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The Citizenship of an "Old Settler."

How many people are there in Portage who have a very definite idea of how many different nations, territories, states, counties, towns, etc., the territory now embraced in the city has constituted a part of? Probably not one. To aid the student of the subject the following paper has been prepared for our columns by Mr. A. J. Turner of this city.

While it is a matter of speculation rather than one of definite historical value, it is interesting to note that Wisconsin as a part of the North American continent was included in claims made by Spain, France and England by virtue of early discoveries. Spain's vast and undefined claim to North America since 1512, under the name of the province of Florida, (or Pascua Florida, as Ponce de Leon called it), included Wisconsin, and her priority of administration in the peninsula of Florida and along the Gulf of Mexico gives force to the claim of that nation to the Mississippi Valley.

But France, through the discovery of the St. Lawrence by Cartier, in 1534, the exploration by Nicolet about a century later, and the formal action of taking possession of St. Susson in 1671 at Sault Ste. Marie gave her a stronger title to sovereignty to this section, since her occupation of the mouth of the Mississippi River. Wisconsin may thus be said to have belonged first to Spain, although her jurisdiction over the territory was but nominal, for no one, under her authority, had ever set foot within the limits of Wisconsin, and then to France.

If the reader of this article were an "Old Settler" of Portage, and had resided here ever since Juan Ponce de Leon landed on the shores of Florida in 1512, he would have lived under many different forms of government, and owed allegiance to many different rulers.

At first he would have been a subject of Spain, (if her claim to jurisdiction be recognized) in her province of Pascua Florida, embracing the whole of North America, with Ponce de Leon as its governor.

This relation with Spain continued until 1634, when the king of France and Navarre claimed the territory by virtue of the discovery of the St. Lawrence by Jacques Cartier, and exercised jurisdiction over the northwest, and now our "old settler" became an inhabitant of France's colony of New France. He narrowly escaped living in "Frontenac" a little later for the territory in South-

western Wisconsin was placed on the map by Marquette and Joliet in 1673 by that designation, but it never received the official approval of Frontenac, the Governor General of New France, in whose honor the name was sought to be bestowed. French dominion of New France, however, did not actually commence until 1671, when Louis XIII became the first sovereign of Wisconsin.

In 1682 the Sieur La Salle discovered the Mississippi river, going via Lake Michigan and the Illinois river, and not via the Fox and Wisconsin rivers, as some have supposed. On reaching its mouth he erected a column and a cross, bearing the arms of France and inscribed upon it the words: "Louis the Great, King of France and Navarre, reigning April 9, 1682," and formally took possession for France of all the country watered by the Mississippi. He named it Louisiana and the "old settler" became an inhabitant of that portion of France's dominion. In 1711 the government of Louisiana, comprising all of what was known as the "Illinois country" was placed in the hands of Diran D'Artaguet as Governor General, with headquarters at Mobile.

Louisiana was at that time held by France to embrace the whole valley of the Mississippi and all its tributaries and to extend north to the Great Lakes and the waters of Hudson's Bay and of course included all the present state of Wisconsin.

War broke out between France and Great Britain in 1755 for right of dominion in America. By the treaty of February 10, 1763, right of dominion was transferred to the latter, whereupon the British king issued his proclamation, Oct. 7, 1763, dividing his newly acquired territory into four distinct provinces, and now our "old settler" found himself an inhabitant of that portion of the king's realm designated as Quebec. He continued in that relation until 1783, when by the treaty of peace between Great Britain and the Colonies, terminating the war for the independence of the Colonies, to whom he owed allegiance became involved in some uncertainty, for the British continued to maintain their posts in the northwest, claiming that this government had not complied with certain terms of the treaty on their part, and so our "old settler" was a sort of a political orphan—a man without a country—or rather a man who had two of them. While this condition of affairs existed the Captain General of the Province of Quebec assumed to exercise authority here, and, in 1788, he divided the prov-

