

Lafayette Emmett v. James Gilfillan

The Contest for the Election of
Chief Justice of the Minnesota Supreme Court,
1875

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Introduction

The election of James Gilfillan as Chief Justice on November 2, 1875, brought an end to a decade of instability on the Minnesota Supreme Court. The turmoil was not in the rulings of the court, though this was when the *Granger* cases came before it,¹ rather in its membership. Between July 1864 and November 1875, there were six chief justices and five associates.² Eight men served on the three-member court during this period.

This paper examines the selection and election of the chief justice of the Minnesota Supreme Court in the year 1875. Like other studies of judicial elections in the nineteenth century in this state, it rests heavily on newspaper articles and official records, requiring occasional conjecture.

Chapter One A Vacancy on the Court

On April 7, 1874, Governor Davis elevated Associate Justice Samuel James Renwick McMillan to the office of chief justice. In the election on November 3, 1874, McMillan, a Republican, defeated the Democratic candidate, Westcott Wilkin, a Ramsey County District Court Judge, for a seven-year term beginning January 1,

¹ *Minnesota v. Winona and St. Peter Railroad Co.*, 19 Minn. 434 (1872)(Ripley, C. J.). A companion case, *Blake v. Winona & St. Peter Railroad Co.*, 19 Minn. 418 (1872) (Ripley, C. J.) was one of six so-called Granger Cases, which involved the constitutionality of laws in several Midwest states regulating common carriers that were appealed from state courts to the U. S. Supreme Court.

² Chiefs: Lafayette Emmett (1858-1865); Thomas Wilson (1865-1869); James Gilfillan (1869-1870); Christopher Ripley (1870-1874); S. J. R. McMillan (1874-1875) and James Gilfillan again (1875-1894).

Associates: Thomas Wilson, S. J. R. McMillan, John Berry, George B. Young and F. R. E. Cornell. Two of them, Wilson and McMillan, promoted to be Chief Justice.

1875.³ But politics intervened and McMillan served only a few weeks. On February 19, 1875, to his surprise, he was elected United States Senator by the state legislature. A compromise selection, he emerged after many rounds of voting that were divided among incumbent Alexander Ramsey, Ignatius Donnelly, Governor Davis and others.⁴ In a handwritten note to the governor he resigned from the court effective March 3, 1875.⁵ Governor Davis now had the responsibility to appoint another chief justice.

Davis, like most lawyers, held no ambitions for the bench. He was interested only in the U. S. Senate and, after losing his senatorial bid in the legislature in early 1875, did not seek a second term as governor. His first term was beset by the Panic of 1873 and the beginning of the grasshopper invasion that devastated southern Minnesota farms.⁶

Already during his first year as governor, Davis had appointed one associate justice and one chief justice. Neither was there at the beginning of his last year in office. On the court were John Berry and F. R. E. Cornell, both immensely popular in the party and bar but lacking in the intellectual rigor he sought. Not for a moment did Davis consider elevating either of these men to the top of the court.

³ Douglas A. Hedin, "George B. Young v. Francis R. E. Cornell: The Contest for the Republican Nomination for Associate Justice of the Minnesota Supreme Court, 1874." (MLHP, 2019). McMillan received 51,506 votes to Wilkin's 41,120.

⁴ The balloting is described by William Watts Folwell, 3 *A History of Minnesota* 85-87 (Minn. Hist. Soc. Press, 1969) (published first, 1926).

McMillan was re-elected in 1881 and served until March 4, 1887. He died on October 3, 1897, at age seventy-one.

⁵ His resignation from the court is dated February 27, 1875, effective March 3, 1875. It is posted in the Appendix at A-41.

⁶ See generally, Annette Atkins, *Harvest of Grief: Grasshopper Plagues and Public Assistance in Minnesota, 1873-89* (Minn. Hist. Soc. Press. 1984). For a remarkable first-hand description of the plague, see "Some Early Minnesota History from the Autobiography of Judge James H. Quinn" 18-20 (MLHP, 2019) (dated January 1928).



Governor Cushman Kellogg Davis
Governor, 1874-1876.
United States Senator, 1887-1900.



S. J. R. MCMILLAN

**Justice, Minnesota Supreme Court, 1864-1875.
United States Senator, 1875-1887.**

Chapter Two.
The Governor Fills the Vacancy Using an
Extra-Constitutional Stratagem.

Driven to appoint first class jurists, the Governor set his sights on former Chief Justice James Gilfillan. He was not alone: two handwritten petitions, one signed by 53 members of the Ramsey County bar, the other by 42 lawyers from Hennepin County, delivered to him in early March, “respectfully recommend” the appointment of Hon. James Gilfillan to the office of Chief Justice of the Supreme Court.⁷

Viewers of this website are already familiar with Gilfillan’s abbreviated tenure at the helm of the court in 1869.⁸ Recall that he was appointed by Governor Marshall on July 14 to fill the vacancy caused by Chief Justice Thomas Wilson’s resignation. Failing to win the endorsement of the Republican Party at its state convention in September, he returned to private practice in St. Paul in January 1870.⁹ When the chief justiceship again fell open upon the resignation of Christopher Ripley on April 1, 1874, he was not considered by Governor Davis.¹⁰ But now things were different—this was Davis’s last chance to bring change to the court.

⁷ The petitions, the first on legal-size paper, is not dated, the second is dated March 3, 1875. Copies are posted in the Appendix, at 42-44. Gilfillan must have been told that these petitions were being circulated. Obviously he did not stop them. He likely remained silent and that was taken as a sign of approval.

⁸ Douglas A. Hedin, “James Gilfillan vs. Christopher G. Ripley: The Contest for the Republican Nomination for Chief Justice of the Minnesota Supreme Court, 1869” 21-24 (MLHP, 2018).

⁹ He was with the firm Gilfillan & Williams. He was not always successful. His client, Johanna McKenty, lost a suit in federal court to recover the surplus of the face value of a life insurance policy on her husband that had already been paid to a creditor. *McKenty v. Universal Life Insurance Co*, 3 *Insurance Law Journal* 385 (May 1874) (Nelson, Circuit Judge).

¹⁰ According to the *St. Paul Daily Press*, “Judge Gilfillan, one of the finest judicial minds in the State, and Horace Bigelow, another...would not accept appointment. They can’t afford to give up the lucrative practice each enjoys

Davis knew Gilfillan well enough to know that his offer of the chief justiceship would not be met by a burst of gratitude but by hesitancy and reservations. Somehow he had to overcome that resistance. He carefully plotted their yet-to-be-held meeting.

In the background of the drama that follows is Article 6, Section 10, of the state constitution granting plenary power to the governor to fill any vacancy on the court by appointment:

In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified, and such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

The only limitation to the governor's exercise of this power is if his appointee declines the appointment.¹¹

Here it is helpful to imagine the conversations between Davis and Gilfillan because there are no contemporaneous accounts of what was said. The aim of the following fiction is not only to illuminate the "concerns" that preoccupied Gilfillan but also to offer a plausible explanation for the Governor's disregard of his Article 10 appointment power.

They met once, perhaps twice. Gilfillan was not one for small talk and so Davis began with an offer of the chief justiceship and gave several reasons why he was suited for the office. Gilfillan, who was

for the meagre salary of a judge." April 2, 1874, at 2. The article is posted in Douglas A. Hedin, note 3, Appendix, at 83-88.

¹¹ This happened once in the Territorial Era. John Pettit declined his appointment by President Buchanan to the Territorial Supreme Court. See Douglas A. Hedin, "Documents Regarding the Terms of the Justices of the Territorial Supreme Court: Part Two-F, "Associate Justice Charles E. Flandrau and John Pettit's Commission" (MLHP, 2009-2012).

immune to flattery but susceptible to appeals to his sense of civic duty, replied that there were other qualified men—he may have named a few—and besides he enjoyed private practice, adding that he had been retained by the state to assist in the appeal of one of the *Granger* cases.¹² Davis, holding up the petitions of the bar leaders, persisted and then braced himself for what he knew was coming. Gilfillan recalled accepting Governor Marshall's offer of appointment and leaving private practice only to be rejected by the Republican Party a few months later in favor of Christopher Ripley. It was humiliating. Why, he continued, the same thing happened last year when the party again revolted and replaced George B. Young with Frank Cornell. The governor winced, as he believed Young's appointment was one of his best.

Davis raised his hand slightly. I have an idea, he said. When Cush Davis said he had an idea everyone in the room stopped and listened. Gilfillan did too.

As Davis described his stratagem, Gilfillan was struck by its audacity, impressed with its political shrewdness and convinced that it would succeed. He accepted the governor's offer and the two men shook hands.

As he was leaving, Gilfillan turned and asked, "When will you send it over?" "Post haste," Davis replied.

The next episode in our story was printed in most every newspaper in the state. From the *Mower County Transcript*, March 11, 1875:

Chief Justice

Gov. Davis sent to the Senate yesterday the nomination of James Gilfillan as Chief Justice of the State in place of Judge McMillan, elected United States Senator. It is needless to say that the nomination was unanimously confirmed. He will hold the position until a successor,

¹² *Minnesota v. Winona and St. Peter Railroad Co.*, 19 Minn. 434 (1872). Gilfillan is listed as co-counsel for the State in this appeal.

to be elected next fall, shall be qualified, which will be at the beginning of next year.

There is no room to doubt that he will receive the nomination of the Republican party next fall for the full term of seven years, and there is a fair prospect that the Democratic organization, recognizing the judicial abilities and unpartisan character of the man, may not deem it expedient to nominate an opposing candidate.

The members of the legal fraternity in the Legislature, and the lawyers of Ramsey and Hennepin counties, and those present from various parts of the State, are greatly pleased with the appointment of Judge Gilfillan.¹³

When they received the governor's "nomination" of Gilfillan to be chief justice, some senators were puzzled. They had never seen anything like it. The constitution did not require senate confirmation of supreme court appointments. In the past governors had made appointments to the court when the legislature was not in

¹³ *Mower County Transcript* (Austin), March 11, 1875, at 1 (biographical sketch omitted). Some newspapers were confused. From the *Chatfield Democrat*:

Executive Appointments.

The following appointments were made by Gov. Davis and confirmed by the Senate previous to its adjournment.

For Chief Justice of the Supreme Court, James Gilfillan of St. Paul.

Chatfield Democrat, March 13, 1875, at 2. On the same page it noted:

CHIEF JUSTICE.—Gov. Davis has appointed Hon. James Gilfillan, of St. Paul, Chief Justice of the Supreme Court, in place of Judge McMillan, elected Senator. It is generally conceded that this is a good appointment, and reflects credit upon Governor Davis. Judge Gilfillan is understood to be well qualified for the place, and his appointment will prove highly satisfactory to the bar as well as all the people.

session, making confirmation impossible.¹⁴ This particular “nomination” was a separate transmittal, not one on a list of nominees to be confirmed such as T. B. Clement to be Director of the Deaf, Dumb and Blind Institute, A. C. Perkins to be Surveyor General of Logs and Lumber for the Duluth District, four Trustees for the Soldiers’ and Orphans’ Home and several hundred notaries public.¹⁵ Clearly this was not a clerical mistake.¹⁶ Under normal practice, a gubernatorial nominee was referred to the appropriate standing committee for a recommendation that senators consulted when voting whether to “advise and consent” to the nomination (invariably they confirmed). In contrast, the “nomination” of James Gilfillan was not referred to the Judiciary Committee but taken directly to the floor where Senator Elias Drake of St. Paul moved that he be confirmed—and he was, by unanimous vote on March 5, 1875.¹⁷

¹⁴ For example, in early July 1864, Associate Justices Charles E. Flandrau and Isaac Atwater resigned. Later that month Governor Stephen Miller appointed Samuel J. R. McMillan and John Berry to fill the vacancies on the court. The Sixth Legislature had adjourned. *Journal of the Minnesota Senate*, March 4, 1864, at 329.

