

CH 3031

The Lawsuit of 1853

An Early Test for the Members of Saint Jacob
Evangelical Lutheran Church

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“What changes, challenges, and test the Church of Christ survives! How rich the record left to us of dedicated lives!”¹ This hymn of praise accurately depicts a proper attitude toward history of the Christian church. Many Christians have faithfully witnessed to the truth that Christ was crucified for the sins of the world. They have witnessed about Christ in their words to associates and opponents, in their actions in the face of the challenges, and in their attitudes under the cross of persecution. Satan tempts the church today to think that it suffers every torment imaginable, while the church of earlier years smoothly sailed without any trouble at all. However, if Saint Jacob members study the history of their church, they will find the struggles arose periodically throughout its history, especially in the founding years.

Saint Jacob Evangelical Lutheran Church in Grass Lake, Michigan, has a history of many challenges. The members struggled with the popular presence of the lodges and secret societies at the turn of the ^{20th} 19th century. The German Lutherans faced the persecution against Germans during the World Wars, but God protected Saint Jacob. Today members face old and new challenges in the area, but God still blesses them. God has blessed Saint Jacob with a renovated sanctuary. Out of thanks for everything, which God has done, the members give God glory in this church. This church building has a unique history of its own. The start of the current church was a result from a troubling, turbulent, and relatively unknown² time in the history of Saint Jacob. The lawsuit of 1853 troubled the original

¹ Fred Pratt Green, “Now Let Us All in Hymns of Praise,” in *Christian Worship: Supplement*, ed. Kermit Moldenhauer (Milwaukee: Northwestern Publishing House, 2008), 777.

² The most recent congregational history book did not include any information on the lawsuit.

members of the congregation, but by the grace of God they came out this situation headed in a more confessional direction.

A dispute between Lutherans and the Evangelical³ Germans lead to the lawsuit of 1853 filed in the circuit court of Jackson, Michigan. Many could easily blame the Lutheran founders for creating their own trouble, because they had fellowship with the Evangelicals. Before people condemn these men, they should take a look at the history and attitudes of the time. When a person studies the history of the founders' trip over to America, then he or she can understand the reasons for the lawsuit, and the mindset of the early settlers as they began their lives in America.

The common challenges, which the Lutherans and the Evangelicals faced, created a ripe atmosphere for fellowship between the two. Before Saint Jacob officially became a congregation, they faced a handful of challenges. The founders had good reasons to relocate to America, and they journeyed to America at great personal and spiritual cost.

Religious freedom was the reason that the Lantis (Landis) family moved to America. The Lantis family faced persecution in Switzerland, because of their Mennonite beliefs. After they moved to Mannheim, Germany, Benjamin Lantis, a Mennonite pastor, took the lead and sailed over to America with his family in 1717, where they settled in Lancaster County, Pennsylvania. Over the years the Landis

³ While many Lutheran pastors would not mind being called "evangelical," this word will be used to describe the non-Lutheran side in the dispute that boiled over in 1853. I chose "Evangelical" as an all-encompassing word for the Mennonite, Reformed, Methodist, and other Protestant groups, which were prevalent among the German settlers of East Portage.

family grew; some members moved to New York, Ohio, other counties in Pennsylvania, and Michigan. Martin, Jr. moved to East Portage, Michigan,⁴ where his family would be one of the founding members of Saint Jacob.⁵

By the grace of God, the Lord caused Martin, Jr., a descendant of a Mennonite minister, to assist in establishing Saint Jacob. As the early church records show, Martin Lantis, Jr. and others could write and speak English. Some of the records before 1853 are in English. Because his family had lived in America for over a century; Martin could most likely speak both English and German. The church records show that Lantis became a leader at Saint Jacob.⁶ Because he knew both English and German, Martin would be an asset to the German immigrants, who did not know English. Martin Lantis, Jr. was a blessing to the early German settlers in Waterloo, but his Mennonite roots would impact the conflict in 1853.

