

Lumber Barons in Revolt

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ONE OF THE PRIZE POLITICAL PLUMS with which Minnesota governors could reward faithful followers after 1867 was the office of surveyor general of logs and lumber. The surveyor general measured logs and computed the number of board feet of lumber each contained. Scale bills executed by his office, showing the log marks and the number of feet, were the keystone of the logging industry. Logs were bought and sold, logging contracts made, driving, rafting, and booming charges assessed, and contract laborers paid on the basis of the scale bill from the surveyor general's office. A duplicate of each bill filed in his office frustrated forgers, and in times of financial stress scale bills were sometimes used as negotiable paper. Every court in the state recognized the surveyor general's scale as the final authority in disputes.¹

By 1885 there were in office in Minnesota seven surveyors general, each serving a specific district. Their positions were very lucrative, for the lumbermen paid them five cents a thousand board feet for scaling logs and ten cents a thousand for measuring lumber. They were responsible for scaling all logs and lumber that passed through booms chartered by the state, and, in addition, they scaled logs in the woods when the owner asked them to do so. In the first district at Stillwater, John S. Proctor, the surveyor general in 1883, collected more than thirteen thousand dollars for scaling logs at the St. Croix Boom alone. He did, however, pay deputy scalers at the rate of sixty to eighty dollars a month and hire office help out of his gross receipts. The surveyor general at Minneapolis operated his office at an estimated net profit of thirteen to twenty thousand dollars a year. Some surveyors general ran their lucrative offices through deputies, while devoting their time to private business.²

During the 1870's the governors customarily appointed men who were acceptable to the lumbermen. At Stillwater, the lumbermen expressed their wishes through the Lumbermen's Board of Trade of the St. Croix Valley, which biennially elected a surveyor general—a selection that al-

¹ Minnesota, *Laws*, 1854, p. 53; 1867, p. 140; *Stillwater Lumberman*, January 12, 1877; Elizabeth M. Bachmann, "Minnesota Log Marks," in *Minnesota History*, 26:126-129 (June, 1945).

² W. H. C. Folsom, *Fifty Years in the Northwest*, 696-698 (St. Paul, 1888); *Mississippi Valley Lumberman and Manufacturer* (Minneapolis), November 30, 1883, December 16, 1898.

ways had been considered tantamount to official appointment.³ As the most influential individual and the biggest single logger in the St. Croix Valley, Isaac Staples usually selected a candidate for the office, and his approval was looked upon as necessary for election.

When the first St. Croix Boom Company encountered severe financial trouble in the 1850's, Staples gained control of its assets, organized a new boom company, and guided it to prosperity for a quarter of a century.⁴ He owned pinelands and logging camps, farms and stores, sawmills and trotting horses. He cut more logs annually than any other man in the valley, and usually more than most of the corporations. President of the Lumbermen's National Bank, sitting on the board of directors of savings banks, railroads, and improvement companies, Staples remained a power in the St. Croix Valley up to the 1880's, when he began to curtail his activities. For example, he stood by idly while his old rival, Martin Mower, seized control of the boom company. Furthermore, Staples sold some of his pinelands to millmen from the Mississippi River, giving rise to a rumor that he would sell out entirely if the price was right. Thus, in December, 1884, when the time came to choose a new surveyor general for the St. Croix district, his fellow lumbermen felt they were justified in believing that the king was abdicating. They decided to choose a surveyor general of their own without waiting for Staples' endorsement.

The man of their choice was Judson McKusick. He was endorsed by Edward W. Durant, first secretary of the Board of Trade, who aspired to the position of leadership held by Staples. A log dealer and towboat operator, a former mayor of Stillwater, and the incumbent representative in the Minnesota legislature, Durant was considered a good mixer, equally at home in a river-front saloon or a mahogany-furnished parlor. As his personal selection for the surveyor generalship, McKusick was selected by a vote of forty-one to sixteen.⁵

While members of the Board of Trade felt secure in the belief that McKusick would be appointed surveyor general by Governor Lucius Hubbard, other forces began to operate surreptitiously. They were unaware, for example, that Staples had written to the governor favoring the appointment of his son-in-law, Adolphus C. Hospes, who had been secre-

³ *Mississippi Valley Lumberman*, July 17, 1885.

