

To the Editor:--

You ask me for a statement of the Dietz affair from the standpoint of the logging company.

I answer that the logging company is no more interested in the present controversy than are all other good citizens of the state.

The recent effort of the Sawyer county sheriff to arrest Dietz was not made at the request of the logging company, or under any process issued at its instance. No representative of the logging company had the slightest intimation that the sheriff was about to undertake the capture of Dietz. Needless to say, the Logging Company did not pay, or agree to pay, and was not requested to pay any of the expenses of the sheriff made in connection with his attempts to arrest Dietz. The logging company had absolutely nothing to do with the matter. It could not have prevented the sheriff from making the effort any more than it could have compelled him to make it. It undertook to do neither of these things.

The facts are that about two years ago Dietz, aided by his friend Weizenbach, fired on a sheriff's posse at a place in Sawyer county about three miles from Dietz's home, seriously wounding the driver of the conveyance in which the officers were riding. Thereupon the district attorney of Sawyer county caused a warrant to issue against Dietz and Weisenbach, in which they were properly charged with assault with intent to kill and murder. This warrant was placed in the hands of the sheriff for execution. Weisenbach was arrested and brought to trial at the last May term of the circuit court for Chippewa county. The whole Dietz trouble was aired on this trial, because the state, in proving motive, introduced evidence showing Dietz's outlawry and Weisenbach's sympathy with and aid of him. After hearing the evidence, the jury promptly found Weisenbach guilty and Judge Vinje sentenced him to a term of twelve years in the state prison at Waupun, which he is now serving.

Judge Vinje, in passing sentence on Weisenbach, declared from the Bench that to uphold or defend Dietz in his lawless course was

to favor anarchy, and that the whole power of the state should be used to effect his capture, to the end that he might be tried according to law for the offense of which he stood accused.

The conviction of Weisenbach and Judge Vinje's vigorous words in support of law and decency seem to have had the proper effect upon the sheriff of Sawyer county. He undertook to execute the warrant against Dietz which had been in his hands for many months. The result is known. The sheriff and his posse were wantonly fired upon by Dietz and his family, and one officer was seriously wounded.

Good citizens, whose sympathies are aroused in what they assume to be a contest between a rich corporation and a poor man, should understand that no such contest is on. The present contest is between Dietz and the sheriff of Sawyer county, who is seeking to apprehend him under a criminal warrant charging a serious offense, and one of which his confederate has been convicted.

As his excuse for not submitting to arrest, Dietz says that he has several unsettled claims against the logging company, of which payment is refused. Under ordinary conditions such a flimsy pretext for lawlessness would find no advocate. Today it seems to have many advocates who deem it sufficient, but they all assume that the claims which Dietz makes against the logging company are valid, and that the company is at fault in not making settlement of them. This position seems to make it proper and necessary to call attention to the character of the "claims" which Dietz is urging against the logging company.

First:-- He says that the company owes him several hundred dollars for wages earned some years ago as a watchman at one of its dams. There is not the slightest foundation for this claim. In 1902 Dietz acted as such watchman for a period of 36 days, and for this service he was paid, and the logging company has his receipt in full for such payment. He was not employed to, and did not perform a day's work for the company beyond what he has been paid for. The logging company does not owe him one dollar for labor, and his pretended labor claim is trumped up and imaginary.

Second:-- Dietz claims that several years ago the logging company offered to sell him a piece of land at \$2.50 per acre, and now refuses to fulfill its agreement. This claim is absolutely false. It is not pretended by Dietz that he has any written contract or agreement with the company for the sale of this land. Without such an agreement, it is familiar knowledge that he has no enforceable claim upon the land. But the logging company does not undertake to shield itself against this claim by standing on its legal rights alone. It absolutely denies that Dietz ever made any verbal agreement with any person, in any way connected with the logging company, for the purchase of this land. His only claim is that several years ago he had a conversation with Mr. Chichester, who was then the secretary of the Chippewa Logging Company, in which it was stated that Dietz might buy the land at \$2.50 per acre. Mr. Chichester absolutely denies any such conversation, and his denial ought to be conclusive, because the Chippewa Logging Company, of which he was then secretary, never owned or had any interest in the land referred to. The land was then, and ever since has been owned by the Chippewa Lumber & Boom Company, a corporation entirely distinct from the Chippewa Logging Company, and with which Mr. Chichester had no connection whatever. It is inconceivable that Mr. Chichester offered to sell the land of a corporation with which he was not associated, and Dietz's claim that he did, is absurd on its face. An analysis of Dietz's "claim" to this land then, shows two fatal weaknesses. 1st,- He has no writings to evidence any purchase of the land, and does not claim to have any. 2nd,- He does not claim or pretend that he ever had any talk with the owner, or any person representing such owner, about buying the land. His "claim" to this land is on a par with his "claim" for wages, and is a mere pretext urged to withdraw public attention from the lawlessness of the course which he is pursuing.