A majority of the families that traveled to Waterloo did not share the story of the Lantis family. Most of the original families came from Württemberg, Germany. Unlike the Lantis family, many of these families did not face persecution. People crowded the cities, jobs became sparse because of the European industrial revolution, and Germany was beginning to impress men into the military service.⁷ America had wide-open land and many opportunities to offer. If a husband could not

⁴ This is present-day Waterloo, MI. It was originally called East Portage, but by 1842 Waterloo and East Portage were used interchangeably.

⁵ "Histories of the Families of Waterloo: Lantis," 1.

⁶ Martin Lantis, Jr., "East Portage German Evangelical Society," January 26, 1841, 1.

⁷ Richard A. Strachan, ed., "German Immigration," March 2000, http://www.mnsu.edu/emuseum/history/mnstatehistory/german_migration.html.

find a job in their homeland, he would have a good chance finding new opportunities in America.⁸ Because of financial and political struggles in Europe, families moved to the new land, regardless of the lack of religion in the new land. An immigrant wrote to his family, “Many people in Germany had said, ‘When you go to America, you will take up another faith.’”⁹ While they were glad they could worship like they did in Germany, immigrants were willing to sacrifice that for an opportunity at a new life. If this attitude was prevalent among German Lutherans coming over, this could explain why Lutherans were accommodating to the Evangelical Germans.

The Lutherans and the Evangelicals shared more than just common ancestry; they encountered similar challenges when they came over to America. Among the challenges that the original members faced, the trip over to America was among the greatest challenges. A person had no guarantee of survival, especially if the wind was not favorable. An anonymous immigrant wrote about his travels.

The good wind lasted only three days. It changed very quickly, and soon we had the wrong sort of breeze...Some children were baptized on the ship. One child only a half year of age died. When an adult died, the body was buried at sea. There were large storms. The boxes were not tied down and nothing held still, so you can imagine that people called out to Jesus Christ...When you are on the high sea, the water is as clear as the water of a village fountain, but very bitter...At 10:00 on the morning of June 15 we saw far-distant land, namely, the sight of America. There was great jubilation and joy. But all at once great, heavy fog set in and covered the ship so that we were unable to see any more....We sailed back and forth and every day the depth of the ocean was frequently measured because of the many sand bars there near the shore.¹⁰

⁸ “East Portage Letters: English Translation,” 1842, 4.

⁹ Ibid, 5.

¹⁰ Ibid, 1.

Once in America, the challenges increased. Immigrants would have to wait for their possessions to be cleaned, because of diseases and other critters that may have climbed on board. Then, they would begin their journey to East Portage, MI. After they moved up to Buffalo, they would travel through Detroit and Ann Arbor. Finally the Germans reached their destination in East Portage, MI. The trip from New York to Michigan took about two weeks by boat and ferry and cost about eight dollars per person.¹¹ Once these German settlers arrived at Waterloo, another hurdle would surprise them.

They [the companies that sold the land to the settlers] caused people to believe that all they had to do was put a plow in the ground and they would be in business. They failed to mention the fact for the first year you would have to live off whatever you could bring with you because [sic] it would take you that long to get a house and barn up and a little land “cleared.”¹²

In 1836, a host of German families, the Arzt, Lantis, Harr, Schneckenberger, Croman and Reithmiller families, settled in East Portage. When they arrived the land had not been touched, so they shaped the land for farming. They drained some of the wetlands that scattered the landscape. Afterwards these farmers would fell the trees and plant around the stumps. During winter and early spring they would remove the stumps with oxen. These families also had to live off^F the land, as they would use some of the marsh vegetation as fodder for their animals. ¹³ Even after the^Y cleared the land, they still faced common challenges. In 1843, the winter caused

¹¹ Ibid, 2. Eight dollars is equivalent to 200 dollars in 2010 according to the Consumer Price Index.

¹² Paul Huebner, ed., *Saint Jacob Evangelical Lutheran Church*, (Ann Arbor, MI: Tom Urquhart, 2001), 29.

¹³ Ibid, 29.

trouble to the settlers; the cattle and deer froze to death.¹⁴ All the German settlers had to band together to help each other, as they lived off the land and faced the challenges of the new world.

