

Ruins of the Diana dam, blown up by drainage interests.

A Wisconsin Drainage Crime

by Louis Radke

HORICON MARSH, once the greatest paradise for game and fish in the northwest, was known in the early days as Winnebago Marsh. The Winnebago Indians made it their hunting and fishing grounds long before the paleface ever pulled a trigger or cast a line within its borders. It spreads its 40,000 or more acres of land over an area four to six miles wide and about eighteen miles long in southeastern Wisconsin. This vast region is known as the headwaters of Rock River, the two branches of which make their junction in the marsh. Rock River was meandered by the United States Government Survey as far north as the north line of Township 11, North, Range 16, East, and by the Statutes of Wisconsin declared navigable as far north as Township 14, North, Range 15, East, the latter point being the north boundary line of Dodge County. The local acts of Wisconsin of 1839 provided that "Rock River is hereby declared to be a public highway and forever free for the passage of boats, barges, canoes, rafts or other crafts capable of navigating said river as high up said Rock River as Township 14, Range 15."

In 1845, with the approach of civilization, the old pioneers erected a large dam across Rock River at Horicon, causing the overflow of this vast area. Lake Horicon, picturesque and beautiful in the extreme, with its peninsulas, islands and numberless bays and coves, sprang into existence. Lake Horicon not only had the distinction of being the largest artificial lake in the world, but was known as a haven for the market hunter, commercial fisherman and trapper. Ducks and geese abounded. Muskrat and mink thrived at the shores. Fish of all kinds were caught and marketed in enormous quantities. In the winter of 1857, fishermen shipped one hundred and forty tons of pickerel and pike to eastern markets. Ice fishing became a popular sport and a profitable business. This beauty spot and game and fish paradise was destined, however, to delight but a single generation. All too soon promoters planned to remove the dam at Horicon. Long and vexatious litigation followed.

In 1867 the promoters practically won their fight when the State of Wisconsin for some reason saw fit to sell the lands beneath the waters of Lake Horicon at five cents per acre. A law was passed entitled "An Act to Incorporate the Union Mechanics Manufacturing Company." This act permitted the removal of the dam in 1868. Lake Horicon slowly but surely

sagged from its shores into Rock River. Winnebago Marsh, later known as Horicon Marsh, again came into its own. Scores of little lakes remained, abundantly rich in bird and other animal life.

Then came a period from 1870 to 1883 when sportsmen from other states were attracted to Horicon Marsh. Nearly every species of migratory water fowl known to the inland waters of North America could be found. Hunters shot more than twenty-five varieties of wild ducks.

Came a period in 1883 when the Diana Shooting Club was organized, largely by eastern capitalists. This club leased the lower half of the Horicon Marsh. The upper half was leased by Milwaukee and Fond du Lac sportsmen. Both clubs held undisputed hunting, fishing and trapping rights for many years. So-called poachers and trespassers soon challenged these lease-hold rights upon navigable waters through court proceedings.

Came a time on December 23, 1904, when a petition was filed in the Circuit Court of Dodge County to establish the "Horicon Drainage District," including within its scope all of the lands within the limits of Horicon Marsh. An order was entered in said proceedings organizing and establishing such drainage district. Upon appeal to the Supreme Court of Wisconsin by interested parties, this order was reversed and the case remanded to the Circuit Court with directions to dismiss the petition, for the reason, among others, stated in the opinion of the Supreme Court: "We hold Rock River is a navigable stream, and that no authority of law was delegated to the commissioners to impair it or appropriate it for drainage purposes, and that the drainage district ordered will have that effect." This case is reported in Volume 135 of the Wisconsin Reports on pages 227-238. The decision was rendered on April 17, 1908. The petition was then dismissed in the Circuit Court.

Came a period in 1909 when an effort was made to restore Lake Horicon. Prominent business men of Horicon, Watertown, Janesville, Beloit, Wisconsin, and Rockford, Illinois, conceived a plan to reconstruct the dam at Horicon, and hoped that the lake thus recreated would not only be restored to its old-time loveliness but would act as a reservoir in holding back the tremendous flood waters that rushed down upon these helpless cities each spring, doing damage in untold thousands. Due to the protests of drainage promoters and drainage engineers, the plan was finally abandoned.

Notwithstanding within the next ten years of any court, and engineers perfecting the work of Horicon Marsh and a huge ditch about sixty feet wide, ditches or laterals were added during the huge ditch became Horicon Marsh. It has the Rock River, majestic, was cut and slashed. Lakes were totally destroying dredging open defiance of the has been wilfully bayous, ducks and No farms have come up a tangle of cat either man or wild engineers content successful drainage located on Rock not only created which spreads in water reaches a more of Wisconsin by drainage resources was crimes. Here is of our great out Supreme Court, disturbed."

