

THE INFORMATION BUREAU

THE BOUNDARIES OF BROWN COUNTY

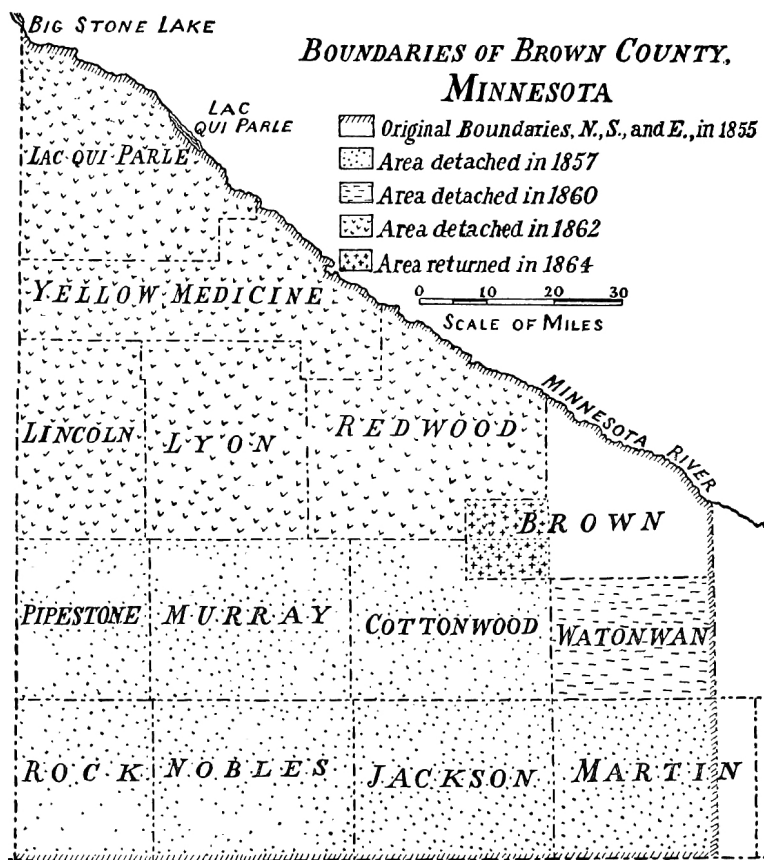
The Junior Pioneer Association is now making plans to celebrate the seventieth anniversary of the first settlement of the original Brown County of Minnesota Territory. Could you give us the following information or direct us to sources where we can find it: The legislative act organizing Brown County in Minnesota Territory; the discussion in the legislature in regard to naming that county; and the subsequent acts reducing the original county?

AUGUST HUMMEL, New Ulm

The legislative act which established Brown County was an omnibus measure which related to twenty-five counties of Minnesota Territory. It was approved on February 20, 1855. The following section, printed in the territorial *Laws* for 1855 (p. 26), refers to Brown County: "Sec. 19. That so much of the territory as was formerly included within the county of Blue Earth, and has not been included within the boundaries of any other county, as herein established, shall be known as the county of Brown." The northeastern, eastern, and southern boundaries of the area of the huge county thus established are indicated on the sketch map which accompanies this report.

The process of reduction in size began in 1857 when an extra session of the legislature established the counties of Martin, Jackson, Cottonwood, Murray, Nobles, Rock, and Pipestone, all carved out of the original Brown County. Martin County took over a part of the area originally included within Faribault County. The act of 1857, which is printed in the *Laws* for the extra session of 1857 (ch. 14, p. 66), also established two counties, Big Sioux and Medway, which lay outside the boundaries of the state upon its admission. No attempt has been made to show the boundaries of these counties on the accompanying map.

By an act approved on February 25, 1860, provision was made for the establishment of the county of Watonwan. The temporary county seat of the new county was to be located at



Madelia and the county was to be attached to Brown County for judicial purposes. Section 3 of the act provided for a popular vote by the electors of Brown County, at the next general election, for or against the organization of the new county. If a majority voted for such organization, "then and thereafter said County of Watonwan shall be established as above described." See the *Minnesota Special Laws* for 1860

(ch. 13, p. 66). The establishment of the county was ratified by a large majority in the November, 1860, election.

Provision for the establishment of Redwood County was made in an act approved on February 6, 1862, which defined the new western boundary of Brown County and designated the territory cut off from the old county as Redwood County, with a proviso that "this act shall take effect and be in force from and after its ratification by the voters of Brown County, as provided in section three of this act." The law is printed in the *Special Laws* for 1862 (ch. 21, p. 255). Popular ratification of the act was given, apparently, at the next general election.

