

**Chapter 2: "To intermeddle in political affairs":
New Institutions, Elections, and Lawmaking**
-Lucy Eldersveld Murphy, from *After the Fur Trade*

In 1822, the newly created Borough Council of Prairie du Chien passed a law against "white persons . . . skulking or sneaking about after 10 o'clock at night."¹ This remarkable ordinance, passed by the leaders of the multi-racial fur trade community, is the most unique but not the only expression of resistance to a new political order imposed by the United States on a region that had both a strong Native American presence and a long allegiance to Canada. It marked the first phase of a series of Creole political adaptations that allowed them to express local values, thwart racialization, and express consensus before factionalism and demographic change altered their options within the democratic system.

The new régime brought major changes in government to Prairie du Chien at the local, territorial, and national level, changes that would affect the *habitants* personally, economically, and politically. It would alter their social relationships, shift local power dynamics, challenge their worldviews, and provide avenues for expression in unexpected ways. During the 1820s and '30s, the ethnically and racially-mixed residents of this old fur trade town experimented with Yankee-style democracy and courts, mixed them with American Indian political practices and fur trade traditions, and came up with surprising results. In some ways, we may see their actions as critiques of colonization and assertions of alternative concepts of governance; and in others, we can observe the processes of assimilation and acculturation. In addition, their participation in the political and judicial system may help to explain why they did not develop an identity as indigenous Métis people like their Canadian cousins. But it is a complex story.

As previously mentioned, the United States nominally gained hegemony at the end of the American Revolution but ruled only loosely until after the War of 1812, when the young nation asserted its intentions to dominate the region.² The project of imposing

¹ "By-Laws enacted and passed by the Warden and Burgesses for the Borough of Prairie des Chiens," March 20, 1822," Register of Deeds Office, Crawford County Courthouse, Book: Deeds B (in the back, upside down) Section 15.

² Alice E. Smith, *The History of Wisconsin* (Madison: State Historical Society of Wisconsin, 1985) I: 36-94, 203.

control was a delicate one for U.S. officials: many of the Creoles had supported British Canada and resented Yankee intrusion. People like Michael and Domitille Brisbois, Pokoussee, and Pierre Antaya could influence both Native and Creole views and relationships with officials. The U.S. had to find ways to create the mechanisms of government that would control the old residents, protect the “rights” of U.S. citizens to “settle” the region, and “develop” the region’s resources. Especially during the early years when the Yankees were a small minority of the population, their success depended upon the cooperation of the Creoles. In order to recruit the loyalty of the Creoles and to avoid provoking overt resistance, it was necessary to allow them to participate in the process, but only enough that they would not be able to thwart the colonizers’ goals.

During the first phase of U.S. occupation, the army had built forts in the western Great Lakes region and maintained garrisons in the old fur trade communities, ruling as conquerors. But during a second phase, Yankees established civil, democratic institutions and initially sought to include long-time French Creole residents as voters, jurors, and local officials. (Prairie du Chien was part of the Northwest Territory when it was created in 1787, then joined Indiana Territory in 1800, Illinois Territory in 1809, and Michigan Territory in 1818.³) About 1820, word had come to the Prairie that the Yankees had organized Michigan Territory and would expect the francophone Creoles to participate in representative government, and to obey territorial laws made in far-away Detroit. (see map.) During the early 1820s, a few Yankee settlers and an itinerant judge named James Duane Doty, arrived in Prairie du Chien with a list of new laws, and tried to tutor the Creoles in justice and democracy, often with a patronizing and condescending attitude that must have been maddening.⁴ Doty, an ambitious and arrogant young circuit court judge who had been raised in New York before seeking his fortune in Detroit, spent the winter of 1823-24 at Prairie du Chien.⁵

We may imagine how it seemed to the residents of old Great Lakes communities such as Green Bay, Mackinac, River Raisin, and Prairie du Chien. The army had

³ Alice Smith, *The History of Wisconsin*, I: 200-201; Clever Bald, *Michigan in Three Centuries*, p. 105; R. Carlyle Buley, *The Old Northwest*, 2 vols. (Indianapolis: Indiana Historical Society, 1950) I: 62-63. Between 1809 and 1818, Illinois Territory included what is now Wisconsin.

⁴ Alice Elizabeth Smith, *James Duane Doty: Frontier Promoter* (Madison: State Historical Society of Wisconsin, 1954) chapters 4-5.

⁵ Smith, *James Duane Doty, Frontier Promoter*, pp. 30, 35.

conquered them and, in James Lockwood's words, "treated the inhabitants as a conquered people."⁶ The new Anglo judge and lawyers came into town and established a court and political system different from the one they had been accustomed to, and began imposing laws and procedures created in Detroit or Washington, D.C. Even though some of the Creoles were invited, and even summoned to participate in the process, the meddling and imposition of the new régime grated. Running for a territorial office, Detroit native, John R. Williams, whose mother Marie Cecilia Campau was creole, expressed this resentment in his appeal for the votes of the heavily "French" River Raisin/Monroe region. He wrote, "Be assured that the contest is really among us all, natives of the country, and the foreigners who are striving already insolently to despoil us of our rights and natural privileges."⁷

In the beginning, new governmental forms and processes were not at all clear, because Prairie du Chien's residents were extraordinarily remote from the seats of territorial government. It took more than two years for copies of Michigan Territory's laws to reach Prairie du Chien after the town became part of it. During the 1820s, it sometimes took six or seven months for the news of new statutes passed in Detroit to reach Green Bay and Prairie du Chien.⁸ But in the years after 1818, laws made in those remote locations would increasingly affect the *habitants* as Michigan Territory's officials asserted control, creating local offices and courts.

Both outsiders and local men started the gears of new civil institutions. Newcomers such as Judge Doty, "factor" John W. Johnson, and Indian agent Nicolas Boilvin represented the territorial and federal governments, and their superiors assumed, knew how things were supposed to work. But territorial governors also sent commissions to prominent local men to serve as justices of the peace, captains of the militia, and in other capacities. In this way, Creoles could be recruited into supporting the new regime.⁹

⁶ James H. Lockwood, "Early Times and Events in Wisconsin," *Wisconsin Historical Collections* (hereafter, *WHC*) v. 2, (Madison: Wisconsin Historical Society, [1856] rept. 1903) p. 128.

⁷ John R. Williams to François Navarre, August 31, 1819 (Navarre Papers, Burton Historical Collection), cited in Russell E. Bidlack, *The Yankee Meets the Frenchman, River Raisin 1817 - 1830* (Ann Arbor: Historical Society of Michigan, 1965) p. 17; thanks to Dennis Au for Williams's mother's name.

⁸ James Duane Doty to James Clark, 16 March 1830, James Duane Doty Papers, letterbook pp. 49-51, microcopy, Bentley Historical Library, Ann Arbor, Michigan.

⁹ James L. Hansen, "Crawford County Public Office Appointments," unpublished paper; Peter Lawrence Scanlan, *Prairie du Chien: French, British, American* (Menasha, WI: The Collegiate Press, 1937), pp.

By the mid 1820s, many appointees to local positions around the territory included both Euro-American and métis men.¹⁰

In the first phase of American territorial government, rule was by appointed--not elected--officials who could adopt only laws that had already been adopted by established states. A governor and ruling council passed laws and served as justices. This was a familiar pattern to the Creoles who were conversant with the Canadian political system which had maintained for them the non-democratic French governance. Before the establishment of U.S. control over the region, the French Canadian version of the *Coutume de Paris* had been the law of the land, and the elite traders had served as *ad hoc* officials and magistrates. There had been no elections; instead there had been a hierarchy of power, at the top of which was the fur trade elite, reflecting employer-employee relations.¹¹ In her study of fur trade workers and their employers, historian Carolyn Podruchny explains that, "masters and servants accepted their positions as rulers and ruled," and that they shared "a deeply held belief in the legitimacy of paternalism."¹²

The *habitants*, however, through their trade-related travels and experiences in Native communities were also familiar with Native political systems of the region. Indian communities made decisions in village meetings where men and women could voice their opinions, and leaders sought consensus on important issues. Consensus was both a philosophy of community decision-making and a goal to be reached in village meetings.¹³ A former Indian agent knowledgeable about the Sauk and Mesquakie Indians, for example, wrote "All questions relating to the nations are settled in council by the Chiefs In all Indian councils . . . the whole number of chiefs present must be of

166-172. On other parts of the territory: "Executive Records," *Michigan Pioneer Collections*, vol. 36 (1908) pp. 121 – 131.

¹⁰ Affidavit of Thomas Sheldon; Oct. 31, 1825, *Territorial Papers of the United States* (hereafter, *TPUS*) 11:774.

¹¹ *History of Crawford and Richland Counties*, pp. 359-364; Alice E. Smith, *The History of Wisconsin* (Madison: State Historical Society of Wisconsin, 1985) Vol. 1: 203-207.

¹² Carolyn Podruchny, *Making the Voyageur World: Travelers and Traders in the North American Fur Trade* (Lincoln: University of Nebraska Press, 2006) p. 136.

¹³ Forsyth, "Account of the Manners," II: 187; Eastman, *The Soul of the Indian*, p. 42; examples may be found in Ellen M. Whitney, comp. and ed., *The Black Hawk War, 1831-1832*, 2 vols. (Springfield: Illinois State Historical Library, 1973); and Kenneth P. Bailey, ed. and trans., *Journal of Joseph Marin, French colonial Explorer and Military Commander in the Wisconsin Country, Aug. 7, 1753-June 30, 1754* (n.p.: published by the editor, 1975).

the same opinion otherwise nothing is done."¹⁴ Native leadership was based upon the respect of the community for leaders' experience, talent, and kinship connections. Women as well as men might have significant political influence, but usually male leaders were the ones to interface with outsiders. Charles Eastman, a Dakota physician and ethnographer, wrote that "a woman who had attained to ripeness of years and wisdom, or who had displayed notable courage in some emergency, was sometimes invited to a seat in the council."¹⁵ Native leaders, however, did not have coercive authority: they had influence. Ideally, important decisions were made in council by consensus of the entire community, including women.¹⁶

Native communities had hierarchies of status and influence rather than coercive power, at the top of which were men and women notable for their age, wisdom, family, skill, and achievements. However, there was also a sense of equality, as a long-time resident of the region commented in the eighteenth century: "The chiefs who are most influential and well-to-do are on an equal footing with the poorest, and even with the boys--with whom they converse as they do with persons of discretion" ¹⁷ Another observer commented that "this feeling is general among all the savages, each man is master of his own actions, no one daring to contradict him."¹⁸ Tribal town meetings with broad-based community input and ideologies recognizing some types of equality had parallels in the Yankee political system.

Thus, the *habitants* had experience with two quite opposite forms of governance. They were used to authoritarian and hierarchical systems like the one implemented by the commandants of Fort Crawford, but they were also familiar with Native political systems similar to new American forms of government: the town meeting and the jury.

¹⁴ Forsyth, "Account of the Manners," II: 187.

¹⁵ Eastman, *The Soul of the Indian*, p. 42.

