

Chengwatana Dam

An act of the Territorial Legislature approved on Oct 29, 1849, authorized Elam Greely to build and maintain a dam at the outlet of Cross Lake of a sufficient height to raise the water to 5 ft. 6 inches for a ~~term~~ term of 12 years. However there were times that the water was raised above the low water mark to 7 or 8 ft. resulting immense body of water extensive additional lakes, areas which are marshes and bogs today. This dam was said to raise Pokegama Lake 5 ft. It flooded ⁹⁸⁷⁴~~9874~~ acres. Flooded areas in Pine & Kanabec Counties



April 4, 1870

The Pine County News.

TUESDAY, APRIL 4, 1870.

COUNTY DIRECTORY.

Auditor.....M. A. BRAWLEY,
Deputy Auditor.....W. H. GRANT,
Treasurer.....DON L. WILLARD,
Deputy Treasurer...JOHN P. PETERSON,
Sheriff.....S. A. HUTCHINSON,
Deputy Sheriff.....JOHN P. PETERSON,
Register of Deeds...JOHN P. PETERSON,
Clerk of Court.....DON L. WILLARD,
Deputy ".....JOHN P. PETERSON,
County Commissioner...A. H. LAMBERT,
Judge of Probate...JOHN D. WILCOX,
Surveyor.....O. WILCOX,
Coroner.....M. A. BRAWLEY,
Attorney.....JOHN D. WILCOX,
County Commissioners,
H. B. GORDON, Chairman,
HENRY BRANDES,
R. T. METLER.

Market Prices

Offsars, hides, etc., at this date are as follows :

Mink—No. 1, \$1.50 to \$1.75
Martin—Pale, \$1.50 to \$2.50
Fisher—About \$8 for large
Otter—No. 1, \$6 to \$8
Bear—Cubs, \$3 to \$8, large \$10 to \$14
Fox—Red, \$1.50 to \$1.75; cross, \$2.50 to \$4; silver gray, \$20 to \$50
Skunk—40 cents
Coon—40 to 75 cents
Rats—Winter, 18 to 20 cents; kittens, half price.
Hides—Green, 4 1/2 to 5 cents; dry, 12 1/2 cents.

City and Vicinity.

Who is the oldest looking man in town?

What tree bears the most fruit for market? Axle-tree.

Call upon Dr. Sheeley and renew your subscription for the News.

County Treasurer Willard now exchanges greenbacks for county orders.

James Griffin has lately sold his private residence and will shortly move to Stillwater.

Martin Strong has broken up camp, filling his contract in good season—ten thousand ties in all.

Frank Burleigh's genial countenance will hereafter be visible behind the counter of Coutour's store.

A PINE CITY man tried a long while the other day to open the first postal card he ever received.

Chas. C. Burdick, of White Bear, has recently been employed at this station as assistant telegraph operator.

Rev. Theodore Kinser, of Janesville, Wis. held service here on Tuesday. The German element turned out *en masse*.

A. DeWolf, of Brunswick, purchased four or five hundred dollars worth of store goods of Joseph Coutour one day last week.

Another Chapter on the Chengwatana Dam.

OPINION OF JUDGE FLINT, OF ST. PAUL.

To the County Attorney of Pine County, Minnesota :

DEAR SIR.—Your favor of the 14th inst. asking my opinion as to the ownership and control of the dam across Snake River in your county is received. After a careful examination of various acts of the Territorial and State Legislatures of this State since the year A. D. 1849, I find the following facts concerning said dam, namely :

By an act of the Territorial Legislature, approved October 29th, 1849, one Elam Greely was authorized to build and maintain a dam across Snake river, near the outlet of Cross Lake for the term of twelve years, such dam to be built and ready for sluicing logs by the first day of April, A. D. 1850; and the act further provides that the same shall be of sufficient height to raise the surface of said Cross Lake at least five feet and six inches above low water mark, the Legislature reserving the right to amend, repeal, etc., under the provisions of that act.

Mr. Greely, or those claiming under him, had a right to build and keep such dam until the first day of April, A. D. 1863, and no longer unless said act was amended or extended by subsequent action of the Legislature; or unless he was licensed so to do by the Board of County Commissioners of Pine County.

I am unable to find any subsequent legislation concerning such dam, or to find any reference to the same except in the General Statutes, page 252, section 40, which authorizes the commissioners to fix a higher rate of toll for sluicing on that dam than upon other similar dams in the State, but such last act could not be construed as a renewal of Mr. Greely's right to maintain the same, hence I infer that the Legislature has at no time authorized Mr. Greely, or any other person, to continue such dam beyond the time limited in the act of 1849, namely, April 1st, 1850.

The County Commissioners of Pine county have and had authority under the general statute above referred to,—namely, the laws of 1866, pages 251 and 251—to grant a license to any person having possession of the land on both sides of the river at the point where said dam is, applied for to erect or continue such dam for a period of six years from the time of granting such license, such person complying with the provisions of said law. Whether or not such license has been given by the Commissioners of Pine County to Mr. Greely, or to any other person, is a fact which I have no means of ascertaining, as the only record of it would be in the doings and proceedings of the County Board of your county, which records, I am informed, have been consumed by fire. If such a license has been granted

ed it must have been under the seal of your county, and Mr. Greely, or the person to whom it was granted, if he claims any right to continue such dam, could probably produce the same in support of such right; and until such authority or license is produced, the presumption of law would be that no such authority exists or was at any time given.

Under ordinary circumstances the person erecting a dam of this kind would, after the expiration of his charter or license, (unless prohibited in such charter or license) have the right to the material of which such dam was built, and would also have a right to remove the same provided he could do so without injury to public or private rights. But, in the present case, the dam being built at a point feasible for a public highway, and a public highway having been built and located upon and over this dam, at the public expense, and, (it is presumed) with the knowledge and consent of the builder and owner of such dam, and the county of Pine having kept such bridge or highway in repair for public use and the public having used and traveled over the same for a period of more than five years without objection from the builder or owner of such dam, the public have a legal right to such bridge and the foundations of the same for the purpose of such highway, and neither Mr. Greely or any other person has any right to resume control or obstruct the same, (see General Statutes page 199 section 68) the County Board having the same supervision and control over such bridge and highway that it has over any other bridge or highway in the county.