Third:-- Dietz claims that he is the owner of the Cameron dam, and that the logging company is indebted to him for toll on logs to the amount of \$10,000 or \$12,000. Here is a claim, the validity of

which ~~can~~ ^{may} be ~~decided~~ ^{determined} without reference to what Dietz says, or what the logging company says. The Cameron dam is a piece of real estate, and the ownership of it is determined from the public records. Any person at all familiar with land titles ~~can~~ ^{may} go to the office of the register of deeds of Sawyer county and decidé for himself who owns the Cameron dam. Dietz ought not to be able to fool any man with his absurd claim of title to the Cameron dam. The fact is that this dam was built in 1878 by Daniel shaw under a charter granted him by the legislature of the state. The land bordering the river at the place the dam was built, was then owned, in fee simple, by Barrows & Leavitt. In the spring of 1878 they gave Daniel shaw a warranty deed to the dam site, and to flowage rights in the land owned by them above the dam. For many years Daniel Shaw operated this dam and finally sold it to the logging company, and at the same time assigned his charter right to such company. For twenty-six years the logging company and Daniel shaw kept up, maintained and operated this dam, without question by anyone of their right to do so. Their title deeds were all recorded in the proper office, and under them and the charter granted by the state, they had been in continuous possession and enjoyment of their property for the long period of time above stated.

A few years ago along came John Dietz, claiming to own the dam. His claim is based on the fact that his wife has a warranty deed to the forty acre tract on which the principal portion of the dam rests. The trouble with this claim is that Mrs. Cameron, the person who gave Mrs. Dietz the warranty deed, had no title to the dam, and the records in the office of the register of deeds show that she did not pretend to have any. The Cameron title to the forty was based on a quitclaim deed from Coleman, whose title was based on a quitclaim deed from Flanders, in which the dam and flowage rights are expressly excepted, so Cameron did not pretend to acquire or own the dam. Having died, his widow in 1901 gave Mrs. Dietz a warranty deed to the forty in question and to other lands. By mistake, or inadvertence, the dam was not mentioned in this deed, but so far as the Logging Company is concerned that fact is immaterial. Even the most rabid partisan of Dietz must admit that the logging company could not lose title to a piece of property which it had bought, paid for and been in possession of for many years, because a stranger to the title, had, by mistake or otherwise, given a warranty deed of it. None of the grantors in any of the deeds making the Dietz chain of title antedating the Mrs. Cameron deed, undertook or pretended to convey the dam. Barrows and Leavitt, who originally deeded the dam site to Daniel Shaw, did not undertake to convey it to anyone else. Several years subsequent to the deed to Shaw, they gave a quitclaim deed to the forty in question to Flanders, thus showing no intent on their part to convey the dam. Flanders, several years later, quitclaimed the forty to Coleman, thus showing that he had no intent to convey the dam. In fact his deed expressly negatived such intent, by excepting the dam and flowage rights, in apt words. Coleman, several years later, quitclaimed the forty to Cameron, thus showing that he had no intent to convey the dam. Thus, all that Dietz has to hang his pretended "claim" on is that Mrs. Cameron's deed, in form, conveyed something that she never owned and which the records conclusively show she never owned, or pretended to own. This does not rise to the dignity of a claim. It is merely an excuse for a hold up.