¹⁶ Anthony F. C. Wallace, "Prelude to Disaster: The Course of Indian-White Relations Which Led to the Black Hawk War of 1832," in Ellen Whitney, ed., *The Black Hawk War, 1831-1832* (Springfield: Illinois State Historical Library, 1978) I: 4-7; Nicolas Perrot, "Memoir on the Manners, Customs, and Religion of the Savages of North America," in Emma Helen Blair, ed., *The Indian Tribes of the Upper Mississippi Valley and Region of the Great Lakes [1911-1912]* (Lincoln: University of Nebraska Press, 1996) I: 136, 145; Claude Charles Le Roy, Bacqueville de La Potherie, "History of the Savage Peoples Who Are Allies of New France," in Blair, *Indian Tribes*, I: 303.

¹⁷ Perrot, "Manners, Customs, and Religion," I: 136

¹⁸ Potherie, "History of the Savage Peoples," I: 303.

Self government

When self-government first came to Prairie du Chien at the local level with the creation of the borough council, it was new, but had a certain familiarity. Prairie du Chien's borough charter in 1821 was adapted from models in Massachusetts and Ohio, adopting New England-style town meetings. It established a governing board consisting of a warden and two burgesses, a clerk, a treasurer, and a marshal, elected by freeholders.¹⁹ The earliest elected borough council members were three fur traders. This format introduced the novelty of self-government and elections, but the town meetings shared some aspects of Indian village councils.²⁰

It is clear from its earliest records that residents provided vigorous feedback to the borough council, apparently in open meetings. Some of the earliest laws modeled on New England ordinances focused on safety and good order. They included speed limits and parking regulations for horses, and rules about regular cleaning of chimneys--these laws seem to have been accepted by the *habitants*. For example, an ordinance stated "that no person shall be permitted to ride or drive his horse, mare, or gelding through the streets of this village; faster than a common traveling gait under the penalty of a fine of one dollar ..." ²¹ Another mandated that "all persons being concerned in a common field with a neighbor or neighbors" had to keep their fences in good condition between April 25th and October 10th.²² Another measure specified that Indians should not camp in a certain neighborhood (apparently near the fort).²³

The borough council repealed six unpopular ordinances within months of their passage in 1822, suggesting that local residents were willing to challenge their new council when it did not express the community's will. Compensation for the town clerk was reduced, and a boat tax and flour regulation and inspection ordinances were repealed at the second and third town meetings, suggesting community outrage at the new

¹⁹ "By-Laws enacted and passed by the ... Borough of Prairie des Chiens ... [1821]"; Scanlan, *Prairie du Chien*, pp. 190-91.

²⁰ Michael Zuckerman, *Peaceable Kingdoms: New England Towns in the Eighteenth Century* (New York: Alfred A. Knopf, 1970).

²¹ "By-Laws enacted and passed by the ... Borough of Prairie des Chiens. . . 20th day of March 1822." Sect. 7.

²² "By-Laws, enacted and passed by the ... Borough of Prairie des Chiens," 7 December 1822.

²³ "By-Laws, enacted and passed by the ... Borough of Prairie des Chiens," 20 March 1822.

measures.²⁴ A law against haystacks standing south of Fort Crawford was repealed at the next town meeting in 1823 as well.²⁵ The haystack ordinance might have been intended to reduce the likelihood of fire threatening the fort, but the *habitants* seem to have been unwilling to tolerate the inconvenience, and were not particularly interested in protecting the fort anyway.

Among the first laws passed in 1822 was the ordinance stipulating that “all white persons seen skulking or sneaking about after 10 o'clock at night within the enclosing of any lot in this village without the permission of the owner . . . shall pay a fine” of from two to five dollars.²⁶ What was this ordinance all about? It reflects the concerns of the town's brown wives, daughters, and sons; resentment against the army, and together with other laws and court cases of that time, provides an interesting expression of community values which drew heavily from tribal political philosophies. It also reveals a conflict between local and territorial laws, and demonstrates a local sense of “whiteness” at odds with that of American territorial and Congressional lawmakers.

The “white persons skulking” law was adopted in a community with many tensions. When it was passed, residents still resented the presence of the U.S. Army at Fort Crawford because officers and enlisted men treated the Creoles harshly, abusing them, both while soldiers were acting in an official capacity and while off duty.²⁷ One resident later remembered, “the officers of the army treated the inhabitants as a conquered people, and the commandants assumed all the authority of governors of a conquered country, arraigning and trying the citizens by courts-martial, and sentencing them to ignominious punishments.”²⁸ For example, Charles Menard had been charged with peddling alcohol to soldiers; he was “tried by court-martial, whipped, and with a bottle hung to his neck, marched through the streets, with music playing the *Rogue's March* after him.” Throughout, Menard maintained his innocence.²⁹ Another Menard, as

²⁴ “By-Laws enacted and passed by the ... Borough of Prairie des Chiens,” 20 March 1822, 6 May 1822, and 7 December 1822. Ordinances repealed were #s 10, 11, 12, 13, 14, and part of 19.

²⁵ “By-Laws enacted and passed by the ... Borough of Prairie des Chiens,” 7 December 1822 and 23 October 1823.

²⁶ “By-Laws enacted and passed by the ... Borough of Prairie des Chiens,” March 20, 1822, Section 15.

²⁷ Scanlan, *Prairie du Chien*, p. 123. *TPUS* 10:803-804; Michigan Territory “Records” 1:61; Alice E. Smith, *The History of Wisconsin* (Madison: State Historical Society of Wisconsin, 1985), v. I, p. 201.

²⁸ Lockwood, “Early Times,” pp. 128-129.

²⁹ Lockwood, “Early Times,” p. 129; Willard Keyes, “A Journal of Life in Wisconsin One Hundred Years Ago,” *Wisconsin Magazine of History* vol. 3, no. 3 (March 1920), pp. 339 – 363, and vol. 3, no. 4 (June

discussed in the previous chapter, had been whipped for defending a girl from sexual assault by the commanding officer. So the Creoles found ways to use the new government to express their sense of justice and to protect their community.

Many of the Creoles came from intermarried fur trade families; most of the men had Native or métis wives. All would have been aware that Native communities expected women to express their political views, whether in their families or in political meetings. Some Anglos thought the Native women in the Great Lakes region were notably--perhaps excessively--assertive, and their husbands remarkably patient with their assertiveness. Long-time Indian agent Thomas Forsyth, for example, was amazed that Indian men could "listen to a woman scold all day" without becoming aggravated.³⁰

The "white persons skulking law" was probably enacted in response to the concerns of Native and métis wives, mothers, and daughters complaining about men who intimidated or threatened them. After all, even the army's commanding officer had chased a local female. It is likely that Prairie du Chien's women had voiced their concerns about "whites" to their husbands, sons, and brothers and to the members of the borough council. Maybe the women came to the town meeting, or perhaps they lobbied the burgesses behind the scenes and sent their men to speak up. For these women, it must have been unnerving to sense that "white" men were lurking in the darkness outside their homes. (Ironically, this inverts the pioneer trope of Indians skulking around frontier cabins, threatening white wives and children. Keyes, for example, complained of "the tawny Savage of the wilderness, skulking [sic] in the thicket," causing "terror" to "those unacquainted with their manners."³¹) It is interesting, too, that this law expresses the concept of "whites" as dangerous "others."

But the threat of a fine did not seem sufficient to deter white skulkers. So, the following year in 1823, "An Act to establish a Patrol" was passed. This act made clear that it was soldiers from the local Fort Crawford who were skulking around disturbing the peace, particularly when intoxicated. The ordinance

1920). Keyes recorded on December 5, 1817, "A French Citizen confined and punished at the fort for selling whiskey to hirelings and soldiers contrary to orders." Keyes, p. 356.

³⁰ Thomas Forsyth, "Account of the Manners and Customs of the Sauk and Fox Nations of Indians Tradition," in Blair, ed., *The Indian Tribes II*, p. 215. He added, "They will scold their husbands for getting drunk or parting with a favorite horse or wasting any property to purchase spirituous liquor, will scold their children for wasting or destroying any property." p.218.

³¹ Keyes, "A Journal of Life in Wisconsin," p. 353.

empowered the Warden (chairman of the borough council) to organize local men into nightly patrols when necessary. It also mandated that "whenever the cry of 'soldiers,' is made or any public disturbance is heard in the night times within said Borough, the Warden or either of the Burgesses shall have power to call upon any or all of the inhabitants of said Borough to assist in resisting, seizing and quelling those who may have caused such disturbances . . ." In these and other ordinances, this community codified color and culture into their laws in ways that suggested that Indians were less dangerous than "white persons," (especially soldiers). These soldiers were no doubt the "white persons" the council worried about, men who were not only outsiders but also part of the conquering army.³²

Furthermore, other laws and court cases reveal deep divisions between Creoles and Yankees in legal philosophy, while demonstrating Creole willingness to use the borough council to protest and control the behaviors of soldiers and army officers.

Which brings us to drinking, where legal philosophies and efforts to control soldiers' behavior converged. Prairie du Chien's residents, visitors, and soldiers from Fort Crawford frequently spent their Sundays and holidays drinking and with activities such as ball playing (probably lacrosse), billiards, horseracing, boxing, and gambling. Both Euro-American and Native dancing were common in town, some of it accompanied by strong drink.³³ Willard Keyes, a Vermont man who lived there from 1817 to 1819, commented disapprovingly about local activities on the Sabbath, "it is the custom with many here to spend this day in riot and drunkenness."³⁴ Apparently the soldiers imbibed more excessively than the Creoles: New Yorker John Shaw, who spent some time in Prairie du Chien about 1816, commented, "The traders were polite and kind, and their hospitality was both general and generous; and while they drank freely, it was regarded as disgraceful to get drunk."³⁵ Many of the soldiers, however, in spite of the territorial laws, regularly drank to excess.³⁶ Lieutenant Colonel Willoughby

³² "By-Laws enacted and passed by the ... Borough of Prairie des Chiens," 1823.

³³ Keyes, "Journal of Life in Wisconsin," pp. 353, 354, 358, 443, 444, 445, 452, 453.

³⁴ Keyes, "Journal of Life in Wisconsin," p. 354.

³⁵ John Shaw, "Shaw's Narrative," WHC 2 p. 226

³⁶ Bruce E. Mahan, *Old Fort Crawford and the Frontier* (Iowa City: State Historical Society of Iowa, 1926) 262-263; Henry Baird, "Early History and Condition of Wisconsin," WHC 2 (1856): 89-90.

Morgan, commander of Fort Crawford, wrote in 1824, "the Soldiers find Such facilities for obtaining Spiritous liquors that they become dissipated and at times quite unmanageable."³⁷ A few years later, Zachary Taylor, then commander of Fort Crawford, complained that, "every other house at least is a whiskey shop, owing to which circumstance & the drunken materials the rank, & file of our army are now composed of . . . I had more trouble . . . with soldiers than I ever before experienced."³⁸

Creoles and Yankees had two different, opposing approaches to controlling the consumption of alcoholic beverages to prevent revelry from becoming riot. The local community targeted drunks rather than vendors for control.

Some of the tipplers who frequented Prairie du Chien were Native. Prairie du Chien's first alcohol-related ordinance stipulated that that "any Indian intoxicated in the streets making a noise and disturbing the peace shall subject himself to imprisonment and there remain until he gets sober."³⁹ The wording of this ordinance made the incarceration seem voluntary, imposed no fines, and avoided any language of coercion.