Respectfully yours,
S. M. FLINT.

Feb. 10, 1870.

March 28, 1876

Who Owns the Chengwatana Dam.

At the last meeting of the Board of Commissioners of Pine county, some interesting facts were developed in relation to the Chengwatana dam.

It seems Elam Greely obtained a charter for a dam across Snake River, near where the present dam is located, in 1849, to continue for twelve years from the first day of April, 1820. This charter expired April first, 1862 and since that time the only authority for the maintenance of this dam has been a license from the Board of County Commissioners of Pine County.

Now, it also appears that this dam is not only a dam, but is also a bridge; and that this dam-bridge is in the highway, and that it was largely built and generally kept in repair at the public expense. Nevertheless, by the kind indulgence of the public, the Munch family have been permitted to collect from six to ten thousand dollars annually for the past thirteen years for sluicing logs at this dam, besides several thousand dollars for water from time to time to assist lumbermen on the lower St. Croix.

By our statute, all streams sufficiently large to be used in driving logs are declared public highways for that purpose, and dams thereon are declared to be a public nuisance unless constructed in a certain manner.

The ordinance of 1787 for the government of the north-western territory, the act of Congress providing for the formation of our State government as well as our State constitution, makes the Mississippi River and its tributaries public highways when in fact navigable.

By our statute either the Board of County Commissioners or the Town Supervisors have charge of all highways within their respective jurisdictions. Who owns Chengwatana dam, Mr. Munch or the public?

April 4, 1876

The other side of that Dam Question.

In looking over the first number of the "resurrected" News I notice an article, "Who owns the Chengwatana Dam?" In order to relieve the anxiety of the inquirer I will state that I have owned this dam for fifteen years, own it now, and calculate to keep it or a new one a few years longer. Mr. Greely, who built it in 1849, sold the same and its franchises, and the lands around it to diverse eastern parties; one of the Munch family purchased it and the franchises from these parties in 1858 and renewed the dam in 1859 and again in 1861.

Before the charter obtained by Mr. Greeley run out, a general law was passed by the Legislature of Minnesota, regulating the erection of sluice-dams, and special reference was had in this act to the Snake River dam at Chengwatana, and this act,—but not so much the kind indulgence of the public—is the authority for collecting 10 cents per thousand sluiceage on logs and lumber sluiced through this dam.

Your correspondent says: "This dam is also a dam-bridge, and was largely built and generally kept in repair at the public expense," which statement was either made falsely in order to prejudice public opinion or it is a decided mistake, as every body knows who was in or near Pine County about fifteen years ago.

As I stated above the dam was renewed in 1859 by E. Munch, and entirely at his own expense. Two years afterwards the County Commissioners requested the privilege to build a bridge across this dam, it being the most convenient place and cheapest chance for it, and E. Munch built it at an expense to the county of \$500 the mere cost of the material used in covering the same, while the cost of the former Snake River bridge had been \$6,000. The county has never paid a single cent for the repair of the dam, but has of course paid for the repairs in the coverings of the bridge.

The dam is constructed in that certain manner provided for by our statute, and will never be declared a public nuisance, but it is a public necessity, as not only the business of Pine county, and especially of Pine City largely depends on the maintenance of this dam, but also the business of a great many lumbermen in the St. Croix valley.

It is hard to comprehend what the kind indulgence of the public (which, of course, means the high officials of the county) can have to do with the collection of the sluiceage, as our lumbermen, who pay the same seem to be satisfied with it. At any rate, they have always paid it cheerfully and without hesitation, so that during those fifteen years in which I have managed this dam business I have never been compelled to use any forcible means for collecting sluiceage, and I will, with your kind permission, Mr. Editor, improve this opportunity to publicly express my sincere acknowledgement for the almost universal promptness and courtesy shown to me by our lumbermen in this and many other respects.

Your correspondent, who seems to be so well posted in regard to ordinances of a former century, the acts of Congress, and our statute, probably knows, and ought to enlighten your subscribers about the term "in fact navigable," (which, by the way, is used of streams capable of carrying steamboats of 300 tons) and what relation this term has to this tributary of a tributary of the Mississippi River, of which the only steam

power ever used consists of spruce poles and ash and maple paddles. But if Snake River was a public highway because "in fact navigable," neither the County Commissioners or the Town Supervisors would have any jurisdiction in the premises, as all streams in fact navigable are under the jurisdiction of the United States Government.

ADOLPH MUNCH.

Sept 16 - 1887

THE CHENGWATANA DAM.

Two Ineffectual Efforts Made by Stillwater Lumbermen to Hoist the Gates.

Judge McCluer Issues an Injunction Which Fails to Work.

Indignant Citizens Take Possession of the Dam.

Pine City Determined to Maintain their Rights.

The question of the Chengwatana dam was brought to the notice of the people of this place again quite forcibly last Sunday by an attempt being made to raise the gates and run off the water now in the lake. At about 3:45 last Sunday morning, J. F. Stone was awakened, and notified that the gates of the dam had been raised, and the water was being run off. He immediately summoned Councilman Netser and Village Marshal Murry and proceeded to the dam where all of the gates were found to be up and the water running as fast as possible. The crew of men who went down immediately set to work to lower the gates, which was but the work of a few moments. The flow of water was soon stopt and those who had raised the gates had the chagrin of walking back and forth on the bridge and viewing the fruitlessness of an all-night's job.

