

“UTTERLY BLIND, STUPID AND ABSURD”



Minnesota Press Reaction to the Capital Removal Attempt

WILLIAM E. LASS

ON FEBRUARY 19, 1857, St. Paul's *Daily Minnesotian* reported that the Minnesota territorial legislature had just approved a bill providing for the removal of the capital from St. Paul to St. Peter. John P. Owens, the paper's editor, set the tone for months of newspaper criticism by denouncing "the ridiculous and illegal bill," which, he charged, had been ramrodded by "a band of organized corruptionists."

In an age when newspapers were the principal means of influencing public opinion, the debate over capital removal was a featured story. Significantly, it was an

issue on which the normally feuding editors of the capital city's three dailies—Owens, Earle S. Goodrich of the *Pioneer and Democrat*, and Thomas M. Newson of the *Times*—agreed. William Watts Folwell, Minnesota's most eminent historian, later noted their vehement criticism. By limiting his observation to them, Folwell implied that

Capitol in the capital: Minnesota's first capitol (1853-73), engraving from Ballou's Pictorial, 1857. The building sat on a St. Paul block bounded by Wabasha, Exchange, Cedar, and Tenth streets.

opposition emanated only from St. Paul. This inference was reinforced by George S. Hage, whose history of early newspapers considered only the St. Paul dailies in his brief coverage of the controversy.¹

A survey of the territory's newspapers shows, however, that editors overwhelmingly opposed capital removal. During February and March 1857, when the issue peaked, there were 28 newspapers in Minnesota Territory. St. Paul, which had the only dailies and the weekly *St. Paul Advertiser*, was the news center. Upstream, St. Anthony (present-day northeastern Minneapolis on the east side of the Mississippi River) had two weeklies—the *St. Anthony Express* (Democratic) and the *St. Anthony Republican*. The *Minnesota Democrat*, the first Minnesota newspaper published west of the Mississippi, was the only paper in Minneapolis.²

In the region south of St. Paul—the principal beneficiary of the territorial population boom—there were both Democratic and Republican newspapers in Chatfield, Shakopee, and Winona. Henderson, St. Peter, Owatonna, Faribault, Cannon Falls, Hastings, Lake City, Oronoco, Carimona, and Brownsville each had one paper. In the area east and north of St. Paul and St. Anthony, Stillwater had two newspapers and Little Falls, St. Cloud, and Sauk Rapids had one each.³

THE NATURE OF THE NEWSPAPER commentary can be understood only by considering how the capital-removal measure related to other political issues and how it was approved by the territorial legislature and governor, Willis A. Gorman. When the eighth and presumably last territorial legislature convened on January 7, 1857, Gorman and the lawmakers thought statehood was imminent. Henry M. Rice, Minnesota's territorial delegate to Congress, had proposed it in the House of Representatives on December 24, 1856. Although Gorman was enthusiastic about statehood prospects, he disagreed sharply with Rice over the enabling process and boundaries. Rice wanted a state that was oriented north to south.⁴

When Gorman presented his annual message to the territorial legislators on January 14, he urged them to

challenge Rice's vision. He recommended that they—rather than Congress—initiate the statehood process by approving a new territorial census, electing delegates to a constitutional convention, and referring the constitution to the voters. If the voters approved the constitution, which would include a description of boundaries, the document would be submitted to Congress when Minnesota formally applied for statehood.⁵

Goodrich of the *Pioneer and Democrat* harshly criticized Gorman's recommendations as being "too revolutionary" because congressional authorization was "absolutely necessary." But they appealed to most of the legislators, who wanted an east-west state extending from Wisconsin to the Missouri River. This "long and narrow" state, with its northern boundary at the latitude of 45° 30" or 46° (approximately 35 or 70 miles north of the Twin Cities), was particularly appealing in the agricultural region south of St. Paul.⁶

East-west advocates in the legislature tried to forestall acceptance of Rice's proposed north-south boundaries by sending a memorial to Congress. Expressing their concern "for and on behalf of the people of the Territory," they asked Congress to authorize boundary determination by Minnesota voters. Congressional imposition of Rice's boundaries, they complained, "would be a violation of their sovereign rights as a people, and tyrannical in the extreme." Territorial legislators had overwhelmingly endorsed the memorial: the 39-man House of Representatives approved it, 25 to 10, and all 15 members of the Council (precursor of the Senate) voted, 11 in favor.⁷