This law corresponds to Native views of drinking, and to the practices of Great Lakes fur traders, according to historian Peter Mancall. Traders often used liquor as an enticement to trade, and Indians were generally willing to forgive Natives who misbehaved while drunk. When drinkers became violent, Mancall wrote, "...communities accepted the idea that liquor was responsible for their actions; it made no sense to punish the person who committed the crime when the true offender was alcohol."⁴⁰

³⁷ Willoughby Morgan to Brig. Gen. Jessup, 12 April 1824, Record Group 92, Records of the Office of the Quartermaster General. Consolidated Correspondence File. 1794-1915, Box 430, Entry 225, NM-81, National Archives, Washington, D.C.

³⁸ Zachary Taylor to Maj. Gen. T.S. Jessup, 15 December 1829, Zachary Taylor Papers, Founders Library, Northern Illinois University (microfilm, series 2, reel 1, p. 2).

³⁹ "By-Laws enacted and passed by the Warden and Burgesses," 1822, Section 26.

⁴⁰ Peter C. Mancall, "Men, Women, and Alcohol in Indian Villages in the Great Lakes Region in the Early Republic," *Journal of the Early Republic*, 15 (Fall 1995)[pp.425-448], p. 432; Peter C. Mancall, *Deadly Medicine: Indians and Alcohol in Early America* (Ithaca: Cornell University Press, 1995) pp. 79-82, quote on p. 80.

While Indians were to be jailed until they sobered up (and, by implication, released in the morning), the 1823 ordinance aimed at soldiers empowered patrols composed of male residents to detain intoxicated and suspicious persons overnight until officials could bring the offenders before a magistrate “to be disposed of according to law.”⁴¹ (Many of the magistrates were Creole.) These regulations were much more coercive and punitive than the law regarding intoxicated Indians, suggesting that the local community felt drunken soldiers and other "white persons" were more dangerous than tipsy Indians.

But laws were also made by the territorial council, which reflected Yankee rather than Creole views. If Prairie du Chien's Creoles believed the laws should focus on controlling antisocial drinkers, Yankees like Judge Doty and the territorial lawmakers viewed drinking establishments as wicked. Doty told grand jurors in 1824 that, “Taverns are for the convenience of travelers, and under proper regulations can never be sunk into grog-shops; and if any one should assume this latter character, it becomes a crying evil, and demands your immediate interference.” Moreover, he described grog-shops and "irregular taverns" as "those places of resort for the idle and intemperate, and haunts of dissipation and almost every species of crime."⁴²

Additional territorial laws followed suit. Rather than targeting drunks, an 1816 territorial law prohibited sales of alcoholic beverages to minors, apprentices, soldiers, militiamen while in service, and to Indians. An 1819 act required vendors of individual drinks to be licensed.⁴³

By targeting taverns, these laws threatened local institutions facilitating social and even political activities. Taverns in the Old Northwest were community centers, where neighbors socialized, travelers found bed and board, religious services and courts were

⁴¹ "By-Laws enacted and passed by the ... Borough of Prairie des Chiens," November 20, 1823.

⁴² *U.S. v. J. Barrell*, May 1824, Michigan [Territory] Circuit Court (Iowa County) Criminal Case files, 1824-36, Wisconsin Historical Society Library, Platteville, Iowa Series 20, folder 4; Elizabeth Gaspar Brown, ed., "Judge James Doty's Notes of Trials and Opinions: 1823-1832," *The American Journal of Legal History*, 9:1 (January 1965) p.33.

⁴³ *Laws of the Territory of Michigan*, 1871, I: 201, 407. Another law passed in 1821 reiterated the ban on liquor sales to Indians, but also stipulated that anyone who did so had to give back to the Indian whatever had been given in exchange. *Ibid*, I: 923. Eventually, the Borough Council did pass an ordinance requiring people to have licenses in order to sell whiskey in quantities less than three gallons. This took place after Doty moved to the Prairie and his influence is likely. "By-Laws enacted and passed by the ... Borough of Prairie des Chiens," 4 December 1823.

convened, people danced, joked, brawled, and of course, drank.⁴⁴ Harry Ellsworth Cole's study of early Wisconsin taverns described the "picturesque scenes" at these businesses in Prairie du Chien and Green Bay: "Costumes of the people ranged from army uniforms worn by soldiers and Parisian gowns of certain ladies of fortune, to buckskin garments and moccasins of [I]ndians This variety and contrast in raiment produced a kaleidoscope of color, cut, and texture."⁴⁵ One of Prairie du Chien's inns was run by James Reed, whose stepson Antoine Grignon later recalled, "Around the fireplace in his tavern was often gathered an interesting throng of hunters, trappers, traders and Indians, and the usual town loafers. Many strange tales of frontier life and backwoods lore were told" ⁴⁶

Taken together, the actions of the borough council tell us several things about the residents: they had grievances against the army of occupation; they had views about drinking that were more like those of the Indians than the Yankees; and they used the language of racialization, but not in the same ways as most Anglos because their perspectives on race were different. Reading between the lines of local laws, we can discern the protests of female residents, who identified lurking predators as "white persons" and outsiders in contrast to less threatening "Indians," who were familiar and often kin.

Familiarity with Native political formats such as consensus-based village councils probably helped the Creole population to adapt the New England town meeting format to meet their needs. Prairie du Chien's *habitants* used the borough council to express resentment against and fear of the army garrison occupying their village and to organize patrols. Speedy repeal of unpopular ordinances makes clear that residents spoke their minds when given a chance to influence the town governance. Like Native village councils, the town meeting forum offered opportunities for vigorous feedback and debate, and for the creation of consensus. It also formalized conventions regulating the common field.

⁴⁴ Harry Ellsworth Cole, *Stagecoach and Tavern Tales of the Old Northwest* (Cleveland: Arthur H. Clark Company, 1930) pp.17, 237-298. A more recent study by Elliott West made similar conclusions about the far west: *The Saloon on the Rocky Mountain Mining Frontier* (Lincoln: University of Nebraska Press, 1979).

⁴⁵ Cole, *Stagecoach and Tavern Tales*, p. 181.

⁴⁶ Eben Pierce, "Indians Knew Reed as a Fearless Man," *The Galesville Republican*, July 15, 1915.

And the contrast between local and territorial laws about drinking provides an example of the very different ways that people of differing cultures addressed social problems, and methods of social control. The tensions evident here would be played out in the courts, the topic of a later chapter.

Prairie du Chien's borough council was a men's council not unlike many one could find in Indian communities around the Midwest. Here the village's most respected men presided, but everyone could attend, listen to deliberations, give their opinions, and influence the decision-making process. It was a forum where community values and concerns could be expressed, and we see them in the measures they passed.

"In a suffering condition": the Glass family

Another men's council was created to govern the county of Crawford, an enormous region encompassing roughly the western half of what is now the state of Wisconsin. Prairie du Chien's elite served on the Crawford County Commission--three at a time. In 1824, residents tried to use this institution to ameliorate the tribulations of the needy.⁴⁷ The Glass family crisis provides a glimpse into the ways that the new laws both created problems and--with the new organs of government--provided a menu of options to solve them.

Joseph Glass, when our story opens in January of 1824, was in jail awaiting trial for selling liquor by small measure without a license. He had been caught in the snare of a law made in faraway Detroit seeking to control alcohol vendors, a law at odds with the local philosophy about how best to control antisocial intoxication. Unable to afford the bail, Joseph was stuck, biding his time in custody until the court would meet six months hence. He couldn't work, so his wife Eve and three children were "in a suffering condition."⁴⁸ Although the Glass family was neither Creole nor Indian, it seems, their Creole neighbors came to their aid.

It would not seem that Joseph and Eve Glass would have aroused the sympathies of the *habitants*. He had served in the army for five years, apparently as a private, having

⁴⁷ *Laws of the Territory of Michigan* (Lansing: W.S. George & Co., 1871 and 1874). I: 661; II:279.

⁴⁸ Doty, Notes on Trials and Decisions (January 12, 1824), Mss. DD Box 3, typescript p. 22; Joseph and Eve Glass had apparently moved to Wisconsin from Ohio, where they had been married in 1810. Genealogy Buff.com, "Miscellaneous Pickaway County, Ohio, Marriages," accessed 8-25-09; correspondence from James L. Hansen, Wisconsin Historical Society, 3-16-2007.

finished his time in September of 1823 a few months before he was arrested for the crime of unlicensed liquor sales. They were outsiders: Eve Rager had married Joseph in Ohio in 1810, and there did not seem to be any kin connections between them and the fur trade community.⁴⁹ They were, in other words, lately part of the conquering army, and Joseph was seemingly one of those "white persons" that the *habitants* were so concerned about. In fact, if Joseph did indeed sell liquor to some of the "white persons" from the fort, they might well have troubled the Creoles with their skulking. However, the Glass family caught the attention of their neighbors and elicited pity.

Working behind the scenes to help the hungry family was Madame Marie Chalifoux Vertefeulle, who was Menominee and French.⁵⁰ She had asked Indian agent Nicolas Boilvin to help them out, but although he gave them some food, they were so needy that something else would have to be done. So, prompted by Madame Vertefeulle, Boilvin contacted the Crawford County Commission, the new governing body set up by Michigan Territory, whose duties included taking care of the poor.⁵¹

Nicolas Boilvin was a French Canadian who had first arrived in the Midwest in 1774 as a teenager, allied himself with the United States at an opportune moment, and by 1808 was a U.S. government-appointed Indian agent living at Prairie du Chien, where the next year he added to his roles that of justice of the peace. He had extensive knowledge of tribal cultures in the region, and his first wife, Wizak Kega, had been Ho-Chunk.⁵² Boilvin as an official thus tried to get the gears of government--this new men's council--to move as a means of resolving the Glass family's crisis.

The Commissioners called a special meeting because the family "was supported by private charity and other improper resources."⁵³ Commissioners Joseph Rolette and James Lockwood constituted a quorum in the absence of the third commissioner. Boilvin explained to them, "Mrs. Glass sent Mrs. Vertefeulle to ask me for a little provisions for

⁴⁹ "Register of Enlistments in the U.S. Army," Genealogy Buff.com, "Miscellaneous Pickaway County, Ohio, Marriages," accessed 8-25-09; correspondence from James L. Hansen, Wisconsin Historical Society, 3-16-2007.

⁵⁰ Les and Jeanne Rentmeester, *The Wisconsin Creoles* (Melbourne, FL: Privately Published, 1987) p. 221.

⁵¹ Wisconsin Territorial Papers, County Series, Crawford County, Proceedings of the County Board of Supervisors, Nov. 29, 1821 - Nov. 19, 1850 (Madison, Wisconsin: Wisconsin Historical Records Survey, 1942) (hereafter, CC Supervisors), 5-6/1:11-12.; *Laws of the Territory of Michigan* I: 531-532.

⁵² Peter L. Scanlan, "Nicolas Boilvin, Indian Agent," *Wisconsin Magazine of History*, 27:2 (December 1943) pp. 145-169.

⁵³ CC Supervisors, 5/1:11.

her Children. . . . I told Bourignon to give them some provisions when she sent for them and since that time I see the children almost every morning go to the Kitchen for something."⁵⁴ Col. Willoughby Morgan of Fort Crawford testified that several officers had come to him, having said there was a rumor "that Mrs. Glass was in a suffering condition, for Wood and perhaps for Provisions," and requested permission to provide her with both at their own expense. Morgan agreed and offered to make a donation as well.⁵⁵ No doubt the military officers were particularly sympathetic since Joseph Glass had been a soldier. But the Glass family's problems exceeded the ability of charitable individuals to help out.