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ince into two separate districts and our "old settler" became a citizen of Hesse, province of Quebec. On the 25th of November, 1790, the Imperial Parliament divided the Province of Quebec into Upper and Lower Canada and now the "old settler" resided in Hesse, Upper Canada, if he was a subject of Great Britain at all. If not, he was a citizen of one of the Colonies, either Virginia or Massachusetts. "It is probable that the claim of Massachusetts (to this section of Wisconsin) would have been regarded as good law," says Channing, and so the "old settler" would have been a resident of the Colony of Massachusetts. In 1787, by the famous ordinance of that year, all the colonies relinquished their claims to the Territory and the Northwest Territory was organized and so our "old settler" became an inhabitant of the Northwest Territory.

In his plan for the division of the Northwest Territory, Jefferson had selected the name "Michigania" for it, but the "old settler" was never permitted to be an inhabitant of a state of that name, but subsequently he enjoyed citizenship in the territory of "Michigan."

All doubt to whom he really owed allegiance was removed by the "Jay Treaty" of 1796, by which the Crown relinquished its claim to the territory in dispute and withdrew from its occupancy, and so our "old settler" could now write his title clear to citizenship of the United States, as he undoubtedly had been from the time the independence of the Colonies was acknowledged.

While the territory in the northwest was in this abnormal condition and Virginia was laying claim to it, largely by reason of the success of George Rogers Clark's military expeditions fitted out in Virginia to operate against the British west of the Alleghanies, the legislature of that state organized the county of Illinois, which if Virginia's claim to the Northwest Territory was valid would have made our "old settler" an inhabitant of that county, State of Virginia, but the claim was never recognized as a substantial one.

On the 7th of May, 1800, the territory of Indiana was created out of the Northwest Territory, which embraced, with other territory, what is now Wisconsin, with "Sainte Vincennes, on the Wabash" as Wayne county, just roll over and he was outside of his jurisdiction.

When the Territory of Illinois was created in 1809, our "old settler" was legislated into the county of St. Clair, which included the whole of the present Territory of Illinois and Wisconsin, extending to the British possessions, and our "old settler" now had to go to Kaskaskia to transact his county business.

Sept. 14, 1812, St. Clair county was divided, and the northern part of the territory of Illinois, and the whole of Wisconsin became Madison county.

On the 3d of December, 1818, the "old settler's" allegiance was, by act of con-

gress, transferred from Illinois to the Territory of Michigan; and he found himself by proclamation of Governor Cass, under date of Oct. 26, 1818, a possible resident of either of two counties, for the Governor had designated a north and south line drawn through the center of the portage as the dividing line between the counties of Brown and Crawford. If he lived east of that line he was a resident of Brown county, if west of it, he was in Crawford county.

On the 29th of October, 1829, the Legislative Council of Michigan passed an act to take effect the first of January following, creating the county of Iowa. All west of a line drawn through the center of the portage, and south of it, and south of the Wisconsin river, was to constitute the new county. So now our "old settler" lived in Brown county if his place of residence was north of the portage (practically Bronson's Avenue) and east of a line drawn midway between the Fox and Wisconsin rivers; if he lived south of the portage and west of the center line he was in Iowa county, and if he lived south of the Wisconsin river he was in Crawford county.

On the 7th of December, 1836, the Territorial Council of Wisconsin created the county of Portage, which embraced within its limits all of the present county of Columbia (excepting that portion north of town 11 and west of Range 9) and the territory now comprising the towns of Fox Lake, Westford, Calamus and Elba, and those portions of the towns of Merrimack, Prairie du Sac and Sumter in Sauk county, lying in Town 10, Ranges 6 and 7. The county seat was located at the "Town of Winnebago City." No town of that name had ever been organized, but the Portage Canal Company had platted the old French claim No. 21, (the Grignon tract), as the town of "Winnebago Portage," but the plat never became an official record, I believe, so our "old settler" now began to see that a government was gradually drawing its coils, serpentine like, around him. He probably didn't like these encroachments on his liberties, but he didn't revolt.

