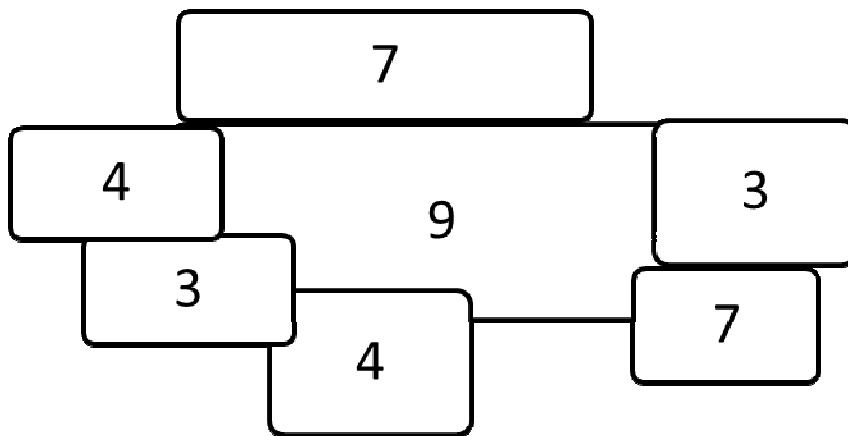


Judicial District Conventions In Minnesota: An Introduction

By

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Introduction

To a surprising degree the bar chose the bench in Minnesota from 1858 to 1910, when the last partisan judicial election was held. During this period lawyers influenced the selection of the men who would serve on the supreme court by working the state conventions of the political parties to nominate their preferred candidates. The bar also heavily influenced the parties' judicial district conventions.

The judicial district convention is the subject of this study. It is intended to introduce those interested in the legal history of this state to the importance of this political event. Its thesis is that lawyers were dominating influences on the political parties' judicial district conventions, which selected the men who would serve on the district courts.

Part 1.

(How composed and conducted)

Minnesota was divided into six judicial districts, each having one judge, when it was organized in 1858.¹ Over the next five decades, the legislature increased the number of judicial districts and reassigned counties to a contiguous district or new one.² For most of the period that concerns us, judicial districts other than the second, which covered Ramsey County, and the fourth, which included Hennepin, had one or two judges.³

¹ Article 6 §4 of the 1857 constitution set the number of districts at six and the number of judges at one.

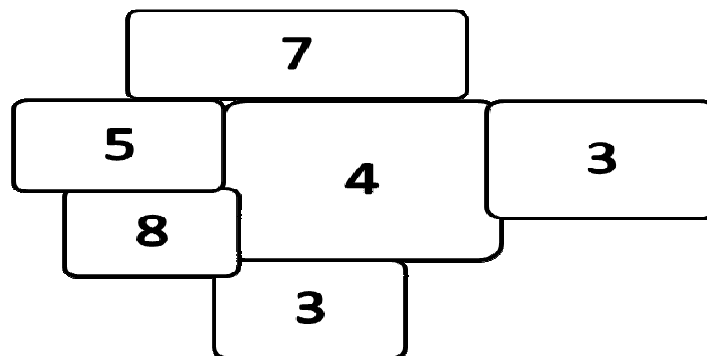
² Article 6 §12 of the 1857 constitution provided, "The Legislature may at any time change the number of Judicial Districts or their boundaries, when it shall be deemed expedient, but no such change shall vacate the office of any Judge."

The contours of judicial districts were not the same as state legislative districts or federal congressional districts.

³ In 1875 an amendment to §4 permitted the legislature to increase the number of judicial districts and set the number of judges in a district as "one or more."

The first judges were elected to seven year terms, later shortened in 1883 to six years.⁴ When a judge died or resigned more than thirty days before the next election the governor appointed his replacement, who usually ran in the next general election for a full term.⁵ Judicial candidates ran on party tickets with party endorsement. The judicial district convention was devised by the two major political parties to select their candidates for the office of district judge, just as the state party convention chose a candidate for a seat on the supreme court.⁶ Unlike the state convention that had delegates from all counties, the judicial district convention had delegates only from the counties that composed it.

The number of a county's delegates to a judicial district convention was set by the party's district judicial committee. That committee allotted delegates according to the number of votes in a county for the head of the party's ticket (president or governor) or some other state-wide office in the last general election. In the 1870s and 1880s a county might be awarded one delegate for every 250 votes cast for governor or president (sometimes the votes for the two offices were combined) in the previous general election. In later years, as the population increased, the ratio was one delegate for every 350 votes for the party's candidate for president or governor in the previous election. Here is the allotment of delegates in a hypothetical six county judicial district:



⁴ An amendment to Article 6 §4, reducing the term to six years was ratified by the voters in 1883, effective the following year.

⁵ Article 6 §10 of the 1857 constitution.

⁶ The Prohibition Party and other third parties also endorsed candidates for the district courts but they did not set up the elaborate framework of county delegate allotments used by the two major parties.

In the judicial convention of this imaginary district there are 30 delegates. Applying the formula 1:250, there were over 7,500 votes in these counties for the head of the party's ticket in the election two years earlier. To get the party's endorsement, a candidate needed only 16 votes. If this was a Republican judicial convention, those 16 men would have chosen the next district court judge, who at some time in the future might be appointed an associate justice on the state supreme court.⁷

Judicial conventions were conducted according to rules of parliamentary procedure. The chairman was usually a lawyer. He appointed committees on credentials, organization, resolutions and tellers; they were composed of a delegate from each county in the district. Infrequently the credentials committee had to resolve disputes between two slates from the same county.

Part 2.

(Timing)

Judicial district conventions were held in the autumn of the election year, usually in August or September, rarely in October. Many were held on a weekday. This schedule favored residents of towns or villages such as lawyers and merchants not farmers who were occupied with harvesting and could not take off even a half day. Newspapers in the district published the date and place of the convention and the number of delegates of each county.⁸

Part 3.

(Selection of delegates)

Delegates to the judicial district convention were selected at the party's county convention. Some county conventions elected their judicial dele-

⁷ E.g., Daniel A. Dickinson (1839-1902) was endorsed at the Republican Sixth Judicial District Convention on October 13, 1874, by one vote, 11-10. He was elected judge that November and served to June 3, 1881, when he was appointed to the state supreme court. He was elected to full terms in 1881 and 1886 but lost in 1894. For an account of the Republican Sixth Judicial District Convention, see Appendix, at 32-33.

⁸ Examples are posted in the Appendix, at 26, 32, 38 and 47.

gates, others authorized the convention chairman to appoint delegates, still others authorized (by vote) the chair to appoint a committee of representatives of each county in the district to recommend delegates.⁹ Newspaper accounts of county conventions do not describe contests to be chosen a delegate to judicial conventions, which lacked the political importance and excitement of legislative and congressional district conventions. It is likely that many slots on delegations to judicial district conventions were filled by volunteers, some of whom were lawyers. Delegates who could not attend sometimes gave their “proxy” to another delegate; at other times vacancies were filled by the delegates present.¹⁰

⁹ *The Todd County Argus*, September 23, 1886, at 1 (The convention then proceeded to elect delegates to attend the State, Legislative and Judicial Conventions. . . . J. D. Jones, A. M. Crowell and E. B. Wood were elected as delegates to attend the Judicial district convention.”). These three men were lawyers and published their business cards on the front page of the *Argus* for years. (e.g., February 4, 1886, front page).

From the *New Ulm Weekly Review*, June 21, 1882, at 3:

On motion of Hans Mo the chair was authorized to appoint a committee of three to select delegates to the Ninth Judicial District Convention. The chair appointed Hans Mo, J. M. Thompson and A. Blanchard. . . .

The committee appointed to select delegates to the Ninth judicial convention reported the following names, with the recommendation that if the report be adopted the delegates shall stand in the order named: . . .

The report was adopted unanimously. The following resolution was adopted with great enthusiasm:

Resolved, That the delegates to the Ninth judicial district convention are hereby instructed to present the name of B. F. Webber, Esq., for the position of judge and to use all honorable means to secure his nomination.

¹⁰ Resolution of the Republican Mower County Convention on June 28, 1872:

On motion, it was voted that the delegates to both Judicial and Congressional Conventions be empowered to appoint substitutes, and should any of the delegates or their substitutes be absent, the delegates present at said Conventions, be empowered to cast the full vote of the delegation.

Mower County Transcript (Austin), July 4, 1872, at 3.

Long before the judicial district convention was held the public had a good idea of who was running for district judge. Newspapers printed gossip about potential candidates and it was customary for men to announce their candidacy for judge and other offices by placing a short announcement in county newspapers. Because of this many county conventions “instructed” their delegations whom to vote for. Others did not, leaving each delegate free to vote for whomever he wished. It is easy to see why a county convention instructed its delegation to vote for a candidate (especially an incumbent) who lived in that county. In other cases it is difficult because newspapers, our sole source of information, did not describe the reasons why county conventions instructed their delegations. Nevertheless it is reasonable to conclude that lawyers at the county convention influenced the decision to instruct, or not.

Most county delegations voted as a block at the judicial district convention. Some formed alliances with other counties to increase their influence on the outcome.

Part 4. (County identification)

In the nineteenth century people identified with the county they lived in, less than their hometown or city (other than St. Paul and Minneapolis). Delegates to party district judicial conventions always favored the candidate who resided in their county.¹¹ As a practical matter, lawyers favored a candidate who resided in their county because they did not have to travel far to get orders signed

¹¹ There were two candidates from Wright County at the Republican Judicial Convention of the Eighteenth Judicial District on July 18, 1898. Splitting the vote, they lost. The *Buffalo Standard* editorialized:

It is a lesson which Wright county would do well to learn that when this county engages in a political contest it should settle its contest at home. The fact that Wright county had two candidates at the convention for the Judgeship brought defeat to both It was the intention of the Wright county convention that we should have but one candidate.

Quoted in the *Sherburne County Star-Journal*, July 28, 1898, at 4.

by him and, besides, they knew him as he was their neighbor. Travel was also a consideration for lawyer-delegates residing near the county of a candidate.¹²

Fierce rivalries rose among counties in a judicial district convention—in addition to that between the candidates—for the judgeship. At times county delegates, egged on by local newspapers, argued that it was their county’s “turn” for the judgeship.¹³ This mindset should never be underestimated when trying to unravel voting patterns in a particular judicial district convention.

Part 5. (Balloting)

When there were two or more candidates for the party’s endorsement “informal” and “formal” ballots were taken (the most

¹² When discussing the relative strengths of lawyers who were rumored to succeed impeached Judge E. St. Julian Cox in the Ninth Judicial District in 1882, the *Pioneer Press* reported “the sentiment of Lyon county”: “The greatest objection to [Sumner] Ladd is the distance from Marshall [the county seat] to his home—100 miles. [Benjamin] Webber is thirty-five miles nearer, and [Alfred] Wallin but forty miles away.” *St. Paul Pioneer Press*, March 31, 1882, at 5.

¹³ For example in September 1874, the resignation of Judge Franklin W. Waite, who was running for Congress, required Governor Cushman Davis to make an interim appointment to the Sixth Judicial District Court. The *Blue Earth City Post* demanded that the governor’s appointee come from Faribault County as a matter of right:

There are a number of aspirants for the position already in the field. These, however, come from Blue Earth County—a locality not entitled to further recognition in this respect. Since the organization of the State Mankato has enjoyed the honor of claiming the Judgeship except for the four years that Ex-Governor Austin was on the bench, and we think that Faribault County is now entitled to the candidate, and should at once step forward and demand it as a right.

Blue Earth City Post, September 12, 1874, at 2.

Similar beliefs were held by geographic regions of the Republican Party. See Douglas A. Hedin, “James Gilfillan vs. Christopher G. Ripley: The Contest for the Republican Nomination for Chief Justice of the Minnesota Supreme Court, 1869” (MLHP, 2018).

was 204 ballots). Sometimes, to winnow the field down, an “informal” ballot was taken; the results gave the contestants a rough idea as to where they stood in the pack, and spurred those with fewer votes to drop out. A “formal” vote was then taken—often times dozens of such votes before a deadlock was broken.

When the result was foretold, the endorsed candidate may have waited in the wings of the hall where the convention was held. The chair appointed a delegation of lawyers from the counties to notify him of the party’s endorsement. He then delivered a short acceptance speech to the party faithful, which surely interested lawyers in the opposing party.

