

## A Case Study in Lively Futility

# THE 1876 LEGISLATURE

Betty Kane

*AUTHOR'S INTRODUCTORY NOTE: This study of the 1876 legislature was a bicentennial project. On cursory examination there seems little rationale for such an analysis except the happenstance of date. On closer examination those sixty legislative days prove very lively. The session is like a double-view mirror, reflecting on one side the economic and political issues that had engaged Minnesota since territorial days, on the other side revealing the kind of future Minnesota was making for itself. This paper is condensed from a longer study, by the same author, to be found at the Minnesota Historical Society. This gives a fuller report of the session, as well as of campaigns, election practices, and pre-session activities. It is the author's hope that some students may see the broad yet intimate view of Minnesota history inherent in such a case study and proceed to tackle sessions of greater intrinsic value than that of 1876.*

<sup>1</sup>For similarities between the two major parties, see the *St. Paul Pioneer-Press*, October 28, 1875, p. 2. This paper's full, accurate, and lively reporting of the 1876 legislative session provides most of the material for this article. Hereafter the paper will be referred to as the *Pioneer-Press*. Other newspapers were used, too, as well as the *Senate Journal* and the *House Journal*, but the latter lack interesting details.

The legislature met annually from Minnesota statehood in 1858 until 1879. An amendment establishing sixty-day biennial sessions was approved in 1877 and went into effect two years later.

<sup>2</sup>William B. Dean, "A History of the Capitol Buildings of Minnesota. With Some Account of the Struggles for Their Location," in *Minnesota Historical Collections*, 12:9, 18 (1908); Hugo Nisbeth, "A Swedish Visitor of the Early Seventies," translated and edited by Roy W. Swanson, in *Minnesota History*, 8:419 (quote), 420-421 (December, 1927).

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ON TUESDAY, January 5, 1876, the Minnesota legislature comprising forty-one senators and 106 representatives assembled in St. Paul for its eighteenth annual session. The meetings ahead promised no more excitement than offered by the few uneventful weeks of campaigning. Partisan rhetoric to the contrary, the two major parties—Republican and Democratic—were largely indistinguishable, even as to fiscal matters. Since the 1876 session would not have the important task of selecting a United States senator, said the press with a yawn, let the legislature make a centennial appropriation, reapportion itself, and go home. Apparently only the legislators, pockets bursting with petitions to build bridges, incorporate municipalities, move Indians to border reservations, fence in cattle, plant forests, license roaming dogs, drain marshes and lakes, and grant divorces and adoptions, knew that sixty days would be little enough.<sup>1</sup>

The building in which the 1876 legislature met was the territorial Capitol, built in 1853 for \$31,222 on the block bounded by Wabasha, Tenth, Exchange, and Cedar streets in St. Paul. Modernized in 1866 by replacing candlelight with gas jets, in 1871 by replacing wood-burning stoves with steam heat, the Capitol had been enlarged in 1872 to accommodate the more than doubled membership of the legislature created by the 1871 reapportionment. The rooms in which the chambers met were "comfortably and neatly furnished," according to a Swedish visitor of 1873. Each senator had a comfortable armchair and his own desk; members of the lower house sat two to a desk. Galleries, too, were spacious, carpeted, and furnished with armchairs, and gentlemen of the press were well accommodated with tables and comfortable armchairs to the speaker's left.<sup>2</sup>

As we move into the legislative action, we shall see the leaders who orchestrated the 1876 session. But even the most powerful leader needs votes. Is it possible to draw a composite profile from the faded features of the 147 men who supplied the ayes and nays? A profile, no.

Two profiles, yes. That's because the house and the senate differed widely in many respects.

The senate was infinitely richer in experience and talent than the house. Of forty-one senators, only eight served in that body for just that two-year term. Eleven were durable powers in Minnesota politics over a wide span of years. Thomas H. Armstrong of Albert Lea and William P. Murray of St. Paul had been members of the Democratic state constitutional convention in 1857, William H. C. Folsom of Taylors Falls of the rival Republican convention. Three senators — Armstrong, Ignatius Donnelly of Nininger, and William H. Yale of Winona — had already presided over the senate while serving as lieutenant governor.<sup>3</sup>

Seven senators also served in Congress. Morton S. Wilkinson of Mankato had been Minnesota's first Republican senator (1859–65) in Washington and a member of the United States House of Representatives in 1869–71. Donnelly had been a United States representative from 1863 to 1869. Subsequently, Henry Poehler of Henderson, Milo White of Chatfield, Knute Nelson of Alexandria, John B. Gilfillan of Minneapolis, and John L. MacDonald of Shakopee served as representatives in Congress. Knute Nelson became a seasoned commuter between St. Paul and Washington, serving as state senator from 1875 through 1878, as congressman from 1883 to 1889, as governor from 1893 to 1895, and then United States senator from 1895 to 1923.

The 1876 house was very short of experience. Of the 106 representatives, only seventeen had been there in 1875 (although twenty-three had been lawmakers at some earlier date). Only one house member had previously served in a nonlegislative capacity: Charles L. Chase of Concord Township in Dodge County, territorial secretary in 1857 and a leader of the Democratic constitutional convention. Two house members did go on to later service in Congress: Solomon G. Comstock of Moorhead and Darwin S. Hall of Renville County.

The wide gap between senate and house members in political achievement seems to have had an occupational component — legal training — because 32 per cent of senators and only 3 per cent of house members were lawyers. Representatives lived closer to the soil — 60 per cent were farmers, as compared with 17 per cent of senators. The house had a wider variety of callings than the usual nineteenth-century hierarchy of lawyer, merchant, farmer, banker, and lumberman that made up the senate. Daniel Anderson of Cambridge, for example, listed himself simply as "laborer." The house also had two blacksmiths — George Andrus of Chatfield and Oliver W. Hunt of Lewiston — and two physicians, Calvin H. Robbins of Wykoff and Mark A. Brawley of Pine City.

Senate and house profiles converge when we discuss politics and national origin. The considerable popularity

of the Republican gubernatorial candidate, John S. Pillsbury, successful lumberman, merchant, miller, university regent, and six-session senate leader, had the expected effect of increasing his party's legislative strength. Some 58 per cent of senators and 62 per cent of representatives were now Republicans.

Not a single member of the 1876 legislature had been born in Minnesota Territory, although three had arrived in the territory as early as 1845 and six had been in the state upon Minnesota's admission to the Union in 1858. Of native-born Americans, eighty had come from New England and twenty-six from Midwest states, most notably Ohio. Foreign-born among legislators totaled 27 per cent — a figure considerably lower than for the state as a whole (39 per cent). Scandinavians, who made up 15 per cent of Minnesota's population in 1875, held 9 per cent of the legislative seats. Irish proclivity for politics was borne out in Minnesota; for example, there were two and a half times as many Germans as Irish in the state but the same number in the legislature. It is not surprising that all the Irish but one were Democrats, while the thirteen Scandinavians included eleven Republicans, two Democrats.

CHAMBERS, galleries, and lobbies were packed as gavels descended at noon on January 4, 1876, to open the session. The "general murmur, which here often attains deafening volume," as a bemused Swedish visitor put it, was undoubtedly at high decibel. Senate and house gave quite different impressions to the roving reporter of the *St. Paul Pioneer-Press*. Even the new senators moved with ease and a full knowledge of parliamentary procedure. He added that "it would be hard to gather together a more intelligent and good-looking assemblage of gentlemen." They were "neat and well-dressed — all displaying a dignity and even solemnity of demeanor which gives a high character and a proper tone to the upper branch of the legislature."<sup>4</sup>

The house chambers, on the other hand, were in "a disgraceful state," littered with ballots and other debris from the Republican caucus of the night before. The unimpressive chambers had members to match, in the opinion of the St. Paul reporter. The large farmer element lent "a certain indescribable air of rusticity and restraint, amounting almost to positive verdancy." The

<sup>3</sup> Data in this paragraph and the five following were compiled largely from Waldemar F. Toensing, *Minnesota Congressmen, Legislators, and Other Elected State Officials: An Alphabetical Check List, 1849-1971* (St. Paul, 1971). For a list of the members of the senate and the house, see Minnesota, *Legislative Manual*, 1876, p. 148-155, and *Pioneer-Press*, January 6, 1876, p. 2. The *Pioneer-Press*, January 12, p. 2, also gives a statistical analysis of the 1876 legislative makeup.

<sup>4</sup> Nisbeth, in *Minnesota History*, 8:420; *Pioneer-Press*, January 6, 1876, p. 2.