As near as can be ascertained the raising of the gates on this date was a carefully laid plan and was all fixed so as to run the water off during the night and continue taking it little by little until the water was all drawn off. With this end in view, Jas. Malloy of Stillwater had come to Pine City and kept himself dark going down to the dam after night had set in. It now looks as though the citizens of Stillwater are trying to make this dam as obnoxious to the people of this place as possible and it is safe to say that should they continue much longer, they will find the dam that gives them so much anxiety, on its way to Stillwater some fine morning. We have stood the outrages that have been perpetrated on us so long that patience has ceased to be a virtue and if our village council does not exercise the power given them and declare the dam a nuisance and have it abated the concentrated action of the people living in the Snake river valley will be made use of and this public nuisance will be disposed of in very short order. The sooner we remove the cause of so much annoyance, the better it will be for all concerned.

Since the above was in type, another attempt has been made to raise the gates and run off the water. Thursday morning Jas. Malloy, backed up by a party from Stillwater, and an injunction issued by Judge McCluer to Anna and Adolph Munch ordering the raising of the gates, and also an order to the Sheriff of this County, authorizing him to use his power in keeping the gates up, arrived on the north bound train. Adolph Munch being in town the injunction was served on him, but the Sheriff being up to Kettle River looking up witnesses for the murder case to be tried this fall, he could not be found. As the morning train from the north passed through town Deputy Sheriff Geo. W. Booth was found to be aboard and was called off, but as the order was issued to the Sheriff, he returned it to the Stillwater parties, but they

TELEGRAPHED JUDGE MCCLUER asking an order to be telegraphed to the Deputy Sheriff, which was done. Being thus armed they went to the dam and substituting ropes and logging chains for the chains our village authorities had taken off Sunday, the gates were all raised and a full flow of water commenced. The Stillwater crowd was exultant over what they supposed was a grand victory, but their exultation was of short duration, as a party of about forty of our best citizens—the

BACKBONE OF THE COMMUNITY—went down to the dam in the evening, with teams and boats, and by cutting ropes and unfastening chains, the gates were again closed, and the Stillwater men or Lords of Creation as they doubtless believed themselves, were forced to the conclusion that again their bluff had been met. The Deputy Sheriff was on the dam at the time, but being alone he was powerless to keep the gates up, and they were put down in

A QUIET ORDERLY MANNER but had interference by force been undertaken there is no telling what the result would have been. The Stillwater gang took the night train for home, doubtless intending to bring up men to raise and keep the gates up by force. If this is their intention, there is no telling what the result will be, as our citizens are determined in the matter and will see that the laws passed for our protection from Stillwater oppression are enforced. If Stillwater lumbermen insist on their attempts at bulldozing, Pine City will meet them half way. It was reported Thursday night that two

MEN WITH WINCHESTER RIFLES were holding the dam, but that did not intimidate our citizens. The report was either false or the men had gone for

refreshments when the citizens arrived.

Our rights as men—as American citizens—have been trampled in the dust long enough. The laws passed by our legislature governing the management of the dam have been overridden, and now the time for settlement has come, and we will maintain our rights. There are bounds to long-suffering submission which should not be overreached, and there is a time when down-trodden justice will cry out. That time has arrived with us and the wrongs of past years will be adjusted. It is not the intention of our citizens to resort to mob law. That is not necessary. The law of '85 places the management of the dam in our hands and as we have the power we will exercise it. The injunction and order of Judge McClure are in opposition to this law, and was in all probability intended for a bluff. If so, they are doubtless now aware that it didn't work. Should had come to worse, and trouble be made for those who assisted in letting down the gates, every resident of this community will back them to the man. Stillwater has the money but if they have enough to offset our determination they have no need of the Chengwatana dam. The battle has just commenced. The first tocsin has merely been sounded, but ere its close, Stillwater will find out that they have calculated without measuring the strength of their enemy. A good united effort on the part of our citizens is all that is needed to secure the results for which we contend—the protection of our homes.

Sept. 23rd 1887

Sept 23 At it Again 1887.

Not satisfied with their previous failures a half dozen of Stillwater's lumbermen—corpulent as aldermen and pompous as English Lords—came up to Pine City last Friday night and went down to the Chengwatana dam in the morning. They were accompanied by the Sheriff of Washington county, who acted the innocent school boy dodge, saying that he did not want to come, but the balance of the party insisted, (A man by the name of Adam, tried the same excuse in ancient times, we are told.) The Sheriff was doubtless brought along to give a legal appearance to their acts, while it is supposed that it was thought that the pomposity of the balance of the crowd, with a legal figurhead would awe the people of Pine City into silence, but how soon they were undeceived. No sooner had they started for the dam, than a party from this place was organized to go down and keep them company, Arriving at the dam, our citizens found three gates up and borrowing the tools that had been used to raise the gates, they proceeded to lower them again. The Stillwater Sheriff blustered around considerable, but had no difficulty in getting a list of the names of those who were most prominent in the work, as all were anxious to have their names appear at the head of the column. A little scrap of law read to them on the occasion and a few remarks made by some of our citizens was the only ceremonial part of the days proceedings. In fact it seemed to be enough as our Stillwater friends with all their pomp, departed on the noon train, and have not been heard from since. What amuses our citizens the most of anything is that they have tried a legal bluff when the laws of the state says plainly and undeniably that the power to control the dam shall be vested in the village council of the village of Pine City. It is quite a surprise for them to find that the people are not afraid of them nor their threats. In fact many of our people are anxious to have the matter get into the courts, as there would be revelations there that would make the citizens of Stillwater tremble. There is a way that they can get the water, and that is to blow the dam out. That is the way and the only way. If they want the water, they can have it, but they take the dam with it. In fact the dam has given them so much anxiety in the past, it is strange they do not want it right down there where they can watch it night and day. Boys, you can have the dam, but the water, never! *Pioneer*

Sept. 30, 1887

this (Friday) morning. *Pine City Pioneer*
9-30-1887
A Man With an Injunction.