Part 6. **(Incumbents)**

Every incumbent who sought re-election faced the threat of a challenger at a judicial district convention. The threat to a Republican incumbent (and most lower court judges were Republicans in the nineteenth and early twentieth centuries) was greater at a judicial district convention than in the general election. That convention posed a greater risk because a relatively few votes were needed to win an endorsement. A newly appointed incumbent who had served only a few months in an election year was particularly vulnerable as the bar and press might have preferred another appointee by the governor.¹⁴ Challengers came from within the incumbent’s political party and with encouragement from other members of the bar. A challenger had to be nominated for the judgeship which meant that he had to have secured the support of at least a few delegates before the convention. An ambitious lawyer who did not find support among his brethren would not mount a challenge.

Some incumbents were never opposed in a judicial district convention or in a November election, evidence that the district bar was

¹⁴ For examples see what happened to Hial D. Baldwin, Appendix, at 37-46, and James C. Tarbox, Appendix, at 50-53.

pleased with him.¹⁵ The absence of a challenger at a judicial district convention is more proof of the power of the bar in selecting the bench. Other judicial district conventions quickly reached unanimity about a candidate after a few ballots; but some—particularly where an incumbent faced three or more challengers—were lengthy and fractious. Stalemates developed.

Part 7.

(Comparison to political conventions)

The county convention of a political party selected a host of candidates for a host of offices: county attorney, auditor, surveyor, register of deeds, sheriff and probate judge, among others; it elected delegates to legislative district and congressional conventions that endorsed candidates for state senator, representative and congress; and it elected delegates to the state party convention that endorsed candidates for state-wide offices such as governor, lieutenant governor, attorney general and the supreme court, among others. A judicial district convention differed from these conventions because it focused on one office and the number of its delegates was small. With few delegates and only one candidate to endorse, the judicial district convention lacked the fluidity of a county convention, which was attended by dozens of delegates from different factions of the party, and a state convention where hundreds gathered to endorse multiple candidates and where there was ample room for vote trading (“we’ll vote for your candidate if you vote for ours”), rumor-spreading and stealth maneuvering. Unlike political conventions where the votes for candidates rose or fell as exchanges were made, the votes for multiple candidates at a judicial convention usually remained fairly constant until the stalemate was broken when one candidate withdrew, leaving his bloc of voters to switch to another, who prevailed.

¹⁵ E. G., Wescott Wilkin in the Second Judicial District, William Mitchell in the Third, Martin J. Severance in the Sixth, James M. McKelvey in the Seventh; Ozora P. Stearns in the Eleventh and Gorham Powers in the Twelfth.

County legislative and congressional district conventions also focused on one office (state senator, state representative or congressman) but candidates for these political offices took positions on social issues such as prohibition or economic issues such as the tariff. Such divisive issues rarely rose in judicial district conventions. In addition legislative candidates could offer two things that judicial candidates could not: patronage appointments and sponsorship of legislation that would benefit his constituents. A judicial candidate could offer his knowledge of the law, fair treatment of litigants and a sense of justice.

Part 8.

(Dominance of lawyers)

In nineteenth century Minnesota lawyers played prominent roles in the civic and political lives of their communities. They believed they had a duty to serve and were expected by others to hold offices in local, county and state government. They served as city attorneys, on school and library boards, as county attorneys and senators and representatives in the state legislature.¹⁶ They were leaders.

At the same time many of these lawyers, especially in small towns, had a hard time making a living solely from lawyering. Out of necessity they began other businesses such as insurance, land sales and money lending. They joined business associations and were active in fraternal organizations, churches and political parties. They sought public office, which carried a salary. For professional and personal reasons, they welcomed the burdens and responsibilities and received the economic benefits and the elevated social status that came with public service.

Within a county delegation to a judicial district convention lawyers performed the same role they did in the public life of the community. They were educated, respected, knew the candidates' records and had a strong interest in endorsing a fair, knowledge-

¹⁶ The primary sources of these comments are the dozens of short biographies and bar memorials of lawyers posted in the Archives of the Minnesota Legal History Project website. Collectively they form one long chapter in the history of the bar of this state.

able jurist, who was also a member of their political party. Some delegates went their own way, of course, but many deferred to them. They controlled their county's delegation to a judicial district convention and heavily influenced the entire convention's endorsement of a candidate for district court judge. How could it be otherwise?

For lawyers it was desirable and nearly a necessity to be selected a delegate to a district judicial convention. The sparse record we have suggests that there was not a high demand for a seat on that delegation and many were likely filled by volunteers who were lawyers or allies of lawyers. Given the stakes, it is inconceivable that lawyers would not be eager to participate in a judicial district convention.

Exterior influences on delegates at a party's judicial convention came from party activists and county newspapers. Inside the convention lawyers were dominant and in choosing a candidate to back they considered county allegiance, travel, a personal friendship and other parochial matters. But almost certainly the one important factor for many lawyers was their appraisal of a candidate's legal ability and temperament. The trial bar, it must be emphasized, is a tough grader of the bench. Lawyer-delegates made clear-eyed judgments of candidates who, if endorsed and elected, would rule on their motions and preside over their cases.

Part 9.

(Conclusion)

The judicial district convention was a block in the foundation of the court system during the party period of judicial elections in Minnesota. After they are dissected, the conclusion is inescapable that lawyers heavily influenced the voting of their delegations for endorsement of a candidate for district court at their political parties' judicial district conventions. To a surprising degree, the bar selected the district bench from 1858 to 1910.

APPENDIX

Table of Contents

Year/Convention	Pages
Introduction.....	13
1864	
A. Republican Convention, Third Judicial District.....	14-15
B. Republican Convention, Sixth Judicial District.....	16-17
C. Democratic Convention, Sixth Judicial District.....	18-20
1871	
A. Republican Convention, First Judicial District.....	21-27
B. Republican Convention, Fifth Judicial District.....	28-31
1873	
A. Republican Convention, Seventh Judicial District.....	32-39
1874	
A. Republican Convention, Sixth Judicial District.....	40-43
B. Democratic Convention, Sixth Judicial District.....	44
1877	
A. Republican Convention, Ninth Judicial District.....	45-46
1881	
A. Republican Convention, Sixth Judicial District.....	47-48
B. Democratic Convention, Sixth Judicial District.....	48
1882	
A. Republican Convention, Ninth Judicial District.....	49-59
1886	
A. Republican Convention, Tenth Judicial District.....	60-62
B. Republican Convention, Eleventh Judicial District.....	63
1898	
A. Republican Convention, Eighteenth Judicial District.....	64-67
B. Democratic Convention, Eighteenth Judicial District.....	68-70

Introduction to Appendix

Newspaper accounts of sixteen judicial conventions follow. As readers will quickly see the multiple influences on delegates at a particular convention are difficult to identify in newspaper accounts, which are our only source. (If those contemporaneous stories were longer and deeper they would be fruitful areas of research for game theorists and observers of small group decision making).

This paper and this appendix will leave readers with more questions than answers and, hopefully, that will spur research into the party period of judicial elections in this state by professional historians.

1864

A. Republican Judicial Convention, Third Judicial District

In September 1864, the Republican Third Judicial District convened in Winona and endorsed Lloyd Barber, a lawyer from Rochester in Olmstead County, as the party's candidate for district court judge, which was then vacant. Barber thereupon was appointed to the court by Governor Stephen Miller. Chauncey Waterman of Winona, his chief rival, was endorsed against his wishes by the Democrats, who were desperate at this critical time in the War. In the election on November 8, Barber received 6,843 votes, Waterman 4315, and Christopher Ripley, a write-in candidate, received 78. By all accounts Barber was a good judge.

Waterman bided his time and 1871, as Barber's seven year term ended, he again sought the party's endorsement. He won it easily at the judicial district convention when the delegations from Wabasha and Houston Counties joined Winona in giving him 18 of the 33 votes. In the election on November 7, Waterman was unopposed and received 9,833 votes.

The following account of the two conventions is from a memoir of Barber by Charles C. Willson:¹⁷

On July 6, 1864, Thomas Wilson of Winona, first judge of third judicial district, was appointed by Governor Stephen Miller as a justice of the supreme court. A Republican judicial convention for the third district was then called by D. Sinclair, chairman, for September 7, 1864, at Winona, to nominate a candidate for judge at the approaching November election. Delegates were apportioned as follows: to Winona and Olmsted counties eight each, to Wabasha and Houston five each,

¹⁷ Charles C. Willson, "Lloyd Barber," 1 Minnesota Historical Bulletin 261-62 (St. Paul: Minnesota Historical Society, 1916).

to Fillmore nine. The convention met and nominated Judge Barber; thereupon Governor Miller appointed him on September 12 to serve out the unexpired three and a half months of Judge Wilson's term. There was much talk at the time of giving the nomination to Chauncey N. Waterman of Winona, inasmuch as he was considered equally well qualified and as Winona could be more conveniently reached by the lawyers of the district. But Winona already had Daniel S. Norton as a candidate for United States senator, William Windom as representative in Congress, and Thomas Wilson as a justice of the supreme court, and these sagacious statesmen deemed it unwise to take everything in sight for Winona. The Democrats of the district, however, nominated Waterman, although he was a Republican, but at the election in November Barber received the greater number of votes, and served his term of seven years with credit to himself and with satisfaction to the district.

The next convention for the third judicial district was held September 27, 1871, at Winona. Norton had been, in the meantime, elected United States senator and had served from March 4, 1865, until his death July 13, 1870; Wilson had resigned the office of chief justice July 14, 1869; and Windom had been chosen United States senator for the six-year term beginning March 4, 1871. Wabasha, Winona, and Houston counties now for the sake of convenience preferred Waterman for judge and he was nominated by the vote of these three counties. He was elected without opposition, and on January 1, 1872, Judge Barber's judicial career came to an end.¹⁸ ■

¹⁸ The 1871 convention acted swiftly, according to the *Lake City Leader*:

Hon. C. N. Waterman, of Winona, was nominated as the Republican candidate for Judge of this District at Winona on Wednesday of last week

Only an informal ballot was taken and stood, C. N. Waterman of, Winona, 18; N. P. Colburn, Fillmore, 8; Lloyd Barber, of

1864

**B. Republican Judicial Convention,
Sixth Judicial District**

On September 2, 1864, the *Mankato Weekly Union* published the following account of the Sixth Judicial District Convention of the Union Party, another name for the Republican Party. The district was composed of nine counties. Each county voted as a bloc, except Sibley County, which split, one for Finch and two for Austin, and Brown County, which gave each one vote. Two ballots were taken: an “informal” ballot and a “formal” ballot.

**Proceedings of the Sixth Judicial
Convention.**

The Union Judicial Convention for the Sixth Judicial District, met at St. Peter, last Saturday, August 27th [1864], and was called order by J. T. Williams, chairman of the District Committee.

The meeting was organized by the election of Hon. J. B. Wakefield as Chairman, and E. P. Freeman as Secretary.

Wm. G. Hayden, J. C. Rudolph and Andrew C. Dunn, were appointed a committee on Credentials and reported the following persons entitled to seats in the convention:

Sibley County – M. Bridenthal, J. C. Stoever, F. Schimmel.

LeSueur County – Asa Cheadle, Peter Cheadle, C. Gray, A. F. De La Vergne.

Watonwon – James Wilson.

McLeod – Henry Hill.

Olmstead, 7. On motion of C. M. Start, Esq., Mr. Waterman was declared the nominee of the Convention by acclamation.

Mr. Waterman is in every way qualified for the office, and his election is so certain that it is doubtful whether the Democrats will make a nomination.

Lake City Leader, October 6, 1871, at 1.

Martin – Wm. W. Carrington.

Blue Earth – B. F. Smith, O. O. Pitcher, E. P. Freeman,
Thomas Pogh.

Nicollet – Geo. Heslep, Wm. G. Hayden, H. L. Werner

Brown – Henry Back, J. C. Rudolph.

Faribault – J. B. Wakefield, A. C. Dunn.

On motion, the report was accepted.

On motion of George Heslep, an informal ballot was then taken for candidate for Judge of this district.

B. F. Smith placed in nomination the name of Hon. Sherman Finch, of Mankato, and Wm. G. Hayden the name of Horace Austin of St. Peter.

O. O. Pitcher and J. C. Stoever were appointed tellers.

The result of the ballot was as follows: Sherman Finch received ten votes, and Horace Austin eleven votes.