Ten thousand dollars, Dietz says, the company must pay him; and for what? Why, ten cents per thousand for all logs which have been driven through the dam since the date of the Cameron deed in 1901. Dietz paid Mrs. Cameron \$380.00 for the forty adjoining the dam and another forty not in dispute, and now ~~Dietz~~^{he} demands ten or twelve thousand dollars from the company because its logs were driven through the dam during the years that the company maintained it and kept it in repair. Even if Dietz's absurd claim of ownership of the Cameron dam was true, he would have no right to demand or collect toll from anybody for its use. The right to collect toll on logs depends on whether the owner of the dam is given that right by the legislature. The right to collect toll on logs passing through the Cameron dam was given by the legislature to Daniel Shaw, and that right was afterwards assigned to, and is now owned by the logging company. Even Dietz does not pretend that he has any franchise or charter under which he is authorized to collect toll. He does not pretend that the law gives him the right to exact ten cents per thousand, or any other sum, from the logging company. He simply says that the company must pay what he demands, and unless it does, he will kill any man who undertakes to make use of the dam. This is the claim of the man who is now posing as the poor homesteader whose rights are being trampled on by a rich corporation. There is no excuse for any fair man to say that Dietz has any right whatever to the Cameron dam. Since this trouble started the logging company has twice established its right and title to this dam, in court. First in the circuit court of Sawyer county, and later in the federal court at Madison. Dietz had an opportunity in these courts to prove his claim of ownership, but did not undertake to do so for the very good reason that he knows he has no valid claim. Dietz is no fool, whatever else may be said of him. He has kept out of the courts because he knows very well that none of his legal rights have been infringed and that the "claims" which he is at liberty to set out so freely in the newspapers would have no standing in any court in Christendom. His excuse that he is a poor man and therefore

unable to go to law against a rich corporation, is the veriest rot. The fact is that honest men, whether rich or poor, with honest claims, do not hesitate to submit them to our courts or to arbitration. There is no other way to settle disputes. The Dietz plan of settling them with a rifle is the relic of a barbarous age and the logging company will not adopt it. If loss of human life shall result from the conflict which Dietz has forced, the responsibility must be placed where it belongs. Dietz is the man who first took up the rifle, and on him must fall the condemnation of all good citizens.

The logging company has taken no step in this strange and unusual controversy not sanctioned by the law and approved by able and conscientious judges of our courts. It has done nothing to which any law abiding citizen could offer objection. It found Dietz in armed possession of its property, and was forced to commence an action against him for the purpose of having the ownership of the Cameron dam judicially settled. The logging company knew no other way to settle the question. It could not arm its employees with rifles and order them to try the question out with Dietz in his own way. The logging company did not know how to try the question of title to land with a shotgun. Dietz is the only man in Wisconsin, I hope, who is familiar with that practice. So the logging company did what it was forced to do; did what every good citizen of the state, placed in like circumstances, would do. It called upon the courts to settle the contention that Dietz had raised. Instead of trying to make an outlaw of Dietz the logging company has tried to make him a law abiding citizen. It has tried to prevail upon him to submit his pretended claim to the court. Failing in this, it has repeatedly tried to make him agree to submit them to arbitration. Dietz spurned all such requests, and offers, and from the first insisted that he would not settle his claims in court or under any form of law, and that the only way the company could ever regain possession of its property was to pay him what he demanded, the modest sum of \$10,000 or \$12,000.

As a final word on the subject, I wish to say that the logging company does not owe Mr. Dietz one dollar and it has not trespassed upon his rights or property in the slightest degree. It owns the Cameron dam as surely, and its title to it is as perfect and unassailable, as to the office building in which it transacts its business. Dietz never did a day's work for the logging company for which he has not received his pay, and it never agreed to sell him any land at \$2.50, or any other sum per acre, and his "claims" to the contrary are trumped up, imaginary and without foundation in fact.

The logging company exceedingly regrets that Dietz has so far declined to make proof of his pretended claims against it in a legal way, so that the people might know to a certainty who was right and who was wrong in the Dietz trouble; and the officers of the logging company hope that he will yet see the error of his way, and yield obedience to the law as all good citizens must. Since this trouble started the logging company has been, and is now willing and anxious to agree with Dietz to submit his pretended claims to arbitration. It has agreed to bind itself not to appeal from the award, and to abide fully and promptly by whatever decision three disinterested men may render. No fair and decent man, who makes any pretense to good citizenship, would decline such an offer. Whether Dietz will persevere in his refusal to arbitrate, ~~or not~~ really, no more concerns the logging company than other good citizens of the state. The Cameron dam is a thing of the past. Last spring Dietz shut down the gates and the water carried it away. Dietz and his friends can no longer say that the reason he does not submit to arrest is because he must remain at home and watch the dam, and thus prevent the logging company from driving its own logs out of the river. They must find some other excuse for lawlessness now. The state of Wisconsin wants Dietz and the dam that is gone needs no armed watchman. Therefore let Dietz come in and stand trial, and if he does not, let no honest man hereafter say that his lawlessness is excusable.

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Logging Company.