*Minneapolis Tribune*, which carried frontier frankness to the borders of downright rudeness, was even less impressed with house members. In a legislative roundup of January 16, a *Tribune* observer remarked on the general "homeliness" of the representatives and asked: "Can women [sic] suffrage have somehow prevailed in the rural districts and the women conspired to keep all the good looking men at home?"<sup>5</sup>

In the house, Charles Gilman, Republican lumberman from Democratic St. Cloud and chief spokesman for the frontier counties, took the chair while William R. Kinyon, an Owatonna banker, was elected to his second term as speaker. He defeated Frank L. Morse, a thirty-eight-year-old Minneapolis farmer who had served his district in 1872 and 1874 and was to be a prominent opposition spokesman throughout 1876. At session's end, Kinyon was praised by the Democratic *Minneapolis Tribune's* often cynical reporter as "a gentleman to both parties" and "one of the best presiding officers this State ever produced." The house quickly elected its officers, already decided in caucus, then consumed the rest of its three-hour session in assigning seats. The first went to Andrew R. More, farmer from Pilot Grove, Faribault County, because his sixty-one years made him the chamber's senior member. Remaining seats were drawn by tedious lot.<sup>6</sup>

Election of senate officers was likewise a speedy affair, except for choice of chaplain, which quickly became a matter of principle. Wilkinson, the majestic and humorless senator from Blue Earth, suggested that it might be well to appoint a preacher "to do a little praying" over the senate. In the temporary absence of Donnelly, a militant anticleric, the honor of conscientious objector fell to the next "most peppery antichaplain senator," A. C. Lienau, a Democratic German farmer from Watertown in Carver County, and a mighty peppery man on other subjects, too, as we shall see. Though several senators agreed with Lienau on the desirability of keeping religion out of government, Lienau cast the only vote against the elected chaplain — the "robust and muscular" Baptist clergyman from Le Sueur, Major Edwin C. Sanders, "who will kick the beam at two hundred" and whose "effective invocation," simple and earnest, was listened to with bowed heads by all except Lienau and one equally unregenerate colleague.<sup>7</sup>



THE SCENE of the 1876 legislative sessions was this enlarged first Minnesota State Capitol.

This short summary of opening day provides more than a clue to what was done and not done in the next fifty-nine days. In the house, efforts of a large, docile, inexperienced crew were well-orchestrated by a popular and trusted speaker, but debate was dull. In the senate, a dozen or more prima donnas were constantly front-stage, fractious, partisan, legalistic, more interested in the eloquence of the argument than in the wisdom of the solution.

A second crowd-drawer of opening week was the joint appearance of outgoing and incoming governors on the fourth day. Spectators filled not only galleries, halls, and lobbies but appropriated the speaker's desk as well. Departing Governor Cushman K. Davis, a widely known orator, kept the unflagging attention of the crowd for an hour and a half. The new governor, John S. Pillsbury, spoke less eloquently, and for less time, but "the sound common sense of what he uttered amply counterbalanced whatever defects there were in the manner of its utterance."<sup>8</sup>

Several themes were common to both speeches — the need for a liberal appropriation for Minnesota's observance of the nation's centennial; capital punishment for capital crimes; for the sake of Minnesota's honor, a settlement of the repudiated railroad bonds. Thrift, thrift, preached businessman Pillsbury. Reduce legislative size, shorten sessions, meet only every other year, discourage local legislation, and have legislative accounts audited by an outside expert.<sup>9</sup>

Calling the centennial "the most significant occurrence of the century," commemorating "a nation created, and a nation saved," Pillsbury urged Minnesota to exhibit her varied and ample products not only as a birthday tribute to the nation but as the best possible advertisement for Minnesota. Kansas, more on the central current of travel, had grown faster than Minnesota in the last five years. Minnesota's northern location and

<sup>5</sup>*Pioneer-Press*, January 5, 1876, p. 4, *Minneapolis Tribune*, January 16, 1876, p. 1.

<sup>6</sup>*Minneapolis Tribune*, March 4, 1876, p. 2; *Pioneer-Press*, January 5, 1876, p. 4.

<sup>7</sup>*Pioneer-Press*, January 5, 1876, p. 4, January 6, 1876, p. 2.

<sup>8</sup>*Pioneer-Press*, January 8, 1876, p. 2.

<sup>9</sup>The complete annual message of Davis and inaugural message of Pillsbury are in *The Messages of the Governors to the Legislature of Minnesota, 1874-1901*, 2:3-42 and 3-28.

maligned climate made a proper show of produce at the centennial a double necessity.<sup>10</sup>

THIS ARTICLE will spend a lot of time on three legislative items — the centennial appropriation, reapportionment, and the inebriate asylum — for the reason that legislators did, and for some other good reasons, too.

The patriotism aroused in Minnesotans by the nation's centennial took second place to more practical motives. Minnesota wanted something very important out of the centennial celebration in Philadelphia — immigrants. The legislative role in the centennial was seemingly simple: to provide funds to carry out plans already made by the centennial commission for a display at Philadelphia. The commission suggested a \$35,000 appropriation. To the legislature of today, \$35,000 would be a penny. To that of 1876, it was a bundle.

Scanty state revenues underlay the most serious legislative problems. It was not that Minnesota was a poverty-stricken state. Except for grasshopper victims, farmers were doing well. Interviewed in March, 1876, Minneapolis merchants declared that lumber, machinery, wool, and flour were all selling widely, at good prices. The root of the problem was Minnesota's sole reliance on the property tax, so unevenly and inefficiently assessed by township collectors that less than half of the state's property owners paid two-thirds of the taxes. The mill rate for 1875 had been reduced to half that of 1873, producing \$1,000,000 less. Delinquency was high. In November, 1875, almost \$500,000 was outstanding. Ramsey County alone owed \$108,000, and Olmsted and Fillmore counties had paid only half, Dakota a third, of their assessments.<sup>11</sup>

The state got the small end of the tax stick — less than one-eighth of the amount collected. In Rice County, for example, more than \$41,000 was collected for local schools, more than \$34,000 for county government, \$24,000 for towns and cities, and only \$15,000 for the state. Summarizing the state auditor's report, the *Pioneer-Press* stated that "on the whole . . . the people do not feel the burden of the state government at all." Early in January, State Auditor Orlan P. Whitcomb counted only \$15,000 to cover the \$100,000 needed for the next two months and received legislative permission to borrow from the temporary school fund.<sup>12</sup>

Senator Milo White of Chatfield, Pillsbury's successor as chairman of the finance committee and one of the senate's big powers, estimated that, after expenses for running the three branches of government, only \$50,000 would be available for appropriation by the legislature. Thus the legislature was not faced with the usual problem of cutting up the pie. There was only one piece of pie, and a small one at that. The question was: Should the pie be put on the plate of the centennial commissioners or the grasshopper sufferers?<sup>13</sup>

The vast clouds of locusts that had descended upon Minnesota's southwestern counties in 1873, and had spread eastward in 1874, had caused millions of dollars of damage, completely impoverishing some 1,500 farmers. Faced with such a disaster today, the state would turn to the federal government for relief. In the 1870s the burden fell on the counties and on private charity, although the 1875 legislature had appropriated \$20,000 in direct relief and \$75,000 for seed grain. Damage in the summer of 1875 had been less than in the previous two, but nineteen counties suffered greatly, especially Blue Earth, Brown, Nicollet, Cottonwood, Sibley, and Watonwan. Their county boards had given victims large amounts in direct relief for seed grain and as bounties for dead grasshoppers, caught in huge nets and brought in by the bushfuls. Counties now clamored for state reimbursement.<sup>14</sup>

In view of this contest for limited state funds, the bitterness engendered by a request for \$35,000 to celebrate the centennial is understandable. The battle had been joined long before the 1876 session opened. Chief beneficiaries of the appropriation would be manufacturers and businessmen of the Twin Cities, Mankato, Rochester, Winona, Red Wing, and Stillwater.<sup>15</sup>

Early in December Richard Chute of Minneapolis, representing its Board of Trade, had returned from Philadelphia full of enthusiasm over the opportunity to display Minnesota's marvelous wares in a separate building. The *Pioneer-Press* felt it was likewise a chance to refute Minnesota's reputation "as a barren and inhospitable region" by showing evidence of its progress in agriculture, manufacturing, education, urban development, and charitable institutions. The paper also suggested displays of building stones that would astonish the world, of typography and lithography that rivaled Philadelphia's, of the best wheat and flour in the nation, the finest furniture, the most blankets, the best harvesters, carriages, steam engines, "and a thousand other things." A collection of the state's stuffed animals and birds "would arrest the attention of naturalists from every quarter of the globe." As a final, more practical,

<sup>10</sup>For quotations, see *Messages of the Governors*, 2:12.

<sup>11</sup>*Pioneer-Press*, February 13, 1876, p. 2; March 3, 1876, p. 3; Gladys C. Blakey, *A History of Taxation in Minnesota*, 13-15 (Minneapolis, 1934); *Shakopee Argus*, September 30, 1875; *Chatfield Democrat*, February 19, 1876, p. 3, and March 4, 1876, p. 2. The latter is a summary of State Auditor Orlan P. Whitcomb's report and deals with local assessment practices.

<sup>12</sup>*Faribault Democrat*, January 14, 1876, p. 3; *Pioneer-Press*, February 18, 1876, p. 2; *Minnesota Senate Journal*, 1876, p. 25-26.

<sup>13</sup>*Chatfield Democrat*, February 19, 1876, p. 3.

<sup>14</sup>For an account of the grasshopper invasion of the 1870s, see William W. Folwell, *A History of Minnesota*, 3:93-111 (St. Paul, revised edition, 1969).