Boilvin asked the commissioners to allocate some funds to help them. Instead, the panel took a look at the territorial laws explaining the Commission's duties and decided to take the Glass children away from their parents and indenture them to others until they would attain adulthood. Indentures were arranged for the children: John Glass to Col. Willoughby Morgan, Jane Glass to Judge Doty, and Harriet Glass to a Creole fur trader.⁵⁶

This was a severe mandate and it was certainly not what Madame Vertefeuille and Monsieur Boilvin intended.

The Glass family fortunes continued to plummet: three days later Governor Lewis Cass's brother attacked the still-imprisoned Joseph Glass and tried to kill him. According to court records, Captain Charles L. Cass aimed a loaded pistol at Joseph's chest; when it apparently misfired, Cass beat him.⁵⁷ Relations between the U.S. army and the local citizens had been extremely tense for eight years, and this was just another example of the army's extensive abuse of civilians, (even though Glass was himself a former soldier).

We may imagine the community uproar that ensued. Instead of helping to feed the Glass family, the commissioners were taking away their children and giving one of them to the obnoxious Yankee judge, Doty, and another to an officer of the hated

⁵⁴ CC Supervisors, 6/1:12.

⁵⁵ CC Supervisors, 5/1:11.

⁵⁶ CC Supervisors, 6/1:12; *Laws of the Territory of Michigan*, 1871, vol. 1 pp. 531-2, for the law permitting the commissioners to take this action. The man to whom Harriet Glass was indentured was probably Pierre LaRiviere.

⁵⁷ *United States v. Charles L. Cass*, Indictment for an assault with intent to murder upon Joseph Glass, 11 May 1824, Wisconsin Historical Society, Crawford County Circuit Court records, Iowa Series 20, folder 17.

conquering army. On top of that, the Governor's own brother had attacked the children's father!

Behind the scenes, people were negotiating. Someone tried to use Judge Doty's court to block the transfer of the Glass children with an injunction, but Doty refused to interfere.⁵⁸ Doty affirmed the right of the Commissioners to remove the children, who were “under age and very young,” from their mother, who was not only poor, but whose “general reputation [was] that of an immoral woman.” Doty added the opinion that even if money had not been an issue, the parents’ morals could be grounds for removing the children. Doty wrote:

“It may well be doubted whether parents, whatever may be their wealth or degree in life, who notoriously train their children up to vice and immorality, conducting before them in an indecent and shameless manner, and who are in the daily violation of the most positive rules of morality, as well as the laws provided by the Legislature of the Country, are entitled, by any law, to the possession of their children. ...in the morals of an individual, the society has certainly a deep interest; ...”⁵⁹

The community, however, seems to have disagreed strongly with Doty.

Even if the court couldn't be used to help the Glass family, another solution was forthcoming. Within three weeks, the County Commissioners had a change of heart and called another emergency meeting. This time, the third Commissioner, Creole Denis Courtois, was able to attend, and may have exerted an influence. Public pressure and backstage negotiations had convinced the commissioners to reverse the order taking the children from their mother. The attack on Joseph Glass by the governor's brother had probably added to public opinion that injustice had been done to his family, and may have influenced the Commissioners further.

In any case, public pressure and backstage negotiations had convinced them to reverse the order taking the children from their mother. So the Commissioners voted to

⁵⁸ Doty Papers. James Duane Doty Trials and Decisions. Wisconsin Historical Society Library, Mss. DD. Box 3, Circuit Court of the U.S. pp. 22-26, January 12, 1824. Because the records are fragmentary, it's unclear whether it was Brisbois, Vertefeuille, or someone else seeking an injunction to keep the children with their mother. Judge Doty supported the Commission's actions to remove the children from parents who, he wrote, "notoriously train their children up to vice and immorality."

⁵⁹ Doty Papers, James Duane Doty Trials & Decisions, Mss. DD Box 3, Circuit Court of the U.S., Wisconsin Historical Society Library, Madison, typescript pp. 22-24.

cancel the order to bind out the Glass children, after fur trader Michel Brisbois signed a security bond promising that “Joseph Glass and Eve his wife shall well and sufficiently provide for themselves and children...” and “that said Children would not become chargeable to the County.”⁶⁰ The commissioners decided to release Joseph Glass on bail pending his trial, no doubt with the expectation that as a free man he could support his family so they wouldn't need charity. When at his trial he was later convicted of the liquor license violation and re-imprisoned because he couldn't pay the \$50 fine, the county commissioners settled for \$25 and set him free.⁶¹ What was the point of keeping a man in jail if it meant that his family would suffer enough to cause a community crisis? It seems that the county commissioners (two thirds of whom were Creole), had discovered that they had the power to mitigate not only their own rulings, but also the rulings of the courts.

The misfortune that had stalked the Glass family had been created by the new institutions and processes of the American state. The territorial legislature's mandate requiring the licensing of liquor sales created a catch-22 that jailed a man too poor to pay his bail. This prevented him from earning either the bail money or a living for his family. The territorial law providing for indentures of poor children exacerbated the crisis. But a group of Creoles rallied to their defense--Vertefeuille, Boilvin, Brisbois, and probably Courtois and Rolette--adapting the new Yankee institutions to untangle their crisis.

Prairie du Chien's habitants were experimenting with the new institutions in this situation, experimenting with the County Commission and the courts, and testing the utility and flexibility of territorial laws. Here we see a crisis being mediated by a Native-descended woman, Marie Vertefeuille, and an elite Creole, Indian Agent Nicolas Boilvin, who sought the assistance of the new county government to help a family whose father ran afoul of representatives of other U.S. institutions: the army and the courts. Yet when the County Commission's decision did not resolve the situation in a satisfactory way, someone stepped forward to renegotiate. When Judge Doty wouldn't help out, Brisbois guaranteed that the children would not go hungry if their parents could keep them. And though the court convicted the unlucky Joseph Glass in June, the commissioners asserted

⁶⁰ Wisconsin Historical Society Library: Crawford Series 4 Crawford County Clerk, Board Papers 1817-1848 Box 1 Folder 1; CC Supervisors, 7/1:16.

⁶¹ CC Supervisors, 8/1:17.

their right to show mercy, deviated from the exact letter of the law, and moderated the court's penalty. Vertefeuille was playing a traditional Native and Métis role as mediator. Boilvin interceded with a local men's council (the County Commissioners) to seek a solution to a community problem. When the new institutions exacerbated rather than solved the Glass family's problems, Creole community members creatively negotiated behind the scenes to negate the institutional decisions and find a compromise.

If this incident is any indication, the Creoles were adapting well, experimenting with ways to achieve their goals--peace, justice, and local autonomy--in the context of new political realities. These events demonstrate the persistence of Native and Creole values in the old fur trade community at Prairie du Chien, of ideals such as compassion for the poor, female mediation, elite patronage, and an unwillingness to surrender complete control to outsiders such as the Yankees Cass and Doty.

"Without even one redeeming virtue": Prejudices

Many of the newcomers who made their homes in Prairie du Chien were unprepared to accept the Creoles on equal terms. Ideas about whiteness differed in Prairie du Chien--where so many of the residents had Native kin and ancestors--from concepts held by Anglos coming in from the east. Outsiders brought biases against people based upon color, religion, and ethnicity. There were, of course, many Indian-haters among the newcomers. Willard Keyes, for example, wrote about "the Tawny Savage" remarking that "their mode of living and eating is disgusting to those who have any sence [sic] of decency or cleanliness."⁶² Others disliked Creoles in particular.⁶³ One point of criticism was intellectual attainment. "The Americans generally consider the Canadians as ignorant," remarked an Italian traveling in the region in 1828. "Whether this be true, I know not; but I do know that I invariably found them very polite and obliging, even among the lower classes."⁶⁴ In the east, the norms regarding race and social status relegated people who were not "white" to the bottom levels of the hierarchy. As a result,

⁶² Keyes, p. 353.

⁶³ R. David Edmunds, "'Unacquainted with the laws of the civilized world': American attitudes toward the métis communities in the Old Northwest," in Jacqueline Peterson and Jennifer S.H. Brown, *The New Peoples: Being and Becoming Metis in North America* [1985] (Minneapolis: Minnesota Historical Society Press, 2001) [rept] 185-193.

⁶⁴ Giacomo Constantino Beltrami, *A Pilgrimage in Europe and America* (London: Hunt & Clarke, 1828) 2:174.

Anglos who arrived in Creole communities sometimes were surprised by what seemed to them a disjunction of color and status, race and class. James L. Lockwood later remembered his amazement at finding Indian wives and biracial children among the elites of the community. He wrote:

to see gentlemen selecting wives of the nut-brown natives, and raising children of mixed blood, the traders and clerks living in as much luxury as the resources of the country would admit, and the engagees or boatmen living upon soup made of hulled corn with barely tallow enough to season it...all this to an American was a novel mode of living...⁶⁵

Another newcomer in 1836 wrote a flippant letter to a friend that Prairie du Chien's elite fur traders were "as fat, ragged and black as their great-grandfathers were. (if they ever had any)."⁶⁶

Thus, many newcomers responded to the Creole communities with an awareness that people who seemed to be "nut-brown" or "black" were among those who married "gentlemen." In addition, some expressed a special distaste for people of mixed background.⁶⁷ Caleb Atwater, for example, an agent sent as part of an 1827 treaty delegation, described the people of Prairie du Chien as excessively intermarried, writing:

They are a mixed breed, and probably more mixed than any other human beings in the world; each one consisting of Negro, Indian, French, English, American, Scotch, Irish, and Spanish blood! And I should rather suspect some of them, to be a little touched with the Prairie wolf. They may fairly claim the vices and faults of each, and all the above named nations and animals, without even one redeeming virtue.⁶⁸

Ethnic and cultural differences continued to inspire bigotry in those who wrote for the Prairie du Chien newspaper at mid-century. An article in the *Crawford County Courier* in

⁶⁵ Lockwood, "Early Times," p. 110.

⁶⁶ J.H. LaMotte to William Beaumont, 2 September 1836, Beaumont Papers, Missouri Historical Society.

⁶⁷ R. David Edmunds, "Unacquainted with the laws of the civilized world": American Attitudes toward the Métis Communities in the Old Northwest," in Jacqueline Peterson and Jennifer S.H. Brown, eds., *The New Peoples: Being and Becoming Métis in North America* (1985, rpt. St. Paul: University of Minnesota Press, 2001) pp. 185-193; Thomas N. Ingersoll, *To Intermix With Our White Brothers: Indian Mixed Bloods in the United States from Earliest Times to the Indian Removals* (Albuquerque: University of New Mexico Press, 2005), pp. 79-81.

⁶⁸ Caleb Atwater, *Remarks Made on a Tour to Prairie du Chien in 1829* (Columbus, Ohio: Isaac Whiting, 1831) 180.

1853, for example, referred to the creoles as "this class of persons—perfectly destitute of ambition or worthy pride," and exulted that energetic Yankees were moving in, so that "where sloth, stupor and vice once ruled, now sturdy farmers, and busy mechanics are instilling a new life."⁶⁹ In years to come, issues of inclusion would emerge in political as well as social situations.

"The great North American family:" Voting and Whiteness

Yankee prejudices about Indians and Creoles influenced discourse about the composition of the body politic. While Prairie du Chien's residents were thinking about "white persons" and "Indians" and writing ordinances that affected them differently and while Yankees were moving in with their own prejudices, differing concepts of ethnicity and race intruded into legislation and practice at the territorial level. We must shift our gaze eastward momentarily to focus on the evolution of legislation about voters.

