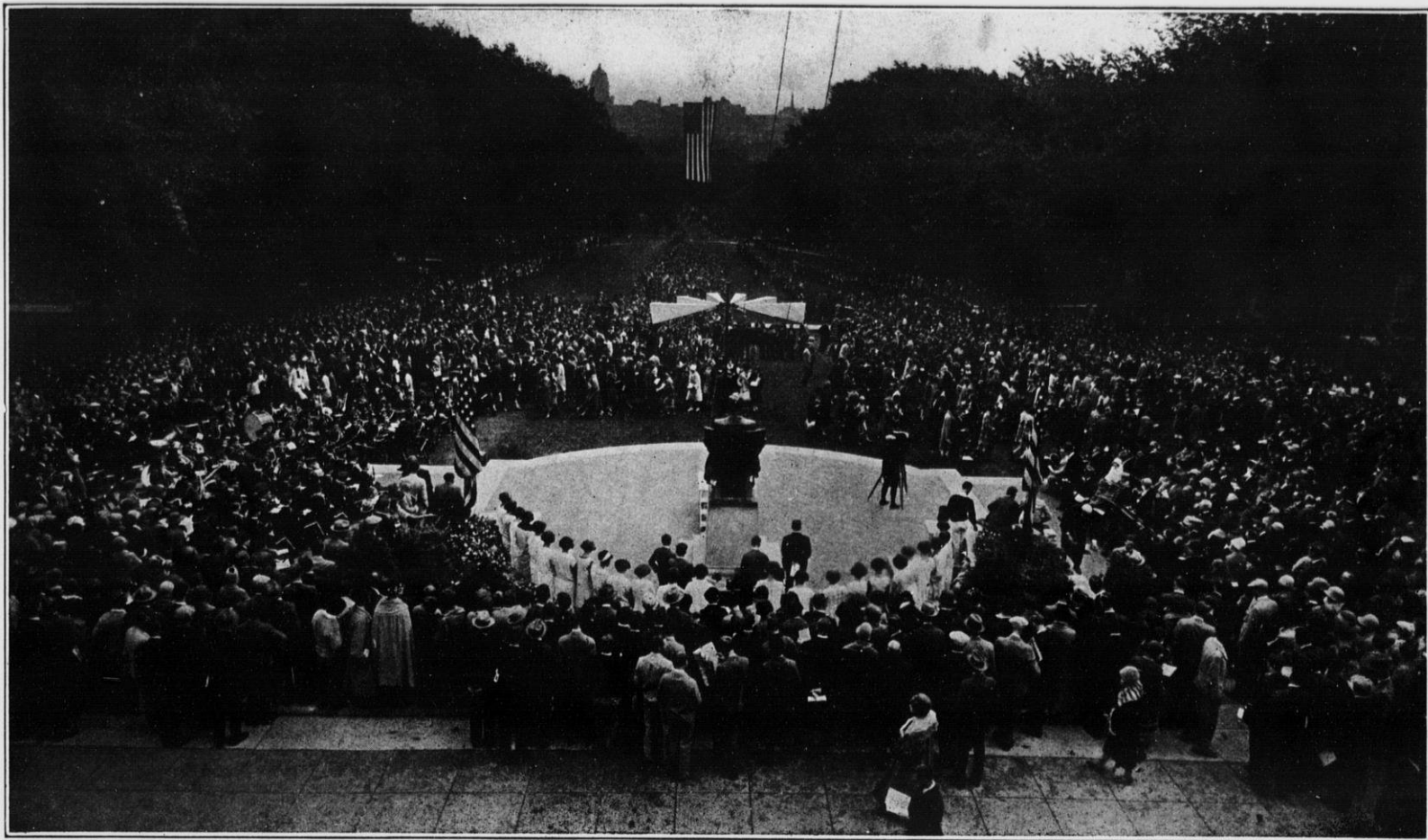
They have produced varieties of grasses and legumes which formerly could not be had in the state.

They have worked out scientific rations for cattle; new methods of making cheese; new methods of blasting and pulling stumps; and a new system of ventilation for stables; and many other things.

They study constantly the insects and diseases which prey upon plants and are able to tell farmers how to control many of them. Some of the pests against which they have taught farmers to wage war are cabbage maggots, San Jose scale, cranberry insects, grasshoppers, the potato leaf hopper, cucumber beetle, codling moth, grain rust, tobacco wild fire blight, and bee diseases. The most widely known contribution of these agricultural professors is the Babcock test, which has saved millions of dollars to dairy farmers not only of Wisconsin, but also all over the world. In Denmark, in Holland, wherever there is dairying, the Babcock test is used.

Before this invention, farmers in Wisconsin as elsewhere had suffered great loss in selling their milk. "Milk was milk" and rich milk received no better price than poor milk, although more butter and cheese could be made from it. In 1890, Dr. Babcock found the way to help the farmer find out what he was really selling and the buyer to know what he was really buying. His invention, the Babcock test, is used to measure the butter fat in milk. Thus farmers are able to sell their milk for what it is, rather than what it appears to be; to study the effect of certain kinds and amounts of feeds; and to weed out the "boarders," as the cattle which eat too much in proportion to the butter fat they produce are called.

Instead of patenting the invention in his own name, Dr. Babcock turned it over to the public.



The University of Wisconsin welcomes its freshmen!

Courtesy Wisconsin College of Agriculture

The fight against tuberculosis in cattle began at the College of Agriculture. Dean Russell started it in 1890 by bringing over from Dr. Robert Koch's laboratory in Germany the first tuberculin in the country. The first herd tested in Wisconsin was the Experimental Station herd of twenty-five animals, all of which reacted. Since that time the fight against tuberculosis has never ceased. The annual loss through tuberculosis in cattle and swine in Wisconsin has been estimated at \$3,000,000.00 a year. Since 1890, several methods of control have been tried. The law now provides that if 60 per cent of the cattle owners of any county petition for it, all the herds in the county shall be tested, and diseased animals destroyed, with partial payment to the owner from state and federal funds.

One method of reaching the farmers is through the county agricultural agent. The Legislature of 1909 provided for a committee to study agricultural and other vocational education and to report in 1911. Dr. McCarthy of the Legislative Reference Library, a member of the committee, was sent to Europe to investigate methods used there. The report which the committee issued recommended the employment in each county of a sort of traveling teacher of agriculture, or farmers' assistant. The university was thereupon empowered to grant state aid to any county which employed such an agent. The university cooperates with them, so that in a way they represent the University in the community.

These men are the business agents of the farmers of their county. They organize farmers for the sale of their crops and the buying of supplies. They have charge of exhibits of the products of the county within the state and outside of it. They hold conferences on pressing problems of production and marketing. They attempt to meet the requests of individual farmers for advice and assistance. They help the Agricultural, Marketing, Dairy and Food and other state departments to reach the farmers of their county in the most effective way.

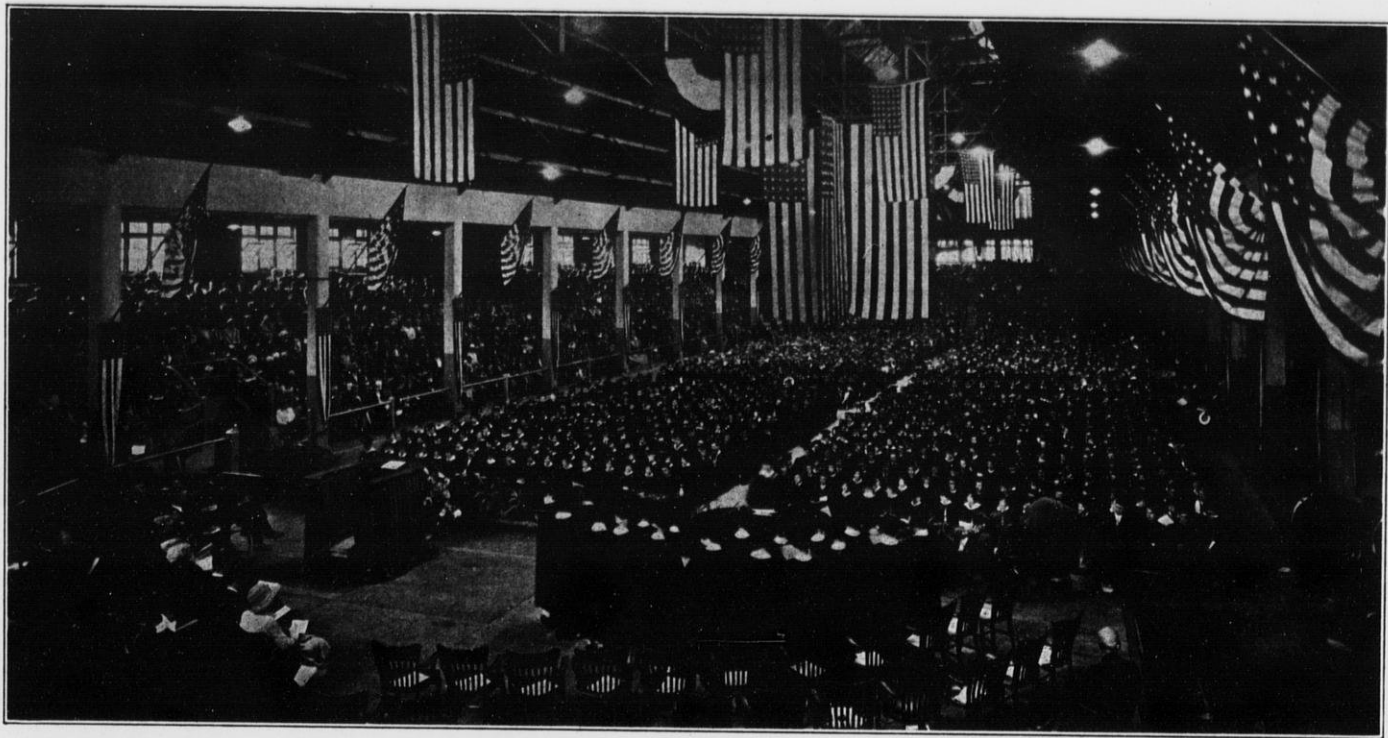
In addition to the thousands who come to the University at Madison every year, there are other thousands who are served by it without leaving their own homes. For the University sends out to those who want it, information on all sorts of subjects. High school students, club women, anyone who wants help on a speech or paper, may obtain it by writing to the Department of Debating and Public Instruction of the University Extension Department.

More than that, anyone who wants to study at home along almost any line, can obtain from the Correspondence Division of the University Extension Department an outline for study, and even the service of having his papers marked. It is hard work and lonely work, but a persistent person can obtain a grade school and high school education and make some of his credits toward graduation from the University by taking the correspondence courses which the University has prepared. In some cities classes are organized in subjects for which there is a demand, and University Extension lecturers teach the classes.

The University of Wisconsin has for many years had a reputation outside the state for making its departments of economics and political science of practical use to the state. Among those who share the responsibility for this reputation are Richard T. Ely, John R. Commons and Edward A. Ross.

Within the shadow of the statue of Abraham Lincoln, and facing the beautiful dome of the Capitol a mile away, is a bronze tablet fastened to the wall of Bascom Hall, the building which crowns the main university hill.

