Constitutional State Officers



WISCONSIN STATE GOVERNMENT*

By Justice Charles H. Crownhart Of the Wisconsin Supreme Court

DAVID GRAYSON, in his charming book, "Adventures in Contentment," tells how he had lived in a city without learning much about his government. But ill health took him to the country to live on a farm, where his "adventures" began. There he attended



C. H. CROWNHART

a district school meeting, in the schoolhouse where he and his neighbors put in practice true democratic government—government by the people. There they planned an addition to the schoolhouse and voted the money to pay for it, after they had figured how much it would add to each man's taxes. There was much discussion as to whether the addition was really needed and some as to the value of an education. But it was all settled by vote in favor of the schoolhouse and education. The teacher was hired and other matters attended to. School officers for the ensuing year were elected,—a clerk, a director and a treasurer. And the meeting adjourned.

With us, as with David Grayson, the real lessons in government may well begin at the district school meetings and the town meetings. The school district is the smallest division of territory with the simplest form of government. Next comes the town, usually six miles square,—it may be more or less. Once a year, on the first Tuesday in April, the voters, men and women, twenty-one years of age or over, repair to the Town Hall and there they consider matters affecting the town's business.

A town chairman, two supervisors,—the three constituting the town legislature and governing body—an assessor to fix the value of property in the town and assess the tax rates, a clerk to keep the records, and a treasurer to collect the taxes and handle the town's funds, are elected. A justice of the peace is elected. He holds the town court. This is a very dignified office provided for by the constitution of the state. A constable is also elected. He is the town sheriff and aids the justice of the peace in his functions. You are to read about the courts from the pen of Justice Rosenberry. These officers will look after the town business until the next April election.

^{*} Separate articles appear in this Blue Book on Courts, Legislation and Education, which are given but limited mention here.

Right here we begin a representative form of government. The county is the next larger unit after the town, and it has a county legislature called the county board. This county board legislates for the county, that is, makes laws for the county. As the county is made up by towns, villages and cities, so each of these is represented on the county board. The chairman of each town is by virtue of such office a member of the county board. Organized villages are provided for by law because many people living close together have different problems to deal with than a purely rural popula-They require waterworks, sewers, streets lighted and paved, fire protection, and policemen. These the farmer does not need and does not want to be taxed to pay for; hence the village. The village trustees constitute its legislature and governing body. It has its supervisor, who serves on the county board, its village clerk to keep the records, its treasurer and assessor with duties similar to like town officers.

Then we have our cities,—villages grown big. They have their common councils—the legislative body—a mayor, city clerk, city attorney, city treasurer, assessor, board of education, and such other officers as the law may provide. Some of these officers are elected by the people, some are appointed by the mayor, some elected by the common council. Cities are divided into classes according to population, and the methods of government differ somewhat in the different classes. Cities have their representatives on the county boards, the same as towns and villages.

In addition to the county board in county government there are county officers with proper functions to perform. The sheriff executes the civil and criminal processes of the courts; he enforces the laws and suppresses disorder; the county clerk is clerk of the county board and keeps the minutes, and he performs many duties devolved upon him by law; the clerk of the circuit court keeps the records of that court and performs such other duties as are required by the court and the laws; the county treasurer is the custodian of the county funds, collects the delinquent taxes and pays out funds on order of the county board or other proper authority; the register of deeds keeps a record of real estate transactions; the coroner holds inquests on the bodies of those who come to their death by violence or unknown causes, and he acts for the sheriff when that officer is disqualified to act; and the district attorney is the legal advisor of the county and its officers in respect to official duties, and he prosecutes the criminal cases and the civil cases in which the county is a party. These county officers are all elected by the voters of the county at the November elections and hold office for the term of two years, beginning the first Monday of January succeeding the election.

