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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

SB 62 & AB 297:

Copying, Making Available, and Required Notices on, Certain Vital Records.
Testimony of State Representative Joan Ballweg
Senate Committee on Health and Human Services
January 6, 2016

Thank you, Chair Vukmir and members of the committee, for hearing SB 62 & AB 297 today. This legislation, also introduced last session, makes it easier for residents to research and promote Wisconsin's history by removing the prohibition against publishing vital records older than October 1, 1907. I have introduced these bills along with Senator Hansen at the request of the Wisconsin Register of Deeds Association (WRDA).

At the suggestion of the WRDA, we have introduced Assembly Amendment 1 to AB 297. This amendment requires such documents are marked "NOT FOR IDENTITY PURPOSES" to serve as further protection against identity fraud.

Senator Hansen, has a group of constituents that are in the process of cataloging and publishing records relating to the early days of the city of Green Bay. However, as the project progressed they were dismayed to learn that putting those records online could result in a felony charge. This bill repeals the prohibition against publishing, in electronic format, vital records of events taking place before October 1, 1907. This group has developed a great website that can be a resource to students and teachers when studying Wisconsin and Brown County history. Our goal is that these bills will preserve that resource.

Thank you for your time. I'm happy to answer any questions.



WISCONSIN STATE SENATE
DAVE HANSEN
SENATOR – 30TH DISTRICT

State Capitol P.O. Box 7882 Madison, Wisconsin 53707-7882 Phone: (608) 266-5670

**Testimony: Assembly Bill 297 – Vital Records
Senate Committee on Health and Human Services
1/6/16**

Thank you Madam Chair and members for allowing me to testify in support of Assembly Bill 297 today.

I would also like to thank my constituent Lynn Austin for bringing this issue to my attention, and Representative Ballweg for her support in co-authoring this bill and her efforts in moving this legislation through the Assembly.

I introduced this legislation in the Senate at the request of a group of constituents of mine who are working to preserve, promote, and provide access to genealogical records and historical information about the Brown County and Green Bay areas. As part of their efforts they have created a website www.labaye.org.

During the course of my work on this bill I learned the importance of this website and these types of unique records to help Native American families and communities trace their heritage.

Labaye.org is a history website project that my constituents have been working on for the last seven years. The purpose of the website is to post genuine and authentic historical documents, which can distinguish what is real and what is merely "folk history" and to help state schools meet their requirement to teach several units of genuine American Indian / Great Lakes Indian history during the K-12 school grades.

There were twenty thousand Indian people living at La Baye when Brown County was formed and the records posted on their website represent just a small fraction of those people - the rest are unknown.

The records that the website, and AB-297 and SB-62 address, include a unique set of vital records that were created prior to 1907 of many of our ancestors. These records in many cases are not easily obtainable to the general public until our constituents began putting them in a central location.

For example, not all the records in question are birth certificates.

In some cases a Native American family would come down to the county offices and receive a more Anglo-sounding name and an approximate date of birth. By allowing the publication of these records, Native American families can trace back to the forbearer who first received the new name. This will be an invaluable tool in helping our Native American community reconnect with their past.

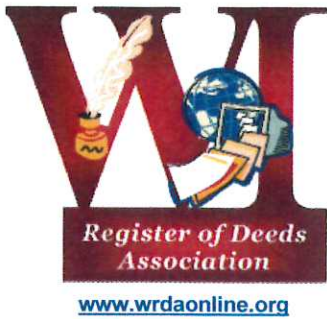
However, current law considers the electronic publication of such vital records a felony which means that for the time being this group cannot provide these records on their website.

Assembly Bill 297 and Senate Bill 62 would remove the prohibition **only** on the electronic publication of vital records created **before** October 1, 1907. To further safeguard these records and to help prevent identity theft the bill was amended in the Assembly to require all published records be clearly marked "NOT FOR IDENTITY PURPOSES."

