



# The AKEY BrAKEY News

\*\*\*\*\*

a bi-annual newsletter from the Richland County Historical Society

October, 2018 Volume #10 – Issue # 2 – promoting and supporting the History of Richland County and Southwestern Wisconsin

## LEVI H. BANCROFT (1861-1948)

### AN OUTSTANDING LAWYER

By EMERITUS PROFESSOR JERRY BOWER March, 2008

*Part II -- Continued from the April, 2018 edition*

Rose's letter, and other key documents from the appeal, were published in the Republican and Observer on 18 January 1894. The following week the weekly published a letter written by P. H. Fay, one of the prosecutors, who pointed out the "lies" in Rose's claims to innocence. First, Rose and Ella were not "on the most friendly terms" according to Ella's mother and others who knew both women. Second, Rose never sang in the Methodist choir with Ella. Third, Rose committed perjury when she said that she never saw strychnine in the Mitchell home. Both Dr. Mitchell and Freddie had testified that Rose had watched the Dr. mix rat poison and that they had discussed the effects of strychnine. Fourth, Rose lied when she claimed that she did not write the note, with the \$5.00, to Dr. Lovering. Both Dr. Lovering and a handwriting expert had sworn that Rose was the author. Finally, Fay insisted that Rose lied when she claimed she was asked to stay in the Mitchell home after Mrs. Mitchell's death. Both Dr. Mitchell and his sister had asked her to move out. Fay concluded his letter with a blast at Attorney Bancroft and Rose's friends for orchestrating a campaign in her behalf outside of southwest Wisconsin. Fay claimed a major purpose of this campaign was to assure that "damaging facts never get published." Fay named The Milwaukee Sentinel as especially guilty in this respect.

One of the outsiders interested in Rose's pardon was Mark H. Barnum, editor of The Torch of Liberty, a weekly published in Wausau. In addition to being a newspaper publisher, Barnum was a lawyer and a lay speaker in the Methodist Church. During February 1894, when Rose's case was being debated across the entire state in the press, Barnum wrote an editorial in which he stated, "...a deep wrong has been done an innocent person." Barnum explained that he had watched Rose during her trial and that her demeanor had convinced him of her innocence. Barnum claimed that he had learned that six jurymen had doubted Rose's guilt, "but somehow were convinced to vote guilty." Barnum wrote that R. D. Gard, a Lancaster resident, had sworn an affidavit that S. R. Green, a juror, had told him before the trial that Rose was guilty. Green had denied the allegation.

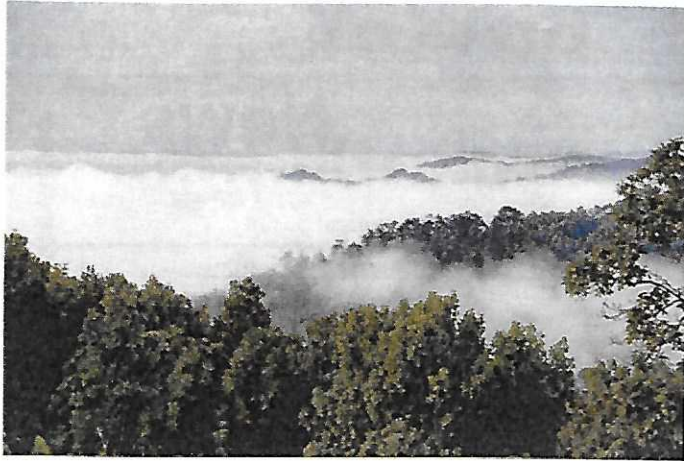
Barnum's editorial elicited a huge bombshell in the form of a letter from a "Minnie Braddock" of Rhinelander, in which Minnie talked about Ella Maly and Dr. Mitchell and suggested strongly that Rose was not guilty. "Minnie" explained that her name was false because she wished to remain anonymous. "Minnie" claimed that Dr. Mitchell had been intimate with both Ella and herself. She asserted that Ella had committed suicide when she finally realized that Dr. Mitchell would never marry her. After Ella's death, "Minnie" continued to meet Dr. Mitchell for trysts and she eventually became pregnant. Then "Minnie" fled north to Rhinelander, where her brother posed as her husband until the baby was born. The infant was put up for adoption. "Minnie" said that the baby was definitely Dr. Mitchell's, "place my child face to face with the doctor and you will see Mitchell written in its every feature." "Minnie" closed by requesting Barnum, when he was finished with her letter, to send it to L. H. Bancroft, attorney, Richland Center.