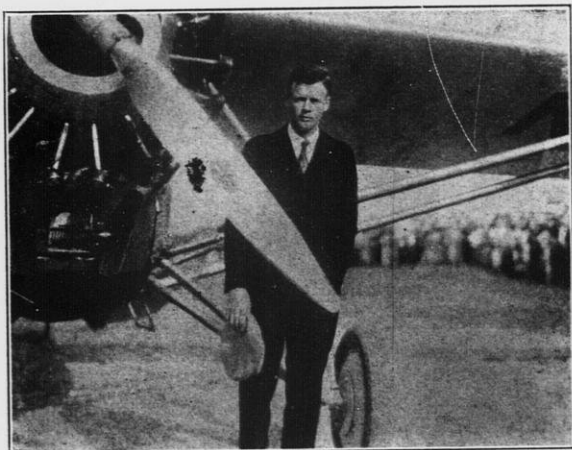
"Whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."



The University of Wisconsin bids farewell to its graduates!

Courtesy Wisconsin Magazine

The stock pavilion of the University of Wisconsin has welcomed many famous guests and speakers. At this commencement in June, 1928, Lindbergh was made an LL.D.



Courtesy Wisconsin Magazine
Doctor Charles Lindbergh

This is the inscription on the tablet which was the gift of the class of 1909, in memory of the acquittal by the regents of the University of Dr. Richard T. Ely, a professor of economics, who was accused of having heretical economic opinions—opinions a little bit different from the ordinary economic views.

The world has caught up with, and, in some respects, moved beyond the principles for which Dr. Ely was considered dangerous in earlier days. But his trial and its outcome as well as his own constructive ideas attracted the attention of the whole country and helped to build up the reputation of Wisconsin for being forward looking.

Dr. Ely, who was born in New York state, had been a student not only in American Universities, but also in the Universities of Halle and Heidelberg in Germany, and Geneva Switzerland, and also at the Royal Statistical Bureau, Berlin. It was in Germany that he worked with the professors who were urging the collection of statistics to be used as a basis for legislative action; who were interested in the scientific development of administration; who were making a scientific study of government. These influences are all reflected in the government of Wisconsin; in the building up of efficient machinery of administration. Carl Schurz's zeal for civil service is one phase of this movement for efficient government. The men and women who have worked under Dr. Ely at the University of Wisconsin have gone out with a desire to do away with the cheapness of the old time politics and to substitute for it sound methods of administration in the interest of the whole public.

Another teacher who has helped to determine the character of the University is John R. Commons. In every great city of the United States there are teachers of industrial economics, labor managers for big and little businesses, officers for big and little industrial concerns, investigators of industrial conditions for the government, for labor organizations and for employers, who are trained and sent out by Professor Commons to help bring order and efficiency into industrial life.

When Professor Commons began to teach the labor history of the United States, he found that no one knew much about it. Before he could do much teaching, he had to dig out the facts. For many years he has been digging out the facts concerning

industrial conditions. He has trained his students and they have helped him. They have delved into old newspapers and books. They have interviewed employers and employees. They have travelled over the country alone or with Professor Commons looking at industry or becoming a part of it. They have made a science of the study of labor problems. Professor Commons' students do not live in the past. They use the past to explain and interpret the present. They are thrown into contact with employers and employees. They assist the lawmakers in drawing bills. They get practical experience in industry and state departments. They go into industry as often as into teaching.

Business men as well as labor leaders seek the opinions of Professor Commons. He was made a member of the Wisconsin Industrial Commission when it was created in 1911 in order that he might help in the organization of its work. He was made a member of the United States Commission on Industrial Relations in 1914, which made investigations in the Colorado and Michigan mining regions, in the great cities of the country and wherever industrial unrest was most apparent.

Among the books which he has written, are *Races and Immigrants in America*, *Labor Legislation, Labor and Administration*, *Industrial Good Will*, and *Industrial Government*.

Three professors who have studied the activities and influences of the pioneers of the different stages of America's history are Reuben G. Thwaites, Frederick Jackson Turner and Frederick L. Paxson. Dr. Thwaites has saved for us the stories and spirit of the earlier pioneers; Professor Turner and Professor Paxson have made vivid the pioneer spirit of the last hundred years, and have somehow made us feel the value of keeping that spirit fresh within us.

In connection with the work of these writers and active teachers of history who have drawn hundreds of students from all over the country, we should not forget to mention the men and women who have delved into Wisconsin's past for the information which helps us to understand ourselves and our institutions. Lyman Draper, the first secretary of the Wisconsin Historical Society worked fervently to find and preserve all the documents available in private libraries and attics. He hurried from place to place interviewing people who could tell him of early days in Wisconsin. He was so busy collecting and saving precious information that he never took the time to put it together into connected history. He left that for those who would follow him. Reuben G. Thwaites, Milo Quaife, Louise Kellogg and others have continued his work of searching for facts and for people who have the facts; and they and others in the University as we have shown, are trying to use these facts to explain our life today.

One of the departments of the University which is now coming into close contact with the people of the state is the Medical School. Connected with this school are three hospitals, the Bradley Memorial Hospital, the Infirmary for students, and the State General Hospital, all on the University Campus. Interesting cases from all over the state and especially from the state's own institutions are treated here and studied by the medical students who will be the future physicians of the state.



The Milwaukee vocational school. The largest part-time school building in the world.

CHAPTER XIII

THE PART-TIME SCHOOL

Wisconsin shares with Ohio the honor of pioneering in one field of education—the part-time school.

In the year 1906 Dean Herman Schneider started a part-time course in the College of Engineering of the University of Cincinnati. Twenty-eight young men entered this course of one week at work and one week in school. Today the entire College of Commerce and Engineering, sixteen hundred men and women, are on a “cooperative” basis, spending alternately four weeks in school and four weeks at work. They work not only in Cincinnati, but as far away as Chicago, Detroit, Nashville, and Philadelphia. More than that, numerous colleges in the United States have followed the example of the University of Cincinnati, and have established cooperative courses: Northwestern College in Boston; the Georgia School of Technology; the Municipal University of Akron, Ohio; the Massachusetts Institute of Technology; Marquette University in Milwaukee; Drexel Institute; Ohio Mechanics Institute; the Harvard Engineering School; the Newark Technical School; Antioch College at Yellow Springs, Ohio, and others.

As soon as this plan for giving young people an education while they work was seen to be successful, people began to ask Dean Schneider how it would do for high school pupils. Would it not be a good thing for them to go out and work part of the time for the sake of experience? Why not have boys getting trade experience and going to high school at the same time?

The idea was considered so good that it was tried out, first in Cincinnati, and then in other cities. Today there are cooperative courses in the high schools of Wilmington, Delaware; Rossville, Georgia (a textile course); Rumford, Maine (a pulp and paper course); Beverly, Boston, and Fitchburg, Massachusetts; Paterson, New Jersey; New York City; Cincinnati, Dayton, and other cities of Ohio; numerous cities of Pennsylvania including Pittsburgh, and in Rhode Island, South Carolina and Vermont.

But these courses help only the boy or girl who goes to high school. What about the young person who does not go to high school, but goes to work instead? Does he not need training just as badly as those in high school?

This is where Wisconsin comes in as a pioneer. For Wisconsin said: "We are interested in the young people now in school. We are also interested in those who are not in school. It is important that all young people shall be trained to produce and to earn as much as possible. It is important that they be able to buy the goods which others produce. It is important that, as producers and consumers, they shall all have good taste. It is important that they learn to be intelligent citizens. The community cannot afford to let a large per cent of its pupils lose all contact with school just at the time when they most need training for earning and consuming and living."

Realizing that it would be impossible within any reasonable time to persuade employers and parents and the young people themselves that it would be better for all to mingle education with work, the state took the matter into its own hands in 1911 and said that cities of 5,000 or over—the ones where the most young people work, **must** maintain part-time schools and that every young person not in school, between the ages of 14 and 16, must be permitted by his employer and his parents to go to school for five hours every week. In 1917 the law was amended so as to provide schooling for eight hours a week, up to 17 years of age. In 1921 it was again amended to provide for half-time to the end of the school term in which pupils are 16 years old and after that eight hours a week until they are 18 years old. Meanwhile the full time school law has been amended to require full time attendance to the age of fourteen and completion of the eighth grade or nine years in school.

Wisconsin's full time school law goes further than that of any state except Ohio, which requires full time attendance to 16. Its part-time school law goes further than that of any state, although most of the states of the Union have followed Wisconsin's example and have established some form of part-time education.

The Legislature of 1911, when it provided for part-time education to 16, set up a program of apprentice training for all over 16 who were willing to take advantage of it. The legislature said that henceforth the state would see to it that all who were bound out to an employer to receive apprentice training, were under the special protection of the state. The state, through the Industrial Commission with the help of employers and employees in each trade or occupation, was to plan the training, supervise the making of the contract, and see to it that the youth received the training agreed upon. In addition every apprentice was to attend the part-time school five hours a week to the age of 18. This was changed in 1923 to four hours a week during the first two years of apprenticeship.

No other state has yet copied this apprentice plan, but many eastern cities maintain part-time schools for apprentices. In some trades attendance of apprentices is required by the trade union, or by agreement between the union and employers. Apprentice schools and requirement of attendance are common in Europe. We find them in Sweden, France, Holland, Switzerland and Germany. The state of New South Wales, Australia, has a law very similar to ours.

In order to make its part-time school contract well worth while, Wisconsin has had to do another piece of pioneering. Those who go to the part-time school need a good general education. They also need and want vocational training which will help them to be promoted into more and more difficult and advanced work, or help them to do better the work on which they are engaged. This means in every city a great variety of trade, commercial and other training. In some cases only one person or a very few persons want a certain type of training. The city cannot afford to employ a full time teacher for each branch of training. The school system has therefore arranged in many cases for the employment by neighboring schools of itinerant teachers in certain trades. In each of the cities which employ such a teacher, he spends one day a week with the young people who want instruction from him, and the evening with the adult workers of that trade. In cities which are too far from others to form a partnership of this kind, the school may employ for an hour or two a day or week people who work in the industries of that city.

Wisconsin is also a pioneer in the method of managing the part-time schools. On the theory that since they deal with young workers who are at work most of the time, the schools, in order to succeed, must have the approval and cooperation of employers and of labor, the legislature of Wisconsin has given those two groups large responsibility in their management. The State Board of Vocational Education is made up of three representatives of employers, three of labor, three farmers, the State Superintendent of Public Instruction and a member of the Industrial Commission. The local boards are made up of two representatives of employers, two of employees, and the City Superintendent of Schools. When the federal government in 1917 made a large appropriation to the states for agricultural and vocational education, it embodied the Wisconsin scheme of representation of the interests involved by putting on the board one representative of labor and one of employers. Thus, there is provided from top to bottom, cooperation between employers and employees in the administration of the institution in which both are deeply interested.

In no other state is there such complete representation of the interested groups, although some states have a mild form of it. The representative part of the state board consists in Georgia, of "one representative of the manufacturing and commercial interests, one of the agricultural interests, and one representative of labor;" in Indiana of "three persons interested in and of known sympathy with vocational education, one of whom shall be a representative of employer and one of employees;" in Kentucky of one member "engaged in farming or other business;" in Missouri, of an advisory committee of six members, one representing agriculture, one employers, one labor, one person of experience in home economics, one person of experience in commerce, and the State Superintendent of Schools.

The Wisconsin system shows more careful planning than that of any other state. It did not just happen. It was not an accident. Someone, or more than one, looked ahead and saw how hard it would be for the school and teacher to please both employers and labor, and decided that the easiest way for the teacher and the school was to put employers and labor together on the administrative board, and to let them work out their problems together. The person most responsible for this arrangement was Dr. Charles McCarthy, who must be listed with Dean Schneider as one of the founders of the part-time school in this country, and who worked for its improvement as long as he lived.