A formal ballot for Judge was then taken, resulting as follows:

For Sherman Finch— Blue Earth County, 4; Faribault, 2; Martin, 1; Brown, 1; Watonwan 1; Sibley 1–Total 10.

For Horace Austin – Sibley County, 2; McLeod, 1; LeSueur, 4; Nicollet, 3; Brown, 1 – Total 11.

Horace Austin, was then declared to be the nominee for Judge of the Sixth Judicial District, and on motion the nomination was made unanimous.

The convention then adjourned.¹⁹ ■

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¹⁹ *Mankato Weekly Union*, September 2, 1864, at 2.

1864

C. Democratic Judicial Convention, Sixth Judicial District.

On September 10, 1864, the *Mankato Weekly Record* published the following account of the Sixth Judicial District Convention of the Democratic Party, which called itself the "Democracy." Several of the delegates hold the proxies of absent delegates. The convention quickly reached consensus on Daniel Buck as its nominee for the district court and then went on to pass two resolutions demanding that Governor Stephen Miller remove authority to take votes of soldiers from Andrew C. Dunn, who had switched parties and was now a Republican (Dunn, a lawyer, was a delegate from Faribault County at the Republican Sixth Judicial District Convention).

Democratic Judicial Convention

The Democratic Convention for the Sixth Judicial District met in Le Sueur City, on Saturday, September 2, 1864.

Convention was called order by E. St. Julian Cox of Nicollet County.

Francis Baasen of Brown, was chosen chairman, and E. D. B. Porter, of Blue Earth, Secretary. Messrs. Geo. B. Kingsley, of Faribault, D. S. Griffin of Nicollet, and L. E. Strong of Le Sueur were appointed a Committee on Credentials.

Geo. B. Kingsley, from Committee on Credentials reported the following delegates entitled to seats in the Convention.

Brown County— Francis Baasen, 2 votes.

Sibley County — F. Poehler, 2 votes, F. Belfoy, 2 votes.

Faribault County — Geo. B. Kingsley, J. L. Weir.

Watonwan County — James Shoemaker.

Le Sueur County — G. Snow, L. M. Huntley, A. R. Maynard, Robt. Todd, L. E. Strong, R. Walsh.

Blue Earth County — J. G. Carr, James Shoemaker, E. D. B. Porter, J. Copp, Daniel Buck

Nicollet County — Casper Baberick, W. E. Cullen, D. S. Griffin, B. F. Pratt.

On motion Convention proceeded to nominate, by ballot, a candidate for Judge of the 6th Judicial District.

E. Poehlel, of Sibley, and W. E. Cullen, of Nicollet were appointed tellers.

On the first ballot Daniel Buck received 17 votes, E. St. Julian Cox 5, [incumbent Judge Lewis C.] Branson 2.

On motion the nomination of Daniel Buck was declared unanimous.

A Judicial District Committee was appointed as follows:

E. St. Julian Cox of Nicollet, Chairman, Fred Rethfield of Brown, James Shoemaker of Blue Earth, J. L. Weir of Faribault, Geo. B. Snow of Le Sueur, Geo. Peasley of Sibley, R. B. Simmons of Martin, and P. Rutledge of Watonwan.

George B. Kingsley read before the Convention the resolutions, adopted by Democratic citizens of Faribault County, assembled in convention, and which were published by us last week.

The following resolutions were then prepared and unanimously adopted:

WHEREAS, since the passage of the foregoing Resolutions the said Andrew C. Dunn has been appointed and acted as a delegate to the Republican Judicial Convention, and to the Senatorial District; and

WHEREAS, said Dunn has declared publicly that he has left the Democratic Party, and his declared himself and open and avowed Republican, therefore be it,

RESOLVED, that the democracy of the Sixth Judicial District in delegate convention assembled do hereby endorse the foregoing Resolutions of the Democracy of Faribault County, and again respectfully demand of the

Executive the of this state that he remove Andrew C. Dunn from the position of Commissioner to take the soldiers' votes in the Mississippi District or any other district. That we view the refusal of the Governor to remove said Dunn as a violation of the letter and spirit of the law and in violation of his oath of office.

***RESOLVED*, that E. St. Julian Cox, Geo. B. Kingsley and Geo. D. Snow, be appointed a Committee to present to the Governor the above resolutions, demand the removal of Dunn, and take such further action as they may deem necessary and expedient.**

On motion the convention adjourned.

FRANCIS BAASEN, Chairman

E. D. B. Porter, Secretary. ■

Although Horace Austin (1831-1905) was endorsed by only one vote he went on to have a noteworthy political career. He did not complete his seven year term. He resigned effective September 30, 1869, while running for governor with the endorsement of the Republican Party. He was elected governor in November 1869 and served two terms, 1870-1874.

Daniel Buck (1829-1905) was elected to the Supreme Court in 1892 and served one term, 1893-1899.

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1871

A. Republican Judicial Convention,
First Judicial District

Three candidates vied for the endorsement of the Republican Party at its rambunctious judicial convention on September 19, 1871, in Stillwater. The incumbent, Charles McClure of Red Wing, the seat of Goodhue County, was appointed to the district bench in July 1864 by Governor Miller. He was elected to a full seven year term that November, defeating Democrat Seagrave Smith. He was challenged in 1871 by Francis M. Crosby, from Hastings, Dakota County, and William M. McCluer, from Stillwater, Washington County. It was a contentious battle. After 106 (or 112) ballots Crosby was declared the winner by the convention Chairman. The Goodhue County delegation charged fraud. In October Judge McClure placed the following notice in county newspapers:²⁰

NEW ADVERTISEMENTS.	
<i>TO THE ELECTORS OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF MINNESOTA;</i>	
Having fully satisfied myself that the late Judicial District Convention, held at Stillwater on the 19th of September, 1871, failed to make a nomination of a candidate for Judge of said District, for the ensuing term, I do hereby announce myself as a candidate for Judge of the First Judicial District of the State of Minnesota, to be supported by the electors of said district at the coming election in November next.	
Red Wing, Minn., Oct. 4th, 1871.	
CHARLES MCCLURE.	

²⁰ *Stillwater Messenger*, October 20, 1871, at 1 (enlarged).

Newspaper accounts of the convention follow. This from the *Stillwater Messenger* shortly after the convention:

Judicial District Convention

The Convention of the First Judicial District of this State, held in this city on Tuesday, resulted in the nomination of Mr. F. M. Crosby of Hastings, as candidate for Judge, on the 106th ballot. Until nearly the close of the balloting, which occupied the whole of the afternoon and evening, the triangular contest was a pretty even one, the voting generally standing about as follows, each of the candidates occasionally varying two or three votes from this:

Wm. M. McCluer of Stillwater, 14; F. M. Crosby, 16; Charles McClure, 14. Shortly after the one hundredth ballot there was a little filibustering, which fortunately for Crosby, in his case went so far as to give him 22 votes; the whole number of delegates was 44, requiring 23 to make a majority, but as one man did not vote in that ballot, Crosby had a majority of the votes cast, and the Chairman declared him nominated. This decision was demurred to at first, was finally acquiesced in and the whole matter finally settled by unanimously nominating Judge Crosby by acclamation.

The people of this city and county of course regret that the nomination was not given to Hon. Wm. M. McCluer, whose ability, energy and thorough legal attainments, as well as his public spirit and quick perception eminently fit him for a position which he would fill with honor to himself and the people of the District. It is all the more honor to him that it is apparent that had he gone through the field and worked for his own nomination, he would probably have obtained it. His not doing so is more the honor to him than the office of Judge, which should seek for an incumbent rather than be struggled for.

Mr. Crosby is a man of acknowledged ability and experience, will make a Judge worthy of confidence and respect, and will receive the cordial support of the people throughout the District.

Judge McClure, of Red Wing, retires from a position which he has long filled with honor, impartiality, and the esteem of the public, as well as the bar and takes with him to the welcome rest of private life, their best wishes, and highest regards.²¹

From the *Red Wing Argus*, September 28, 1871:

REPUBLICAN JUDICIAL CONVENTION.

The Fraudulent Nomination.

[W]e give our readers the facts of the disgraceful proceedings in the [First Judicial District Republican] convention and of the cheats perpetrated, and as we have learned them from the delegates and others who were in attendance upon the convention.

One hundred and twelve ballots for a candidate were had before the convention broke up. Several mistakes had already occurred, the Chairman announcing on some ballots 45 votes, and on one 46, though there was but 44 votes in the convention. Upon a count of votes on the 112th ballot, by the tellers, at the Chairman's desk, the Chairman arose and, in substance, said that upon that vote, as polled, 22 were necessary to a choice and that Mr. F. Crosby, having received 22 votes, was nominated.

Upon this Mr. Chandler of Goodhue proposed to make the nomination unanimous, but immediately withdrew his motion, there being some confusion, and cries from different parts of the room that there was a mistake.

²¹ *Stillwater Messenger* (Washington County), September 23, 1871, at 1.

Mr. Taber of Goodhue spoke a few moments and moved that the roll be called and votes as taken polled, which motion was seconded by several. The Chairman rose to put the motion, when more confusion ensued, following which Mr. Marsh of Washington moved an appeal to the convention which was seconded.

The Chairman, after talking by several members and more confusion, said that as to whether there was an election or not, he would not take the responsibility of deciding. Then there was more mixed talking and confusion. Finally the Chairman took a vote of the convention as to whether there was an election or not, and declared in substance the vote to be that there was no election; whereupon a division was called for and had, count made, and the same result declared.

Mr. Taber of Goodhue arose and said there were there being no election he moved to proceed to another ballot for a candidate; which motion was seconded, put, declared by the Chairman to be carried; and the Chairman then ordered the ballot

Meantime the Dakota County delegation had declared they would withdraw from the convention, and it did take their hats and overcoats and withdrew.

The Chairman repeatedly order balloting to proceed and the delegates had prepared their ballots, when some one went up and spoke to the Chairman, and he rose and said, in substance, that if any member would to make the nomination of Crosby unanimous he would put the motion. A delegate from Washington County instantly made such a motion, one of the bolters seconded it, and the bolters (rushing back into the bar occupied by the convention) voted yes, upon which the Chairman declared the motion carried. The Goodhue County delegation did not vote. The Chairman's remark, the motion and second, and declaration of the vote, followed each other in such quick succession as to

give little chance for protest; while the great confusion prevailing, perhaps, prevented the protesting delegates being heard, though some of them were very emphatic in their expressions.

The delegations delegates from Goodhue County then withdrew from the convention.

Upon announcing that the 112th ballot gave Mr. Crosby 22 votes and nominating him, the Chairman brushed away the ballots and did not announce the whole vote or the vote given to the other candidates. Subsequently, however, in reply to a question as to the details of the vote, from some members of the convention, he gave a statement of the vote in detail, which was unheard in the confusion.

One of the Dakota County delegates who stood by and watched the tellers counting the last ballot, stated and repeated to a delegate from this county that 7 vote given on the last ballot for Mr. McCluer of Stillwater; he saw them and counted them. The delegates from Goodhue knew that 2 votes were cast for Mr. Cornman and 14 for their candidate, Judge McClure. The Chairman privately informed delegates from this county, in reply to a question from Mr. Robert Brown that Mr. Cornman had 2 votes, Mr. McCluer 7 votes and Judge McClure 14 votes. These, adding the 22 claimed to have been cast for Mr. Crosby, make 45, or one more than the number of votes in the full convention; one delegate having gone home, two more than there were delegates present.

The ballot, therefore, was null by reason of the two votes fraudulently added. But, if it had been perfectly fair and otherwise conclusive, the subsequent action of the Chairman, in declining to decide whether or a nomination had been made, and the action of the convention in deciding that no nomination had been made and in voting to proceed to a further ballot,

negated or rather made void and of no effect the 112th ballot, upon which are Mr. Crosby's nomination is claimed.

We give the above statements repeated by delegates and others attending the convention, from which it appears that the pretended nomination of Mr. Crosby was no nomination at all, and that Judge McClure was cheated was cheated out of his chances for a renomination. It is no quarrel of ours, though it interests us and encourages us to hope that the Republicans will be so far disgusted with the knavery of their party leaders as to induce them to vote for a better man than F. M. Crosby, and a Democrat, for Judge of the first judicial District.²²

From the *Pioneer*, October 13:

First Judicial District — Fraud and Chicanery

....