The first injunction in the dam case was issued against the village council of Pine City. The village council, under direction of the local board of health, had charge of the dam. At the suggestion, advice or order of a Stillwater log merchant, the injunction was changed and enjoined Anna Munch. The log merchants consider this quasi-legal luminary something in the light of an inspired oracle, and when he formulates an opinion, they bet money on anything from a fifteen-cent puzzle to a white pony race. He can calculate each cubic inch of water or fractional part thereof necessary to overcome the inertia of the saw logs scattered along the bottoms and sand bars of the St. Croix, and with mathematical precision he aims to flood as he figures. Sometimes the result is a departure from the preconceived plan—the logs move too fast or don't move at all just as the fortuitous circumstances that surround the hydraulic pressure at Chengwatana happens to govern. This leads us to remark that there is an up and down stream in all well regulated rivers, even those which are partially obstructed by dams, which can only be measured by the latent energy stored therein. A man may understand the mysteries of cubes and conic sections, calculate eclipses with geometrical precision and have all his calculations prove, but when he comes to calculate and predict tides, may utterly fail. On the tide question, the latent energy comes in, and while the up and down stream prevents an inactive operation, we get spring, neap and intermittent tides, all within the narrow confines of six hours. It is always better to hire and pay a true prophet than to have the gratuitous predictions of one whose limited knowledge of future human events causes him often to lead his followers to confusion and dismay. It is better for a man even though he possess a wonderful versatility of talent, to confine himself to one pursuit and become a specialist. The man who can successfully drive logs, will make a bungling lawyer at best, and while he may possess muscular power to move each individual log in a jam, the concerted movements of the whole may so overstep his calculations as to pile up into such absurd and grotesque heaps as to cause the tide of travel to shift from the cool summer retreats at the lakes and make the dalles of the St. Croix the objective point when a miscalculated squirt from the Chengwatana dam, guided by the legal luminosity of the muscular log-lawyer, changed the quiet and peaceful village of Taylors Falls, into a first-class curiosity shop.

Oct. 4, 1887

PINE CITY, PIN

THE Kanabec County Times seems to have struck upon some deep and dark mystery in connection with the treatment the Chengwatana dam has received at the hands of the PIONEER. It is so daak and mysterious that brother Safford shrinks from giving it to his readers. What is the use of keeping your readers in suspense, "Saff?" Give it to them. The people of this section are just dying for a sensation. The PIONEER stands ready, armed to the teeth for just such charges. If you have discovered anything crooked in an opposition to the dam, make it known, but for the sake of common decency, don't throw out such insinuations, for you know others might ask right away, Why the Times flopped over to the Democracy so soon after announcing itself as independent, last fall? 1887.

August 24, 1888

Kicking about the Dam.

There is a question in our mind as to how much the Rush City Post received for the publication of the following:

"Messrs. Sauntry & Tozier's drive of 50,000,000 feet of pine is hung up between here and the mouth of the Snake River. Sauntry purchased two days water from Mr. Munch from the Chengwatana dam at a cost of \$300, and was refused by the Pine City Council at the instance of L. H. McKusick although there is over a seven foot head and all they need is 5 feet to cover the marks. The Council were reported to favor it at first, but after McKusick had frightened Mayor Lueck by threatening him with a "ball and chain" the water was refused entirely. Mr. Sauntry would be willing to pay \$100 per inch for the water and does not need but a couple of feet at that. The damage to the owners of the logs is over \$1 per thousand and to Messrs Sauntry & Tozier, who had 125 men on the drive, over \$15,000."

Even if the statement in the foregoing in reference to Mr McKusick's action be true, it is a matter not to be ashamed of, and any man of ordinary ability and who is not bought by the Stillwater lumber princes, would readily give him credit for it. In holding the water where it is our village council are but carrying out the will of the people. The fact that \$300.00 was paid to A. Munch cuts no figure. Stillwater must have an uncommonly dull lot of lumbermen if they forget that the dam is not entirely under the control of A. Munch. At their instance the legislative act of 1885 was changed at the last session giving them more advantages, and in the light of their past experience it is strange that they did not think of the village of Pine City. The law gives us the power to protect our health and we have done so. Whose business is it? If Stillwater lumbermen lose a few thousand dollars, we are not to blame; our health is of more importance to us than money.

Aug 31, 1888

THAT DAM CASE.

Adolph Munch writes a Letter Relative to the Chengwatana Dam.

The following, taken from the last issue of this Rush City Post, will be of interest to our readers:

"In one of the local articles of your last edition, which I have just read, I notice a mistake which may reflect on my loyalty as a law-abiding citizen, and which I wish to correct.

Your article stated that Mr. Sauntry purchased from me, at a cost of \$300, two days' water from the Chengwatana dam, which is incorrect.

I never sell what I have not got.

Mr. Sauntry, on June 27th last, purchased for the above sum, "authority to use the Chengwatana dam during the balance of the season, within the limits of the law, viz: to draw the water on the dam down to five feet head, up to and including July 1st, and to draw it down to six feet head from the 1st to the 15th day of July," which is exactly the phraseology of the proviso, which a wise legislature, at its last session, attached to a law authorizing the Village Council of Pine City to regulate the drawing of the water from the Chengwatana dam. This law, which was passed by the legislature under the title of, "An act to amend Chapter 38, of the special laws of 1881, entitled, an act to Incorporate the Village of Pine City," as merely a local measure; and, therefore, unnoticed by everybody connected with the lumber business, gives the Council of Pine City authority to regulate the management of this Chengwatana dam as far as the drawing of the head of water from it is concerned, and thereby to rule or ruin a vast business, depending for its successful drying operations upon the use of the water-reservoir created by the Chengwatana dam, and requiring the investment of millions of dollars.

