

THE
CONSTITUTION,

ADOPTED AT A

MEETING OF THE SETTLERS

OF

RACINE COUNTY, W. T.

June 20th, 1837.



J. O'ROURKE, PRINTER,

MILWAUKEE, W. T.

CONSTITUTION.

At a meeting of the inhabitants of Racine county held at the house of Benj. Felsh in said county June 6th 1837, the Hon. Gilbert Knapp was appointed Prest. Richard Miller Vice Prest. and William Bullen Secretary, and Jason Lathrop Ast. Secretary of said meeting.

On motion, Eldad Smith, Walter Cooley, Zadock Newman, Marshall M. Strong, Samuel Marrs, Isaac G. Northway, Oren Stephens, E. S. Sill, Jason Lathrop, John Cogswell, E. G. Ayre, were appointed a committee to report resolutions for the consideration of the meeting.

The committee after a short absence, returned and asked further time to consider the subject committed to their charge.

When, on motion made, the meeting adjourned to the 20th Inst. to meet at the house of Mr. Montgomery.

June 20th, met agreeable to adjournment; when the following preamble, Resolutions and Constitutions were reported by Eldad Smith, Chairman of the committee, and adopted.

Whereas the settlers of Racine county, have removed to, and settled in this country for the purpose of bettering their condition by Agricultural and other pursuits, the inducements and encouragements of which being here so liberally extended to Emigrants, not only in a rich reward of an abundant product from the fertility of the soil, but also in the liberal price which those products command: And whereas the Congress of the United States, by the repeated passage of pre-emption laws, impressed us with a reasonable belief that the same policy would continue to be pursued for the benefit of the settlers on the public lands, who by their recent settlement, could not be included under the provisions of the last pre-emption law: And whereas the settlements in this section of the country have been generally so recently formed, that a pre-emption law containing such provisions as that reported during the last session of Congress, would not embrace the case of a large number of

meritorious settlers, but would leave their improvements subject to entry by those who may hereafter visit the country with a view to purchase land: And whereas under all the circumstances, the people of this county could not witness, without emotion, the sacrifice of property and improvements, the product of their own labors, together with their fondly cherished hopes of the future enjoyment of their newly formed homes: And whereas in order to secure the fruits of their labors in a peaceable and equitable manner, it is necessary that certain rules and regulations should be adopted by the settlers whereby the right of occupancy shall be determined.

Therefore be it

Resolved, by the people of Racine county in general meeting assembled, that they do now adopt, and will to the best of their abilities, sustain in force of obligation, the following rules and regulations.

RULE 1.—Any adult citizen who has prior to this date made a claim on one or more quarter sections not exceeding in all two quarter sections of land, (unless the executive committee shall, in consequence of extensive improvements at this time made or

for the want of timber decide that for such improvements the person making the same shall in certain cases, hold one or two quarters in addition;) and any minor of the age of sixteen and over, who has made a claim on one quarter and not to exceed one quarter section of land, shall have a right to retain said claims in possession in a compliance with the conditions contained in the rules adopted by this meeting.

RULE 2.—If a person claims one quarter only, he shall improve and cultivate within six months from the time of entering such claim at least three acres, and within one year from the time of making said entry shall erect and finish a house thereon suitable for the residence of a family, or instead of building a house, to improve and cultivate three acres more on said claim.

RULE 3.—If a person claims two quarter sections he shall improve and cultivate within six months from the time of entering such claim at least ten acres, and within one year from making such entry, shall erect and finish a house thereon suitable for the residence of a family, or instead thereof to cultivate and improve five acres more on said claims.

RULE 4.—The following being considered proper definitions as to what constitutes an improvement and cultivation are therefore adopted as a rule of judgment.

DEF. 1.—If the claim lie in wood land, to clear off all down timber and brush and all trees of ten inches diameter and under, and enclose the requisite quantity of land with a good fence, such as a farmer would build to protect his crops and sow or plant the same with grass, grain, or vegetables, shall be deemed a sufficient improvement and cultivation.

