

New Introduction.

THE CREATION OF WYOMING COUNTY

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F. W. Beers and Co., the creator of this book, was a successful publisher in the late 1800s and early 1900s. Fredrick W. Beers came from a family of cartographers and publishers. They produced atlases and local histories for counties in several different states, one of them being New York. Most of these county atlases and histories were published by subscription. A spokesman for the company would come to a county and stay several weeks to sell the idea, collect information, and bring surveyors (if necessary), whereby citizens would subscribe to the publication of the book or atlas. County histories were a good seller, as it gave the towns an opportunity to highlight their accomplishments as well as their prominent citizens. The well-to-do were of course enticed to subscribe, and if they paid a bit extra, they could have a short family biography at the end of their town's chapter or have a lithograph included of their homestead.

Wyoming County was no different than any other county in the state. It took pride in its history and eagerly provided the information to the F. W. Beers spokesman. When enough facts and subscriptions were collected, the book would go to press. Their representative would return, often the following summer, with books in tow, collect any funds yet due, and deliver the publication. Because information was gathered directly from the towns, schools, churches, and citizens of the period in which they were published, these books prove to be an invaluable reference still today. Its reprinting will be a benefit to researchers. Aside from originals in collections or from booksellers, there are no hard copies readily available for the public to purchase.

There was one thing in our history book, however, that was not easily verified at the time F. W. Beers set out to compile the work: how our county got its name. I am often asked, "Who named this county?" or "Why did they decide to call it Wyoming?" or some question to that effect. I have heard a lot of conjecture over the years. Some say it was the idea of one of our first county judges, Hon. John B. Skinner from Middlebury. It was also his idea, it is said, to name the village where he lived in Middlebury, Wyoming Village. But the village was named years before our county split from Genesee—almost fifty years earlier, in fact. I found no personal papers, diaries, or government documents that directly discuss any occasion or meeting spelling out the details. Which

leads to another often-asked question, “Whose idea was it to split off?” Only the basic wording that names our towns and on what date they were formed have been found in the state legislative acts; but there are no details as to the how, why, or who’s idea it was to split from Genesee County.

The answers were found in newspapers from 1841 that laid out in detail the whole affair. It wasn’t as cut and dry as first thought. Quite a bit of debate went into it and not everyone was happy about any sort of change. The people who were to remain part of Genesee County were at odds with the idea. In the discussion of the split came the debate, that if the counties were to separate, where would both county seats lie? It was quite a controversy, and fortunately, a heated political topic made for good news. The colorful nitty-gritty accounts in the local newspaper offered much more meat than the wording of the legislative acts.

At a meeting held on January 8, 1841, a resolution was adopted, which, in part, read:

Whereas, strong and repeated exertions have for a long time been made, by the Southern part of the County of Genesee, to obtain a more central location of the Public Buildings of said county; And whereas, the Commissioners appointed by the last Legislature for the purpose of fixing a site for the new county buildings, in their action, have wholly overlooked or disregarded the wishes and interests of a large portion of said county, in continuing the site at Batavia, and thus dispelled the cherished hope that the vexed question of the division of “Old Genesee” would be put forever at rest, by a central location; And whereas also the southern half of said county contains an equal population with the northern part, and quite sufficient to form a respectable county of itself. ¹

The resolution further noted that the location of Batavia as the county seat disregarded the convenience and interest of the southern towns. If they could not decide on a central location, then the county of Genesee should be split in half. The southern towns of what would become the new county were concerned over the possibility of other towns from Cattaraugus or Allegany counties being tossed into the mix, which was part of the option to the split. The decision was about far more than a division of land. How would a split affect the current leaders come election time? If the new county was combined with outside towns, would the concerns of those towns overshadow the needs of the former Genesee people in this newly created county? Adding towns from other counties to the newly created county could change senate and assembly districts and political party control. The committee that devised the resolution was leaning toward a more central county seat, as opposed to an outright split, unless it was the only answer to satisfy the citizens—primarily the voters.