The next higher unit in self-government is the state. As we move up from the school meeting, government affairs become more complex. The citizen sees less of it first-hand. He has to trust more and more to officers elected or appointed to represent him. The

state of Wisconsin is very large. It has seventy-one countiesnearly three million people by now. It has many interests. These all have their problems of government. As the schoolhouse in the school district is the district meeting place, so the town hall for the town meetings; the courthouse for the meetings of the county board, the village hall and city hall, respectively, furnish the meeting places of the officers in these communities, and so the capitol at Madison is the central place of state government for the state. The county capital is usually called the county seat. So far we have begun at the bottom of government in the state and gone upward.

The state government as now existing began with a written frame-Under this constituwork of laws called the state constitution. tion the functions of government were divided into three great coordinate departments, viz: the executive, the legislative, and the judicial. These are often spoken of as independent departments but they are not wholly such. The executive has his part in legislation in signing or vetoing bills and in recommending legislation The legislature exercises judicial power in imin his messages. peachment cases, having in fact the power to try and dismiss the highest judicial or executive officers. The judiciary performs executive functions through its court officers, and in the absence of express legislation on the subject, it may, and often does, declare public policy which has the effect of legislation. In addition to these three departments of government, there is a fourth department not so clearly recognized in the constitution but nevertheless entrenched in our laws as a necessary concomitant of the other departments, and that is the administration department.

The executive department is headed by the governor, with the lieutenant governor to officiate in the governor's absence or disability, and he becomes governor in case of vacancy during the term. The governor may enforce the laws through the sheriffs of counties and the militia, which he may call out in case of riot or insurrection. He may indirectly enforce the laws through his appointive officers, who may be removed by him, some for cause and

some with cause shown.

The legislature is composed of two houses or bodies, the senate and the assembly. Acting separately, they jointly make the laws, subject to the power of the governor to sign or veto. In case of veto, a bill may become a law by passage over the veto by a twothirds majority of each house.

The senate is composed of thirty-three members, elected for a term of four years from districts first defined by the legislature, one from each district. The assembly is composed of one hundred members, likewise elected from districts determined by the legislature, for a term of two years.

Members of the senate and assembly receive \$500 for each regular session of the legislature, and traveling expenses. There is a regular session of the legislature in each odd numbered year.



The supreme court, composed of seven justices, is at the head of the judicial department. It is its province to determine the construction or interpretation of the laws, to decide between litigants as to their rights under the constitution and the laws. It has appellant jurisdiction over the circuit and inferior courts.

The administrative departments are the offices of Secretary of State, State Treasurer, Attorney General, State Superintendent of Schools, and many boards and commissions dealing with special departments of government.

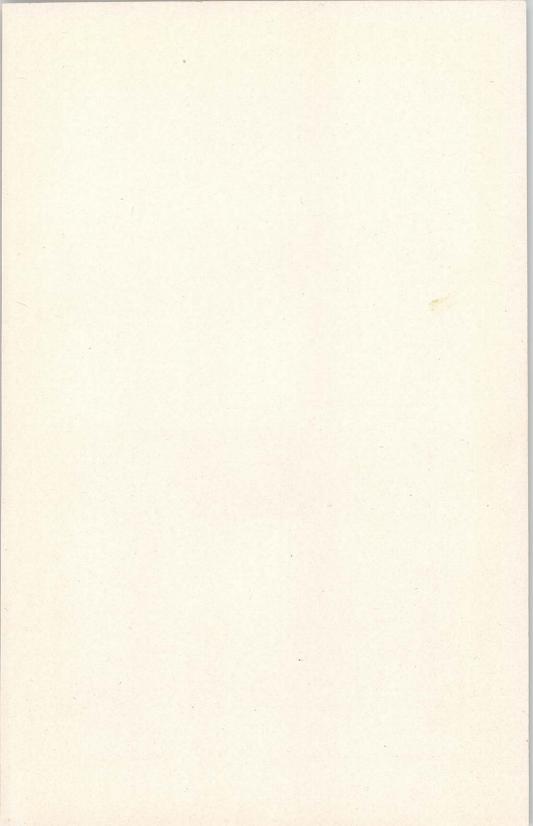
Directly and affirmatively the constitution provides for the full scheme of government here outlined. It begins with the declaration of rights,—those privileges and immunities of the citizens necessary to the perpetuation of a free government for the people, by the people, and of the people. The plan of constitutional government was devised to secure these rights. As so devised and with amendments added thereto by vote of electors from time to time, this state has enjoyed general prosperity; its people have lived happily and comfortably as compared with the rest of the world; its industries have expanded; education has been fostered; religion, sobriety, frugality, and virtue have kept step with industrial progress; and, the future lures on to greater progress along all lines of earnest endeavor.