*Continued on Page 3*



Center Fest is commonly the first weekend in October in Richland County and often mentioned is the Ocooch Mountains...

<https://ci.richland-center.wi.us/wp-content/uploads/2014/03/Ocooch-Mountains-of-Richland-County.pdf>



Ocooch Sunrise - Photo by Ricki Bishop

The Ocooch Mountains are a place name for the Western Upland area of Wisconsin also known as the Driftless Region, meaning un-glaciated, lacking glacial drift or the Paleozoic Plateau. The lack of glaciated terrain accounts for the high hills, bluffs, and ridges.

The LaCrosse, Kickapoo, Baraboo, Lemonweir, Pine, Wisconsin, Grant, Platte and Pecatonica Rivers and their tributaries created deeply eroded valleys that contrast the nearby peaks. One dramatic example is Wildcat Mountain State Park in Vernon County. The Baraboo Range anchors the east eastern edge where the Wisconsin River turns and runs through the area to the Mississippi River. The Baraboo Range in Sauk County is a monadnock, originally a Native American term for an isolated hill or a mountain that stands above the surrounding area, typically by surviving erosion. This is where Devil's Lake, a National Natural Landmark, formed 1.6 billion years ago.

**PRESIDENT'S CORNER** by Nick Studnicka

We have closed the 2018 Akey School summer season with 84 visitors. We are starting to look for volunteers to help keep the museum open each Sunday during the 2019 season. Please contact me at [studnicn@hotmail.com](mailto:studnicn@hotmail.com) if you are interested. If you have not yet got the chance to see the documentary, "One-Room School" with Jerry Apps, I would highly recommend seeing it due to the fact that it features the Akey School.

Upcoming Projects: We are looking at some major maintenance projects that will have to be done in the near future. Painting the exterior of the Akey School. Also the roof is starting to show its age, currently no leaks, yet the Historical Society needs to start looking at replacing the roof. If anyone knows of painters and/or roofers/a roofing company contact the Richland County Historical Society Board.

The appellation "Ocooch Mountains" first use appears to have been in Edwin James' three-volume work, "An Account of an Expedition from Pittsburgh to the Rocky Mountains, Performed in the Years 1819, 1820... Under the Command of Maj. S.H. Long" (London, 1823)." James wrote, "The only hills worthy of particular notice, not only in this variety, but in the whole section under consideration, are the Ocooch and Smokey Mountains, which are broad and elevated ridges rather than mountains. The former is situated about twelve miles north of the Wisconsin one hundred miles above its mouth..." He later says, "The third is a range of hilly and broken country, commencing on the Wisconsin near the Portage, and extending northwardly to Lake Superior. To this range we have taken the liberty to give the name of the Wisconsin Hills. The Ocooch and Smoke Mountains before mentioned are connected with this range." James's description suggests that the term Ocooch was used for the southernmost portion of the Wisconsin Western Uplands.

Three years later, Maj. Stephen Long led a second expedition, this time into the upper Mississippi Valley. It was described in William Keating's "Narrative of an Expedition to the Source of St. Peter's River" (London, 1825).

Continued on Page 4

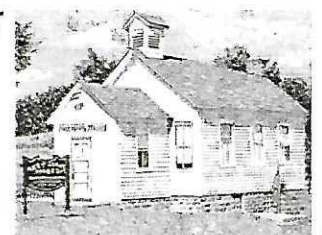
*This road marker located near Boaz, WI identifies the history of Blackhawk in 1832*



Richland County  
Historical Society  
Board

- Nick Studnicka – President
- Ken Thiede – Vice-president
- Diane Nachtigal – Secretary
- Paul Wiertzema – Treasurer
- Directors -- Rob Bender
- Jay Buchanan- Mueller
- Jerry Bower
- Ken Lewis
- Barb Cody as Webmaster

\*\*\*\*\*  
**The Akey  
School Museum  
located on  
County TB**





Barnum's publication of "Minnie's" letter in the 8 March 1894 issue of The Torch of Liberty set off a tremendous furor. Both local editors, W. M. Fogo of The Republican & Observer and Wilbur G. Barry of The Richland Democrat engaged in a heated exchange with Barnum. None of their comments were complimentary. In Richland Center a protest meeting was held at Bailey's Opera House, where \$1,000 was raised to sue Barnum for libeling Ella Maly. Speeches defending Ella's character were delivered by David G. James, F. W. and O. J. Burnham, P. H. Fay, and Oscar F. Black. Levi Bancroft even contributed \$25.00 to the fund, because "It will be worth this at least to have my own character vindicated at home." Weeks later, Richland County Sheriff Mick served a warrant on Mark Barnum, in Wausau, for libel of Ella Maly. Barnum expressed surprise that the warrant was signed by Ella's mother, and not by Dr. Mitchell.

