The Selling of Beaver Lake, 1853–1889
How the Largest Lake in Indiana Disappeared

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ABSTRACT: With the passage of the Swamp Land Act of 1850, the federal government granted states permission to sell and drain their wetlands. The state of Indiana opened up the sale of its wetlands at auction in 1853, and Michael Bright—brother of U.S. senator Jesse Bright—bought and claimed the land around and beneath Beaver Lake, in Newton and Jasper Counties. Though his “riparian” claim was later ruled to be unlawful, the state formally recognized Bright’s title, and used public money to begin the process of draining the seven-and-a-half-mile long, five-mile-wide lake in 1854. The controversy surrounding the ownership, sale, occupation, and drainage of the Beaver Lake lands—which eventually involved the U. S. Congress—would persist for more than thirty years.

KEYWORDS: Indiana; Newton County, Indiana; Jasper County, Indiana; Beaver Lake; Kankakee River; wetlands; swampland; Indiana General Assembly; Swamp Land Act of 1850; Michael Bright; Jesse Bright; Amizi Condit; Charles Test; Washington Townsend; Environmental History; Historical Geography; History of Absence.
I wonder if the ground has anything to say?
I wonder if the ground is listening to what is said?
I wonder if the ground would come alive and what is on it?

We-ah Te-na-tee-ma-ny, also known as Little Chief (Cayuse Tribe)¹

Crossing the Kankakee River on a drive along U.S. Highway 41 from Lake County into Newton County, a traveler might notice a change in topography. About seven miles south of the river, the pleasant view of cultivated farmland bordered by woodlands changes to apparently uncultivated prairie. The land stretching away from the road east and west seems almost colorless and has few distinguishing landmarks. From here to Morocco, another seven miles or so, the road continues virtually ruler-straight, and the scenery changes little. About 2,000 feet north of County Road W 400 N, a sign on the west side of the highway suggests an explanation for the sudden change in landscape. The visitor, as the sign explains, has entered the basin of an ancient lake, and the view as far as the eye can see in any direction marks the grave of that lake. The sign offers information about the lake’s size, along with selected historical information, including the fact that the lake was the largest in Indiana until it was drained. Nowhere does one find information about why it was drained, when, or by whom.

The sign, erected in 2010 by the Newton County Historical Society in observance of the county’s sesquicentennial anniversary, shows the outline of the lake as it appeared on nineteenth-century maps; current road maps of Newton County also include this outline. These maps show a lake whose borders crossed into three townships, filling almost all of McLellan Township from the south to Lake Township in the north, and extending eastward from nearly the state line into Colfax Township. The maps, like the sign, suggest something about the values of the citizens who created them—citizens who want to remember this lake that no longer exists.

What happened to Beaver Lake, and why do people still care about it? The old lakebed now contains farms, residences, roads (U.S. 41 runs through the heart of it), and a school; it has become a geography of what geographer John A. Jakle calls the “built environment.” Jakle advocates for a history of place, asserting the usefulness of “tying human events to

¹ Mark David Spence, Dispossessing the Wilderness: Indian Removal and the Making of the American Parks (New York, 1999), 3, quoting Lawrence Kip, The Indian Council at Walla Walla, May and June, 1855 (Eugene, Ore., 1897), 22.
the reality of place.” But a history of place might also include a history of absence, a history of what was displaced—in this case, to create a space for farms and roads. Beaver Lake as an actual biological entity has been extinguished. The sign commemorating it stands on ground once covered by water—a literal geographical place whose look, and entire character, has changed drastically. How did that change occur, and who is responsible?

Writing in 1877, Charles Test, the first circuit court judge in Newton County, blamed “the vandal hand of the speculator” for the lake’s destruction. Test went further, outlining the strategy used by unscrupulous investors: “They bought the land contiguous to its borders, then drained off its waters to the Kankakee by deep ditches, and claimed its bed as riparian owners.” Charles Test likely knew what he was talking about, since he was personally acquainted with the men he criticized. The historical record shows that the judge was correct, but that he understated the case: speculators almost

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3 Charles H. Test, “Beaver Lake—A Reminiscence,” Indianapolis Journal, November 27, 1877. Test is a paradoxical figure in this narrative. He criticizes speculators and their “riparian claim” here, but he surely knew them, as he was one of the lawyers hired to defend their claim during a
certainly had the lake drained, but they could not have succeeded without the help of state officials. Reconsidering the history of the lake’s drainage, and the long controversy surrounding the ownership of its underlying lands, will advance our understanding of why Beaver Lake occupies a special place in the cultural imagination of Newton County, and of how our natural environment can be so vulnerable to destruction.

Beaver Lake enters the historical record in 1834, when a team of U.S. surveyors meandered the lakeshore—that is, drew the boundary line that continues to serve as its outline on Newton County maps today. The surveyors concluded that the township containing the lake had “no good land, very little good timber, no springs or stone quarries . . . [and] is considered as being of very little value. . . This township is all a lake, or deep marsh and morass, except a little in Southwest corner. Marsh 4 or 5 ft. deep. No outlet to lake as I discover. Timber is scattering and scrubby.”

In 1851, an observer described the lake as “a clear smooth sheet of water, about seven and a half miles long and five miles wide, and the water was from two to nine feet in depth.” Estimates of its total acreage varied from 14,000 to 16,000 acres, but accounts agree that its perimeter was fringed by marshes of varying depth and width. Charles Test’s description of the lake and its surrounding area is notable. Reminiscing about a visit in 1857, he described the lake to be “a beautiful expanse of water covering nearly a township of land, situated in the northwest corner of Jasper County. To approach it from the south or east was somewhat difficult owing to the extensive marshes and quicksands which lay in the way.” He went on to say, “It was indeed a wild spot. Not a human habitation located within miles of its border. The lake itself abounded with fish and congressional investigation into the draining of the lake. As judge of the Newton County Circuit Court from 1860 to 1870, he had a front-row view of the activities surrounding the lake’s destruction.