An act of 1864, approved on March 4 and printed in the *Laws* for 1864 (p. 337), provided for a western extension of Brown County at the expense of Cottonwood and Redwood counties — two townships in each. The proposition was to be submitted to a vote of the people of the three counties. As Cottonwood County was unorganized no vote was cast there, and only 14 votes were cast in Redwood County, whereas in Brown County 287 votes were given in favor of the change and none against it. In John A. Brown's *History of Cottonwood and Watonwan Counties, Minnesota*, 1:91 (Indianapolis, 1916), the townships taken from Cottonwood County are designated as "stolen" townships. "Much has been said and written in times past concerning the two civil townships that should have been left as a part of Cottonwood county, but which, through trickery, were stolen and added to Brown County," writes Brown. An act approved on March 6, 1871, which was intended to restore the townships, 108, ranges 34 and 35, and 109, ranges 34 and 35, to Cottonwood and Redwood counties respectively upon approval of a majority of the voters of the three counties, appears in the *Laws* for that year (p. 311). Such approval was not given. Franklyn Curtiss-Wedge, in his *History of Redwood County, Minnesota*, 1:175 (Chicago, 1916) states that the vote was taken in November,

1871, and that the proposition to return the townships was defeated. He remarks that the "anxiety of the people of Redwood county to secure these two townships is explained by the fact that the region in dispute was then supposed to contain coal and iron."

In 1873 Emory Clark, an attorney of Windom, wrote a vigorous protest to the *Windom Reporter* against the retention of the disputed area by Brown County. This protest is printed in full in Brown's *History of Cottonwood and Watonwan Counties*, 1:91-93. A portion of Clark's letter deserves quotation:

Now it is contended by some, that as the act provided for a vote of the three counties on the proposition and one of these counties was then unorganized, the result of the election in 1864 did not effect a change of the county lines; and moreover that the law itself was unconstitutional, as it endorsed more than one subject which was not expressed in the title. Be that as it may, we still find in the General Statutes of 1866, chapter 8, section 16, that the boundary line of Cottonwood county is the same as established on May 29, 1857.

The interests of Cottonwood county requires [*sic*] an early determination of this state of doubt as to the county line. The assessed valuation of the lands alone in these two townships amounted to \$15,000, besides it embraces one-tenth of the whole territory of the county. The tax and benefit of these townships are now being enjoyed by Brown county. The authorities of Cottonwood county should be as vigilant of the county lines as a farmer is of his farm boundary lines.

To this protest by Clark, Brown adds the following comment, "It will be remembered that the vote was taken on this question in 1864 — a time when Cottonwood county had been depopulated by the Indian uprising of 1862, and many of the settlers in Redwood and Cottonwood counties had not yet returned to their claims." Neither Brown nor Clark makes any reference to the act of 1871.

A glance at the map will show that the area in dispute was never returned to Redwood and Cottonwood counties. There

has been no further change in the boundaries of Brown County since the addition of 1864.

The county, as is well known, was named in honor of Joseph Renshaw Brown. No record has been found of the discussion in the legislature apropos of the naming of the county.

T. C. B.

VARIATIONS OF THE BOUNDARY BETWEEN CASS AND CROW WING COUNTIES, 1887-98

In re Crow Wing and Cass Counties, Minnesota.

I am about to prepare a petition for a division of these counties, or rather, to have the southwest corner of Cass County made a part of Crow Wing County. This part of Cass County contains about nineteen sections, and extends from Pine River down to Pillager.

We understand that part of Cass County formerly belonged to Crow Wing County, and we have looked over some Minnesota reports as some of these matters were discussed or decided by the Supreme Court of Minnesota, mainly 23 Minnesota, 40; 64 Minnesota, 378; 66 Minnesota, 519.

What we would mainly like to know is, since these cases are not very clear on the point, how long this part of Cass County has been a part of Crow Wing County, and we hope you have some record of that fact.

SWANSON AND SWANSON, Lawyers
By HILDING SWANSON, Brainerd

Only the eastern portion of that section of Cass County which "extends from Pine River down to Pillager" has ever been attached to Crow Wing County. In 1896 the latter county annexed portions of Cass County bordering upon its northern and western boundaries. In order to make clear the proceedings by which the annexation was made, however, it is necessary to review something of the history of the counties.

Cass County was established in 1851 and Crow Wing County in 1855. The latter county was organized in 1870, and, in 1872, Cass County was organized. The organization of Cass County was abandoned in 1876, however, and the county re-



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