Barnum remained free until his trial was called in September 1894. Judge Clementson, who had presided over Rose's trial, was in charge, but Barnum's Madison attorney petitioned for both a change of venue and a different judge. Clementson denied the change of venue but agreed to a substitute judge. This delayed the start of Barnum's trial until November, when Judge Robert Siebecker, of Madison and Robert M. LaFollette's brother-in-law, presided. In his defense, Barnum claimed protection in the First Amendment's guarantee of freedom of the press. He also explained that he had tried, unsuccessfully, to locate "Minnie" in Rhinelander. After the testimony, the Richland County jury quickly found Barnum guilty. Judge Siebecker fined Barnum \$250.00 and assessed court costs of \$297.98. If Barnum did not pay, he was to spend six months in the Richland County jail. Barnum's friends paid the bill and he continued to fight for Rose's vindication.

Governor George Peck, a Democrat, left office in January 1895 without taking action on the petition for clemency for Rose. Peck had been defeated the previous November by William H. Upham, a Republican. Barnum had worked hard in Upham's campaign in central Wisconsin. This behavior had caused editor Fogo to tone down his criticism of Barnum, but Barry of The Democrat had continued his scathing remarks. Naturally Rose's partisans now urged Governor Upham to pardon her. This Upham granted, on his last day in office, 4 January 1897. It turned out that Governor Upham's private secretary, Colonel W. J. Anderson, and United States Senator Philetus Sawyer had been two of Rose's most ardent champions. In his pardon notice, Governor Upham cited four reasons for his decision.

In the petitions for clemency Upham had found numerous citizens' signatures in support of Rose and resolutions from several Wisconsin cities protesting a conviction based entirely upon circumstantial evidence. The third reason was an affidavit from juror Hugh Moore, swearing that fellow juror Doboise had changed his vote from "not guilty" to "guilty" to avoid a hung jury and to get home to his farm work. The Governor's fourth reason was based on another affidavit, from hand-writing expert E. M. Lowry, that Rose had not written the note to Dr. Lovering, with the \$5.00 down payment. Upham also wrote that he had been strongly influenced also by the fact that "the verdict of the jury was influenced adversely" by Rose not testifying, a right guaranteed a defendant by the Fifth Amendment.

Most of the reaction to the pardon was favorable, although a few protested. After her release, Rose immediately left Wisconsin and went to the Oklahoma Territory with her father, where they lived "Upon a lonely Oklahoma ranch, eighty miles from the nearest railroad and twelve miles from Ingall's post office. (Gresens' Seminar Paper) Thus Rose Zoldosky disappeared from Richland Center and from Attorney Bancroft's life. But this murder case and his dedication to Rose's cause had earned him a great reputation in Wisconsin and beyond.

The first payoff came in July 1897 when Governor Edward Scofield appointed Bancroft Richland County Judge, upon the death of the incumbent, D. L. Downs. There had been a half-dozen applicants for the position but Bancroft was chosen. He won reelection twice, in 1898 and 1900. In 1902, as his term as county judge expired, Governor Robert M. LaFollette appointed Bancroft first assistant attorney general of Wisconsin. This, no doubt, was a reward for Bancroft's support as LaFollette, a "progressive" Republican tried to crack the stranglehold the "stalwart" Republicans had upon the party. In 1904 Bancroft voluntarily left this post and returned to Richland Center and his legal practice.

Two years later, in 1906, Bancroft was nominated by the Richland County Republican convention to the state Assembly. Bancroft handily won the election, and he breezed to reelection in 1908. In his second term, Bancroft was elected by the Republican caucus Speaker of the Assembly, a very powerful position. The Speaker controlled the movement of legislation through the chamber and appointed the members of the Assembly committees, including the chairmen.