On July 14, 1869, Governor William Marshall appointed James Gilfillan Chief Justice. The Senate was not in session as the Eleventh Legislature had adjourned. *Journal of the Minnesota Senate*, March 5, 1869, at 344.

¹⁵ *Journal of the Minnesota Senate*, Seventeenth Session, Appendix, Executive Session, at 497-510 (1875). Davis also “presented” for the Senate’s “consideration” his appointment of Hascal R. Brill to replace William Sprigg Hall, the late Judge of the Court of Common Pleas in Ramsey County. It was not sent to a standing committee. A motion to advise and consent to this appointment was passed. *Id.* at 495.

¹⁶ In February, 1873, Governor Austin appointed John Van Dyke Judge of the Third District Court in place of the late Chauncey Waterman. His name was included in a list of other nominees to the Senate for confirmation in March. This likely was a clerical error as Van Dyke was already holding court. See Douglas A. Hedin, “John Van Dyke (1805-1878)” 10-11 (MLHP, 2013).

¹⁷ Governor Davis’s transmittal and the *Journal of the Senate* on March 5 are posted in the Appendix, at 45.

A search of Governor Davis’s files and those of the Secretary of State at the Historical Society do not turn up a separate “appointment” of Gilfillan to the Court; however, on the back the petition of the Hennepin County lawyers

More than a few senators saw the irony in the Governor's request that they bless his selection of the new chief justice of the state supreme court, the final arbiter of the constitution, by taking an action not authorized by the constitution. They also saw they were being used for a political purpose by the lame duck governor. They foresaw what the governor expected from his extra-constitutional stratagem: the imprimatur of the senate's unanimous confirmation of Chief Justice Gilfillan would deter a challenger to him from within the Republican Party. And so it came to pass.¹⁸

Chapter Three.
The Democratic Convention Nominates
Lafayette Emmett and the
Reaction of the Press.

The first skirmish in the battle for chief justice took place on the afternoon of July 8, 1875, on unlikely terrain—in the New Music Hall in St. Paul during the Democratic State Convention. The *St. Paul Pioneer Press* described the party's selection of Lafayette Emmett as its candidate for that office, omitting any reference to the nominations of other lawyers:

PRISMATIC POLITICS.

Party-Colored State Convention.

recommending Gilfillan is a handwritten note—“apt. made Mar 5 1875”—presumably by the governor's private secretary. March 5 is the same date the Senate confirmed Gilfillan.

Gilfillan took the oath of office shortly after his confirmation. There was no ceremony when he presided on the first day of the April, 1875, term. Minutes of the Minnesota Supreme Court, April 6, 1875; posted in Appendix, at 46.

¹⁸ There is another interpretation of these events: that Gilfillan knew petitions favoring his selection were being circulated suggests that he, far from being resistant to the appointment, was waging a subtle campaign to overcome the governor's reluctance to choose him for the chief justiceship. Once persuaded, Davis concocted the stratagem of the senate confirmation to deter future challengers from within the party.

Democrats, Liberal Republicans,
Anti-Monopolists, and All Other
Shades of Opposition in Council.

Promptly at 12 o'clock, Mr. Lee, of Ramsey County, chairman of the democratic-liberal-anti-monopoly and all-other-sorts-of-opposition state convention, called the democratic state convention to order, and after reading the call under which it convened, Mr. Lee announced that the committee nominated Hon. Edmund Rice, of Ramsey, as temporary chairman. The nomination was then ratified unanimously by the convention.

....

Nomination of candidates.

A resolution was adopted limiting each speaker to five minutes.

The convention then proceeded to the work of nominate a candidate for office.

On motion of Mr. Leneau it was decided to vote for the nominees viva voce, the chairman of each delegation to vote for his county.

....

Chief Justice.

Mr. William P. Murray suggested the name of Judge L. Emmett of Rice.

J. N. Castle, of Washington, offered the following resolution:

Resolved. That we regard the office of chief justice as nonpartisan, and one in which the question of politics ought not to enter. That we regard the Hon. James Gilfillan as possessing in an eminent degree all the

qualifications requisite for that important office, and while we do not deem it expedient to nominate him for that position, we cheerfully recommend him to the favorable consideration of the electors of the state who desire to have that office held by a gentleman of integrity and ability.

Mr. Castle said he felt that the judge of the supreme court should be a lawyer, and not a politician. While the democrats had good lawyers in their ranks, there were but few peers of Judge Gilfillan in the state. He offered the resolution in behalf of many democratic lawyers. He hoped they would rise above the partisan in behalf of the patriot.

Judge Emmett said he did not seek a nomination, but he did not think a man from the other party should be the nominee. There were as good men in this party as Judge Gilfillan. If the convention did not nominate some other man he should announce himself as a candidate.

Mr. Donnelly endorsed Judge Emmett, and held that "he who is not with us is against us."

Mr. O'Brien claimed that partisanship was found on the bench, as they had just taken the greatest partisan from it and made him Senator [i.e., S. J. R. McMillan].

Judge Flandrau thought the judiciary should be separated from partisan politics. The resolution offered was the first step towards it. The state had a good bench now. Start the reform. The loss of Gilfillan would be a public calamity.

Judge Emmett pressed the matter as a religious duty. He claimed that politics were carried to the bench.

Mr. Castle sought only to elevate the party to a higher plane. The name of M. J. Severance having been suggested as a candidate, he read a telegram from him, declining and saying that they should nominate Gilfillan.

On motion of Mr. Lochren the resolution was laid on the table.

Judge Emmett was nominated by acclamation.¹⁹

Lafayette Emmett was 53 years old when he was nominated for chief justice (the charge that he nominated himself was false). He had a long record of public service. A member of the Ohio bar, he arrived in St. Paul in 1851 at age twenty-nine. He was appointed Attorney General of Minnesota Territory by Governor Gorman, serving from 1853 to 1858. A delegate to the 1857 Constitutional Convention, he argued for the popular election of judges.²⁰ He was elected chief justice that year and served from May 1858 to January 1865.²¹ In 1872 he relocated to Mankato, where he continued to practice law and politics. Needless to say, he was a staunch Democrat, who believed that his party should endorse candidates for judgeships.

¹⁹ *St. Paul Pioneer-Press*, July 8, 1875, at 2. Similar accounts can be found in the *Minneapolis Morning Tribune*, July 8, 1875, at 3, and the *St. Paul Dispatch*, July 8, 1875, at 2.

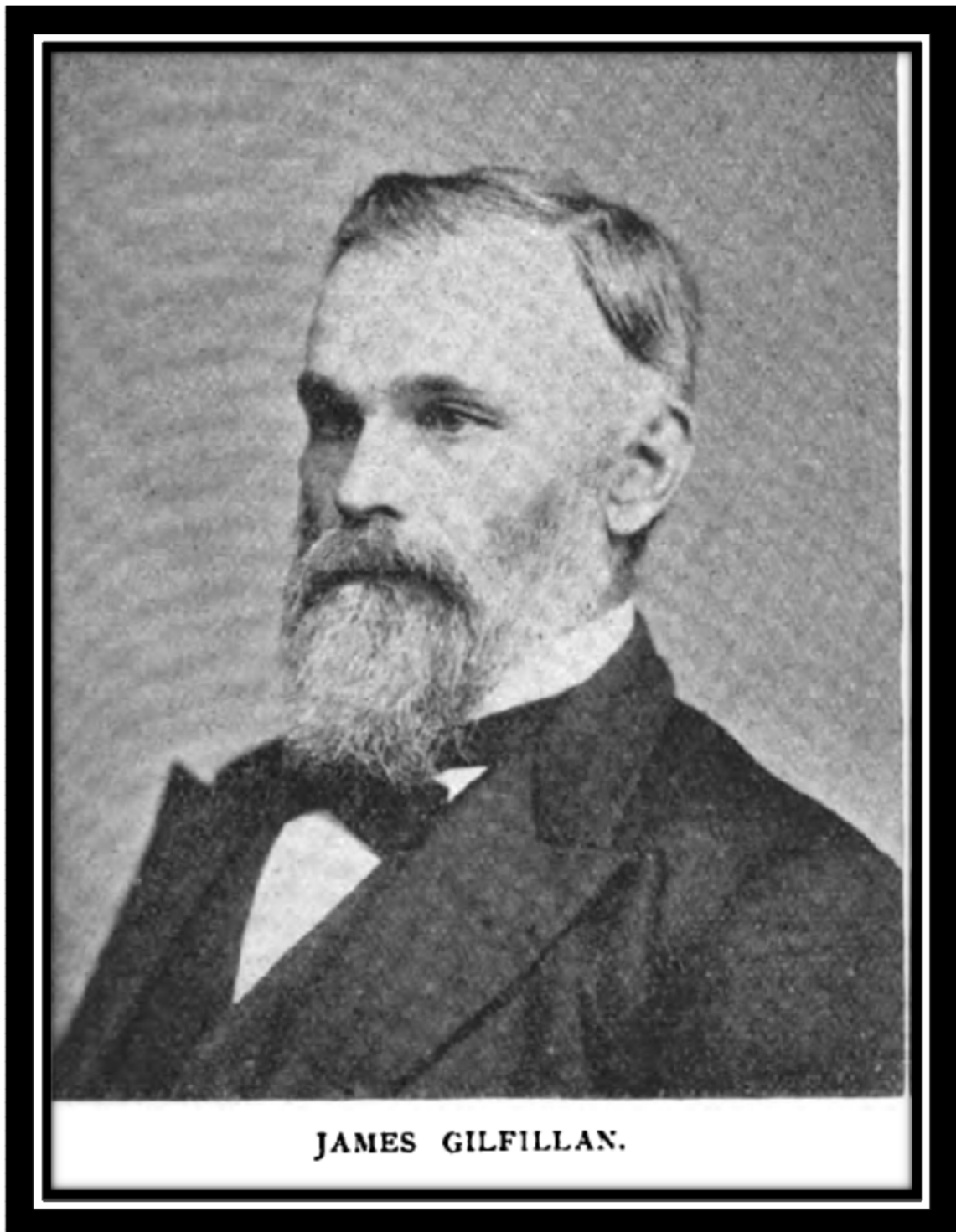
²⁰ A snippet of the debate between Emmett and delegates such as Moses Sherburne and Bradley Meeker who favored a gubernatorial appointment process can be found in "Proceedings in Memory of Chief Justice Emmett," 97 Minn. xxvii (1906), reprinted in "Lafayette Emmett," *Testimony: Remembering Minnesota's Supreme Court Justices* 42-45 (Minn. Sup. Ct. Hist. Soc., 2008).

²¹ He defeated the Republican Horace R. Bigelow (1820-1894), who later was a member of Flandrau, Bigelow & Clark, a well-known St. Paul firm. The results of the election on October 13, 1857, were:

Lafayette Emmett (Democrat).....18,169

Horace R. Bigelow (Republican).....17,178

Daily Minnesotian, December 18, 1857, at 2; and December 19, 1857, at 2.



Source: Charles B. Elliott, "The Minnesota Supreme Court: Part II"
4 *The Green Bag* 165 (1892).



LAFAYETTE EMMETT.

Source: Charles B. Elliott, "The Minnesota Supreme Court: Part II"
4 *The Green Bag* 162 (1892).