Even daily living had to be a concern. In 1802, when Genesee County was formed, it was almost all of western New York. The population was sparse, with people living closer to Batavia, but this was not the case in the county as

1 *Perry Democrat*, January 28, 1841

it existed in 1841. Communities had spread southward after the War of 1812. Batavia was too close to the northern border and quite a distance to travel if you lived in the county's southern towns. Round trip would be an all-day affair or possibly require an overnight stay. Two working days or more away from farm or business just to record a deed was not practical. Imagine the inconvenience to serve on jury duty for a complicated trial?

A case could certainly be made for either point of view: move the county seat or split the county. Regardless of which camp one was in, the population was growing, and an answer was needed. The committee resolved to meet again in the town of Orangeville, and they would forward the decision to the assemblymen representing the county of Genesee.

Perry Democrat, February 4, 1841

Division of the County.—We have been informed, on the authority of a letter from a member of the House of Assembly, that it is the impression in the House, that Genesee will be divided in the centre. If this should turn out to be correct, the next scramble will be for the new county seat. So, good people, turn this subject over in your minds in season, it is worth a thought. Warsaw? Orangeville? Wethersfield? or where?

This same newspaper article included a letter that came to the committee from David Scott (Genesee assemblyman, Whig Party) of Albany, dated March 17, explaining the different aspect of the bill that was presented. One option was to combine the towns of Bennington, Attica, Middlebury, Covington, Sheldon, Warsaw, Orangeville, Perry, Java, Wethersfield, Gainesville, Castile, and China to form the county of Marshall, with the county seat to be determined later.² Scott felt a provision should be included to submit to the voters at a special election as to whether they prefer a central location for the existing county or a central split through the middle. He was of the mind, as he had made clear, that he was opposed to any split. However, it was clear to him that to relocate the county buildings was not feasible, nor was having men who resided further away to relocate to Batavia if they held office. It was quite a jumbled mess really.

For whatever reason, the bill contained only the choice to leave it whole or split and add other towns. Scott pointed out in his letter that there didn't seem to be the option to just split Genesee. He pointed out, "No application for a division of Genesee alone has been presented but for the central division, any division connected with other counties is reported by the Attorney-General as unconstitutional. Therefore, any division of the Senatorial Districts must be made at the time of their formation or not at all." Another thing to consider

2 Five years later, towns from other counties would be added to Wyoming. Pike was formed from part of Nunda (then in Allegany County, now Livingston) in 1818; Eagle was taken from Pike in 1823 and a part of Pike (and Portage in Livingston County) to Genesee Falls in 1846 when they were added to Wyoming County. China would be renamed Arcade in 1866.

was that Genesee had already begun plans for the construction of their new courthouse made of limestone.³ Despite David Scott's personal opinions, he felt it was up to the will of the people to decide whether to form a new county and asked the local postmasters to collect the opinions of the neighborhoods and forward them to him at once.

In the March 23rd issue of the *Perry Democrat*, it was reported that it was their view that the county of Genesee should indeed be split. To leave it whole and centralize the county seat was not going to happen, in their opinion: "It is idle to think of getting the county seat away from Batavia, and the people of the South and West will scarcely consent to continue under existing inconveniences."

Ultimately there were two choices, and neither involved leaving the county whole. The only two options in the bill were to (1) split and put the new county seat of Marshall at either Orangeville or Warsaw or (2) leave the county of Genesee whole but move the county seat to Alexander, Bethany, Middlebury, or Attica. In essence, it forced the decision to split. If the county seat of Genesee was to remain at Batavia, there was no other choice. The naming of the new county would go through several changes, beginning with Marshall before it ended up with Wyoming.

They had already prepared if the bill before the assembly passed for the division. The board of supervisors for the county of Genesee would meet at the courthouse in Batavia on the second Tuesday in June and form two separate boards. Felix Tracy of Livingston, David Hurd of Niagara, and Squire S. Case of Erie were chosen to be the commissioners to decide where the buildings of the new county of Marshall would be located. Funds were already set aside by the comptroller for the construction. They were to meet on the first Tuesday of July at the inn at Orangeville Center.⁴

Perry Democrat, April 22, 1841

Mr. Brownson gave notice of a bill several days ago to provide for the division of Genesee county, and to create the new county of Tonawanda from the southern portion. The bill has not yet been acted on. So many schemes have been proposed for settling this vexed question, and subsequently abandoned, that we shall put faith in none of the present current reports until we see decisive action by the legislature. It is now very generally believed, on the authority of letters from Albany, that the county will be divided in the centre before the close of the present session.