Supporters certainly realized that the east-west configuration would leave St. Paul near the state's northeast corner. Since central location was invariably an important determinant for a capital, some place southwest of St. Paul would logically be a better site. The memorial never mentioned capital removal but, even before it was approved, Joseph A. Wheelock, editor of the *St. Paul Advertiser*, charged that supporters "can have but one object—the capital."⁸

The memorial stimulated speculation that there was a scheme to remove the capital to St. Peter. These suspicions were confirmed when Ozro A. Thomas, a Republican from Clinton Falls (Steele County), introduced such a bill in the House on February 5, 1857. The next day William D. Lowry, a Democrat from Rochester, proposed a companion bill in the Council. Goodrich immediately reported that the bills called for removal by legislative action without a vote of the people. Identifying Thomas as a priest and Lowry as a gentleman, he sarcastically observed: "The

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*Outspoken Pioneer and Democrat editor
Earle S. Goodrich, about 1875*

project in which they are engaged is one which promises to reflect little credit on either character.”⁹

Both bills resulted from a well-orchestrated campaign by the St. Peter Company. The firm, founded in February 1854 and incorporated by the territorial legislature in March 1856, was mainly concerned with developing the St. Peter town site. Gov. Gorman was the company’s first president, but by late 1855 Henry L. Moss had succeeded him. Gorman remained as a company trustee but was not listed among the incorporators.¹⁰

Despite his seemingly diminished role in company affairs, Gorman was a major stockholder and a key plotter in the capital-removal scheme. Nearly a week before Thomas introduced his House bill, Gorman wrote to Henry A. Swift, a company incorporator, “The movement for the removal of the Capitol [*sic*] to St. Peter has now a clear majority in both houses, and looks as if it will be done. . . . It has been got up by the East and West lines

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for the future state. Our St. Peter people are nearly all here, wide awake and very prudent, working like Trojans.” Gorman believed the Council and House would pass removal bills by votes of 11 to 4 and 24 to 15, respectively. He appended a printed list of all House members and indicated how they would probably vote.¹¹

If Gorman anticipated routine votes on the issue, he must have been shocked by the ensuing clashes. The Thomas and Lowry bills ignited an “excitement” that, the *Daily Times* reported, “has reached that degree of fever heat that some of the members can scarcely allude to the matter without flying into a passion.”¹²

In the Council, where removal was considered first, John B. Brisbin, a Democratic lawyer from St. Paul and Council president, left his chair to charge that the bill was illegal and that anyone who supported it would be guilty of “moral perjury.” Brisbin based his claim of illegality on a provision in the Organic Act, as the law that



Willis A. Gorman, about 1866

created Minnesota Territory was commonly called. Section 13 clearly provided

The legislative assembly of the Territory of Minnesota shall hold its first session at Saint Paul; and at said first session the governor and legislative assembly shall locate and establish a temporary seat of government . . . and shall at such time as they see proper, prescribe by law the manner of locating the permanent seat of government of said Territory by a vote of the people.¹³

Brisbin observed that, since the first territorial legislature had selected St. Paul as the temporary capital, any future permanent capital could be decided only by a vote of the people. But he was promptly challenged by Saint Andre Durand Balcombe, a Republican and Winona County farmer. In a contrived interpretation of the Organic Act, Balcombe claimed that the legislature was empowered to locate as many temporary capitals as it saw fit. Furthermore, he argued, elected building commissioners had chosen the site for the capitol building in St. Paul, which satisfied the vote-of-the-people requirement and left the legislature free to designate another capital.¹⁴

Next, Henry N. Setzer, a Democrat from Stillwater, charged that Balcombe's claims were "absurd and worthless." Setzer thought the removal bill was so "odious and unscrupulous" that it was without "parallel in the annals of the legislative action of any deliberative body ever convened in the United States." It would, he insisted, deny the people the power to select their own capital and "deliver them bound hand and foot, into the hands of an unjust and obnoxious corporation" which aimed to enhance "the value of town lots in the village of St. Peter."¹⁵

Brisbin and Setzer apparently were hoping for a straight party-line vote, in which the Democrats would have prevailed by one. But capital removal proved to be a sectional issue that had appeal across party lines. With the support of two west-of-the-Mississippi Democrats, the Council approved the measure, 8 to 7.