In sulphurous editorials after the Democratic convention, the Republican press accused Emmett of nominating himself. The Democrats, they claimed, indulged his selfish ambitions and missed an opportunity to bring about a non-partisan judiciary by nominating Gilfillan. From the *St. Cloud Journal*:

The self-nomination of Judge Lafayette Emmett for Chief Justice of the Supreme Court was an act which for shamelessness is without a parallel. The expressed wish of all the members of the bar who were delegates and the sentiments of all the best men in the convention were strongly in favor of the nomination of Judge Gilfillan, the present non-partisan Chief Justice. Judge Flandrau was placed in nomination, but declined to permit his name to be used in that connection and urged the nomination of Judge Gilfillan. Mr. Severance, of Mankato, whose name had been suggested, telegraphed the Convention to nominate Judge Gilfillan. Judge Emmett arose twice and thrust himself upon the Convention as a candidate and his brazen persistency finally secured for him unenviable success.—The Convention gave him the nomination he sought with such disgraceful effrontery, and the people an opportunity to bury him beneath twenty-five thousand majority for Judge Gilfillan and a mountain of contempt.²²

The *Winona Daily Republican* alluded to Emmett's previous election to the court, which it attributed to fraud, while perpetuating the falsehood that he nominated himself:

²² *St. Cloud Journal*, July 15, 1875, at 2. It goes on:

JUDGE EMMETT, with brazen face, stood up before the Democratic Convention, and after nominating himself for Chief Justice of the Supreme Court, announced that "he would at least get one vote and that was his own." And that one is all he should get. The voter would then occupy the same disgraceful level as the candidate without any sacrifice of character.

A fair illustration of the narrow minded, bitter and intensely partisan spirit that animates the Democratic party managers in this State, was offered in the action of the late Bourbon Convention upon the question of candidate for Chief Justice. It was the general sentiment among all the sensible and fair minded delegates, that Judge Gilfillan, the present incumbent, was acceptable to the bar of the whole State without regard to politics, that the office was one which should be kept as free as possible from the taint of partisanship, and that the Convention should either endorse Judge Gilfillan openly, by making him the regular candidate, or tacitly by making no nomination for the office. It appears that there were but two men in the Convention who positively insisted upon a partisan candidate for Chief Justice. One of these was Donnelly; the other was Lafayette Emmett, who, it will be remembered, was elected to the office seventeen years ago by fraud. This man Emmett had the brazen impudence to insist upon his own nomination, declaring that if not placed regularly upon the ticket he would run as an independent candidate. The Convention, instead of rebuking this gross indecency, actually suffered itself to be browbeaten into nominating a man who so plainly demonstrated his utter unfitness for the office of Chief Justice or for any other office of trust and responsibility.²³

²³ *Winona Daily Republican*, July 10, 1875, at 2. To the *St. Paul Dispatch* Emmett's self-nomination "unfitted" him for the court:

One political party has as much right as another to invite the suffrages of the people for judgeships, but when a man forces himself on a party as a candidate, and not only that, but also endeavors to make political capital by foreshadowing what his judicial decisions would be if chosen, he must lose respect, and the support. That is the position in which Lafayette Emmett has placed himself. It was a most unheard of procedure, and it is strange that some delegate did not suggest that his speech

Quite a different account of the nomination of Emmett for chief justice was reported in the *Anti-Monopolist*, a weekly newspaper published and edited by Ignatius Donnelly, on July 12:

CHIEF JUSTICE.

The fight on this nomination was opened by the introduction of the following resolution by Hon. I. N. Castle of Stillwater:

"Resolved, That we regard the office of Chief Justice as non-partisan, and one in which the question of politics ought not to enter. That we regard the Hon. James Gilfillan as possessing in an eminent degree all

(asking the nomination and declaring his attention to run independent if not nominated) unfitted him for the position to which he aspired. Mr. Emmett's inherent modesty will undoubtedly suggest to him the propriety of placing his resignation in the hands of the State Central Committee. He might affix, as a condition of his resignation, the demand that the vacancy be filled. That would be better than the present status.

St. Paul Dispatch, July 10, 1875 at 2. Anticipating these brickbats, the Democrats adopted the following resolution just before they adjourned:

Resolved, That the state central committee be requested to inquire into the expediency of starting a democratic daily paper at St. Paul and to take such action in the premises as they may consider best for the interests of the democratic party.

The resolution was amended, making the proposed journal a morning paper, and identifying it as the democratic-liberal-republican organ.

St. Paul Pioneer Press, July 8, 1875, at 2. The convention was unaware that its wishes had been granted ten weeks earlier. From the *Minneapolis Daily Tribune*, April 27, 1875, at 2:

The Evening Dispatch has been sold for \$75,000, the Democrats being the purchasers. It will be run as a square Democratic, anti-administration paper, and Louis E. Fisher, so long the head of the old Pioneer, the editor-in-chief. He will direct it politically.

the qualifications requisite for that important office, and while we do not deem it expedient to nominate him for that position, we cheerfully recommend him to the favorable consideration of the electors of the state who desire to see that office held by a gentleman of integrity and ability."

In support of his resolution Mr. Cattle said that the office of Chief Justice is not, and ought not to be, a political one. The incumbent of this high position should be placed on a plane above the turmoil and changes of politics. He knew that the Democratic party had plenty of men in its own ranks who possessed all the requisites for the office, but I am doing them no injustice when I say that Judge Gilfillan has not a peer for the position he holds in the State. He knew that the bar, almost unitedly, desired the removal of this office as far as possible from the dirty pool of politics, and he hoped that this convention, which had done so well thus far, would take the initiatory step in this great reform proposed in his resolution.

Judge Flandrau, Hon. J. L. Macdonald and Hon. Wm. P. Murray followed in a few pertinent remarks in advocacy of the proposed action, when Judge Lafayette Emmett, one of the Vice Presidents of the convention, stepped to the front of the platform and entered his protest to the proposition, at the same time announcing that if no one was placed in nomination, he, himself would be a candidate on his own responsibility. He did not want the office but he religiously believed in the principle of nominating by political parties for such office.

The Republicans pursued this course, and it was suicidal for the Democratic party to do differently. In this connection Judge Emmett, alluded to a recent decision of the Supreme Court, over which Judge Gilfillan presided, in which the principle was announced that a charter procured under a territorial organization,

acting under powers granted by the national government, was binding on the sovereigns of the State for all time. This was one instance of the necessity of having those in such positions who were in sympathy with the principles of whose name had been mentioned, did not want the office, but did not believe in nominating a man from another party. That party did not do so. He hoped some man would be nominated, but if no other man was nominated, he should be a candidate from now until the day of election.

Mr. Donnelly objected to the principle of going to the opposite party for candidates, and Dillon O'Brien could not see the policy of mounting the elevated plane advocated, while the Republicans were down below eating the plum pudding.

Finally several names were mentioned as candidates for the office, among whom was that of Mr. Severance of Mankato whereupon Mr. Castle, read a dispatch from that gentleman, asking the use of his name, answering, "No; Gilfillan is the man." Notwithstanding, the resolution, upon motion of Hon. Wm. Lochren, was laid upon the table by a decided majority.

Judge Flandrau, Hon. Wm. Lochren, Judge E. H. Wilder of Goodhue, and Lafayette Emmett of Rice, were nominated, but all declining save the latter gentleman [and] he was made the unanimous choice.²⁴

²⁴ *The Anti-Monopolist*, July 12, 1875, at 9. The charge that Lafayette Emmett nominated himself was also disputed in a letter to the editor of the *Pioneer Press* from A. E. Haven, editor of the *Faribault Democrat*, published on July 14, 1875:

In reference to Judge Emmett nominating himself: If you will refer to the proceedings of the convention, as published in your own paper, you will learn that he was nominated before Mr. Castle introduced his resolutions endorsing Gilfillan, and before Mr. Emmett had said one word in the convention. And this is not all. He was nominated and the nomination regularly seconded before Mr. Castle took the floor. After the resolutions of Mr.

Chapter Four.
The Republican Convention Endorses
James Gilfillan and the
Reaction of the Press.

Castle, endorsing Judge Gilfillan, had been introduced, Mr. Emmett, Mr. Donnelly, and three or four other delegates spoke against them. During his remarks Mr. Donnelly referred to the important decision of the supreme court, while Judge Emmett was Chief Justice, in reference to the rate of interest notes should bear after maturity, whereby the 3 and 5 per cent, per month were reduced to 6 and 7 per cent, per annum.

A delegate then called out, "It is true, Judge Emmett did that," and another responded, "That is so; let's nominate him." Some one then moved the nomination of Judge Flandrau, and Judge Emmett then heartily seconded the nomination, and took the occasion to say that he was not a candidate, and would be pleased to do all in his power for the election of Mr. Flandrau. Mr. Flandrau declined, and M. J. Severance, of Mankato, was nominated, and Judge Emmett seconded this nomination in a manner that left no doubt of his earnest desire to have some one besides himself become the candidate for Chief Justice. Mr. Castle read a telegram from Mr. Severance declining to be a candidate, and then there were calls for Emmett, from all parts of the house. Mr. Lochren moved the resolutions introduced by Mr. Castle be lain upon the table, which motion prevailed, by a vote of more than twenty to one. Mr. Emmett was then nominated by acclamation with not one dissenting voice, and with more enthusiasm than characterized any nomination of the day, with perhaps the single exception of Durant for Lieutenant Governor.

The facts are that Mr. Emmett did not nominate himself—did not ask a nomination – gave no evidence of a desire for a nomination, but simply opposed the endorsement of Gilfillan as nine tenths of the other members of the convention opposed it, and only signified his willingness to allow his name to go before the convention upon condition that there was no other candidate.

St. Paul Pioneer Press, July 14, 1875, at 2 (it was reprinted in *The Anti-Monopolist*, July 19, 1875, at 1).

On July 28, 1875, the Republicans gathered at the Music Hall for their state convention. The most exciting contest was for governor, pitting the favorite John S. Pillsbury against former Governor Horace Austin and Dr. Jacob Henry Stewart of Ramsey County. No one had emerged within the party to challenge Gilfillan, although Sherman Page had been endorsed by the Temperance Party in June.

Three days before the convention the *Minneapolis Sunday Tribune* published an unusually astute editorial about the place of supreme court justices in our system of government and questioned their method of selection:

THE CHIEF JUSTICE.

In the skirmishing preliminary to the nominations for State officers, the interest seems to center principally upon the question "who shall be nominated for Governor," the people being oblivious to the fact, apparently, that the more important position of Chief Justice of the Supreme Court of the State is to be filled at the coming election. The Democrats were not allowed to forget this fact, for Judge Emmett, their self-nominated candidate, kept the matter prominently before them, and, seizing an opportune moment in the Convention, formally announced himself as a candidate, and succeeded in having the nomination thus made ratified.

The Chief Justice has duties to perform and assumes a degree of responsibility which makes his office fully as important as that of Governor, or even more so. He is elected for a longer term, and has it in his power to be of immense service to the State, or a great drawback upon it. It is unfortunate that it is made a political position, to be filled at a popular election, in the same manner and at the same time that other State offices are filled. The highest legal authority in the State should be entirely free from the trammels of party, but should owe his position solely to his preeminent ability in his profession.

Just how he should be selected we are not prepared to say, but, that he should not be forced to run the gauntlet of a general election is plain to any one.

But, until a better plan is provided for choosing a Chief Justice, we must make the best of what we have, and strive to avoid a party issue being made upon the candidate named for the office. This can only be done by naming a man who enjoys the confidence of all classes of the community, and regarding whom it will not be asked "is he a Republican or a Democrat?" but simply "is he an honorable, fair man, of good legal attainments, and fitted for the place?" Such a man is Chief Justice Gilfillan, the present incumbent of the office.

....

It would be a work of supererogation for us to say a word in commendation of Chief Justice Gilfillan. He has heretofore held positions of trust, and the record he made while in public life has endeared him to the people. Possessing a spotless reputation, unquestioned integrity, abilities of the first order, and the confidence of the bar of the State, he is preeminently the right man for the place. His nomination by the Republican Convention we take the Republican Convention we take to be a foregone conclusion.

....