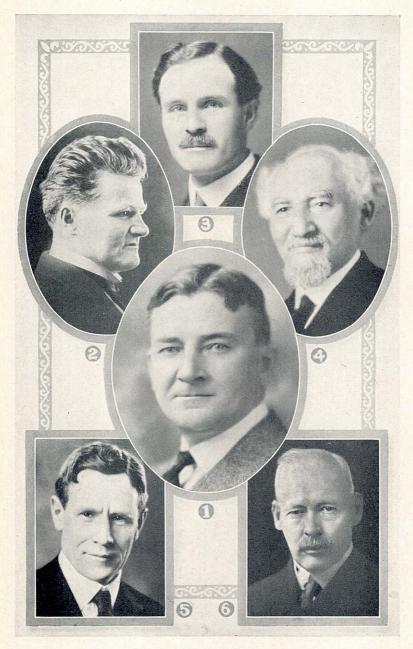
We have considered state government from the smallest unit up to the highest. We have seen the state and all its subdivisions operating under a written constitution. The constitution or fundamental law of the state is but the expression of the will of the people. It was framed by a constitutional convention of delegates chosen by the people, but even so, it only became the fundamental law after it had been adopted by a direct vote of the people. The first draft of a constitution for Wisconsin was rejected by the voters and the second draft adopted only after it had been amended to meet the wishes of the voters.

But even though we have a written constitution, which is the supreme law, back of the constitution, there was the common law which had grown up under the English government through many centuries, and which we inherited in this country at the time of our separation from the English government. This fact is recognized in our constitution in section 13, Art. XIV, wherein it is written:

"Such parts of the common law as are now in force in the territory of Wisconsin, not inconsistent with this constitution, shall be and continue part of the law of this state until altered or suspended by the legislature."

Under this provision the lives of our people, to a very large extent, are governed by the common law, which, as I have said, was the growth of centuries. Then, too, back of the constitution were great fundamental principles or rights of the people, that had been enunciated and reiterated for long before we had our constitution and which had become imbedded in our jurisprudence and with which our people had become deeply imbued. While these prin-





STATE OFFICERS

(1) John J. Blaine, Governor; (2) Henry A. Huber, Lieutenant-Governor; (3) Fred R. Zimmerman, Secretary of State; (4) Solomon Levitan, State Treasurer; (5) Herman L. Ekern, Attorney General; (6) John Callahan, Superintendent of Schools.

ciples were largely included in the constitution, the courts, in the language of the constitution frequently refer to these fundamental principles:

"The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles." Art. I, Sec. 22, Const.

Some of these rights are referred to in the Declaration of Independence; others are found in the Magna Charta, forced from King John at Runnymede in 1215; others are found in the Ordinance of 1789, constituting the Northwest Territory, out of which this state was carved, as a separate territory in 1836, and admitted in the union of states in 1848; others are found in the federal constitution.

When we begin the study of the government of the state under the constitution, we need to go back into the development of English government and of our national government since the Revolution, whereby we became separated from Great Britain. When we do this we will more fully appreciate the blessings of a free government under a constitution guaranteeing our liberties and our sacred rights.

Free government has been of slow growth. It is not too much to say that it has never been of higher standard nor so secure as it is today. Never in any period of recorded history have so many people lived under a republican or democratic form of government.