***Continued on Page 6***



**Page 4** In volume two, page 214, Keating wrote of western Wisconsin, "To this region the name of the Wisconsin Hills has been given, which are terminated on the south by the Ocooch and Smoky Mountains, whose altitude is about twelve hundred feet above the common level, or two thousand feet above tide water." The Ho Chunk, a Native American tribe, called them a name phonetically similar to Ocooch, waxoj, pronounced WAH-KOH-CH (e).

Around 700 BC, pottery, domesticated plants, and the practice of building earthen burial mounds were introduced to Wisconsin. These changes marked the beginning of the Woodland Tradition (500 BC to ca. AD 1300). Patterns of living remained relatively stable until the beginning of the Late Woodland stage, between AD 600 and AD 900. Two important innovations -- the bow and arrow and corn horticulture -- swept across the region. Within a span of only a couple centuries, a new and distinctive culture that archaeologists call "Effigy Mound" arose in Wisconsin. The culture is named for the distinctive burial mounds constructed by communities across the southern two-thirds of Wisconsin. Some effigies are recognizable as birds, animals such as bear or deer, spirit animals, or people. Other mounds are abstract, including long linear embankments or combinations of embankments with the dome-shaped mounds favored by earlier peoples. Richland County had a high concentration of these native people living within its boundaries especially at the southernmost areas bordering the Wisconsin River and in the Pine River valley. There are many effigy mounds still in existence in the county and many are assessable to the public.

During the Black Hawk War of 1832, Black Hawk's band and the pursuing military ventured into this unknown terrain of steep ridges and valleys. Following Mill Creek in Richland County, some of the band headed over these rugged hills known as the

**Black Hawk,  
from "History of  
the Indian Tribes  
of North America."**



Ocooch Mountains. Along the way, many Indians died from exhaustion, starvation and battle wounds. There are two historic markers describing Blackhawk's travels in Richland County; one is located near Boaz and the other at Rockbridge on the Pine. The Rockbridge marker states Blackhawk followed the Pine River and headed west to the Kickapoo River valley just south of Rockbridge.

Richland County is centrally located within the Driftless area and the northern two-thirds of the county were heavily wooded in the pioneer days while the southern one-third was interspersed with oak savannah and wetlands. According to the U.S. Census Bureau, the county has a total area of 589 square miles of which 586 square miles is land and 3.1 square miles is water. Richland County's woods and wetlands host an abundance of game birds and animals. Since reforestation over the last one hundred years, it is a common occurrence to see an abundance of deer, sandhill cranes, wild turkeys and eagles. Black bear and bobcat sightings are not unusual and the many streams offer some of the finest trout fishing in North America.

#### **Map of effigy mound locations in Wisconsin.**

The city of Richland Center is nestled in a valley carved from the surrounding hills and bluffs by the Pine River. At the time Richland Center was platted in 1851, one of its founders, Ira Haseltine, described it as "a beautiful prairie with scattering shade trees, and the whole surrounded by noble groves of thrifty timber."

The historical development of Richland Center as an agricultural support community and retail trade center began as a result of the early settlers using the abundant timber and streams to power the early economic development of the area. There was an abundance of mills situated throughout the county driving sawmills and grist mills. In fact, Mill Creek got its name for the many mills located on the flowage.

The early industries of the county were farming in all its various forms; butter and cheese making; lumbering, principally hardwoods; and milling of various kinds. In these early days there were twenty grist, thirty saw, and two woolen mills within Richland County. The villages of the county included Richland Center, Lone Rock, Sextonville, Richland City, Orion, Eagle Corners, Port Andrew, Excelsior, Boaz, Viola, West Lima, Spring Valley, Woodstock, Rockbridge, Stalwart, Cazenovia, Loyd and Ithaca.

**Check out our website for the past issues of the AKEY BraKEY News**

→ [www.richlandcountyhistoricalsociety.weebly.com](http://www.richlandcountyhistoricalsociety.weebly.com)