Upon a man like Judge Gilfillan all classes can unite regardless of party, and so place at the head of our judiciary one who will be an ornament to the bench and an honor to the State. We hope to see the day when the selections for the bench will be removed entirely from the political arena, but until that day comes, we should be thankful that we have such men as Judge Gilfillan to unite upon.²⁵

²⁵ *Minneapolis Sunday Tribune*, July 25, 1875, at 4 (excerpts).

As he read this, Gilfillan must have recalled a brutal editorial in this very newspaper on August 27, 1869, two weeks before the Republican Party's state convention that year, blasting him for not being more active in the party and endorsing F. R. E. Cornell for the office of chief justice.²⁶ Now he was the beneficiary of a sophisticated editorial emphasizing the importance of the office of chief justice and even questioning the propriety of popular election of judges.

The convention was well-oiled and moved swiftly through the nominating process.²⁷ It broke with tradition by adopting a "resolution" as a substitute for a formal nomination and endorsement of a candidate for chief justice. As described by the *St. Paul Pioneer Press*, the convention began on an inauspicious note:

THE REPUBLICAN CONVENTION

....

The Republican State convention, called to nominate candidates to be voted for at the November election, assembled yesterday [Wednesday, July 28] at Music Hall. Mr. C. H. Pettit, chairman of the state central committee, took the rostrum at 12 o'clock to call the convention to order, not half of the delegates were in their seats, and the most remarkable apathy seemed to prevail among those who were in attendance.

...

Chief Justice Gilfillan Endorsed

Judge L. M. Brown, of Scott county, offered the following resolution, which was adopted unanimously:

Resolved. That believing it a duty to elevate the choice of judges above whatever is debasing in party contests, this convention will make no nomination for chief justice of the supreme court, but the recognition

²⁶ *Minneapolis Morning Tribune*, August 27, 1869, at 1. It is quoted in its entirety in Douglas A. Hedin, note 8, at 11-14.

of the unanimous voice of the legal profession of the state, as well as the general judgment of men of all classes—which has twice found expression in executive appointments—we command for election to that office to present incumbent, Judge James Gilfillan, a man preeminently qualified for the high position.²⁸

The endorsement of Gilfillan was approved by the *Pioneer Press*:

We rejoice—and all who desire to preserve the independence and purity of the judiciary will rejoice — that the convention took the high ground it did in regard to the question of nominating a candidate for Chief Justice. Republican convention did, in this instance, what the Democratic convention wanted to do but was not allowed by Judge Emmett and the political wire pullers to do. It adopted a resolution recognizing the fact that judicial nomination should be lifted above the atmosphere of party politics, and for that reason declined to make a party nomination for Chief Justice of the Supreme Court, but on the ground of his preeminent fitness as recognized by two executive appointments, and in response to the universal choice of the bar, recommending the Hon. J. D. Gilfillan to the suffrages of the people for that office.²⁹

²⁸ *St. Paul Pioneer Press*, July 29, 1875, at 2. The *Tribune* reported:

Before proceeding to the nominations, a resolution was adopted, declaring that the office of Chief Justice should be above party, declining to make a nomination, but recommending to the voters of the State the election of the present incumbent, Judge Gilfillan. This proposition was hailed with enthusiasm, and was a handsome complement to our present Chief Justice.

Minneapolis Morning Tribune, July 29, 1875, at 2.

²⁹ *Pioneer Press*, July 29, 1875, at 2.

The *St. Cloud Journal* also applauded the endorsement:

THE REPUBLICAN TICKET AND PLATFORM.

On the whole the Republican State Convention, which met in St. Paul Wednesday of last week, did its work well. The ticket, with the exception of a single name, is a strong one and one which will meet the hearty endorsement of the people at the polls. The action of the Convention in regard to the Chief Justiceship is especially to be commended and is a fitting rebuke to the unseemly partizanship of the Democratic Convention and the brazen effrontery of its candidate.

There is no need of saying anything in favor of Judge Gilfillan. His peculiar fitness for the position, from whatever point of view regarded, is well understood throughout the State, and very especially by the bar, which may truthfully be said to be almost a unit in favor of his election. If it be possible for a shameless man to feel the rebuke of an overwhelming defeat, Judge Emmett will regret, after election day, the pitiable spectacle he made of himself in order to secure the Democratic nomination for Chief Justice.³⁰

While the endorsement of James Gilfillan through a novel "resolution" process went smoothly, below the surface of the seemingly tranquil convention there were dog fights between factions of the party, with Ramsey supporters coming out on top and "Davis men were smashed and kicked with contempt." As editorialists in the *St. Paul Dispatch* saw it:

The Ramsey Victory

The Republican State Convention yesterday was a most signal victory for the Ramsey faction of the party. The old heads of the party took the reins in their hands, and managed shrewdly and ably. When the delegates

³⁰ *St. Cloud Journal*, August 5, 1875, at 2.

arrived there were mutterings of a storm, but when the convention assembled all was serene. All differences had been fixed up and the convention worked like a clock work. Every candidate was nominated on the first formal ballot, and there was no informal ballot except for Governor.

With a solitary exception of Attorney General, every candidate is an original and old time Ramsey man. "No quarter for any bolters " was the cry. No friend of Gov. Davis was allowed to survive. The Davis men were smashed and kicked with contempt. No one so poor as to do them reverence. Vengeance was sought and obtained in its fullest extent. Alexander Ramsey again mounts the pedestal as the leader of the Republican Party of Minnesota, and it will not be surprising to see him again seeking his old place in the Senate.

Incidentally, it was a triumph for Windom and Bill King. Pillsbury is committed to Windom for the Senate, and Windom's county took great pleasure in bringing forward Mr. Pillsbury's name. As it was Windom's triumph was correspondingly Dunnell's defeat. That slippery statesmen endeavoring to be on both sides, but he deceived no one. He is (or was) a rival for Windom's place, and hence desired Pillsbury's defeat. Strait is such a nonentity that his Waterloo is of no consequence.

Likewise Senator McMillan. He deserted the Davis men and supported Pillsbury, not because he intended to desert his friends but because he did not know any better. A political maneuver is something he never dreamed of.

The Ramsey men certainly have reason to be happy. They have been under a cloud but can now see the force of the sentiment that "every cloud has a silver lining."³¹

³¹ *St. Paul Dispatch* editorial July 29, 1875, at 2 ("The Ramsey Victory"). This editorial exposes the complexities of the intra-Republican Party rivalries that grew out of a mixture of policy differences and personality conflicts and loyalties. Latter-day historians find them hard but necessary to unravel.

The Reform and Temperance Party Convention Nominates Sherman Page

In May a call for a state reform convention to meet at St. Paul on June 16 was issued.³² This call declared that the time for the formation of a new political party to adjust the relations between capital and labor, for the suppression of the liquor traffic, and for the inauguration of an honest administration of government was opportune. This party was called the "Reform and Temperance party."³³

The *Winona Daily Republican* published this brief account of the Temperance Party Convention held on June 16, 1875, in Minneapolis:

The State Temperance and Reform Convention, held at Minneapolis on the 16th inst., adopted an elaborate platform and placed in nomination the following ticket: Chief Justice—Sherman Page, of Mower county. Governor—R. F. Humiston, of Nobles. Lieut. Governor—J. B. Tuttle, of Anoka. Secretary of State—Col. Join, H. Stevens, of Hennepin. State Auditor—Asa B. Hutchinson, of McLeod. State Treasurer—H. D. Brown, of Freeborn. Attorney General—C. M. McCarthy, of Ramsey. Clerk of the Supreme Court—P. A. Jewell of Wabasha. Railroad Commissioner—A. M. Qreoley, of Hennepin.

In point of personal character these gentlemen are all above reproach, but they were evidently selected without any particular reference to their fitness for the positions assigned them. The platform advocates

³² *Freeborn County Standard*, May 6, 1875, at 3 ("The first of the political State Conventions, this year is to be held at Minneapolis on the 23d day of June, to nominate a straight Temperance ticket."). Same: *Chatfield Democrat*, May 8, 1875, at 2. The site was later changed to St. Paul and the date moved one week.

³³ *The Worthington Advance*, June 25, 1875, at 3 ("The Reform Party").

temperance or sumptuary legislation, the legal observance of the Sabbath, purity in official life, and the organization of a political party on the basis of the prohibition of the manufacture and sale of intoxicating drinks. The motive of these very radical reformers is unquestionably good, but their proposed method of accomplishing results is much too aqueous to be effective in a world the great majority of whose inhabitants never have been, and in all human probability never can be, persuaded that the universe begins and ends in water.³⁴

From the *Chatfield Democrat*:

TEMPERANCE TICKET.

The Temperance Societies of Minnesota held a State Convention at Minneapolis on Wednesday last, and placed in nomination a full ticket for State officers, as follows

For Governor—R. F. Humiston, of Nobles county.

Lieutenant Governor—J. B. Tuttle, of Anoka.

Secretary of State—Col. J. H. Stevens.

Chief Justice—Sherman Page, of Mower County.

Attorney General—C. M. McCarthy, of St. Paul.

State Auditor—Asa B. Hutchinson.

State Treasurer—H. D. Brown, of Freeborn county.

Clerk of the Supreme Court—P. A. Jewell.³⁵

³⁴ *Winona Daily Republican*, June 18, 1875, at 2. An editorial welcoming the "Reform Party" was published in *The Grange Advance*, June 22, 1875, at 2 ("It is a good ticket and should command respect, and there is no reason why any man whatever his politics should be ashamed or afraid to vote for such men.") The platform of the Reform or Temperance Party is posted in the Appendix, at 46-49.

³⁵ *Chatfield Democrat*, June 19, 1875, at 3. The *Mower County Transcript*, an unrelenting critic of Page, printed the nominations without comment. June 17, 1875, at 3.

When nominated for chief justice, Sherman Page (1833-1918) was the incumbent Judge of the Tenth Judicial District.³⁶ He served one term from 1873 to 1880, and was defeated in November 1879, by John Q. Farmer.³⁷

Something curious happened to Judge Page after he was nominated: he disappeared. True, he still held court and was a leader of a faction of the Mower County Republican Party that was accused of trying to sabotage it, but he was not mentioned in the campaign of the Reform-Temperance Party. A clue to his absence may be the following item in the *Mower County Transcript*:

S. Page wrote a private letter to Major Hotchkiss, of the Preston Republican, upon the subject of his (Page's) nomination by the State Temperance Convention in which he says, "I did not even know that such a convention was to be held until it was over." What an enthusiastic temperance man Page is. How heartily he sympathises with temperance people. Didn't even know that a convention had been called! Well! well! Verily he is "in bonds" with "Brother" [William W.] Satterlee [an agent of the Minnesota Temperance Union].³⁸

Apparently he did not want to jeopardize his future in the Republican Party by consenting to have his name listed on another party's ticket.

³⁶ Despite being a sitting judge, he was active in Republican Party politics. On July 16, 1875, he attended the Second Ward caucus in Austin, and nominated two candidates and offered a resolution that passed. *Mower County Transcript*, July 22, 1875, at 3.

³⁷ The three volumes of his impeachment trial in 1878 in the state Senate, which acquitted him, are posted in the "Legislature-Journals" category of the MLHP.

³⁸ *Mower County Transcript*, July 1, 1875, at 3 (spelling unchanged).

Chapter Six
Anti-Monopoly Party Convention
Nominates Lafayette Emmett
and the Reaction of the Press.

The Anti-Monopoly Party held two conventions. At the first on July 29th, the party adopted its platform at a convention in Owatonna.³⁹ On August 9, Ebenezer Ayres, chairman of the state committee, sent Chief Justice Gilfillan a copy of that platform and asked for his opinion. On September 8, 1875, *The Grange Advance*, a weekly newspaper in Red Wing, published the jurist's reply:

THE CHIEF JUSTICESHIP.