The proceedings of [the Republican Judicial] Convention, as detailed by the Goodhue [County] delegates, show that there was "cheating all around the board." There were forty-four votes, and no more, in the convention, and yet, several times, there were forty-five, and once forty-six votes reported; and twice, votes were discovered in the linings of the hats — and on the ballot, which resulted in the declaration that Crosby was nominated, several more votes were cast than the number delegates in the convention. We cannot recapitulate all the points in the statement of the Goodhue delegates, but may remark that it conclusively proves the nomination of Crosby to have been fraudulent, and therefore not entitling him to the support of the Republican Party of the District.

²² *Red Wing Argus* (Goodhue County), September 28, 1871, at 1.

Under these circumstances, therefore, we trust that honest, candid Republicans, who have no other personal interest in the canvass than the election of an able and impartial Judge will cast their votes for Hon. William W. Phelps, Red Wing, the Democratic nominee, who is, in every respect, superior to any of the Republican aspirants for the position, and politics aside, the choice of four-fifths of the people of the District. The office is not political, although it has been (unwisely we think) thrown into the political arena; and no voter in casting his vote for Mr. Phelps can be accused of stultifying his political sentiments. — *Pioneer*, 13th. ²³ ■

Crosby (1830-1910) and McCluer (1804-1891), the two Republican candidates, were joined in the judgeship contest by Democrat William W. Phelps (1826-1873), of Red Wing. The vote on November 7, 1871 was:

Francis M. Crosby (Republican).....	4,655
William W. Phelps (Democrat).....	3,102
Charles McClure (Independent-Rep).....	3,198

Judge Crosby served until death in 1910. William M. McCluer (1831-1890), a contestant in 1871, later served on the First District Court from 1881 to death in 1890.

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²³ Quoted in the *Red Wing Argus* (Goodhue County), October 19, 1871, at 1.

1871

**B. Republican Judicial Convention,
Fifth Judicial District**

Nicholas M. Donaldson, a Republican from Steele County, was elected judge of the Fifth Judicial District in 1864. In 1871 he sought a second term, but ran into stubborn opposition. The Fifth Judicial District Convention was extraordinary (or notorious). This notice of the Republican was printed in the *Mower County Transcript* on August 3, 1871:²⁴

Republican District Convention

The Republican District Convention for the Fifth Judicial District, will be held at Owatonna, on Thursday, the 31st day of August, A. D. 1871, at one o'clock p. m., for the purpose of nominating a candidate for Judge of said District, to be supported at the next general election.

The apportionment of Delegates to said convention will be the same as in the call for the State convention, to wit :

- Dodge county, four delegates.
- Steele county, four delegates.
- Wascea county, four delegates.
- Mower county, five delegates.
- Rice county, six delegates.
- Freeborn county, six delegates.

WM. MORIN, *Chairman.*

²⁴ *Mower County Transcript*, August 3, 1871, at 2. In 1871, the Fifth Judicial District encompassed these six counties. 1870 Laws, c. 81, at 149 (effective March 5, 1870). The formula for determining the number of delegates of each county was based on the party's success in that county in the last election — each county got one delegate for each 250 Republican votes, or major fraction thereof, for Congressman in 1870, and one for each county at large. This delegate allocation formula is the same as that used by the Republican State Convention. See *The Owatonna Journal*, September 7, 1871, at 2.

The following account of this convention was printed in the *Owatonna Journal*, on September 7, 1871:

**The Judicial District Convention—
One of the Most Determined Contests
on Record.**

The contest for the nomination, in the District Convention for the Fifth Judicial District, which was held in this place, commencing on the 31st ult., will long be remembered by those present as one of the longest and most determined on record.

Seldom have conventions cast so great a number of ballots, or exhibited such unswerving fidelity to the candidate of their choice. The convention was composed of twenty-nine delegates, and after a few ballots, settled down to regular work by casting twelve votes for Hon. Samuel Lord, of Dodge county, eleven for Hon. A. M. Donaldson, of Steele county, and six for Hon. J. H. Case, of Rice county.

This was continued with but few variations during a period of thirty-six hours, and until the two hundred and sixth ballot was reached. At this stage of the proceedings Mr. Case was informed that if he did not withdraw his name from before the convention, Judge Donaldson would withdraw his, as he did not wish his friends to continue the contest longer. This Mr. Case refused to do, and on the two hundred and fifth ballot the friends of Judge Donaldson in accordance with this programme, cast their votes for Mr. Lord, giving him the nomination, which was, upon motion of Mr. Morrow, of Rice, in behalf of that delegation, declared the unanimous voice of the convention.

The action of Mr. Case and the Rice county delegation, in so persistently pressing the claims of a minority candidate, made an unfavorable impression upon a majority of the convention, which, considering that Mr. Case is a young and aspiring man, it would have been

the part of wisdom to have avoided by the exhibition of a more conciliatory spirit. Nevertheless the final decision of the convention is received by all parties with apparent good feeling, a determination to acquiesce in the result, and aid in the elevation of the nominee to the high and responsible position to which he has been chosen, by the vote of the party of this Judicial District.²⁵ ■

**Editorial on the Convention, *Mower County*
Transcript, September 7, 1871:**

The District Judgeship

The District Convention at Owatonna on Thursday and Friday of last week was composed of three distinctive elements. The friends of Hon. John H. Case would make no compromise which would not secure the nomination of their candidate, and the supporters of Mr. Lord were equally tenacious.

Judge Donaldson's friends kept his name before the convention as long as he desired, and when he withdrew—which he did upon the announcement of the two hundred and fourth ballot—they voted in a body for Mr. Lord.

Two things conspired to produce this result. The Rice county delegation were exceedingly hostile to Judge D—, and a large party in that county has been so during the past seven years, they were unwilling under any circumstances to see him re-nominated.

We are not aware that this influenced the Steele County delegation at all in determining for whom to vote as their second choice. It was most natural that all of the friends of Judge D— should unite upon an alternative.

²⁵ *Owatonna Journal*, September 7, 1871, at 2.

Mower County was long united with Dodge in forming a Legislative District, and during the past two years has been represented in the State Senate by Mr. Lord. This gave him a decided advantage in the final vote, and in fact would have given him the nomination without Steele County. But since Mower and Steele were united in support of the present incumbent that they should both vote for Mr. Lord, as a second choice was not at all surprising.

It is honor enough for Judge Donaldson that he has held his present position during fourteen years, and retires with the confidence of all classes of his constituents. His successor will receive the judicial ermine unsoiled.

Mr. Case may congratulate himself that he has the entire confidence of all with whom he is acquainted. His ability to fill the position creditably has never been questioned. His defeat was an incident in the convention which brought no sacrifice of honor or self-respect on his part, and by which the people gained nothing beyond a mere settlement of the Judicial Candidate. It is worth something to feel that from a struggle with giants, one escapes without any broken bones, and it is gratifying that the contest in this case, was conducted in such a manner as to generate no ill feeling between the rival candidates.

Mr. Lord will be elected by the usual party majority.²⁶ ■

Samuel Lord (1831-1889) was unopposed in the election on November 7, and received 5, 899 votes, with 11 write-ins. He was re-elected in 1878 and died in office in 1880.

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²⁶ *Mower County Transcript*, September 7, 1871, at 2

1873

A. Republican Judicial Convention, Seventh Judicial District

1873 was an unusual year for Republican candidates in the Seventh Judicial District. The incumbent, James McKelvy, had suggested that that he did not wish to serve another term (whether this was a ploy to be asked to serve is not known). In any event this was the background of the Republican Judicial Convention held in St. Cloud on August 27th, pursuant to the following announcement:²⁷

REPUBLICAN DISTRICT CONVENTION.

The Republican Convention for the 7th Judicial District of the State of Minnesota, will be held at the Court House, in the City of St. Cloud, Stearns County, on WEDNESDAY, THE 27TH DAY OF AUGUST, 1873, at half-past two o'clock P. M., for the purpose of nominating a candidate for Judge of the District Court for said Judicial District.

The Counties will be allowed delegates as follows :

Becker	3	Carlton	2	Clay	2
Crow Wing	3	Douglas	5	Grant	2
Mille Lacs	2	Morrison	2	Otter Tail	5
Pope	4	St. Louis	5	Sherburne	2
Stearns	6	Todd	3	Benton	2

Aitken, Beltrami, Cass, Itasca, Lake, Pembina, Polk, Stevens, Traverse, Wadena and Wilkin, one each.

The basis of apportionment is the same as that adopted in the call for the late State Convention.

S. M. BRUCE,

F. H. DAM,

L. MARVIN,

Judicial Committee.

Dated at St. Cloud, July 28th, 1873.

The following account of the convention is from the *St. Cloud Journal*:²⁸

²⁷ *St. Cloud Journal*, August 21, 1873, at 2 (enlarged).

²⁸ *St. Cloud Journal*, August 28, 1873, at 3.

REPUBLICAN JUDICIAL CONVENTION

The Convention of the Republicans of the Seventh Judicial District, to nominate a candidate for Judge to succeed Judge James M. McKelvy, assembled in this city yesterday afternoon. No member of the District Committee being present, it was consented that J. E. West, Chairman of the Stearns County Committee, should call the convention to order.

H. L. Gordon, of St. Cloud, nominated Knute Nelson, of Douglas county, for temporary Chairman. R. C. Mitchell, of Duluth, moved to amend by substituting the name of Judge Reynolds, of Becker county. Capt. West ruled the amendment out of order. A vote was taken on the nomination of Mr. Nelson, the nays, very apparently being in the majority, but Mr. West declared Mr. Nelson elected. A division was called for. After much debate, a motion was made to take a vote by a call of the counties, each county to cast the full vote to which it was entitled, as had been done in the late State Convention.

H. L. Gordon opposed this, claiming that each person present should be entitled to but one vote, no matter whether he represented one county, two counties, or only a fraction of a county. His position was endorsed by Capt. West, who refused to accept the precedent of the State Convention, The injustice of this was forcibly argued against by delegates from the outside counties, some of which, on account of the time and expense involved in making the journey, had sent but one person to cast its full vote. After much discussion, participated in by a number, of delegates, it was agreed to vote by ballot, each county to cast its full vote, on the two nominations, Judge Reynolds and Mr. Nelson. T. H. Pressnell and H. L. Gordon were appointed tellers. The vote stood:

Judge Reynolds..... 34
Knut Nelson20

(The votes of three contesting counties were thrown out entirely).

Judge Reynolds was declared elected and took the chair. C. Russell, of Brainerd, was unanimously elected Secretary.

H. Gordon moved the appointment of a committee of three on Credentials. On motion of R. C. Mitchell the number was increased to five amendment accepted and the motion carried The Chair appointed:

H. L. Gordon, of Stearns.
R. C. Mitchell, of St. Louis.
Wm. Murphy, of Crow Wing.
H. G. Rising, of Pope.
Knut Nelson, of Douglas.

During the absence of the committee, which was somewhat prolonged, Hon A. Barto, Hon. Jas. J. Egan and Judge Reynolds were called out and made good, sound Republican speeches, and were heartily applauded. .

On motion of Capt. T. H. Pressnell, a committee of three on Permanent Organization was appointed, as follows:

T. M. Pressnell, of St. Louis.
C. A. Gilman, of Stearns.
Geo. C. Whitcomb, of Douglas.

The Committee on Credentials reported unanimously on the following delegates:

Aitken—W. H. Williams.
Beltrami—J. A. Berry.
Benton—J. D. Weed and B. K. Knowlton.
Crow Wing—J. W. Steele, Wm. Murphy, M. C. Russell (sub for E. H. Bly).

Carleton—Thos. Bolles and M. A. Taylor (substitutes).
Cass—James Biggerstaff (sub for C. A. Ruffee).
Douglas—Geo. C. Whitcomb, F. B. Van Hossen, Knute Nelson, Wm. Best and Hiram Shippey.
Clay—A. Allen (2 votes).
Itasca—Wm. Mulliken (sub).
Lake—Jas. J. Egan (sub for C. Willard).
Mille Lacs—H. M. Atkins and J. S. Mudgett.
Morrison—L. L. West (sub for E. Briggs and J. Taylor).
Otter Tail — O. S. King (8) and E. E. Corliss (2).
Polk—
Pope— J. G. Whitmore, Tory Thorson, H. G. Rising and N. M. Broughton.
Sherburne—Chas. T. Wheaton and John A. Wagner.
Stearns—A. Barto, C. A. Oilman, H. L. Gordon, J. E. West, C. Walker, E. L. Allen (sub).
Stevens—A. A. Brown (sub).
St. Louis—R. C. Mitchell, T. H. Pressnell and L. Lewiston (to cast 5 votes).
Todd—J. V. Brower (3).
Wadena— Wm.—G. E. Fuller (sub).