While traveling across the Atlantic and clearing the land were among the greatest challenges these Germans surmounted together, the German immigrants faced many subtle problems. Many of the Germans would remain in contact with their family back in the homeland, and the news from the homeland was often disheartening. According to letters written to one of the East Portage families, drought struck an area of Germany; food and grain were expensive. As the years progressed, cost of living began to sky rocket in Germany. The most crushing letters received came during 1848. "The most respected banking houses in Germany failed...All at once proclamations, revolt and unrest, broke out all over Germany."¹⁵ If each family heard such crushing news, a person could understand how the German immigrants would comfort each other. The Evangelicals and Lutherans probably grew closer together as they faced these subtle problems. They may share stories of their loved ones' troubles, and they might rely on each other to cheer themselves up when they had problems. The German immigrants indeed had shared experiences as they came to America and as they lived in America, but

¹⁴ Martin Hannewald, "Historical Talk about Saint Jacob," Saint Jacob Evangelical Lutheran Church, Grass Lake, MI.

¹⁵ Johannes Baumann, et al, "Collection of letters to George Moeckel," 1843-48.

others factors caused the Lutherans and the Evangelicals to become more intertwined during the early years in America.

The German immigrants in East Portage faced isolation and separation from German immigrants in other cities. The land naturally separated the East Portage Germans from the remaining Germans in the region. The travel in the area was difficult. The land has some hills and, even today, has some dense forests and wetlands that can make travel through the area difficult. When the settlers arrived, roads for horses and carriages had not been built; the only means of transportation were old Indian paths.¹⁶ Many of the settlers who came over soon found out that they had to clear the land and drain the swamps to build roads for horse and carriage travel. The distance that was between the German settlers of East Portage and other cities¹⁷ and the lack of quality roads created the perfect combination for isolation.

An isolated community often melds together, regardless of the beliefs. A person could imagine the following scenario. The Evangelicals would have no problem worshipping with the Lutherans, and the Lutherans probably had no problem with the Evangelicals worshipping with them, because the Evangelicals would not disrupt the service. Maybe the Lutherans thought that some of the Evangelicals might convert to Lutheranism. This situation was not unrealistic in the early years of America. This scenario happened in other places around America.

¹⁶ Huebner, 29.

¹⁷ Jacksonburgh (Jackson) was 20 miles away. Ann Arbor was 25 miles away. While they may travel to either place for mail and other goods, these trips were rare, because of the distance, and roads.

The conditions in East Portage were more than favorable for the blending of Lutheran and Evangelicals.

This separation and isolation were not the only reasons that the Evangelicals decided to worship with the German Lutherans. The language differences also added more fuel to this fire. Many of the churches in the area were in the city of Jacksonburgh (Jackson), about 20 miles southwest of Waterloo. In Jacksonburgh, Rev. Pilcher and Rev. Colclazier had established the Methodist Episcopal Church. A Presbyterian church, the Congregational Church, was also in Jacksonburgh.¹⁸ These churches worshipped in English. While some of the German settlers could speak English, they preferred to worship in a language they knew best. When German preacher held worship services in German, the German Evangelicals would be naturally inclined to worship with the Lutherans.

These cultural situations -- the common experiences, isolation, and German language -- by themselves would not have created the joint fellowship between the Evangelicals and the Lutherans, if a leader had not allowed this to happen. Pastor Friedrich Schmid was an indefatigable missionary, who had a loving heart for all people, but he was a "new Lutheran;" he was willing to serve both Reformed¹⁹ and Lutherans in the new world. Schmid did not hold to a strong confessional stance. Schmid showed this attitude in his letter in 1851.

¹⁸ Donald L. Katz, ed., *The Settling of Waterloo, Michigan*, (Ann Arbor, MI: Malloy Lithographing, 1977), 110.

¹⁹ Schmid seems to use this term to describe any non-Lutheran Protestant group. Therefore, Schmid may have also served many Evangelicals.

I...would like to remain faithful to the true teachings of our forefathers and to the beliefs of our Evangelical Church....For nearly eighteen years I have served numerous congregations here with the Holy Word and Sacrament, in which there are Lutheran and Reformed from the homeland, yet I have never had to experience the slightest criticism on the part of the Reformed because of teachings or creed. As far as church practices are concerned, I maintain everything according to the Wuerttemberg Church...As far as the rigid Old-Lutherans are concerned...I respect their sound teaching, but the people are mostly lacking in living faith, and for that reason there is so little love and much harshness toward others.²⁰

Nevertheless, the Lord still blessed the work of Schmid in East Portage.