The following is the reply of Hon. James Gilfillan to the letter of Hon. Ebenezer Ayres, enclosing a copy of the Owatonna platform and asking his opinion touching the same:

ST. PAUL, Minn., August 14, '75.

Hon. Ebenezer Ayres, Chairman Anti-Monopolist
State Committee:

DEAR SIR.—I have received your favor of the 9th inst., addressed to me as a candidate for the office of Chief Justice, enclosing a copy of the platform adopted at the "Independent Anti-Monopoly" State Convention, which met at Owatonna on the 29th day of July last, and soliciting my opinion thereon.

As a judge must, in performing the duties of his office, ignore all distinctions between persons whose controversies he is called on to decide, whatever political principles they may hold, or to whatever political organizations they may belong, it is improper that one whose name is before the people for election

³⁹ It is posted in the Appendix, at 56-58.

to such an office, should engage in any discussion of a political character or endeavor to commend himself to the electors, by expressing opinions on political subjects. For this reason, the sufficiency of which I believe you will recognize, I must respectfully decline to give any opinion upon the platform sent me. I am very respectfully,

Your obedient servant,

JAMES GILFILLAN.

After which the publisher and editor of *The Grange Advance*, H. H. Young, pinned this editorial:

We hold to the opinion that judges and attorneys should generally be selected without regard to the political parties with which they may be connected, but think that Mr. Gilfillan misapprehends the question Mr. Ayers asked. It is not whether he approves of the platform as an entirety, but what are his views concerning the subjects therein mentioned. Several of these are such as he must have opinions about, and he would have been innocent of all impropriety had he either endorsed or disapproved them. The first, second, fourth, fifth, sixth and ninth planks might, at least, have been discussed by Mr. Gilfillan or anybody else.

A judge, as much as a governor, legislator, or constable, is a public servant, paid by the people for performing a stipulated duty, and the people have a right to know what are his opinions. To some extent these may be ascertained by reference to his past professions and conduct but if new issues arise they have the right to inquire and he the right to declare what views he entertains relatively thereto. We regret that Mr. Gilfillan has seen fit to refuse an explicit reply to the letter of Mr. Ayres, because he thus leaves it in the power of his opponents to accuse him of shirking the questions involved yet we must not forget that it is no

worse to do this than to make false professions for the sake of winning votes. We all understand that Mr. Gilfillan is a Republican, and we now must suppose that he endorses the Republican policy generally, and therefore, so far as that is opposed to the Anti-Monopoly platform, he stands opposed to it. That he is an able lawyer and competent judge we willingly concede, and if he is elected we can only hope that he will prefer to construe the law in the interests of the people, rather than in the interests of their oppressors.⁴⁰

The second convention met in Owatonna on September 22, 1875, to select a slate of candidates. This convention was described in the *Anti-Monopolist* newspaper, a weekly edited and published by Ignatius Donnelly:

Anti-Monopoly State Convention.

This body met in Owatonna at 12 o'clock last Wednesday [September 22]. In the absence of Mr. Ayers, who was prevented by sickness from attending, the meeting was called to order by Mr. O. H. Page, a member of the State Committee. On motion, H. A. France was called to the chair, and H. T. Hannon was appointed secretary.

....

[There ensued a debate on whether the Anti-Monopoly Party Convention should nominate candidates of the Democratic Party or only select its own]

....

Several others spoke pro and con upon this question, and Mr. Young made a second appeal in behalf of separate action, declaring that even if this convention should nominate the Democratic ticket it would not

⁴⁰ *The Grange Advance* (Red Wing, Goodhue County), September 8, 1875, at 4.

influence the Anti-Monopolists of the state to vote for those candidates. The object of their organization, the purpose of calling this convention, their entire action, in fact, proved that what they wanted was independent action, and not coalition with either of the old parties. If this convention offered them the Democratic candidates to vote for, they would not abide by its action, but would be likely to resent such interference with their plans by voting for the Republican candidates in preference. Rather than attempt to force Mr. Buell on the party, Mr. Young believed that no nomination had better be made, but that the gubernatorial place on the ticket be left vacant, he therefore, moved to lay this question on the table.

.

When the name of Mr. Emmett was mentioned for Chief Justice, Mr. Young proposed that the convention leave this place void, as it would injure the party and do Mr. Emmett no good to nominate him.

Mr. Barton insisted, however, upon his nomination and declared him a simon-pure Anti Monopolist, and a very fitting man for the position. Several other delegates opposed the nomination of Mr. Emmett, when Mr. Donnelly took the floor, and after admitting that he was not a member of the convention, asked to be heard in Mr. Emmett's behalf. The request being granted he proceeded to extol Mr. Emmett's conduct while on the bench, because of his decisions on the question of interest contract notes. He declared that Emmett had always proved himself the friend of the people, and that he deserved their support. He also dwelt on his eminent ability.

Mr. Young said that Mr. Donnelly's arguments were fallacious. That Mr. Emmett was not a suitable man for the position, and, if it was necessary, his unsuitableness could be shown. He did not, however, want to enter into an investigation of the gentleman's conduct and

character, preferring to leave the place on the ticket blank, Mr. Donnelly accused Mr. Young of stabbing Mr. Emmett in the back by innuendoes.

Mr. Young retorted that he was not in the habit of stabbing in the back, his attacks were all open and above board, but he was called upon to specify here publicly his reasons for opposing Mr. Emmett. He did not desire to do so. This was not properly a political position, it was not incumbent upon the convention to nominate for it, and he only asked to omit making any nomination. He did not want to injure Mr. Emmett by innuendoes or assertions, and that gentleman's friends were doing him a great wrong by forcing his opponents to tell all they knew about him, especially when his nomination by this body would avail him nothing.

The motion to lay on the table prevailed. Quite a number of the delegates left the convention at this stage of the proceedings, and after the formal business of arranging for committees, etc., was disposed of, a Rice county delegate moved to reconsider the vote laying the nomination for Chief Justice on the table.

The motion prevailed, and Mr. Emmett's nomination was thus secured by a vote of 8 yeas to 7 nays.

The convention then adjourned.⁴¹

Chapter Seven.

The Campaign

Judicial candidates avoided campaigning—they left to others in their party the job of advancing their cause. Both the Republican and Democratic Parties had speakers' bureaus that dispatched well-known men to speak at rallies around the state. Partisan newspapers printed the tickets of the parties they supported as well as hard-hitting editorials. The Republican press far out-

⁴¹ *The Grange Advance* (Red Wing), September 29, 1875, at 1. A long account of the Anti-Monopoly Olmsted County Party Convention was published in *The Rochester Post*, July 17, 1875, at 2.

numbered the few Democratic papers. From the start of the War through the end of the century, the Republican Party dominated Minnesota politics.⁴²

Chief Justice Gilfillan, as we have just read, declined to express his opinion of the Anti-Monopolist Party Platform. On the other hand, the opinions of Lafayette Emmett, who had been out of office for a decade, were published. For example, on the front page of its September 20, 1875, issue, *The Anti-Monopolist* reprinted three resolutions he offered to the Committee on Resolutions at the convention of the Democratic Party in August.

The tickets of three political parties (all except the Temperance Party) and a few editorials on the candidates for chief justice are posted in the Appendix.

Chapter Eight. The Election

1875 was not a presidential election year. Voter turnout and enthusiasm may have been less than they would be in 1876, one of the most important elections in the history of the nation as it ended the Reconstruction Era.

In the election on November 2, 1875, The Republican Party prevailed in eight state-wide contests. John Pillsbury was elected governor, James Wakefield elected Lieutenant Governor, John S. Irgens was elected Secretary of State, George Wilson was chosen Attorney General, Orlan Pliny Whitcomb elected Auditor, and William Pfaender elected state Treasurer, Samuel H. Nichols was elected Clerk of the Supreme Court and William Marshall was elected Railroad Commissioner.

⁴² Eugene V. Smalley's *A History of the Republican Party from its Organization to the Present Time to Which is Added A Political History of Minnesota From a Republican Point of View* (1896) is posted in the "Politics" category of this website.

James Gilfillan was elected Chief Justice:

James Gilfillan.....	47,010
Lafayette Emmett.....	34,623 ⁴³

Judge Sherman Page did not receive any votes for chief justice.⁴⁴

Postscript

James Gilfillan would be re-elected in 1882 and 1888. Denied the nomination of his party at its convention in July 1894, he died in office on December 16, 1894, at age 65.

⁴³ Microfilm Reel SAM66, Roll 1, Images 98-9; "Results of Elections of Justices to the Minnesota Supreme Court, 1857 – 2018" 22-23 (MLHP, 2019).

⁴⁴ Vote totals for James Gilfillan and Lafayette Emmett are listed in SAM66, Role 1, Images 98-99, but none for Judge Page.

In 1875 the two major political parties printed their own ballots. The Temperance Party likely did not have the funds to print its ballot, and that is another reason why Judge Page did not receive any votes.

APPENDIX

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Resignation of Chief Justice McMillan,
July 27, 1875

St. Paul July 27. 1875

His Excellency
Cushman K. Davis
Governor of the State of Minnesota

Sir;

I hereby
resign the office of Chief Justice of the Supreme
Court of the State of Minnesota; such resignation
to take effect on the 3^d day of March 1876.

I am, Sir, Very respectfully

Your Obedient Servant

S. J. R. McMillan

Two Petitions endorsing James Gilfillan for Chief Justice

The first is from Ramsey County lawyers and judges.

It is cut in half as the original is on legal-size paper.

The second is from Hennepin County lawyers.⁴⁵

Hon. C. K. Davis, Governor.

The Undersigned respectfully
recommend the appointment of
Hon. James Gilfillan to the
Office of Chief Justice of the
Supreme Court.

R. D. Allister	H. R. Bagshaw
Henry B. Basset	Greenleaf Clark
Wm. H. Brown	Edw. J. Kane
John White	Henry J. Jones
Harvey Affron	James M. Mearns
A. B. Stickney	H. R. Brill
James B. Beals	W. D. Cornish
Stanford Newel	Thomas F. Bonner
P. A. Dagour	W. R. Warner
J. J. Mearns	William Louis Kelly

⁴⁵ Secretary of State, 1 Official, Letters, Communications, 1858-1879.

Frederick Allen	William Lewis Creery
G. Siegenthaler	Chas E. Otis
Geo. L. Otis	Wm. M. Webster
H. A. Wilson	B. J. Reid
Geo. Gray	Jas. D. O'Brien
Wm. W. Pileson	John H. Parsons
Edward Simonton	John H. Parsons
Henry J. Horn	David Sanford
C. J. Thompson	Wm. M. Strain
James H. Davidson	
Wm. A. Spencer	Loring Albis
H. E. Mann	Harvey H. Mead
A. Edgerton	
J. H. d. dleston	Henry O'Gorman
J. B. Oliver	Wm. H. Easton
S. M. Phin	Chas. S. Bryant
Homer L. Eller	

To his Excellency, Chief Justice
H. Davis, Governor of the State of Minnesota;

The undersigned, members of the Bar of the
County of Hennepin, respectfully recommend
and request your Excellency to appoint Judge
James Gilfillan, to fill the vacancy in the
office of Chief Justice of the Supreme Court,
Minneapolis, March 2, 1875.

D. A. Secombe	A. N. Merrick
W. M. Allen	P. Walbridge
J. M. Shaw	H. S. Sutra
H. P. R. R.	William O. Roberts
L. M. Stewart	Budd Ream
P. M. B. B. B.	H. H. H. H.
O. M. Wilson	J. C. Chamberlain
W. Freshour	L. S. Jones
E. J. Davenport	D. B. Farmer
D. W. Albough	C. F. Pillsbury
J. H. H. H.	Alfred Smith
George H. Robinson	C. J. Barton
Chas. C. Woods	J. J. Himes
J. G. G. G.	Howard Douglas
James H. Lawrence	Geo. W. Bataillon
F. B. Cornell	O. M. M. M.
George Bradley	D. G. Shillcock
J. S. Ransome	A. H. H. H.
Robert A. Ransome	W. C. Hale
S. C. C.	A. G. O. O.
E. C. C.	
Thos. H. H.	