Dr. McCarthy and Dean Schneider came at the problem from different angles. Dr. Schneider wanted to take the pupil attending school and put him to work for the



The LaCrosse vocational school.

sake of the educational value of the work. Dr. McCarthy wanted to take the child already at work and put him in school.

Herman Schneider came to believe in the educational value of work properly directed through his own early experience. As a child he was put to work in the mines of Pennsylvania. He would have been a breaker boy had not an emergency made him "helper" to the one-armed mine carpenter. The carpenter proved to be a real "helper" to the boy. Through the encouragement of the carpenter, the boy took up his studies again and worked his way through high school and college. It was while he was working his way through college that he met his second piece of good fortune. He had an employer who continually led him to connect his school work with his daily employment. Under this employer he worked his way through college, finishing in the regular time, but with years of valuable industrial experience, a good job, and money saved in addition to his college training.

Then he began to think. If he could get a college education in the regular time, and work to pay for it, why could not others? They could, he thought, if they were as fortunate as he had been in finding people who would encourage them and help them to make the most out of their employment and to find use for the education in their employment. Why should not the school supply such men? So he made his plan for training men while they worked, and for supplying the "coordinator" who would connect school and work.

Charles McCarthy was the product of a different experience. His parents came over from Ireland. His father worked in a shoe factory in Brockton, Massachusetts, and his mother kept a boarding house. They were willing and able to keep their son in school as long as he wanted to go.

Charles was a very quiet boy; according to his father, not brilliant like the brother who died, and who at eight had been a phenomenal checker player. Charles at first attracted little attention at school. But one day his teacher came to his mother with this story about him:

"Yesterday the Superintendent of Schools came to visit our room. He was making a speech, and everybody was very quiet. Suddenly a piping voice interrupted him. 'Oh, no, that isn't the way it is. It is this way.' I looked over in the direction from which the voice came, and I could hardly believe my eyes. There was Charles on his feet, earnestly contradicting the Superintendent! And I had always thought him so timid! He was really right, too, and the superintendent was wrong."

The boy was starting on his career of independent thought. He continued to refuse to accept a thing as right just because some one in authority said it. He became intensely eager to learn, to experience, and to understand people and their actions. When he finished high school he went to sea. But the desire to learn drew him in after one summer. He came to Providence, Rhode Island, where he attended Brown University, and won a nation-wide reputation as a football player. As a scene shifter and stage hand he earned money on the side.

He came to the University of Wisconsin on a fellowship to continue his study. He acted as a football coach while he was working for the degree of doctor of philosophy in political science. About the time he received his degree the legislature provided for a new service—a library and bill drafting department for its own use. He was made chief of the department.

The development of the Legislative Reference Library gave him the sort of an opportunity he wanted. It was an opportunity to keep on educating himself on all the problems confronting the people of the state. He made it his duty to study the farmer,

to study the industrial worker, to study the manufacturer. He tried to gather in his library the experience of all parts of the world in successful farming and industrial life, and especially sought to find how government in the various countries had helped to increase prosperity and to protect those who needed protection. He kept his eye on all the pioneering activities of the governments of the world. He watched for pioneers in farming, in industry and in commerce, and called the attention of others to them. He was not in a hurry, however, to have Wisconsin rush into experiments. He liked to watch the lawmakers studying and planning their next steps very carefully, so that no backward steps need be taken. It was his duty to furnish them, so far as possible, with all sides of every disputed project.

He had the sort of a job where he could be learning all the time himself. He went over to the Library School and learned the mechanical side of library work. He studied law. He read constantly. But he learned as much from people as from papers and books. He talked eagerly with farmers, with tradesmen, with manufacturers, with whomever he met, learning what they had to give him.

He was growing in knowledge all the time himself, and he wanted everyone else to grow. To let them stop growing mentally at fourteen or to leave continued mental growth to accident, seemed to him wrong. School contact should be extended until young people had the fixed habit of mental growth. The school should connect with their work, and show them how to get the most out of their work. He wanted everyone rich or poor, to share with him the satisfaction of keeping in touch with progress, and

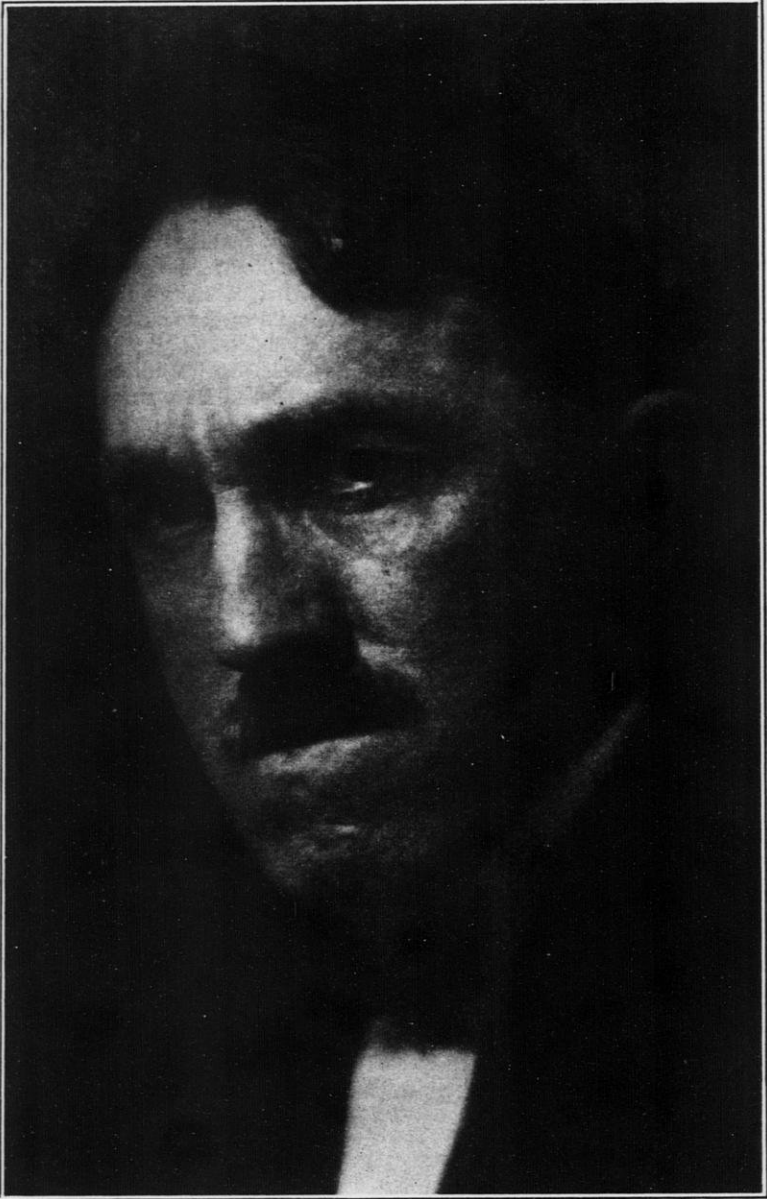


The Madison vocational school ready for evening classes.

of developing and helping the world to develop. He worked to establish or improve institutions which would never let a child or an adult stop growing—part-time schools, evening schools, correspondence courses, apprentice training.

In establishing the part-time school by law Dr. McCarthy worked with legislators like George P. Hambrecht, later to become State Director with supervision over these schools; with employers like H. E. Miles of Racine, the first president of the State Board of Industrial Education; with labor leaders like Frank Weber, J. J. Handley and Henry Ohl, of the State Federation of Labor, and with many others in private and public life who believed in giving everyone a chance.

Dr. McCarthy had great faith in people. He believed that the doors of advancement should be open to all regardless of how little they had done in the past. He would not quibble about how far people had already gone. What he was interested in was how far and fast they could and would develop. He would rather take a scrub team and coach it to develop into the best, than to start with a fine team. It was **growth** which he wanted to see. He thought of the part-time school as an institution to help people to **grow**. That is the real aim of the part-time school we have today in Wisconsin: to help people to continue to grow.



Charles McCarthy

Founder of the part-time school in Wisconsin.

CHAPTER XIV

WISCONSIN AND THE RAILROAD PROBLEM

Over the gloom cast by the struggle against slavery and for the Union in the fifties and sixties the coming of the railroads shed some cheer. The people of that period were as much stirred by the great changes which the railroad brought into their lives as we are today by the possibilities of aviation.

Wisconsin was tied up with a constitution which forbade it to "contract any debt for works of internal improvement, or be a party in carrying on such works." It could however, help the railroads by giving them lands granted to the state for that purpose.

The cities of Wisconsin were free to give aid. Every city was of course, anxious to be on a railroad, and bid against other cities for the privilege. It is said that by 1874 Wisconsin cities had bonded themselves for seven million dollars which they put into railroads. Watertown alone had a railroad debt of \$750,000 which was about \$100 per capita.

Farmers who lived along the line where a railroad was to run, were asked to buy railroad stock. If they had no money, they were encouraged to mortgage their homes to get the money. The mortgages were sold in New York and other eastern cities.

The farmers were given ten years to pay off the mortgage with interest at 8 per cent. The railroad agreed to pay the farmer 10 per cent on his stock, so he would be able to pay the interest on his farm out of what he received from the railroad and have 2 per cent left over each year.

About six thousand Wisconsin farmers went into the scheme. Then came the Panic of 1857. Every railroad in the state which had not already gone bankrupt through extravagance and fraud, went down now. Six thousand Wisconsin farmers were left with worthless railroad stock which would never pay a cent of interest, and a mortgage on each farm home held by eastern investors whom they had never seen.

The mortgaged farmers were desperate. The whole state sympathized with them. The legislature went as far as to pass laws repudiating their debts.

The east was horrified. Wisconsin people were refusing to pay back money which they borrowed to put into railroads! Wisconsin people were not honest.

The Supreme Court of Wisconsin upheld the dignity and honor of the state and its reputation for honesty by declaring unconstitutional the laws repudiating the debts. They held that a contract was a contract, and Wisconsin farmers could not violate it. The legislature passed another law and another and another—fourteen in fact between the years 1858 and 1863. Each time the courts threw the law out.



Courtesy Dunn County News
A. R. Hall

It took a long time to settle all the cases. Some of the farmers paid in full. Some could not pay anything and were put off their farms. A few old men and their wives are said to have gone to the poor house. Some managed to get their creditors to accept less than the amount for which the farm was mortgaged. In a few cases there was a small riot when the owner of the mortgage tried to take possession. A few sought revenge on the railroad company, destroying bridges, burning a depot, cutting telegraph poles, and tearing up tracks. The Milwaukee and St. Paul railway at one period had to take off its night train between Milwaukee and Portage, because of violence. The excitement over the mortgages in southern Wisconsin finally subsided. A little later, northern Wisconsin caught the railroad fever and tried again and again to have the constitution amended so that railroads could be aided by the state. But the southern part of the state stood firm against it.

Meanwhile the whole state was becoming aroused over a new grievance against the railroads. The railroads were not treating all parts of the state alike in the matter of rates. They would give a low rate to communities which had some other way to get out and a high rate where there was no competition. It cost more to send freight to Milwaukee from Madison, Portage, Beaver Dam and Ripon than from LaCrosse, Prairie du Chien and Winona.