Somehow Schmid discovered the German settlers.²¹ Soon Schmid was preaching in East Portage the same year these settlers arrived.²² Schmid's preaching had great renown among the German settlers in Michigan. "We like his preaching very much...For when church gets out, our souls are not troubled anymore...and we thought about the sermon. We were all deeply touched in our hearts."²³

This preaching had an effect on the German settlers. Soon they would build a place of worship, where the Lutheran and the Evangelicals worshipped together. This church was located in Trist, three miles south of Waterloo. Martin Hannewald recalls that the first services were held in this temporary location.²⁴ However, the settlers were not happy with just a temporary location. They built a permanent church at the corner of Trist and Moeckel roads. In his history of Waterloo, Katz

²⁰ Friedrich Schmid, *The Schmid Letters*, Emerson Hutzell, ed., (St. Louis: Emerson Hutzell, 1953), 77.

²¹ When the German immigrants traveled through Ann Arbor, they probably told other Germans, where they were going. However, this is just a theory with absolutely no proof.

²² Hannewald.

²³ "East Portage Letters: English Translation," 3.

²⁴ Hannewald.

wrote this. "The German Lutheran church, three miles southwest of Waterloo, was built in 1840, in which Elder Fried. Schmidt, from Ann Arbor, preached his first sermon."²⁵ While the church was not officially founded in 1841, the German settlers still worshipped their Lord before an official organization began.

Shortly after they built the church building at Trist and Moeckel, the Germans founded their congregation, "The East Portage Evangelical Society of Saint Jacob."²⁶ The Lutherans and Evangelicals had become so interchangeable, that the word "Lutheran" does not appear in the original founding document. However, the Lutherans would make sure the official church constitution had "Lutheran."²⁷

Schmid was the pastor during the fledgling years of Saint Jacob as he served both Evangelical and Lutheran. While he was asked to serve the Germans in East Portage, Schmid probably had aspirations for this church to be a lead congregation in outreach to the Native Americans. Some of the members had some interactions with Native Americans in the area.²⁸ Schmid also sought ways to reach out ^{to} the Native Americans. Schmid wrote, "We organized a Mission Society and took in a number of young men who will prepare themselves to carry the Flag of the Cross of

²⁵ Katz, 111.

²⁶ Lantis, 1.

²⁷ Huebner, 29 (see footnote).

²⁸ Hannewald. In 1837, eight Indians came to John Archebronn's house and smoked tobacco in his house with a pipe. They each took a puff, left the house, and did not come back.

Christ to the poor Indians.”²⁹ While Schmid’s outreach to the Native Americans did not exacerbate the problem in East Portage, a person could still wonder if he should have paid more attention to the problems in East Portage. Even if Schmid had paid more attention, the problem was already present. Schmid just fostered an environment that blended Evangelical and Lutherans. The problems with joint fellowship ultimately lay with the non pastoral leadership of the congregation from the beginning.

The leadership of the congregation added problems to the Evangelical problem at Saint. Jacob. Martin Lantis and Casper Arzt were appointed as deacons and John Martin Sattler was appointed as the elder.³⁰ Not much is known about Arzt or Sattler, but Lantis had a Mennonite background. Lantis would also be one of the leaders of the German Evangelicals church after the split. Either the congregation did not know that Lantis had Evangelical leanings or they were indifferent. Lantis may have been chosen for his English ability. His election showed the attitude that Lutherans and Evangelicals were interchangeable in the minds of many Germans. This attitude would be brought to light in the coming events of 1852 and 1853.

All the elements were in place for chaos in 1852 and 1853. The Evangelicals and Lutherans were closely intertwined. Schmid was not concerned about this. The congregational leadership did not seem to be concerned about this. This situation

²⁹ Schmid, 69.

³⁰ Lantis, 1.

may have continued on for a longer time, if the church had not outgrown the location at Trist and Moeckel.