<sup>15</sup>*Minneapolis Tribune*, January 16, 1876, p. 1.

pitch, the St. Paul editorial writer suggested that Minnesota bakers be sent to Philadelphia with Minnesota flour to bake bread on the spot. That city's hotels and restaurants would be so eager to buy it that the expense of a Minnesota building could be repaid many times over.<sup>16</sup>

On December 18, William Watts Folwell, president of the University of Minnesota and a member of the prestigious but unpopular centennial commission, returned from Philadelphia to report that he had selected a site for the Minnesota building. Wood for it was to be cut at home from native pine and shipped to Philadelphia for assemblage. Because the option for the site would be up in thirty days, Folwell urged speedy legislative action. Although Twin Cities newspapers and many outstate weeklies supported a Minnesota exhibit hall, the *Winona Herald* spoke for many in describing the projected building as a "magnificent humbug, a gigantic fraud, a Yankee Doodle display of sham and shoddy." The *Mankato Review* thought a better exhibit than a building would be a prominent citizen like Henry M. Rice, Alexander Ramsey, or Henry H. Sibley, who could get by splendidly for \$5,000 or \$10,000.<sup>17</sup>

The legislative battle started on opening day with Representative John H. Stevens' bill for a centennial appropriation of \$35,000 and ended on March 3, the last day for conducting business. It was no small boon to have the bill carried by Colonel Stevens, Minneapolis' first settler and, though a Democrat, so trusted and admired that his Republican constituency gave him an overwhelming majority. "He instituted Minneapolis, and has always cared for it as a father cares for a child," said the *Pioneer-Press*. Stevens had served in the first and the fifth state legislatures and now, in his sixth decade, was back to fight the cause of the centennial and, if possible, to protect the Indians of the state from further depredation.<sup>18</sup>

Although Stevens' bill moved quickly, opposition to a centennial appropriation became apparent on January 7 in several senate resolutions to the effect that, for a state with a deficit, more than \$10,000 for the observance was impolitic. John L. MacDonald of Shakopee led the fight. The *Mankato Record's* description of "Jack" as a leader of the "blatant demagogues" preaching poverty was not



CUSHMAN K. DAVIS



JOHN S. PILLSBURY

fair. A skilled lawyer with six legislative terms behind him, he was by no means parochial. Not only did he edit two Scott County newspapers, but he had been that county's superintendent of schools, and later served as a "well informed, clear-sighted, and impartial" district judge, and as a congressman (1887-89).<sup>19</sup>

Hostility was in the air on January 20, the day indicated for debate on MacDonald's resolution to limit the appropriation to \$10,000. The night before, anti-centennial "farmer elements" had assembled at the Capitol to support grasshopper relief, climaxing a series of strategy meetings at the Merchants Hotel. The galleries, however, were packed with friends of the centennial appropriation. Amendments to MacDonald's \$10,000 resolution went as high as \$25,000 and as low as \$5,000. Friends of a larger appropriation argued "good business." Failure to appropriate \$25,000 or more would be "like a merchant closing his doors, and driving his customers away with a club." Enemies argued that the business boost would be largely for Philadelphia merchants and that a large appropriation would be not only impolitic but unconstitutional. Joseph Capser, Democratic merchant from Sauk Centre, put a sarcastic lid on the argument by inquiring whether \$25,000 would be enough to clapboard the little building with repudiated railroad bonds and fill up the chinks with grasshoppers. MacDonald's \$10,000 appropriation passed by a vote of 23 to 14.<sup>20</sup>

The niggardly \$10,000 inspired an indignant editorial in the *Pioneer-Press*. Minnesota had "seceded from the centennial union of hearts." To display Minnesota's produce in the main exhibition building, where allotted space was "hardly big enough for a pea-nut stand," would be "wanton and useless extravagance." As always, the final argument was: Remember Kansas and its \$50,000 appropriation (a handy argument at the time; however,

<sup>16</sup>*Pioneer-Press*, December 4, 1875, p. 2; January 28, 1876, p. 2.

<sup>17</sup>*Pioneer-Press*, December 19, 1875, p. 3 (story on Folwell); November 27, 1875, p. 2 (quoting the *Winona Herald*); January 20, 1876, p. 2 (quoting the *Mankato Review*).

<sup>18</sup>*Pioneer-Press*, November 2, 1875, p. 3.

<sup>19</sup>*Pioneer-Press*, February 1, 1876, p. 2 (quoting the *Mankato Record*), William H. C. Folsom, *Fifty Years in the Northwest*, 610 (St. Paul, 1888).

<sup>20</sup>*Pioneer-Press*, January 21, 1876, p. 4; January 22, 1876, p. 4 (Capser statement).

according to the *Pioneer-Press* of February 24, 1876, the Kansas legislature also turned down the centennial appropriation).<sup>21</sup>

The house ways and means committee, six of whose seven members were farmers and small-town businessmen, gave an immediate and defiant answer. It reported out an appropriation of only \$5,000. In subsequent house debate, motions began with \$35,000 and quickly dropped to \$30,000, \$20,000, \$15,000, \$8,000, and then to a jovial \$200 "for fire crackers." The largest amount was offered by Comstock of Clay County, who argued that frontier counties would benefit most from the immigration which a good centennial exhibit would engender. John Fletcher Williams, a hapless centennial board member present by request, admitted under cross examination that \$6,000 or \$7,000 would be enough for a separate building. When he assured the house that Folwell and other board members had paid their own expenses to Philadelphia and that the 1874 appropriation of \$500 had all gone for specimens of wheat and other products and receptacles for them, the house was sufficiently mollified to appoint members to a joint committee, where the bill assumed the posture of "a stiff corpse," though some members had "a lingering desire to give it an occasional shake to make sure," rather like a cat playing with a dead mouse.<sup>22</sup>

During a bitter three-hour debate in the senate on February 15, with galleries full of visitors and house members crowding the floor and lobbies, J. E. Dougherty's try for a \$25,000 appropriation failed, as did Donnelly's for \$10,000 "to save Minnesota from disgrace." Attempts to make the figure \$15,000, \$8,000, and \$7,500 were turned down, and so was Yale's original motion for \$5,000. Wilkinson, in a bad humor and mindful of the grasshopper sufferers back in Blue Earth County, moved to adjourn, threatening that otherwise his fellow senators would go without supper, as he would make a very long speech indeed. MacDonald, hoping to avert both this catastrophe and passage of any appropriation, called attention of the chair to the fact that proceedings had for some time been out of order. Senators thereupon "resumed their usual dignity and pleasant relations," and Yale's \$5,000 bill passed 21 to 16.<sup>23</sup>

The next day the bill was laid on the table in short order by a vote of 18 to 15. The matter gave a weak, last gasp in the house in late February when James Middleton, a farmer from Woodbury Township, Washington County, not wanting to be known as a member of "the grasshopper legislature," attempted a compromise of a centennial appropriation of \$10,000. It got exactly nowhere. On March 3, the last business day, the senate voted \$5,000 for the use of the centennial commission, perhaps in the firm conviction that the house would not get to it. The house never did. Minnesota would have no official building or exhibits in Philadelphia.<sup>24</sup>

A SECOND key subject with which the 1876 legislature wrestled in vain was reapportionment. The new state had redistricted after the 1860 census and again after the state census of 1865 showed wide population shifts. The 1871 legislative reapportionment had reflected even wider changes, but loss of incumbent seats had been avoided by the painless expedient of more than doubling legislative size. The 1875 census revealed such great population changes that reapportionment promised to be "the everlasting bone of contention" of the session.<sup>25</sup>

From the point of view of most legislators, there were potent reasons *not* to reapportion. The 1877 session would perform the important task of choosing a United States senator. Reapportionment would demand that everyone run anew for that session, but if districts were left untouched, senators from the twenty even-numbered districts would be back for the crucial decision. Democrats could be expected to offer strenuous opposition to any change, because the under-represented border counties were predominantly Republican. Furthermore, four settled, solidly Republican counties sent Democratic senators to St. Paul. Though, as party people, Republican legislators would favor new districts, holdover senators would probably be more influenced by personal considerations. Long-settled southeastern counties would lose to Hennepin, Ramsey, and western border counties, where five senatorial districts were now underrepresented by 66 per cent to 296 per cent; regardless of party, their senators would oppose redistricting.<sup>26</sup>

Since all house members had to stand for election in 1877 regardless of reapportionment, they were not much interested. They appointed members to a joint committee which, settling industriously to work the second week of the session, was in immediate and frequent receipt of resolutions to reduce legislative size. This issue touched off "the first rattling debate of the session" in the house on January 20. Those favoring a smaller body stressed efficiency, an argument most forcibly advanced by Minneapolis Republicans, especially merchant A. M.

*RIGHT: The 1876 senate and other officials*

<sup>21</sup>*Pioneer-Press*, January 25, 1876, p. 2.

<sup>22</sup>*Pioneer-Press*, January 27, 1876, p. 4; *Minneapolis Tribune*, February 13, 1876, p. 1.

<sup>23</sup>*Pioneer-Press*, February 16, 1876, p. 4; *Senate Journal*, 1876, p. 196-201. Five pages of the *Journal* were required to record the various votes on amendments for centennial funds and motions for adjournment.

<sup>24</sup>*Senate Journal*, 1876, p. 211; *Pioneer-Press*, February 26, 1876, p. 4; March 3, 1876, p. 4.

<sup>25</sup>*Pioneer-Press*, January 21, 1876, p. 4.

<sup>26</sup>*Goodhue County Republican* (Red Wing), January 27, 1876, p. 1, cites Republican counties as Goodhue, Rice, Blue Earth, and Washington. Data on rural underrepresentation from *Pioneer-Press*, March 1, 1876, p. 2.



HOUSE OF REPRESENTATIVES



GOVERNOR  
LT. GOVERNOR  
MEMBERS  
OF THE LEGISLATURE  
OF THE  
STATE OF MINN.