The rate wars between competing railroads, between railroads and steam boat companies and between rival steam boat companies, made exciting times. There were two boat companies on the Mississippi river, for example, which were trying to drive each other out of business. They kept under-bidding for freight going from LaCrosse to St. Paul, or other points up the river, until finally they were carrying it free of charge. Passenger rates fell in one instance from \$11.25 to \$1.00. The dollar ticket included transportation, meals and berth.

There was not only discrimination between communities, but there was also discrimination between individuals. The published rates would be used in the case of small unimportant shippers; large shippers would be given rebates. Railroad employees were permitted to speculate in wheat and were given low rates of transportation which enabled them to crowd out other merchants. The railroads owned storage elevators in Milwaukee and charged higher rates of storage to Milwaukee dealers than to those who shipped in goods over the railroad from outside.

The railroads also exercised an arbitrary power over what would be shipped and what would not. The southern part of the state was incensed at their refusal to carry cordwood during the busy shipping seasons.

Indignation meetings of angry shippers, farmers, manufacturers, and merchants were held all over the state. Farmers formed local and state organizations known as "The Grange" to elect men to the state legislature who would establish control over the railroads. The farmers of Iowa, Illinois, Minnesota and other mid-western states did likewise. The Granger movement became a national one, with the object of securing redress of wrongs through the action of Congress.

In 1874 the Legislature of Wisconsin met this pressing problem of transportation by passing what is known as the Potter Law. This law established maximum passenger and freight rates, and established a state railroad commission of three commissioners appointed by the governor to classify freight according to the schedule fixed by law, and to report to the state treasurer on railroad costs and finances.

What is known as "The Wisconsin Idea" was beginning to work. The state was assuming control over private corporations in the interest of the whole body of citizens.

Of course there were many who thought this a very dangerous proceeding. Some even called it "Communism." Chief Justice Ryan in the decision of the Wisconsin

Supreme Court upholding the law, ridiculed this use of the term. He said, "The people of Wisconsin are too staid, too just, too busy, too prosperous, for any such horror of doctrine; for any leaning toward confiscation or communism. And these wild terms are as applicable to a statute limiting the rates of toll on railroads as the term murder is to the surgeon's use of the knife, to save life, not to take it."¹

In this same decision appears another principle which is a feature of the Wisconsin Idea. The regulation of the individual in the interests of the public should not be done in the spirit of malice, or revenge, but in the spirit of fairness and reasonableness. Chief Justice Ryan put it this way:

"We can join in no outcry against the law, which it is our duty to administer. Neither can we countenance any outcry against the railroads. The railroads have their rights, and so have the people. This court will firmly and impartially protect all the rights of the railroads and of the people."

The Potter Law helped somewhat, but it was not satisfactory. The legislature had not time to give to a careful study of what rates ought to be on all sorts of goods between all sorts of places. The Railroad Commission was not given enough power to enforce its findings. It was left to individuals to bring cases of violation of the law into the courts.

The law itself did not survive very long. In 1876 the three appointed commissioners were replaced by one appointed commissioner. He was allowed one lone clerk at \$1200 a year to help him. A maximum passenger rate of 3c per mile was laid down. These two men were to see to it that there was no discrimination in freight rates between places and patrons; no unreasonable rates; no favoritism in the matter of furnishing cars.

It was a pretty big job for one commissioner and a clerk. In 1818 the legislature made the office of commissioner elective every two years, and so added the burden of campaigning to its other impossible duties. Naturally railroad regulation under these circumstances was not very thorough. The railroads continued to give rebates and favors.

There were legislators who struggled on to improve conditions. One name which every Wisconsin citizen should know in this connection is that of Albert R. Hall.

A. R. Hall was an adopted son of Wisconsin. He was born in Vermont in 1849, moved to Boston when he was four years old, and moved from there to Minnesota when he was fifteen. He was in the Civil War, and was wounded at Chickamauga.

He was always interested in public affairs. After serving in local offices, he was elected to the Minnesota legislature. He served seven terms there. He was speaker of the House for three of these seven.

Then he moved across the line into Dunn County, Wisconsin. One of his neighbors tells how he first saw him at a meeting of the county board in 1889. Mr. Hall was a stranger to all there and very quiet and unpretentious. Very soon, however, they came to see and admire his ability. The next fall he was elected to the Wisconsin Assembly. For six successive sessions he represented Dunn county at Madison.²

To Mr. Hall, the railroad situation was the most serious matter to be cleared up. In his first session, in 1891, he introduced a joint resolution to appoint a Railroad Appraisal Commission of three members to appraise railroad values and report to a later legislature as a basis for rate-making. The resolution passed the assembly but failed in the senate.

¹ Attorney General vs. R. R. Companies, 35 Wis. 425. Pages 579-580.

² Taken chiefly from the Account of the Memorial Exercises held in the Assembly on the evening of June 13th, 1905. See *Assembly Journal*, 1905, Vol. II, pp. 1989-1998.

In 1893 he tried again to get an interim committee. This time the assembly refused. It did however, pass a resolution for a committee to make a hurried investigation of gross earnings of railroads immediately. Mr. Hall was on the committee, and did not agree with their report as to what they found. He put in his own minority report.

In 1895 his bills to establish a board of railroad commissioners to regulate rates and violations of the law were both defeated. The same thing happened in 1897. His bill directing the secretary of state, attorney general and railroad commissioner to investigate the earnings of railroads was passed. In 1899 his bill to prohibit free passes or free services of any sort by public utilities to public officials was indefinitely postponed. So was the bill to investigate whether or not the railroads were paying their full license fee. So were the two familiar bills establishing a railroad commission with ample power to regulate. In 1901 the railroad bills suffered the same fate. This was his last session. He died June 2, 1905. The bill establishing a Railroad Commission with adequate powers was signed eleven days after.

A. R. Hall was an example of the earnest, conscientious type of legislator who has serious public business to perform and has little or no further political aspiration. He enjoyed the fight in the assembly. He was always punctual, always asking questions, always earnest. Between sessions he carried on his campaign by harnessing his horses and visiting every farm house in the district. He was a bachelor and reported to have been worth several hundred thousand dollars, and he could give his undivided attention to the public service. The respect in which his efforts were held is illustrated by this incident.

Toward the end of one legislative session, a dozen or more newspaper correspondents and reporters at Madison balloted on the names of the "Twelve most able and useful members of the lower house in the order of their usefulness." The name of A. R. Hall headed the list on every slip!

A bronze medallion portrait of A. R. Hall hangs in the assembly chamber to the right of the speaker's desk. Members of the assembly always have before them this reminder of long and patient devotion to an unpopular cause which was finally won.

Before the death of A. R. Hall, the problem of fair rates and fair practices on the part of the railroads and other corporations with which the people had to deal, had become one of the most talked of subjects in Wisconsin. Governor LaFollette was doing everything possible to get the facts and give them to the people. Probably no body of voters has ever been more interested or better informed on a difficult, technical question than the Wisconsin voters were on this subject. The establishment of the railroad commission in 1905 was the outcome of fifteen years or more of investigation and discussion led by A. R. Hall, Governor LaFollette and others.

The legislature of 1905 provided for a new Railroad Commission of three men to be appointed by the governor. This Commission was to relieve the legislature of many of the details concerning railroads. The laws fixing rates were repealed. The railroads were left free to establish their own rates, but the Railroad Commission was to review all railroad rates and to require changes where the rate appeared to be unreasonable. To determine what was or was not reasonable, the Railroad Commission was permitted to employ a suitable staff.

Another step was thus taken in the development of the "Wisconsin Idea." The legislature had turned over to a permanent body the task of studying the details of a field of lawmaking which had become too difficult for them.

CHAPTER XV

SOME SIGNIFICANT LEGISLATION OF THE LAST THIRTY YEARS

The passage of the anti-pass law of 1899 freed the legislature to a considerable extent from the direct influence of railroads. In 1903 the character of the legislature was changed fundamentally by the passage of the Primary Election Law.

For many years there had been growing up all over the United States an outcry against the convention system of selecting party candidates. Under this system, the Republicans of a city, ward or township meet in convention in a hall or auditorium and choose the Republican candidates for local office and for delegates to a County Republican Convention. The delegates meeting in County Convention choose the candidates for county offices and the delegates to a State Convention. The delegates at the State Convention choose the candidates for the State office and the delegates to the Republican National Convention. The members of other parties have similar conventions.

This system, its opponents declared, led to the creation of political rings, with bosses who controlled the conventions. In the presence of the boss it was hard for the individual delegate to defy his will. It was easy for private interests to control the boss.

One of the leaders of the movement in the United States was Professor Charles Edward Merriam, who was defeated several times as a candidate for mayor of Chicago. The recognized leader in Wisconsin was Robert Marion La Follette, who after having served as a state legislator and a member of Congress became governor of Wisconsin. Following the recommendation of his message, in 1903 the legislature put through a Primary Election Law. They did not relish taking the responsibility alone for such a momentous change, however, so they referred the measure to a vote of the people. It was accepted by a majority of those voting and became a law.

Under the new Primary Election System voters no longer met in party convention, local, state and national, to nominate their candidates. Instead of going to party conventions, they simply went to the polls and voted by secret ballot for the nomination of the candidate they approved—either for candidates who had announced themselves as desiring to run for a certain office on a certain ticket, or for others whose names they preferred to write upon their tickets. Voting secretly, they could not be influenced by the watchful eye of a party leader.

Whether or not the Primary Election System has resulted in better legislatures is a question which after twenty-five years of experience is still argued mildly in Wisconsin. Most of the states of the Union, following Wisconsin's lead, have adopted the system, but in many of them there is much dissatisfaction with it.

Whether the Primary Election law or other conditions are responsible, there is on thing quite sure: the character of the Legislature has certainly changed. Some think it has changed for the better; others think it has changed for the worse.

Some people look back to the days before the Primary Election law as the "good old days" when our legislatures had a high standard of intelligence and culture. They recall the brilliant debates of those days. They remember how the old Capitol used to be filled with elegantly dressed men and women and how busy the bootblack and flower stands were on the ground floor. They remember how splendidly the legislators were entertained in the beautiful homes of Madison. They deplore the entrance into the legislature of a less capable and less cultured group.

Others defend the plain "dirt" farmers, the practical, steady business men, and the earnest tradesmen who appear in our legislatures today in place of the able lawyers of the past. They call attention to the fact that liquor flowed freely in the old days; that the Capitol and hotels were swarming with lobbyists for the lumber interests, for the railroads, for the insurance companies and for many others.

How much of the change is due to the primary election law and how much to other conditions we cannot tell. One thing is fairly certain. Under the primary election system there are more poor men than there were in the old legislature. Many try to live in Madison on the \$500 which they receive for their services. As a rule they are very intelligent men and women—leaders in their home communities. They have held usually, important local offices. Many of them have come up through a thorough schooling in politics, having served on their local school board and on the town board. Some of them, rising to the chairmanship of the town board, have become ex-officio members of the county board.

What our lawmakers—farmers, business men and tradesmen cannot have is specific, definite knowledge of more than a few of the many subjects on which they must legislate, and of the legal forms with which their laws must be clothed. The wealthy lawmaker of the past could employ people to dig out the facts he needed. He did not need so many of them as now. The average legislator today has not the time to search out for himself the facts he needs, nor the money to employ investigators and bill draftsmen.