In 1852, the great debate began about the future of Saint Jacob. One group suggested repairing the Trist and Moeckel location. John Riethmiller and Jacob Harr donated some land to build a new church and a new place for a cemetery. Today many people would have no problem building a new church, but the church played a more important role in the 1850s.

In the early years in America, churches acted not just as worship centers, but social centers for the members. Saint Jacob did not differ from the typical pattern of a German church. The church did act as a worship center, as Schmid preached sermons there every three to four weeks, but the church would also act as a town hall. Because the church acted as a social center, the leadership probably allowed most people into church membership. The church members would also be slow to move away from the current church building.

Despite the church acting as a social center, many members of Saint Jacob still wanted to build a new church on a new property, although the old cemetery was near the church at Trist and Moeckel. While the vote was not easy, they decided to build on a piece of property that Jacob Harr donated.

The majority voted to build a new church...four votes were for repairing the old church, seventeen against repairing; three for building on the ground, sixteen votes against the old ground; fifteen for a new site on Jacob Harr's Land [sic], and two were for John Riethmiller's land.³¹ (John Riethmiller did not even vote for this.)

³¹ John Riethmiller, "History of the Church as Taken from the Records, March 1, 1852.

On March 1, 1852 the members decided to build a new church on Jacob Harr's land. This decision led to uncertain trouble in the congregation. At this point, the details are hard to figure out what happened in the congregation. The English records are silent about what happened after this vote.

The only other record that occurs is a settlement in a lawsuit settlement filed on January 25, 1853.³² From this document, some conclusions can be drawn. After the congregation decided to move, a division occurred in the church between the Evangelicals and the Lutherans. Most of the church leaders, Arzt, Archenbronn, and Riethmiller, sided with the Lutherans. Martin Lantis, Jr. and John Lantis sided with the Evangelicals.

A reason for the split could be hurt feelings over moving to a new church property, but religious views most certainly played a role in this new division. Some Methodist missionaries were working hard in the area.³³ The Lantis' background would have made them susceptible to these missionaries. They may have been tired of worshipping the Lutheran way and preferred to worship in a way more palatable to their background. Religious differences seemed to have ^{had} a huge impact on the Lantis family; therefore they decided to break off from Saint Jacob.

While the church started their building project, the congregation still had a claim on the church at Trist and Moeckel. During that time, Martin Lantis took a

³² A transcript of this document is in the appendix.

³³ Katz, 148.

claim on the land that Jacob Harr donated.³⁴ Because he was a part of Saint Jacob still, he probably thought he was entitled to this land. Lantis and company may have wanted to use that property to build a new Methodist church. In reaction to this, the members of Saint Jacob denied the Lantis group the rights to Harr's land and also to the original church at Trist and Moeckel.³⁵ The Lutherans may have not wanted to use that property after they finished building, but neither did they want the Evangelicals to use it either. They would just hold on to the property, so that the Evangelicals could not use it.

Late in 1852, Martin Lantis, John Lantis, and Hermann Sauberlich filed a lawsuit for rights to the property against the remaining members of Saint Jacob. The members of Saint Jacob settled with the Methodist and Evangelical deserters. According to the settlement, the lawsuit that had been filed was to be discontinued. The Methodist group would get the deed to the property on Trist and Moeckel, except that "each party shall keep and retain for their respective societies such as articles of church furniture as they now have in their possession."³⁶ Saint Jacob received forty dollars for the interest on the property. The cemetery at each place was open to the members of the other congregation to visit or ornament the grave of a person who had been buried there. In 1853, Saint Jacob moved to its current location, where it is today. The Evangelicals remained at the Trist location, where they became the German Methodist church. The Methodists held worship services

³⁴ The sixth point shows that Lantis made this move.

³⁵ The first point shows that the Lutherans would not let go of the property at Trist and Moeckel.

³⁶ Jackson County Circuit Court, *In Chancery Suit of January 25, 1853*, 1.

were held until 1909.³⁷ Only the cemetery remains in that location. Although the settlement closed a tough chapter in the history of Saint Jacob, the effects would echo into the future.