There is sufficient water in the dam now to drive those 50,000,000 of feet into the St. Croix boom, where they could be marketed and would realize to their owners at least half a million of dollars, but this cannot be done under the rules and ordinances of the Village Council of Pine City.

Even an injunction issued by the honorable Judge of the District Court in a former case, has not availed anything, and it seems a hardship, that lumbermen, who, until lately, have enjoyed the uninterrupted use of this dam and reservoir for forty years in succession, in conformity with a General State Law governing and regulating the construction and maintenance of sluice-dams should now be deprived of its benefits.

Hoping that you will pardon me for taking so much valuable space in your paper, I am

Respectfully Yours,

A. MUNCH."

The above looks all right when but one side of the question is considered. Mr. Munch is right in his quotation from the law of 1887, but by reference to the laws of 1885, it will be found that the power is vested solely in the village council after the 15th of July to maintain any head of water they may see fit. If Mr. Munch admits that the legislature which saw fit to amend the law was wise, so it is equally presumable that he is willing to concede wisdom on the part of the legislature that framed the original act. They knew the full import of their procedure.

Mr. Munch infers that the bill was rushed through as a local "woodehuck" without the notice of the Stillwater lumbermen. He seems to forget the fact that he and a whole posse of Stillwater lumbermen spent many anxious hours in the lobbies of the state capitol during the time the bill was pending, and how some one even went so far as to tear an amendment from a bill, relative to the dam, during its transmission from the House to the Senate. It really looks reasonable to suppose that a disinterested party would tear an amendment from a local measure, which attracted no attention, doesn't it?

Mr. Munch bemoans the fact that the Council has the power to control the management of the dam so far as the control of the water is concerned, and the people of Pine City rejoice that they have this means of protecting their health. It is a notorious fact that the health of the people of this village has not been better for years than it has this year. One look at the water in the river and lake, or a breath of the air first thing in the morning after a hot day and warm night is sufficient to convince any one of the improvement in the sanitary condition of the town. What is a million dollars anyway, compared with the health of 700 or 1000 people?

The assertion that the water has been used uninterruptedly for forty years is no argument in favor of a continuance of the evil. For much more than forty years the government of the United States permitted slavery, but there came a time when they said it was wrong and they stopped it. The people of Pine City say this risk of life is wrong, and by the aid of the power given them by the legislature, and by a united effort of the people we will prevent it if possible, even though it may touch the pockets of one or two of Stillwater's wealthy lumbermen, just the same as the emancipation of the slaves touched the pockets of the former slave-owners.

Editor

Oct 5 - 1888

DEVO

PINE CITY, PI

THE case of the Village of Pine City against Anna Munch, which is set for trial before Judge Crosby next week, will be one of the most interesting cases that has been tried in this county for a number of years, and in all probability will call out as much legal learning as has ever been displayed here in one case. The prosecution will be in charge of L. H. McKusick, of this village, who has always been an active opponent to the dam, and Gordon E. Cole, one of the ablest attorneys in the state. John M. Gilman, a very able attorney, assisted by M. D. Munn, Harvey Officer and W. S. Moore will appear for the defense. The case is on the removal of the Chengwatana dam under the laws of 1885, which gives the village the power to declare the dam a nuisance and abate it. The issue upon which it will be tried is one of law, and there is now every indication of a fine case and an able defense. The case will attract considerable attention throughout the state and will in all probability be fought through the supreme court of the state before the final verdict is reached. Now that the issues have been joined, it is just as well to fight the case through and see what the power of the act may be. This is a case in which great interests are involved and will be watched very closely.

August 26, 1898

July 22, 1898

—Adolph Munch, in company with Mr. Lang, a dam contractor, was up on Monday, looking over the Chengwatanadam, and will commence work on the same on Monday next. Mr. Lang is the gentleman who erected the Nevers dam on the St. Croix River, and is an expert at his business. The dam will be built to hold an eight-foot head, which is about two feet lower than the old one. The work will be pushed forward as rapidly as possible, so as to raise a head of water before fall, to drive the logs that are in the river; and the Ann River company, we are informed, will also drive their logs if a head can be raised here this fall.

Quite a substantial representation of the people in the valley of the Snake river, and its multitudinous ramifying tributaries, reaching into the counties of Pine, Kanabec and Isanti, are amused, to say the least, at the comments made in a late issue of one of our ably conducted local papers. Wherein by reason of the recently united action taken by several hundred settlers and tax-payers, representing for themselves and several thousand others in said territory a united front of anti-dam sentiment, expressed in several public meetings, well attended, at which meetings, according to the heretofore unquestioned manner of procedure by the American people in public assembly, to consider and discuss the measure and object of the meeting, and to adopt such resolutions and make such preliminary arrangements in relation thereto as they shall deem expedient—all of which was done at said meetings, and which order of procedure by said meeting is amply outlined and provided for by the statutes. And when it is considered that the men attending these meetings are not of any one clique, class, clan, or of any one single occupation or profession, but on the contrary ably, fully and strongly represent all the residents in said territory, comprising about a dozen or more towns and villages, none of them being aware that they were debarred legally, morally or otherwise to voice their sentiments, and did so by declaring by resolutions that the Chengwatan dam is a pub-

lic nuisance. It appears in a ridiculously amusing light to be charged with promulgating a fusilade of farcical fush, and the professor-like selection of the sweeping phrase in giving an authoritative description of any and all river and creek bottom lands, meadows and lowlands which have been overflowed by reason of said dam, as a festering, worthless marsh, and that parties in favor of a natural stage of water in all streams and lakes in said territory give evidence of a leaky place in their souls, where all the poetry has oozed out, and left a festering mental marsh, all of which, well selected phrases were undoubtedly chosen with great care, and a brilliant display of ability as well. To the end that good and effective advertising of lands in general in this locality might be freely distributed, hereafter prospective settlers will do well to apply at headquarters of humidity, etc., and lay in great chunks for future use, according to directions pasted on. And those fusilading forces are ruthlessly pursuing the poor old goose that does nothing but distribute her golden eggs to her cruel pursuers. Then again, as a digest of supreme court decisions fixing titles to tens of thousands of acres of lands, overflowed by reason of the damming of the waters on said stream, under the all-wise rulings of Providence, the work herein briefly cited stands unparalleled in northwestern journalism, more especially when we earnestly contemplate the avowal in that grave (?) and unequaled peroration in which the despairing groan is heard. The Poker wants a DAM, which gruesome prayer may alas! be among the terrible possibilities regretfully realized on in the dread future.