In 1901, Frank Hutchins, who was in charge of the Free Library Commission, employed Charles McCarthy to collect information for the use of legislators and to help any who might like assistance in drawing their bills. The legislature of 1901 appropriated \$1,500 annually for this work. From that beginning, Dr. McCarthy developed one of the most famous of Wisconsin's institutions, the Legislative Reference Library. Through it, the poorest law maker can get expert help in drawing his bills. From it, lawmakers can obtain up-to-date information as to the progress in other states and countries of the principles in which they are interested. With its aid, lawmakers have been able to draw up great pieces of legislation which have been so well drafted that they have stood the test of the courts when similar laws in other states have been thrown out. It is a generally recognized fact that very few measures of great public interest have been declared unconstitutional by the Supreme Court of Wisconsin. This is true in spite of the fact that Wisconsin has been a leader in new kinds of legislation, especially legislation to protect and assist those who need protection.

Besides the existence of the Legislative Reference Library, there is another reason why Wisconsin laws, on the whole, are well drawn up. That is the fact that there has been worked out a rather careful procedure in passing laws. Later, a chapter will be given to this subject.

Looking back now, it seems to us that after 1903 fundamental changes in state government came fast. We take time to mention only a few of the outstanding, typical ones.

We have spoken of the establishment of the Railroad Commission in its present form in 1905. In 1907 the power of this commission to regulate rates was extended over certain other public utilities, including water, light, power, heating plants, telephones, and street railways. Other states rapidly followed Wisconsin's example.

The legislature did not change the name of the Railroad Commission to correspond to its new duties. In many of the states you will find the "Public Service" or "Public Utilities" board or commission. In Wisconsin the regulating body for many kinds of public utilities is known, as in the beginning, as the Railroad Commission.

The legislature of 1909 discussed many fundamental changes which had been proposed, but decided to look into most of them thoroughly before action. Committees of the legislature were appointed to investigate and report their recommendations to the next legislature on questions like the control of water power by the state, insurance against accidents in industry, the levying of an income tax, security for bank depositors, state aid for the construction of highways, and provision for the continuing education of those who go to work early in life.

The year 1911 was a year of great changes. In this year, many issues long discussed came to a head. The session of 1909 had been, in a way, preliminary to this one. The committees appointed then had worked earnestly. They brought in reports with definite recommendations for laws.

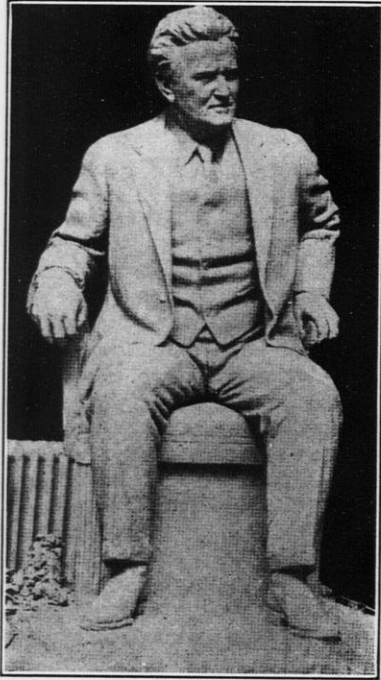
Among the big things which came out of the session of 1911 were accident compensation for workmen, the Apprenticeship Law, the regulation of the hours of labor for women, and the Industrial Commission of three to administer these labor regulations; the Income Tax and the Tax Commission of three to administer the Income tax; the part-time schools and the State Board of Industrial Education to administer the part-time schools.

Among the interesting results of this session were proposals for a number of constitutional amendments. Ten of these proposals were accepted by the Legislature of 1913 and passed on to a vote of the people in 1914. Every one of the ten was defeated by the popular vote. They included proposals for a state wide initiative, referendum and recall; for a quicker method of amending the constitution of the state; for an extension of the system of state insurance; for increasing the salary of the legislators; and others.

The legislature of 1913 went on with the social program already begun. They passed the minimum wage law for women and minors and the Mothers' Pension Law. They rejected, however, a proposal for a State Department of Markets. Eight years later the Legislature of 1921 provided for a state department of Markets.

One service which the State of Wisconsin is unique in rendering is the writing of fire and life insurance policies. The Insurance Commission which was established first in 1878 to supervise the practices of insurance companies in Wisconsin, was empowered in 1903 to insure state property. In 1911 it was authorized to insure the property of counties, cities, villages, towns, school districts or library boards which might elect to secure insurance from the state. It was also authorized to issue life insurance policies of not to exceed \$1,000 per person until the number insured should exceed one thousand nor to exceed \$2,000 until the number insured should exceed three thousand; and not to exceed, under any conditions, three thousand dollars. The law has since been amended to take the definite limit off the individual policy and to put in an indefinite limitation of not to exceed one half of one per cent of the total amount of insurance in force.

Over this thirty year period we might watch the development of many state duties and departments. We shall not attempt it however, because you can easily get the story of these departments by using the present and previous issues of the Wisconsin Blue Book.



Robert M. LaFollette
Statue in the National Capitol

Senator LaFollette's name is usually associated, in the minds of people inside and outside Wisconsin, with the regulatory legislation of the first decade of this century.

CHAPTER XVI

THE LAW MAKING PROCESS

The State legislator is a busy man. Every morning he has to hurry to the capitol in order to read the papers or look over his bills or think about his speeches before the session of the legislature, which begins at nine or ten o'clock and lasts until noon. In the afternoon he has to be back for committee meetings which last from two o'clock until time for the evening meal and sometimes through the evening. Between meetings someone is always looking for him.

Most members introduce one or more bills each session. There are so many bills that it is impossible to give all of them, or most of them, the careful study they should have. The legislature does the best it can, and the Wisconsin Legislature does very much better than some others!

In order to give attention to all bills, the Senate and the Assembly are both divided into standing committees which study bills on special subjects. There are, for example, committees on education, on agriculture, and on labor. Every legislator belongs to one or more of these committees. Each member indicates the subjects in which he is most interested. Then the Speaker of the Assembly, and the Committee or Committees of the Senate attempt to place each as nearly as possible where he prefers to be.

The bills introduced may be measures in which the legislator himself is personally greatly interested, or measures which some of his constituents want him to introduce. The clerk reads the title of each bill. The presiding officer of the house refers the bill to the committee which he thinks most suitable to consider it. A bill to regulate the size of the mesh of fish nets, for example, would go in the assembly to the committee on conservation.

The chairman of this committee takes the bills as fast as they come and makes up a "calendar" for the whole week. This list can be obtained by anyone in the state who will pay for the service. It shows on what afternoon the committee is ready to listen to explanation or discussion of each bill.

Suppose you are interested in Bill No. 600-A, and that this is the fish net bill. You see on the printed sheet which comes out on Thursday or Friday,—if you do not receive service, you may have some one in Madison watch the calendar so as to tell you—that Bill No. 600-A, comes up for hearing before the Assembly Committee on Fish and Game the next Wednesday. You are much interested. You come down to Madison on Wednesday. When the Chairman of the Committee says, "Is there anyone here who would like to speak in favor of 600-A?" you rise and tell the committee your name and address, and whom you represent. If you are paid by some organization to appear on the bill, you should, before the meeting, have gone down to the office of the secretary of state, and have registered there as a paid agent or counsel; that is, a "lobbyist." If you come just as a private citizen representing yourself, you need not do that. The committee will listen to you without it.

After all the people who want to appear for the bill, including the author of the bill who may be a member of this committee, or who may have to leave his own committee to come here and explain this one, those who are opposed have their chance. When they are all through, the committee passes on to the next bill on the calendar.

In the evening, or sometime, the members of the committee will have to get together, alone, go over the whole thing again and decide what to recommend to the legislature. They vote on each bill. Their report goes into the legislature like this:



The Wisconsin assembly chamber showing Blaskfield's painting "Wisconsin, Past, Present and Future."

Courtesy S. T. Dodge, Capitol Guide

"Bill Number 600-A, passage recommended, Mr. Smith and Mr. Jones dissenting."

The bill is then placed on the calendar of the legislature itself. When the time comes, it is read by title a second time, and members have a chance to offer any amendments they may desire. It is then placed on the calendar again and comes up a third time. This time, the members themselves discuss it at length and vote on it. If they pass it, immediately, or at the next session, someone may move reconsideration. If the majority vote in favor of reconsideration, the members have a chance to think it over a few days and perhaps to change their minds. Those who are opposed to it have a chance to work on those who voted for it and try to get them to change their mind. Finally, they vote on it again. If the bill passes again, it is messaged over to the other house, where it goes through exactly the same process. If it passes there, it goes up to the governor. If he signs it, it becomes law. He may hold it for ten days however. If in that time he decides to veto it, he sends it back with or without explanation to the house in which it started. If those who favor it can get two-thirds of those present in both houses at the time of passage to vote for it, it becomes law in spite of the governor. If not, it is lost. It is very seldom that a law has been passed in this state over the governor's veto.

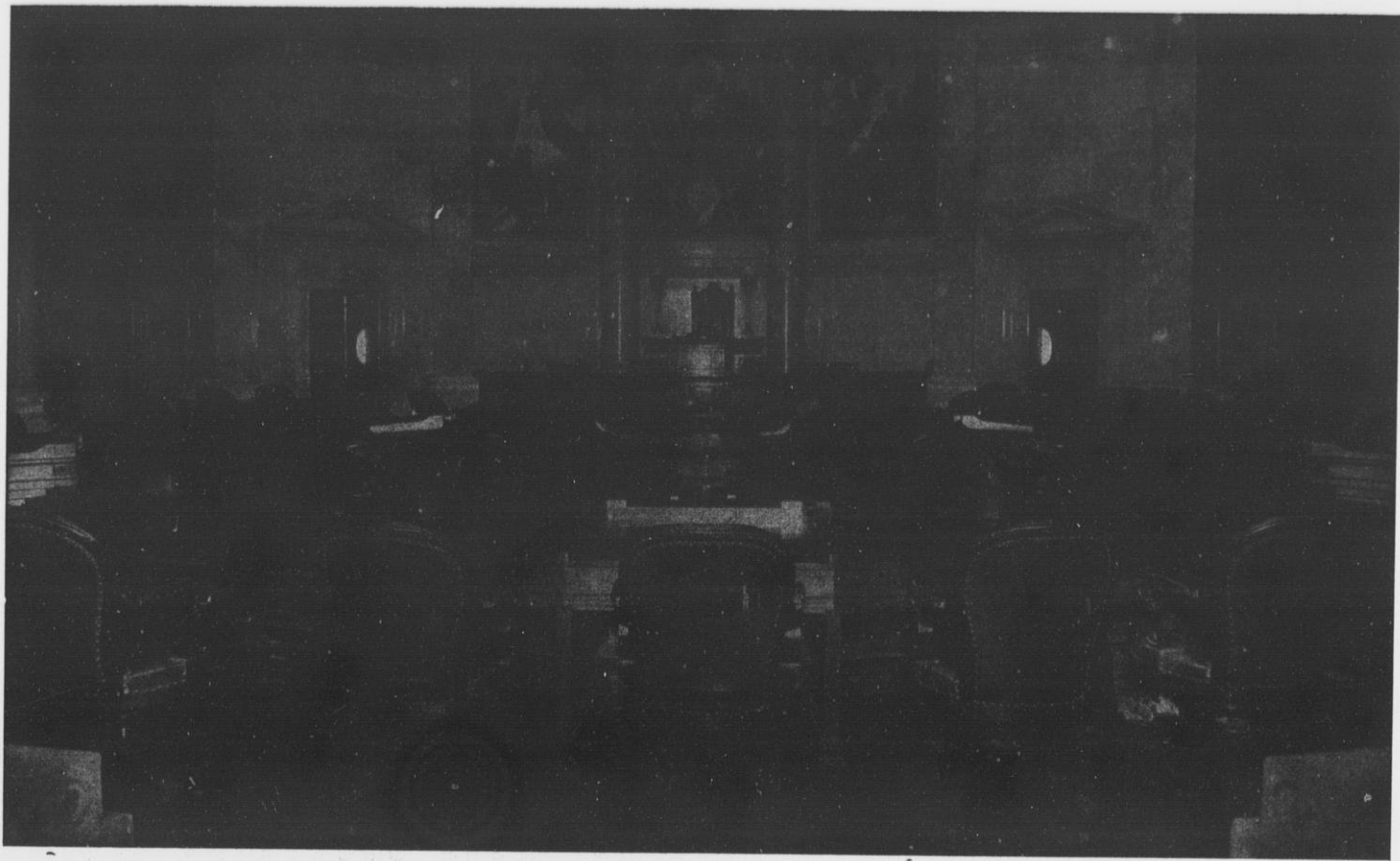
But we cannot be quite sure yet that this measure is law. People may disagree as to what it means. The body which settles questions which arise as to the meaning of a law is the Supreme Court of the state. Some laws give rise to few, if any, questions. Others give rise to many questions. This latter type of law is illustrated by an act of 1921, which provided that:

"Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects. The various courts, executive and administrative officers shall construe the statutes where the masculine gender is used to include the feminine gender, unless such construction will deny to females the special protection and privileges which they now enjoy for the general welfare."