Voting laws in the early nineteenth century presented an evolving set of ideas about race, ethnicity, and class on the part of lawmakers at the federal and territorial level. Majority rule, of course, presented the dilemma: a majority of whom? It behooved those Anglo-American elites promoting the political development of the region to be very inclusive. The Northwest Ordinance provided for the territory to progress through three stages to eventual statehood, based upon the numbers of "inhabitants" counted there--five thousand persons in a county could elect delegates to a territorial legislature; sixty thousand could progress to statehood.⁷⁰ They needed Creoles to swell their ranks, to speed these population-based processes toward statehood, and to help them implement the government.

When created in 1796, the legal code of the Northwest Territory had been less concerned with race than with status, gender, and property, stipulating that voters should be "free male inhabitants" who owned at least fifty acres of land

⁶⁹ "Local Business," *Crawford County Courier*, Prairie du Chien, May 17, 1853, p. 2.

⁷⁰ The Northwest Ordinance, section 9 and article 5, full text online at <http://www.ourdocuments.gov/doc.php?doc=8&page=transcript>, consulted August 12, 2011.

and were either citizens or resident for at least two years.⁷¹ (The governor and other officials should own more land: one thousand or five hundred acres respectively.⁷²) The term "free" presumably excluded slaves as well as indentured servants. By 1818, after Ohio, Indiana, and Illinois became states, Michigan Territory took up the remainder of the Old Northwest, including present-day Michigan, Wisconsin and part of Minnesota.⁷³ Without reference to race or color, then, the laws had permitted men who had not been purely European in ancestry to vote.

It was then that Congress introduced race into the voting laws by allowing the territory to elect a non-voting delegate to Congress, permitting "every free white male citizen of said territory" over the age of 21 to vote, if he had paid a county or territorial tax and lived there for one year.⁷⁴ Land-owning requirements were dropped but because taxes were levied on land or other property, this requirement disenfranchised the poor and dependent. And of course, it continued to prevent women from voting.

Ethnicity would also complicate political issues. In the southern and eastern part of Michigan Territory, voting for congressional delegate seemed to reveal ethnic fault lines, especially in the mid-1820s. Based upon strong French-Canadian support in Monroe County (presently the Toledo area), William Woodbridge was elected as congressional delegate in 1819, and, as author Russell E. Bidlack has argued, "for a number of years thereafter, Michigan politicians

⁷¹ *Laws of the Territory of the United States North-west of the Ohio*. (Cincinnati: W. Maxwell, 1796) pp. vi-vii.

⁷² *Laws of the Territory of the United States North-west of the Ohio*, pp. iv – v.

⁷³ Clever Bald, *Michigan in Three Centuries*, p. 105; Buley, *The Old Northwest*, I: 62-63. Between 1809 and 1818, Illinois Territory included what is now Wisconsin.

⁷⁴ "An Act authorizing the election of a Delegate from the Michigan territory to the Congress of the United States," *Laws of the Territory of Michigan, condensed, arranged, and passed by the Fifth Legislative Council. Together with the Declaration of Independence; the Constitution of the United States; the Ordinance of 1787; and the acts of Congress, relative to said territory*. (Detroit: S. M'Knight, 1833) pp. 35-36. In 1823 Congress amended the law to specify that people must be citizens of the U.S. to vote at all elections in Michigan Territory, clearing up the question of whether a person could be a citizen of the Territory without being a citizen of the U.S. Ibid. p. 36. TPUS, 11: 719.

recognized that to win the French vote in Monroe County was often to win the election.”⁷⁵

In 1823, Rev. Gabriel Richard, the French pastor of Ste. Anne's Catholic Church of Detroit, was elected to the congressional delegate seat based upon strong Creole support in Detroit's Wayne and River Raisin's Monroe counties, horrifying Yankees who had strong prejudices against both French Creoles and Roman Catholics. Comments by a few Protestants and Catholics about Richard's lack of political experience, antiquated unfashionable attire, and difficulty with the English language suggest that the priest did not create in Washington the type of impression that some territorial residents wished the rest of the nation to have of those who lived in Michigan territory. Implied was the anti-Catholic and anti-French prejudice simmering behind their remarks.⁷⁶

So the campaign for territorial representative in 1825 between Richard, Austin Wing, and former Green Bay Indian Agent John Biddle was especially contentious. When preliminary returns seemed to show that Biddle had won by a small margin, Wing challenged the election results, arguing that many people had been permitted to vote at Sault Ste. Marie (an old fur trade town in the Upper Peninsula) who were not eligible, including recently discharged soldiers, non-citizens, non-residents, those who had not paid taxes (or who had paid them with work on the roads instead of cash), and those who were not "white."⁷⁷

The most interesting challenge was based on the charge that “half-breeds” had been permitted to vote at the Sault in violation of the stipulation that voters should be “white.” Canvassers William Woodbridge and Robert Abbott, the secretary and treasurer respectively, of Michigan Territory, assumed the task

⁷⁵ Bidlack, *The Yankee Meets the Frenchman*, 18. The first delegate to Congress, Woodbridge, who was also secretary of the territory, resigned in response to criticism of his dual roles, and Solomon Sibley replaced him. When in 1822 some citizens again tried to effect a transition to the second phase of territorial status by way of a petition, others organized a meeting to oppose this shift, arguing that government by a Governor and judges was adequate and there was no need for a territorial legislature. Buley, *The Old Northwest*, II: 33-34. In 1823, Congress provided that Michigan Territory would be ruled by a Governor and an assembly to consist of eight men selected by the President from eighteen nominated by voters.

⁷⁶ Frank B. Woodford and Albert Hyma, *Gabriel Richard, Frontier Ambassador* (Detroit: Wayne State University Press, 1958) 119, 127.

⁷⁷ *TPUS*, 11: 730.

of determining the final vote tally while the governor was on an extended tour of the territory and thus unavailable (and also conveniently able to avoid the controversy).

Men of mixed ancestry had been involved in politics from the beginning of U.S. hegemony in the old Northwest Territory, and in the year 1825, this did not change. In the middle of a contested election, however, voters of mixed ancestry were in danger of being disqualified on "racial" grounds. A six-year resident of Michigan Territory affirmed, the "population of mixed blood . . . have never been denied the right of white men; that he has repeatedly known persons of this description to vote, to set as Jurors, and that they have also held, and do now hold, county offices—viz, Justices of Peace, Coroner &c."⁷⁸ In spite of this longstanding inclusive practice, Wing's followers brought twelve depositions to the attention of the canvassers to prove that (in the words of one deponent) "halfbreeds, or Indians of the half blood," had been permitted to vote.⁷⁹ Another man said two election inspectors told him that "twenty Indians of the half breed, whose mothers were squaws, were permitted by the inspectors to vote."⁸⁰ Some deponents also mentioned that the voters in question had Native wives, which presumably made them more "Indian" than "white."

A vigorous discussion among supporters of different candidates, deponents, and politicians ensued in testimony and affidavits concerning the question of whether people of mixed ancestry should be allowed to vote. Some of Wing's supporters characterized "half-breeds" as members of "wandering" Indian families, living in "camps," and following lifeways unlike those of "whites," doing work outside the wage or market economy, thus defining race according to kin ties and specific elements of culture: dwellings and occupations.⁸¹ For example, one man generalized about "half breeds" that

⁷⁸ Affidavit of Thomas C. Sheldon, Oct. 31, 1825, *TPUS*, 11:774.

⁷⁹ *TPUS*, 11:774, 779-780, 774, 738.

⁸⁰ *TPUS*, 11: 739. Rayna Green, "The Pocahontas Perplex: The Image of Indian Women in American Culture," *Massachusetts Review* 16 (Autumn 1975) 698-714; David D. Smits, "The 'Squaw Drudge': A Prime Index of Savagism," *Ethnohistory* 29, no. 4 (Autumn, 1982) 281-306.

⁸¹ These depictions, of course, overlook the extent to which many Euro-Americans still followed patterns of subsistence to a very great extent, and the difficulty of farming in the cool climate.

“they do not cultivate the soil, nor are engaged in mechanical or other occupations peculiar to the whites—but in general procure their subsistence by hunting and fishing.”⁸²

But some Biddle supporters argued that the “half breeds” were *not* as Wing’s followers had characterized them. These deponents argued that the mixed voters, “*live in houses, cultivate the earth, and labor by the day or month, and pay their taxes when called upon, as other citizens of the United States do.*” They added that those of mixed ancestry “supply wood, hay, and other articles for this market.” Others testified that the “half breeds (so called.)” “dress[ed] like white men,” spoke French or English, practiced the Roman Catholic religion, and that “debts are collected by law of them.”⁸³

The two canvassers both believed that all voters should have at least some European ancestry. They agreed that Sault Ste. Marie voter Peter Pond, who “is generally understood [to be] a mixture of Negro and Indian blood” and should not have voted.⁸⁴ They stated that Congress clearly intended “free, white, male citizens” to include “those only who may derive their descent from European ancestors.” They added,

It is evident to us, that it was as foreign from the intention of the general government to admit Indians to the privilege of voting, as to extend that franchise to the descendants of African parents: both are excluded, for neither of them form component parts of the great North American family.⁸⁵

They rejected the argument that the exclusion should apply only to Negroes because of the heritage of slavery, recognizing that Indians had also been enslaved. They then acknowledged the political sovereignty of Indian tribes, noting “they have to some purposes an independent political existence . . . they constitute every year parties to new treaties with this nation.”⁸⁶ They added, “It is puerile to suppose that Congress could have intended to confer upon a Wyandot or Chippewa Indian a right to vote at our elections, or in any wise to intermeddle with our political affairs.”

On the other hand, the two canvassers disagreed with each other about the suitability of “half breeds” to vote. Reasoning that “white citizen” meant persons whose

⁸² *TPUS*, 11: 742, 748.

⁸³ *TPUS*, 11: 748.

⁸⁴ *TPUS*, 11: 743.

⁸⁵ *TPUS*, 11: 730.

⁸⁶ *TPUS*, 11: 730-31.

ancestors were European, “one member of this board is of opinion that *no one*, having any Indian blood in his veins, can be entitled to vote. ... Education does not alter the cast, nor any mixture of blood constitute of a part Indian, a ‘free, white citizen,’” he believed.⁸⁷

The other member of the board, however, was persuaded that a man of mixed Native and European ancestry should be allowed to vote, if he was born and educated in a condition of estrangement from all nations and tribes of Indians, by education, social habits and associations in strict connexion with the communities composed of the descendants of European ancestry, if he were not party, as of Indian descent, to any treaty, nor in any wise recognized as a constituent member of the tribe, and, especially, if the father were of European descent, and legally intermarried with the Indian mother.⁸⁸

In addition to arguing for identity based upon community membership and culture, he appealed to the logic of patriarchy, elaborating upon this by rejecting the application to people of Indian and European ancestry the doctrine of *partus sequitur ventrem*, which was used to ensure that children inherited their slave mothers’ unfree status. If the parents were legally married, “the child should follow the condition of the father.”⁸⁹

In the end, the deciding factor for the two 1825 Canvassers was the issue of whether Sault Ste. Marie voters had paid a tax, rejecting the suggestion that road work could be considered a form of tax payment, and cited records that showed only five of those who voted had paid a territorial tax, and only nine had paid a county tax, including one “half-breed Indian.” They therefore rejected 52 votes (49 for Biddle and 3 for Wing), accepting only nine of the Sault Ste. Marie votes, giving those nine to John Biddle. Tellingly, among those nine men whose votes were accepted was one “half-breed Indian.”⁹⁰

The officials thus stopped short of excluding the métis from voting, using the class-related issue of tax-paying to sidestep the issue of “whiteness.” Wing’s

⁸⁷ *TPUS*, 11: 731.