6 Since the lake was not surveyed, all accounts of acreage were estimates. Madison Dollar Weekly Courier, April 4, 1854, put it at 14,000 acres; Louis H. Hamilton and William Darroch, A Standard History of Jasper and Newton Counties, Indiana (2 vols., Chicago, 1916), 1:224, put it at “more than 16,000 acres.” The actual acreage probably varied with rainfall. Michael Bright was to claim the entire lakebed, which he platted at 15,760 acres, in 1857.
wild fowl; also deer, wolves and muskrats in considerable numbers. The beaver had long since disappeared from its vicinity.”

In the 1850s most people in Indiana—indeed, most Americans—would not have shared Test’s opinion of the lake as something either beautiful or valuable in itself. Most would have agreed with the surveyor in 1834 that it was worthless. Marshy areas were largely seen as an impediment, or something worse. Many nineteenth-century Americans believed that wetlands “epitomized the worst physical and moral challenges the world could offer.” Commenting in 1850 on legislation for their removal, the Congressional Globe encapsulated the prevailing attitude toward them:

> These formations of swamps and periodically overflowed lands are common to almost all Territories of sufficient area to constitute a state. They are evils common to all countries, rendering, in their original condition, portions of the earth not only desolate and unsusceptible of cultivation, but fruitful promoters of disease and death. They can only be removed, or their evils mitigated by means of labor and money, which, when properly employed must redeem portions of the land from sterility, and make it valuable and useful, instead of the generator of disease.

This antipathy to wetlands, and the desire for arable land, drove the desire for wetlands destruction for nearly a century. From the 1850s until well into the 1930s, over half the wetlands in the United States—as many as 124 million acres—were drained, mostly to create cultivable land. Americans saw this as a benefit, and the prime mover of the process was the federal government, through acts of the U.S. Congress in 1849, 1850, and 1860. These laws were designed to provide incentives for states to remove wetlands, and where possible, create farmland. The draining of Beaver Lake began during this period, although the passage of the Swamp Land Act of 1850 was only the beginning of the story of its destruction.

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For years, the states bordering the Mississippi River had desired legislation that would grant unsold federal wetlands to the states for reclamation, and in 1849, Congress granted to Louisiana the right to sell and drain its wetlands. On September 28, 1850, the federal government made the same provision for other states with “swamp and overflowed lands,” with passage of the Swamp Land Act in 1850. This law stipulated “that the proceeds of said lands . . . shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of drains and levees.” The legislation gave nearly 15 million acres of wetlands to midwestern states alone; Indiana received 1,265,000 acres. Included in this grant were fewer than 9,000 acres in the township where Beaver Lake was mostly located. This number likely reflects the acres of marshes around the lake—it did not include the lake itself, which was approximately 16,000 acres in size. This fact is important, because the federal government never considered Beaver Lake “swamp and overflowed lands,” as defined by the language of the 1850 Swamp Land Act. In other words, as far as the federal government was concerned, the lake itself was never intended to be drained.

Eager to comply with the provisions of the Swamp Land Act, the Indiana General Assembly pledged to pay down the state’s public debt with revenue from sale of the land in 1851. Wetlands appeared in nearly half of Indiana’s counties, but the heaviest concentrations were in the northern part of the state, which included Jasper County, where Beaver Lake was located. (Newton County, now containing the Beaver Lakebed, was formed from Jasper in 1860.) The Winamac District, comprising fifteen northern Indiana counties, contained more than 800,000 acres of wetlands—well over half the total federal grant to the state. This area

was not well developed because of the prevalence of boggy land—settlers avoided it because cultivation was extremely difficult, and disease was common.17 With the passage of the new federal act, Indiana legislators saw an opportunity to prepare the northern part of the state for settlement. Echoing the anti-wetland sentiments in Congress, the Indiana Senate projected that “a desolate waste” of wetlands would be transformed “into a habitat for an industrious, happy and healthy people.”18

From 1851 to 1852, lawmakers established a procedure to administer the sale and drainage of wetland areas throughout the state. Land was to be purchased through public auction, and the state pledged to drain the land with the proceeds. In 1851, the state’s new constitution mandated that earnings from wetland sales would be allocated to funding public education, minus the cost of draining. In 1853, auctions were held in the counties where wetlands were located, and revenues proved substantial enough to encourage the next step: reclamation. The process for draining was to begin with the appointment of a county swamp land commissioner by the governor. The commissioner was then to consult with an engineer, accept bids, and proceed with drainage work at the lowest cost.19

By 1853, Governor Joseph A. Wright had appointed Jasper County’s first county commissioner overseeing swampland, John Darroch. Darroch began advertising for bids for ditching contracts in October; the first auction took place in November 1853.20 Darroch and County Engineer James Ballard were responsible for determining the location of the ditches. Early notices to contractors, such as this one published in 1854, specified the exact location of where ditches were to be dug:

Ditch No. 1. Commencing at Station 1[?]4, about 330 feet below the Bridge on the road from Rensselear to Lafayette, in Big Slough on Section 12, Town 28 N. R 7. W. running East from the nee [sic] along the channel of said Slough to the County line about 10 miles in length.

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20 “Notice to Contractors,” Monticello Prairie Chieftain, November 10, 1853.