18

76



Reid. A more novel reason was argued by Henry R. Denny, hardware merchant from Carver: Larger districts would attract more qualified candidates, thus serving constituents better. (It was perhaps Denny's thoughtfulness on this and other matters, as well as his high standing in the Republican party, that made him, though a first-timer, an instant leader in the house. This was evident from his selection as pre-session caucus secretary and maker of all organization motions on the house floor.) Frontier objection to reduced legislative size was expressed by Comstock. He pointed out that, even with present membership, one legislator had to represent ten sparsely settled counties.<sup>27</sup>

House debate closed on a moral note: A small body was more open to corruption than a large one. Curtis H. Pettit, Republican lumberman from Minneapolis who, after ten years of legislative service, was the acknowledged big power in the house, agreed. Except for the "rings" formed to secure and protect state institutions, Minnesota had thus far escaped the evil lobbies dominating so many legislatures. By a vote of 82 to 17, house members decided on January 20 to protect this purity by retaining the body's 147 members. The next day the senate concurred.<sup>28</sup>

In spite of this agreement, the senate also debated the question of size. Benefits of a reduction to thirty-one senators were pointed out by Yale who, though serving his first senate term in ten years, exerted unusual power because of parliamentary skills gained in two terms as lieutenant governor, his prominent place in the Republican hierarchy, and his close friendship with Governor Pillsbury. Wilkinson, seeing a chance to protect southeastern representation from depredations by Hennepin and Ramsey, amended Yale's motion to read that no county could have more than one senator. It was "not just the thing to have five senators on that floor from within a radius of five miles from the St. Paul race track," he argued, when the frontier senator must cover 500 miles. Debate was cut short when Milo White (who seldom dissipated his power as finance chairman in floor debate) pointed out that the discussion was out of order, the senate having agreed with the house on size.<sup>29</sup>

The joint committee on reapportionment then held two evening meetings, the results of which "matured" in a "not altogether harmonious" Republican caucus meet-

ing in late February. The maturing resulted in addition of two senate seats — all in favor of the Republicans, stormed the Democrats who, through Donnelly's close friend, J. E. Doughty of Lake City, promised "all the parliamentary ingenuity" they could command to defeat the measure.<sup>30</sup>

The first ingenious move turned out to be a well-considered constitutional point. The committee bill did not meet the requirement of an equal apportionment of each house according to population, since it balanced overrepresentation in one chamber with underrepresentation in the other. This balancing act, begun with statehood, now affected twenty-four of forty-one districts. For example, both Freeborn and Blue Earth counties had one senator, but Blue Earth, being more populous, had five representatives to Freeborn's two. For purposes of delay, Democrats insisted that the matter be reviewed by the judiciary committee. Republicans, forced to agree on a matter of constitutional import, put a time limit of one day on committee consideration. Only Gilfillan and Knute Nelson of the judiciary panel held that the constitution did not require equal representation in each house. Democrats Wilkinson, MacDonald, and William C. Williston of Red Wing were joined in the opposite view by Republicans Yale, a stickler for constitutional correctness, and Armstrong, a political maverick, as we shall soon see.<sup>31</sup>

In late February a *Minneapolis Tribune* correspondent made a comment on the equal population question so far ahead of its time that it was rarely if ever heard again until the 1962 United States Supreme Court, in *Baker v. Carr*, made the argument a fact of political life: "We haven't yet arrived at that stage of enlightenment where the invisible county line between two farmers or other neighbors will not inevitably lead them to consider their interests as somehow antagonistic or altogether different."<sup>32</sup>

Having failed to stop proceedings with the constitutional argument, the Democrats reverted to the size issue. MacDonald's amendment for reduction of the legislature to thirty senators and eighty representatives was adopted by a majority of four (20 to 16), three Republicans joining the Democrats. There ensued a bootless, witless game, full of accusations, moves for adjournment, and unheeded calls of the senate. A reapportionment debate is seldom a session's finest hour, but this was undoubtedly its most deplorable. "After the members had eaten apples and peanuts and smoked Joe Spief's cigars, and generally enjoyed themselves until the fun became a little monotonous," the call was dispensed with by a vote of 17 to 16. By this time the Republicans had assembled a substitute reduction bill. Debate thereon alternated with moves to adjourn until nearly 2:00 A.M., when members accepted the motion of Hiram W. Hill, Democratic printer of St. Charles, eighteen members

<sup>27</sup>*Pioneer-Press*, January 21, 1876, p. 4.

<sup>28</sup>*Pioneer-Press*, January 21, 1876, p. 4; January 22, 1876, p. 4.

<sup>29</sup>*Pioneer-Press*, January 28, 1876, p. 4.

<sup>30</sup>*Pioneer-Press*, February 24, 1876, p. 4 ("harmonious" quote); February 25, 1876, p. 4 (other quotes).

<sup>31</sup>*Pioneer-Press*, February 26, 1876, p. 4, March 1, 1876, p. 2.

<sup>32</sup>*Minneapolis Tribune*, February 26, 1876, p. 2.

now agreeing with Michael Doran of Carver that they "wanted to act with sensible men."<sup>33</sup>

Death came to reapportionment more or less as expected on February 29 — but in an unexpected way. The Republican leadership had exerted its authority and seemed confident of passing a bill. Taking up the apportionment measure by sections, the senate passed each of the first twenty-one districts separately in proper order. What happened at this point is uncertain. Might successful amendments to districts twenty-two and twenty-three have undone the whole package (as the *Senate Journal* seems to indicate)? Or was everyone simply too tired to function at the late hour? Or, as the *Pioneer-Press* reported, was the motion to adjourn, made by Peter McGovern, Democrat and lawyer of Waseca, part of a well-laid scheme? Anyway:

"The motion was put by a viva voce vote, and while Messrs. Langdon and Gilfillan were calling for the ayes and noes . . . Mr. Armstrong, the acting president, announced, 'The ayes have it, the senate stands adjourned.'"

"In an instant, as if by some grand preconcerted action, the senate broke up into confusion. While the republican majority, who had no more thought of adjourning than they had of dying, stood transfixed with amazement and indignation, the democratic majority broke out into loud peals of laughter and almost went into spasms of delight."

After describing John M. Archibald of Dundas shaking hands with everyone in sight, MacDonald dancing on heel and toe, Donnelly with "fat sides" quivering and looking as mischievous as an "exaggerated Santa Claus," Hill and McGovern hugging each other, and "all the rest on the south [Democratic] side" looking "happier than language can describe," the St. Paul reporter asked: "But how shall we describe the looks and feelings of the outwitted and badly-treated majority that had wielded its twenty-three votes with a force and unity and precision that won admiration for its silent and majestic power?" Mr. Yale's smile vanished, and so did he; Mr. Gilfillan drew his hat down over his eyes and assumed the position of a statue [*sic*] of grief; Mr. Langdon stood transfixed in the aisle . . . and looked very much as if he would like to throw somebody out of the south-side windows; Mr. [Charles H.] Graves looked like his name, and smiled very much as if he had a bad case of the cramps; K. Nelson began to look around for his rubbers, as if he wanted to get away from that boisterous and disorderly scene. The majority, however, of that outgeneralled majority slowly and sadly wended their way to the cloak rooms and still more sadly wended their way to their little boarding-house beds.

"The reporter . . . dashed around among the mourners to find out what hurt them, and these remarks . . . may furnish a key to the situation: '[I]t's a

piece of infamous trickery. . . . It's plain now to be seen where Tom Armstrong stood . . . a put up job! Wilkinson wasn't whispering to Armstrong for nothing.'"<sup>34</sup>

The next day the *Pioneer-Press* was still viewing Armstrong's action as a good example of "his serpentine political career," during which he could "always be relied upon to do any little dirty work that may be entrusted to him by the opponents of the party he pretends to serve." Armstrong, now a forty-six-year-old Albert Lea banker, had been a youthful member of the Democratic constitutional convention but by 1868 had earned enough Republican credentials to be elected lieutenant governor on that ticket. He certainly began the 1876 session in good partisan repute, as he was appointed chairman of the important judiciary committee. Furthermore, he was re-elected by his Republican constituency in 1877.<sup>35</sup>

So the kindlier view of the *Minneapolis Tribune* that there was no "concerted plan for 'jumping the game'" was probably correct. Although a demand that senators record their votes might well have changed the adjournment action, Armstrong logically assumed this "useless labor," a two-thirds vote being needed to suspend the rules and support action. This much can be said with certainty. Wilkinson, Donnelly, and Armstrong make up an interesting trio of party-switchers—a class by no means rare in partisan politics of the 1860s and 1870s.<sup>36</sup>

A THIRD important subject for 1876 legislators, along with the centennial appropriation and reapportionment, was the inebriate asylum. The liquor problem, which had agitated Minnesota since statehood, took an amusing turn during the session of 1876, making bedfellows of saloonkeepers and prohibitionists, of constitutional lawyers and license evaders.

Minnesota had a liquor problem, all right. St. Cloud, with 525 males over twenty-one years of age, had thirty saloons and drug stores; Red Wing's 1,641 males had forty-nine places "in which to buy their liquid poison". Winona County's 6,944 males had 130 to 140 drinking places. The Scandinavian Good Templars, the Catholic Father Matthew Temperance Society, and local temperance units had long been urging institutionalization of alcoholics. Already hard-pressed to fund the state prison, reform school, asylum for the insane, and school for the deaf, dumb, and blind, the 1873 legislature had responded by planning an inebriate asylum at Rochester —

<sup>33</sup>*Pioneer-Press*, February 29, 1876, p. 4.

<sup>34</sup>*Pioneer-Press*, March 1, 1876, p. 4; *Senate Journal*, 1876, p. 377-382.

<sup>35</sup>*Pioneer-Press*, March 2, 1876, p. 2.