On the 12th of January, 1838, the County seat of Portage county was changed to Kentucky City (now Dekorra) but it never became the county seat in fact, for by the same act, (January 12, 1838) the entire county of Portage was designated as the town of "Lowe" and the polls were established at the "Agency House," but I find no record that they were ever opened.

On February 18, 1841, the legislature enlarged the boundaries of Portage county by adding "all that district of county lying immediately north of the county of Sauk and the county of Portage as now (then) constituted, being Ranges 2, 3, 4, 5, 6, 7, 8 and 9 east of the 4th Principal Meridian, excepting fractional townships 14 and 15 in Range 9. These fractional townships do not

appear to have been surveyed but why they were excepted from the geographical limits of the county of Portage is difficult to understand, shall be and the same is hereby annexed and made a part of the county of Portage." The territory described extended to Lake Superior. The county officers were directed to hold their offices at "Wisconsin Portage;" so our "old settler," while he found his county limits expanding, remained a citizen of the unorganized town of Lowe.

On the 3rd of February, 1846, the county of Columbia with its present limits was established by the legislature. It did not include some of the northwestern portion of the county because the Indian title had not been extinguished.

On the 16th of July, 1846, the county commissioners met and divided the county into precincts, and our "old settler" was now in Winnebago Portage precinct, which included all of the present town of Fort Winnebago, east of Fox river, the north half of Pacific, and all of Caledonia lying north of Baraboo. All of the balance of the northwest part of the county was included within its territorial limits; but it still was "Indian lands," the Indian title not having been extinguished.

The county board, January 8, 1850, created the town of Port Hope (the present town of Fort Winnebago), and our Winnebago Portage, as we had been known, now became the town of Fort Winnebago, and November 12, 1850, the name was again changed to Portage City, and in 1854 the town was incorporated as a city to be known as Portage.

So our "old settler" would have been under the jurisdiction of:

Spain, 1512 to 1634, 122 years.

France, 1634 to 1762, 128 years.

Great Britain, 1763 to 1783, 20 years.

United States, 1783 to 1898, 115 years.

While in Spain, he would have been in the province of Pascua Florida, and while in France he would have been in the colony of New France and later of Louisiana, and barely escaped being in "Frontenac." While a subject of Great Britain he would have been first in the province of Quebec and then in the district of Hesse, Province of Quebec, and a little later, Hesse, Upper Canada.

When he became a citizen of the United States he was first a citizen of:

The Northwest Territory from 1787 to 1800.

Territory of Indiana, from 1800 to 1809.

Territory of Illinois, from 1809 to 1818.

Territory of Michigan, from 1818 to 1836.

Territory of Wisconsin, from 1836 to 1848.

State of Wisconsin, from 1848 to 1898.

And when he was a resident of these territories he would have had citizenship in the following counties:

County of Wayne, from 1796 to 1809.

County of St. Claire, from 1809 to 1812.

County of Madison, from 1812 to 1818.
County of Brown, from 1818 to 1829.
County of Portage, from 1829 to 1846.
County of Columbia, from 1846 to 1898.
He would also have been a resident of the towns of:

Lowe, from 1838 to 1841.

Winnebago Portage, from 1841 to 1849.

Port Hope, from 1849 to 1850.

Fort Winnebago, from 1850 to 1852.

Portage City, from 1852 to 1854.

City of Portage, from 1854 to 1898.

And our "old settler" might and at certain times have found himself an inhabitant of either of the counties of Brown, Crawford or Iowa, in the same week, for a portion of Portage was embraced in each of those counties at the same time, and the migratory habits of the old timer might have placed him today in one county, tomorrow in another and the next day in a third, without getting out of the limits of Portage at all, and if he had been trapping on Rocky Run, down in the town of Lowville, on the 6th of September, 1834, he would have found himself within the jurisdiction of the town and county of Milwaukee for the county of that name was created by the territorial court of Michigan on that date. At times he might have been a resident of either of the towns of Lewiston or Caledonia as the present territorial limits Portage embrace what was a portion of these towns when they were first organized.