Ditch No. 11. Commencing at Station 263, of Ditch No. 1 on Section 9, Town 23, N.R. 6 W. and runs S.E. and S.W. through Section 9, 10, 15, 16, 21, 22, 28, 29, and 30, of the above Townships, and about 5 1-2 miles in length.\(^2^1\)

The state’s only restriction on ditching contracts was that they be given to the lowest bidder. County swamp land commissioners and county engineers specified sites for ditching, and the commissioner retained sole authority to commission their construction. Notably, there was no requirement about ditching only to drain “swamp land”—the legislature did not regulate ditching beyond specifying the forms used to certify ditching contracts. Although various drainage methods were used in Indiana and other states later in the nineteenth century, the primary method in use as of the 1850s was to dig by hand.\(^2^2\) Labor-intensive as it was, ditching was regarded by the legislature as “producing surprising and valuable results.” Public officials justified this “system of open ditching” as being well thought-out, comprehensive, and efficient:

The ditches are varied to suit the amount of water to be discharged. If the quantity be large, the ditch is made wide and open, if small, it is more narrow and shallow. By making the main out lets [sic] quite deep, sufficient fall is usually obtained to answer the desired purpose of discharging the surplus water. Several main branches are generally made to lead into one of these outlets, and multitudes of small drains into them, thus forming a system connected with each other like a river and its tributaries. The small ditches, running in every direction where desired, are mostly dug from two to four feet in depth, according to the position and character of the ground to be effected, and from one to two feet wide, as the amount of water to be carried off might require.\(^2^3\)

\(^2^1\) “Notice to Contractors,” Jasper Banner, February 16, 1854, Newton County Historical Society.


This was the system intended by the assembly to transform Indiana’s wetlands into productive farmland; it is certainly the system that eventually drained Beaver Lake. However, for several years, the state paid a great deal of money for ditches that were never constructed, or that proved ineffective. Fraud was rampant, especially in the northern counties. This scandal has been well-documented by historian Stephen Strausberg, who identified the system’s vulnerability at the county level:

By the fall of 1857 the entire program tottered on the verge of collapse. The state auditor, John Dodd, accused the swamp lands commissioners of allowing the tracts to fall into the hands of speculators who had no intention of fulfilling the terms of the agreement. He suggested that each contract should contain a provision rendering it void if the work was not satisfactorily completed within a reasonable time or by a specified date.24

In 1859 and 1861, the General Assembly mounted investigations into seven counties, including Jasper, which was singled out as the location of one of the worst scandals. “In the county of Jasper,” the investigators declared, “our investigations have satisfied us that the officers of that county have not only aided others in the commissions of great frauds upon the swamp land funds, but have also been participants in the profits arising therefrom.”25 Between 1853 and 1858, thirty individuals and partnerships were awarded more than ninety contracts in Jasper County for dozens of ditches at a total cost of more than $187,000.26 One man—swamp commissioner John Darroch’s father-in-law, A. M. Puett—received nearly $37,000 for several contracts, far more than any other contractor.27 In 1859, the Indiana Senate investigating committee reported that “not one half of the ditching [in Jasper County] is yet completed.”28 Few records of these transactions could be found, and

27 Ibid.
no one in Jasper or in any other county was prosecuted, although a few 
individuals were sued. Of the total $1,759,752 earned on Indiana wet-
lands sales, nearly all—$1,674,932—was spent on drainage programs 
and administrative expenses. The state spent more than 95 percent of 
its swampland revenues on drainage with little productive farmland to 
show for it by 1860.

One of the few projects completed in Jasper County, contracted by 
Puett, began in 1854 and finished in 1855. This ditch does not appear 
on the list submitted by Darroch to the Senate investigating committee 
in 1859. No plans or specifications were submitted to the public, and the 
ditch was apparently never bid on at public auction. This ditch, the first 
excavated to drain Beaver Lake, became known as the Beaver Lake Ditch. 
It connected the lake’s northern edge with the Kankakee River, a distance 
of about five and one-half miles. This site may have been chosen because 
it seemed the most likely to drain the lake quickly. Amizi Condit, state 
swamp land engineer, along with others, had surveyed the terrain between 
the lake and the Kankakee River and found a “fall” of 42 feet between 
lake and river. According to Condit, when the ditch was complete and 
the channel opened, “water rushed out with great force and noise, tearing 
out huge trees by the roots.” As a college-trained civil engineer, Condit 
would have known that a large volume of water would be released by a 
ditch cut through such an elevation.

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31 Adam Shidler, in “The report of the Commissioner of the General Land Office relative to the 
drainage of Beaver Lake, Indiana, [1872],” p. 4, The Executive Documents of the Senate . . . Forty-
Second Congress.

32 Report of the Swamp Land Committee to the General Assembly of the State of Indiana, 1859, 15-19, 
20, 33.

33 Adam Shidler, in “The report of the Commissioner of the General Land Office relative to the 
drainage of Beaver Lake, Indiana, [1872],” p. 4, The Executive Documents of the Senate . . . Forty-
Second Congress.

34 Amizi Condit’s deposition in “Letter from the Acting Secretary of the Interior, in answer to a 
resolution of the House of April 2, 1872, relative to Beaver Lake, in the county of Newton, State of 
Indiana,” Ex. Doc. 245, p. 6, The Executive Documents Printed by Order of the House of Representatives 
During the Second Session of the Forty-Second Congress 1871-'72, (Washington, D. C., 1872).

35 “Amizi B. Condit,” Kentland Gazette, April 10, 1873, Newton County Historical Society.
As early as summer 1853, state officials had plans to drain Beaver Lake.36 In November of that year, months before ditching began, Condit and the state auditor, John Dunn, purchased the entire shoreline of the lake, some nineteen miles by Condit’s estimate.37 A month later, they sold almost all this land to Michael Bright, who like Condit and Dunn was among the many land speculators who descended upon Jasper County in 1853 and 1854. Given the level of corruption in that county, the press quickly

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36 New Albany Daily Ledger, August 3, 1853.
suspected an illegal scheme. In April 1854, a reporter for the Indianapolis Journal speculated that Bright would eventually own the entire lakebed: “[Bright] now owns, I learn, the entire body of land bordering on Beaver Lake, which covers 17,000 acres. This lake is to be drained, and Mr. Bright will, it is said, become the owner of all the land now submerged by the lake. If an act of Congress should be necessary to perfect this title, why of course Jesse D. can procure that.”