A law like this gives the courts a great deal of work. In fact, we shall never know just what the law is. As one case after another comes up, the courts will have to decide whether treating women the same as men in the particular connection would or would not be denying to females "the special protection and privileges which they now enjoy for the general welfare."

Another example of a law which will require the interpretation of the Supreme Court probably many times is the Home Rule Amendment to the State Constitution, adopted by the people in November, 1924. This empowers cities and villages "to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village." On its face this home rule provision of the constitution appears to be very simple and clear. But a careful study of it shows that the Supreme Court will probably be busy for years explaining its meaning. What are "local affairs?" What is "uniformity?" What matters are of "State-wide concern?" All of these are questions which the Supreme Court only can answer.

There are two kinds of state law. First is the constitution, sometimes known as the fundamental law. It was adopted by popular vote and we can make amendments to it only by putting them through both houses of the legislature in two successive sessions, and then to a vote of the people. Second is law passed by the majority of those present in both houses of the legislature and not vetoed by the governor. This second kind of



The Wisconsin senate chamber showing mural paintings by Kenyon Cox.

Courtesy S. T. Dodge, Capitol Guide

law, known as statute law, must be in harmony with the constitution, or fundamental law. It must do nothing forbidden by that document.

That also sounds simple. But it is far from being simple. Some people imagine that they can understand the constitution of the State of or the United States and the other laws of the state and the United States, just by reading them over. They are much mistaken. In order to understand the meaning of constitutional and other laws, they must study carefully the court decisions which have settled disputes arising about their meaning.

The Wisconsin constitution itself says nothing about who should decide whether a statutory law is in conflict with the state constitution. From the beginning, however, the Supreme Court of the State has assumed the duty of making the final decision. The members of the legislature may debate long as to whether the constitution permits them to pass a certain bill. Someone, distrusting the opinion of his colleagues, is pretty sure to ask the Attorney General of the State for his opinion as to its constitutionality. They may pass the bill in the belief that it is all right. The governor may sign it in the same belief. Then some individual may claim that it is not constitutional and refuse to obey it. The state tries to force him to obey it. He is brought before the court and the court decides whether it is constitutional or not and consequently whether he must obey it or not.

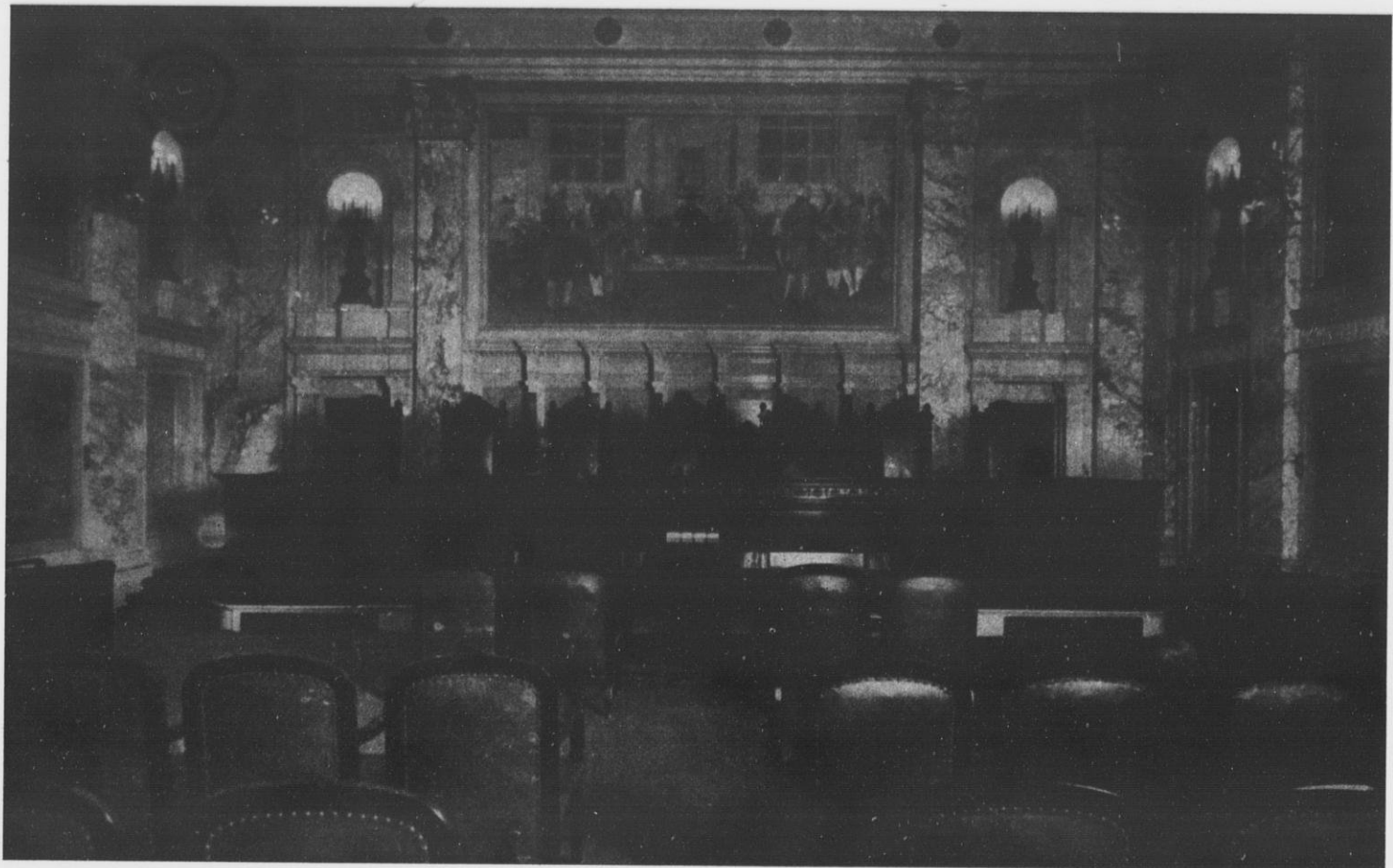
From 1850 to 1923 the Wisconsin Supreme Court had declared unconstitutional over a hundred and sixty measures. Most of these measures were state laws. A few of them, including the Fugitive Slave law, were federal. A few were actually amendments to the State Constitution. One of these was an amendment to permit the state to appropriate money "for the purpose of acquiring, preserving, and developing the water power and the forests of the state." This amendment was held void because the correct procedure had not been followed in the legislature. The different steps in its passage required by the Constitution had not been entered correctly on the journals. The assembly had forgotten to pass it a second time. Other calamities had happened to it. So, although the people had voted at the polls to adopt it, it was thrown out. (State ex rel Owen, Attorney General, v. Donald, Secretary of State, 160 Wis. 21.)

Another constitutional amendment which was at first declared void on account of careless procedure was aimed to prevent voting by unnaturalized aliens. On rehearing, however, the court changed its opinion, and decided that it actually had passed. (State ex rel Postel v. Marcus, 160 Wis. 354.)

The court also changed its mind on the law regulating the hours of labor for women. At first it declared unconstitutional the law giving the industrial commission power to issue orders regulating the hours of labor for women. On rehearing, however, it reversed itself. (State v. Lange Canning Co. 164 Wis. 228. 1916.)

Even when a state law has been declared by the state court not to be in conflict with the state constitution, we are still not sure yet that it is really law. Some one may claim that it is in conflict with the Constitution of the United States, or with some federal law permitted by the Constitution of the United States. A case may be carried up to the Supreme Court of the United States and the law may be declared unconstitutional under the federal constitution.

It is clear that the judges in our highest courts have a tremendous power and responsibility. It is clear also that members of the legislative body need to exercise great care and watchfulness. It is possible for them to draft laws so clearly and so carefully that few disputes concerning their meaning will be brought before the courts for settlement. It is possible, on the other hand, to do the drafting so vaguely that the courts will be overwhelmed with cases.



The Wisconsin Supreme Court, showing Albert Herter's painting "The Signing of the Constitution."

Courtesy S. T. Dodge, Capitol Guide

Although we can find numerous examples of Wisconsin laws which, whether intentionally or carelessly, were so drafted as to require court interpretation, in the main the Wisconsin legislature performs its duty so as not to burden the courts unreasonably.

One thing which helps to secure clearness in our laws is, of course, the drafting department of the Legislative Reference Library. Another is the fact that the public is given unusually ample opportunity to make criticisms and suggestions. There is complaint from some states that bills do not receive a fair hearing. Some bills appear in committee. Others do not. The committee just ignores them, and never gives them a hearing at all.

This never happens in Wisconsin. Every bill is heard here, and the committee reports it out to the house in which it originated, and the house acts upon it. Every bill is either passed or refused passage before the legislature adjourns. The length of the legislative session is not limited as in some states, so that matters are finished in a comparatively orderly way without great rush and confusion at the end.

The legislature has sometimes felt the need for giving a matter more careful consideration than even the unlimited session affords. It has appointed many "interim" committees to investigate for two years and make recommendations to the next legislature. These committees usually hold public hearings in different parts of the state so that everybody who has an idea on the subject can present it to them. With the help of the Legislative Reference Library, they gather together all the available information on the subject. With the help of the draftsmen of the Library, they prepare bills to present to the legislature. When the legislature meets, these bills are introduced and referred to the legislative committee. A public hearing is given by that committee as in the case of all bills.

One of the first of Wisconsin's important interim committees was the committee appointed in 1905 to investigate the affairs of life insurance companies.

The session of 1909 provided for many of these interim committees to investigate problems upon which the legislature did not feel sufficiently informed to act. A very important committee was the Industrial Insurance Committee, consisting of Senators Sanborn, Fairchild and Blaine; Assemblymen Cleary, Ingalls, Culbertson and Egan. This is the committee whose work resulted in the Workman's Accident and Compensation law of 1911.