⁸⁸ *TPUS*, 11: 731.

⁸⁹ *TPUS*, 11: 731.

⁹⁰ *TPUS*, 11: 724-25.

supporters were happy because the result favored their candidate. But men like Woodbridge and Biddle knew that Creole voters, including the métis, could be persuaded to vote for Anglo candidates like them, so it should not surprise us that a back door was left open into “white” status, to be kept ajar for future political needs. And soon after, laws were added to allow men who paid their taxes with road work to vote in the future.⁹¹

Congress ruled in February of 1826 in response to this controversy that men of mixed Native and European ancestry should be permitted to vote, if they were "civilized," and not tribal members. "If, by his manner of living and place of abode, [a man] was assimilated to, and associated with, the great body of the civilized community; had never belonged to any tribe of Indians, as a member of their community; and being possessed of the other necessary qualifications, no good reason is perceived against such a person being considered as a qualified elector."⁹² Thus "whiteness" depended on lifestyle, community membership, and detribalization.

The result was the election of Austin E. Wing as a delegate to Congress. Congress tinkered with the results a bit, but accepted Wing, who served there from 1825-29, and then as a Representative from Monroe from 1831-33. Biddle served from 1829 – 31.⁹³

At the local level, judges of election had a great deal of discretion about who could vote. No one complained to the Canvassers in 1825 about the Prairie du Chien electorate, but several of the men who voted there were part Native. One, for example, was Simon Barth, the son of a Chippewa mother.⁹⁴ Other men such as Michel and Joseph Brisbois and George Fisher had Native ancestry

⁹¹ "An Act to provide for the election of a Delegate in the Congress of the United States," 1[1827], *Laws of the Territory of Michigan*, II: p. 564.

⁹² U.S. House of Representatives, 19th Congress, 1st Session. [Rep. No. 69.] "Michigan Election," February 13, 1826. Online Databases, Ohio State University Library, "Serial Set," p. 7.

⁹³ Biographical Directory of the United States Congress, for Wing, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=W000631>; for Biddle, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=B000441>, consulted 11/22/2006.

⁹⁴ *TPUS*, 11: 898; James L. Hansen, "Prairie du Chien's Earliest Church Records, 1817," *Minnesota Genealogical Journal* 4 (November 1985) p.7.

several generations back.⁹⁵ And men with African ancestry were also sometimes accepted by local judges of election: voters Claude Gagnier and François Duchoquette were both Afro-French, these half-brothers being the sons of Marianne Labuche, an important midwife and healer of French-African heritage.⁹⁶ Many, if not most, of the Prairie du Chien voters had wives who were Native or métis, including Hyacinthe St. Cyr, whose wife was Keenokou of the Ho-Chunk nation; Pierre Charlefou, whose wife Lizette was Dakota, and François Chenevert, whose wife, Louise Giard, was half Mesquakie.⁹⁷ Wing's supporters probably did not complain about Prairie du Chien because it was too far west to be well-enough known or accessible to the men pressing the challenge. Furthermore, they could get the votes they needed by a challenge in only the northern community.

But the lawmakers did not exclude métis men from voting for practical reasons. Men of mixed ancestry had indeed been included in the eastern part of the territory as officials and jurors and even as voters for half a dozen years or more. To disenfranchise them would have alienated a group that the Anglos needed as allies to rule the territory and control the Indians. Additionally, Creole voters outside southeastern Michigan had not voted strictly along religious or national lines: most had supported either Biddle or Wing over Rev. Richard. Thus, those building political coalitions had reason to assume that they might include métis men among their allies. And soon enough, the Creoles would become a small enough minority that they would be unable to influence the outcome of territorial elections even if they voted as a bloc.

"The independence of self-government": Elections, Voters, and Consensus

⁹⁵ Jacqueline Peterson, "The People In Between: Indian-White Marriage and the Genesis of a Metis Society and Culture in the Great Lakes Region, 1680-1830," Ph.D. dissertation, The University of Chicago, 1881, p. 161.

⁹⁶ Correspondence of James L. Hansen, Wisconsin Historical Library, 11-28-06; Lockwood, "Early Times," pp 125-26.

⁹⁷ Hansen, "Prairie du Chien's Earliest Church Records," pp. 4, 9; Linda M. Waggoner, ed., *Neither White Men nor Indians: Affidavits from the Winnebago Mixed-Blood Claim Commissions, Prairie du Chien, Wisconsin, 1838-1839* (Roseville, MN: Park Genealogical Books, 2002) p. 39; Forsyth "A List of the Sac and Fox half breeds."

In Prairie du Chien during the 1820s and '30s residents continued to familiarize themselves with the new structures of government, evolving slowly away from French Canadian authoritarianism and even more slowly away from Native systems of consensus and communalism.

One novel practice would be individualized balloting which was introduced for some men. The town meeting format of the borough council began the first year, 1821, with appointed officials and open meetings characterized by vigorous discussion, but the borough charter stipulated that "Freemen of said Borough" would, by written ballots inserted into a box during a public meeting, select their officers.⁹⁸ This anticipated Congressional approval, designed, in part, to encourage the political acculturation of the Territory's Creoles. In 1824, the Legislative Council of Michigan Territory successfully urged Congress to allow local officials to be elected, arguing that the population "of French descent," who were "not yet fully conversant with the nature of our institutions," would as local voters learn "to appreciate their value."⁹⁹ The 1819 voter definition--free white male, over 21, paid a tax, one-year residence--was extended to all elections in the territory.¹⁰⁰ By December of 1822 Prairie du Chien had elected its officers: three prominent fur traders. They were Joseph Rolette as Warden, Michel Brisbois as 1st Burgess, and James H. Lockwood as 2nd Burgess.¹⁰¹

The ideas of representative government and majority rule did take some getting used to. Creoles seemed, to some outsiders, to vote too frequently according to the advice of their patrons. James Lockwood, an ambitious young man and protégée of James Duane Doty, later recalled that the Creoles did not seem to adopt Yankee concepts of the franchise. He wrote:

Of all the foreigners that came to this country, the Canadians of French extraction seemed to have the least idea of the privileges of American citizenship. It appeared almost impossible to instil [sic] into their minds anything of the independence of self-government . . . They do

⁹⁸ "An Act to Incorporate the Borough of Prairie du Chien," 1821.

⁹⁹ Memorial of the Legislative Council [of Michigan Territory] to Congress, August 5, 1824, *TPUS*, 11:604-605.

¹⁰⁰ *Laws of the Territory of Michigan* (Detroit: Sheldon & Reed, 1820) p. 15.

¹⁰¹ "By-Laws enacted and passed by the ... Borough of Prairie des Chiens," 7 December 1822.

not consider it a privilege to vote for the officers who are to govern them; and consider it only desirable to use the elective franchise in order to gratify some friend who has asked them to vote for himself or his candidate; and when so requested, they are too polite to refuse, unless a previous promise had been made to some other.¹⁰²

And the Creoles often did vote in unison, or nearly so. Yet historian Jeremy Mumford has pointed out that even if métis voted as a bloc, this was neither irrational nor pointless, and that many other ethnic groups shared similar voting patterns.¹⁰³ We might add that bloc voting would seem to be in the spirit of consensus decision-making so valued by Native communities.

Soon after the Borough of Prairie du Chien was established and its "freemen" elected local officers, voters also began participating in territorial elections and they did seem to vote together most of the time. Voters may have been swayed more by personal relationships than issues.¹⁰⁴ For example, in 1829, Henry Baird received 39 votes for one of two seats on the territorial Legislative council (his métis wife was the sister of Jeanne Fisher Rolette), and Robert Irwin, Jr. (whose aunt was a Menominee métisse) got 37 for a different legislative seat, while two other candidates polled 4 and 2 votes respectively.¹⁰⁵

Biddle, Wing, and Richard ran against each other for delegate to Congress several times, but seldom split the electorate. In 1823, for example, John Biddle got 82 out of 83 votes for delegate to Congress.¹⁰⁶ (That year, 82 men voted for other offices, and all

¹⁰² Lockwood, "Early Times," p.141.

¹⁰³ Jeremy Mumford, "Metis and the Vote in 19th-Century America," *Journal of the West*, Summer 2000, v. 39, no. 3, p. 41.

¹⁰⁴ This was the case in Sault Ste. Marie. James L. Schoolcraft wrote to Henry R. Schoolcraft from Sault Ste Marie 15th May 1835, complaining of the recent election. "Our election can only be considered as a strife between the friends of the opposing Candidates; it was not Conducted by a political principle." *TPUS* 12:920-921;

¹⁰⁵ Crawford County Clerk Board Papers, 1817-1848, Series 4, Box 1, Folder 1, Wisconsin Historical Society Library; Elizabeth Baird, "Memoranda", Henry S. Baird Papers, Wisconsin Historical Society, Madison, Box 4, folder 1, no date; Rentmeesters, *Wisconsin Creoles*, p. 274.

¹⁰⁶ Some support for Biddle may have been based upon kinship, too. Biddle was the cousin of Edward Biddle of Mackinac, whose Odawa wife Agathe Bailly had relatives at Prairie du Chien. Keith R. Widder, *Battle for the Soul: Metis Children Encounter Evangelical Protestants at Mackinaw Mission, 1823-1837* (East Lansing: Michigan State University Press, 1999) p. 51, 54; Donald Chaput, "Bailly, Joseph," *Dictionary of Canadian Biography Online* (University of Toronto/Université Laval, 2000) vol. VI ; Elizabeth T. Baird, "Reminiscences of Early Days on Mackinac Island" *Wisconsin Historical Collections* 14 (1898) p. 43; "1821: Wisconsin Traders' Letters," *Wisconsin Historical Collections* 20 (1911) 197n55; James L. Hansen correspondence, 7 14 2009.

voted the same.)¹⁰⁷ (See Table below). In 1825, Wing made a slightly better showing, but still polled only 19 out of 76, the rest going to Biddle. Thereafter, support vacillated between Biddle and Wing, perhaps reflecting changes in the political clout of their local promoters, Rolette and Lockwood respectively. In 1829, Biddle received 38 votes for delegate to Congress, Austin Wing received 3, and Rev. Richard, 1. Notably, there was little support for Father Richard, the French Catholic Priest, among the largely Catholic Prairie du Chien voters, demonstrating that religion and ethnicity were not the sole factors swaying voter decision-making. Thus, in the early years, Prairie du Chien voters expressed consensus in their voting.

"Fully conversant with the nature of our institutions": Voter Turnout

Enthusiasm for electoral democracy was strong in the early years, but soon dropped, due to the personal dangers of patronage politics and incidental frontier violence. Voter turnout at Prairie du Chien was good during the three elections that took place in 1823 and 1825, when 83, 76, and 73 men cast their ballots, but only 13 participated in the 1827 congressional election. Reasons for the decline in participation are not completely clear. If they had heard about the 1825 controversy involving Sault Ste. Marie, some men may have wanted to avoid being challenged as voters. (As it turned out, only one man, Indian sub-agent John Marsh, was challenged--and that, for not paying a tax.)