“Jesse D.” was Jesse D. Bright, brother to Michael and thrice-elected U.S. senator from Indiana. Jesse D. was a powerful political figure in the state, and boss of the Democratic Party for many years, at a time when the Democrats controlled most offices in Indiana. Michael was a wealthy lawyer from Madison, Indiana, whose dealings throughout the state were closely watched by the press. The Indianapolis Journal didn’t quite have it right in 1854: Bright had not yet become the owner of all the land bordering the lake, but Bright’s ambition was to own all the land under the lake. Here Michael Bright emerges as a pivotal figure in the story of Beaver Lake’s destruction. As a result of his actions, the ownership of the Beaver Lake lands became entangled in a controversy that persisted for more than thirty years.

In 1857, Michael Bright paid $10 to John Dunn for the last few lots of the lakeshore that he had not bought in 1854. With this purchase, he secured all fractional lots around the lake and began solidifying his claim to the entire lakebed. His method for accomplishing this is best explained in The Standard History of Newton and Jasper Counties:
[Bright] made a plat of these marginal lands and of the entire lake. In this plat he assumed to extend into the lake the outward lines of the Government survey, east and west and north and south, so, as he asserted they would, by due intersection sub-divide the entire area into lots of forty acres each, which lots he numbered on this plat from 1 to 427. Attached to this plat he made a written statement, which after reciting his purchase and ownership of all the marginal tracts of land, contains this declaration of ownership: “And whereas, in virtue of being riparian proprietor of all of said lots and tracts of lands, I am, by operation of law, the owner and proprietor of the bed of said lake, and of all the islands covered by the waters thereof.” This plat, with the declaration attached, was by him executed and recorded in the office of the recorder of Jasper County, afterwards transferred and recorded in this county [Newton], and Mr. Bright’s claim that in virtue of purchasing about 2,500 acres of land he became the owner of more than 16,000 acres, then became a matter of public record.43

In 1857, almost all of these lands were still underwater, but the draining of the lake was already underway. Bright wanted to make certain that nothing would hinder his future attempts to complete the draining. He added this declaration to the deed for Beaver Lake that he recorded in 1857:

There is hereby reserved to the present proprietor and to any party or parties who may hereafter be and become the owner of any of said lands, the right at any and all times, of opening and keeping open the ditches or drains which have been undertaken for the purpose of draining off the waters from said Lake, and to this end they or any of them may at any time enter upon so much of said lands as many be necessary for the purpose and may repair and open said ditches, and if essential to the further reclamation of any of said lands may deepen and enlarge these so as to secure the largest possible drainage, doing to the other lots and lands as little damage as may be consistent with the accomplishment of that object.44


44 Verbatim transcript of Michael Bright’s recorded deed for Beaver Lake, Newton County Recorder’s Office, Deed Record Book Sept., 1857—Oct. 1860, 16-19, communication from Beth Bassett, Newton County Historical Society.
Bright knew that existing ditches needed to be maintained and that more would be required. He may have claimed all of Beaver Lake as his private property, but the state continued to bear the cost of draining it. In spite of the initial success of the Beaver Lake Ditch, only about two and a half feet of water had been drained off by 1859. The ditch was shallow and flooded; it had to be cleaned out and re-cut at a cost of $600. Also that year, the terms of a new draining stipulated the widening and extension
of the ditch about a mile into the lake from its shore. However, the lake continued to re-fill from rainfall. Ditches required continual repair, and more ditches would be needed to complete drainage.

While Bright was confident that the state would continue to bear the cost of draining the lake, he realized that his claim to “riparian” ownership of the entire lakebed might not stand up to close scrutiny. In response, he devised a plan to give his claim some semblance of legality. In 1857, he brought suit against William Blake, who, Bright claimed, had illegally taken possession of an island in Beaver Lake. The Jasper County circuit court upheld Bright’s claim to the island as part of his self-proclaimed title to the lakebed. However, it was widely believed that Bright had paid Blake to make this claim so that Bright could sue and win. As the Kentland Gazette put it, “The purpose of this miserable sham suit was to strengthen the claim of Bright to the bed of the lake, and to create public confidence in it so that he could negotiate its sale.” As it turned out, Bright was able to leverage not only the circuit court but also the Indiana state legislature into endorsing his claim to the lakebed.

Michael Bright had been a member of the state legislature, was a delegate to the 1850 constitutional convention, and had been made an agent of the state. He was well-known among powerful people, and was deeply entangled in the business affairs of state officials and of the state. Bright’s own business affairs with the state were complex, and his land holdings, including those around Beaver Lake, played a key role in these transactions. Bright had known state auditor John Dunn since 1854, when he had bought most of the Beaver Lake shoreline from him. Dunn was also Bright’s partner in a suit brought by the Ohio Life Insurance and Trust Company against Dunn in 1856. A judgement was levied against Dunn, and Bright offered 795 acres of Beaver Lake shoreline; to pay it off, Bright’s brother George bought the land in November 1857, and the money was

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used to clear the judgement. That same month, George Bright sold this land back to Michael for $100.49.

Similarly, in 1855, state treasurer W. R. Nofsinger loaned $40,000 in state money to Allen May, a partner of Bright’s. When the debt came due a few years later and May could not pay, the state sued Nofsinger, May, and Bright, who had pledged surety to May. Bright again offered lands in Jasper county as partial payment for May’s debt, as well as 1,280 acres near Beaver Lake; Nofsinger eventually settled with the state for the remainder of the debt.50

In 1858 and 1860, Bright concluded transactions that would convey to the state one-half of his claim to the bed of Beaver Lake—7,880 acres of land. The circumstances surrounding this transaction are far from clear. Newton County records show that Bright sold the lands to state treasurer Aquilla Jones in 1858, and Jones conveyed these same lands to the state in 1860.51 According to the auditor’s report of 1860, the legislative commission had been very careful about confirming the title of other lands taken from Bright; however, they accepted nearly 8,000 acres on a preposterous title without flinching. The U.S. Congress would eventually invalidate Bright’s riparian claim, and the Indiana Supreme Court would repudiate it years later, but in 1860, the Indiana legislature effectively legitimized his claim to ownership of nearly 16,000 acres of land that he had never paid for, that were not surveyed, and that lay mostly underwater. The only title Bright had to this land was of his own manufacture, and the state gave that title its seal of approval.