Clustered about cities of Horicon Waupun, Burnes dwell thousands wrecked a virgin



Notwithstanding the Supreme Court decision aforesaid, and within the next ten years, without any authority or permission of any court, and without sanction of any kind, promoters and engineers perfected and completed plans for the private drainage of Horicon Marsh in violation of the rights of the public, a huge ditch was dug through the center of the marsh, about sixty feet wide and about eight feet deep. Many side ditches or laterals, about thirty feet wide and four feet deep, were added during the four or five years of dredging. That ditch became a vampire stream. It bled white the Horicon Marsh. It has left only dreary desolation. Beautiful Rock River, majestically winding its way through Horicon Marsh, was cut and slashed into ribbons. Small bodies of water and streams were totally destroyed by the experimental claw of the dredging dredge. Navigable waters were thus destroyed in defiance of the Wisconsin Supreme Court, and a paradise for ducks and geese and wilderness creatures, are gone. Farms have come in their places. Rather, there has grown a tangle of cat-tails and weeds, giving neither life nor joy to man or wilderness denizen. During this period drainage engineers contended that the Hustisford Dam was the key to successful drainage of Horicon Marsh. This dam is now located on Rock River about ten miles south of Horicon and which spreads its beauty over thousands of acres, but its back water reaches as far north as the city limits of Horicon. One source of Wisconsin's beauty spots was marked for destruction by drainage engineers. One more of Wisconsin's greatest resources was to be added to the already long list of drainage crimes. Here is where justice stepped in and helped save a part of our great out-of-doors by a timely decision of Wisconsin's Supreme Court, which states "Hustisford Dam must not be disturbed."

Clustered about the dead Horicon Marsh are the towns and cities of Horicon, Beaver Dam, Mayville, Fond du Lac, Waupun, Burnett, Juneau, Hustisford and others. In them dwell thousands who look daily upon a drainage crime that has wrecked a virgin loveliness and given nothing in return. They

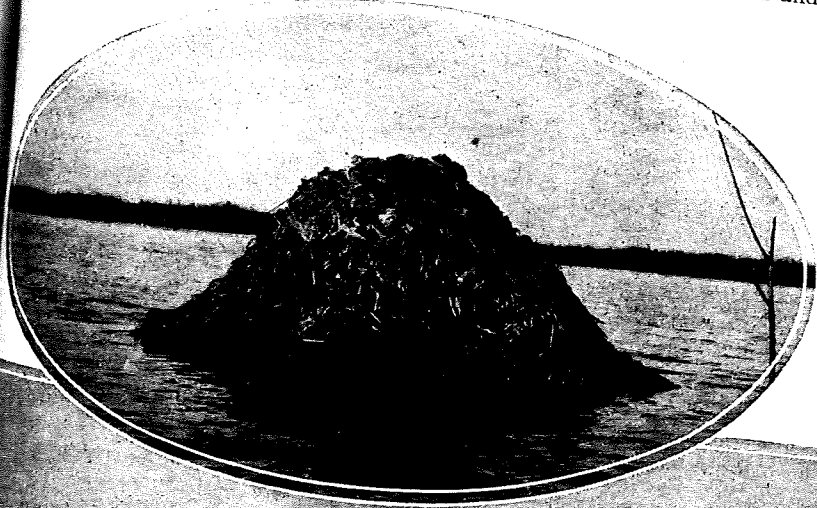
know that drainage has failed. They have seen the marsh in a semi-drained state for fifteen years. They have stood by while drainage advocates had not merely their day, but nearly two full decades, wherein to demonstrate what benefit drainage might yield and what promises it might fulfill, and they have come to learn that for all the beauty and wilderness charm that has been taken from them, there has been returned no farm, no cultivated acre, no crop worthy of the name. Therefore these thousands, supported by hundreds of thousands of other people in their state and nation, are now asking for a return to old conditions.

Pages might be written on the romance and beauty of Horicon Marsh. The old lake, broadening majestically where the Rock River entered it, the latter marsh with its hidden nooks, its fern-drooped bogs, its rice beds. More might be written of the pilgrimages that came each year out of Chicago, out of the east from New York, and out of the west and the south—to thrill at the call of the mallard, the honk of the Canada goose.

Horicon Marsh may again be flooded by building an inexpensive dam at Horicon. The waters thus held back would flood only waste lands—the land that has been drained but that has yielded nothing for fifteen years. No individual would suffer material loss of any kind if this restoration were accomplished. Any claimed losses would be highly theoretical and could be based on potential values only. Potential values have been tested for fifteen years without demonstrating definite results. This paradise again created would be within easy reach of populations totalling millions. Chicago and Milwaukee alone, disregarding more immediate residents, would profit by restoring this beauty spot. Properly protected, there is every reason to believe that the marsh would again become a haven for ducks and geese and other water fowl that once swarmed over it. Properly guarded it would offer a breeding place, a refuge, eminently suited for the propagation of wild life, and serving as a feeder for hundreds of other lakes in mid-western United States.