Journal of the Minnesota Senate, Appendix,
Executive Session, March 5, 1875, at 510-511.

EXECUTIVE SESSION.

ST. PAUL, Friday, March 5th, 1875.

The Senate having resolved to proceed in executive session, the following communication was received from his Excellency, Governor C. K. Davis:

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
SAINT PAUL, March 5, 1875. }

Hon. A. Barto, President of the Senate:

The nomination of James Gilfillan, Esq., of the county of Ramsey, to the office of Chief Justice, to fill the vacancy caused by the resignation of the Hon. Samuel J. R. McMillan, is hereby submitted to the consideration of the Senate.

C. K. DAVIS.
Governor.

Mr. Drake moved that the Senate advise with and consent to the appointment of James Gilfillan, Esq., to be Chief Justice of the Supreme Court.

APPENDIX.

511

Which motion prevailed.

Minutes of April 6, 1875, the first day of the April 1875 term of
the Minnesota Supreme Court.

474
1st Day.

State of Minnesota. Supreme Court.
General April Term. A.D. 1875.

At a General Term of the Supreme Court of the
State of Minnesota, begun and held at the Capitol, in
the City of Saint Paul, pursuant to law, on the first
Tuesday (to-day) of April, A.D. 1875 at 12 o'
clock M., and of the Independence of the United
States of America the Ninety-Ninth Year.
Present: Honorable James Scipione, Chief Justice.
" John M. Berry, Associate Justice.
" J. R. E. Cornell, " "
and Sherwood Hough, Clerk.

The Court was duly opened by proclamation and the
following proceedings were had:

Justices A. J. Macdonald, Morris Lamprey
and A. L. Williams were appointed examining
committee. And Saturday the 15th day of
May next at 10 o'clock A.M. was fixed
for hearing examination of candidates for
admission to practice as Attorneys and Counselors
in this Court.

The following causes upon the Calendar
for the present term of this Court were submitted
to the Court for decision upon briefs heretofore
furnished. To-wit: Nos. 6, 8, 16, 17, 19, 20, 21,
22, 23, 28, 30, 31, 33, 36. And the same severally
taken under advisement by the Court.

No. 39. *Peter Peterson,* Appellant.
vs. *George Jordan,* Respondent.
On motion of C. H. Benton
Esq. Attorney for Respondent,
it is hereby ordered that
the appeal herein be, and
the same is hereby dismissed
but without prejudice, and that the Respondent above
named have judgment accordingly.

No. 79. *Peter Thompson,* Appellant.
vs. *C. J. Sutton & Co. et al.,* Respondents.
Ordered by consent of
Counsel for the respective
parties herein that this
cause stand continued
until the next term
of this Court.

The Temperance Party Platform

The platform of the Temperance Party was adopted at its state convention in Owatonna on June 16, 1875:

THE MINNESOTA TEMPERANCE PLATFORM.

First—We recognize the existence, power, and providence of Almighty God and that without His blessing they who build do labor in vain. We would therefore be radically right in everything pertaining to good government, that we may consistently invoke and may confidently expect His blessing upon our endeavors.

Second—In calling upon all good citizens to forsake their present political affiliations, and unite in a movement for the putting away of corruption and wrong we would herein distinctly set forth- the objects to be attained and the evils to be overcome.

Third—History teaches us that corrupt political parties are never reformed, but must die, and make way for new parties with new issues, who can justly appeal to the moral conscience of the people for support.

Fourth—In making this issue we demand competency, honesty and sobriety as indispensable qualifications for holding public office, and believe that rewards from public service for men of difference of political opinion is a practice opposed to sound policy and just principles.

Fifth—That fixed and moderate salaries should take the place of official fees and perquisites, and every possible means be employed to prevent corruption and venality in office, and that the utmost economy should be practiced and enforced in every department of the government, to the material reduction of the expense of the same.

Sixth—That we favor the election of President, Vice President, and U. S. Senator by direct vote of the people.

Seventh—That we are not favor of a sound national currency adequate to the demands of business, and convertible into gold and silver at the will of the holder, and the adoption of every measure compatible with justice and public safety, to appreciate our present currency to the gold standard.

Eighth—That the producing commercial and industrial interests of the country should have the best and cheapest modes of transportation possible, and while capital invested in such means of transit, whether by railroad or otherwise, should be permitted the right of reasonable and just compensation, all abuse in management, excessive rates of toll, and all unjust discriminations against localities, persons or interests, practiced by them should be prohibited by law, and the people should be protected from the improper and arbitrary use of the vast powers possessed by railroad and other transportation companies.

Ninth—That an adequate public revenue being necessary, it may be properly raised by import duties and an equitable assessment upon the property and legitimate business of the country nevertheless we are opposed to any discrimination of capital against labor, as well as to all monopoly and class legislation, and to the policy of sustaining the government by a tax upon the sorrow, shame, misery, and crime of our people, resulting from the licensed sale of intoxicating liquors for that purpose.

Tenth—Believing that the Sabbath is not only of Divine origin, but abo eminently beneficial to man, having a great power to restrain and to morally educate the people, it is therefore the duty of the government to see that on that day quiet and good order are maintained.

Eleventh—We believe the enactment and execution of laws against the importation, manufacture, sale and use of poisoned and intoxicating liquors, is distinctively the work of the government in its organized capacity.

Twelve—That the only consistent attitude for all temperance people to maintain toward this destructive business is that of a thoroughly organized and perpetual hostility. A democratic or republican form of government necessarily involves the agency or political parties. A political party is either strong or weak for handling a radical question according as its members are united or divided on such questions.

ARGUMENT.

First—When members of the same political party are radically divided on any question it becomes impossible for that party to give positive and effective legislation on that question.

Second—The members of the republican and democratic parties are radically divided on all questions concerning the liquor traffic.

Third—Therefore it is impossible for these parties to give positive and effective legislation on that question. We therefore reach this

CONCLUSION.

That Whereas the allowed public traffic in alcoholic beverages sustains the relation of an efficient cause to intemperance, and all its direful concomitants acting as a powerful counter-educating force to all temperance agencies, the entire business being not only intolerably immoral, producing ignorance, idleness, debauchery and crime, but is also a political wrong of unequaled enormity, in violation of the bound principles of political economy, as it represents only fictitious wealth, and

supplies no real demand of society and hence is prejudicial to every object of good government, and

WHEREAS, Complete legal prohibition of the aforesaid useless and harmful branch of trade is the only proper and adequate remedy for the manifold and serious evils which it inflicts upon society, and to secure such legislation and to render it effective, involves the responsible agency of a political party united and distinctly committed to the prohibition policy, and

WHEREAS, Neither of the other political organizations either can or will accept this question as an issue, therefore,

Resolved, That it is the duty of all good citizens to give their moral and political support to the reform party, forsaking all others and working zealously for it only until its victory is complete in all parts of our State and nation.

The above report and resolutions were unanimously adopted.⁴⁶

⁴⁶ *Chatfield Democrat*, June 26, 1875, at 1.

The Democratic Platform

Platform and Resolutions.

Mr. Burchard, chairman of the committee, presented the following resolutions, which were read by Mr. McDonald, as the platform to be adopted by the convention:

The democratic-republican party of Minnesota, in convention assembled, invite our fellow citizens to consider whether the widely prevailing corruption in the conduct of public affairs, in both state and nation, have not made it evident that the dominant party should be deprived of the powers which the leaders have of late years so prostituted and abused.

Believing that reform can only be inaugurated by selecting candidates and representatives not heretofore connected with any of these abuses, and who are known to be both honest and capable, we present to the people of Minnesota, as candidates for their suffrages, the gentleman nominated today; and declare the following to be principles they represent:

Resolved, First. That the adoption of the fourteenth, fifteenth and sixteenth amendments to the federal constitution closed a great error in our politics, and marked the end forever of human slavery, and of the struggles that grew out of that system. These amendments have been accepted in good faith by all political organizations and the people of all sections. Hereafter all parties must stand upon them, and our politics must turn up on the question of the present and the future, and not a not upon those of the settled and final past.

Second. That the national government is a government of limited and delegated powers, supreme within its sphere; while the great bulk of the real rights of the people must find their safeguards in the states and the people themselves.

Third. That we are opposed to all attempts to limit the freedom of the press of the country.

Fourth. A return to gold and silver as a basis of the currency of the country, with immediate preparations and effective measures to secure the resumption of specie payments.

Fifth. A tariff for revenue only – consistent with an honest administration. None for protection. No government partnership with protected monopolies.

Sixth. Equal and exact justice to all men; no partial legislation; no partial taxation.

Seventh. Free men, uniform excise laws; no sumptuary laws.

Eighth. Official accountability, enforced by better civil and criminal remedies; no private use of public funds by public officers, and the strictest economy in all public affairs.

Ninth. The party in power responsible for the administration of the government while in power.

Tenth. That all corporations chartered or recognized by the state should be at all times supervisable by the state in the interest and for the protection of the people against unjust discrimination and extortionate demands.⁴⁷

⁴⁷ *St. Paul Pioneer Press*, July 8, 1875 at 2. In an editorial in the same issue, the P.P. complimented the “democracy,” as it called itself, for rejecting the siren calls of “demagogues in its own ranks” (i.e., Ignatius Donnelly):

The democratic party of Minnesota have achieved a victory at the outset of the campaign which is of far greater importance than success at the polls. It is a victory of sound principle over the misleading sophistries of the demagogues in its ranks.

In the for the most part admirable platform adopted by the convention the democratic party professedly, and let us hope sincerely, turned his back upon the obsolete heresies of the past, and the Bourbons who still cling to them; accepts the three constitutional amendments as final settlements of the issues growing out of the slavery struggle, and turning away from the

The Republican Party Platform

The following platform was adopted by the Republican Party at its state convention on July 28, 1875:

First—The Republicans of Minnesota re-affirm the cardinal principles of their party, which have become the established policy of both State and National governments—the unity and indissolubility of the nation, the equal rights and just protection of all men before the law.

Second—That on the prominent question of the day, we favor that policy of finance which shall steadily keep in view a return to specie payments.

Third—A tariff strictly for revenue, yet so adjusted as to be the least burdensome and the most favorable to the interests of home industry and labor.

Fourth—We demand that all railway and other corporations shall be held in fair and just subjection to the law making power constitutionally exercised.

sepulcher of its buried idols like a widow who has outlived her grief and robed herself for fresh matrimonial conquests, the Minnesota democracy advances to meet the living issues of the present, and meets one of them, at least, grandly.

As to that most vital of all the questions now before the people of this country, which concerns the foundations of national honesty and national prosperity, the democratic party of Minnesota with a courage and a fidelity to principle which deserves all praise, disregarding the clamors of the demagogue in his own ranks and renouncing the powerful but mischievous example of the democracy in other western states, has planted itself on the solid rock of an honest currency, redeemable in gold and silver. This plank which is worth more than all the rest of the platform, because it alone grapples with the supreme question of the day, reads as follows:

A return to gold and silver as a basis of the currency of the country, with immediate preparation and effective measures to secure the adoption of specie payments.

Fifth—That we cordially endorse the progressive and liberal policy of the Republican party in its well defined and clearly announced purpose to foster the agricultural, industrial and commercial interests of the country by a judicious system of internal improvements, having for their object improvements, having for their object the enlargement of facilities and a reduction in the cost of transportation for inter-state commerce.