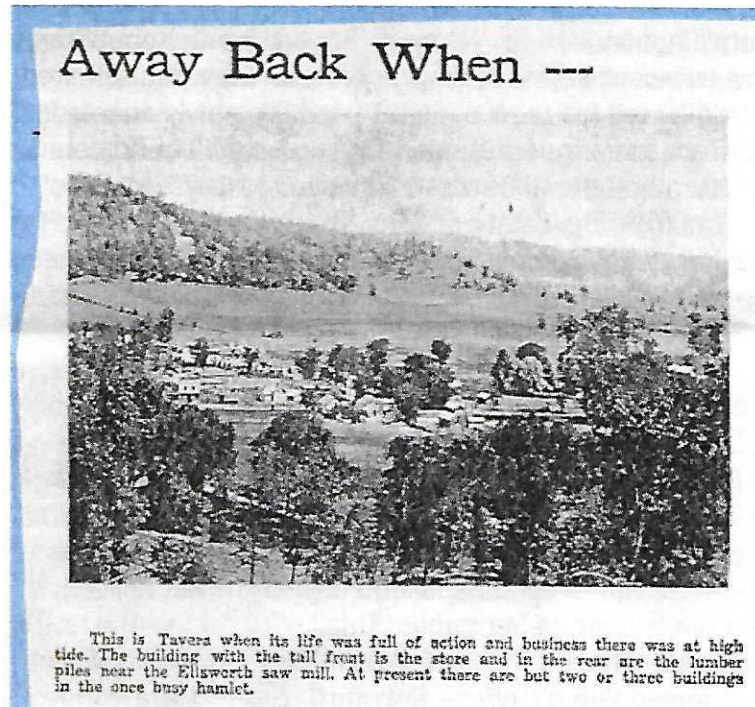
.....



From the popular "Where in the World is Carmen Sandiego?" there are locations in Richland County that many are not aware of and only some have heard of. This ongoing series will highlight some spots of interest while covering the History of Richland County.

<http://content.mpl.org/cdm/ref/collection/rchr/id/5464>

Source: The Richland County Digital History Room



This is Tavera when its life was full of action and business there was at high tide. The building with the tall front is the store and in the rear are the lumber piles near the Ellsworth saw mill. At present there are but two or three buildings in the once busy hamlet.

Newspaper Clipping Description: Tavera-Ray Ellsworth of Richland Center, supplies us the story of Ellsworth Mills, town of Richwood , later known as Tavera. Tavera is now gone, its store, mills, post office, only remain in memory. The story. This Was Tavera by Ray Ellsworth Tavera, located in the town of Richwood, was quite a thriving hamlet at one time. My grandfather, J. S. Ellsworth came to Richland county in 1852 and settled at Independence in the town of Buena Vista, a river hamlet between Lone Rock and Richland City. Here he farmed and kept store. Later on he purchased land in the town of Richwood, on Knapps Creek, built a water power sawmill, operated a tannery, a carpenter shop and a blacksmith shop. He had three sons, Tom, Dick and Harry. Dick, my father started teaching school when he was 16 years old. Later taking over his father's sawmill, converting into steam and added a planing mill. I was born there in 1889 and my first remembrance of anything was a sea of sawlogs and a forest of lumber piles. The place took on the name of Tavera. I have been asked where Tavera got its name. The answer is Uncle Sam. Various names were suggested and Uncle Sam turned them all down placing Tavera as the name. The first store was built after my arrival. It was built by our neighbor, James A. Collins and he had the first post office. He also had a hotel and had a closed in stock yard. My father had a crew of 12 men and were kept busy in the summer time sawing logs and running the planing mill. He made lumber of all kinds for inside and outside use. His customers covered a wide territory, from Viola south to Wauzeka and east as far as Avoca.

