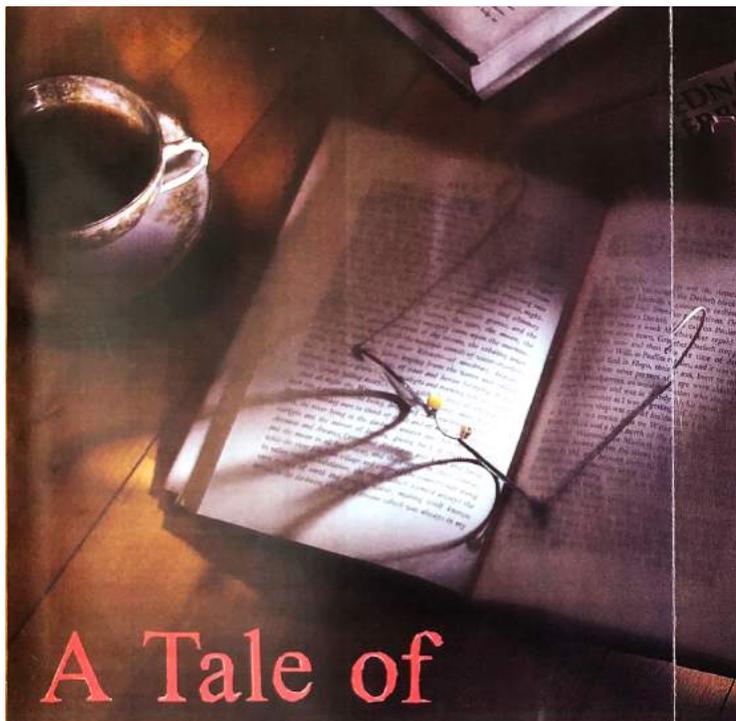


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The saga of Wisconsin's statehood is far from a genteel read. It brims with the stuff of frontier drama—hog-pokers and hobnobbers, horsetraders and “Hunkers,” and some hard language we dare not write!

By Deborah Hufford

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Over the 12 years in which Wisconsin was a territory, in fact, its citizens voted *against* becoming a state on four separate occasions before ratification was accepted. Statehood was finally achieved with much legislative wrangling, name-calling and bloodshed.

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A Tale of

# Hog-Pokers & Hobnobbers

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When Wisconsin became a territory, the area received generous support from Congress for roads and other maintenance costs. Not surprisingly, citizens were reticent to take on the burden of statehood and, with it, taxation for maintenance and growth. As the country grew, however, federal appropriations dwindled. Likewise, as the population of the territory exploded, funds for badly needed improvements and expansion increased dramatically. Statehood became more and more the answer to raising revenue.

Another incentive came from the national level. Rumblings of the slavery controversy that would eventually result in the Civil War began. By the 1840s, newly admitted states were lining up on each side of the Mason-Dixon Line either for or against slavery. In 1845 Texas and Florida were admitted to the Union, which tipped the balance in favor of slave states. Ratification of Wisconsin and Iowa would restore that balance.

The scenario that led up to the events of Wisconsin's statehood was dominated by two political opponents, Henry Dodge and James Doty. Dodge was a Democrat who had come up from the south and had gained a somewhat legendary reputation as a rough-and-ready frontiersman. He was said to have slept with a bowie-knife under his pillow and to have once floored nine men with his bare-hands in one fight. Dodge became a champion of the miners and was renowned for his honesty, bravery, and acerbic tongue.

In striking contrast, Doty was an east coast city slicker and lawyer who had been educated in private schools. Doty's tongue was as polished and his veneer as smooth as Dodge's was rough. From frontier

Wisconsin these very different men would begin their respective political careers and determine Wisconsin's future as a state.

In the political arena these adversaries were like two battling rams, circling each other, alternately uttering and roaring threats, butting heads, then exchanging positions. In the 12 years Wisconsin was a territory before gaining statehood, from 1836 to 1848, Dodge and Doty exchanged the top two political offices of governor and delegate to congress several times, depending upon which way the prevailing winds of politics blew.

Dodge became Wisconsin's first territorial governor in 1836 by the appointment of President Andrew Jackson. One Milwaukee newspaper, disgruntled by the crude-tongued appointee, declared: "It seems the impression has been made at Washington that an appointment to any office would not be acceptable to the people of the territory, unless the officer can get drunk, swear, or establish by a tremendous oath that he has scalped a dead Indian."