<sup>36</sup>*Minneapolis Tribune*, March 2, 1876, p. 4.

to be built when sufficient funds accrued from a \$10 tax on all saloonkeepers, hostellers selling liquor, druggists, and distillers. Challenged in court, this fee had recently been held constitutional by the Minnesota Supreme Court.<sup>37</sup>

Senator Lienau laid the gauntlet on the table on January 4, the same day he objected to the naming of a chaplain, with the demand for a standing committee on the asylum. On January 5 he gave notice of a bill to repeal the 1873 law. Outlook for repeal of the measure was good in both houses. The *Pioneer-Press* said that "outside pressure against the law is pretty strong, which is not to be wondered at when it is considered that there are about 3,100 saloons, drug stores, hotels and breweries in the state which must pay up four years' license of \$40 each — making \$124,000 of arrearages due now, and an annual payment of \$31,000 hereafter."<sup>38</sup>

The liquor lobby had a clever game plan, coming to the legislature "arm-in-arm" with temperance purists who had been persuaded that it was wicked for the state to license the selling of alcohol or derive any revenues therefrom. Temperance forces, the *Pioneer-Press* observed, "do more effective fighting for free rum than all the legions of the bar and bottle."<sup>39</sup>

Galleries and lobbies were packed on January 26, the day of the special order for Lienau's bill. John V. Daniels of Rochester, ardent to preserve even a projected institution, had earlier made both a strong medical and moral case for the asylum. Most cases of insanity, he now added, were due to excessive use of liquor, and effects of drink passed to the next generation. Daniels was supported by James N. Stacy, a Republican merchant serving his first term from Wright County, which had only a small number of saloons. The liquor business, said Stacy, produced "no wealth or improvement, but only poverty and evil results." This defense irked Lienau into asking Stacy how many people in his county should be sent to such an asylum. The untried Stacy gave better than he got. Not many in his temperate county, he calmly admitted, but he understood that "down near the borders of Carver (Lienau's county) there are said to be a good many" — a taunt greeted with "great laughter." Asked by Lienau to name one such man, Stacy replied that he really was unable to do so, not being in the habit of visiting saloons. Amid "renewed laughter," Stacy retired triumphant.<sup>40</sup>

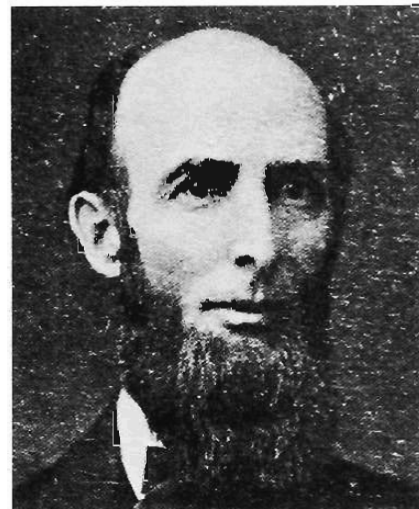
<sup>37</sup>*Pioneer-Press*, December 4, 11, 1875, each p. 2; February 28, 1876, p. 2; *Goodhue County Republican* (Red Wing), March 2, 1876, p. 1.

<sup>38</sup>*Pioneer-Press*, January 6, 1876, p. 4; January 14, 1876, p. 4 (quotes).

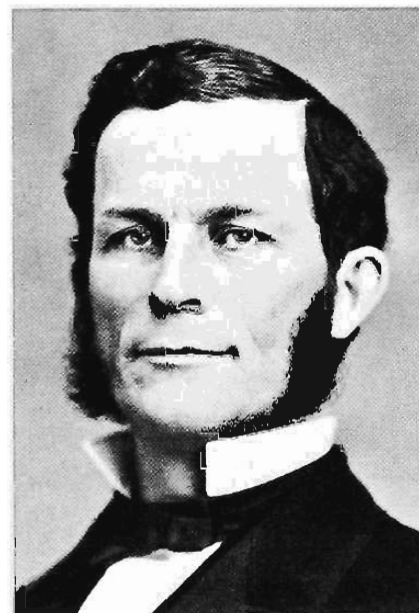
<sup>39</sup>*Pioneer-Press*, January 21, 1876, p. 2.

<sup>40</sup>*Pioneer-Press*, January 19, 1876, p. 4; January 27, 1876, p. 4.

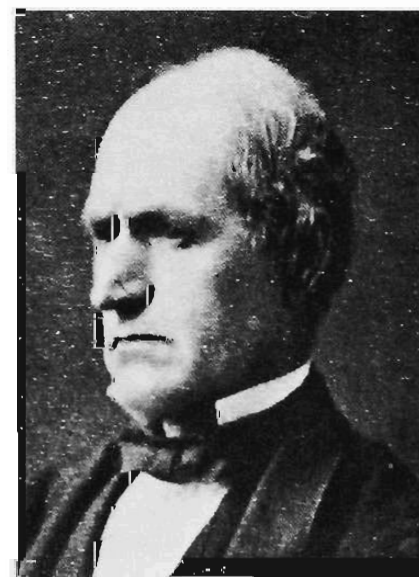
WILLIAM R.  
KINYON,  
speaker



WILLIAM H.  
YALE



MORTON S.  
WILKINSON



The issue of constitutionality was raised by Lienau's friend Donnelly, who referred to such an institution as an unconstitutional "novelty in legislation." The longest speech was made by Joseph Capser, a forty-two-year-old German merchant from Stearns County almost always in agreement with Donnelly and Lienau. Capser defended the honor of the saloonkeepers, a subject on which he was well informed because he had many of them in his district. The men who hand you "a glass of beer, wine, or liquor across the counter" at your request are "as respectable as the lawyers, the bankers and merchants." They are as a class "a liberal, honest set of fellows, ever ready to pay their taxes and to join in acts of charity." Capser added that they are no more responsible for drunkards than druggists are for dope fiends.<sup>41</sup>

Some practical questions followed. Capser wondered who could make a drunkard go to an institution, and Peter McGovern asked why Minnesota should follow the example of other states which have found such institutions incapable of reforming the alcoholic. (These senators were echoing concerns of the *Rochester Record and Union* which, though welcoming an institution for Rochester, wished no part of an "inglorious failure." It therefore requested the legislature to please decide who should enter the asylum, how inebriates should be made to go, and when they were to graduate.) Finally, Capser alluded to the whole question of state institutions. With eight institutions (including normal schools) not yet completed and three now being considered, the question will soon arise: "Will the state run these institutions, or will these institutions run the state?" Already legislators were trading votes on bridges over local rivers. Add more institutions, Capser warned, and Minnesota may have a ring that "will be worse than the New York canal ring" which rules the legislature of that state.<sup>42</sup>

Lienau's repeal bill, though it had the best of the floor argument, failed by a vote of 17 to 22. Then Daniels changed his vote and asked for reconsideration, evidently hoping to nail down the bill's defeat. This was a mistake. The *Pioneer-Press* intimates that some Republicans who had stayed with Daniels up to this point, out of friendship, could no longer do so because of pressure. Those who went "over to the enemy" and passed Lienau's bill by 24 to 15 included two Democrats and four Republicans. Three of the latter were from temperance constituencies, so the liquor-temperance combination seems to have held to the end in the senate.<sup>43</sup>

In the house, prospects looked bright for repeal of the inebriate asylum bill. Recommended by the judiciary committee on February 4, it had advanced to its third reading by February 8. At that point, the plan faltered because of three factors: proclivity of the house for parliamentary tangles, inventiveness of house opponents, and organization of more moderate temperance forces in the state, among them a citizen who wrote the

St. Paul paper that the repealer would be "but another evidence of the power of the whiskey ring to control our legislature." A parliamentary dispute left the bill on the table, "just in the position that those adverse to the measure wished to have it."<sup>44</sup>

Leander Gorton, Republican real estate dealer from Minneapolis, then successfully moved that the house chambers be used that evening for speeches by Thomas H. Everts, prominent prohibitionist of Rushford, and Dr. Charles N. Hewitt of Red Wing, the first chief of the state board of health. Everts was full of both statistics and sarcasm. People in Rushford (population: 1,500) and the surrounding countryside, he said, spent \$50,000 a year on intoxicants; as for St. Paul, it could by itself fill an asylum to overflowing. Connecticut, finding 20,000 alcoholics in its state, had constructed such an asylum. Everts asked: "Do you believe we are so much more temperate in this longitude, anywhere except in the counties of Capser and Lienau," that we need none?<sup>45</sup>

This ringing appeal was successful. The next day the house indefinitely postponed the repeal of the inebriate asylum bill by the decisive vote of 59 to 46. There was one small skirmish as the challenger left the field, Lienau moving to vacate the Mankato Normal School and furnish it as an inebriate asylum. Nothing came of this.<sup>46</sup>

ONLY A FEW items of 1876 legislative business would surprise a modern-day legislator. At the session's beginning, early business included "notice" of introduction of bills. Was the purpose to stake out legislative domains? "Communications, petitions and remonstrances" were the frontier substitute for personal visits, letters, and phone calls. Several Sibley County constituents of Senator Henry Poehler, for example, wanted laws against setting prairie fires and letting cattle run at large. To stimulate tree-planting, they suggested a statewide arbor day and withholding a marriage license from a man without a dozen trees growing. These petitions were sent to the agriculture committee which, after receipt of other petitions, reported out bills for cattle restraints, fines for setting fires, and premiums for tree-planting.

<sup>41</sup>*Pioneer-Press*, January 27, 1876, p. 4.

<sup>42</sup>*Rochester Record and Union*, January 14, 1876, p. 2; *Pioneer-Press*, January 27, 1876, p. 4.