Government may be traced from necessity as peoples emerged from barbarism to civilization in its highest forms. Back in the stone age the cave man with his stone weapon in search of food followed the path made by wild animals, and if he met another man in the path, the weaker man had to give way to the stronger and get out of the path. As time went on, through hundreds and thousands of years, the descendants of these stone-age men began to think of equality and rights. Then the law of brute strength gave way, and there grew up the law of the road. First the simple rule that each man should surrender half of the path, but now with the automobile there are speed limits and many specific and general commands of the law affecting travelers of the wonderful highways which have succeeded the crude paths of the cave man.

Though the means of travel on the highways have greatly changed, it has been only a few years since there were elected at the annual town meetings overseers of highways popularly called pathmasters, whose duties were to look after the roads in their respective districts. This title of pathmaster had come down through the ages from the days of paths instead of the broad highways of the present. Here you have a simple illustration of the growth of the law. The general trend has been to secure more and more the welfare of the masses of the people; to a larger freedom; a greater security of property and person; more education; more of the comforts of

life, and, the preservation of the rights of conscience. With us these are all based on the will of the people. The constitution and the laws are of their making and of their choice. It is for the people to respect and uphold these laws, as promulgated by them from time to time, if they wish to continue orderly liberty, enlightened freedom, the common welfare and general prosperity.

TERRITORIAL GOVERNMENT

TERRITORIAL OFFICERS OF WISCONSIN

GOVERNORS

Henry Dodge	from July 4, 1836, to October 5, October 5, 1841, to September 16,	1841 1844
Nathaniel P. Tallmadgefrom Henry Dodge	September 16, 1844, to May 13,	1849

SECRETARIES

John S. Horner	5, 1837 5, 1841 8, 1841
A. P. Field), 1843

ATTORNEYS-GENERAL.

Henry S. Baird	
Mortimer M. Jackson appointed by Governor Dodge, June 26, 1841	·
William Pitt Lyndeappointed by Governor Tallmadge, Feb. 22, 1845 A. Hyatt Smithappointed by Governor Dodge, Aug. 4, 1845	
A Hyatt Smithappointed by Governor Dodge, Aug. 1, 1910	4

UNITED STATES DISTRICT ATTORNEYS

Villiam W. Chapmanappointed by Andrew Jackson, 18	36
oses M. Strongappointed by Martin Van Buren, 18	38
homas W. Sutherlandappointed by John Tyler, 18	41
Villiam Pitt Lyndeappointed by James K. Polk, 18	46
filliam Pitt Lyndeappointed by sames 12, 1 om, 15	

STATE GOVERNMENT IN WISCONSIN

FROM ITS ORGANIZATION TO THE PRESENT

NOTE—The term of office of all elective state officers commences on the first Monday in January of the odd numbered years; except that of the State Superintendent of Public Instruction whose term of office began on the 1st Monday in July following his election in April. Previous to the constitutional amendment of 1882, the term of office began in the even numbered years.

EXECUTIVE DEPARTMENT AND STAFF

(Sec. 1, Art. V, State Constitution.)

	Heads of Departments	Residence	Term expires
Henry A Michael Frank V	Blaine, Governor L. Huber, Lieut. Governor B. Olbrich, Executive Counsel V. Kuehl, Executive Secretary riswold, Executive Clerk	Boscobel Stoughton Madison Fountain City Madison	January, 1927 January, 1927