A frontier uprising may have caused a temporary decline in voting, as people feared leaving their homes. The year 1827 was a tense one in Prairie du Chien because troops had been moved from Fort Crawford to Fort Snelling in Minnesota in 1826 just when conflicts between Ho-Chunks and Euro-American lead miners were heating up to the south of the Wisconsin River. In the early spring, a Creole family had been mysteriously murdered west of the Mississippi while making maple sugar, putting everyone on edge. In a separate incident, a few weeks after the poorly-attended election, on June 28, a group of Ho-Chunks responding to Anglo aggression in the lead district to the south and to rumors that Ho-Chunk prisoners at Fort Snelling had been killed,

¹⁰⁷ "Election Record of the Territory," [1823-37], Fort Crawford Museum Archives, Prairie du Chien. [#1998-006.024]

attacked the Gagnier family south of Prairie du Chien and killed Registe Gagnier and retired soldier Solomon Lipcap, and injured a baby. Then on June 30, when an Army keel boat passed north of the Prairie staffed by men that had reportedly abducted several Ho-Chunk women, a party of Ho-Chunks attacked. Two American soldiers were killed and ten or twelve Ho-Chunks died.¹⁰⁸ The so-called "Winnebago Revolt" created great consternation, and the 1827 election returns from Prairie never made it to Detroit.¹⁰⁹

Table 2.1: Territorial Elections at Prairie du Chien

Year	Mo.	Number of Voters	Biddle	Wing	Richard	Lyon
1823	Sept	83	82	1	0	
1825	Apr	76	57	19	0	
1825	June	73				
1827	May	13	0	13		
1829	July	42	38	3	1	
1831	July	36	0	36		
1833	July	72		69		3

Sources: "Election Record of the Territory," [1823-37], Fort Crawford Museum Archives, Prairie du Chien. [#1998-006.024]; Crawford County Clerk Board Papers, 1817-1848, Series 4, Box 1, Folder 1, Wisconsin Historical Society Library.

But even before the Revolt, territorial contests were creating conflicts at the local level in Prairie du Chien. Patronage politics could have a downside that might explain some of the decline in voting. In particular, there was the problem of the Rolette-Lockwood rivalry, one of several feuds that would involve Rolette.

Joseph Rolette had been born in Quebec in 1781, and arrived in Prairie du Chien in 1804 as a fur trader, an occupation he continued until his death in 1842.¹¹⁰ Most of the time, Rolette had a charming, friendly personality; he was intelligent, witty, and hospitable. This short, handsome businessman was also extremely ambitious and had a strong temper--if crossed, he could be petty and vindictive. For a long time, he was one

¹⁰⁸ Scanlan, *Prairie du Chien*, 129, 130, 131, 161.

¹⁰⁹ Elections and Archives Division, Department of State, State of Michigan, Election Returns, RG 56-26, #6312, Microfilm Roll No. 38.

¹¹⁰ Martinus J. Dyrud, "King Rolette, Astor Fur Trader on the Upper Mississippi," unpublished manuscript, Villa Louis archives; Scanlan, *Prairie du Chien*, p. 85. His given name was actually Jean Joseph Rolette III. Dyrud, "King Rolette," p. 2.

of the most important men in Prairie du Chien, and aspired to lead it from the very front.¹¹¹

In his memoir, Lockwood admitted that he and Rolette were rivals, "opposing candidates for the rank and consideration of the first man of our little village," and they each asked voters to support their favorite candidates.¹¹² At one election (probably 1825), Lockwood recalled, a farmer "by the name of Barrette, whose vote had been solicited both by Mr. Rolette and myself . . . being engaged in getting in his spring crop of grain, and thinking if he went to the election he would offend one or the other of us . . . concluded it would be wisest to remain at home, and work on his farm."¹¹³ In the spirit of the Creole culture's emphasis on avoiding conflict, Barrette thus declined to vote at all. But, Lockwood claimed, Rolette was angry enough with Barrette that he tried to punish him by bringing a complaint in court, alleging that Barrette's stud horse had been running wild in violation of local ordinances. A local jury acquitted Barrette.¹¹⁴ But the incident reveals the dangers of voting--or not voting--in a deferential society, where elites might retaliate against voters. Barrette's neighbors on the jury refused to punish him, but the vengeance of Rolette is instructive. The Lockwood-Rolette rivalry may have soured some voters on the electoral process in 1827 and kept them from the polls.

And the Lockwood-Rolette rift was connected to a political conflict between Rolette and another important man. James Lockwood's mentor was Judge James Duane Doty, who had developed a strong animosity toward Rolette and actively sought to hurt him politically. Because of a power struggle with Rolette during the winter and spring of 1823-24, had Doty moved his family from Prairie du Chien to Green Bay, although he continued to preside at the circuit court in Prairie du Chien during its yearly session.¹¹⁵

Seven years later, Doty was helping to organize an anti-Rolette political party at Green Bay and trying to recruit the Brisbois family in order to expand the party it to Prairie du Chien. He explained to Joseph Brisbois in an 1831 letter. "The people of this county [Brown] have determined . . . to free themselves from the shackles of him & his

¹¹¹ Dyrud, "King Rolette," p. 2.; Lockwood, "Early Times," pp. 173-4.

¹¹² Lockwood, "Early Times," p. 175.

¹¹³ Lockwood, "Early Times," p. 142. Indeed, Pierre Barrette did not vote for the Legislative Council in 1825, although he had voted in the territorial election of 1823. *TPUS*, 11:918;

¹¹⁴ Lockwood, "Early Times," pp. 143-144.

¹¹⁵ Albert G. Ellis, "Life and Public Services of J. D. Doty," *WHC*, vol. 5 (1868): p. 372.

intriguers. A party has been organized, under the title of ‘the friends of the country,’ at the head of which are the old Inhabitants of this county. John Lawe, Judge Porlier, and every member of the Grignon family are in its front rank.” Doty added, “It is hoped that the County of Crawford will abandon the evil of its ways and step forward in support of our ticket. Depend upon it[:] you can never destroy the baneful influence of the little nabob unless you do so . . .”¹¹⁶ Doty used the term "old Inhabitants," as an Anglicization of the French *habitants*, using ethnicity for political appeal. The Lawes, Porliers, and Grignons were long-time Creole fur traders; Doty's reference to them in this letter to the French Creole Brisbois was an effort to demonstrate Creole support for his side. And Doty's strategy seems to have worked: in 1833 when Doty--now a Green Bay resident--ran for a seat on the territorial legislative council, all 72 of the Prairie du Chien voters cast their ballots for him. In the next year's township elections, Rolette was elected pound master (the man in charge of stray animals), a truly ignoble post for a man who had until 1831 been one of the township's supervisors, and had held top leadership positions in most areas of local and county government during the 1820s.¹¹⁷ If Prairie du Chien's Creole voters had supported Rolette because of his French Canadian background and success as a fur trader before, by 1831 other issues and allegiances had trumped ethnicity as a factor in voter decision-making.

Local Politics

At the local level, too, voters practiced consensus politics with some enthusiasm until a combination of factors made most reluctant to attend town meetings and cast their ballots. When another local feud disrupted the political status quo, given the lack of issue-based controversy, many men avoided these local forums. The Township of St. Anthony was created in 1828 to replace the Borough of Prairie du Chien, and like the Borough format, it provided opportunities for local men to elect some of their representatives in town meetings. At the first meeting on April 7, by "viva voce" vote,

¹¹⁶ James Duane Doty, Green Bay, to Joseph Brisbois, Prairie du Chien, 3 May 1831, Letterbook pp. 148-149, Doty Papers, Bentley Library, microfilm. It is interesting that one of the men in opposition to this party and supporting Rolette, according to Doty in this letter, was Henry Baird, whose wife Elizabeth was related to Rolette's wife Jane on their father's side.

¹¹⁷ "Election Record of the Territory" [1823-37], Fort Crawford Museum Archives, Prairie du Chien. [#1998-006.024]

they unanimously elected three "supervisors" (apparently the name for council members), three assessors, a clerk, a tax collector, two overseers of the poor, three commissioners of highways, three constables, two fence viewers, a pound master, and an overseer of the road. Some men held more than one role; for example, Joseph Brisbois was both an assessor and clerk; Pierre Lariviere was an assessor and an overseer of the poor, and Strange Powers was both Pound Master and Overseer of Roads. (It is unclear how many voted.)¹¹⁸

The consensus evident in the unanimous election of these officials was also reflected in the communal measures passed at this meeting. Voters uniformly agreed that "all horses, mares, geldings, all horned cattle and all other domestic animals shall be free commoners." Although Congress had not approved the residents' request for communally-owned sections of the village, many Prairie du Chien farmers shared fences. In a town with common fields (which might be individually owned but were contiguous and fenced around the whole), it was important to keep free-roaming livestock out of the arable fields, so the residents unanimously ordained that "all fences that are in common shall be put in good order by the 25th of April and shall not be opened before the 15th of October ..." They threatened careless homeowners with a ten-dollar fine and promised to pay the fence viewers one dollar each time they had to view and assess broken barricades.

Beginning in 1829, paper ballots were cast in the town meetings and the clerk duly recorded the names of those who had voted. Votes for local officers tended to be almost unanimous. For example, that year Rolette, his brother-in-law Jean Brunet, and Joseph Street were all unanimously elected as supervisors; all the other officers were elected either unanimously or very nearly so.¹¹⁹ Turnout for the town meetings could be low--why? (See chart.) Was it because of the typical near-unanimity, or was the apparent consensus the result of some voters again avoiding by their absences another emerging political rift?

Territorial politics had become controversial when the Rolette-Lockwood rivalry heated up, but local fault lines were challenging consensus in several ways: by 1827 or

¹¹⁸ "Election Record of the Territory," [1823-37].

¹¹⁹ "Election Record of the Territory," [1823-37]. 20 voters elected the supervisors; three men were unanimously elected as assessors; Joseph Brisbois received 20 votes for clerk, two others received 20 votes for constable; two men received 18 votes for commissioner of highways, and so forth. Only Daniel Curtis had little support: he received only two votes for tax collector.

1828, the Brisbois family was developing animosity against Joseph Rolette, who had married their niece Jane Fisher (also known as Jeanne or Genevieve) in 1818. Sometime in the next dozen years, their marriage fell apart. In 1834 Jane and Joseph separated, with her cousin Bernard W. Brisbois taking the role of her trustee.¹²⁰ The Brisbois-Rolette discord was probably based both on the marital strife and other factors.

Rolette had already picked a fight with Bernard's brother Joseph Brisbois. Outraged that Rolette had accused him of malfeasance as county clerk, Joseph had written in 1832 to a friend, "I am not surprise[d;] since four year he try to find some charge, so that he may have a man under his controle, to do what he please with him &c as he was custome to do with the clerk previous to my entering in those Office, but I will much surprise if there any charge against me, . . . all the Inhabitants of this County will support me if it was necessary to be recommended."¹²¹ Brisbois, who was also a justice of the peace and register of probate, continued as county clerk in spite of Rolette's challenge, probably because he did have the broad community support he claimed.¹²²

As the Rolette-Brisbois rift threatened to split the vote, and the Rolette-Lockwood rivalry made some of Prairie du Chien's men anxious to avoid insulting either of the elites, voter turnout dwindled, at least until the tax controversy of 1835.