<sup>43</sup>*Pioneer-Press*, January 27, 1876, p. 4. The senators named by the paper were Archibald, John W. Blake of Lyon County, Anders K. Finseth of Goodhue, MacDonald, Henry C. Page of Otter Tail, and Andrew B. Robbins of Kandiyohi.

<sup>44</sup>*Pioneer-Press*, February 9, 1876, p. 4; February 10, p. 2.

<sup>45</sup>*Minnesota, House Journal*, 1876, p. 146; *Pioneer-Press*, February 9, 1876, p. 4 (Everts quotes). In 1873, at Governor Horace Austin's request, Hewitt had drafted a report on inebriate asylums which also gives statistics on drunkenness in the state. See Folwell, *Minnesota*, 4:415, 421n. The hospital farm for inebriates was not established until 1907.

<sup>46</sup>*Pioneer-Press*, February 10, 11, 1876, each p. 4.

Several citizens of Marshall petitioned for incorporation as a village; others, fearing incorporation might raise taxes, drew up a remonstrance.<sup>47</sup>

Resolutions and motions also preceded the formal introduction of bills and committee reports. Many resolutions simply did what modern rules committees take care of (postage, mileage, procedural matters). However, much important business was introduced under the guise of resolutions, action being set for a later hour or day. On January 25, the force of a resolution was hotly debated when Donnelly accused State Auditor Whitcomb of "coolly" disregarding an 1874 resolution to prohibit cutting on state pinelands. When lawyers Yale and James Smith, Jr., Democrat of Ramsey County, defended the auditor on the ground that a law could not be repealed by a joint resolution, Wilkinson joined Donnelly (the two "hunt in couples, as usual," said the *Pioneer-Press*) in insisting that this action had the same force as a session law.<sup>48</sup>

The senate had twenty-nine standing committees, the house thirty-two. Since most committees had only five members and no subcommittees, the legislator's committee load was probably lighter than now. Partisan makeup was roughly proportional to party strength. Most of the work was done by four or five committees — certainly finance and judiciary in the senate, ways and means in the house. In both bodies, the towns and counties committee as well as roads and bridges reported out the most legislation. Conference committees were a rarity; legislation amended by the other chamber was routinely accepted or rejected on the spot. Only four committees had clerks — the two judiciary units, house public accounts, and joint reapportionment. Use of clerks is "a new thing here," commented the *Chatfield Democrat*, "but we are told 'they do so in other States,' and that is the way reform goes on."<sup>49</sup>

The house began holding two sessions daily the first week in February, and the senate followed suit shortly thereafter. By the end of the month the pace had grown from fast to hectic. Said the *Chatfield Democrat* on March 4: "Now Wednesday night is the third night the senate has worked, and the nearer the end the more important bills appear thick and fast, some covering vast interests, but of course need such scrutiny as cannot be

given; for you, Mr. editor, can see that a member of standing is on an average called upon every ten minutes by some one to help with their measures, and letters pouring in, and even telegrams — all to be answered in a minute or two, and bills being read [...] rolls called, members talking, and all working eighteen hours per day, — there is no wonder that strange laws are made."

Halls were filled with lobbyists, who also invaded the chambers, where later in the session the sergeants had trouble keeping them in order. They are "getting noisy just in proportion as their numbers increase," said the *Pioneer-Press*. Railroads were well represented. Some of their lobbyists opposed guards at cattle crossings and taxes on elevators, while others pushed for bonding authority. The pineland ring succeeded in having Cass County, one of the oldest in the state, disorganized and added to Crow Wing, with a view to lowered taxes.<sup>50</sup>

County officials, out to protect what most Minnesotans considered shocking overcompensation, were also there in numbers. "They wear the look of orators today," commented the *Minneapolis Tribune* near session's end, "and it is whispered among them that Dr. [Levi] Butler's bill cutting down salaries and compensation of several officers of Hennepin and Ramsey counties is buried beyond resurrection under a mass of House business taking precedence of it." In this they were wrong, since committees of retrenchment and reform in the two counties were well organized, vocal, and also on the spot. But the house bill of Hennepin's Republican A. M. Reid to limit salaries in all counties was "taken care of" by mysterious disappearance into some senate committee, and "no one seems to have time to hunt it up."<sup>51</sup>

Ramsey legislators were under pressure from a caucus of St. Paul officials "plotting against the success of reductions proposed by the tax-payers of the city." Republican Representative Charles D. Gilfillan was "threatened by the council with some unfriendly legislation regarding his water works" if he did not "desist in his measures of reform." The *Pioneer-Press* despaired of its city government: "It is the bummer element that rules it, that represents it, and that defies it to extricate itself from its bonds."<sup>52</sup>

Some lobbyists were of the homespun variety. Large numbers of "Mankato's best men," for example, were at the legislature "nearly all the time," ostensibly to retrieve grasshopper funds. But the *Chatfield Democrat* detected that "those sly dogs are working up swamp land grants fully as much as grasshoppers." The paper added that a "noted christian lady of high standing in the Methodist persuasion," sitting near Mayor James T. Maxfield of St. Paul during debate on Lienau's inebriate asylum repealer, asked who the orator was. The mayor, in joking remembrance of Lienau's antichaplain stance, replied that he was "a Methodist minister from up the Minnesota valley." At this the woman declared that she

<sup>47</sup>*Pioneer-Press*, January 22, 1876, p. 4; *Senate Journal*, 1876, p. 54.

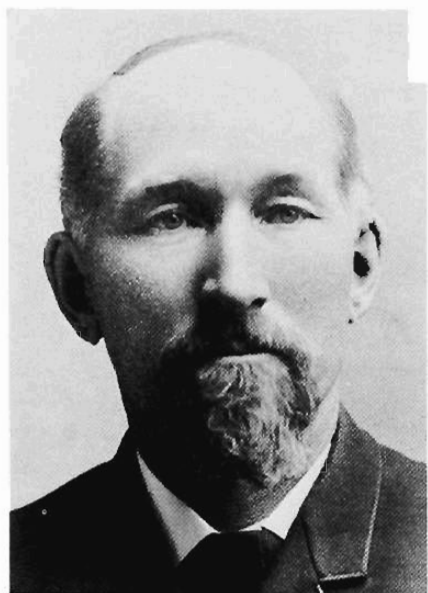
<sup>48</sup>*Pioneer-Press*, January 26, 1876, p. 4, January 27, 1876, p. 2 (quotes).

<sup>49</sup>*Minneapolis Tribune*, February 13, 1876, p. 1; *Chatfield Democrat*, February 26, 1876, p. 3.

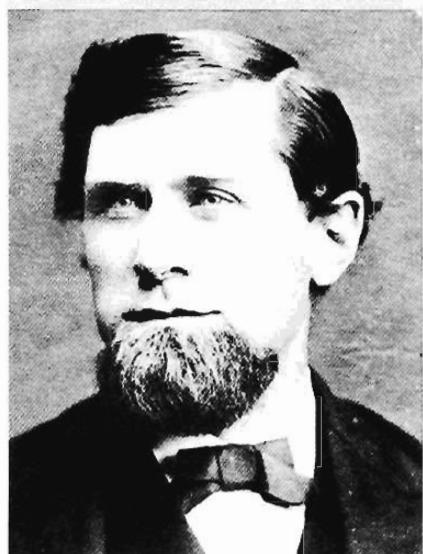
<sup>50</sup>*Pioneer-Press*, March 1, 1876, p. 4; *Chatfield Democrat*, March 4, 1876, p. 3.

<sup>51</sup>*Minneapolis Tribune*, March 2, 1876, p. 4.

<sup>52</sup>*Pioneer-Press*, January 26, 1876, p. 2.



SOLOMON G.  
COMSTOCK



KNUTE  
NELSON



IGNATIUS  
DONNELLY

would see that this preacher's license was revoked, "and that too very soon."<sup>52</sup>

THE 1876 LEGISLATURE worked hard and met faithfully, with few absences, in long sessions. In three months it considered 847 bills and passed a total of 397. Of the latter, 245 were special laws.<sup>54</sup> A letter to the *Anoka Republican* described special legislation this way:

"Does Smith want to drain his hay marsh, or the widow O'Flannigan desire to build a high pen forninst [*up against*] her neighbor's front window, or does Stebbins want an act to help him out of a law suit, when he is on the losing side, straight-way a bill is introduced by the local member the rules are suspended, and presto, without debate or criticism, out it comes from the legislative mill, a full fledged law, to cumber the statutes, often to grind some one's private axe, and often to work great injustice to parties who know nothing of the pendency or passage of the bill."<sup>55</sup>

Many special laws did what state departments do today. Others made decisions better left to courts — adoptions, name changes, naming of disputed heirs, and the like. About 150 of the 245 special laws met requests familiar to present-day lawmakers. They included enabling a local governing body to contravene an inconvenient charter provision, raising a county official's salary, and bypassing a local council for surer, speedier action.

Some amusing insights into problems that set neighbor against frontier neighbor can be gained from local bills forbidding fences and one allowing Faribault to appoint "fence viewers" to limit the height of offending structures. Another act forbade boisterous neighbors from beating drums, blowing horns, or discharging firearms while taking part in charivaris on wedding nights unless they were willing to spend ninety days in jail or to pay a fine up to \$100. Similar penalties would apply to fights with a weapon and disturbances at school meetings.<sup>56</sup>

A legislator eager for re-election usually tried to locate a state institution in his county. Although the *Minneapolis Tribune* decried Kandiyohi County's effort to get the state capitol and loudly criticized efforts to build local economies by institutional bids, that paper suggested the most audacious grab of all. A new site should be found for the state capitol building, now too close to a "bustling commercial city" which disturbs "the mental facilities of the wise Solons of state." At Minnehaha Falls, they would have the necessary "quiet and

<sup>52</sup>*Chatfield Democrat*, February 12, 1876, p. 3.