In 1862 Bright began selling his half of the lake; in 1865 the state re-confirmed his title by putting its share of the Beaver Lake lands up for sale. Bright, knowing that questions might arise about his right to sell

50 “Treasurer Nofsinger and the May, Bright, and Drake Bills of Exchange,” in “Report of Commissioners in Relation to the Settlement, Adjustment, and Collection of Dues to the State, from Various Officers and Persons Indebted Thereto. To the Governor,” Documents of the General Assembly of Indiana at the Forty-First Session, Begun on the Tenth Day of January 1861, Part 1 (Indianapolis, Ind., 1861), 239-44, http://www.archive.org/details/documentaryjourn1860indy. All the information in this and the preceding paragraph about Bright’s complicated land transfers is from this source, which is part of the Auditor’s Report for 1860.
51 The Auditor’s Report of 1860 provides considerable detail about the circumstances for other Bright transactions involving land transfers but is strangely muddled about this one. The pretext for the conveyance of these lands to the state, and why the committee believed Bright’s absurd title to be valid, remains an historical conundrum.
these lands, took care to disavow any “defect” in his title: “Said parties of the first part hereby covenanted and agreeing that they have done no act to impair or lessen the title to said premises, but are not to be responsible for any acts or omissions of others or for any defect whatever of title.”

In spite of Bright’s admission that his title might be questionable, by 1871 most of the lakebed had been sold. Algy Dean, Lemuel Milk, and another Milk partner, Henry Cooley—all wealthy landowners from Illinois—bought more than 12,000 acres, some three-quarters of the lakebed. Sometime after 1861, Algy Dean and others extended Beaver Lake Ditch another two miles into the lake, and other ditches were added. By 1871, the Beaver Lake Ditch was almost seven miles long, from forty-five to seventy feet wide, and from two to twenty-four feet deep, and a contract had been let to extend the ditch even farther.

A lake that less than twenty years before had covered an entire township and more—an area greater than thirty-six square miles—was now reduced “to a section and a half of water covering a tract of land about three miles in length and about one-half mile in width.” Most of the water left was not over twelve inches deep.

By 1870, twenty houses had been built on the lakebed; the population of McClellan Township, located on the site of the lake, was 141. Much of the land was under cultivation, and most had been fenced. Many of those who farmed there were probably tenants of Milk or lived on land mortgaged to him. Milk and Dean were extremely protective of their interests in the Beaver Lake lands: Dean was known to threaten those he considered squatters, force them from their homes, and destroy their crops. In the spring of 1871, however, a group of about forty men arrived at Beaver Lake who were determined to challenge Milk and Dean’s rights to the lakebed. In fact, their aim was to disprove the validity of the Bright title, upon which Milk and Dean’s titles rested, and claim the Beaver Lake lands for themselves. These actions would spark two investigations by the U.S.


53 Ibid., 4, 32.

54 From Isaac Myers’s deposition in “Letter from the Acting Secretary of the Interior . . . relative to Beaver Lake,” p. 10, The Executive Documents of the House of Representatives . . . Forty-Second Congress.


Congress, require congressional legislation, and spark legal fights in the Indiana courts and in its legislature that were to last nearly twenty years.

The arrival of the Chicago-based group, led by Isaac Myer, Parker Dresser, and Amizi Condit, was colorfully described by the *Chicago Tribune* late in July:

The party started out for Beaver Lake, equipped with some 50,000 feet of lumber, wagons, cattle and tools, and all the implements of a party of pre-emptors. On arriving at the lake, they were hospitably met by a company of about 100 persons, mounted and on foot, bristling with guns, rifles and other lethal weapons, under the order of Mr. Algea [sic] Dean, a farmer in the service of Mr. Lemuel Milk. The first courteous greeting with which they were startled came from Mr. Dean, to the following purport: “We are come ter notify you Chicago roughs an’ robbers, that you must leave this yer neighbrud, or suffer the consequences by remaining.” Mr. Myers [sic] declined to leave the neighborhood, and stated his intention of pre-empting the land. His party remained that day, and on the following morning proceeded to inspect the land. This they were not permitted to do, having been met at all points by armed men, who threatened demolition.57

This exact scenario is unlikely. Other, more credible, accounts say the preempts, though probably threatened by armed men, had actually begun erecting wooden structures before they were discovered and brought before a local justice of the peace. The case was argued by a Chicago attorney, and the group stayed on Beaver Lake at least throughout the summer while the matter was referred to the federal government.58

The preempts insisted that the bed of Beaver Lake had not been surveyed, that it had never been included in the donation of swamplands given to the state and was therefore still the property of the United States and thus available to ownership by right of first possession under federal law. They applied to the commissioner of the General Land Office for a survey so they could make proper claims. The commissioner ruled that the Beaver Lake lands had not been conveyed to the state because the lake

had never been considered swampland; the lands were therefore still the property of the federal government, and the riparian title used by Bright to sell the land to the state of Indiana and to others was invalid. However, what appeared to be an easy victory for the preemptors quickly abated. Lemuel Milk appealed to the governor of Indiana to intercede with the commissioner, and the commissioner agreed to suspend the survey until the matter could be settled by the U.S. Congress.