(See Fig. 2.1 on Voter Turnout.)

The Poor Tax Controversy

Voter consensus broke down in 1835. On Saturday the 6th of June of that year, a town meeting had as its primary goal the election of a Register of Deeds. Only nine men appeared, and after the election, took up the issue of funding for the community's paupers.

When sick, elderly, and mentally incompetent people had no one to look after them, territorial law provided that local officials place them with residents who were given money to help cover the cost of their care. In 1834, Justice of the Peace Hercules Dousman ruled that Catherine Pelotte "was entitled to relief as a pauper in the

¹²⁰ Martin Dyrud, "King Rolette," unpublished manuscript, Villa Louis archive, Prairie du Chien, timeline 1834, 1836 [no page numbers].

¹²¹ Joseph Brisbois, Prairie du Chien, to Morgan L. Martin, Member of the Legislative Council, Detroit, 10 December 1832, Green Bay and Prairie du Chien Papers, Wisconsin Historical Society Library, micro. page 144, (frame 340.)

¹²² Hansen, "Crawford County Public Office Appointments."

consequence of her being an idiot and having no estate upon which she can subsist," so he named Bernard Brisbois as her guardian and ordered the local government to pay him four dollars per month for her upkeep.¹²³

The money had to come from the public coffers, which were not well enough endowed. So, someone proposed a new revenue measure, and all nine of the men present at the 1835 township meeting voted to establish "a poll tax of one dollar on each free male inhabitant of the age of twenty one years or upwards for the year 1835 for the use and maintenance of the poor." (Notably, one did not have to be "white" to pay a tax, but did have to be male.) Bernard Brisbois, Amable Grignon, and Pierre Lachapelle joined five non-creoles (and one whose name is illegible) in passing this tax. Probably, this was the first revenue measure to be instituted that was neither a property tax nor a fee for services such as registering legal documents.

Once the word got out about the tax, there was evidently a community uproar, because another town meeting was called three weeks later on June 28th. This time, there was a much stronger turnout: thirty-one men came to vote, and twenty-two of them voted against the tax, at least fourteen of them Creole. We may imagine the vigorous debate that must have taken place on this issue--some of it in French, some in English. (This is the only record reporting which voters favored and which opposed the measure.) Town Clerk Thomas Posey recorded that "It is therefore ordered a majority of the electors concurring that the order or rule adopted ... levying a poll tax of one dollar ... be and the same is hereby recinded." [sic]¹²⁴

At this point, some of the voters seem to have left the meeting because when a second measure proposed a tax of 37 1/2 cents per adult male "for the use and maintenance of the poor of said township," only sixteen voters remained to vote and all approved the measure.

Why was this measure so controversial? Was it the tax itself, the idea of using public funds to care for the poor, or resentment directed against Catherine Pelotte or Bernard Brisbois? More likely the vote reflected resistance to the institutionalization of a function--charity--that had heretofore been handled informally within the community

¹²³ "Register of Paupers Admitted to relief by the Director of the poor for the Township of St. Anthony and County of Crawford," Fort Crawford Archives.

¹²⁴ "Election Record of the Territory," [1823-37.]

with significant female participation (a topic to be considered in a later chapter). The Glass family fiasco of the previous decade had taught Prairie du Chien residents to be wary of government direction of charity. The poor tax issue may also reflect an element of ethnic or partisan tension: all of the township officers presiding in 1835 when the tax was first passed were Anglos: James Lockwood, Thomas Posey, Samuel Gilbert, and Thomas Street.

But there were demographic changes afoot that were evidently affecting the balance of power in Prairie du Chien, and the 1835 controversy may have been a wake-up call for the *habitants*. Perhaps they had learned the downside of apathy. In 1836, when they remembered how the previous year's low turnout had adversely affected them, the number of men who appeared to vote for local officials increased to 38. (This was the year that the Creoles became a minority in Prairie du Chien.) Out of those 38 voters, only 15 had French surnames. We don't know who ran for office or how the voters aligned themselves, but the results of the election meant that the town board of supervisors was again composed of three Anglos. (Thomas P. Street, James H. Lockwood, and Samuel Gilbert). Joseph Brisbois, however, was elected town clerk again. Lesser roles were mixed, but tended to relegate the creoles to the bottom: George Fisher and Toussaint Dubeau were constables, Julien Lariviere the pound master, and the fence viewers were Jean Brunet, Francois Chenevert and Strange Powers. Dousman and Lockwood were highway commissioners.¹²⁵

So the next year, in 1837, 26 men with French names were among the 52 who showed up to vote at the town meeting to elect township and county officers. This time Bernard Brisbois and Hercules Dousman were two of the three supervisors, and Joseph Brisbois was both Township clerk and County Treasurer.¹²⁶

Creole political power would soon take a nosedive. The system of majority rule meant that demographic change could wreak havoc in the balance of power. Migration into western Wisconsin had been increasing ever since the end of the War of 1812. After the Black Hawk War of 1832 and subsequent removal

¹²⁵ "Election Record of the Territory," [1823-37]. In 1837, the town meeting reduced the poor tax to 12 1/2 cents per adult male.

¹²⁶ "Election Record of the Territory," [1823-37].

of the Sauk and Mesquakies, more and more "settlers" came into the region to take the Indian lands, most of them from the eastern U.S., but some from northern and western Europe as well. In the mid-1830s, creoles became a minority in their hometown. (See Table 2)

Table 2.2. Prairie du Chien Creole Proportion of the Population.

	French Surname
1817: Men identified by name in sources: n=60/72	83.3%
1820: Household heads, U.S. Census: n=39/53	73.5%
1830: Household heads, U.S. Census: n=45/62	72.6%
1836: Household heads, Wisc. Census, County n=79/157	50.3%
1840: Household heads, U.S. Census, County n=63/187	33.7%
1850: All residents (Creoles*) n=425/1406	30.2%
1860: All residents (Creoles*) n=380/2,398	15.8%

* Creoles includes residents with French surnames who were born in Wisconsin, Michigan, Minnesota, Missouri, Illinois, or Canada before 1820, their children, and/or those who were known from genealogical and treaty records to be members of fur trade families. Data for the years before 1850 were for those with French surnames. All residents appeared in the records without ethnic or racial designations or as "white." Sources: James L. Hansen, "Prairie du Chien's Earliest Church Records, 1817," *Minnesota Genealogical Journal* 4 (1985): 329–42; James H. Lockwood, "Early Times and Events in Wisconsin," *State Historical Society of Wisconsin* 2 (1856): 125–6; Hoffmann, *Antique Dubuque*, 51-59; Lowrie et al., ed., *Public Lands*, 5: 47–98, 270–2, 283–328; Donna Valley Russell, ed., *Michigan Censuses 1710–1830* (Detroit: Detroit Society for Genealogical Research, Inc., 1982), 146–7; Elizabeth Taft Harlan, Minnie Dubbs Millbrook, and Elizabeth Case Erwin, trans. and eds., *1830 Federal Census: Territory of Michigan* (Detroit: Detroit Society for Genealogical Research, 1961); [C.W. Butterfield,] *History of Crawford and Richland Counties, Wisconsin* (Springfield, Illinois: Union Publishing Company, 1884) I: 294-5; Population Schedules of the Seventh Census, 1850, manuscript, Crawford County, WI, microfilm M432, Reel 995; Population Schedules of the Eighth Census, 1860 manuscript, Crawford County, WI, microfilm M653, Reel 1402; U.S. Census Office, *Population of the United States in 1860* (Washington, GPO, 1864), 534.

By the end of 1836, the year Wisconsin became a territory separate from Michigan, Prairie du Chien was no longer predominantly creole. The political implications of becoming a minority would be enormous, and is clearly reflected in the decline of Creole officeholders. In 1825, six out of eleven men mentioned in the records of the Crawford County Commissioners as having official roles were Creole.¹²⁷ Ten years later, four out of six men mentioned in the county minutes were Creole, some in

¹²⁷ C C Supervisors, pp. 9-12 /I:20-26.

more than one office; and 11 out of 20 township officials were Creole.¹²⁸ However, by 1845, Anglo immigration had led to the political marginalization of the old fur-trade families: among 62 men mentioned in the Commissioners' records as having official roles in government, there were only seven Creoles.¹²⁹ Thus, Creole political authority dwindled as more and more outsiders made Prairie du Chien and the surrounding area their home.

Conclusion

In the Northwest Territory and its subsequent governmental permutations, U.S. officials incorporated the old fur traders and other long-time Creole residents into the body politic because they needed their participation to legitimize the government, and practically speaking, to operate the government. They also needed Creoles' loyalty as long as Native Americans were a large presence in the territory.

Given the population of the region--a large number of Indians, a smaller but significant number of Creoles, and a tiny population from the original thirteen United States--the "Americans" needed the support and participation of the Creoles to make the system work, and to dominate the Indians, so Creole men were urged to vote and serve on juries. Although Congress and the territorial governments were codifying restrictions based upon evolving concepts of race, and laws increasingly excluded from political rights those who were not "white, Creole men survived a challenge to their racial status and were permitted--even required--to participate in government as officials, voters, and jurors. Many Creoles were métis; even more had Native or métis wives, yet they could vote and serve as jurors and officials if by any stretch of imagination they qualified as freeholders or taxpayers or citizens.

Because the new institutions required their participation in order to function, Creoles exerted some agency in these roles. They were sometimes able to protect neighbors from skulkers or against aspects of the new institutions that seemed harsh or unjust, such as the binding out of poor children or the

¹²⁸ C C Supervisors, pp. 35-37/I: 76-81; "Election Record of the Territory," [1834].

¹²⁹ C C Supervisors, pp. 181-208/ 1:167-218.

incarceration of men unable to post bail for unlicensed tavern keeping. They could express communal agricultural practices, and force the reconsideration of unpopular laws. Drawing on experience with Native political and judicial practices, the Creoles used the new forms of governance to critique colonization, assert their choices about local laws, and express their own sense of justice.

The new legal and political system imposed an Anglo-Yankee social and political hierarchy on the Native people and Creoles. This political colonization of the region redefined and formalized many relationships among men by way of official roles. Some of the leadership and mediation activities that men and women had previously performed (often informally) were taken over by the territorial, county, and local administrations. Since these roles were legally restricted to men, they became more gendered. Where elite men and women had exerted authority, the new roles of voter and juror extended formal influence to some non-elite men, shifting the basis of authority from elite status (derived from prestige, kin connections, age, accomplishments, and economic authority) to maleness and “white”-ness, in addition to citizenship. Yet, some Creole men and women still mediated and negotiated outside of the official channels.

But Creoles found ways to use forms such as the borough and town councils and County Commission to express their own concerns and to address local issues in ways that reflected their own culture and experiences. Some of the new political processes had a familiar ring. As fur trade workers and kin to Native people, Creoles had experienced not only the non-democratic political system of francophone Canada, but also consensus-based Native political systems.

Where Creole men initially participated with some enthusiasm in the electoral process, they expressed consensus in their decision-making during the early years. The dangers of deferential politics soon depressed participation, however. Once the Rolette's feuds heated things up, voter turnout began to decline. The Poor Tax controversy of 1835 fractured the remaining consensus while reversing voter apathy. Yet by the mid-1830s the in-migration of Yankees and western Europeans increased to the point that Creole voters became a minority, reducing Creole political power. The Creoles experimented with the new systems of governance and then adapted to them, in a process of institutional assimilation.