<sup>54</sup>Minnesota, *Laws*, 1876, index to general laws, v-xiv, index to special laws, iii-xvi.

<sup>55</sup>Quoted in *Pioneer-Press*, March 3, 1876, p. 2.

<sup>56</sup>Minnesota, *Laws*, 1876, p. 72-73, 311.

seclusion" and yet would be near enough to Minneapolis and St. Paul "to enable the physically tired and mentally prostrated legislator to seek relief from the cares of state in the giddy dissipation of either." Property owners would be glad to donate land, on which neutral ground "would St. Paul's ambition be gratified, for she would have 'married' Minneapolis."<sup>57</sup>

Being named the county seat was next in importance to capturing an institution. Prefiguring the 1976 struggle, the Sherburne County seat was relocated in 1876 — from Elk River to Big Lake. Le Sueur County's courthouse went from Cleveland to Le Sueur Centre. A bill to move Scott County's seat from Shakopee to Jordan passed the house at the request of first-term Democrat John W. Callender. It was "a little scheme of his to benefit his Jordan farm," raged the *Shakopee Argus*, which characterized the measure as a "real estate bill . . . misnamed a county seat bill." Although the bill was introduced only eight days before the session's end, voters got to Senator MacDonald of Shakopee in three times the number that were on Callender's petition for removal, so "no one in the Senate could be found bad enough to vote for the bill."<sup>58</sup>

Such broad areas of state responsibility as welfare and education received scanty attention a century ago. Needy persons not served by the county had to look to neighbors or religious institutions for help. Even the debates on grasshopper relief were guided by the stern principle of God helps those who help themselves — though this principle matched freedom from devastation with amazing geographical exactitude. Representative John F. Norrish, Democratic merchant from Hastings, declared it "a dangerous precedent" for the whole state to pay for "a local affliction." The *Minneapolis Tribune* was sure of legislative agreement that taxing prosperous citizens for support of the poor "would be most disastrous." The *Taylor's Falls Journal* saw no more reason to help grasshopper victims than lumbermen whose logs got caught in a drought, though the more detached *Pioneer-Press* editorialized that "logs tied up one year may come down the next, while grasshopper losses are irreparable."<sup>59</sup>

The 1876 session could boast of one important accomplishment in the field of education. David Burt, state superintendent of public instruction, had asked for redistribution of state aids on the basis of enrollment, not school-age population. To underscore apportionment inequities, Burt cited a metropolitan high rate of \$3.66 per pupil in Ramsey County and a rural low of \$1.05 in Winona County. The requested change — enacted on February 25 — would mean an average of \$1.48. The senate also passed a bill to aid high schools in preparing students for the university, but this got only to a second reading, on February 29, in the house.<sup>60</sup>

Uppermost in parents' minds was the exorbitant price of textbooks. Here was a cause tailor-made for Donnelly. Never in his long career did public need and private grudge find so happy a meeting place. He had been responsible while a congressman for setting up the national board of education, so how could he sit idly by in his own state while eastern monopolists made profits of 60 to 100 per cent on books that only well-to-do parents could afford for would-be students? This was the third session in which Donnelly had waged an almost successful fight on the issue. He proposed a commission (governor, superintendent of public instruction, university president, educator Sanford Niles, and himself) to oversee writing of texts by state scholars, printing of texts by reform-school inmates, and free distribution.<sup>61</sup>

Donnelly bolstered his cause with estimates from the well-known St. Paul printer, David Ramaley, that an initial investment of \$75,000 would save \$98,000 the first year and \$120,000 every second year thereafter. These figures were "seconded" by Folwell and the Reverend Edward D. Neill, president of Macalester College. Although it passed the senate 30 to 5, the bill was defeated by four votes in the house, probably because of vicious press attacks on government in business. The sarcastic reaction of the *Pioneer-Press* was: "It only remains now for Mr. Donnelly to introduce a bill to set up the state in the manufacture of school furniture, desks, maps, globes, stoves and things of that character." And why not school buildings? the St. Paul paper asked. The *Goodhue County Republican* echoed: "Now let Mr. Donnelly start a state boot and shoe factory" since footwear is an "enormous" family expense.<sup>62</sup>

It is difficult to leave the subject of education without referring to MacDonald's bill to prohibit religious teaching in public schools. Upon discovering that Catholic doctrine was being taught in St. Cloud schools by use of German and calling it foreign language instruction, the education committee reduced the controversy in MacDonald's bill by making it a prohibition of foreign language instruction. Yale spoke for this milder measure; though a Protestant, he would rather have Catholic dogma taught than none at all. Wilkinson, with his inimitable ability to confuse an issue, charged that the Re-

<sup>57</sup>*Minneapolis Tribune*, December 31, 1875, p. 2.

<sup>58</sup>*Shakopee Argus*, March 9, 23, 1876, each p. 1.

<sup>59</sup>*Pioneer-Press*, January 22, 1876, p. 4 (Norrish quote); February 27, 1876, p. 2 (quoting the *Taylor's Falls Journal*); *Minneapolis Tribune*, February 13, 1876, p. 1.

<sup>60</sup>*Pioneer-Press*, January 25, 1876, p. 4; *Minnesota, Laws*, 1876, p. 26-29; *Senate Journal*, 1876, p. 224, 311; *House Journal*, 1876, p. 318-320, 401.

<sup>61</sup>Folwell, *Minnesota*, 4:153-154; *Pioneer-Press*, February 15, 1876, p. 4; February 24, 1876, p. 2; March 1, 1876, p. 1; *Shakopee Argus*, February 24, 1876, p. 1.

<sup>62</sup>*Pioneer-Press*, February 18, 1876, p. 4; February 26, 1876, p. 2 (quote); February 27, 1876, p. 2 (quoting the *Goodhue County Republican*).

publican party made it a policy to exploit Protestant prejudice against Catholics, his Blue Earth opponent, General James H. Baker, having campaigned against him as an enemy of public schools. He also liked the milder way, as he did not want his Protestant friend, MacDonald, to be hurt in his Catholic constituency. MacDonald indicated he could not care less. Anyway, his Catholic constituents had never pressured him on the issue, he said. He wanted it understood that both Catholic and Protestant creeds were being taught in Minnesota schools, in both English and foreign languages. Complete prohibition was the only remedy.<sup>63</sup>

In a second long debate, Lienau got in some expected anticlerical blows, as did others. After this, Knute Nelson tried unsuccessfully to amend the bill to allow Bible reading in schools. Surely, he said, "Minnesotans were not ready to outlaw the Bible!" Vote on final passage of MacDonald's bill was surprisingly close — 18 for and 19 against. More surprisingly, almost every senator from an outstate constituency with a large Catholic population voted for MacDonald's bill. They included, besides the author himself, Edward S. Brown of Washington County, Doran, Donnelly, Doughty, Hill of Winona County, Lienau, Wilkinson, and Capser. William P. Murray, a St. Paul Catholic, was the only metropolitan area senator to vote "yea."

Those voting against MacDonald's bill included not only the other metropolitan senators but ones from Scandinavian Protestant strongholds, like Anders K. Finseth of Goodhue County, Folsom, Nelson, Andrew B. Robbins of Kandiyohi, Henry G. Page of Otter Tail, and John H. Smith of Houston County.<sup>64</sup>

LIKE BIRD-WATCHERS, legislative-watchers are most intrigued by the rare specimen. Every *rara avis* of 1876 was in the senate. In the house, Speaker Kinyon needed all his skill to keep his ordinary flock together and flying in one direction. However, under his firm and constant direction, the house kept working in an "unobtrusive, hum-drum style," content to put bills through "with very little discussion." House lassitude was certainly due in part to the roasting temperature and bad ventilation in that chamber, the air being as "fetid each 9 a.m. as at 6 p.m." Members complained bitterly of ill-health and many colds.<sup>65</sup>

The *Senate Journal* seldom records anyone but Lieutenant Governor James B. Wakefield as presiding over the senate. Unlike Kinyon, his problem was finding willing alternates, not capable ones. On one occasion Senator Murray thanked him for the invitation but was sure Wakefield understood that he, Wilkinson, Donnelly, MacDonald, and "probably all the rest" had a "woodchuck" to look after "and therefore did not want to be in the chair."<sup>66</sup>

The prima donnas of the session were not only exclu-

sively in the senate but exclusively of the opposition. Lienau's center-stage activities were confined pretty much to a few causes. Donnelly, disgruntled by gloatings of the state and national press at his "modest majority of 36" (and by such epithets as "the Minnesota windbag" and "persevering blatherskite"), had threatened to sit out the session with folded arms "patiently" waiting for a "political revolution" — a meaningless threat, since he brought revolution with him.<sup>67</sup> Disregarding public calumny, he constantly and impatiently pursued what seemed to his peers ill-considered demagogic reforms. This article reveals little of Donnelly's mettle, as the three subjects on which it has concentrated were not Donnelly's *métier*. Usurers, land-grabbers, railroad barons, timber thieves, bearers of the gold standard — these were his target. He was a one-man Consumer Protection Agency of his age. Rightly criticized in the press and the senate for slowing down the legislative pace, he nevertheless achieved some partial and important reforms, called early attention to bureaucratic abuses and despoliation of our natural resources, spoke for the disgruntled, and cleared the thickets for paths now labeled "public policy."