Nov 25 1898
THE DAM BRIDGE.

Mr. Munch Explains The Reason Why
The Bridge at The Dam is
Not Completed.

The following article will explain why the work on the Changwatana bridge over the dam was stopped, and it also shows that the parties informing us in regard to what we published on the 18th inst. was trying to lay the blame on the wrong party and thereby shielding others. It is with pleasure we publish the following article from Mr. Munch:
ST. PAUL, Nov., 21, 1898.

MR. EDITOR:

In the last issue of the PIONEER, of Nov., 18th, I noticed an article in reference to the bridge at the Chengwatana dam, which is apt to cause the public to think that I am causing the delay in constructing this bridge, in order to exact more money than the amount agreed upon, which is far from the facts in the case.

If you will allow me a little space in your paper, I want to state a few facts which will dispel this impression and place the blame, if there is any, where it properly belongs. On October 8th last I met a majority of the Supervisors of the Towns of Pine and Chengwatana at the dam and offered to erect a good and substantial bridge complete across Snake river on the dam, for \$600.00, which offer was accepted by the Supervisors present. On October 15, this acceptance was withdrawn by the Supervisors of Chengwatana, who had been caused to consider a plan for a bridge across Cross lake at a point further North.

Upon being notified of this, Mr. Lang, the contractor, and myself changed the plans for the north-wing of the dam considerably, and went ahead with our work without paying any further attention to the bridge. Two weeks later, after the Town of Chengwatana had held an election on this bridge question, rejecting the plan for the lake bridge, the Supervisors evidently came to the conclusion that the Town wanted the bridge on the dam, and they asked me, whether I would still build the bridge for the agreed price, i. e., \$600.00, to which I replied that I would, and told Mr. Lang to prepare his work so as to receive the superstructure of the bridge with the least inconvenience to him. Mr. Lang thereupon immediately commenced the construction of the bridge, which had to rest on the foundation timbers, as he wanted to cover these. When on the 12th inst. I went to Chengwatana to arrange for the payment of the bridge at the twice agreed price of \$600.00, the Supervisors, seeing that the bridge was more than half done, wanted then to make a new trade at a less price, which proposition I declined, and stopped work on the bridge.

It is now for the Supervisors to say whether or not the bridge is to be finished at the agreed price or not at all. I have tried my best to accommodate the settlers on the north of Snake river, with a bridge as soon as possible and as cheap as it could possibly be done, but failed, because the Supervisors of the Town of Chengwatana did not seem to know, what they wanted in the way of crossing the river, and finally backed out of a bargain to which they had agreed twice. I acted in good faith in this matter from the first, and in order to still show my

complete it can be provided.

Respectfully yours,

ADOLPH MUNCH.

WANT LESS WATER.

A MEETING WAS HELD BY THE FARMERS AT RATH'S HALL ON SATURDAY LAST TO TAKE ACTION IN REGARD TO THE CHENGWATANA DAM. SPEECHES WERE MADE, AND THE MEETING ADJOURNED UNTIL MAY 23rd.

According to bills posted about the country for two or three weeks previous to Saturday the 18th, calling for a meeting to take action in regard to the Chengwatana dam, quite a number of the farmers interested were present to listen to speeches made by J. C. Norstrom and Mr. Meider, of Pokegama town. The speeches made were strongly in favor of no dam, and during the remarks of the two speakers some one was called forth to answer these remarks. J. F. Stone arose for this purpose but some of the parties present could not understand that Mr. Stone had been called upon to give a short talk and when his name was spoken, began to hoot and yell, which showed very plainly that they did not know their place and had poor judgment. The disturbers were soon quieted and Mr. Stone, in a few remarks, outlined the policy that the copper mine company proposed to follow if they bought the dam.

There is no question but what the settlers have a kick to make and a strong one, as there is altogether too much water held here during the summer months which fact we have advocated right along, and we cannot see why a lower head of water would not answer the purpose and thereby not damage the farmer as it has done in the past and is doing at present. When the old dam went out with the high water a few years ago, we told the owner, Mr. Adolph Munch, that unless he put in a dam that would hold less water he would have trouble. He put in the dam regardless of the warning given and the result was a badly shaken up dam. He then came to us and said that we were right and wished that he had heeded the advice given him. The dam was repaired but the head of water was not lowered at all, and the lands continued to be overflowed.

If the dam is damaging to the farmer, as it surely is, there must be some way in which to remedy it without taking mob force or violence. If there is a law allowing a dam, then surely there is a law restraining them from destroying property. There has been one instance when one of the parties, whose land was damaged by the water, entered suit against the dam company and got the amount asked for; if he could, why can't others, and thereby make the dam a dear piece of property to the owner. A good, bright lawyer could undoubtedly do something for the farmers in bringing about a satisfactory settlement of the affair.

As far as we are concerned it does not make any difference to use one way or the other whether or not there is a dam. We are now the same as always, in favor of holding a head of water which will insure navigation at all times on our waters, but not high enough to damage the land on the shores of the lakes or river. We are of the opinion that a satisfactory settlement of the matter can be reached without destroying property if the right course was taken to bring this about. What we advocate is just the same as was advocated on the posters which were put up through this part of the county, and as long as we are of the same opinion, the PIONEER is with the farmers and willing to do all in its power to help bring about a peaceful settlement of the affairs.

