

The undersigned Members of the Council of the Territory of Wisconsin, have opposed, and voted against the passage of the Act entitled "An act to locate & establish the seat of government for the Territory of Wisconsin, and for the erection of public buildings," and being in the minority upon the vote being taken upon said act, do hereby enter our solemn Protest against the said act, and offer the following as the grounds of our objection against the same— that is to say:

Firstly because by the said act the seat of government for said Territory is located at one place, and the Legislature is required to convene at a different place for the term of two years; which is a violation of and contrary to the power conferred by the organic law.

Secondly because the place called "Madison" is situated in the interior of the Territory, at a distance of many miles from any settlement or inhabitants, and entirely destitute of all materials necessary and proper for erecting and constructing public buildings, and that the said buildings cannot be constructed at that place without a great waste and expenditure of public money.

Thirdly that by the provisions of the ninth section of the act of Congress establishing said Territory, it is provided that the Supreme Court shall hold an annual session, "at the seat of government;"— and that the said act having established the seat of government at the said Madison, a place "wholly destitute of all conveniences or buildings for the accommodation of said Court, it is in effect a denial of the due administration of Justice to the people of the Territory, inasmuch as said Court can not hold its sessions as required by law, until the erection of proper buildings for

its accomodation.

Fourthly, Because the location of the seat of government as established by said act, will, in our opinion promote private interest at the expense of public weal.

Fifthly, Because the said act requires the Legislative Assembly to convene at Burlington; a place situated ~~at~~ near the extreme southern boundary of said Territory: thereby compelling the representatives, and all persons wishing to attend the session of said body, to travel from all other parts of the Territory, to the extreme point thereof.

Sixthly, Because no necessity exists for convening the said body at a point so removed from the centre of the Territory and population, inasmuch as facilities and accomodations equal to those existing at Burlington, can be found, at many other places at or contiguous to the present place of meeting of the Legislature, and near to the centre of the populated parts of said Territory.

Seventhly, Because the first section of the bill establishes one place as the seat of government, and the second section requires the Legislature to convene at a different place; this is virtually an establishment of two seats of government, at the same time, and is usurping a power not conferred upon this body.

Eighthly, Because the said act is calculated to operate upon and bind subsequent Legislative Assembly of said Territory, by locating the seat of government at a particular place, after a lapse of more than two years from the passage of said Bill; this is contrary to that provision of the organic law which provides that the Governor & Legislative Assembly shall have a right at any time to alter the seat of government.

Notably that "Madison" has been laid out and named since
the convening of the Legislature, and has no existence except upon
Paper as appears by the description of the place in the first
Section of said act.

Henry S. Baird, President,

James Murray

John Foley

Gilbert H. Knapp

J. M. Knight
J. R. Vineyard

Bellevue, Iowa County,
Monday 24 October 1836

Dear Wife,

Ellis, Boyd and myself arrived here yesterday evening, we had very disagreeable weather & bad roads, in consequence of the snow which fell about four inches deep. We had however a very agreeable journey otherwise, and are in good health, with the exception of one of my very bad colds, which I have had since the day after I left home, it is however getting better and after a day or two will wear off - And now for some description of the "Capitol of Wisconsin".

The village of Bellevue is laid out upon a beautiful high prairie, near the foot of a mound or hill, formerly called "Platt's mound". Its situation for a prairie country is handsome and overlooks a large extent of country - the greatest objection to it being the want of two essential requisites, wood and water. From the description, which I had previously heard of it, I had made up my mind to see but two or three houses and those of an inferior quality; I was therefore rather agreeably surprised, upon emerging from the wood to see 6 or 8 very pretty framed buildings, neatly painted, together with several other frames in a state of forwardness - We have a very comfortable framed house for a boarding or eating house; and the members from our county have a good room in another comfortable building as lodging apartments - A council house, very respectable in appearance, and pretty commodious, all things considered, has been erected & is finished - Two or three other houses are in progress destined for the accommodation of members - and finally we have been agreeably disappointed in meeting with quarters so comfortable - But few of the members have as yet arrived - To-morrow is the great day - and as it will be an interesting one I will not close my letter until after the close of to-morrow's session -

And now, my dear Patsy, I would or to bid you yourself & the wee bairns

I entreat you to take care of yourself, and make yourself comfortable and as happy as possible. For myself I shall endeavor to do so, and I am inclined to think our time will be pretty much occupied, and perhaps will pass full as pleasantly as we anticipated - The Governor, & family are here. I have not yet been introduced to his family, but as the board at the same house I have seen them & like their appearance much - They must at the table seven ladies, and if we had a few more it would look quite court like. I wish you to write to me weekly and let me know how you get along, particularly how your health is, and that of the small fry. Tell Liz. she must learn her book & music - Emily must learn to read & sew to say her letter before I return - I will send you a paper which I wish you to take out of the office & preserve - I wrote you from the Postage, & gave you the news of that place -

Tell Thomas he must take good care of his horses &c. &c. & be careful not to crop the river until the ice is perfectly good -

The weather has cleared up - we have this morning a beautiful morning and every indication of Indian Summer -

Tuesday October 25. 1836 -

To-day both houses met and organized, nothing has as yet been done; to-morrow we will commence business - My cold is not much better, but a little rest will cure it - Our house is much crowded, with both members & strangers - The Governor delivers his message to-morrow at noon