The third prima donna was Wilkinson who, overconscious of his previous higher public positions, took on himself the task of upholding senate dignity. His first brush was with the outgoing secretary of state, Samuel P. Jennison, who had been asked for a certified abstract of the contested results in the thirty-eighth senatorial district. Jennison, a man "unfortunately addicted to humor," had "cheerfully" forwarded the figures, accompanied by a protest against a single house of the legislature asking him for records by means of a resolution, rather than a bill passed by both houses. According to the *Minneapolis Tribune*, this was all in jest, as was Jennison's final sentence: "I think it my duty, then, respectfully to assert the high constitutional dignity of the office from which I am about to retire." Unfortunately, "the tall Senator from Blue Earth abhors more than all else abhorrent an attempt at humor by anyone who has the dignity of a public office to sustain." Thus he rose to his "highest altitude of outraged dignity" at this instance of an officer of the state instructing the senate in "its

<sup>63</sup>*Pioneer-Press*, February 17, 1876, p. 4.

<sup>64</sup>*Pioneer-Press*, February 26, 1876, p. 4; *Senate Journal*, 1876, p. 337 (for vote). For material on religious and racial aspects of constituencies, see Neil A. Markus, "Areal Patterns of Religious Denominationalism in Minnesota, 1950," master's thesis, 1961, University of Minnesota. The Minnesota Historical Society has a typescript copy.

<sup>65</sup>*Pioneer-Press*, February 13, 1876, p. 4 (first quotes); February 19, 1876, p. 4 ("fetid" quote).

<sup>66</sup>*Pioneer-Press*, February 22, 1876, p. 4.

<sup>67</sup>*Pioneer-Press*, November 11, 1875, p. 2 (quoting the *Chicago Times*); November 18, 1875, p. 2.

rights, privileges, and duties." He reminded that body of "the grandeur and scope of its official dignity" and obtained the consent of all members except Yale and Charles H. Graves of Duluth to keep Jemison's figures and return the "impertinent" letter. The *Pioneer-Press* expressed the amused hope that "civil war will not grow out of this conflict of jurisdictions between the executive and legislative branches of the state government . . .," since to an "indifferent public" both branches seemed "to be putting on a good deal more airs than the circumstances warrant."<sup>68</sup>

A couple of weeks later, Wilkinson was in the midst of a stem-winding speech when a second assault was made on the dignity of the senate. The chief clerk of the house, George W. Buswell of Faribault County, had developed the unhappy practice of interrupting senate business by bursting in with announcements of house actions. The senate sergeant-at-arms, George W. Benedict of Sauk Rapids, having been a senator himself the last term, was determined to extend full senatorial courtesy to a house officer and thus would fling the door open, rush to the desk and announce, "Mr. President, the chief clerk of the house!" The response of that "extra-irritable and doubly dignified senator" was predictable. He "took his seat with profound disgust."<sup>69</sup>

Yale, in the chair, doubtlessly irritated at this repeated interruption, and perhaps anxious to forestall an explosion from Wilkinson's corner, reprimanded Benedict in what were for Yale harsh terms. The St. Paul reporter, delighted at this early-session excitement, repeated the story with colorful details. The next day Yale publicly apologized for speaking "too harshly," as he and all other senators had the highest regard for Benedict. He especially regretted that he had led the reporter to describe the sergeant as "over-officious" when he was "rather modest and retiring." The reporter, glad to play out the game, apologized to both Yale and Benedict, and "if the chief clerk of the house is sorry for his part in this lamentable trouble, the reporter generously forgives him. Let us have peace."<sup>70</sup>

Every session must have at least one tension-relieving joke. In 1876 it was the translation and printing of the two governors' addresses. On January 11 Lienau made a serious motion to provide 2,000 copies in English, 1,000 in German, and 800 each in Swedish and Norwegian. Andrew Nelson, from the Scandinavian constituency of Meeker County, moved that Norwegian and Swedish copies be upped to 1,000 each. Then the fun began. Murray moved to print 500 in French, bringing

<sup>68</sup>*Minneapolis Tribune*, January 9, 1876, p. 1; *Pioneer-Press*, January 7, 1876, p. 2; *Senate Journal*, 1876, p. 13-15.

<sup>69</sup>*Minneapolis Tribune*, December 31, 1875, p. 1; January 9, 1876, p. 1; *Pioneer-Press*, January 25, 1876, p. 4.

<sup>70</sup>*Pioneer-Press*, January 26, 1876, p. 4.

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LIENAU



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laughter and an objection from Joseph H. Clark, serious-minded farmer from Dodge County, that there were only 1,500 Frenchmen in Minnesota, of whom only about 300 voted. Well then, answered Murray, the extra copies could serve as a "good emigration document." Even greater laughter greeted the motion of Michael Doran, Irish banker from Irish Le Sueur County, that 200 copies be printed in Celtic. Even the usually sensible Yale entered into the spirit of the occasion, moving 500 copies in Polish, since Minnesota had as many Polish immigrants as French. Asked by Murray whether a Polish printer could be found for the job, Yale said he understood that in Murray's county of Ramsey all marvels were to be found. After a bit more fanciful skirmishing, the original resolution was defeated 27 to 9, to be saved for another dull day.<sup>71</sup>

In the next "debate" on this question, Armstrong conjured up pictures of his Norwegian and Swedish constituents reading the translated speeches "at their fire-sides during the evenings and on Sundays." Of course, agreed Lienau, the speeches should be printed and widely distributed. However, since the treasury could not afford the burden, costs should be taken from the inebriate asylum fund, a proposal which drew the expected laughter. On a later day, after such motions as 500 copies in the Welsh dialect had been disposed of, the senate voted 1,000 copies in German, Swedish, and Norwegian, and 500 in French.<sup>72</sup>

The house faced the issue with more seriousness but less success. It first "vigorously" rejected Pettit's motion to print 1,000 copies of the governors' messages in German, Norwegian, Swedish, and French, and 500 copies in Welsh. John D. Good, Morris lumber dealer representing a predominantly Swedish constituency, believed that, since plates were available from the senate printing, another 1,000 could be printed in Swedish for \$165. After John Lunkeneimer, who kept a livery stable in St. Paul, asked for 1,000 for his German-speaking constituents, Frank X. Goulet, county auditor from Crow Wing, sought 500 in French. Then Daniel Bassett, a lumberman from Minneapolis, brought the debate to a climax by moving for 1,000 copies in Chinese — a height of absurdity from which the resolution never descended to the reality of house action.<sup>73</sup>

LEGISLATIVE leadership cannot be defined within the bounds of one session, but it is possible to point to achievements of several men who made things run for sixty hectic days in 1876. To Yale's parliamentary skills, for example. To Kinyon's patience in maintaining some kind of marching order among his raw, often unruly recruits. To White and Pettit who opened the purse only for acute necessities. To Comstock and Gilman who voiced the needs of the frontier. To Graves and Denny who linked political party and legislative majority. To the

rambunctious Donnelly, troublesome for the moment, indispensable for the future. Others used the 1876 session to build for higher service: MacDonald with his loud objections to thriftlessness and sectarianism; John B. Gilfillan with his competent filling of Pillsbury's shoes; Poehler and Hall with their constant care for rural needs. Most notable of all: Knute Nelson, who used his powers sparingly in debate, decisively in the chair, firmly in his judiciary assignment, and most fully in his party, ultimately to garner the highest honors his state could bestow.

In 1876 these important Minnesota men seemed mostly to get in each other's way. No trumpets sounded when the session ended, but blasts were plentiful. The tired *St. Paul Dispatch* reporter was most bitter:

"The writer has 'watched out' thirteen consecutive closing nights in Minnesota legislative sessions, but he has never seen the equal of the disorderly and disgraceful conduct of the grasshopper House last night. From ten o'clock in the evening until the adjournment a few minutes before four in the morning, the House was simply an uncouth mob.

But for the discretion and good judgment of Speaker Kinyon . . . the general appropriation bill would have failed, which would have required a special session. . . . While there were many able men in the House, that body, as a whole, was no more fit to make laws than a hog is to occupy a pulpit."<sup>74</sup>

The reporter for the *Rochester Record and Union* confined his disillusionment to capsule space: The present legislature affords the best argument of all for biennial sessions.<sup>75</sup>

The *Pioneer-Press* took a sarcastic line: "An obscure country newspaper says the Pioneer-Press had no influence with the late legislature. That is a compliment for which the Pioneer-Press returns its thanks. The late legislature was one of the legislatures which it augured no honor for a self-respecting journal to have influence with."<sup>76</sup>

To all of which comments on the session of 1876, the author would only like to add: It wasn't dull.

<sup>71</sup>*Pioneer-Press*, January 12, 1876, p. 3.

<sup>72</sup>*Pioneer-Press*, January 28, 1876, p. 4, February 3, 1876, p. 4.

<sup>73</sup>*House Journal*, 1876, p. 181, 192; *Pioneer-Press*, February 3, 13, 1876, each p. 4.

<sup>74</sup>Quoted in the *Minneapolis Tribune*, March 4, 1876, p. 4.

<sup>75</sup>*Rochester Record and Union*, February 18, 1876, p. 2; *Minneapolis Tribune*, March 4, 1876, p. 2.

<sup>76</sup>*Pioneer-Press*, March 7, 1876, p. 2.

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