⁴ William G. Rector, "From Woods to Sawmill: Transportation Problems in Logging," in *Agricultural History*, 23:242 (October, 1949); Hersey, Staples and Company to Schulenberg, Boeckeler and Company, January 1, 1856; to Samuel F. Hersey, January 11, 1856; to Whitney, Fenno and Company, February 15, 1856, Hersey, Staples and Bean Papers in the possession of the Bean family at Stillwater.

⁵ *Mississippi Valley Lumberman*, January 2, 1885; *Taylor's Falls Journal*, January 1, 1885.

tary of the St. Croix Boom Company until Mower gained control and gleefully discharged him.

A week after McKusick's election by the board, rumors began to spread among the lumbermen that a movement was afoot favoring Hopes for the position. Many expressed fear that the governor might ignore the decision of the Board of Trade. The rumors received foundation in fact when Albert Scheffer, who was widely known as both a banker and politician, appeared in Stillwater on a "business trip." By coincidence, Hopes' father, who had been associated with Staples in many logging and financial transactions in the years since 1854, was president of the First National Bank of Stillwater, of which Scheffer was a director. Furthermore, members of the Hopes family recently had supported Scheffer in various political actions. Tongues wagged over the possibility of an unpaid political debt.

A few days after Scheffer's visit to Stillwater, in January, 1885, Governor Hubbard named the younger Hopes to the position of surveyor general of the St. Croix Valley. His appointee, said the governor, had been endorsed by the majority of the St. Croix Valley lumbermen, and he cited statistics to show that lumbermen whose total annual cut was a hundred and thirty-three million feet favored Hopes, while those who supported McKusick had a total annual cut of only a hundred and twenty million feet. The governor contended, too, that he had received letters favoring Hopes from the owners of eleven of the seventeen sawmills in the valley. In addition, Hubbard, who had been wartime commander of the Fifth Minnesota Volunteer Infantry, placed great stress upon the fact that Hopes had served in the Civil War.⁶

The appointment of Hopes hit the Stillwater Board of Trade like a bombshell. Indignantly, its members assembled in Durant's offices and drew up an ultimatum. Unless Hopes stayed in his office and managed the accounts only, while appointing McKusick chief scaler and giving him a completely free hand, the Board of Trade threatened to establish McKusick as scaler on the Wisconsin side of the river.

Neither Hopes nor his supporters immediately answered the ultimatum, and the new surveyor general quietly took possession of his office and proceeded to perform its duties. It was reported that, having acquired possession, Hopes offered McKusick thirty per cent of the net receipts on condition that the latter would drop the quarrel and enter Hopes' office as a scaler. On the advice of Durant, McKusick refused

⁶ *Mississippi Valley Lumberman*, January 16, 1885; *Journal*, January 8, 1885; *Stillwater Messenger*, January 10, 1885.

the rather tempting offer.⁷ Within two weeks members of the frustrated Board of Trade faction organized the Lumbermen's Board of Exchange of Stillwater, and not only appointed McKusick as its scaler, but secured his appointment as deputy scaler of the Wisconsin surveyor general.

During February and March the excitement subsided, and many hoped that a compromise could be reached before the logs started moving in the spring. When the ice went out of the rivers, however, both men claimed the right to scale logs, and the battle started in earnest. McKusick made claims on logs passing through the St. Croix Boom, as Wisconsin and Minnesota had concurrent jurisdiction over the boundary waters. Hospes also claimed the right to scale the logs, maintaining that Wisconsin had forfeited its right of jurisdiction over them by failing to exercise it in the past. McKusick countered by claiming that most of the logs were cut in Wisconsin and should be scaled by that state, no matter what the previous custom had been.