GOVERNORS SINCE ORGANIZATION

Name	Residence	sidence From		
Nelson Dewey Leonard J. Farwell Wm. A. Barstow Arthur McArthur Coles Bashford Alex W. Randall Louis P. Harvey Edward Salomon James T. Lewis Lucius Fairchild C. C. Washburn Willaim R. Taylor Harrison Luddington Wm. E. Smith Jeremiah M. Rusk William D. Hoard George W. Peck Wm. H. Upham Edward Schofield Robert M. La Follette* James O. Davidson† Francis E. McGovern Emanuel L. Philipp John J. Blaine	Madison Waukeeha Milwaukee Oshkosh Waukesha Shopiere Milwaukee Columbus Madison La Crosse Cottage Grove Milwaukee Milwaukee Wiroqua Ft. Atkinson Madison Madison Stonton Milwaukee Misaukee Misaukee Misaukee Misaukee Misaukee Misaukee Misaukee Marshfield Oconto Madison Soldiers Grove Milwaukee	Jan. 5, 1852 Jan. 2, 1854 Mar. 21, 1856 Mar. 25, 1854 Jan. 4, 1858 Jan. 6, 1862 Jan. 4, 1864 Jan. 1, 1864 Jan. 1, 1872 Jan 5, 1874 Jan. 3, 1876 Jan. 7, 1878 Jan. 7, 1878 Jan. 5, 1891 Jan. 7, 1895 Jan. 4, 1897 Jan. 4, 1897 Jan. 2, 1911 Jan. 2, 1911 Jan. 2, 1911 Jan. 4, 1915	Jan. 5, 1852 Jan. 2, 1854 Mar, 21, 1856 Mar. 25, 1856 Mar. 25, 1856 Jan. 6, 1862 April 19, 1862 Jan. 4, 1864 Jan. 1, 1866 Jan. 1, 1872 Jan. 5, 1874 Jan. 7, 1878 Jan. 7, 1878 Jan. 7, 1889 Jan. 5, 1891 Jan. 7, 1895 Jan. 4, 1897 Jan. 1, 1906 Jan. 2, 1911 Jan. 2, 1911 Jan. 3, 1921	

^{*}Resigned to accept the office of United States Senator. †Filled vacancy caused by resignation of Governor R. M. La Follette.

LIEUTENANT GOVERNORS

Samuel W. Beal Taycheedah Ja Taycheedah Ja Timothy Burns La Crosse Ja James T. Lewis Columbus Ja Arthur McArthur Milwaukee Ja E. D. Campbell La Crosse Ja Butler G. Noble Whitewater Ja Butler G. Pound Chippewa Falls Ja Milton H. Petit Kenosha Ja Charles D. Parker Pleasant Valley Ja James M. Bingham Chippewa Falls Ja James M. Bingham Chippewa Falls Ja James M. Bingham Chippewa Falls Ja George W. Ryland Lancaster Ja George W. Ryland Lancaster Ja Charles Jonas Racine Ja Emil Baensch Manitowoc Ja James O. Davidson† Soldiers Grove Ja James O. Davidson† Soldiers Grove Ja James O. Davidson† Soldiers Grove Ja James O. Davidson† James O. Davi	Name	Residence	F	rom	,	Го
John Strange Jahrange	John E. Holmes Samuel W. Beal Timothy Burns James T. Lewis. Arthur McArthur E. D. Campbell Butler G. Noble Edward Salomon Wyman Spooner Thaddeus C. Pound Milton H. Petit. Charles D. Parker James M. Bingham Sam S. Fifield George W. Ryland Charles Jonas Emil Baensch Jesse Stone James O. Davidson† William D. Connor John Strange	Jefferson Taycheedah La Crosse Columbus Milwaukee La Crosse Whitewater Milwaukee Eikhorn Chippewa Falls Kenosha Pleasant Valley Chippewa Falls Ashland Lancaster Racine Manitowoc Watertown Soldiers Grove Marshfield Oshkosh	Jan. Jan. Jan. Jan. Jan. Jan. Jan. Jan.	7, 1848 7, 1850 5, 1852 2, 1854 7, 1856 4, 1858 2, 1860 14, 1863 14, 1863 14, 1863 2, 1882 2, 1882 2, 1882 2, 1888 5, 1895 5, 1897 6, 1997 6, 1997	Jan. Jan. Jan. Jan. Jan. Jan. Jan. Jan.	7, 1850 5, 1852 2, 1854 4, 1858 4, 1858 2, 1860 6, 1862 19, 1862 3, 1870 1, 1872 23, 1873 2, 1882 3, 1887 5, 1891
Edward F. Dithmar Baraboo Ja	Edward F. Dithmar George F. Comings	Baraboo Eau Claire	Jan. Jan.	4, 1915 3, 1921	Jan. Jan.	3, 1921 5, 1925

† Became Governor upon resignation of Governor R. M. La Follette

SECRETARY OF STATE AND STAFF (Sec. 2, Art. VI, State Constitution.)