The meeting adjourned to meet at Rath's hall on Saturday, the 23rd of May.

ANTI-DAM MEETING.

A MEETING HELD LAST SATURDAY AFTERNOON BRINGS OUT THE VIEWS OF SEVERAL OF OUR BUSINESS MEN AND FARMERS. LOWER STAGE OF WATER THE ISSUE.

According to announcement in the PIONEER last week the farmers' anti-dam meeting convened at Rath's hall at 2 o'clock p. m. last Saturday. Notwithstanding the almost continual unfavorable weather this spring, for farmers to get their spring work done, a good crowd, that is to say, men of influence from various towns surrounding Pine City were present to show their interest in the meetings as they are being conducted. Pine City was also represented by the president of the village council, F. E. Smith, and a number of the leading business men of the town, as well as some non-residents from other states who own lands now submerged by reason of the present as well as the past unnatural and unnecessary high stage of water held by the Chengwatana dam.

The meeting was called to order by Mr. Mider, of Jaryis Bay, who was the first and principal speaker at last month's meeting. After a few preliminary remarks Mr. Mider introduced J. E. Norstrom, also from the town of Pokegama, who has resided at the head of Pokegama Lake for the past fourteen years, to address the meeting from an anti-dam standpoint. Mr. Norstrom went into the work as he always has on this question, fair, free, and fearless on the question at issue. He showed that the charter for the erection and maintenance of the dam at Chengwatana was granted for the purpose of sluicing logs out of Snake river, making mention of the length of time since said charter was granted. That many times each year the water is held back not only to sluice logs out of Cross Lake into lower Snake river, but to wash any and all drives in the St. Croix down to Stillwater, whether said logs were from some of the many streams emptying into the St. Croix above the mouth of Snake

from the Minnesota stream, or came out of some of the many streams coursing through the state of Wisconsin into the St. Croix river above the mouth of Snake river. According to Mr. Norstrom's views, selling water has been the business of the owners of the Chengwatana dam since way back, and at times it appeared as though the only motive for holding a high stage of water was only "habitual unadulterated cussedness." He showed that the much talked of proscriptive right claim to all overflowed lands does not hold, by reason of not having been in continuous possession. He also showed that when the rights and privileges granted by the legislature were granted, no other interests were represented in the country now distressed by the stage of water held by the dam, granted by that charter. Mr. Norstrom also made mention of matters on this question which had appeared in some of the local papers, which were not of an acceptable nature to please the anti-dam people. Other vigorous shots were fired and frequent manifestations of assent were made by much applause.

Mr. Mider followed with remarks, forceful and eloquent, emphatic and uncompromising. He showed that many reform movements in the past have been called anarchistic, etc.; also that if men believed in what they advocated and stood for it, if they were entitled to it, they would get what they asked for—though it takes backbone all the way through. He told his listeners what the sanitary effects were when the water is

the meeting. Mr. Hart thought some of the expressions of the anti-dam speakers were somewhat severe on Pine City. He said that the interests of the business men of Pine City were closely allied with the farmers, and he promised all needful legitimate cooperation by Pine City with the surrounding country on lines advocated by the meeting for the abatement of the high water nuisance.

Mr. Smith, president of the village council, spoke to the meeting in a manner that was well received, promising the cooperation from Pine City that would in time secure the relief needed. All were well pleased to hear the sentiments expressed by those two gentlemen.

It was decided to hold the next meeting on the last Saturday in June next, at two o'clock, p. m.

DYNAMITE MONDAY EVENING AT ABOUT 1:30. THE JOB SHOWS THE WORK OF UNEXPERIENCED HANDS. June 3-1903

At about 1:30 o'clock on Monday morning the cabin of the dam watchers was broken into by about 30 of the grieved farmers and the watchers ordered to hold up their hands which was done at once. They were marched out of the cabin onto the bridge below which the crowd was engaged in putting in 200 pounds of the explosive.

During the attack on the watchmen, Frank Madden was struck in the face with a revolver which inflicted a severe wound, and Tom O'Brien was choked so hard that he could hardly regain his breath. The watchmen's cabin was rifled and two rifles and a revolver taken; the latter was not returned. The watchmen requested that before the fuse be lit that they go and give Henry Kruse's family time to get out of the house, but this was not done and they were not alarmed until about the time the explosion took place.

The mob marched the two watchmen, O'Brien and Madden, down the Government road, and when in the vicinity of D. Grandt's residence, tried to make them swear allegiance but they would not, whereupon one of the party attempted to strike them with his gun uttering threats of what would be done if the watchmen told who they were, and no doubt would have struck them had it not been for a friend in the crowd who prevented it. After this proceedings they were told to get out as fast as possible which they did in short order, only returning after the mob had departed, and put up yard rails to prevent teams from crossing the dam until the damage could be ascertained. At daylight it was found that the sluice gate was gone altogether while two of the other ones were somewhat damaged although not as bad. The exact damage can not be determined until the water has reached its lowest stage, and still it is thought that only the gates and piers are damaged.

Mr. Munch, the proprietor of the dam, was wired and came to Pine City as soon as possible, and upon his arrival went to see the extent of the damage. When he returned to town, he said that those who could be identified and all others found out would be dealt with to the fullest extent of the law.

It is true that the farmers had a grievance but there is no reason why men should put masks on their faces, arm themselves with guns, and make an attack on private property in the manner done by these men. As we have said before in these columns, if the dam is unlawful there is a way to bring the owner to time without laying anyone liable to a crime which is punishable in this state. Had the dam watchers made any resistance, there is no doubt but what they never would have lived to tell the tale as six men with cocked guns guarded every avenue of escape.

What course Mr. Munch will pursue we cannot tell, but by the manner he expressed himself, will not leave a stone unturned to bring the guilty to justice.