DEF. 2.—If the claim lie in a prairie or part prairie and wood land, then to enclose the proper quantity with a fence, and plough the prairie and put in a crop as aforesaid, or plant in part and make hay in part in said field shall also be deemed a sufficient improvement and cultivation.

DEF. 3.—In case the time allowed for improvement and cultivation shall come in that season when ploughing and planting cannot be done, then the making an improvement agreeable to the foregoing requirements within the time limited and sowing and planting at the ensuing seed time, shall be deemed an improvement and cultivation within the meaning of the foregoing rules.

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RULE 5.—All claims made in the name of any person who is not an inhabitant of this county shall be forfeited, unless the person in whose name they are made shall take actual possession of them before the first day of Sept. next, and commence making improvements thereon, according to the regulations this day adopted; and no person shall be allowed to hold any claim in this county unless he be an actual resident in the same, and any claim now regularly made that is not now or shall not be recorded before the first day of August next shall be considered as no claim and may be occupied by any person that may choose to take it, provided however, that, should any person hold one or two quarter sections by purchase he shall have six months to dispose of the same by complying with the rules and regulations adopted by this meeting.

RULE 6.—No person shall make a claim on any tract which has been taken and regularly entered according to the rules and regulations of the old constitutions unless such person shall neglect to make such improvements as are prescribed by these rules within the time limited therefor, but in case any claimant shall neglect to improve in the

time and manner by these rules set forth, he shall forfeit his right to said claim, and any person may take possession thereof in his own right.

RULE 7.—That all the decisions heretofore made by the committees acting under the old constitution shall be sustained, and no re-hearing shall be had hereafter before any committees appointed under the rules adopted by this meeting, provided that all the parties interested in the trials before those committees had due notice agreeable to the provisions of said constitution of the time and place of said trial.

RULE 8.—In order that all may know what lands are claimed and what are not, it shall be necessary for every person who makes a claim within ten days thereafter to deposit a certificate with the register, of the quarter or quarters claimed, certifying to the belief that he is the first occupant by purchase or otherwise, and that he has neither jumped or defrauded any one in said claims, which certificate shall be duly sworn or affirmed to, before some magistrate, and the register shall be entitled to twenty five cents for a certificate and recording the same.

RULE 9.—In order that the committee

may be able to present a true list of all claimants on the day of sale whereby each person will be secured in his just rights, it is required when any person shall purchase a claim from another, he shall immediately give the register notice thereof, and have the transfer made in his own name; and the register shall be entitled to twenty five cents for making such transfer.

RULE 10.—Whenever the lands in this county shall be brought into market, the executive committee shall appoint an agent to bid off the lands in behalf of the settlers whose claims are entered on the book of Registry, and no person shall in any case be countenanced in bidding in opposition to said agent on behalf of the settlers.

RULE 11.—In any case when a person shall claim one quarter section of prairie and one quarter section of timber which shall be disconnected, the amount of improvement required for both of said quarters may be done on either, as may best suit the convenience of the claimant.

RULE 12.—That the county shall be divided into four districts, and a register shall be appointed in each district who shall keep a map of his district and write the name of

the claimant in each quarter section which map shall be subject to the inspection of any person wishing to see the same, and all the towns and fractional town Number One in this county shall constitute the first district, and all the towns and fractional town number two shall constitute the second district, all the towns and fractional town number three shall constitute the third district, and all the towns and fractional town number four shall constitute the fourth district.

RULE 13.—The executive and judicial committee shall receive for each days attendance for the trial of any cause, one dollar each with the customary travel fees.

Whereas a large number of claims have been registered under the old constitution, it shall be the duty of the register of each district to transcribe such certificate without any charge to the claimant.