While this was a sad moment, this was a huge step in the right direction for Saint Jacob. Numerically, this did not help them out. At one point, they had an attendance of 132 for communion. By the 1880s, the numbers were down into the 60s. Paul Huebner theorized why the decline of members happened. "There may have been people who weren't [sic] all that happy with St. Jacob's conservative brand of Lutheranism, and when a denomination opened up shop, they left."³⁸

To the world and people around them, it appeared as if Saint Jacob failed the test. They did not. They moved closer to confessional Lutheranism and would eventually become a part of a more confessional Michigan Synod. While they lost members, the German Lutherans formed a closer religious union with each other. Saint Jacob spiritually grew in the aftermath of the lawsuit.

At their new location, Saint Jacob prospered. The larger land allowed them to build a schoolhouse. There these Lutherans taught their children their biblical and confessional way of life. Eventually, they called Pastor Spring from Marshall, MI. The members yearned for services more than once a month.

While the land was a blessing for them, it also had its drawbacks. The current property is secluded from the local towns and it could be hard to find for some new comers. Pastor Koch, who served Saint Jacob from 1926 to 1934, struggled

³⁷ Katz, 173.

³⁸ Huebner, 30.

to find the church when he first came to Waterloo.³⁹ Even Pastor Schwertfeger described the location as a challenge today.⁴⁰ Many people would not like to travel that distance to go to church. Still Pastor Schwertfeger also noted that the members, who travel that long distances, consider the time around God's Word rewarding. While the location may not be the best, the members in the 1850s found ways to use it as a blessing from God, just as the members still do today.

Many might wonder, "Could this ugly situation have been avoided? Could the members of Saint Jacob have handled the situation differently?" Pastors today would be more careful to instruct Evangelical members before accepting them into membership. However, in the 1840s, this church was the only connection to the Water of Life in this area. They could not have gone elsewhere, nor would Lutherans think of sending them away. The Lutherans could not in good conscience send the Evangelicals and other Germans away.

If the Lutherans could not send the Evangelicals away, people would think that they could have at least instructed their fellow Germans better. I would hesitate to jump to this conclusion. If the Lutherans did not have firm understanding on church fellowship and the differences between the different types of Christian groups, how could we expect them to teach that to the Evangelicals back in their day? These Germans who came over probably had a basic understanding of Scripture, but this point should not serve to excuse the Lutherans from making Evangelicals members or leaders. Congregations should take time to

³⁹ Ibid, 50.

⁴⁰ Scott Schwertfeger, Interview, November 21, 2010.

learn who the potential leaders will be, and they should carefully decide who their leaders will be. Because non pastoral leadership can have an impact on a congregation's religious stance, the election of officers should be considered just as carefully as a pastor.

From the mixture of the Lutheran and the Evangelicals, a congregation can learn that Christian education is important. A congregation needs to have more than a basic biblical understanding. If the German parents had taught all the truth of Scripture to their children, who would come to America, and if these parents had taught them scriptural truths reinforced by the Lutheran confessors and teachers, this situation could have been handled better. Christian education must remain a number one priority today and in the centuries to come.

Even if the Lutherans had proper education, the decline after lawsuit may not have been avoided. In 1836, the Lutherans had a monopoly among churches in Waterloo. Within a few years other denominations were working in the area and seeking to use the resources of Waterloo for their own benefit. Saint Jacob had a church building that they would not be using. If the Methodists had not used it, another denomination would have. Other denominations would also have drawn members away from Saint Jacob. The sinful mind is hostile to God and only wants to hear what its itching ears want to hear. The effects of this situation could not have been avoided altogether. Christians and Christian churches suffer under the cross until the Lord returns.

Unfortunately, this attitude has not diminished since that time. People still bounce from church to church as they look for a message they want to hear. Nevertheless, this should not deter Saint Jacob or any congregation from daily working hard to proclaim Christ crucified. While the sinful nature and the devil are frightening foes, God the Holy Spirit working through God's powerful message of forgiveness and salvation for the world is a more powerful combination.

The changes, challenges, and tests in today's world are great. With the lawsuit of 1853, the members of Saint Jacob may have lost some battles, but they did not lose the war. They remained true to God's Word, as they centered their life more on his Word. As a result, people can still see God's miraculous hand at work today, when the members of Saint Jacob work together to pray for God's guidance and praise him for all his rich blessings through every change, challenge, and test.