The "Genesee County Bill" came before the assembly on April 27, 1841. The split was heavily debated, with various provisions struck or amended. In the end there were sixty-six ayes and seventeen nays for the split. The bill was then completed with amendments.

3 This courthouse still stands on Main Street in Batavia and is part of the Genesee County Courthouse Historic District.

4 *Perry Democrat*, April 1, 1841.

Now the equally debated name for the new county had to be settled. Marshall had originally been chosen in honor of United States Supreme Court Justice Hon. John Marshall, the respected and well-known constitutional lawyer and historian. Seth C. Hawley of Erie County moved to have the name changed from Marshall to Wyoming. Isaac Stoddard, Genesee County, said Wyoming was originally his choice too but his constituents, who would be in the new county, did not approve. They felt there may be confusion due to its association with Pennsylvania. If not Wyoming then Harrison, after William H. Harrison who was just elected president in 1840. L. Hubbel put it to his colleagues whether it would really be an honor to name a little county after them.⁵ William McMurray of New York County liked the name Wyoming. If it were up to him, he would strike from the map such exotic names as Rome and Geneva and substitute them with noble Indian names, as they were “once undisputed lords of the new world, who were now fast fading from the face of the earth, to perpetuate, as far as possible those old Indian names.” Another said if not Wyoming then “Scott of military glory,” meaning General Winfield Scott who was said to be a brilliant strategist during the War of 1812. David C. Scott agreed with the choice of Wyoming. He was also on the Committee on Indian Affairs and would be one of the residents of the new county. He felt it was a pleasant name to speak and easy to write. Besides, there was already a village there with the name and, all things considered, it would be the best choice.⁶

Perry Democrat, May 13, 1841

Division of the County *The Attica Democrat*, of Thursday last, thus discourseth on this subject:

“A bill has passed the Assembly for a central division of this county. The new county is to be called Wyoming. The bill is in direct opposition to the wishes of nine tenths of the citizens of the country.”

Well, neighbors, we have long since told you, that you would play with that fire-brand till you burned your fingers. We hope you begin to appreciate our fatherly advice, so often tendered you gratis! You, you Attica folks we mean, have made as much noise about ‘central location’ as anybody we have heard on the subject, in the vain hope of getting a location in your village; and see what you have got for your pains. You ought to have known that there was as much chance of screwing alms from a miser, as of removing the buildings from the Batavians, and that continued agitation could only result in division, much to your disadvantage.

With the bill passing the assembly, it moved to the Senate on May 13, where it passed. *An Act to Divide the County of Genesee and Erect the County of Wyoming* became a reality on May 19, 1841. As with this entire process, the

⁵ I found no L. Hubbel serving in the assembly in 1841. There was, however, an Assemblyman William S. Hubbell of Steuben County.

⁶ *Perry Democrat*, May 6, 1841.

county seat was another point of contention. Orangeville and Wethersfield were options, and the *Perry Democrat*, of course, was all for Perry pointing out its trade and manufacturing establishments, its closeness to the Genesee Valley canal, and access to Silver Lake as well as its agricultural success. As expected, Warsaw already claimed it and so the seat was established.⁷

Although it was most likely Middlebury's judge John B. Skinner who named the village of Wyoming, we now know it was Seth C. Hawley of Erie County who moved to amend the bill to substitute Wyoming for Marshall as the name of the new county. Assemblyman David C. Scott was right: it is a pleasant name to speak.⁸

7 *Perry Democrat*, May 27, 1841.

8 For more information on Wyoming County history, the office of the Wyoming County historian has been printing a quarterly periodical called *Historical Wyoming* since 1947. It is available by subscription and in over a dozen stores throughout Wyoming County.