Sixth—That to the Republican party is justly due the honor and credit of securing for the first time the recognition by foreign governments the full and complete rights of citizenship, in reversal of the monarchical doctrine that a subject can not absolve himself from allegiance to his sovereign by naturalization under our laws.

Seventh—We heartily commend the honesty and efficiency of the present State administration, and point with satisfaction to the fact that it has reduced the aggregate of State taxes twenty per cent, within the last two years.

Eighth—That the example of Washington in refusing to be a candidate for a third presidential term and affirmed by President Grant of that principle, is one we sacredly cherish, and we should regard a departure from it a dangerous innovation.

Ninth—That we may prove of the present Republican national administration, and especially the earnest efforts to collect the revenue, to prevent and punish fraud, to expose past violations and to guard against their recurrence in the future.

Tenth—That we endorse the policy of adjusting difficulties between this and foreign nations by arbitration instead of war, and as friends of justice and humanity we shall hail the day when this policy shall be adopted throughout the world.

Eleventh—A grateful people can never forget the service of her soldiers, and it is due to them that

liberality and generosity should be exercised in matters of back pay, bounties and pensions.

Twelfth—That since the purity and permanency of free institutions of government depend upon the universal diffusion of knowledge and virtue among the people, the Republican party of Minnesota reaffirms its convictions that it is the duty of the State, not only to maintain the integrity of not only to maintain the integrity of the common school system, but to do all that is needful to so increase its efficiency as to secure the blessings of a wise and generous education to every child within its borders.⁴⁸

⁴⁸ *Stillwater Messenger*, July 30, 1875, at 1. About the platform, the *St. Paul Pioneer Press* editorialized:

The platform is only so so. It has too much partisan self laudation and too little healthy criticism of prevailing abuses within the party. It is the same old party tune of monotonous acquiescence and everything the party does. Its financial plank is feeble and timorous. On the whole the Democratic party gave us the better platform, and the Republican the better candidates.

St. Paul Pioneer Press, July 29, 1875, at 2.

The Anti-Monopoly Party Platform
Adopted on July 29, 1875, in Owatonna.

Anti-Monopoly Platform.

The following is the platform adopted at the Owatonna convention—

WHEREAS, Our fathers established a free government and enjoined it upon their successors to preserve it for posterity and,

WHEREAS, Through official corruption and special legislation it has been perverted and is now made instrumental in aggrandizing the rich and oppressing the poor and

WHEREAS, Both the Republican and Democratic parties include Monopolists in their membership and are controlled by them, and it is not, therefore, supposable that needed reforms can be effected through their agency and,

WHEREAS, It is our solemn conviction that if the government continues to be administered as it has been the time is not far distant when the overthrow of our free institutions will be complete—be it, therefore,

Resolved, That we, the people of Minnesota, in Convention assembled, pledge ourselves to unite in a new organization, to be called the Anti-Monopoly party, with a view to separate independent political action, and that we declare the following to be the principles to procure the adoption of which, as the policy upon which our governmental affairs shall be conducted, we will use all honorable available means on all proper occasions.

1. That, as labor produces the wealth of the nation, the prime object of government should be to secure the freedom, prosperity and happiness of its laboring people and that as capital is but a means to aid labor in developing the resources of the country and facilitating

commerce, legislation tending to empower capitalists to oppress the industrial classes is radically wrong and condemnable.

2. That ours is equally the government of citizens of all colors, races, nativities, conditions, and religious creeds, and that, politically, we will know no distinctions between these, pandering to none and contemning none, but endeavoring to treat all with equal regard and justice, as fellow citizens having the same rights, interests, aspirations and virtues as ourselves.

3. That we oppose a protective tariff because it must discriminate in favor of monopolists and against the general public, but that there should be a tariff for revenue.

4. That as strict economy in the administration of public affairs is essential to the welfare of the country, no unnecessary offices should be allowed to exist, legislative bodies should have no more members than the needs of the community require, and official salaries should all be reduced to the lowest amounts consistent with a proper regard for the public reputation, bearing in mind that office-holding should not be desirable for its emoluments, but mainly for the honor of well-doing

5. That the executive patronage involving the appointment of subordinates jeopardizes the integrity of our political institutions, and, hence, all officers, as far as practicable, should be elective by the people,

6. That true education and sound morals are the most laudable promoters of temperance, and that we favor a strict enforcement of our present temperance laws.

7. That the state should fix the maximum rates which transportation companies may charge for carrying freights and passengers, and should control such companies to prevent discriminations and unfairness in their dealings and that it is likewise its duty to compel those companies doing business within its borders to

carry freights shipped by its citizens, through the territories of other states, at the same rate which it charges citizens of such other states for carrying similar freights shipped by them over its lines within their respective states,

8. The existence of banks empowered to issue currency tends to amassing wealth in the hands of the few to the injury of the many, and they should be inhibited and their currency retired.

9. That only coin and federal treasury notes should constitute the money (currency) of the country.

10. That we are opposed to the immediate resumption of specie payments, believing that it will result disastrously to the debtor class of the country, that it is already producing wide-spread bankruptcy and suffering, and has decreased immigration and arrested the growth of the nation and that we believe the true way of reaching specie payments is by promoting the growth and prosperity of the nation.

Resolved.—That we sympathize heartily with the National Anti-Monopoly movement inaugurated at Harrisburg, Penn., and now extending itself throughout the country, and look forward to the conference to be held at Cincinnati, Ohio, in September next, with the confident hope and expectation that it will give birth to a workingman's party, under the auspices of which the reforms needed in our national and state government, may, in good time, be effected.⁴⁹

⁴⁹ *The Grange Advance*, September 8, 1875, at 1.

THE GRANGE ADVANCE.

WEDNESDAY, OCTOBER 27, 1875.

H. H. YOUNG, Publisher & Editor.

Nominees for State Officers.

For Governor—

**D L BUELL, Dem. & Anti-Monopoly,
J. S. PILLSBURY, Republican,
R F HUMISTON, Reform, Temperance.**

For Lieut. Governor—

**J B TUTTLE, Reform & A M.
J B WAKEFIELD, Republican,
E W DURANT, Democrat.**

For Secretary of State—

**ADOLPH BIERMANN, A M & Dem,
J S IRGENS, Republican,
J H STEVENS, Reform.**

For Auditor—

**P H RANILLY, A M and Dem,
ASA B HUTCHINSON, Reform,
O P WHITCOMB, Republican.**

For Treasurer—

**E W DIKE, Anti-Monopoly,
WM PFENDER, Republican,
H D BROWN, Reform,
ALBERT SCHOEFFER, Democrat.**

For Attorney-General—

**C M MCCARTHY, Reform and A M,
RICHARD A JONES, Democrat,
GEO P WILSON, Republican.**

For Clerk of Supreme Court—

**SHERWOOD HOUGH, Anti-Monopoly,
S H NICHOLS, Republican,
P A JEWELL, Reform,
ARCHIBALD A MCLEOD, Democrat.**

For Railroad Commissioner—

**A J EDGERTON, Anti-Monopoly,
A M GREELEY, Reform,
WM R MARSHALL, Republican,
W T BONNIWELL, Democrat.**

For Chief Justice Supreme Court—

**JAMES GILFILLAN, Republican,
LAFAYETTE EMMETT, Democrat.**

The Grange Advance printed the ticket of the Anti-Monopolist Party for the benefit of its readers:⁵⁰

THE following is the ticket nominated at Owatonna on the 22nd inst. We publish it for the information of our readers.

For Governor,
D. L. BUELL, of Houston Co.*
For Lieut. Governor,
J. B. TUTTLE, of Hennepin county.†
For Secretary of State,
A. BIERMANN, of Olmsted county.*
For Auditor,
P. H. RAHILLY, of Wabasha.*
For Treasurer,
E. W. DIKE, of Rice.
For Attorney-General
C. M. MCCARTHY, of Ramsey.†
For Clerk of Supreme Court,
SHERWOOD HOUGH, of St. Paul.
For Railroad Commissioner,
A. J. EDGERTON, of Dodge.
For Chief Justice,
L. EMMETT, of Rice.†

Mr. Emmett cannot properly be considered a nominee of the convention, as his nomination was once laid upon the table, and then taken up, on motion to reconsider, after a large number of delegates had left the room.

Those marked with a * are democratic and those with a † are temperance nominees. The Anti-Monopoly nominees are strictly Messrs. Dike, Hough and Edgerton.

The editors of *The Grange Advance*, however, left no doubt where they stood on the candidacy of Lafayette Emmett:

As for Mr. Emmett, all we know about him leads us to deplore that he fills a place on the ticket. We do not consider him the right man for the place in any sense.⁵¹

⁵⁰ *The Grange Advance* (Red Wing), September 29, 1875, at 1.

⁵¹ *Id.*

Left: *Fergus Falls Advocate* (Otter Tail County), August 18, 1875, at 1.

Right: *The Lake City Leader*, September 2, 1875, at 1.

State Ticket,

For Chief Justice of Supreme Court,
JAMES GILFILLAN.

For Governor,
HON. JOHN S. PILLSBURY.

For Lieut. Governor,
HON. J. B. WAKEFIELD.

For Secretary of State,
HON. JOHN O. IRGENS.

For State Auditor,
O. P. WHITCOMB.

For State Treasurer,
HON. WM. PFAENDER.

For Attorney General,
GEORGE P. WILSON.

For Clerk of Supreme Court,
SAM. H. NICHOLS.

For Railroad Commissioner,
CHARLES A. GILMAN.

The Lake City Leader.

LAKE CITY, MINN.

REPUBLICAN NOMINATIONS.

FOR CHIEF JUSTICE SUPREME COURT,
JAMES GILFILLAN, of Ramsey.

FOR GOVERNOR,
J. S. PILLSBURY, of Hennepin.

FOR LIEUTENANT GOVERNOR,
J. B. WAKEFIELD, of Faribault.

FOR SECRETARY OF STATE,
J. S. IRGENS, of Mower.

FOR STATE AUDITOR,
O. P. WHITCOMB, of Olmsted.

FOR STATE TREASURER,
WM. PFAENDER, of Brown.


FOR ATTORNEY GENERAL,
GEO. P. WILSON, of Winona.

FOR CLERK OF THE SUPREME COURT,
SAM. H. NICHOLS, of Otter Tail.

FOR RAILROAD COMMISSIONER,
WM. R. MARSHALL, of Ramsey.

Wankato Weekly Record
ONLY REPUBLICAN PAPER
IN BLUE EARTH COUNTY!
Orville Brown, Editor
SATURDAY, OCT. 23, 1875.

Forever float that standard sheet,
 Where breathes the foe, but falls before us;



With Freedom's soil beneath our feet,
 And Freedom's Banner waving o'er us!"

REPUBLICAN TICKET.

For Governor,
J. S. PILLSBURY, of Hennepin County.
 Lieutenant Governor,
J. B. WAKEFIELD, of Faribault County.
 Secretary of State,
JOHN S. INGENS, of Mower county.
 State Auditor,
O. P. WHITCOMB, of Olmsted County.
 State Treasurer
COL. WM. PFAENDER, of Brown County.
 Attorney General,
GEORGE P. WILSON, of Winona County.
 Chief Justice,
JAMES GILFILLAN, of Ramsey County.
 Clerk of Supreme Court,
SAMUEL H. NICHOLS, of Meeker County.
 Railroad Commissioner,
WILLIAM R. MARSHALL, of Ramsey.

Republican County Ticket.

For State Senator,
N. W. DICKERSON.

For Representatives,
 1st District—**HIRAM GERLICK.**
 2d District—**J. A. JAMES.**
 3d District—**WM. P. MARSTON.**
 4th District—**M. M. CLARK.**
 5th District—**WM. WEBB, Jr.**

For Treasurer,
D. C. EVANS.

For Sheriff,
S. F. FINCH.

For Register of Deeds,
J. G. FOWLER.