Friction flared into violence. McKusick scaled a raft of logs belonging to one of his supporters, David Tozer. When deputy scalers from the Hospes office tried to board the same raft to scale the logs, Tozer's foreman forcibly drove them off, and the raftboat "Netta Durant" coupled the raft and started towing it downstream. Hospes immediately went before the district court at Stillwater and obtained an order protecting his assistants. Accompanied by a deputy sheriff and two scalers, he boarded the steamboat "Bun Hersey," which was owned by another son-in-law of Staples, and started down Lake St. Croix in pursuit. Overtaking the "Netta Durant" at Afton, Hospes ordered its captain to land on the Minnesota shore; then Hospes and his scalers measured the logs. After the Minnesota surveyor general returned to Stillwater, the master of the "Netta Durant" went there also and spread wild talk of damages, piracy, and federal court action.⁸

Hospes next carried the attack to the camp of the enemy; he billed Durant's firm for scaling its logs. Durant, quite naturally, refused to pay. McKusick then obtained a Wisconsin court order restraining Hospes from scaling any logs that had been cut in that state. The sheriff of St. Croix County, Wisconsin, sent five deputies to the boom and rafting grounds, ready to serve a writ on Hospes if he should set foot on Wisconsin soil or enter any parts of the river claimed by that state. Hospes countered with a temporary injunction from the district court at Stillwater restraining anyone from interfering with the surveyor general or his deputies.

⁷ *Messenger*, January 31, 1885.

⁸ *Messenger*, May 2, 1885; *Mississippi Valley Lumberman*, May 1, 1885.

The stalemate continued through May, and the entire lumber business suffered. A Mississippi River millman complained that he had purchased a brail of logs that had been scaled by both McKusick and Hospes. McKusick said it contained 174,490 board feet of logs, while Hospes measured it at 164,890 feet.⁹ At current prices, the difference of 9,600 feet meant that the brail would cost about a hundred dollars more if McKusick's measurements were accepted. Obviously such a situation could not long continue. To combat it, Hospes' attorneys appeared before the Minnesota Supreme Court, charging that the new Lumbermen's Exchange was a corporate body and had no right to scale logs unless they were owned by the corporation. The court thought otherwise, and when the decision was made known on June 15, 1885, the Durant-McKusick faction was jubilant.¹⁰ Meanwhile, members of the McKusick faction had gone in a body to the meeting of the Lumbermen's Board of Trade and elected a pro-McKusick slate of officers. They now controlled both the Board of Trade and the Lumbermen's Exchange, and their candidate was surveyor general on the Wisconsin side of the river. Even the Minnesota Supreme Court recognized their right to scale their own logs.

With victory almost in their hands, McKusick's supporters took the last step needed to complete their success. They appealed to the United States Circuit Court at St. Paul and asked it to set aside the Stillwater injunction obtained by Hospes, which restrained anyone from interfering with his scalers. As the Wisconsin injunction restraining Hospes had preceded the Minnesota court order, the McKusick faction was astounded to hear the federal judge deny their argument that "where two courts have concurrent jurisdiction, that which first attaches becomes exclusive, and the other court is left without jurisdiction as to the subject-matter of the suit pending in the court first taking jurisdiction, or as to the question in dispute between the same parties or privies." Instead, the judge agreed that the Minnesota court had jurisdiction and was empowered to issue the injunction.¹¹

While the decision merely upheld the Hospes injunction, the inference was that neither state took precedence over the other. Glumly the members of the Board of Trade assembled, only to suffer another shock. Staples and Ernest L. Hospes, brother of the surveyor general and local manager for the Schulenberg and Boeckeler Lumber Company, wished to resign from the Board of Trade. Together Staples and E. L. Hospes

⁹ *Northwestern Lumberman* (Chicago), May 16, 1885.

¹⁰ "State of Minnesota *ex rel* A. C. Hospes *vs* Lumbermen's Board of Exchange," in 33 *Minnesota Reports*, 471.