CONSIDERATION IN THE HOUSE featured an effort to scuttle the removal bill by challenging its constitutionality. John M. Berry, a Republican lawyer from Faribault and chairman of the Judiciary Committee, proposed that the House ask Lafayette Emmett, the territorial attorney general, to render an opinion on the bill's legality. On February 13, by the narrow margin of 17 to 15, the House approved this resolution.¹⁶



*Council president John B. Brisbin
of St. Paul, painted in 1884*

Emmett, a Democrat, completed his detailed opinion in three days. Analyzing the provisions and implementation of the Organic Act, he concluded that the territorial legislature "has no power to pass an act providing for the removal of the Capital, and that the temporary seat of government being established as well as located at St. Paul, must remain there until permanently located by a vote of the people." Emmett probably had pro-removal legislators in mind when he admonished: "Legislatures *make* laws, but the courts expound and construe them; and should a Legislature pass an unconstitutional act, and it should be so decided by the proper courts, the act is not a law but is wholly void."¹⁷

The attorney general's opinion helped stimulate excitement about the bill's prospects in the House. Interest was so high that the Council adjourned early on February 18 because it had difficulty maintaining a quorum when some councilors chose to attend the House proceedings. Not swayed by Emmett's opinion, representatives that day voted 20 to 17 in favor of removal. The tally was amazingly close to Gorman's earlier vote projection of 24 to 15; the governor had correctly predicted 32 of the 37 decisions. The bipartisan appeal of capital removal was again evident in the House. Eleven of its 20 Democrats favored the scheme, as did 9 of the 17 Republicans who voted (two did not).¹⁸

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An analysis of the votes in both houses shows a clear pattern of sectional bias: an east river—west river schism that reflected the animus between the older and newer parts of Minnesota Territory. In the Council, seven of the eight who supported removal were from west of the Mississippi, while six of the seven who opposed lived east of the river. In the House, 18 of the 20 representatives who favored removal were from west of the river. Only six from the western section opposed removal, including Berry of Faribault and Joseph R. Brown of Henderson, who were among the most vocal supporters of a north-south state. Eleven of the 13 representatives from east of the Mississippi opposed removal. Their greatest strength was concentrated in the St. Paul—Stillwater area. The only pro-removal votes from east of the river were from St. Anthony representatives, who were instinctively inclined to oppose anything that would benefit archrival St. Paul.¹⁹

After House approval, the bill was referred to the Council's Enrollment Committee, which would prepare a final copy to be signed by the House speaker and Council president before being sent to the governor. But committee chairman Joseph Rolette of Pembina County, a removal opponent, did not act on the bill. On Saturday February 28 Balcombe, fearing that the bill would languish until the 60-day legislative session's mandated end at midnight the next Saturday, moved that Rolette report the removal bill before Council adjournment that day. Balcombe further resolved that, if Rolette failed to appear, William W. Wales of St. Anthony, the next-ranking member of the Enrollment Committee and a strong removal supporter, be "respectfully requested to procure another truly enrolled copy of the said bill and report the same to the Council on Monday next."²⁰

When Balcombe called for a vote on his motion, Setzer promptly invoked a call of the Council. Setzer's ostensible purpose was to force Rolette to appear, so Balcombe and his removal allies did not suspect a trick.



*Saint Andre Durand Balcombe,
councilor from Winona, about 1858*

Under the call, all unexcused members had to present themselves. But the call also empowered Council staff to prevent anyone from leaving by locking the chamber, and it required the sergeant-at-arms to retrieve any missing legislators.

After Sergeant-at-Arms John A. Lamb had been sent to locate Rolette, Balcombe moved the call be suspended so the Council could deal with other matters. Members voted 9 to 5 to suspend the call; Brisbin ruled that the motion failed because passage required approval by a two-thirds majority.²¹

The desperate Balcombe first argued that 9 was two-thirds of 14. When Brisbin refused to accept his shoddy math, Balcombe unsuccessfully tried to have Rolette replaced by Wales as committee chair. While the Council remained under call for nearly five continuous days and nights, food and cots were brought into the locked chamber, and Lamb ostensibly continued searching for the elusive Rolette. Acrimony in the Council was so intense that St. Paul's mayor sent a special police force to preserve order. Goodrich observed: "This was rendered necessary, by intimations thrown out that the Governor's bullies and pimps would attempt to disturb, or break up a session of the Council."²²