AB-297, as amended, has already passed the Assembly without opposition. Passing the Assembly companion to SB-62 will help preserve the Labaye.org website and the service it and these generous volunteers provide. By passing AB-297 we can help make it possible for the residents of Wisconsin better understand our state's great history and help many Native American families and their communities better understand and connect with their own heritage as well.

Thank you.

I'd be happy to answer any questions you may have.



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Wednesday January 6, 2016

RE: 2015 Senate Bill 62

Dear Committee on Health and Human Services:

The Wisconsin Register of Deeds Association (WRDA) would like to go on record supporting SB-62 as passed by the Assembly, AB-297, on October 27, 2015.

Brief History

- Current statute does not allow anyone other than the state or local registrar to make available an electronic copy of a vital record – this is a Class I felony
- Vital records were not mandatory to file with the state until October 1, 1907 – any record previous to this was filed only at the county level and at the family's discretion
- The LaBaye Institute has a collection of artifacts available online to educate citizens on its rich history and would like to share online the pre-1907 vital records they have purchase
- Genealogists would like to electronically share their purchased pre-1907 vital records legally with their families
- We would like to partner with the genealogists to make their findings easier to share in a safe, legal manner
- As an elected official we have the duty to :
 - Preserve the public record
 - Protect our constituents from possible identity theft and/or fraud
 - Maintain the integrity and security of the vital record

Thank you for your consideration of SB-62, the passage of this bill will benefit the genealogists and research facilities throughout Wisconsin.

Staci M. Hoffman

Wisconsin Register of Deeds President

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LIBERTIES.

215

Margaret Oke-mank
Female
Staff
Male
Staff

Margaret Oke-mank
Female
Staff

Margaret Oke-mank
Female
Staff

1.—Full name of child.

2.—Sex.

3.—Color.

4.—Names of other issue living.

5.—Full name of father.

6.—Occupation of father.

7.—Name of mother previously to marriage.

8.—Hour, day of week, of month, and the year of birth.

9.—Place, town or township, and county in which born.

10.—Name of physician or other person signing the certificate, or on whose application registry is made.

11.—Residence of such person.

12.—Date of certificate.

13.—Date of registration.

14.—Any additional circumstances.

John B. Sachemai

John B. Sachemai

John B. Sachemai

Catherine Oke-mank
also 27. 1832
Green Bay

Catherine Oke-mank
October 1814
Green Bay

Catherine Oke-mank
October 1814
Green Bay

Sh. Oke-mank
February 13. 1868. at the age of 122 years
Woman Oke-mank
February 13. 1868. at the age of 122 years
Woman Oke-mank
February 13. 1868. at the age of 122 years

Legend of the Red Banks

By Charles D. Robinson

Upon a high bank, on the eastern shore of Green Bay about twelve miles north of the town, is an interesting earth-work, bearing a singular resemblance to military defences of modern times. Its walls, at one time, must have been some seven feet in height, or thereabouts, having a ditch or moat on the outside, and provided on its three exposed sides with regular bastions. Its fourth side fronts on a precipice of perhaps one hundred feet in height, whose base is washed by the waters of Green Bay; and leading down this steep bank impassable at any other immediate point, is what seems to have once been a protected passage of steps cut into the clay, and perhaps covered with boughs of trees. This was the communication from the fort to the water; and standing here now, it needs but little fancy to see those grim warriors of the olden time filing down their covered way, with less of the pomp, and more of the nerve of the mailed knights of feudal days, issuing from their rock-bound castles.