Majority and minority reports were made on Becker, Grant, Pembina and Traverse counties. In each case the report of the majority was adopted, admitting the following delegates:

Becker—Reuben Reynolds, Walter Drew and N. H. Abrahams.
Grant—H. G. Rising (sub) 2.
Traverse—L. E. Tubbs (sub).
Pembina—Reuben Reynolds (sub).

On Becker county there was no contest, the credentials coming from a joint County Committee instead of a Convention, no Convention being held. The minority, reported against these credentials and in favor of the

admission of Knute Nelson for Grant, F. Le Vanselaer for Pembina, and O. H. Parker, for Traverse.

J. E. West moved to reconsider the vote by which the Becker county delegates were admitted. Laid on the table.

The Convention on Permanent Organization reported the present temporary as the permanent officers. Adopted.

The Committee then proceeded to ballot for a candidate for Judge. Jas. J. Egan, of St. Louis, nominated Hon. James M. McKelvy, of St. Cloud, paying an earnest and feeling tribute to his character as a man and as a judge.

H. L. Gordon, of Stearns, nominated Capt. L. W. Collins, of St. Cloud, whom he endorsed as in every way worthy to fill the position occupied by Judge McKelvy. He made some statements concerning the circumstances under which Capt. Collins had become a candidate.

The nomination of Judge McKelvy was seconded by Capt. Whitcomb, of Douglas county, who reflected severely on the attempt of the St. Cloud Land Office Ring to dictate to the District what its nominations should be and by Hon. J. V. Brower, of Todd county, and J. W. Steele, of Crow Wing county. The nomination of Capt. Collins was advocated by Chas. Walker, of Stearns county.

T. H. Pressnell and A. Barto were appointed tellers, and the first ballot stood as follows:

**J. M. McKelvy.....36
L. W. Collins.....21**

On motion of Mr. Egan the nomination of Judge McKelvy was made unanimous. Pending the putting of the motion, C. A. Gilman read the following letter from Capt. Collins:

St. Cloud, Aug. 27, 1878.

To the President and Members of the District Convention:

GENTLEMEN.- I have just been informed of the nomination of Hon. Jas. M. McKelvy, and ask the privilege of stating in this public manner what has probably soon said to nearly every member of your body: that old army, professional and social relations heretofore existing between your choice and myself would have prevented my becoming a candidate, had it not been understood by our mutual friends and myself that he did not desire a renomination and would not have it. It seems that in coming to this conclusion, I was mistaken, and while I fully realize the fact that a man may assert one thing and mean another, even when it involves the confidence and welfare of his own friends, I also realize that the wishes of the people as indicated in your body and the interests of the dominant political party in this Judicial District should be regarded, no matter what becomes of person, al difficulties, and have therefore, requested my friends to unite in making the nomination unanimous, With much regard, I remain, gentlemen,

Very respectfully yours,
L. W. COLLINS.

On motion of J. V. Brewer the following committee was appointed to wait on Judge McKelvy and inform him of the action of the Convention.

J. V. Brower, of Todd.
T. H. Pressnell, of St. Louis.
E. E. Corliss, of Otter Tall.

It was resolved that the proceedings of the Convention be published in the different Republican papers in the District.

At seven o'clock the Convention adjourned until half past eight o'clock.

On the re-assembling of the Convention, the Chair announced the following District Committee, a motion for the appointment of which had been made before adjournment:

J. J. Egan, of St. Louis.
A. Barto, of Stearns.
E. E. Corless, of Otter Tail.
G. C. Comstock, of Clay.
E. H. Bly, of Crow Wing.

Judge McKelvy was then introduced and enthusiastically greeted. He very briefly returned his thanks to the Convention, individually and as a body, and said that this new evidence of the confidence reposed in him by the people would incite him to efforts to serve them better than ever before.

Capt. Pressnell referred to the statement that had been made in the Convention by Mr. Gordon that Judge McKelvy was not the choice of the people of Stearns County, and said that even in the Stearns County Republican Convention a very respectable representation favorable to him had appeared notwithstanding his withdrawal, and then read the following, editorial from the St. Cloud Times (just issued), the organ of the Democracy of the country:

"We take great pride and pleasure in placing at the head of our columns the name of Hon. James M. McKelvy, as a candidate for re-election to the office of Judge of the Seventh Judicial District.— In doing this we discard all party ties, and believe our actions will be unanimously sustained by the Democracy of this district. Judge McKelvy is an honest, upright and

incorruptible man, and as such we, in common with the great mass of our fellow citizens, delight to honor him”

On motion of Mr. Brower, three, rousing cheers were given for Judge McKelvy, after which the Convention adjourned sine die. ²⁹ ■

Judge James Megowan McKelvy was not opposed on November 8, 1873, receiving 8,541 votes, with 1 write-in. He was re-elected in 1880. In May, 1883, he resigned and Gov. Hubbard appointed Judge L. W. Collins to fill the vacancy. McKelvy died on July 31, 1884, at the age of 49,

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²⁹ *The St. Cloud Journal*, August 28, 1871, at 3.

1874

A. Republican Judicial Convention, Sixth Judicial District

As it prepared for the election in November 1874, the Republican Party in the Sixth Judicial District must have felt considerable satisfaction. Horace Austin, the party's nominee for district court judge in 1864, was elected and in a surprising turn of events elected governor in 1869 and re-elected in 1871. He completed his second term in January 1874, and was succeeded by another Republican, Cushman K. Davis.

The Republican Convention for the Sixth Judicial District in 1874 was unusual in several ways. First, it was held on October 13, only three weeks before the general election on November 3, 1874 (usually they were held in August or September). This notice appeared in the *Mankato Weekly Record* on October 3, 1874.³⁰

Republican Judicial District Convention.

Notice is hereby given that there will be a Republican Judicial District Convention held at Flander's Hall, in the Village of Madelia, in the County of Watonwan, on the 13th day of October, 1874, at two o'clock P. M., of that day for the purpose of nominating a candidate for District Judge for the Sixth Judicial District of Minnesota, and for the transaction of such other business as may come before the Convention.

The different Counties will be entitled to Delegates as follows:

Blue Earth County	5
Cottonwood	1
Faribault	5
Jackson	2
Murray	1
Martin	1
Nobles	2
Rock	1
Watonwan	2
Pipestone	1

The apportionment of Delegates is based upon the vote for Gov. Davis in 1873, as follows to-wit: One delegate for every 250 votes, and one for every major fraction thereof, each County being entitled to at least one delegate.

By order of District Central Committee.
J. M. SPROUT, Chairman.

³⁰ *Mankato Weekly Record*, October 3, 1874, at 2 (enlarged).

Several delegates did not vote as expected according to the following account of the convention in the *Mankato Weekly Record*:

Judicial Convention

The Judicial Convention at Madelia, on the 13th, resulted as was expected in the nomination of D. A. Dickinson of this city. The vote of the Convention was 11 for Dickinson, and 10 for Sprout. Two delegates elected and expected to vote for Dickinson, unexpectedly cast their votes for Sprout, and Mr. Freeman of this city, a delegate from Jackson county, gave his credentials to a Jackson man to vote for Sprout, which made the election very close in Convention.

Of course we are too well pleased with the nomination of Mr. Dickinson, to inquire too closely into the means by which the vote from Rock and Murray counties, were enlarged, or to place too much credence in the report that Mr. Clark, of Windom, was offered \$100 to change his vote from Dickinson to Sprout. Mr. Sprout is a man who would not descend to any such trickery to secure a nomination which could only result in his injury at the polls.

Mr. Dickinson is beyond all question the best fitted man for the position in the District, and will of course be elected by an overwhelming majority. We hope the judicial contest may be conducted upon honorable terms. That Mr. Buck, the Democratic nominee, will not follow the Congressional nominee of the party and descend to his level by opening the campaign with a torrent of personal abuse upon his competitor and the Republican Party and thereby prove his total unfitness for the position to which he aspires.”³¹

In its description of the Republican convention the *Mankato Union* quoted Dickinson’s entire acceptance speech:

³¹ *Mankato Weekly Record*, October 17, 1874, at 2.

Mr. President, and Gentlemen of the Convention: It has been with no feeling of exalted exultation that I have learned of your action to-day, resulting in the selection of myself as your candidate for the office of Judge of this Judicial District. It is only with a sense of the gravest responsibility that I contemplate the holding of such an office. No one of the three departments of government is of more vital importance, either to the individual citizen, or to the State itself, than the Judiciary. Let the purest men and the wisest sit in our legislative councils; let the Executive department of the Government be administered with the highest virtue and ability, yet, if the scales of Justice be held with an uneven hand—if the conduct of our judicial tribunal be not wise, firm, honest, incorruptible, then the rights of person and property will be held, at best, by but an uncertain tenure, and the stability and purity of even our governmental institutions will be endangered.

To the extent to the exercise of the duties of such an office as that to which you would call me, there must be brought, not only unimpeachable integrity, but also sound learning, and a judgment clear, accurate, passionless.

When the thought of my filling this office was first presented to me, I hesitated to accept the candidacy of so great a trust, for I wished not unworthily to wear the robes of that office: but very generous and kind expressions of confidence from my brethren in the legal profession and from others, determined my course.

And now, in becoming your candidate, it would seem an idle thing for me to offer to you any pledges as to my future conduct. Had you not known me to be imbued at least with an honest purpose to do my duty, whatever that duty might be, and capable of an honest endeavor to ascertain and to do that duty, you surely would not have named my name in this convention; and no assurances of mine, no pledges which I could give, would increase your confidence in me, nor add to my sense of the responsibilities and obligations which

attach to this office. My own past life, here and elsewhere, unpretentious and simple though it has been, must be my pledge for the future. If I have hitherto lived so worthily that you have been willing to name me for so distinguished an honor and trust, it cannot be that this assurance of the esteem and confidence of my fellow-men, on the imposing of that most sacred trust, should impel me to become less worthy. On the contrary, if there be in a man any regard for his own character and manhood, any appreciation of his fellow-men—if there be in him anything that can respond to the highest calls of duty—any recognition of the most secret obligations, he could but be led to a yet more earnest effort to discharge with fidelity the trust conferred, and to a yet greater care that he degrade not his office nor his manhood, nor betray the once earnest confidence of men.

There is mingled with the varied feelings which your action has inspired, one akin to regret, that he who has stood before you certainly equally worthy with myself, and for whom I entertain sentiments of esteem and friendship, has been, not by reason of any demerit on his part, unsuccessful in this convention. But with mutual friendly and timely feelings, this nomination was committed to this body, and in your determination, I know all will acquiesce without a thought of bitterness or reproach.

For this generous expression of confidence involved in your action to-day, I thank you and hope that no one of you will ever have occasion to regret such action. ³² ■

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³² *Mankato Union*, October 16, 1874, at 2. The *Union's* account concluded:

Mr. Sprout was called out, and pleasantly remarked that he did not feel in a bright condition for speech-making, but though defeated, he cordially thanked his friends in the convention for what they done for him. After the appointment of the central committee of which J. H. Sprout, Esq., was made chairman the convention adjourned with the utmost good feeling.

1874

B. Democratic Judicial Convention, Sixth Judicial District

For Sixth Judicial District judge in 1874, the Democratic judicial convention nominated Daniel Buck. The account of that convention in the *Mankato Review*, a Democratic organ, suggests that growing skepticism of the power of railroads played a part in the proceedings:

The Democratic and Liberal [Republican] Judicial Convention, on Friday last, nominated by a unanimous vote, Hon. Daniel Buck, of this city, for judge of the sixth judicial district, the candidate endorsed and recommended for the same position by the Farmer's and Workingmen's convention at Garden City. Mr. Buck accepted the honor, promised a vigorous canvass, and if elected that he would bring to the discharge of the duties the best effort of his life.

....

While he is by no means an anti-railroad man, he is and always has been free from the influences of those corporations. This fact was the secret of his endorsement at Garden City, and also of the district convention which placed him in nomination. The people feel that they can safely trust him upon questions affecting those interests, and we believe their confidence will not be abused.