The restored lake will mean restored wild life, as Horicon Marsh is in the line of flight of the migrating water fowl, both northward and southward. It offers unusually excellent conditions for wild fowl propagation if only the water is restored. Owing to its splendid location it will make one of the ideal wild life refuges for the nation.

There is nothing in the way of Lake Horicon's restoration if enough people want it. The lake is not a Wisconsin lake alone, it is an Illinois lake, an Indiana lake, a Missouri lake, a Minnesota lake, and even a New York State lake. It demonstrated many years ago that its wilderness call is heard in far-off cities and villages. It numbers among its friends sportsmen, hunters and out-door lovers from New York, St. Louis, Chicago, Cleveland, Minneapolis, Milwaukee and other cities too numerous to mention.



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A Horicon marsh cornfield submerged last August.

Came a period in October, 1923, when the final campaign was launched to flood Horicon Marsh. The Horicon Marsh Game Protective Association (members at large of the Izaak Walton League) was organized for the purpose of carrying on this fight.

In less than twelve months the Horicon Marsh project became one of the leading topics of conservationists in America. Rotary clubs, Kiwanis clubs, American Legion posts, Chambers of Commerce, American Federation of Women's Clubs, Game Protective associations, Rod and Gun clubs, heartily endorsed the movement.

The Izaak Walton League of America, speaking through its peerless leader, Will H. Dilg, was the guiding force of the movement.

On December 7, 1923, at the annual convention of the Wisconsin Division of the Izaak Walton League, held in Fond du Lac, a resolution was drafted and unanimously adopted advocating that Horicon Lake be restored for posterity.

On April 14, 1924, at the National Convention of the Izaak Walton League of America, held in Chicago, Illinois, a similar resolution was presented and adopted, amid tremendous cheers and applause.

On May 22, 1924, the President of the United States issued a call for a Recreation and Out-door Conference to be held in Washington, D. C. Will H. Dilg, President of the Izaak Walton League of America, presented the Horicon Marsh project as deserving a place among the great conservation measures required to save out-door America for posterity.

Officials at Washington are greatly interested in the Horicon Marsh. United States senators and congressmen have endorsed the plan to make Horicon Marsh a game and fish refuge.

Public sentiment is thoroughly aroused over the crimes caused by indiscriminate drainage. Judge K. M. Landis says, "This devastation has not only been stupid, but criminal. The Izaak Walton League of America, to overcome our stupidity of the past, is now making the fight for us and our children and our children's children. On December 12, 1924, Waltonians fired the first gun to vindicate the public rights to navigable waters on Horicon Marsh. Public sentiment is aroused over this drainage crime.

It is estimated that nearly 200,000 citizens will petition their governor, attorney-general and railroad commission to institute proceedings to restore the navigability of Rock River in Horicon Marsh, on the grounds that such navigable waters are held in trust by the state for its people.

A resolution, sponsored and defended by the Izaak Walton League of America, asking for an investigation of the matter has passed the Wisconsin Assembly and is now before the Senate.

Drainage promoters and interests outside of the state owning most of the Horicon Marsh lands, are instigating skillful propaganda in opposition.

They have succeeded in arousing fifty or more innocent farmers living around Horicon Marsh to organize what is known as the Horicon Marsh Farm Land Pro-

tection Association, their purpose being to kill the resolution now before the legislature and to thwart any investigation. The farmers have been cleverly led to believe that their adjoining lands will be destroyed and that this restoration movement is nothing more than the "encroachment of hunters and trappers in the immediate vicinity."

The facts of the matter are that the last desperate organized effort by the opposition did not originate among the farmers. Keen master-minds, by skillful maneuvering, are using the farmer for a screen in order to conceal their real motives. If Horicon Marsh was fit for agriculture, the owners certainly would not have permitted the establishment during the past year of three large muskrat farms covering thousands of acres in this area. The largest of these muskrat farms is now being leased and controlled for a number of years by none other than the secretary and treasurer of the Horicon Marsh Farm Land Protective Association. Even the most skeptical must admit that agriculture and muskrats do not go together.

Tremendous pressure is being brought to bear to stop this investigation. And why? The issue is clear cut and the resolution merely asks for an investigation of the facts. Investigation will show that Horicon Marsh has failed to grow crops, in dry times everything burned up, while in wet seasons the crops are drowned out.