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Appendix

Transcript of the legal document from the settlement of the lawsuit of 1853.

IN CHANCERY SUIT OF JANUARY 25, 1853.

Whereas a suit has been commended in the circuit court for the county of Jackson, in chancery in the name of the trustees of the First German Evangelical Congregation in Waterloo, in the county of Jackson, and State of Michigan, against John M. Sattler, Jacob Arzt, John Archenbronn and John Riethmiller, by which certain relief was prayed for in the bill of complaint filled said court [sic], and whereas the subject matter of controversy in said suit has been this day mutually arranged and settled between the parties to said suit for themselves and their respective societies they represent in a manner following,

FIRST, the said John Martin Sattler is to execute a quit clain [sic] deed to Martin Lantis of the church property mentioned in the pleadings in said court;

SECOND, that therefore the said suit in chancery shall be discontinued;

THIRD, the said Martin Lantis shall give note to said defendants in trust for the society they represent for the sumo of forty dollars payable in six months from date in full for the interest of the society, which the defendants represents [sic], in and to said church property;

FOURTH, that each party shall keep and retain for their respective societies such articles of church furniture as they now have in their possession, respectively;

FIFTH, that the said defendants and all persons who may have friend or relations buried in the said church ground shall have free access at all times to said burying ground for purpose of visiting or ornamenting the grounds of their friends or relatives there buried, and may also have the privilege of burying other persons on the same ground at any time hereafter in cases where members of the same family have been already buried there, and the said ground shall not be used for

any purpose except as a site for a church and as a place for the burial of the dead, and the graves of those already buried there in there, or that may be buried thereafter shall not be invaded, disturbed, molested, or effaced; and

SIXTHLY, that the said complaints and the society they represent shall release all claims in and to the new ground selected by the society represented by the said defendants for a site for church edifice and the church building now being erected thereon.

Now therefore it is hereby agreed by the parties to said suit for themselves, their successors in office and for the respective societies which they represent respectively, that the matters in controversy, in said suit be and the same are hereby settled upon the basis and in the manner mentioned in the foregoing proposition and it is hereby mutually agreed that all claims of the parties and of said societies upon each other on account of said church property or of the furniture thereof, and on account of the moneys paid toward the erection of said church or for any purpose, are hereby settled and determined.

And the said defendants do for themselves and as the representatives of their society they represent hereby release all claim of in and to said church property and the said complaints do for themselves and the society they represent do hereby forever release all claims of in and to the new ground the society represented by the defendants have selected for church purpose an in and to the church now being erected thereon.

And the said Martin Lantis hereby in consideration of the foregoing premises, for himself, his executors covenants to and with the said John Marin Sattler, Jacob Arzt, John Archenbronn, John Riethmiller for themselves and in trust and for the benefit of all persons who have friends or relatives buried there in said burying ground, that all such persons may at any time and all times hereafter have free access to said burying ground for the purpose of visiting or ornamenting the graves of their deceased friends there buried and that they may have the privilege

hereafter if desired of burying other persons on the same ground in case where members of the same family have already been buried there – and he hereby further covenants [sic] and agrees to and with the said person that the said ground shall be kept and used for no other purpose except as a site for a church edifice and for a burying ground and that the graves of those already buried there or that may be buried there hereafter in virtue of this agreement shall not hereafter at any time be invaded, disturbed, molested, or otherwise effaced, by his consent, authority or procurement by any person or society claiming the same under him.

In witness whereof the parties have hereunto set their hands and seals the 25th day of January, A.D. 1853.

Martin Lantis, John Lantis, Herman Sauberlich – Plaintifs [sic] in said society

John Riethmiller, Jacob Arzt, John Archenbronn, J.M. Sattler – Defendants in said society

Signed sealed in presence of Peter Knauf and Geo. Moeckel.

On this twenty-fifth day of January, A.D. 1853, before me a Notary Public in and for said county personally came the above named Martin Lantis, John Lantis, Herman Sauberlich, John Riethmiller, Jacob Arzt, John Archenbronn and J.M. Sattler known to be the persons who executed the foregoing instruments and acknowledged the same to be the free act and deed.

Peter Knauf, Notary Public