From all parts of the district Mr. Buck's friends and supporters send the most gratifying assurances of success. Though the district is largely Republican, we know that hundreds of men belonging to that party, confiding in his integrity, will vote for him, and to an extent that will insure his triumphant election.³³ ■

³³ *The Mankato Review*, October 13, 1874, at 2 (paragraphs describing Buck's background omitted). In the general election in November, Dickinson received 5,269 votes to Buck's 3,368.

1877

A. Republican Judicial Convention, Ninth Judicial District

The Redwood County convention of the Republican Party met in Redwood Falls on Friday, August 17, 1877, for the purpose of selecting delegates to the Ninth Judicial District Judicial District Convention to be held ten days later in New Ulm. Four delegates were “chosen,” suggesting they were volunteers. It does not appear that any delegate was a lawyer. The convention gave strong instructions to the delegation. From the *Redwood Gazette*:

COUNTY CONVENTION.

The Republican County Convention was held last Friday, for Judicial purposes, pursuant to call. J. S. G. Honner was elected chairman and Dr. W. D. Flinn, Secretary.

J. S. G. Honner, Thos. McMillan, D. L. Bigham and Jas. McMillan, were chosen delegates to the Judicial convention called to meet at New Ulm on the 28th inst.

The following was adopted without a dissenting vote.

RESOLVED, that we, the Republicans of Redwood County in delegate contention assembled for the purpose of electing delegates to the Judicial Convention called to meet at New Ulm on the 28th inst., impressed with the importance of the Judicial Office, and with the belief that it should be filled by men learned in the law and of the strictest integrity, endorse, and recommend to the Judicial Convention, Mr. Alfred Wallin as, personally and professionally, eminently qualified for the position.

The Chair appointed the following Central Committee for the ensuing year, Jas. McMillan, C'h'n., Franklin Ensign and W. D. Flinn.³⁴

³⁴ *Redwood Gazette* (Redwood Falls), August 23, 1877, at 4.

The *Gazette* carried this account of the Judicial District Convention on August 28th:

REPUBLICAN JUDICIAL CONVENTION.

Alfred Wallin Nominated

The Judicial convention met, according to call at New Ulm on Tuesday at 5 o'clock, P.M. W. F. Smith, of Sleepy Eye, was elected ch'n. and C. F. Case, of Marshall, Secretary.

The names of Sumner Ladd, of St. Peter, M. G. Hanscome, of St. Peter, Alfred Wallin, of Redwood and D. F. Weymouth, of Marshall, were presented to the Convention.

The first formal ballot stood as follows:

Ladd	9	Hanscome	13
Wallin	5	Weymouth	6

After a few ballots were cast the delegates who supported Mr. Weymouth went to Wallin, giving him 10 votes, the remaining 22 being about equally divided between Ladd and Hanscome, until the twenty-fifth ballot which stood,

Wallin	17	Ladd	15
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This result was accomplished by the Renville delegation going solid for Wallin and the Brown County delegation for Ladd.

The following Committee for the Judicial District was appointed:

C. F. Case, Lyon Co.

H. Blanchard, Brown Co.

Win. Schimmel, Nicollet Co.

The nomination made by the convention is highly satisfactory to us and we believe that it will receive an emphatic endorsement at the polls.³⁵ ■

³⁵ *Redwood Gazette*, August 30, 1877, at 4. In the election on November 6, Wallin lost, receiving 1,920 votes while E. St. Julian Cox received 2,892

1881

A. Republican and Democratic Judicial Convention, Sixth Judicial District

There was no contest for district court judge in 1881 because the incumbent, Martin Severance, was satisfactory to both political parties. The weekly Mankato Free Press reported both conventions on one page of its October 14th issue:

Judicial Conventions

Republican

The Republican district convention met at the Court House Wednesday at 11 o'clock and was called to order by Hon. J. H. Sprout, chairman of the district committee, who read the call, after which, H. J. Neal Esq., of Faribault county was elected chairman and Col. Wm. Thomas Secretary.

Upon motion the chair appointed a committee consisting of D. F. Goodrich, L. Cray and J. G. Redding, on credentials, who reported the following delegations:

Blue Earth County—A. J. Morrison, H. B. Knowlton, Z. Paddock, Wm. Thomas, J. W. Dilly, L. Cray, and O. E. Harvey.

Faribault County—J. H. Sprout, D. F. Goodrich, J. P. West, M. W. Greene, A. R. More, and eight H. J. Neal.

Murray County—J. A. Maxwell and W. D. McCord.

Jackson County—Burt W. Day, E. B. Severtson and T. A. Dieson.

Cottonwood County—J. G. Redding, S. H. Soule, and A. D. Perkins.

Watonwan County—F. L. James, W. C. Jones and J. W. Seeger, proxy for W. D. Forsythe.

Nobles County —Daniel Shell, Geo. W. Wilson, and C. H. Smith.

Rock, Martin and Pipestone counties were not represented.

The committee recommended that the delegates present be authorized to cast full votes of their delegations. The report was adopted.

Upon motion of M. W. Greene of Faribault County, Hon. M. J. Severance was declared the unanimous nominee for District Judge of the 6th Judicial District. . . . Upon motion the convention adjourned.

Democratic

The Democratic district convention met in this city Tuesday, the 11th inst. at 10 O'clock A. M. Mr. J. C. Wise, chairman of the district committee, read the call and rapped the convention to order.

On motion, Hon. M. S. Wilkinson of Wells was elected President of the convention and J. J. Thornton of Watonwan county, Secretary.

On motion of Hon. Daniel Buck of Blue Earth county, M. J. Severance was nominated for Judge of the District Court for the 6th Judicial district, by acclamation.

On motion, the present authorized appointed district committee from each County in the district. Hon. Daniel Buck was made chairman of such committee. After remarks from members of the convention in favor Judge Severance as a fit man for this high office, the convention adjourned. ■

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1882

A. Republican Judicial Convention, Ninth Judicial District

The Ninth Judicial District Committee met on June 21, 1882, to allocate delegates to each of the six counties in the district. Only three counties were represented at this meeting, which was reported in the *New Ulm Weekly Review*:³⁶

Judicial Convention.

A meeting of the Ninth judicial district committee was held Wednesday. Present were Mr. C. F. Case, of Marshall, chairman; Mr. Chollar, of Redwood, proxy for Mr. Bigham; Jos. Bobleter, of Brown, proxy for Mr. Wagner. After a full interchange of the views of the persons present it was unanimously decided to hold the convention for the purpose of nominating Judge Baldwin's successor at New Ulm, on Tuesday, September 12th, next. The number of delegates each county will be entitled to in the convention were apportioned upon the combined vote for President Garfield in 1880 and Governor Hubbard in 1881, on the basis of one delegate for each 250 votes or major fraction thereof, as follows:

Counties.	Vote in 1880.	Vote in 1881.	Combined vote.	Delegates.
Brown.....	1293	1083	2376	10
Lincoln.....	468	752	1220	5
Lyon.....	1141	481	1622	6
Nicollet.....	1273	950	2223	9
Redwood.....	866	801	1667	7
Renville.....	1432	823	2275	9

This will give a convention of 46 delegates, of which the winning candidate must get 24. The convention will be held in Turner Hall.

³⁶ *New Ulm Weekly Review*, June 28, 1882, at 3.

There followed this announcement for the Republican Judicial Convention in the *Review*:³⁷

Judicial Convention.

A Republican judicial convention, for the 9th judicial district of Minnesota will be held at Turner Hall, New Ulm, Sept 12, 1882, at 12 o'clock M. to nominate a candidate for judge for said district. The apportionment of delegates as decided by the Republican committee of said district at a meeting in Mankato June 21st was made on a basis of one delegate to each 250 of the combined vote for President Garfield in 1880 and for Gov. Hubbard in 1881. The basis adopted gives the following:

Brown county	10	delegates.
Lyon	6	"
Lincoln	5	"
Nicollet	9	"
Redwood	7	"
Renville	9	"

By order of committee,
C. F. CASE, Ch'm.

Newspaper reports of the upcoming judicial convention were similar to analysis of tactics in a political convention, as shown by this piece in the *New Ulm Weekly Review*:

The Judicial Outlook.

The Republican judicial convention for the Ninth district will be held in this city next Tuesday. As a nomination at the hands of this convention is equiva-

³⁷ *New Ulm Weekly Review*, July 5, 1882, at 4 (enlarged). It was printed in other district papers. E.g., *Lake Benton News*, July 11, 1882, front page.

lent to an election, considerable interest is centered in the outcome.

There are five candidates in the field, viz: B. F. Webber, of New Ulm; H. D. Baldwin, of Redwood Falls; Sumner Ladd; M. G. Hanscome and G. S. Ives, of St. Peter. Mr. Baldwin now holds the position by appointment, which, however, was brought about influences from outside of the district, and against the remonstrances of nine-tenths of the Republicans within the district, and his position will therefor avail him but little in furthering his nomination.

The district is composed of the counties of Brown, Nicollet, Lyon, Lincoln, Renville and Redwood. The first two and the last have already elected their delegates, as follows:

BROWN: A. Blanchard, S. Peterson, J. M. Thompson, J. C. Rudolph, Jos. Bobleter, Ole Jøergenson, Geo. Heart, John Neu-man, G. W. Harrington and Geo. W. Sommerville.—10 votes. Instructed for Webber.

NICOLLET: Jacob Stelzer, Christ. Evanson, J. C. Donahauer, Hugo L. Stark, C. R. Davis, Hans C. Hanson, Nels P. Chilgren, W M. Couplin and Christ. Stolz.— 9 votes. Uninstructed, but supposed to favor Ladd.

REDWOOD: J. S. Letford, H. M. Eggleston, James McMillan, M. E. Powell, T. Tibbetts, O. H. Dornberg and John Honnor.—7 votes, instructed for Baldwin but contested by W. H. Ackerman, Paul Timms, Swan Peterson, C. L. Byram, John Whittel, Thos. Sloan and L. S. Crandall. The latter are uninstructed, but supposed to be friendly to Webber.

Renville county, with 9 votes, elects delegates tomorrow. Lyon, with 6 votes, and Lincoln, with 5, elect next Saturday.

In Lyon county, Webber has carried the primaries in Marshall by a vote of 40 to 10, and he will carry Tracy and the country towns in the same proportion. He has also carried Lake Benton, and we have assurances that Lincoln county will send a solid Webber delegation, which, with the 10 votes of Brown (conceding Redwood

to Baldwin), will give him 21 votes, being only three votes less than a majority. Renville county is conceded to no man. Mr. Webber has carried the primaries in Bird Island and several other towns, and he has good prospects of carrying the county. We make the prediction that Mr. Webber will receive more than enough votes from Renville county to give him the nomination on the first formal ballot.³⁸

At the convention a delegation from Redwood County favoring Baldwin led by John S. G. Honnor walked out in a dispute with a competing slate from that county. It is likely that Honnor saw that Baldwin's candidacy was doomed. The following account of the convention from the *New Ulm Weekly Review* is of interest because it quotes John Lind's nominating speech and Benjamin F. Webber's acceptance speech in which he declares that, while he is honored by the Republican Party's nomination, he will serve as a nonpartisan judge.

JUDICIAL CONVENTION.

B. F. Webber Esq., of New Ulm,
Nominated for Judge on
The First Ballot.

The Republicans of the Ninth judicial district, composed of the counties of Brown, Nicollet, Lyon, Lincoln, Renville and Redwood, met in delegate convention at Turner Hall, New Ulm, on Tuesday, September 12th, 1882, at 12 o'clock m., for the purpose of placing in nomination a candidate for Judge to be voted for in the general election in November.

In the absence of C. F. Case, the chairman of the district committee and all the members, the convention was called to order by Jos. Bobleter, of Brown. The temporary organization was effected by the election of

³⁸ *New Ulm Weekly Review*, September 6, 1882, at 3.

T. F. Demming, of Renville, as chairman, and C. M. Morse, of Lincoln, as secretary.

On motion, the chair appointed the following committee on credentials: Geo. Bradley, of Lincoln, Hans C. Hanson, of Nicollet I. S. Gerald, of Renville, Geo. Carlow, of Lyon, Jos. Bobleter, of Brown.

The committee on credentials reported the following delegates entitled to seats to the convention:

BROWN.—A. Blanchard, S. D. Peterson, J. M. Thompson, J. C. Rudolph, Jos. Bobleter, Ole Jorgenson, Geo. Heart, John Neuman, G. W. Harrington and Geo. W. Sommerville — 10 votes.