In, or near, the centre, are two parallel walls, about twenty-five feet long, which were probably united at the ends, as there is some appearance of it now. It is very difficult to imagine the use of this part of the structure, unless it was to protect valuables, or such inmates of the fort as were incapable of aiding in its defence. Had the place been constructed in these days, it would have made a magazine of the most approved kind. A few rods to the north, outside the walls, and on the very brink of the pre-

cipice, is what was once, apparently, a look-out—a high mound of earth, a few feet high, now half carried off by the wearing away of the cliff. To the southward and eastward of the fort, occupying some hundreds of acres, were the planting grounds of the people who inhabited the place. Large trees now over-grow the ground, yet the furrows are as distinctly marked as if made but last year, and are surprisingly regular. The whole work is admirably placed, and would do credit to the forethought and judgment so necessary in correct military positions of modern times.

This is the only ancient earth-work, it is believed, which possesses an undoubted history or tradition, and that is but the history of its fall. When and by whom it was built, there is no story—nothing but the persistent declarations of the Indians of the vicinity that it was the work of red men long, long ago. The tradition which follows, is related by O-kee-wah, or *The Sea*, an Indian woman now living near the Red River, on the eastern shore of Greer Bay, and who, beyond doubt, is upwards of one hundred years of age. She sat over a wigwam fire, only a few nights ago, and related this story, while the light of other days faintly illumined her wrinkled face as she marked out in the ashes the plan of the campaign, and as she told of the long days of desperate fighting, in which her ancestors were engaged, her withered arms seemed nerved with the strength of youth, like the old soldier, who

—“Shouldered his crutch,
And fought his battles o'er again.”

“It was long ago,” said O-kee-wah*—“I was so high”—placing her hand about three feet from the ground, “when my grandfather told me the story. The Sauks and the Outagamies lived in the old fort at the Red Banks. They had lived there a long time, and had their planting ground there, and ruled the whole

*The tradition is rendered into English with the strictest possible adherence to O-kee-wah's relation, though, of course, without attempting to follow the Indian idioms. She told it in her own tongue, and it was translated by a faithful interpreter.

O kee wah

When the Sisters arrived from Racine they found another person at the rectory at Bay Settlement. This was Margaret O-kee-wah, an aged Menominee Indian woman.

* She is said to have been baptized by Bishop Edward Fenwick of Cincinnati in June, 1831. It is known that Bishop Fenwick spent three weeks in Green Bay in 1831. In a letter of his written June 11, 1831, he remarks among other items that many Indians of the vicinity were baptized and confirmed. By some authorities it is said that Okeewah paddled from Green Bay to Milwaukee in a canoe and received Holy Communion in the house of Solomon Juneau.

She was well known to the of Green Bay by the Indian "Nisko" meaning "Grandmother". She died at the rectory, February 13, 1868, at the age of 123.

This furnishes another illustration of Father Daems' charity. Hearing that the Indians were planning to put an end to O-kee wah on account of her advanced age he took her to his own home where she was provided with a shelter outside in summer and in winter taken into the house. She was also provided with tobacco, her pipe being her constant companion. Toward the end of her life her mind wandered and she imagined she was on a journey in a canoe. Her cot was the canoe and to pacify her, someone must push this back and forth, thus giving her the idea of advancing on her journey. It must have been a great relief to the Sisters when she died.

The following paragraph is copied from the Green Bay Gazette dated Saturday, Feb 22, 1868

"We are indebted to Mr. F. Denoyers for some particulars in regard to the death of a very aged woman which occurred in Bay Settlement last week. The name of this woman was Margaret O-kee-wah or the Sea and she had arrived at the advanced age of 123 years. At the time of her death she had two children living, one at Menominee aged 97 and the other at Red River aged 82. For a number of years past she has been cared for at the house of Father Daems. She has been a devout Catholic for many years having been baptized and confirmed here in 1830. (?) At her burial the solemn rites of the Catholic Church were performed and High Mass for the dead was celebrated. Her remains were followed to their last resting place by a large concourse of people, including many from this city."*

(The dates given by Mr. Denoyers are evidently a mistake.)





Early County Mail Carrier in His 89th Year (1889)—Capt. Alexander Clermont, De Pere, started carrying the mail in 1825 following the Indian trails and early roads on foot and horseback from Green Bay to Portage.