During this stalemate, the House, in what was described as a "stormy" session replete with personality

clashes and “abusive language,” approved a resolution calling for a copy of the enrolled removal bill to be prepared. The resolution was passed despite the ruling of House Speaker Joseph W. Furber that it was out-of-order because it conflicted with the joint rules of the two houses. However, Furber, an anti-removal Republican from Cottage Grove, had the last word by questioning the bill’s validity. Above his signature, he inserted: “The foregoing is presented for my signature as Speaker of the House of Representatives, as being enrolled, not from the original bill of the same title, but from what purports, and is alleged to be, a copy of such original bill.”²³

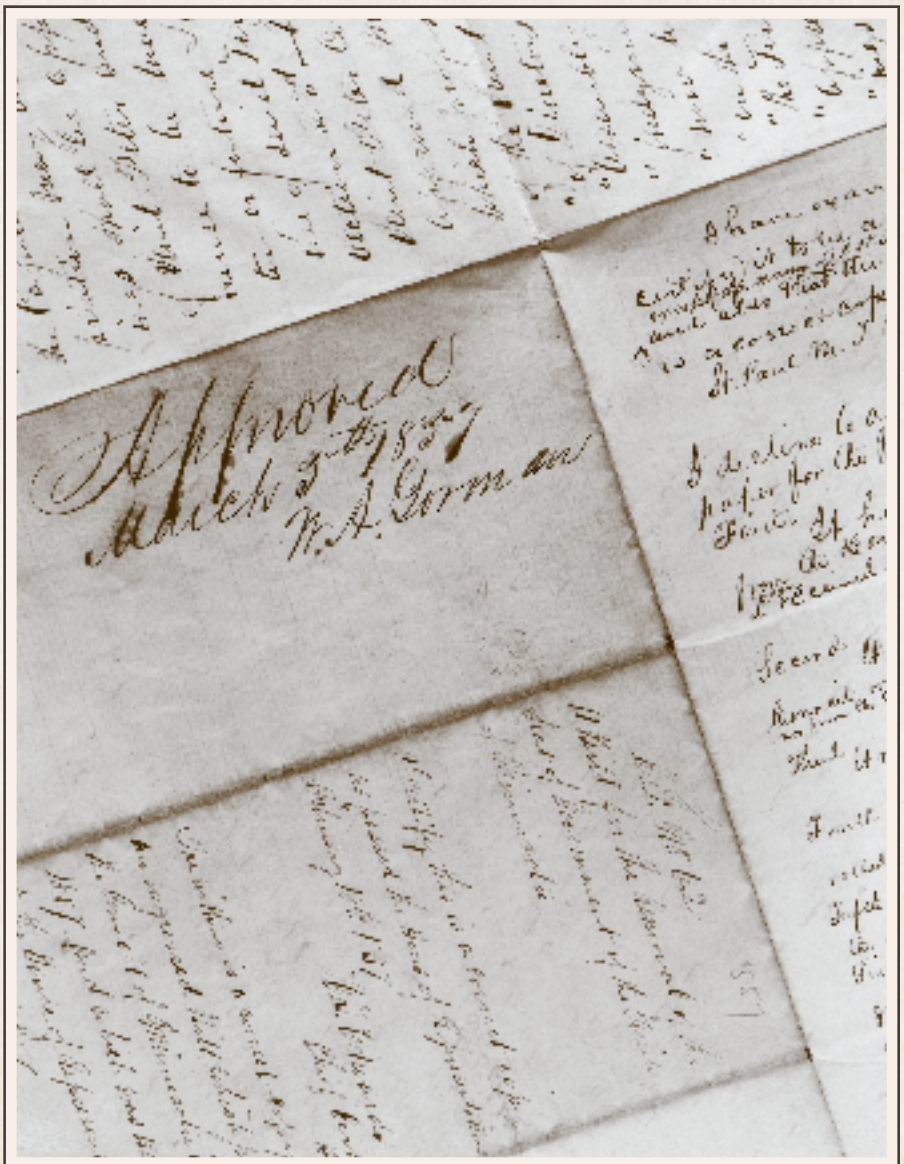
Brisbin, the Council president, refused to sign the substitute bill, contending it contained seven procedural errors. Regardless, Gorman signed the copy before the legislative session ended. So, as matters stood by March 6, 1857, the legislature and governor had approved capital removal from St. Paul to St. Peter, to occur on May 1. Opponents were determined to legally challenge what Newson of the *Daily Times* denounced as a “mere mutilation” of the original bill.²⁴

CAPITAL REMOVAL was the most contentious issue in the last regular session of the territorial legislature. While it was appealing enough to gain narrow majorities in both houses, Minnesota’s newspapers—with the notable exceptions of those of St. Peter and Winona—almost universally condemned it.