The general public, until two years ago, suffered the loss of its rights in silence. Speaking now, through the Izaak Walton League of America, this same public demands a full and fair investigation of the facts.

On April 2, 3 and 4, 1925, at the National Convention of the Izaak Walton League of America, held in Chicago, Illinois, the Horicon Marsh resolution was introduced. Not only did the convention unanimously reaffirm the action taken by that body at its last annual convention, but it heartily endorsed the resolution now before the Wisconsin Legislature.

The old marsh is calling to its host of friends—calls to them for release from suffocating weeds and Canada thistles, from a vampire stream, a drainage scheme that has destroyed the beauty nature once intended for all.

If the activities of a few drainage fanatics, who care nothing for public rights, go unchallenged, then the old lake bed's virgin loveliness and fragrance, its golden sunsets and shimmering moonlit nights, its thrill of wild life, and its reedy, wave-washed banks, will be lost to the enjoyment of thousands yet unborn. Waltonians ask only that man be compelled to restore the water he has so ruthlessly drained away.

There is an awakening call in the breezes, there is a challenge in its possibilities. Horicon Lake is not a dream of the past. It is a real hope of the future. It is the out-door heritage of posterity. Here is a plea, coming quite unsolicited and entirely without suggestion, that should go straight to the heart of every

(Continued on page 74)



Grain fields of Horicon.

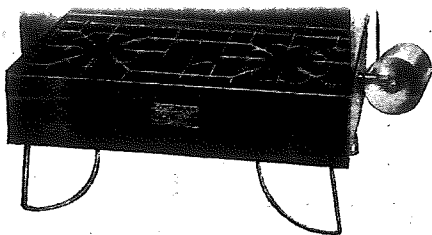


Another "agricultural" view.

The League expects to organize a chapter in every county in the United States during 1925.

We believe it interested in the first of a se

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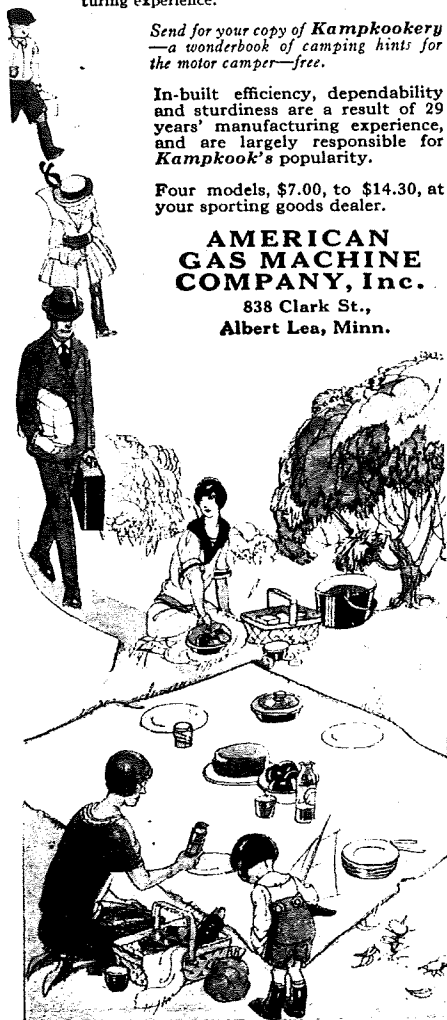
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A Wisconsin Drainage Crime

(Continued from page 28)

legislator, every adult of these United States, every mother and father.

Read it, think about its naive, simple, almost terrifying truth, in face of reckless American destruction of the "heritage of the children."

"We were interested in articles about the Horicon Marsh because we are near enough to it to be vitally affected by whatever action is taken in the matter of flooding these forty thousand or more acres. We, as children of Wisconsin, are interested because we are the ones who will receive the most important benefits, should the marsh be made into a lake once more.

"The heritage of our grandfathers was the herds of buffalo and the flocks of pigeons. The heritage of our fathers is the flocks of geese and ducks, and the muskrat and mink. The buffalo and passenger pigeon are almost extinct. If the animals of today are not protected and provided for, what shall be left for us?

"We, as representatives of all the children of Wisconsin, ask to have the Horicon Lake restored. Voters of Wisconsin, you owe it to us, the children of tomorrow!"

(Signed) The Kolsta School,
Brandon, Wis.

If the grade children of Wisconsin realize the possibilities for an out-door future in the restoration of these lonely acres, what can grown man do to make this realization a truth? Fight! Fight for the old heritage, the sight our fathers saw when, with rifle in hand and sturdy hearts, they gazed over the waste land and saw in their mind's eye a lake with waters blue, and wild fowl nesting at its weedy brink.

"Does not the voice of reason cry
Claim the first right which nature gives,
From the red scourge of desolation fly,
And claim our heritage for we who live."

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