NICOLLET — Jacob Stelzer, Christ. Evanson, J. C. Donahauer, Hugo L. Stark, C. R. Davis, Hans C. Hanson, Nels P. Chilgren, Wm. L. Couplin and Christ. Stolz — 9 votes.

LINCOLN — G. H. Bradley, Knute Rierson, C. M. Morse, Al. Woodford and Col. McPhail — 5 votes.

RENVILLE — T. F. Demming, F. L. Puffer, Iver S. Gerald, G. D. Stoddard, Gunerius Peterson, Ole N. Stone, O. S. Reishues, S. Hanna, D. D. Williams— 9 votes.

LYON — John Lind, Geo. Carlow, Geo. M. Robinson, A. C. Forbes, J. C. Cutler, Geo. E. Johnson — 6 votes.

Two sets of credentials were presented to the committee from the county of Redwood. One delegation, being composed of J. S. G. Honnor, James McMillan, M. E. Powell, T. Tibbetts, J. S. Letford, H. M. Egleston and O. L. Dornberg.

The other was composed of J. L. Byram, L. S. Crandall, Paul Timm, John Whittel, Swen Peterson, Thos. Sloan, and G. W. Braley.

After hearing representatives of both delegations the committee concluded that neither delegation was entitled to a full representation and, they therefore recommend that each delegation be admitted to the convention with 3½ votes each.

The report was signed by all the members of the committee.

Considerable discussion ensued over the adoption of

the report of the committee. Mr. Honnor argued that his delegation was entitled to a full representation or none at all. Mr. Thorp, of Walnut Grove, was, on motion, allowed 20 minutes to present the side of the contesting delegation.

On motion, the report of the committee on credentials was adopted by a rising vote. Upon the announcement of the result of the vote on the adoption of the report, Mr. Honnor announced to the convention that the delegation headed by him would withdraw from the convention, and he thereupon walked out, followed by his colleagues. Recess for five minutes.

On motion, the temporary organization was declared the permanent organization of the convention.

Mr. Donahauer, in behalf of the Nicollet county delegates, entered a protest against the action of the convention in adopting the report of the committee on credentials.

Mr. Blanchard asked whether the protest was entered with a view of having a pretext to bolt the nominee of the convention. Mr. Donahauer assured Mr. Blanchard that it was not, but only as a matter of precedent.

It was then moved to proceed to the nomination of a Judge.

Hon. John Lind then nominated B. F. Webber, of New Ulm, as follows:

“Gentlemen of the convention: It is with mingled feelings of embarrassment and pleasure that I rise before you, embarrassment, because I feel that there are many members of the profession here, as well as gentlemen that do not follow the study of law who are older, better fit, and more competent to do justice to the time and right of demands of this body, as well as to the character and ability of the gentleman whose name I will place before you. I also assure you that I take pleasure in embracing this opportunity to realize a

wish and a hope that I have cherished for years. I assume that it is the greatest reward for his labor and the highest gratification of the ambition of a true lawyer to receive the judicial ermine at the hands of his brethren and a public confident of his ability and integrity.

“When as a mere boy, as still I am, I settled in this town and commenced the practice of law, there was one attorney there before me, who, though old enough to be my father, was young enough to be my friend and adviser. Ready to encourage me in my efforts, free to advise and assist, though our interests were conflicting and opposed from the first, I learned to love and esteem him as a true brother in the profession, and when in later years we met in frequent contents in yonder building I learned to respect him as well for his ability.

“Of his private character and standing, the unanimous voice of this city and of the county of Brown is a sufficient guarantee and as I stand here to-day in my old home amid friends and old associations, I assure you, gentlemen, I am pleased to say, that as the unanimous choice of my old home as well as my new, for the important and honorable position of Judge of the District Court, I place before you the name of B. F. Webber, of this city, and in so doing I feel assured that we are putting up a man who is not only the choice of this convention but of the people of this District. In his nomination and consequent election the people will secure a judge whose ability is second to that of no attorney in the district and whose character as a man and a citizen stands forth unblemished and respected by all classes.

“His highest and only ambition has been and is to excel in his profession, and though he is not a man of brilliant speech, his sound judgment and understanding of law as well as his earnestness of manner and careful preparation of his cases has made him a powerful opponent before a judge or jury. Although he has arrived at an age when the fullness of ability and

intellectual power is fully developed in most men, I am confident, that with his well known habits of industry and unceasing application, he can never fail to progress and keep pace with the most ambitious in his profession. Of him it will never be said that he is a rusty judge.

“In politics his convictions of quality before the law, of all classes irrespective of race, color, or nationality led him to become a Republican in early life and he has ever remained loyal as you would expect from a man of his earnestness of manner, clear judgment and firmness of character. A farmer's son, he procured scholarly education and has risen to the position he now occupies oil his own exertions. His interests and sympathies therefore naturally affiliate with the class among whom the lot of his early years was cast.”

Mr. Rudolph seconded the nomination of Mr. Webber In a few well timed remarks, repeatedly bringing down the convention by his witty remarks.

On motion, the convention proceeded to a ballot for Judge, Mr. J. Thompson and Geo. H. Bradley acting as tellers.

The vote resulted as follows:

B. F. Webber.....	33½
Sumner Ladd.....	8
Alf. Wallin.....	1

On motion of A. E. Woodford the nomination of Mr. Webber was made unanimous.

On motion, the chair appointed a committee of two to wait on Mr. Webber and inform him of his nomination and request his presence at the convention.

On motion, the following district committee was appointed, each delegation naming one man:

- A. Blanchard, of Brown, chairman.
- G. Peterson, of Renville.
- J. Stelzer, of Nicollet.
- A. E. Woodford, of Lincoln.

F. S. Brown, of Lyon.

G. W. Braley, of Redwood.

Mr. Webber was introduced to the convention by Mr. Sommerville as the next Judge of the Ninth Judicial district. His entry into the hall was greeted with hearty applause. Mr. Webber then accepted the nomination as follows:

“Mr. President and gentlemen of the convention: — I am informed by your committee that I have been selected by this convention as a candidate for the office of District Judge.

“While this nomination comes from you as Republicans, and while I am proud to be counted as a member of that party, which, although not free from errors and mistakes, has left the impress of its grand mission for the elevation of mankind and the advancement of human freedom and intelligence stamped upon the proudest pages of American history. The office to which you have nominated me is one whose duties are wholly independent of party politics, and I am proud to be able to count among my warmest supporters men whose political sentiments are wholly different from my own. Any judicial officer who would allow political considerations to have the slightest weight in the performance of his official duties, would be wholly unworthy of the trust. Every man, without regard to his political opinions, is entitled to the same protection and owes the same obedience to the law of the land. Let me assure you, gentlemen, that although I am the candidate of a party, if elected, I shall not be the officer of a party but it will be my constant aim to give every man his exact and equal rights according to law.

“The duties of the office to which you have nominated me, the construction of the law and its application to particular cases, are among the most important and difficult in the administration of government, and, if I were compelled to rely upon my own unaided wisdom and judgment, I should shrink

from assuming so grave responsibilities. But fortunately the wisdom and judgment of the great jurists of ancient and modern times are accessible in the books, and it will be my highest ambition and pride, if elected, to discover their foot prints and follow in them. Relying upon these, upon my own industry and upon the aid and co-operation of the able bar of the Ninth judicial district, I hope to be reasonably successful in the performance of my official duties.

“With sorrow that my success in securing the nomination must be the defeat of others whom I am proud to call my friends, with gratitude to the members of the convention and the people of the district which I have no words to express, I accept the nomination and, if elected, I pledge you seven years of unceasing toil, in an honest endeavor to do my duty.”

The convention thereupon adjourned sine die.³⁹ ■

In the election on November 7, 1882, Webber defeated former Sixth Judicial District Judge Melville G. Hanscome, the Democratic candidate.

When Webber’s first term ended in 1888, there was widespread agreement across party lines that he should be re-elected. The Democrats did not even hold a judicial convention that year as reported in the *Sleepy Eye Herald*:

³⁹ *New Ulm Weekly Review*, September 18, 1882, at 3. According to the *Morris Tribune*, September 21, 1882:

MR. BENJAMIN F. WEBBER, of New Ulm, since 1874 county attorney of Brown county, was on Tuesday nominated by the ninth judicial district convention for judge of that district. The name of Judge Baldwin, the present incumbent, was not mentioned in the convention.

There is no present opposition to the renomination of Judge Webber and to avoid the trouble of holding a judicial convention, a circular has been issued by the Democratic county committee of this county, suggesting that the county convention recommend Judge Webber, and have his name on the tickets of both parties without the formal action of a judicial convention. This step is well deserved by the high standing and character of Judge Webber and the universal verdict of approval which he has earned on the bench. The circular is as follows:

Dear Sir.—You are doubtless aware that at the present time no judicial organization exists in our district. I am officially advised by the Republican judicial committee that in view of the fact that there is but one sentiment in regard to the present incumbent being renominated by the people, no regular convention will be called by them.

Believing that the people demand that the Bench shall at least be free from partizan politics, the wishes of Lyon, Nicollet, Redwood and Brown county Democrats have been obtained as far as practicable and there seems to be an almost unanimous sentiment that the Hon. B. Webber should be renominated by the people. Understanding that the Democracy of Lyon county have already endorsed Judge Webber, I would suggest as the wish of the Democracy that at your next county convention you bring the matter up, that the Democracy may show the people that we are willing to meet the sentiment at least half way.

Respectfully,

C. W. H. Heidman

Chairman Brown Co. Democratic Committee.

—*Sleepy Eye Herald*.⁴⁰ ■

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⁴⁰ Quoted in the *New Ulm Weekly Review*, July 18, 1888, at 5.

1886

A. Republican Judicial Convention,
Tenth Judicial District

Even when an incumbent judge was not challenged judicial district conventions were still conducted with scrupulous attention to procedural niceties. The following are from the *Mower County Transcript*: First the notice of the time and place of the Republican Party's Tenth Judicial District Convention and, second, an account of that convention which re-nominated Judge John Q. Farmer, who was first elected in 1879:⁴¹

JUDICIAL CONVENTION.

Notice is hereby given that the Republicans of the Tenth Judicial District of the State of Minnesota, will meet in delegate convention, at two o'clock p. m. on the 10th day of August, 1886, in Anderson's Opera Hall, in the village of Spring Valley, Fillmore county, Minnesota, for the purpose of putting in nomination a candidate for the office of District Judge of said district, to be voted for by the electors thereof at the next general election to be held in this State; that the basis of representation at said convention is one delegate for each county and one for every two hundred and fifty votes or major fraction thereof, cast for James G. Blaine, candidate for President of the United States at the presidential election in 1884, and that the several counties composing said district are entitled to representation in said convention as follows:

Houston county,	7 delegates.
Fillmore	" 13 "
Mower	" 8 "
Freeborn	" 9 "

Dated July 1, 1886.
By order of the Committee.
H. S. BASSETT, Chairman,
E. K. ROVERUD,
J. B. ALLEN,
W. E. TODD.

⁴¹ *Mower County Transcript* (Austin), July 14, 1886, at 2 (notice) and August 18, 1886, at 2 (account of convention). Judge Farmer was not opposed in the election on November 2, 1886.

JUDGE FARMER RENOMINATED.

Pursuant to call the Republican Judicial convention convened in Anderson's Opera House, Spring Valley, Tuesday, Aug. 10, and organized by electing Col. N. P. Colburn of Rushford, temporary chairman, and Mr. McAdam of Albert Lea. secretary. A. D. Gray nominated LaFayette French of Austin, for secretary, but Mr. French declined to accept the position. Chairman Colburn returned thanks, and thereupon N. Kingsley. J. O'Brien, H. Blackmer, L. French. D. B. Johnson Jr. were appointed committee on credentials. On motion of A. D. Gray the chair appointed A. D. Gray, Henry Morgan, and A. Mollison, committee on permanent organization.

These committees made their respective reports, which were adopted, and the committees discharged. The temporary was made the permanent organization. The following delegates reported entitled to seats:

Houston county—Jas. O'Brien. Geo. C. Drowley. F. Paulson, C. E. Eberhardt. A. Haines, David Robinson, S. Anderson.