The merits of the preemptors’ case inspired vigorous debate in the Indiana press. At the core of the issue was the legitimacy of Bright’s title to the lakebed, for if that title proved invalid, so too would every sale of Beaver Lake land. This brought into question the integrity of the state of Indiana, which had bought half of the lakebed from Bright before selling to Milk, Dean, and others. Anonymous writer “X” published a defense of the state’s claim in *The Indianapolis Journal*:

> Parties in buying from the State supposed the title good, and relied upon her deed, and in good faith ought she not attempt to maintain the title? It is a sentiment of common honesty that one who sells lands, takes the money, and makes a deed, ought to do all that properly may be done to protect the right of the purchaser . . . Common honesty demands that the State authorities should stand by those purchasing, and protect their titles.

Two weeks later, another anonymous writer, using the name “Y,” published a lengthy repudiation of X’s claim about the “honesty” of Bright’s, and the state’s, title in the same newspaper:

> The deed of conveyance made by Bright in this case is a curiosity in itself. It is patent on the face of it to the most obtuse intellect that Bright knew he was perpetrating a fraud, and had no confidence in the validity of the conveyance that he was making, and that the officers who took the conveyance for the state must have known that she was receiving a title that was wholly worthless, and that they must have been parties to the fraud with Bright.

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60 Ibid.

“Y,” who believed that the scheme to claim the entire lakebed as a “riparian speculation” was the reason that the lake had been drained in the first place, offered a surprisingly detailed history of the circumstances surrounding the process:

A. B. Condit, the first Swamp Land Engineer appointed for this part of the State, ascertained that this lake was four and a half miles from the Kankakee River, that in that distance there was forty-two feet fall; that if the waters were started through the sand ridge to the river, they would, from the nature of the soil—sand and loam—cut out a channel sufficiently deep to drain off the entire waters of the lake, and that the draining of the lake would drain, or greatly facilitate the drainage of some 25,000 acres of swamp land around the vicinity of the lake. Mr. Condit, having heard of the doctrine that the riparian owner would own to the center as the waters receded, concluded it would be a fine speculation to own the lake rim. Not having the funds to purchase the entire rim, he associated with himself John P. Dunn, the Auditor of the State, which office enabled him to command free bank money ad libitum, and the fractions composing the rim of the lake were purchased by Condit and Dunn. M.G. Bright afterwards brought [sic] these fractions of Condit and Dunn and thus became the “sole proprietor” of the riparian speculation.62

“Y” was not alone in publishing an account of a conspiracy to drain the lake and sell off the lakebed. J. W. Conner, editor of Newton County’s Kentland Gazette wrote to expose facts that “speculators and free-booters” were attempting to hide:

Some years ago Michael G. Bright trusted a certain party with money enough to enter the surveyed fractions around Beaver Lake, and the fellow entered them in his own name, and then Bright had to pay this fellow a bonus to get the title. With the title to these, Bright set up his claim to the entire bed of the lake, by riparian right. About this time, Mr. John Darroch, of this county [Newton],

being a personal and political friend of Bright, let the draining of the lake to his father-in-law, A.M. Puett, for $13,000.”

In December 1871, the U.S. Senate passed a sweeping resolution regarding the issues involved in this dispute. Among other things, the resolution required an accounting for why the lake had been drained. It called for the Secretary of the Interior to report to the Senate when, by whom, at what cost, and under what authority the lake was drained, how much land had been drained, its value, what profits had been made from its occupancy, what legal proceedings had transpired to determine title to the lands, and what legislation might be necessary to enable the commissioner to determine the competing claims to the lake. A similar resolution was passed in the House, and in early 1872, the secretary of the interior presented reports to both the Senate and the House of Representatives.

The report to the Senate was the most thorough. Its sixty-six pages contain specific answers to all the questions posed in the December resolution, supported by detailed statements from Newton County surveyors. The report also gathered statements from a former swampland commissioner, various Newton County officials, men who had purchased property on the lakebed, and extensive testimony from lawyers representing Milk and Bright defending the Bright title. There were also statements from Isaac Myer and Parker Dresser, leaders of the preemptors, refuting the Bright title and supporting the preemptors’ right to the Beaver Lake lands. The governor of Indiana sent a statement but refused to take sides in the matter. The report also included a complete list of every sale of Beaver Lake lands, from the first state patent of lakeshore property sold in November 1853 to Condit and Dunn, to the last sale of titles based on Bright’s riparian claim in October 1871. Most of these entries contain date and amount of sale,

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65 “The Report of the Commissioner of the General Land Office relative to the drainage of Beaver Lake, Indiana, [1872],” The Executive Documents of the Senate . . . Forty-Second Congress. Charles Test was one of the lawyers hired by Milk to defend his—and Bright’s—title. Test knew that his advocacy for Milk was controversial, and he published a defense of his actions in “The Beaver Lake Lands,” Indianapolis Journal, February 26, 1872, in which he denies being Bright’s counsel, and says his only interest is in returning the title of the Beaver Lake lands to the state.
survey locations (township, range, section and lot), and acres sold. It is possible, in other words, both to trace every sale of Beaver Lake lands for nearly twenty years, and to discover who profited from each sale.66

The report to the House was shorter—only ten pages—and consisted mostly of written depositions from some of the preemptors, including Amizi Condit. Michael Bright did not issue any statement that is part of the historical record, nor did the purchaser of most of Bright’s claim, Lemuel Milk; rather, two sets of lawyers argued for them in the report to the Senate. Algy Dean, however, used a written deposition to the U.S. House of Representatives to threaten Amizi Condit and Isaac Myer, leaders of the preemptors: “Myers Condett [sic] and others take notice that I forbid you entering the inclosure known as Milk’s and Dean’s Beaver Lake lands until our ownership is at an end. If you persist in doing so, I shall treat you as though you were entering my door-yard against my orders.”67

Dean and Milk’s ownership was not at an end—far from it—even though the lawyers’ arguments for Bright and Milk did not prevail. Both houses of Congress agreed that Bright’s claim was bogus, and that he had no legal right to sell the bed of Beaver Lake—either to the state, or to anyone else. The title to Beaver Lake rested solely with the federal government and had never been relinquished. This meant that all other titles, including Dean and Milk’s, were invalid.