A second important interim committee of 1909 was the Income Tax Committee, consisting of Senators Marsh, Kleczka and Hazlewood; Assemblymen Georgi, McConnell, Ingram and Towers. A third was the committee on Water Power, Forestry and Drainage, with Senators Bird, Husting and Krumrey and Assemblymen Bray, Hambrecht, Kubasta and Thomas. The committee to investigate the desirability of having the state guarantee bank deposits consisted of Senators Walter C. Owen, Wright and Martih, and Assemblymen Whittet, Whitman, Crowell and Reader. The committee on Highways consisted of Senators Browne, Burke and Donald; Assemblymen Jones, Wellensgard, Chinnock and Buslett. There were two interim educational committees. One, called the committee on Education, consisted of Senators Stout, Pearson, and Gaylord; Assemblymen Haight, Atwood, LeRoy, Wehrwein and Chapple. The other, called the commission on plans for the Extension of Industrial and Agricultural Training, was not the usual joint legislative committee. It consisted of the State Superintendent of Public Instruction, C. P. Cary, who acted as chairman; the President of the Milwaukee Normal, Carroll G. Pearse, the Dean of the Extension Division of the University, L. E. Reber and the chief of the Legislative Reference Bureau, Charles McCarthy, who acted as Secretary.

No other session ever appointed so many investigating committees, although there are usually one or two at work. The session of 1911 appointed a Fire Insurance investigation committee. The session of 1913 appointed a Forestry committee; the session of 1919 a Committee on Marketing; 1918 (special session) a committee on Reconstruction; 1919, a committee on teacher's pensions; 1927, a committee on Prison Labor conditions. There have been others, but these give an idea of the type of subject on which investigation is considered desirable.

CHAPTER XVII

WISCONSIN'S BOARDS AND COMMISSIONS

You hear a great deal both in Wisconsin and out of it about the many boards and commissions of Wisconsin. These commissions have been set up by the legislature one by one in the past forty years for several purposes. First, they may perform some new duty which the people or some group of people think ought to be performed for the state; e. g., to assist in the development of a better system of marketing for the farmers. Second, they may relieve the legislature by taking over the study of a certain type of question, such as the determination of what are reasonable railroad rates. They may even issue orders subject to the approval of the legislature and of the courts. Third, they may relieve the courts by taking care of a certain type of cases which might be swamping the courts; e. g., cases involving damages for accidents to workmen. Their decisions are always subject to appeal to the regular courts, but they are able to settle many cases without appeal.

As life has become more complicated, government has had to become more complicated. Some people are alarmed when they see the increasing number of governmental bodies and duties. They forget that there is an ever-increasing number of things which the state must do. The coming of the automobile, for example, has meant a great expenditure for roads. The state has had to put millions of dollars into them. It has had to work out new forms of taxation—automobile licenses, gas taxes, and a personal property tax on automobiles. It has had to work out a code of speed and lighting for this new vehicle. To do this extra work, the state has had to employ a small army of people.

The discovery of germs as a cause of disease has laid more burdens on the state. Electrical power, the steam engine, the introduction of plumbing into our homes, have all made it necessary to call upon the state for protection.

In some states a desperate effort has been made to keep government simple in the face of increasing duties by centering numerous services in the hands of a very few administrators. The number of boards and commissions is kept down, but each one has many departments. Duty after duty, division after division, is added to each board. In some states, one man is put at the head of each of these gigantic departments, and is given responsibility for a great variety of services. Everything which has the remotest relation to the main purpose of the department is crowded upon it with the idea that centralized administration costs less. In some of the states, the whole system is headed up by a powerful governor, who makes up the budget, vetoes items in appropriation bills, and is an ex officio member of all the important boards and commissions. Illinois, Pennsylvania, and North Dakota are good examples of centralization of much power in a few boards and in the governor of the state.

Wisconsin has steered its course in a different direction. Instead of giving large powers to a few giant departments with one man at the head of each, Wisconsin has set up separate administrative machinery for each separate group of duties. The Railroad Commission is charged with the regulation of public utilities of all sorts, and nothing else. The Industrial Commission is charged with the protection of the people of the state in their work. The Tax Commission has only one type of duties. The Agricultural Commission is interested mainly in encouragement and assistance to agricultural production. The Marketing Department was created later when it appeared that the farmer needed help on that phase of his work. The State Board of Control is concerned only with the charitable and penal functions of the state.

In education, there has from the beginning been a separation of duties. The State Superintendent of Schools was provided for by the constitution, and such other officers as the legislature shall direct. When the University was established, it was decided not to place it entirely under the control of one man elected by the people. A Board of University Regents was provided for; a large board to be appointed by the governor except for one ex officio member, the State Superintendent of Schools. When the normal schools were established, a similar Board of Normal School Regents was set up. The State School of Mining at Platteville was given its own board; likewise the Stout Institute. When the working portion of the youthful population was brought under the compulsory school law, they were also turned over to a board, the sole duty of which is to look after them. The State Superintendent has always been the one in charge of the full time elementary and high schools of the state.

It has thus been the policy of the state of Wisconsin to establish separate agencies for each type of work, and to secure simplicity of duties within each board. This is different from the policy of other states which have sought simplicity in the number of agencies, but which have great complexity of organization within each one. In these other states, the many subordinate divisions must go up, sometimes through many superiors, to the head of the department for approval of their plans. Under the Wisconsin system, the line of superiors who must be consulted is very short. There is lack of red tape and there are few excuses for delay.

There are three main types of administrative bodies: the elective officials; the expert body appointed directly by the governor to do the needed work, and the non-expert body representing public opinion which appoints an expert to do the work and directs that work. The expert body is also of two main types; the commission of three or more and the one-man commission.

The elective administrative officials in Wisconsin are the Governor, Secretary of State, State Treasurer, and Superintendent of Education. These were provided for by the Constitution. At the time of its adoption, popular election was the only device the lawmakers had thought of for securing administrative officers.

At present, the expert body of three or more members appointed directly by the governor is represented by the Railroad Commission, the Tax Commission, the Industrial Commission and the State Board of Control. The one man body appointed by the governor is represented by the Commissioners of Agriculture, Banking, and Insurance, the Dairy and Food Commission, and the Director of Markets.

The non-expert board appointed by the governor, chosen with a view to their ability to express public opinion and to appoint the full time administrators is represented by the Highway Commission, the Conservation Commission, the Board of Health, the Education Boards, the Board of University Regents, Board of Normal Regents and the State Board of Vocational Education.

There is a diversity of opinion as to which of these three types is best. Some of the departments, like the Conservation Commission have been changed frequently from one type to the other in an effort to find the one which is best for the purpose.

The Railroad Commission, the Tax Commission and the Industrial Commission have retained their three man form from the beginning in spite of some agitation to change them to one man departments.

It is not by accident that these great administrative commissions are three-men, rather than one-man institutions. The Tax Commission has to decide disputed cases of assessment which involve millions of dollars. There are questions settled here which no one man could reasonably be expected to answer. Where great property interests are involved, it has not been considered wise to put any one man up against the pres-

sure which may be brought to bear upon him; to leave any one man to struggle alone with problems which require deliberation and discussion and counsel; or to require any one man to shoulder the entire responsibility for decisions upon which depend the most weighty public and private interests. Most of the great departments of the state were set up after careful study by special committees of the legislature between sessions. All these considerations were weighed by these committees. The recommendations of the committees were not the result of chance or haste. That is probably the reason why these institutions have stood up against many attempts to change them.

The Industrial Commission, like the Tax Commission, is often the storm center of opposing forces. It is always deciding cases which involve the interests of capital and labor. The fixing of a minimum wage may mean the transfer of millions of dollars from one group to another. The fixing of hours involves the convenience of employers, employees and the public. The determination of safety regulations may mean enormous expenditure. A decision in a workmen's compensation case may establish a precedent which will cost employers heavily; or it may establish a precedent which will aggrieve labor. It seemed desirable, therefore, that no one man should be given such power or such responsibility as rests upon the Industrial Commission.

We might go on through the list, showing the battling forces between which these department heads have to stand, and to which they are bound to mete out the law impartially. There is the Railroad Commission, which is exposed on the one side to the demands and complaints of utility users, and on the other to the wealth and wishes of the utility owners. This is enough to show what it means to be a state administrator, and why Wisconsin statesmen have seen fit to safeguard the public interest by placing responsibility with a group rather than with one person.

The policy making board has as a rule been as carefully planned as the administrative commission. The board is used where it seems desirable to bring to bear frequently upon state problems intelligent opinion from outside. Thus the State Board of Health is made up of seven physicians of the state appointed by the governor. This board appoints a secretary, who is also a physician. The State Board of Dental Examiners, which administers the laws relative to the practice of dentistry and gives examination to those desiring to practice dentistry, is made up of five dentists. The Board of Pharmacy is made up of five pharmacists.

The Board of University Regents is made up of seventeen members, one from each Congressional district and four from the state at large, appointed by the Governor; and the state superintendent of schools and the president of the university. Of the appointive members at least two must be women, two must be farmers, and two must be engaged in the manual trades.

The State Board of Vocational Education brings together representatives of those who are or ought to be most vitally interested in the part-time school: the State Superintendent of Schools; a member of the Industrial Commission; three representatives of the farmers of the state, three of the employers, and three of the employees. Its composition is the result of careful planning.

In addition to the Boards and Commissions which have administrative powers, there are advisory boards intended to bring to the expert commissions outside knowledge and point of view. A Minimum Wage Advisory Board of twelve members, four representing employers, four representing employees, and four representing the general public, assisted the Industrial Commission in making its orders with regard to the minimum wage and its application to the various industries. When the same commission makes or revises its determination as to the periods of training and the type of instruction to be given to apprentices in a given trade, it calls for aid upon a committee representing

employers, employees and experts in that trade. When the Department of Markets fixes the grades for a given product, it takes counsel with the producers and the buyers of that product.

As in the case of the expert commissioner and of the policy-making administrative board, so in the case of the advisory board or committee the different groups are represented by more than one person. This arrangement too was not accidental. It was felt that the representative of each group should have colleagues from that group. He could consult with them on perplexing questions. Their watchfulness would impel him to serve his group faithfully. There would be witnesses to his group of all his activities in their behalf.

In no other state, perhaps, has it been made so easy for a public servant to serve honestly and intelligently; so difficult for him to break faith with the people or to act foolishly. In other states we do find the occasional representation of some interested group. But usually it is a one-sided or an inadequate representation. There may be a representation of the employee without a representation of the employer of capital; or a representation of the employer without the employee. The representative is usually one lone person.

The contact of representatives of conflicting interests on various boards has been most wholesome. They have had to learn to cooperate. They have to use moderation and reason. They have to hear all sides of a question. An administrative body may not be able to act quickly when its members start out with widely varying opinions and backgrounds, but when it does act, its act is intelligent and usually reasonable.

One problem to which the increase in the work of the state has given rise is that of selecting state employees. In many states each department selects its own employees, choosing friends of department heads, and changing the whole force with every change in the party in power, so that even the clerks and stenographers are democratic in a democratic administration and republican in a republican administration. This means that department heads are seriously hindered in their work by a stream of job seekers.

In 1897 Senator Whitehead introduced a bill to establish a central employment department to provide examinations and to see that faithful and efficient servants of the state were retained regardless of their politics. The legislature failed to pass it. Eight years later Governor LaFollette in his message to the Legislature of 1905, recommended a civil service law which should apply to employees of the state, cities and counties. He pointed out the fact that the federal government had had this system for twenty years; that Massachusetts and New York had it; and that while this system of employment at first had been decreed as "Un-American" it was now admitted to be "truly American and thoroughly practical."