Dodge called the first territorial legislature, comprised of 13 members of the senate and 26 in the house of representatives, in a small building in Belmont. The first order of business was the establishment of a capitol site at Madison. In the winter of 1838, the assembly moved into the unfinished capitol.

The assembly room of the new capitol was poorly heated and the floor planks soon shrank, causing great cracks through to the basement. According to pioneer legislator Ebenezer Childs, a large drove of hogs had taken possession of the lower level directly below the assembly room. Childs wrote, somewhat irreverently: "When members (of the house) became too tedious, I would take a long pole, go at the hogs, and stir them up, when they would raise young

pandemonium for noise and confusion. The speaker's voice would become completely drowned and he would be compelled to stop—not, however, without giving his squealing disturbers a sample of his swearing ability.”

It was during this riotous assemblage of 1838 that Governor Dodge first suggested that Wisconsin should seek statehood. That same year the Iowa territory was designated and Wisconsin's western boundary became the Mississippi. The previous year, Michigan had become a state and it claimed a portion of the Wisconsin territory, the northern peninsula, for its own. Illinois, which had long been a state since 1818, had annexed a 61-mile-strip of Wisconsin land abutting Lake Michigan, which included the present sites of Chicago, Evanston, Waukegan, and Rockford. Dodge had protested these land transfers to the national Congress but to no avail. As Wisconsin watched itself being whittled down by bordering states, its own statehood became an urgency.

In 1841, the Whig candidate William Harrison claimed the White House and appointed Dodge's chief rival, James Doty, as territorial governor. Doty began a very stormy reign by renewing protests of the land transfers. With great belligerence, Doty ordered Illinois land commissioners off the disputed tract and held a referendum there, in which the majority of northern Illinois settlers chose Wisconsin jurisdiction.

In December 1843, Doty took drastic measures and sponsored a document that was tantamount to secession from the Union. In this legislative report, he demanded that Congress restore the “stolen” territories to the Wisconsin territory or compensate the people with funds, or Wisconsin would assume the status of “a state out of the Union, and . . . enjoy all the

rights, privileges and powers of the sovereign, independent state of Wisconsin.” He indulged in further saber-rattling by declaring in the document that the people of Wisconsin would “show the world that they lack neither the disposition nor the ability to protect themselves.”

The national Congress ignored Doty's demands, but the move fueled a prairie fire of controversy throughout the Wisconsin territory. Doty's opponents called his document “a declaration of war” against the United States. The brouhaha reached an apex when Dodge supporter James Vineyard of Grant County called Charles Arndt, a Doty advocate, a liar. Heated words led to blows, which resulted in Vineyard shooting Arndt with a pistol and killing him.

The incident shocked the nation. East coast newspapers called the incident “frontier barbarity.” Charles Dickens, the English novelist who was touring America during that time, cited the scandal in his “American Notes” as an example of American lawlessness and vulgarity. The event also gained the attention of President Tyler, who decided to remove Doty from the governor's office.

Between 1840 and 1845 the statehood proposition was brought before the populace four times, and four times it was rejected. There were various reasons for the voters' reluctance. When statehood was first proposed in the territorial legislature in 1840, the resolution was combined with a provision that delegates from the northern counties of Illinois—in the disputed area that had originally belonged to Wisconsin—would meet with Wisconsin delegates at a convention to discuss annexation. Some residents of northern Illinois strongly favored annexation to Wisconsin as Illinois had incurred heavy debt from excessive internal

improvements. Some northern Illinois counties felt they might escape heavy taxation by being annexed to Wisconsin instead. The double-barreled proposal, nevertheless, was soundly defeated.

Perhaps another reason for Wisconsin reticence toward statehood was the extreme factionalism in regional politics of the time. The territory was in an upheaval, still a frontier with independent-minded folks and an exploding population of diverse ethnic groups. With these groups came much political baggage and special interests that resulted in a fractured constituency.