Congress recognized a dilemma, however, borne of two salient facts. One was that the lake, which the federal government had never formally intended to drain was, in fact, almost entirely drained, and the other was that individuals had purchased its land in good faith, and built houses, farms, and roads. (The issue of “good faith” would be subject to debate.) In other words, the conditions under which Bright had perpetrated his original fraud had changed: the lake was now almost completely destroyed. However, while the conditions might have changed precisely because of that fraud, they could not be undone. Compounding this, in the eyes of

66 “The Report [to the Senate] of the Commissioner of the General Land Office Relative to the Drainage of Beaver Lake, Indiana, [1872],” The Executive Documents of the Senate . . . Forty-Second Congress. The list in this report (pp. 12-32) shows that Bright spent $4,610 to buy the Beaver Lake shoreline; he sold his riparian claim for $20,047. This is a return on investment of over 300 percent. I have based all descriptions and dates for purchases of this land, for that time period, on this list.

most people, the Beaver Lake lands had been “improved” with the removal of its wetlands, and with the construction of fences and roads.68

The Senate’s answer to this dilemma was to sidestep the issue of fraud, and to give the problem back to the state of Indiana to solve. In February 1872, Senator Daniel Pratt introduced a bill that would grant title of all Beaver Lake lands to the state.69 The Committee on Public Lands in the House of Representatives was charged with reviewing the Senate bill, and reporting to the House. The chair of that committee, Washington Townsend, warned against quitclaiming the lands to the state: “If Congress should quit-claim to her, or make valid all the titles to all the reclaimed lands, such quit-claim would be a congressional recognition of the great land robbery of Bright and Dunn, who, by the purchase of 2,000 acres or less on the margin of and encircling the lake, would thus be recognized as having properly seized on 15,000 acres more, worth from $85,000 to $100,000, without having paid one dollar for them.”70 Townsend understood that more than a matter of titles was at stake. Lands all over the country were in danger from speculators like Bright, and Townsend’s committee had only a month before recommended passage of the bill that would create the first U.S. national park, Yellowstone. He spoke about a growing awareness that land could have more than just a monetary value: “[An act to quit-claim] would establish a dangerous precedent that would be quickly followed in this era of land speculation, and the nation would have some of its most beautiful lakes dried up, and be robbed of some of its most valuable territory for the benefit of land-grabbers in a manner of which this Beaver Lake land-grab is a conspicuous example.”71

Townsend’s committee recommended against returning the land to the state; instead, they recommended that the federal government sell it to current occupants for $1.25 an acre, the established price for government

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68 For example, Senator Pratt, in his resolution asking for an investigation into the draining of the lake (S.Res. 42nd Cong. 2nd Session, 1871) referred to “improvements” made to the lakebed, such as fences, houses, etc.


70 Townsend, like many others, thought that Dunn had claimed half of the lakebed, with Bright claiming the other half. Records show, however, that only Bright made this claim. “The Report [to the Senate] of the Commissioner of the General Land Office Relative to the Drainage of Beaver Lake, Indiana, [1872],” p. 13, The Executive Documents of the Senate . . . Forty-Second Congress.

land. Townsend acknowledged that such an arrangement might be “hard” for those who had originally purchased their land from Bright, but he pointed out that “they should remember that Bright refused to warrant the title in his deeds, and they, therefore, had notice that he doubted its validity, and they cannot complain.” In Townsend’s opinion, Bright had clearly labelled his titles “caveat emptor,” thereby invalidating any notion of buying in “good faith” on the part of purchasers; they had been defrauded, yes, but they had been told that they were being defrauded.

In the end, the Senate bill prevailed, and on January 11, 1873, the U.S. Congress released title to the Beaver Lake lands to the state of Indiana. It was then up to the Indiana legislature to decide what to do about the state’s ownership of the Beaver Lakebed. The state had bought half of Bright’s claim in 1860 and had sold it in 1865. Now, through an act of Congress, it found itself the owner of the other half. The question for the state was not only how to recover this land, but whether or not it was worth recovering. The state was squaring off against Lemuel Milk, one of the richest and most powerful men in Indiana. Milk owned 65,000 acres in Illinois and Newton County, Indiana, and was one of the largest landowners in Indiana.

In April 1873, the Kentland Gazette reported that Indiana’s attorney general was initiating a suit in Newton County court to recover approximately 8,000 acres of Beaver Lake land—most of it belonging to Milk and Dean. Nothing seems to have come of this, however, and Milk continued to develop his Beaver Lake holdings undeterred. In 1874, he extended Beaver Lake Ditch another mile into what was left of the lake and held a party for the letting of the water into the ditch. Michael Bright and Algy Dean were in attendance, toasts were made, and a valedictory speech to the lake was delivered. The speech was duly printed in the Kentland Gazette.

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75 “Beaver Lake Lands,” Kentland Gazette April 10, 1873, Newton County Historical Society.
76 “The Draining of Beaver Lake—the Last Ditch,” Kentland Gazette, September 18, 1874, Newton County Historical Society.
In 1880, the state hired J. B. Julian as special counsel to handle the litigation against Milk and others, and Julian took the case to Indiana courts. In 1881, Milk petitioned the legislature to have the suit against him dismissed. Julian argued successfully against this petition, and though the proposal supporting it did not pass, another bill was introduced in 1889 to sell the Beaver Lake Lands to current occupants for thirty-seven and one-half cents per acre. By then the Indiana Supreme Court had held the Bright title invalid, which meant that the court certified Indiana’s ownership of the Beaver Lake lands owned by Milk. Julian spoke strongly against the bill, arguing that the state was giving up land worth $80,000 for about $2,300. Nevertheless, the bill passed in March of that year. Finally, Indiana divested itself of Beaver Lake, and a controversy that had begun as early as 1857, when Michael Bright claimed nearly 16,000 acres of mostly underwater lakebed was over.