Fillmore county—N. Kingsley, N. P. Colburn, A. W. Thompson, H. T. Blair, V. M. Fairbanks, B. A. Man, H. J. Andersen, C. A. Murphy, A. D. Gray, N. H. Leonard, A. Blackman, L. H. Prosser, D. K. Machener.

Mower county—L. French, W. W. Ranney, D. B. Johnson Jr., A. Mollison, proxy for H. O. Basford. W. E. Harris, W. B. Mitson, F. L. Henderson, C. W. Taylor.

Freeborn county—John Whytock, J. H. Parker, H. Blackmer, Henry Morgan, W. C. McAdam, W. E. Todd, A. H. Bartlett, H. B. Collins, C. L. Luce.

Senator O'Brien of Houston, rose, and in most felicitous remarks, moved that Hon. John Q. Farmer be re-nominated for Judge of the 10th Judicial District, by acclamation. The motion unanimously prevailed.

L. French moved that a committee of three be appointed to wait on Judge Farmer, and notify him of his nomination. The chair appointed L. French, W. E. Todd, and Geo. E. Drowley, as such committee.

It was moved and carried that the delegation from each county should select a member to represent their county on the judicial central committee; and the chair select one at large. The counties reported as follows:

Houston, J. O'Brien; Fillmore, N. Kingsley; Mower, D. B. Johnson Jr.; Freeborn, Henry Morgan. At large, B. A. Mann of Fillmore. Committee elected D. B. Johnson Jr., chairman.

The committee then appeared with Judge Farmer, who was introduced to the chairman, who made a clever speech of acceptance of the nomination.

On motion of D. B. Johnson Jr. the convention adopted the acceptance of Judge Farmer and made it a part of the minutes. ■

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1886

**A. Republican Judicial Convention,
Eleventh Judicial District**

From the *Detroit Record*, July 3, 1886:

THE JUDICIAL CONVENTION

**Judge O. P. Stearns Again Nominated,
and Ira B. Mills, Moorhead, Captures
the Second Prize.**

The judicial convention of the Eleventh District followed the congressional convention at Brainerd last Wednesday [June 30], with the delegates largely a duplicate of the latter. J. D. Sutphin, of St. Louis County was chairman, both temporary and permanent, and E. J. Phelps, Norman County, secretary. The routine was quickly dispatched and nominations for first and second judges soon reached, and Judge Stearns was re-nominated by acclamation for the eastern portion. A triangular fight between Ira B Mills, Moorhead, and Halvor Steenerson and John Cromb, of Crookston, remained for the western part. Mills won on the second ballot. The nominees, Judge Stearns and Mills, were brought in by the committees and made speeches of thanks and acceptance. By 4 o'clock both conventions had completed their work with uniformly good feeling all around. The remainder of the day and evening till the departure of the trains were given over to the state candidates. On the first ballot John Cromb for whom our county delegation was instructed, received twenty-two votes, Mills twenty-four and the remainder scattered. Had Mr. Cromb held the Polk county delegation solid he would undoubtedly have been nominated.⁴²

⁴² *Detroit Record* (Becker County), July 3, 1886 at 3. In the election on November 2, Stearns and Mills were not opposed. Stearns received 22,992 votes, Mills received 22, 881, with 76 write-ins.

1898

A. Republican Judicial Convention, Eighteenth Judicial District

On April 27, 1897 the Minnesota Legislature created the Eighteenth Judicial District. It was carved out of the Fourth and Seventh, and was composed of Anoka, Isanti, Wright and Sherburne Counties. The following week, Governor Clough appointed James C. Tarbox of Wright County the first judge of the new district. It was controversial, fueled by rumors that it had been procured by the insidious influence of the Great Northern Railway.

He had three challengers at the Republican judicial convention on July 16, 1898. It ran like a fiercely divided political convention, with candidates' votes inching up and down, ballot after ballot. The *Wright County Times* reported that on the first two ballots, "one staunch Tarbox delegate voted for [Wooley] as a blind so as to help demoralize his force later on." Near the end, "Sherburne county voted a dummy ballot for Frank White, and when the time came cast three votes for Giddings, which gave him 18, and on the last ballot one of the Wooley delegates voted for the Anoka man and he was nominated."⁴³

The following account of the convention is from the *Sherburne County Star-News*:⁴⁴

GIDDINGS WINS THE JUDGSHIP

Thirty-six Ballots Before A
Result Was Reached

Anoka, Isanti, Three from Sherburne
and One from Wright did the Deed.

⁴³ *Wright County Times* (Monticello), July 21, 1898, at 1.

⁴⁴ *Sherburne County Star-News* (Elk River), July 21, 1898, at 5.

The Eighteenth judicial district republicans had their first convention here last Saturday [July 16], and it was a corker in more ways than one. The weather was just as hot as we ever get it in this section, but the political warmth was even warmer than the weather. The clans commenced to gather the night before, and the and the Merchants hotel was a scene of button-holing and political plotting such as has never been seen here before. Tarbox, Wooley and Giddings all had headquarters there, and there were conferences far into the night. It was evident very early that all the candidates were out for blood and a stubborn contest in the convention was confidently look for by everybody, but that it would require thirty-six ballots to decide it, nobody anticipated. Besides the delegates present, there were scores of friends of the candidates from Anoka and Wright counties, and probably no such political gathering was ever before seen in Sherburne.

As the vote was absolutely secret there is no way of knowing positively where the Giddings vote on the last ballot came from, but probably 15 of them came from Isanti and Anoka counties, two, and possibly three, from Sherburne and the rest from Wright. Had there been another ballot Giddings would have received the nomination without a vote from Sherburne.

The convention was called to order promptly at 12 o'clock by F. B. Lamson, chairman of the republican judicial committee, and A. N. Dare of Elk River was chosen as chairman and George Starr of Isanti county for secretary.

A motion was made and carried that the chair appointed committee of four, and one from each county, on credentials. The following committee was appointed: C. A. French of Wright, George Thompson of Sherburne, John Hunter of Anoka, O. A. Hallin of Isanti.

A committee on permanent organization was appointed consisting of [4 names, one from each county]; and also committee on resolutions composed of [4 names, one from each county]. The convention

then took a recess for dinner until 1:30 o'clock. Upon convening the committee on credentials reported the following list of delegates is entitled to seats in the convention:

Anoka—[6 names].

Isanti—[7].

Sherburne—[5].

Wright—[17].

The committee on permanent organization reported in favor of making the temporary organization permanent and the committee on resolutions reported that no resolutions were necessary. A motion was made and carried that the convention ballot individually on candidates, and the balloting commenced at once without any nominations being made, the chair having appointed as tellers, C. A. French, F. H. Whitney, W F. Chase and a Stienke. The balloting continued uninterruptedly to the end, thirty-six ballots being taken, two being thrown out because too many were cast.

[The votes on each ballot are on the next page]

On motion of Mr. French the nomination of A. E. Giddings was made unanimous, and another motion authorized the chair to appoint the district committee composed of five members, one at-large and one from each County. The convention then adjourned.⁴⁵

⁴⁵ *Sherburne County Star News* (Elk River), July 21, 1898, at 5.

	Woolley.	Tarbox..	Giddings	White...
First ballot.....	9	11	10	5
Second ballot.....	10	12	9	5
Third ballot.....	8	14	10	5
Fourth ballot.....	11	12	9	5
Fifth ballot.....	9	14	9	5
Sixth ballot.....	10	13	9	5
Seventh ballot.....	8	15	8	6
Eighth ballot.....	9	14	10	5
Ninth ballot.....	9	13	10	5
Tenth ballot.....	7	15	9	5
Eleventh ballot.....	11	12	9	5
Twelfth ballot.....	8	15	9	5
Thirteenth ballot...	8	15	9	5
Fourteenth ballot...	9	14	9	5
Fifteenth ballot....	10	13	9	5
Sixteenth ballot....	9	13	9	5
Seventeenth ballot.	9	14	9	5
Eighteenth ballot...	10	12	9	5
Nineteenth ballot...	8	15	10	4
Twentieth ballot...	9	12	9	5
Twenty-first ballot..	9	14	9	5
Twenty-second bal..	8	12	10	5
Twenty-third ballot	8	12	12	5
Twenty-fourth ballot	11	11	12	3
Twenty-fifth ballot.	13	11	13	..
Twenty-sixth ballot.	11	10	16	..
Twenty-seventh bal.	11	13	13	..
Twenty-eighth bal..	9	14	14	..
Twenty-ninth ballot	9	11	13	4
Thirtieth ballot.....	7	11	15	4
Thirty-first ballot..	10	8	17	1
Thirty-second ballot	8	9	16	4
Thirty-third ballot..	8	9	16	4
Thirty-fourth ballot	8	12	17	..
Thirty-fifth ballot..	8	11	18	..
Thirty-sixth ballot..	7	11	19	..

1898

**B. Democratic Judicial Convention,
Eighteenth Judicial District**

The Democratic judicial convention was held in Elk River, Sherburne County, on Thursday, October 13, three months after the Republican convention. After some skirmishing, Judge James C. Tarbox, who had lost the Republican endorsement to Arthur Giddings, received the votes of 21 of the 33 delegates. The following account of the convention was published in the *Sherburne County Star-News*:

Judicial Convention

The convention was called to order by Chas. S. Wheaton, chairman of the judicial committee, who read the call. Michael O'Hair of Wright county was elected chairman, and J. H. Niles of Anoka secretary.

On motion of Judge Wendell, the chair was authorized to appoint a committee of one from each County and one at large as a committee on credentials which he did as follows: J. S. Hewitt of Anoka, C. S. Wheaton of Sherburne, J. F. Whiting of Isanti, J. H. Wendell of Wright, and John Nugent of Wright.

A committee of three on permanent organization was appointed as follows: Thomas Coleman, J. O. Leacy, and L. Harwick, which reported in favor of the temporary organization being made permanent.

The committee on credentials reported the following delegations entitled the seats in the convention:

Anoka—6 [names omitted]

Sherburne—5 [names omitted].

Wright—13 [names omitted].

There was a democratic and populist delegation from my Isanti county, and both were admitted with half a vote each. The delegates were:

Isanti—6 (Dem). 6 (Populist).

A motion was made by Thomas Coleman of Anoka that the convention proceed to the nomination of a democratic candidate for judge, but his motion was calmly voted down, the majority evidently not being there for that purpose.

The name of J. C. Tarbox was presented to the convention by Judge Wendell. Mr. Coleman tried to interject a few remarks, but was sent off on a point of order. He ignored the point of order and wanted to know whether this was a democratic or republican convention, and fired some hot shot at the Tarbox contingent that made their ears tingle. Finally peace was restored for a minute and John Coleman, C. S. Wheaton and D. W. Flanagan were appointed tellers. Coleman refused to serve and John Casey was substituted. Then Coleman came to the front again and nominated Mr. O'Hair for judge, but that gentleman declined, after which Coleman move that the convention leave the office vacant, inasmuch as there was no democrat available for the position, and he did not propose to vote for any sorehead republican. Finally the convention proceeded to a ballot by calling the role of counties. Anoka refused to vote, and all but two of the Isanti crowd followed suit, but Wright and Sherburne doggedly carried out the programme by voting, and the result of the ballot was 21 votes for Tarbox out of 33 in the convention.

On motion the chair appointed a judicial committee of one from each county and one at large as follows: at large, J. H. Wendell; J. L. Hardwick, Wright county; J. H. Niles, Anoka; John Kaufman, Sherburne; J. F. Whiting, Isanti.

Convention adjourned.⁴⁶ ■

With the Democratic endorsement and encouragement from many citizens and some county newspapers, Judge Tarbox (1857-1908)

⁴⁶ *Sherburne County Star News* (Elk River), October 20, 1898, front page.

decided to run for re-election as a Democrat-Independent. In the election on November 8, he received 4,192 votes while Arthur E. Giddings received 4,749.

Giddings (1867-1965) is another example of a candidate who is endorsed by a few votes at a judicial district convention (he received 19 out of 37) and goes on to serve many years on the bench. In the next five elections, he did not once face an opponent. He retired in 1935, after six terms.

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Acknowledgments

Research on this article was conducted in the Hubbs Microfilm Room in the Library of the Minnesota Historical Society. Once again I express my indebtedness to the staff of the Library for their assistance. Other sources were the Historical Society's Minnesota Digital Newspaper Hub and the Chronicling America website of the Library of Congress.

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