I have heard my father say that he furnished lumber for two houses in Richland Center in spite of the fact there were two mills at that place. It must have been his prices that attracted them. The lumber was piled in neat piles with sticks between the layers for drying. Late in the fall a lumber scales from Milwaukee or Chicago would come and make measurement. Then the piles would be taken down and graded. The first grade would be piled by itself. Then would come the big wait for cold weather and ice to form on the Wisconsin river. When word would come that the ice was safe for crossing no time was lost. The lumber was loaded on wagons or sleds and made ready for an early start. The crossing was made below the mouth of Blue River. Anyone who wanted to make a few dollars, and had a good team, got a job. The lumber was unloaded at the Blue River station. The teamsters always tried to get back in time to load for an early start the next morning. It meant long hours for them. There was only once to my knowledge that my father was compelled to haul to the Boscobel bridge on account of the ice not freezing on the river. It meant between 4 and 5 miles farther each way and very exhausting to both men and teams. By the way, Gunwall Hanson, 588 E. Kinder, Richland Center, was one of those who hauled lumber for my father across the ice. At the turn of the century, the Blue River bridge was built. It was built by the farmers and businessmen of the community. My father worked very enthusiastically for it. It meant the end of the hazardous ice crossing. He received the contract for sawing the first plank floors for the two bridges. It's the first and only time I know of that he sawed lumber in the winter time. It was no great hardship as he had the mill entirely enclosed. A star mail route was started at once from Blue River supplying Excelsior and Tavera. A rural route was started from each place later. Now the entire neighborhood is covered by rural routes thanks to the automobile. My father built a store with a hall overhead after the bridge was built. It was run by his brother Tom and his son, Joe. Later on father had bought him out and my sister Lelia and my brother Frank ran it. And now, J. A. Collins stock scale. I haven't a picture vividly in my mind of it but there remains one annual sheep roundup. Along late in the fall on a certain day, the farmers would drive them in from the surrounding country to the scale. There they were weighed and marked with a dab of green paint on their back. Around 1500. The banner year was 1700 head. Along the middle of the afternoon they would start them out around 200 in a bunch with a driver and so on until they would be strung out three miles or more. Tavera once had a creamery. It was among the first if not the first Cooperative creamery in the state. After a period of time they installed equipment and made both cheese and butter employing two full time men.

This was excerpted from the **REPUBLICAN OBSERVER, Richland Center, Wis., Thursday, March 23, 1961.**



By this time, Levi Bancroft was renowned as a public speaker. Governor James Davidson, who had succeeded to the governorship in 1906 when LaFollette became a U.S. Senator, called upon Bancroft twice in 1907 to deliver major addresses upon behalf of Wisconsin. First, he delivered the principal address for the state at the dedication of the Wisconsin Civil War Monument at Andersonville, Georgia. Later, he presented the Wisconsin Day address at the Alaska-Yukon-Pacific Exposition in Seattle. Bancroft was a popular choice for the main speaker at area Fourth of July Celebrations in an era when such events were well attended by citizens in search of some entertainment and social activity. The texts of these patriotic messages were often printed in the local newspapers.

In 1910 Levi sought and won the Republican Party's nomination for Attorney General. The Republican ticket, headed by gubernatorial candidate Francis McGovern swept all the statewide offices. Bancroft defeated his Democrat opponent by more than ten thousand votes. During his term Bancroft used the newly enacted Wisconsin Inheritance Tax Law to collect over \$3 million from the out-of-state and foreign estates of holders of stocks in Wisconsin corporations. In one specific case, Attorney General Bancroft traveled to New York City, where he succeeded in collecting a \$355,000 inheritance tax from the estate of John Stuart Kennedy. Kennedy, a wealthy New Yorker, had been a stockholder in several Wisconsin railroads.

For roughly a decade after he left the attorney general's office in 1913, Bancroft concentrated on his legal career. He was licensed to act as a trial lawyer in Illinois, Iowa, Minnesota, Nebraska, New York, and California, in addition to Wisconsin. Judge James Miner, in his History of Richland County, described Bancroft as having "built up a very large and representative professional business [in which he] gained distinctive prestige. (326)

There was one political episode that interrupted Bancroft's dedication to private practice. When Fifth Judicial Circuit Judge George Clementson died in April 1920, Governor Emmanuel Philipp appointed Bancroft to complete the term. Bancroft sought an entire six year term in the April 1921 election. For a few weeks it appeared that Judge Bancroft would run unopposed. But Ada James, an outspoken Progressive Republican, was appalled at that prospect. So, she convinced Grant County Judge Sherman E. Smalley to run for the office. Although the judicial race was technically non-partisan, interested citizens knew that both Bancroft and Smalley were solid Republicans. The Fifth Judicial Circuit served five counties—Crawford, Grant, Iowa, Lafayette, and Richland.

Ada James considered Bancroft a "Stalwart" Republican, one who had opposed the policies of the "Progressive" Republicans after 1910. The Progressive Republicans had backed Fighting Bob LaFollette in his three campaigns for governor and had re-elected him to the Senate three times. In the early years even Bancroft was a Progressive Republican, but after Fighting Bob went to the Senate, he had slowly drifted into the Stalwart wing of the Republican Party.