Heads of Department	Residence	Term expires
Fred R. Zimmerman, Secretary of State Robert L. Siebecker, Assistant Secretary of State. C. A. Sakrison, Chief Clerk. J. R. Edwards, Corporations. George Brown, Records and Elections. L. B. Nagler, Cashier. May Splies, Notary Public.	Milwaukee Madison Madison Madison Madison Madison Madison Stoughton	January, 1927 January, 1927 Indefinite Indefinite Indefinite Indefinite Indefinite

SECRETARIES OF STATE SINCE 1848

Name	Residence	F	rom	T	o
Thomas Mc Hugh Wm. A. Barstow. C. D. Robinson Alex T. Gray David W. Jones Louis P. Harvey James T. Lewis. Lucius Fairchild Thomas S. Allen Llewelyn Breese Peter Doyle. Hans B. Warner Ernst G. Timme Thomas J. Cunningham Henry Casson William H. Froehlich Walter L. Houser James A. Frear John S. Donald Merlin Hull Elmer S. Hall Fred R. Zimmerman	Janesville Belmont Shopiere Columbus Madison Mineral Point Portage Prairie du Chien Ellsworth Kenosha Chippewa Falls Viroqua Jackson Mondovi Hudson Mount Horeb Black River Falls Green Bay	Jan. Jan. Jan. Jan. Jan. Jan. Jan. Jan.	7, 1848 7, 1850 5, 1852 2, 1854 7, 1856 2, 1860 6, 1862 4, 1864 1, 1864 1, 1864 2, 1874 2, 1895 5, 1891 7, 1878 3, 1907 6, 1913 3, 1917 3, 1921 1, 1921 1, 1922	Jan. Jan. Jan. Jan. Jan. Jan. Jan. Jan.	7, 1850 5, 1852 7, 1856 2, 1860 6, 1862 4, 1864 1, 1864 1, 1868 2, 1882 5, 1874 7, 1891 7, 1907 6, 1913 1, 1923

STATE TREASURER AND STAFF

(Sec. 3, Art. VI, State Constitution.)

Heads of Department	Residence	Term expires
Solomon Levitan, Treasurer	Madison	January, 1927
Erick Onstad, Assistant Treasurer	Madison	January, 1927

STATE TREASURERS SINCE 1848

Name	Residence	From	То
Jarius C. Fairchild Edward H. Jansson Chas. Kuehn Samuel D. Hastings William E. Smith Henry Baetz Ferdinand Kuehn Richard Guenther Edward McFetridge Henry B. Harshaw John Hunner Sewell A. Peterson James O. Davidson John J. Kempf Thomas M. Purtell* John J. Kempf Andrew H. Dahl Henry Johnson Solomon Levitan	Trempealeau Fox Lake Manitowoc Milwaukee Oshkosh Beaver Dam Oshkosh Eau Claire Rice Lake Soldiers Grove Milwaukee Cumberland Milwaukee Westby Suring	June 7,1848 Jan. 5,1852 Jan. 7,1856 Jan. 4,1858 Jan. 1,1866 Jan. 3,1870 Jan. 5,1874 Jan. 7,1878 Jan. 2,1882 Jan. 2,1889 Jan. 2,1899 Jan. 5,1903 July 30,1904 Jan. 2,1905 Jan. 7,1907 Jan. 6,1913 Jan. 1,1923	Jan. 5, 1852 Jan. 7, 1856 Jan. 4, 1858 Jan. 1, 1866 Jan. 3, 1870 Jan. 5, 1874 Jan. 7, 1878 Jan. 2, 1882 Jan. 3, 1887 Jan. 2, 1895 Jan. 2, 1905 Jan. 2, 1905 Jan. 2, 1905 Jan. 7, 1907 Jan. 6, 1913 Jan. 1, 1923

^{*}Appointed to fill vacancy caused by failure of John J. Kempf to give the required bond.