The Legislature of 1905 passed the State Civil Service law, but did not apply the system to cities and counties as Governor LaFollette recommended. The result in the state has been cheaper and more efficient service than the states without such a law are receiving. A comparison in 1922 of the costs of government in states with a civil service employment system and in states without it showed that the Wisconsin system has resulted in fewer and better trained employees than we find in states without this system. In the 1919 and 1920 sessions of the legislature, for example, Wisconsin had only 88 employees to serve 133 members, while New Jersey had 113 employees to serve 80 members.

The selection of employees for clerical and stenographic duties has been taken completely out of the "spoils system." But there is still much to be done. There is especially the problem of developing methods by which efficient employees will be encouraged to improve their preparation and will be assured of promotion. The class work offered in the past by the Civil Service Commission is a start in this direction.

CHAPTER XVIII

SOME CONFLICTS IN STATE GOVERNMENT

There is no use in our spending much time here in a detailed description of the various departments of the state and what they do. You can always get that much better out of the last Wisconsin Blue Book than we can give it. There is one very interesting thing, however, which you cannot get from the Blue Book. That is the struggle which is going on constantly between state and local government. Large cities are always trying to escape from the control of the state in the matter of rate-making and taxation. They can afford to hire their own experts to study the costs of street railway service, gas, electricity and water. They feel that they could make a better bargain with the companies furnishing these things than the state makes for them.

The cities also resent the collection of taxes within their borders to be used for roads, schools and other purposes outside. They want to spend their money for themselves and to suit themselves or not at all. In other words, they want "home rule."

Some people in the rural communities feel just the same way. They want no interference from the state; no marketing regulations, no requirements as to the kinds of teachers and schools. Of course, some one must have wanted every state service at some time or it would not have been started. A great many people wanted them all, in fact. In most cases, these services were only assumed by the state after years of discontent and discussion. But the trouble is that if the state is to do things, it must do them through individuals employed to do them. Those individuals have to be paid. When they get out into the state, they, like other human beings, do some wise and some unwise things. They are bound to irritate some one.

It is quite natural that public opinion should veer back and forth on the question of what services it wants the state to perform. A person might very reasonably want something done but draw back when he saw the disadvantage of having some one try to do it, or when he saw the results of trying to do it, or when he saw the cost of doing it. It is easy to say "There ought to be a law to stop that." When we get the law, however, and find out how many people the state has to employ to do the stopping, we are liable to lose our enthusiasm. That is what happens in the case of our state boards and commissions.

We can see many other conflicts besides the one between the state and the local community. There are sometimes bitter struggles between the state and the nation for power. There is a struggle between those who would have the nation keep all the power it now has and those who would like to see the nation give up some of its power to an international organization like the League of Nations.

Within the State of Wisconsin, just as within every other state and nation, there is a constant struggle for power going on between the executive and the legislature; between the legislature and the courts; between the legislature and the administrative departments it created; among the administrative departments themselves; between the people and their legislators; between the people and the administrative commissions.

These struggles are not bad and wicked. They are natural and in the main rather healthy. They arise because the governor, the legislature, the boards and commissions and the people themselves are alive and energetic; full of ideas and enthusiasm for performing their duty; eager to take responsibility and push ahead. In doing things, they run into the plans of others and have to stop and come to some agreement before

they go on. We cannot take time to go over the whole history of the changes that have taken place in the relations of the various departments of government in Wisconsin, but we ought at least to see something of how we stand at present.

During the first twenty-five of the forty years we are studying, there was a steady trend toward state regulation of our comings and goings. During the last fifteen years there has been a reaction against state interference in what are considered local affairs. The reaction is not however, a very violent one. The so-called Home Rule Amendment of the constitution was a very mild affair granting cities home rule **except in matters of state wide concern**, but leaving to the supreme court of the state the duty of deciding what are state and what are local affairs. In the main the legislature has extended the services of the state very cautiously. In the legislature itself, and in the minds of the individual members there is always a conflict between the sentiment for local independence and the sentiment for state regulation. A large percentage of state legislators have been or are now members of local governing bodies: town boards, county boards, and city councils. Most legislators do not set up a slogan like "Home rule" or "State control" and cling to it at all costs, but use moderation and common sense, and try to find the best thing to do on each question which comes up.

A good example of the home-rule versus state conflict is the law regarding the county nurse. The legislature of 1919 required every county to employ one or more registered nurses to look after the health of school children and others. At every session since then there was an attempt to make optional the employment of the county nurse, until, in 1927 it was made optional with the various county boards to employ or not to employ.

The struggle between the executive and the legislature is not so evident in Wisconsin as in some states. In some other states, those who believe in a strong centralized government have secured for the governor control over the various departments by means of the "Executive budget" and the veto of items in appropriation bills. In those states, the governor usually recommends to the legislature one big appropriation bill containing his recommendations for all the state departments. If the legislature changes the bill in a manner which he does not approve, he has the power to veto the items of which he disapproves to approve the rest of the bill.

In Wisconsin a State Board of Public Affairs of which the governor, the secretary of state, the president pro tem of the senate, the speaker of the assembly and the chairman of the Joint Finance Committee from each house with three others appointed by the governor are members, study the needs of the various departments and recommend the appropriations for the next two years. A bill is introduced for each department so that the legislature considers each case separately. When the legislature, after making such amendments as it sees fit, passes an appropriation bill, the governor can either approve or disapprove it. He can not approve of parts of it and throw out others. Thus in Wisconsin the legislature has retained much of the power to control departments by determining their appropriations.¹

One institution which keeps the legislature from discontinuing hastily without careful consideration the work of any department which a previous legislature has established, is the continuing appropriation. When most of the important departments are established, the legislature grants them a certain sum of money **annually**.

With a continuing appropriation, as this arrangement is called, a department does not have to ask succeeding legislatures for money unless it wants something more than

¹ Since this chapter went to print, the legislature has abolished the State Board of Public Affairs and provided for a Director of the Budget, and for one big appropriation bill prepared by him according to the wishes of the Governor.

the continuing appropriation. Of course the legislature can repeal the continuing appropriation, but in order to do so it is necessary to have a majority of those elected to both houses and it is not easy to get that for a repeal.

We have not in Wisconsin, had as many instances of the courts declaring invalid measures passed by the legislatures as in some states. This is partly because the legislature has been careful in the drafting of measures. Laws making fundamental changes have often been the result of months of study by committees with the assistance of trained draftsmen in the Legislative Reference Library.

It is strange that there should be any struggle between the legislature and the boards and commissions which it has created. But until lately the legislature had little control over these bodies after it created them. They were appointed by the governor, as a rule, and could be removed by the legislature only after an impeachment trial in which some misdeed could be proved.

Recently, by a gradual process, the legislature has taken to itself more control over these bodies. In 1913, in his book "The Wisconsin Idea," Dr. Charles McCarthy of the Legislative Reference Library, predicted that the time would come when the legislature would assume more control over the administrative bodies. In 1915 when the state conservation commission was established a new feature was inserted. The members of the commission were to be subject to be called before the two houses to answer such questions as might be put to them. This process is called "interpellation." In 1917 the provision for interpellation was made to apply to all appointive officers of the state. In 1919 the Division of Markets was created in the Department of Agriculture. This time a stronger clause was inserted. The new director was to be subject not only to interpellation, but in addition to removal by a majority vote of the members elected to each house. In 1923 the final step was taken when all appointive state officers were declared to be subject to removal by this method.

The legislature has at last asserted its powers over the various administrative departments. It leaves the appointing power with the governor, but it can remove it if it sees fit.

In taking this step, the Wisconsin legislature has set up a new precedent in the United States. The law making body of Wisconsin can do to the administrative officials what the law making bodies of England and the other Parliamentary bodies of the world can do to their cabinets. The principal difference is that in the Parliamentary countries there is a prime minister heading up these departments and directing their policies but like them removable by Parliament, while in Wisconsin there is a governor elected by the people whom the legislature cannot touch so long as he conducts himself honestly and decently.

Another conflict is that between the people and their legislators. It seems strange that there should be any such conflicts because the legislature is elected by the people. But the people, while they trust one man enough to vote for him as senator or assemblyman, often distrust the whole body of representatives when they all get together. Legislators, when they get down to Madison, meet others who have been there year after year, and sit in committees day after day. They are inclined sometimes to see things differently from the way they saw them back home.

Some of the people, distrusting their legislators, have urged that the constitution be changed so that they can recall legislators who do not satisfy them. They have also demanded the right to initiate laws by petition and to pass them by popular vote or referendum, without reference to the legislature. Two legislatures, those of 1901 and 1913 passed proposals for the initiative, referendum and recall, but all three were turned down by the voters in 1914. Provision for recall however, was passed again

by the two houses in 1923 and 1925, and was adopted by the people in November, 1926.

These are some of the conflicts that are all the time going on in state government. There is no reason to believe that they will ever stop or that it would be a good thing if they did stop. We shall all keep on taking sides. Sometimes we shall find ourselves with some of our friends; sometimes with others.

CHAPTER XIX

THE ESSENCE OF THE WISCONSIN IDEA

What is the Wisconsin idea?

It is a composite of many ideas, and hard to describe. Everyone who thinks will have his own idea of what it is. This is one way to put it:

The people have a right to use the state to protect them and to assist them through this protection and through education to become prosperous and happy. Where an individual is at such a disadvantage against a combination of wealth and power that a public danger or inconvenience threatens, a department of government has been organized to add its power to that of the individual. Each department is as close to the people as the people know how to make it. The members are subject to recall by the Legislature. In fields where there are conflicting interests which might disagree on the policies of the department, the conflicting interests are brought into the department itself and made responsible for formulating its policies and carrying them out. Public hearings are held frequently, where the people can voice their sentiments about the administration of the laws. In the making of the law, the people have ample opportunity to be heard.

It is sought to keep both legislation and administration as close to the people as possible. It is desirable therefore, that the people be as intelligent as possible. Our program of bringing education to those who cannot come to it, and of giving part-time and evening instruction to those, the main portion of whose time is spent at work, is in harmony with this. We have built up institutions controlled by the people on the assumption that the people are intelligent enough or can be made intelligent enough to control them effectively.

In harmony with this idea of ours that all the people can and must be capable of cooperating in the government of themselves and others, is the attitude of those who seek political office. Candidates in Wisconsin talk issues more or less fundamental. There is probably no state in which the people have become so accustomed to being treated as if they were worthy of knowing the facts, even the practical details of proposed policies.

The Wisconsin idea is a changing thing. Its very essence is changed to meet changing conditions. If the state follows in the future the example of the past, that change will be a cautious, carefully planned, but continuous change. Possible wrongs must be foreseen and prevented, not allowed to accumulate. The machinery of government must not be permitted to grow obsolete just because we are accustomed to having it a certain way. But changes must be made, not for the mere sake of a change, but in order that the machinery may do more and better work.

If there is any one word which can describe the Wisconsin Idea of government, that word is "reasonable." Wisconsin has tried to do things with a valid reason. Powers over individuals or groups of individuals have not been given to the state from motives of revenge or punishment. State departments have been set up for good reasons.

In order to act reasonably, we must learn to think. We must learn to search for facts and conditions and reason about them. Lord Bryce says:

"In these days of ours, reading has become a substitute for thinking—a democracy that has been taught only to read, and not also to reflect and judge, will not be the better for the ability to read."

To insure that the people will act reasonably, Wisconsin has tried to bring school contact to all of them for as long a period as possible. Full-time schools, part-time schools, short courses, correspondence courses and institutes invite people of all ages to continue to grow and keep up with world progress.