On the Sunday before the April election, church-goers in Richland Center found a campaign flyer under the wipers on their cars as they left the services. The flyers had also been delivered throughout the Fifth Judicial Circuit. Entitled "Why Judge Bancroft Should Not Be Elected Circuit Judge," the piece made several negative observations about Bancroft's record. For example, one paragraph described Bancroft's shift from the progressive to the stalwart wing of the Republican Party. As a progressive, Bancroft had vocally supported the Republican legislature when it outlawed free railroad passes, which were liberally distributed to state officeholders. Many considered these passes little more than inexpensive bribes from the railroads. But, while he was first assistant attorney general (1902-04), someone discovered that Bancroft had traveled on just such a pass.

Both Milwaukee newspapers, The Free Press and The Sentinel had attacked Bancroft's unethical behavior. The Free Press demanded that Bancroft be dismissed. The circular stated, "After this there was nothing for Mr. Bancroft to do but become a Stalwart and denounce the Progressives as 'muckrakers'." The flyer also assailed Bancroft's record on the Wet/Dry issue, which was particularly hot in Richland Center, which had been dry since 1908. Now, in 1921, the Eighteenth Amendment had installed prohibition across the entire nation. The circular alleged that "Once upon a time Levi H. Bancroft was a Prohibitionist and eloquently pleaded for this reform . . . but, after the liquor interests established a firm grip on the politics of our state," he had just as resolutely served the liquor interests in attacking temperance measures before legislative committees. The piece noted also that while Bancroft was first assistant attorney general, he had returned to Richland Center to assist in defending a notorious liquor outlaw. (He was convicted. Pearl Lincoln was the district attorney who prosecuted the case.)

***Continued on Page 7***



The circular exposed Bancroft's poor record on women's suffrage. It explained that, while he was in the state assembly, Bancroft had neglected to present a suffrage petition, from "the tax-paying women of Richland Center," to the legislature. When challenged about his neglect by the ladies of the Richland Center Federation of Women's Clubs, Bancroft attempted to make light of the episode, saying that he had received "some scratches from the old hens." The club women were not amused!

Then, in 1912, when the suffrage issue was on the Wisconsin ballot, Bancroft had "bitterly fought the enfranchisement of women." (Women's suffrage was, in 1921, a moot point because the Nineteenth Amendment had enfranchised women in time for them to vote in the 1920 elections.) It is difficult to assess how much impact this last minute piece of "negative campaigning" had upon the outcome of the election. In any event, Judge Smalley defeated Judge Bancroft by a very narrow margin. Indeed, the margin was so small that Bancroft demanded a recount. That canvass confirmed Smalley's narrow victory.

Enraged, Bancroft investigated the source of the circular, which said it was distributed "by the Progressive Women of the Fifth Judicial Circuit." Quickly, Bancroft learned that Ada James was the author and that she had received financial support from County Judge Pearl Lincoln, among others, for the printing of the flyer. Four months after the election, in August 1921, Bancroft sued James and Lincoln for \$30,000 each. The allegations included libel, slander, and violation of the Wisconsin Corrupt Practices Act (because Ada had not signed the circular and because Bancroft did not have time to respond before the election.) The case would eventually be heard in Lancaster, the seat of the Fifth Judicial Circuit. A substitute judge would have to preside because Judge Smalley obviously could not hear the case.

In the run-up to the trial, an additional issue was introduced when Ada James sued Bancroft for \$10,000 for slander for an alleged allegation made in a speech in Muscoda that Ada had forged her father's name on some papers when she was managing his finances, prior to his death. In due time, depositions were taken from all of the litigants. Pearl Lincoln's is the only deposition in the files in the Richland County Room. His deposition is, to me, a wonderful example of beating around the bush and not directly answering any question. I guess a lawyer knows how to dodge another lawyer's questions! Ada James, on the advice of her lawyer, refused to answer all questions after she had stated her name, address, and age.

After about eighteen months of legal maneuvering, The Republican Observer announced that all the charges had been dropped by mutual consent of all the parties. Eventually, Bancroft apologized publicly for having accused James of forgery. Pearl Lincoln's lawyer thought that Bancroft had dropped the charge because he realized he had a very weak case and a jury was unlikely to find in his favor.

In 1924 President Calvin Coolidge appointed Levi Bancroft U.S. District Attorney for the Eastern District of Wisconsin. Levi's office was in Milwaukee but he did not move permanently to that city. He rented an apartment there and came home on the railroad on weekends as often as possible. Bancroft's position was safe only as long as the Republicans held the White House. President Herbert Hoover reappointed Bancroft in 1929. Unfortunately for him, Hoover had been in office only seven months when the stock market crashed in October 1929.