For County Surveyor,
JOHN LILLY.

For Coroner,
B. DURKEE.

REPUBLICAN MEETINGS.

Gen J. H. BAKER will address the citizens of
 Owatonna, Monday, October 25th.
 Rochester, Tuesday, October 26th.
 Eagle Lake, Wednesday, October 27th.
 Shellyville, Thursday, October, 28th.
 Mapleton Station, Friday, October, 29th.
 Good Thunder, Saturday, October 30th.
 Lake Crystal, Monday, November 1st.

The meetings will be held in the evening. Local
 committees are expected to make suitable arrange-
 ments for halls, &c.

This is the enlarged bottom paragraph of the political ad on the left. It lists appearances by General James H. Baker in towns in southern Minnesota. He will speak on behalf of the Republican ticket.

REPUBLICAN MEETINGS.


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 ments for halls, &c.

Both major parties had speakers' bureaus that assigned prominent party men to speak at rallies around the state.

The Weekly Valley Herald (Chaska, Minnesota), October 21, 1875.

The Valley Herald.
Deutsches Departement.
 Redakteur: John Kerfer.
**Demokratisch-liberales Staats-
 tidet.**
 Für Gouverneur: D. L. Buell, v. Houston
 Co.
 Für Lieutenant Gouverneur: E. W. Durant,
 von Washington Co.
 Für Staatssekretär: Adolph Biermann, v.
 Lincoln Co.
 Für Staats-Auditor: P. H. Rahilly von
 Wabasha County.
 Für Staats-Schatzmeister: Albert Sheffer,
 von Ramsey Co.
 Für Oberichter: Lafayette Emmett, von
 Rice Co.
 Für General-Anwalt: R. A. Jones, von
 Lincoln Co.
 Für Clerk der Supreme Court: A. A. Mc
 Leod, von St. Louis Co.
 Für Eisenbahn Commisär W. T. Bonni-
 well von McLeod Co.

The Valley Herald
Official County Paper.

A. L. DU TOIT, Publisher.
H. A. CHILD, Editor.
For Judge 8th Dist.
L. L. BAXTER.
DEMOCRATIC REPUBLICAN
STATE TICKET.
 For Governor,
 D. L. BUELL,
 For Lieutenant Governor,
 E. W. DURANT,
 For Secretary of State,
 ADOLPHUS BIERMAN,
 For State Auditor,
 P. H. RAHILLY,
 For State Treasurer,
 ALBERT SHEFFER,
 For Chief Justice,
 LAFAYETTE EMMETT,
 For Attorney General,
 R. A. JONES,
 For Clerk of the Supreme Court,
 ARCHIBALD McLEOD,
 For Railroad Commissioner,
 W. T. BONNIWELL,

From *The Rochester Post*, August 14, 1875, at 2:

The Minneapolis Mail expresses the opinion generally entertained of the Democratic candidate for Chief Justice, in the following paragraph:

"One can scarcely mention the name of Lafayette Emmett, the candidate for Chief Justice of the Supreme court, with patience. The judicial ermine of this State is now reasonably tree, from: partisanship, and the people of the State have determined that it shall remain so. For this reason, Emmett, who demanded his own nomination for Chief Justice on the floor of the convention, openly, when the other democratic members of the bar, of decency and character, were urging the convention to rise above the party line, will be defeated and he will lose the respectable independent suffrages of his own party."

From *The Houston County Journal* (Caledonia), July 20, 1875, at 3:

A correspondent of The Pioneer claims that Emmett did not nominate himself because some one in the Convention persisted in calling out "Emmett," "Emmett."

That calls to mind the old story of the man at a political meeting who in season and out of season kept shouting for "Jones." Finally Jones obtained a favorable opportunity and rushed to the front to speak, but no word that he uttered could be heard owing to the terrific shouts for "Jones" by the man in the audience. In one of the intervals when he stopped to get breath, he was informed that if he wanted to hear "Jones" he had better stop his noise, as "Jones" was then before him. A look of profound sorrow overcame him as he replied, "Jones, hell. Why, that's the little cuss who gave me five dollars to call for Jones."

From the *St. Cloud Journal*, July 22, 1875, at 2:

The Le Sueur Sentinel is one of two or three Democratic papers in the State which have independence enough to speak of the disgraceful nomination of Judge Emmett in some such terms as it should be spoken of. The Sentinel says "Of, Judge Emmett, the candidate for Chief Justice, the least that is said the better he will fare. On his personal and judicial character, we believe no stain can be placed, but the unseemly anxiety he evinced in thrusting himself before the Convention was so revolting to all sense of propriety, that his friends can not do him a greater service than to pass his nomination in silence."

From *The Windom Reporter*, August 5, 1875, at 2.

The contrast between the Republican have no candidate, but to raise our highest court of justice above party and Democratic State Conventions, in the matter of Chief Justice, is so great that the action of neither will be over looked. The Democrats refused to raise the judiciary above partizanship by voting down a resolution to make no nomination for that office, and to simply recommended James Gilfillan as a man above all others fit for the position. The Republican convention made no nomination, but simply recommended Judge Gilfillan as a man worthy of the party vote, thus leaving all members of the party at liberty to vote without partisan influences. As a party the Republicans considerations, Judge Gilfillan will not only receive the Republican but a large Democratic vote, and be elected by a greater majority than any candidate in the field. He will be elected as a man eminently qualified for a great tribunal of justice and not in consequence of his political belief. Though a Republican, Judge Gilfillan is a man whose sense of justice cannot be distorted into a decision to satisfy popular clamor or political expediency. Human justice is his sphere, and as its dispenser he will be enabled to act without even an embarrassment.

CHATFIELD DEMOCRAT

J. H. McKENNY & SONS, Editors.

CHATFIELD, MINNESOTA

Saturday Morning, August 21st, 1875.

Democratic-Republican State Ticket.

For Governor,
D. L. BUEL, of Houston,

For Lieut. Governor,
E. W. DURANT, of Washington.

For Secretary of State,
ADOLPHUS BIERMANN, of Olmsted.

For State Auditor,
MICHAEL DORAN, of LeSueur.

For State Treasurer,
ALBERT SCHEFFER, of Ramsey.

For Chief Justice,
LAFAYETTE EMMETT, of Rice.

For Attorney General,
RICHARD A. JONES, of Olmstead.

For Clerk of Supreme Court,
ARCHIBALD A. McLEOD, of St. Louis.

For Railroad Commissioner,
J. W. SENCERBOX, of Scott.

By changing the party name of its ticket the Democrats hoped to shed their past and attract new voters. The Republican press ridiculed the effort. From the *Marshall Messenger*, October 29, 1875, at 1:

"Now let the democratic-republican-liberal-anti-monopoly collection of saints call themselves the party of Zion and all will be well."

The Record and Union
Olmsted County
Rochester

The Record and Union

OFFICIAL PAPER.

A. W. BLAKELY, } EDITORS.
S. D. HILLMAN, }

FRIDAY, SEPT. 24, 1875.

Democratic-Republican State Ticket.

For Governor,
D. L. BUELL,
of Houston county.

For Lieutenant Governor,
E. W. DURANT,
of Washington county.

For Secretary of State,
ADOLPHUS BIERMANN,
of Olmsted county.

For State Auditor,
P. H. RAHILLY,
of Wabasha County.

For State Treasurer,
ALBERT SCHEFFER,
of Ramsey county.

For Attorney General,
R. A. JONES,
of Olmsted county.

For Chief Justice,
L. EMMET,
of Rice county.

For Clerk of Supreme Court,
A. A. McLEOD,
of St. Louis county.

For Railroad Commissioner,
W. T. BONNIWELL,
Of McLeod County.

The Transcript.

The County has no Official Paper.

—AUSTIN, MINN.—

THURSDAY MORNING, OCT. 21, 1875.

A. A. HARWOOD, Editor & Proprietor

REPUBLICAN NOMINEES.

STATE TICKET.

For Chief Justice of Supreme Court,
JAMES GILFILLAN.

For Governor,
JOHN S. PILLSBURY.

For Lieutenant Governor
JAS. B. WAKEFIELD.

For Secretary of State,
JOHN S. IRGENS.

For Auditor,
ORLEN P. WHITCOMB.

For Treasurer,
WILLIAM PFAENDER.

For Attorney General,
GEO. P. WILSON.

For Clerk of the Supreme Court,
SAMUEL H. NICHOLS.

For Railroad Commissioner.
WM. R. MARSHALL.

COUNTY TICKET.

For State Senator,
R. I. SMITH.

For Representatives,
C. F. GREENING,
H. F. DEMMING.

For County Treasurer,
I. INGMUNDSON.

For Court Commissioner,
CHARLES SMITH.

For County Commissioner,
FIRST DISTRICT,
F. W. KIMBALL.

THE GAZETTE.

Wm. B. HERRIOTT.

Editor and Publisher.

For Chief Justice,
JAMES GILFILLAN.

For Governor.

J. S. PILLSBURY.

For Lieutenant Governor,
J. B. WAKEFIELD.

For Secretary of State,
J. S. IRGENS.

For State Auditor,
O. P. WHITCOMB.

For State Treasurer,
WILLIAM PFAENDER.

For Attorney General,
GEORGE P. WILSON.

For Clerk of Supreme Court,
SAM. H. NICHOLS.

For Railroad Commissioner.
WM. R. MARSHALL.

Worthington Advance.

Terms \$2.00 a Year, \$1.00 for Six Months.

FRIDAY, OCTOBER 22, 1875.

REPUBLICAN STATE TICKET.

For Chief Justice.

JAMES GILFILLAN, of Ramsey.

For Governor.

JOHN S. PILLSBURY, of Hennepin.

For Lieutenant Governor.

J. B. WAKEFIELD, of Faribault.

For Secretary of State.

J. S. IRGENS, of Mower.

For State Auditor.

O. P. WHITCOMB, of Olmsted.

For State Treasurer.

WM. PFAENDER, of Brown.

For Attorney General.

G. P. WILSON, of Winona.

For Clerk of the Supreme Court.

S. H. NICHOLS, of Otter Tail.

For Railroad Commissioner.

WM. R. MARSHALL, of Ramsey.

The Swatonna Journal.

OFFICIAL PAPER OF THE CITY & COUNTY.

Thursday, October 14, 1875.

TO ADVERTISERS.

THE JOURNAL is the only paper printed in Steele county, consequently its value as an advertising medium is such as to commend it to all shrewd business men.

Republican Nominations.

STATE TICKET.

For Governor,

J. S. PILLSBURY.

For Lieutenant Governor,

J. B. WAKEFIELD.

For Secretary of State,

J. S. IRGENS.

For Auditor of State,

O. P. WHITCOMB.

For State-Treasurer.

WILLIAM PFAENDER.

For Attorney General,

GEORGE P. WILSON.

For Clerk of Supreme Court,

SAMUEL H. NICHOLS.

For Railroad Commissioner,

WM. R. MARSHALL.

Chief Justice of Supreme Court,

JAMES GILFILLAN.

Related Articles

This is the fourth of a series of articles on elections to the Minnesota Supreme Court in the nineteenth and early twentieth centuries. The first three are:

Douglas A. Hedin, "Now on the Ballot for Candidates for the Minnesota Supreme Court: 'Calvin L. Brown (Republican-Democrat)'—The Story of *In re Day* (1904)" (MLHP, 2017).

Douglas A. Hedin, "James Gilfillan vs. Christopher G. Ripley: The Contest for the Republican Nomination for Chief Justice of the Minnesota Supreme Court, 1869" 21-24 (MLHP, 2018).

Douglas A. Hedin, "George B. Young v. Francis R. E. Cornell: The Contest for the Republican Nomination for Associate Justice of the Minnesota Supreme Court, 1874." (MLHP, 2019).



Posted MLHP: August 15, 2021.