On Wednesday the Message was received, which you will have in the paper of to-day - In the afternoon an attempt was made to elect a President - but after 3 ballottings it was abandoned & the council adjourned - This difference arose from a struggle between the members from the east & west sides of the Mississippi - Those on the west supporting their candidate & those on the east supporting myself - after the adjournment a compromise was made between the parties, by which they with their candidate & on Thursday upon the first balloting I was unanimously elected - This situation I did not wish to occupy, but as it is considered an honorable one, I could not well decline it -

We have as yet done but little business - and probably will not
until next week - I will write you again next week - My love
to yourself, and all the little ones ^{Let's include} - Remember me to all friends
particularly Pills & Burley - and believe me Dear wife ever yours
H. J. Baird -

direct
to Mrs
P

Belmont Iowa County, U. S.
October 29th 1836.

Dear Father,

~~Arrived~~ I arrived here on Sunday afternoon after a tedious ride of six days. The weather was cold and disagreeable, with much snow and rain; in the mining part of the country we found the snow 3 or 4 inches deep - which rendered the roads very bad. I am in good health with the exception of a cold, which I took in consequence of the great changes in the weather.

At your arrival here I was rather agreeably surprised to find things ~~here~~ so comfortable; for although we are necessarily much crowded, and our table not of first quality, yet we are, all things considered very comfortably lodged. The Town is very new, having been laid out during the past summer. Its situation is pleasant and commands a beautiful prospect of the surrounding country. There are about 10 or 12 buildings in it, and more under way.

The members are now all present, and a quorum having appeared on the 25th the Council convened - but the Governor's message was not delivered until the 26th. It is published. I have sent you a copy of it contained in the Newspaper published here. I will continue to forward you a paper during the session which will give you information relative to our proceedings. We had a struggle in our body on the 2d day, for the election of our President, between the members from the East & west side of the Mississippi, those from the west supporting a Mr. Toas, from Des Moines; and the other party uniting upon myself - I was by no means desirous of occupying the chair, but as the matter was made a subject of expediency, and being unanimous

manously supported by the members from Brown, Milwaukee & Iowa
county, who considered the subject as involving an important question, and in
fact a trial of strength, I could not decline the nomination, especially as
it was deemed a mark of favor and an ~~honorable~~ expression of their
confidence and friendship - There were three ballottings, in which the
votes stood 5 to 3. The candidate & one of the members throwing away
their votes - upon the third ballot the Council adjourned until next day;
and previous to the opening of the council on the succeeding day an ar-
rangement was made, & the western people agreed to withdraw their can-
didate - Upon the first balloting I was elected unanimously. The
station although in every way honorable, is in some & to me peculiarly unplea-
sant - as I think I could do more on the floor - however I must not com-
plain, almost any person would feel flattered & very highly honored by the
distinction -

I find as I anticipated, a great want of legal talent in both of our
bodies, particularly in our own - The representation is however, for a
new country by no means despicable, and much superior to my expectations.

What will be the duration of our stay here is at present rather un-
certain - That we will set ^{to} the extent of the time allowed by law for the
present session, there is no doubt - There is some talk amongst some
of members of continuing together ^{and} holding a second session: but
I think it is generally disapproved of - I hope not, and believe
that we will all be satisfied to return home at the end of seventy five
days - and therefore I think I will be at home by the 15th of January.
I would it were sooner -

I regretted extremely that I could not have stopped a night with you
but as I considered that all wishes to gratify private interest or feeling, should
yield to the discharge of my public duties, I was obliged to forego my wishes on the
subject.

The Governor and family are here: I have visited him several times
and have been politely and cordially received.

I need not tell you that time hangs heavily on my hands - To-day is saturday, the council did not meet ~~and~~ I feel as though I would like to visit home & return on monday, but this is denied me, by the distance which separates me from it & I must content myself the best way I can - As we have no kind of amusement, we will be obliged to apply ourselves to business the more closely in order to be contented -

The all absorbing question of the location of the seat of Government has not yet, of course, been settled, and it appears to be the general wish to let it rest in peace until near the close of the session, for if agitated now ^{it} will distract the minds of the members, & perhaps engender feelings of distrust & jealousy which may materially interfere with our deliberations -

To-morrow I will write to Thomas, and give him a detail of matters in general - As each member is by a resolution of our body entitled to a number of copies of the ~~the~~ newspaper & message, I have been enabled to send ^{all my} a number to ~~each~~ ^{my} friends ~~where~~ - Tell mother I will inform

her in due time of the day of my return in order that she may have time to prepare; for as she is always afraid of starving me, when I visit you, and as I will probably be hungry I will do all I can to eat up her provisions, &c -

Should Botsey require Scott's assistance in helping Thomas to prepare for winter, I wish you, upon ascertaining the fact to permit him for a short time to go down - & after rendering what assistance may be necessary he can return to you -

I have seen Col. Jones, our Delegate & given him your petition, & also conversed with him upon the subject of your claims - He has promised to give it his attention - Tell Col. Johnson that I would have sent him a paper but understood one had been sent him by one of our members, if not you can let him peruse yours - my love to all others, remember me to Major Brown & Perry & families - Yours affectionately
J. B. S. Baird
Jones has just arrived -