This tragic event plunged the United States into the deepest depression it has experienced. In 1932, perhaps anticipating what was about to occur, Bancroft sought a nomination by the Republican Party for state Attorney General. He was nominated, but this was the Democrats' year. Both in Wisconsin and across the nation, Franklin Delano Roosevelt led his party to a tremendous victory. In 1934 President Roosevelt dismissed Bancroft from his appointed position and put a Democrat into the office.

Bancroft returned to his private law practice, working with his son, until his son died in 1936, but kept his eyes peeled for an elective position. Consequently, in 1937, Bancroft challenged incumbent Richland County Judge Pearl Lincoln. Lincoln had been on this bench since 1921. Despite these two well-known candidates, and the knowledge that they had often clashed in court over the years, the campaign was low-key on both sides. Bancroft evidently used well the contacts he had made over the years, for he defeated Judge Lincoln by 383 votes, 3,368 to 2,985.

Levi Bancroft was still Richland County's Judge when he died, 29 September 1948. He died in the evening, after having spent a hot afternoon working in his large garden. At age 87, Bancroft had been the oldest county judge in the state.

**THE END**

*... this Part II is a conclusion from the April, 2018 edition*



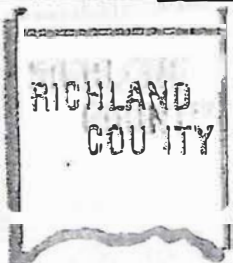
Please renew your membership annually by July 1<sup>st</sup> --- consider the following options:

\_\_\_ \$5 for an individual / \$8 for a family

\_\_\_ in addition to a membership consider a \$50 donation

as well as having your name on a plaque of recognition at the Akey School Museum

\_\_\_ \$100 for a LIFETIME individual and/or family membership



# HISTORICAL SOCIETY, Inc.

Members name[s] \_\_\_\_\_

Mailing address \_\_\_\_\_

Optional Phone # \_\_\_\_\_

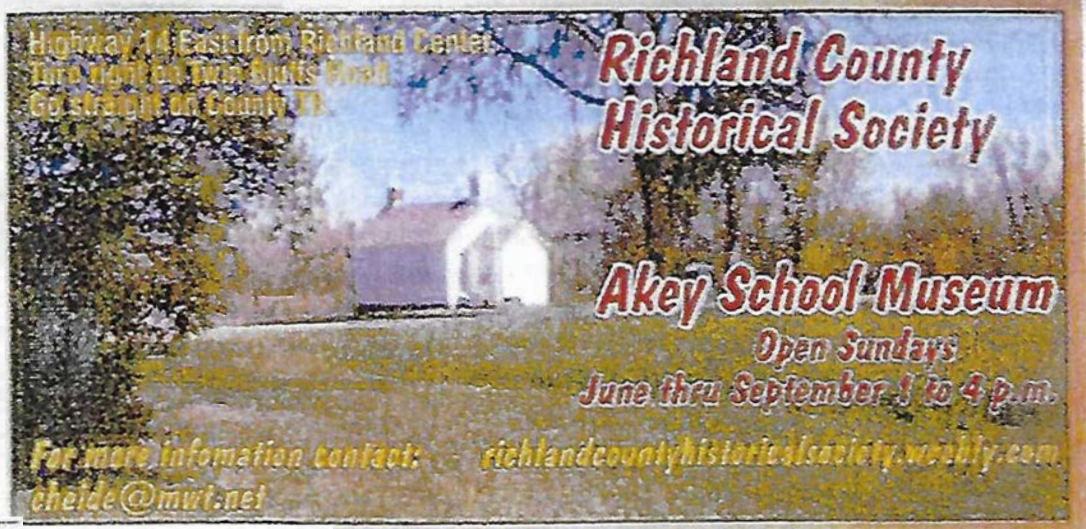
e-mail contact \_\_\_\_\_

Mail registration to:

C/o Richland County Historical Society  
213 S. Central Ave Apt #1  
Richland Center, WI 53581

**DONATIONS** are always WELCOME

**PROMOTE  
AND  
SUPPORT  
RICHLAND  
COUNTY  
HISTORY**



... would you → **pass this newsletter on to a FRIEND**



HISTORICAL SOCIETY, Inc.