Alexis Clermont,



AGED 89 YEARS,
WHO CARRIED MAIL FROM GREEN
BAY TO CHICAGO 60 YEARS AGO.

A History of His Life.

PRICE 10 CENTS.

THE DE PERE NEWS PRINT.

Alexis Clermont,

of De Pere, the hero of this sketch, carried mail on foot from Green Bay to Chicago sixty years ago. Some time ago he conceived the idea of repeating the journey, intending to be present at the dedicatory ceremonies of the Columbian Exposition Oct. 20-22. He started from De Pere Monday, September 19, on which occasion he was given an ovation by the citizens, wishing him success on his trip. The old man is penniless and he hopes to realize enough money from this trip to support himself and wife in his few remaining years. The following sketch appeared in the Milwaukee Sentinel of September 14:

Although in his eighty-ninth year Alexis purposes to perform the long journey of about 240 miles on foot, clad in the identical mail-carrier's costume of the olden time. With his pack of blankets on his back, and his mail pouch by his side, the ancient carrier will start from Green Bay on the morning of Thursday, the 15th inst.,

and making some ten miles a day, will proceed to his destination through the towns of Kaukauna, Appleton, Menasha, Neenah, Oshkosh, Fond du Lac, West Bend, Milwaukee, Racine, Kenosha, Vanukeygan, and Evanston. He is a poor man, wholly illiterate, and rather shaky as to wind, but bright enough to see that his journey will attract attention—and ducats, too, for he expects to peddle his photographs by the way.

Secretary Thwaites, of the State Historical society, interviewed Clermont four years ago in De Pere, when the latter's memory was fresher than it is now, and The Sentinel correspondent has to-day been granted the privilege of examining the secretary's notes of the interview as yet not written up. It appears that Clermont was born at St. Ignace, April 3, 1804. His father, a soldier under the British in the war of 1812-15, was killed in the first year of that war, and step-father (Francois Beauden) removed to Green Bay in the fall of 1820. In 1828, Clermont went with Maj. Twiggs to Fort Winnébago (Portage), to make wild hay. For several years after that he ran Fox river as one of the crew of a "Durham" boat, most of the time being cook for three crews,—it was customary to run the boat by threes, so that the united crews could help each other over the rapids

in the Lower Fox. The round trip from Green Bay to Portage and back ordinarily consumed about eighteen or twenty days; if Lake Winnebago was rough, the trip might take a month. He served in the Black Hawk war in 1832, and then after a few years of mail-carrying, became captain of a Durham boat, at \$2 per day and board. These boats were monster affairs, some sixty or seventy feet long, and carrying from twelve to sixteen tons of merchandise each. When steamboats came, Clermont became a pilot on them, serving on the Aquila, Appleton, Pearl, and other pioneer steam craft.

HIS ROUTE AS MAIL CARRIER.

It was just after the Black Hawk war that Clermont became a mail-carrier. Pierre B. Grignon had the contract from Green Bay to Chicago, and Clermont was in his employ. The pedestrian mail route of sixty years ago was not the one the veteran is to follow in his march this month. It then started from Alexander Irwin's post-office in Shanty town (Green Bay), and struck across country by the Indian trail to Manitowoc, thence proceeding southward to Milwaukee by the way of Sheboygan and Two Rivers; after Milwaukee, the trail running inland a good ways, struck Skunk Grove and Gros Point. At Milwaukee, in Clermont's day, there were only the trading stations of Jaques Vien, Sr., and Solomon

Juneau,—at least he says he can remember no other houses. There was always a large village of Indians at Milwaukee, and other considerable villages at Sheboygan and Manitowoc, but none at all between Milwaukee and Chicago, although Michel Onelmet had a trading post at Gros Point. At Chicago, there were few buildings beside Fort Dearborn, but always a considerable floating population, and the atmosphere of the place was "tough" to a degree.