Among the Democratic party then were numerous factions with highly unusual names: Free Soilers, Hunkers, Yankees of the Lake, Young Americans, Locofocos, Tadpoles, and others. The party constituted an overwhelming but unwieldy majority, cohesive only in its opposition of the Whigs. In 1846, the Wisconsin electorate finally overcame internal differences long enough to vote to create a constitution for statehood and in that year a constitutional convention was held.

Party divisions so dominated the convention that Moses Strong, a radical Democrat from Racine, noted: "This state of things produced suspicion, jealousy, hostility, and every other emotion which would most unfit men's minds for making constitutional law."

Milwaukeean H. N. Wells, a lawyer and former territorial Attorney General who was an observer at the convention, wrote: "They quarrelled and fought during the whole of their session and called each other harder names than I dare write."

The convention of 1846 included a huge number of delegates—124 members most of whom were newly elected and novice legislators. The assembly lacked any semblance of decorum, and was given to confusion, unruliness,

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and demagoguery. At one point, after a particularly long-winded dissertation, a delegate expressed his chagrin that the convention had not adopted a rule "that a man should not talk any longer than he had anything to say."

Among the major points debated at the convention were women's rights, Negro suffrage, banking, reform of debtor law, and

limitations of land ownership. The boundary feuds with Michigan and Illinois were also kept alive by Doty.

Of all the issues before the constitutional debate, one that many legislators—all of whom were white males—considered the most radical was the women's rights proposal which held that a married woman should be entitled to hold property without its being subject to disposition by her husband. This was a subversion of the prevailing belief of the times that the husband was king of the household

and held absolute authority over his property and his wife.

Negro suffrage also generated a great deal of debate. Although Wisconsin was considered a very strong anti-slavery territory, the idea of actually giving black men the right to vote was still unfathomable by all but a minority of legislators.

The homestead provision held that a debtor's family would be protected from losing their family home and forty acres to creditors. This was an extension of the New World belief that a debtor could not be imprisoned for his or her debts.

Some of the most spirited debate involved that of banking and paper money. Disastrous bank failures in the 1830s made citizens wary of paper money and banking institutions and the majority of legislators fought to outlaw both in the new constitution. The delegates overwhelmingly voted to prohibit banks and the circulation of bills under 20 dollars after the year 1849.

The growing German immigrant population also brought the issue of voting rights for aliens to the forefront. Some legislators felt that an oath of allegiance and intention to become citizens should be required of immigrants before they could vote. The German population, particularly in Milwaukee, was incensed by this proposal. In one instance, a torchlight protest of Milwaukee Germans turned into a violent riot.

By 1846, the border dispute concerning Illinois and Michigan boundaries seemed futile since those neighboring states had, for many years, possession of land Wisconsin felt was hers. Doty sought to put the issue before the U.S. Supreme Court. The northwest boundary (with what is now Minnesota) also drew considerable debate, and numerous boundaries were suggested. The delegates finally proposed a boundary drawn about 15 miles east of the present line.

The constitution of 1846 was riddled with so many points of contention that it carried only seven of the 28 counties.

Having learned from the many mistakes in the previous convention, the second convention of 1848 reduced the number of delegates to roughly half the amount of the original convention. Using the failed 1846 constitution as a legislative template, they set about the business of compromise. The article dealing with married women's property rights was discreetly dropped. Any reference to Negro suffrage was also absent. The homestead act became a watered-down exemption of a "reasonable amount of property" to be recognized "by wholesome laws." The oath of allegiance for aliens was dropped. General banking laws were left subject to referendum. Concerning the boundary issue, the legislature finally decided to take a different tact. In order not to jeopardize ratification, however, they included a clause stating that they would accept the original boundaries, but suggested that the northwestern border should be extended to include the Minneapolis-St. Paul area. Minnesota, at the time, was still open territory and did not become a state until 1858.

Essentially, the new document skirted some major issues directly but provided terms upon which issues could later be resolved. On March 13, 1848, a light vote resulted in an overwhelming ratification of the new constitution by a majority of nearly three to one. The act was approved by the U.S. Congress and signed by President Polk on May 29, 1848.

Wisconsin's statehood embodied the dreams and aspirations of a diverse people coming together. Its frontier was a melting pot and its body politic a brewing cauldron peppered by many special interests. What surfaced was the democratic process, full of meaty issues and garnished with the enthusiasm and bombast characteristic of a young and vital government. ■