ATTORNEY-GENERAL AND STAFF

(Sec. 3, Art. VI, State Constitution.)

Heads of Department	Residence	Term expires
Herman L. Ekern, Attorney-General C. E. Erikson, Deputy	Madison Racine Madison Madison Wausau Superior	January, 1927 January, 1927 Indefinite Indefinite Indefinite Indefinite

STATE GOVERNMENT

ATTORNEYS-GENERAL SINCE 1848

Name	Residence	From	То
James S. Brown S. Park Coon Experience Estabrook George B. Smith William R. Smith Gabriel Bouck James H. Howe Winfield Smith Charles R. Gill Stephen S. Barlow A. Scott Sloan Alexander Wilson Leander F. Frisble Charles E. Estabrook James L. O'Connor William H. Mylrea Emmet R. Hicks L. M. Sturdevant Frank L. Gilbert Levi H. Bancroft Walter C. Owen Spencer Haven* John J. Blaine William J. Morgan Herman I. Ekern	Maiden Rock Hudson Boscobel Milwaukee	Jan. 5, 1903 Jan. 7, 1907 Jan. 2, 1911 Jan. 6, 1913 Jan. 7, 1918 Jan. 6, 1919 Jan. 3, 1921	Jan. 7, 1850 Jan. 5, 1852 Jan. 2, 1854 Jan. 7, 1856 Jan. 1, 1858 Jan. 2, 1860 Oct. 7, 1862 Jan. 1, 1866 Jan. 3, 1870 Jan. 5, 1874 Jan. 7, 1872 Jan. 7, 1872 Jan. 7, 1873 Jan. 5, 1891 Jan. 2, 1892 Jan. 2, 1892 Jan. 2, 1893 Jan. 7, 1907 Jan. 2, 1911 Jan. 7, 1913 Jan. 7, 1913 Jan. 7, 1913 Jan. 7, 1913 Jan. 3, 1921 Jan. 3, 1921 Jan. 3, 1921 Jan. 1, 1923

^{*}Appointed to fill vacancy caused by resignation of Walter C. Owen.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND STAFF

(Sec. 1, Art. X, State Constitution.)

Heads of Department	Residence	Term expires
John Callahan, SuperintendentC. K. Anderson, Assistant Superintendent	Madison Stoughton	July, 1925

STATE SUPERINTENDENTS OF PUBLIC INSTRUCTION SINCE 1848

(Office Created August 16, 1848.)

Name	Residence	From	То
Eleazer Root Azel P. Ladd Hiram A. Wright A. Constantine Barry Lyman C. Draper Josiah L. Pickard John G. McMynn Alexander J. Craig Samuel Fallows Edward Searling William C. Whitford Robert Graham Jesse B. Thayer Oliver E. Wells John Q. Emery Lorenzo D. Harvey Charles P. Cary John Callahan	Shullsburg. Prairie du Chien Racine Racine Madison. Platteville Racine Madison Milwaukee Milton Milton Oshkosh River Falls Appleton Albion Milwaukee	Jan. 5, 1852 Jan. 2, 1854 June 26, 1855 Jan. 4, 1858 Jan. 2, 1860 Oct. 1, 1864 July 6, 1870 Jan. 6, 1870 Jan. 7, 1878 Jan. 2, 1882 Jan. 8, 1887 Jan. 5, 1891 Jan. 2, 1889 Jan. 2, 1899 Jan. 2, 1899	Jan. 5, 1852 Jan. 2, 1854 May 29, 1855 Jan. 4, 1858 Jan. 2, 1860 Sept. 30, 1864 Jan. 6, 1868 July 6, 1870 Jan. 4, 1874 Jan. 7, 1878 Jan. 2, 1882 Jan. 3, 1887 Jan. 5, 1891 Jan. 7, 1891 Jan. 7, 1893 Jan. 5, 1901 Jan. 1, 1921