¹¹ "Hospes, Surveyor General, etc., *v* O'Brien and others," in 24 *Federal Reporter*, 146.

had controlled a fourth of all the logs that passed through the St. Croix Boom in 1883.¹² A Stillwater Board of Trade that did not include these large logging operators would become the laughing stock of the lumber world. Moreover, cantankerous old Mower, a business rival who had tried to get the better of Staples for thirty years, had now joined him. Sometimes fighting each other, sometimes joining forces, Mower and Staples alternately had bickered and cooed since 1854. As late as 1878 Mower had served an injunction on Staples, but it had been ignored. Now, Mower also favored Hospes—and Mower owned fifty-two per cent of the capital stock of the St. Croix, Boom corporation.

The rebellious faction faced the simple fact that a situation which had seemed to foretell a decisive victory and a new order on the St. Croix was turning sour after a premature celebration. The "Staples crowd," which backed Hospes, controlled the boom, the Stillwater banks, and most of the logs for sale in Lake St. Croix. It was rumored among the log buyers that they should not buy logs from McKusick's supporters because Staples could offer a better bargain than his competitors, with the result that during April and May the latter sold forty million feet of logs, or half of all the logs sold during those months. Moreover, Staples' son-in-law, Matt Clark, was busily underbidding Durant's towing rates, while taking a major portion of the St. Croix log rafts to down-river mills.¹³ Perhaps the logging king was willing to abdicate, but he was allowing no one to usurp his position.

In addition, the Minnesota lumbermen, like Frankenstein, were afraid they had created a monster. The quarrel, which had started over petty differences, was reminding the state of Wisconsin that Minnesota lumbermen controlled the St. Croix Valley. If Wisconsin should commence exercising concurrent jurisdiction on the St. Croix, it could mean that lumbermen would have to pay two scaling charges on each log and that all river drives and booms would be compelled to operate according to the wishes of two states instead of one.

In the office of the Board of Exchange, Staples dictated his terms on July 6, 1885, and members of the defeated faction humbly signed them. Although Staples sugared the sour medicine by calling it a "compromise," the terms were harsh. Hospes would be surveyor general. McKusick would enter the office as an employee and would scale "any logs to which he may be directed by Hospes." Hospes would have entire con-

¹² *Mississippi Valley Lumberman*, November 30, 1883.

¹³ Matt Clark to O. H. Ingram, June 10, 1886; J. M. Turner to Empire Lumber Company, October 20, 1886; D. M. Dulany to Empire Lumber Company, September 12, 1887, in Ingram Papers, in the possession of the State Historical Society of Wisconsin; *Messenger*, December 5, 1885.

trol and management of affairs, and McKusick's books would be surrendered. All Hospes' employees would be retained, but all McKusick's, except one scaler, would be immediately dismissed. All suits in the courts would be dropped, and the suing parties would pay the court costs.¹⁴ The surrender meant that McKusick would receive a salary of two thousand dollars a year, instead of making a net profit of some ten thousand. Durant was forcibly reminded that the Staples endorsement had meant a great deal to him in the past in both a business and political sense.

Meanwhile, Isaac Staples watched his many ventures, selling logs, milling flour, and drawing up designs for the new brick business block he planned to erect in Stillwater. But up the driving streams and down the Mississippi word drifted to river driver and sawmill owner alike — Isaac Staples was still the boss logger on the St. Croix River.

¹⁴ *Mississippi Valley Lumberman*, July 17, 1885; *Messenger*, July 11, 1885; *Journal*, July 16, 1885.



In an article on "Paul Bunyan and Little John," appearing in the *Journal of American Folklore* for October–December, Max Gartenberg suggests for the heroic giant of lumber lore a "French-Canadian antecedent that seems hardly ever to have been suspected" — a legendary figure "whose name was Tit Jean," or "Bon Jean." Mr. Gartenberg believes that "in the light of the widespread French-Canadian and American intermigrations during the golden age of lumbering," one can "make out a strong case for his fathering the foremost of our popular legendary heroes." He points out that "Bon Jean and Bunyan were phonetically close enough to establish the possibility of a relationship," and he expresses the belief that "the form that the name of the new hero took was obviously linked up with our native inability to pronounce the French J."



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