RULE 14.—There shall be a central executive committee appointed for the county of Racine by this meeting, consisting of five members, who shall appoint a register of claims and a clerk of their own board, who shall keep a minute of their proceedings, and appoint such other officers, as the interest of the settlers may require, and call

meetings of the people when they may think it necessary for the general interest, or for the purpose of amending these rules, or for other purposes. Three or more members of said committee shall form a quorum for the transaction of business, and a vote of a majority of the members present at any meeting shall decide any question before them, questions of appeals included. They shall also have power to fill vacancies in their own board.

RULE 15.—All disputes that may arise between different claimants to the same parcel or tract of land, shall be submitted to the arbitration and decision of the judicial committee, to consist of three persons within and for the precinct or district in which said disputed tract shall lie; and either party feeling aggrieved by any decision that may be made before the judicial committee as aforesaid, shall have the right of appealing therefrom to the executive committee who shall constitute a board for the trial of appeals: and their decision shall be final and conclusive between the parties, provided that no appeal shall in any case be taken from the decision of the judicial committee as aforesaid, unless the party appealing shall

within twenty four hours after the making and publishing such decision, pay or cause to be paid all costs that may have been awarded against him: and provided also, that the executive committee before proceeding to hear any question brought before them by appeal, shall require the parties to enter into bonds each to the other in such sums as the executive committee shall deem proper conditioned to abide, do and perform in all respects as said committee shall decide, order or direct and either party refusing so to give bonds shall not be heard before said committee, but the matter in controversy shall be taken *pro-confesso* against him and a decision entered accordingly.

RULE 16.—When any claimant shall bring any question of settlement in relation to a disputed claim before the judicial committee, or shall have appealed from the decision of said committee and wish a trial of the same before the executive committee, it shall be the duty of such claimant to give in writing at least six days notice to the opposite party of the time and place of the meeting of such committee and neither of said committees shall proceed to hear any dispute unless satisfactory evidence is pro-

duced of the service of notice aforesaid, but if it shall appear that notice has been given and the opposite party does not appear, then they may proceed to hear *ex parte* evidence, or adjourn to some future period, not less than two nor more than thirty days, as justice and the circumstances of each particular case should require, and in all cases of adjournment, notice thereof shall be given to the absent party.

RULE 17.—In conducting all trials by either of said committees as aforesaid, and in making any and all decisions therein, said committees shall be governed strictly by the rules and regulations this day adopted, and by the principles of justice and equity; and the committee shall have the power to adjudge such a sum to the party to whom the claim shall of right belong, as a remuneration for costs and charges in and about said trial, as to them shall seem just and equitable.

RULE 18.—It shall be the duty of the judicial committee, in all cases not appealed from within twenty four hours, and of the executive committee immediately upon making any decision to make out and deliver to the party in whose favour such de-

cision shall be made, a certificate thereof; and such certificate shall be sufficient authority for the Register to enter the tract of land therein described in the name of such party; and previous entry or entries to the contrary notwithstanding; and such party shall thereupon be entitled to take possession of such tract without any further judicial proceedings.

RULE 19.—These rules and regulations shall be and remain in force until changed by the people in general meeting, convened by a call of the board of the executive committee, by a notice published at least twenty days previous to the day appointed for said meeting.

The executive and judicial committees shall each have power to put the rightful owners of claims in possession of the same, and shall have authority to carry into effect all their decisions in relation to claims in dispute, and every signer of the constitution is requested and will be expected to assist in the execution of any decision of either of said Committees in regard to any claim or claims which may have been acted upon by them.

The following gentlemen were appointed

the Executive Committee for the county of Racine, viz.

Charles Durkee, Isaac G. Northway,
Eldad Smith, Alfred Carey,
Orrin Stevens,

Resolved, that the above rules and regulations together with the proceeding of this meeting be published in the Milwaukee and Chicago papers and that B. B. Carey, Esq. Superintend and procure the publication of the same.

GILBERT KNAPP, President.
RICHARD MILLER, V. President.
WILLIAM BULLEN, Secretary,
JASON LATHROP, Assistant Sec'y.