Neither Clermont nor his fellow carriers on the Green Bay-Chicago route made their trips alone. They always traveled in pairs, Clermont's companion being an Oneida Indian. The carrier's mail pack was limited to sixty pounds; he usually had the full amount. The round trips would ordinarily take a month for their accomplishment. The pair of pedestrians invariably carried two shot-bags filled with shelled corn, one of these hulled, and the other parched. This provender, however, was only for a reserve; the traders depended for food on the Indians and traders en route, but now and then their friends had moved and then the former would be dependent on their own supplies. Winter or summer they lay down in the woods wherever night overtook them, laying in a goodly store of rheumatic twinges. The compensation for a round trip of this char-

acter, lasting through an entire month. varied from \$60 to \$70 for each man. They were not expected to stop in Chicago more than one night after arrival, unless detained by the mail from Detroit, which in winter would come on foot and in summer by steamer. One time Clermont was sent out from Green Bay on a special expedition to catch the mail with a letter by Gen. Brooke; the carrier had three days' start of him, but Clermont caught up at Gros Point, nearly exhausted from what was then considered a feat of some importance.

HAS NOT SEEN CHICAGO SINCE 1836.

Clermont made his final trip to Chicago in 1836,—since which time he has not seen the city,—and for several seasons took the mail between Green Bay and Portage. Later, he was mail carrier between Green Bay and L'Ause, Mich., and his story is replete with startling adventures by flood and field. It will be entertaining reading whenever Secretary Thwaites writes it up in detail with documentary illustrations, as he intends to do.

In addition to his subsequent steambout experiences, above cited, Clermont humbly figured in history as chainman for Capt. T. J. Cram, U.S.A., who surveyed the Wisconsin-Michigan boundary, in 1840-41. For the past thirty or forty years, the old mail carrier has lived quietly at De Pere,

his chief enjoyment being the relation to all who cared to hear them, of his varied experiences in early Wisconsin. He is now for the first time to bestir himself and go forth to see what progress has been made in the outer world since he roughed it in the long ago, and his interest in the cities which have sprung up on sites of his old camping grounds will doubtless be quite as keen as that which he himself will elicit along his path. Rip Van Winkle never met with such surprises as Alexis Clermont will experience, when he enters the neighborhood of old Fort Dearborn, a month hence. He told a friend the other day that he had no idea it could really be much larger than Green Bay, "for those fellers at Chicago were always blow-hards—I know'd 'em of old, sir, an' ye can't fool me!"

Letters of Introduction.

Mr. Clermont carries the following letters, which explain themselves:

MAYOR'S OFFICE,
DE PERE, Wis, SEPT. 15, 1892 }

To whom it may concern.

Introducing the pioneer mail carrier, Mr. Alexis Clermont, on his trip from Green Bay, Wis., to Chicago, Ill.

Please treat him kindly and give him what aid you can.

A. C. MAILER, Mayor.

MAYOR'S OFFICE,
GREEN BAY, SEPT. 14, 1892 }

To whom it may concern:--

The bearer of this, Mr. Alexis Clermont, is the veritable man that in 1825 carried the mail between Green Bay, Wisconsin, on his back, to Chicago, and continued to do so for some time, and although now nearly 89 years old he declares that he believes that he can make the trip now on foot, to be present at the opening of the Columbian Exposition, and I ask for this kindly old man the consideration of all with whom he may come in contact.

Yours Truly,

JAS. H. ELMORE, Mayor.

UNITED STATES POST OFFICE,
GREEN BAY, BROWN COUNTY, Wis. {
August 30, 1892. }

To whom it may concern:

This is to certify that the bearer of this is Alexis Clermont, nearly 89 years old. He carried the mail on his back from Green Bay, Wis., to Chicago Ill., in the year 1825, and now has concluded to make the same trip again. Hoping that he will be received everywhere. I remain

Yours Respectfully.

GUSTAV KUESTERMANN, P. M.