June 26 That Dam Again. 1903

In accordance with notices sent out by the village council of this place a large representative meeting of the town boards and citizens of the towns of Pokegama, Royalton, Pine Town, Chengwatana, Mission Creek, Brookpark, and our village council, met at Rath's hall last Saturday afternoon at 2 o'clock.

J. T. Meider called the meeting to order and read a petition that had been drawn, protesting against the rebuilding of the Chengwatana dam. They were circulated throughout the audience of about three hundred, and nearly every one signed the same.

President Smith made a few remarks assuring the farmers of the several towns that Pine City was with them and requested the boards of the different towns to meet the council in another room there to see what plans could be determined upon in regard to the grievance now before the farmers. During the meeting of the boards and council, Mr. Meider spoke to the audience in his usual good humor, denouncing the raising of the water in Snake river and its tributaries.

Attorney S. G. L. Roberts was called upon to give the legal aspect of the case and he told what he knew in regard to the law suits that the dam owners had had since his residence here. He also cited some of the decisions of the Supreme Court on the subject, also stating to the farmers that if the dam was out entirely, boats could run as well on the river as at the present time.

The town boards and village council returned with the conclusion that each of the towns together with the council enter suits against the dam owners at once. The meeting then adjourned.

The Pine Poker March 28 - 1908



Decision filed in favor of those in control of the Dam at Chengwatana.

Judge Stolberg finds in his decision that there are still about 150,000,000 feet of logs that may be floated down the river.

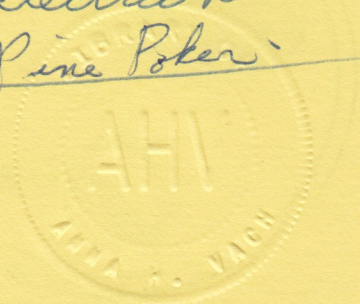
The case will be appealed to the Supreme Court.

Chengwatana. Case was (3)
appealed to the Supreme Court.
March 26 ~~1908~~ NO DATE

1912 - A court order
forced the owners
to dismantle the dam.
Pine Poker.

In 1912 - Beginning
the Hydroelectric Dam.
Date. Pine Poker.

Photo



Pine Poker March 6, 1919

Subscription Price \$1.50 Per Year

THURSDAY, MARCH 6, 1919

THE DAM WATER QUESTION

A movement has been started to put up to the Board of County Commissioners the question of raising the head of water at the Chengwatana dam sufficient to cause a raise in Pokegama lake of three feet above the present level. We do not believe that the movement will get any farther than to raise a little hell here at home.

We heard of this movement last week but made no reference to it because we hoped that it might be thought better of and be allowed to die a-bornin. Had we made any editorial reference to it at that time, we should have said:

The movement now on to bring about a raise in the head of water at the Chengwatana dam sufficient to cause a raise of three feet in the water level of Pokegama lake, through the medium of the county commissioners, seems to us immaterial and ill advised, to say the least. It will get nowhere and will cause nothing but trouble.

This matter has been fought out and decided in the courts, the state supreme court holding that the height of the water should be reduced to its natural level and Judge Dancer, sitting on the district bench here, holding that the rollway of the new dam is at such natural level. The only way that this question could be reopened would be through the law making power (the legislature) or the law interpreting power (the courts) of the state.

The matter would be a serious one if the proposals contained were possible, but they are not and it is really a lamentable, ill-conceived damphool joke. A raise of three feet on Pokegama would mean at least four feet on Cross lake and a recognized flood stage in the river is 5½ feet, making a possible stage of 9½ feet above the present level at the dam. Such a condition would flood every meadow, many fields and some homes in the river district, all the way from here to Mora on the west and Mission Creek on the north; it would wipe out every semblance, in great stretches, of the new road from Pine City to the mouth of Pokegama lake, would flow over the new concrete bridge on the Federal road, and the steel bridges at Pokegama and Chengwatana, and would flood many basements in the village and lake sections besides possibly putting the village sewer system out of commission. Even the proposed raise, without any flood, would accomplish much of that damage, and nobody would stand for those things.

We do not believe that a single man could be found in the village who would seriously, thoughtfully advocate any such thing. Many along the river and lakes, would like to see better boating conditions between Cross and Pokegama lakes but this could doubtless be secured by dredging a channel in certain spots in the river and into Pokegama. In any event, the rights of men who would like to see this accomplished are not transcendent to the rights of those living or owning lands in the river district who would be adversely effected.

If the residents of the Pokegama lake district want to raise the level in that body of water, it is their business and everyone will be glad to see them succeed if it can be done without injuring others. A dam across the mouth of the lake would doubtless accomplish the desired raise and the only matter remaining would be the rights of land owners up Pokegama creek. The law would not allow putting in a dam to flood any lands without the consent of the owners unless some substantial public benefit were derived, and then only with exact reparation to the injured parties. No individual has rights that transcend those of others.

The basis of Pine City's prosperity is its farms and fields and we know that Pine City business interests realize this, with some minor exceptions, and will sturdily refuse to take steps which will injure the farming interests for such a mess of pottage as is proposed.

In the present period of unrest it is highly dangerous and reprehensible to do anything to open an old sore like this, effecting the well being and happiness of thousands of people and is deserving of the severest criticism.

Pine Poker Sept. 29, 1938

Wenzel's Order Removing Dam Appealed in Ramsey Dist. Court

An appeal has been taken from the order of H. C. Wenzel, commissioner of conservation, ordering the removal of the WPA Chengwatana dam. The appeal has been filed with Commissioner Wenzel and served in the Ramsey county district court. The appeal was filed September 20th. M. B. Hurley is attorney for the appellants.

The law, under which the order was made by Commissioner Wenzel provides for an appeal by interested parties within thirty days of issuance of the order. The appeal can be taken into district court in the county in which the project is located or into the Ramsey county district court. Date of hearing on the appeal will be set by the Ramsey court in due time.