But what of the lake in 1889? The Kentland Gazette’s 1874 valediction was premature; an 1876 map of Newton County shows a tiny sliver of water remaining in the southeastern part of McClellan Township. An 1883 history states that the entire area of the lake except the southern part was under cultivation. As late as 1889, newspapers still reported hunting parties bringing home game from “Beaver Lake,” but by that year the lake was almost certainly gone. Hunters may have found waterfowl on marshy areas that dotted the southern part of the township, but these small reminders of a once large body of water would themselves disappear in a few years, as new techniques for draining, and better methods of financing it, became prevalent.

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78 Lemuel Milk, “The Petition of Lemuel Milk, Jane A. Milk and Henry H. Cooley to the General Assembly of the State of Indiana, in Reference to Quieting Title to Beaver Lake Land,” Indiana State Library.

79 106 Ind. 433 7 N.E. 379 State v. Portsmouth Sav Bank, in John W. Kern, Reports of Cases Argued and Determined in the Supreme Court of Judicature of the State of Indiana (Indianapolis, Ind., 1886).

80 State attorneys general may have wanted to distance themselves from this case, perhaps because of Milk’s influence. J. B. Julian reports that some legislators believed that the attorney general took no interest in the case. Julian claimed this was a canard intended to mislead legislators about the true nature of the case. “The Beaver Lake Lands: Supplementary Reasons Why Senate Bill No. 2 and House Bill No. 64 For the Relief of Claimants Should Not Pass,” 1889, Indiana State Library.

81 F. A. Battey, Counties of Warren, Benton, Jasper and Newton, Indiana (Chicago, 1883), 609.

82 “City Life,” Indianapolis Sun, March 29, 1889.

Michael Bright had used a specious title to claim all of Beaver Lake in order to profit from selling land he never paid for. The state of Indiana enabled his scheme by legitimizing his claim and used public money to begin the process of draining the lake. Bright and the state sold the lake to Lemuel Milk and Algy Dean, who owned most of its land for twenty years, and oversaw the lake’s destruction. Michael Bright died in 1881. Milk began selling his Beaver Lake lands in 1890, but died shortly after, in 1893. With their deaths, and with the final settlement of title in 1889, Beaver Lake, as a commodity, an issue, and a potent source of drama that held public, legal, and legislative attention in Indiana for over thirty years, was put to rest.

When Congressman Townsend warned in 1872 that land speculation endangered America’s most beautiful lakes, he spoke for a growing number of Americans who saw a threat to lands whose value they believed transcended the pecuniary. Congress created Yellowstone National Park that same year, but Indiana was slow to follow suit. More than forty years later, in 1916, the state created its first state park. Richard Lieber, who founded Indiana’s park system, wrote that “the chief purpose of State Parks is to refresh and strengthen and renew tired people, and fit them for the common round of daily life.” Charles Test, writing about the Beaver Lake where he had camped in 1857, likely would have agreed. “Long before sunrise,” Test wrote, recounting his experience of that trip,

I left the camp to bathe my face and hands in the waters of the lake. The scene was changed with the dawn of another day. The rising mist just touched the tranquil lake, and the refreshing morning air gave new vigor to the human frame. Not a leaf stirred. Not a sound came from the forest or lake. It seemed indeed that the very spirit of tranquility had spread her downy wings over all and hushed the unearthly sounds of the previous night. The fishes again leaped from the surface of the water. What a change. So quick and so bright. Surely the magician’s hand was invisibly shifting the scene. The great orb of day lifted his disk above the hills and poured his

glory into the darkness across the lake and into the forest beyond. 
The sublime expression of the sacred historian describing the begin-
ning of the world rushed across my memory: “And the evening and 
the morning were the first day.”

Beaver Lake never had the chance to become a state park. Today, 
about half of the old lakebed is owned by the Nature Conservancy and is 
being restored as prairie. Efforts to “improve” Beaver Lake by draining it 
and transforming it into cropland were, at best, only marginally successful. 
Farmers who purchased land often found themselves deeding it back to 
the original owner because the soil was too poor for profitable cultivation. 
In 1964, a farm manager for a Chicago bank visiting the area found that 
though some of the land was quite capable of growing corn and soybeans, 
“much of the land was very poor, [with] sandy soils and poorly drained. It

88 The Efroymson Restoration at Kankakee Sands comprises 8,400 acres of prairie and wetlands. 
See https://www.nature.org/en-us/get-involved/how-to-help/places-we-protect/kankakee-sands/.

A view across the prairie and wetlands where Beaver Lake once stood. More than 8,000 acres 
are now part of a Nature Conservancy restoration of the Kankakee Sands, stretching from 
Indiana west into Illinois. 
Courtesy, photographer Chris Light.
Beaver Lake was only good for pasture or 'to help hold the rest of the world together.' As it exists today, Beaver Lake Ditch is about 10 ½ miles long and runs with water most of the year; it continues to drain the basin of Beaver Lake.

Geographies of the built environment and the histories of those places rarely take into account the biological entities that are extinguished in the name of human habitation. Every history of place takes for granted an absence—an obliteration, really—of a terrain, a natural area, an ecology that was itself a habitation. What is destroyed is seldom memorialized, even more rarely mourned. Standing on ground that once formed the shores of Beaver Lake, one surveys half-formed prairie, a few cultivated fields, strips of woodland, and a distant highway. There is no visible clue as far as the eye can see that a lake once existed there. Beaver Lake survives now only as a kind of symbolic presence, which must serve for this historical moment: in 2018, residents began to protest against a Texas dairy company that wanted to build a confined animal feeding operation (CAFO) on the lakebed. Signs sprouted up all over that part of the county which said “No CAFO on Beaver Lake.” Something of the spirit of the old lake remains, and still calls out for protection.

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89 Al Cummin, “First Recorded Deed Transfer of Beaver Lake Lands,” The Newcomer 13, no. 1 (Winter 2008).