St. Paul’s dailies presented the harshest and most persistent criticism. The main charge made by Goodrich of the *Pioneer and Democrat*, Owens of the *Minnesotian*, and Newson of the *Times* was that removal was unconstitutional. Further, they insisted that it was a Gorman scheme to enhance his wealth and political stature; that legislators had been bribed to support it; that it was not valid because of errors in processing; that it was intended to

bolster support for an undesirable east-west state and a Winona-to-St. Peter railroad; and that public opinion, as gauged by local newspapers, strongly opposed it.

Until he actually signed the substitute bill, Gorman did not publicly commit himself to accepting it. Nonetheless, Goodrich, Owens, and Newson all believed that the governor was the scheme’s ringleader, and they passionately attacked him. Goodrich, who seems to have nursed a particularly intense personal dislike for Gorman, charged that the governor, since first arriving in Minnesota from his native Indiana in 1853, had enriched himself financially through various speculations. So, his attempt to make a great profit on St. Peter lots was in keeping with his usual greedy conduct. Shortly before removal was introduced, St. Peter town lots were



Infamous substitute removal bill, signed by Governor Gorman

Wheelock of the weekly *St. Paul Advertiser* was considerably more moderate than Goodrich, Owens, and Newson. Nonetheless, he concluded that the removal bill was “utterly blind, stupid and absurd.”

reported to be selling for \$500 to \$800. It was rumored about St. Paul that Gorman stood to make \$50,000 on the enhanced value of his land once removal was accomplished.²⁵

The editors warned that Gorman also supported capital removal because he wanted to become one of Minnesota’s two future U.S. senators. In order to accomplish this, they reasoned, he had to achieve two things: an east-west state that would emphasize the differences between the sections, and a bipartisan political following. An east-west state with a St. Peter capital would presumably result in having one senator from each side of the Mississippi River. As for political support: Rice’s reelection as territorial delegate in 1855 had demonstrated that he was Minnesota’s most popular Democratic politician. As the editors explained their scenario, Gorman’s only hope was to build a coalition of anti-Rice Democrats and pro-removal Republicans. Newson feared that such an alliance would destroy Republican unity. Republican legislators, he admonished, had unwittingly become the “tools of a corrupt monopoly” because “the Devil in the guise of His Excellency [Gorman], followed by the whole St. Peter Co., stole into our ranks.”²⁶

In claiming that pro-removal legislators had been bribed by the St. Peter Company, Goodrich, Owens, and Newson were doing nothing more than reiterating charges made by anti-removal legislators. But they realized they could not prove bribery. Although they believed that the courts would strike down capital removal on constitutional grounds, Goodrich and Owens were glad that the irregular procedure used to pass the substitute bill provided them with additional ammunition.²⁷

A S PART OF THEIR CAMPAIGN to convince the public that capital removal was unjust and unpopular, St. Paul’s dailies reprinted editorial commentary



Joseph A. Wheelock of the St. Paul Advertiser, about 1860

from other territorial newspapers. (Newspaper editors routinely exchanged courtesy copies.) No paper in this era had an editorial page, and any story was likely to be an admixture of factual reporting and editorial comment. Consequently, most of the reprinted comments on removal were excerpted from longer articles. Some of these excerpts are the only extant record of a newspaper.²⁸

Wheelock of the weekly *St. Paul Advertiser* was considerably more moderate than Goodrich, Owens, and Newson. Nonetheless, he concluded that the removal bill was “utterly blind, stupid and absurd.” His principal objection was that the bill was premature; there was no reason to assume that St. Peter was the best choice as long as the state’s boundaries were undetermined.²⁹

Stillwater’s newspapers—the *St. Croix Union* (Democratic) and the *Stillwater Messenger* (Republican)—reflected the strong east-of-the-Mississippi opposition to removal. Both emphasized that capital relocation was premature, illegal, and unsupported by the people.³⁰

The St. Paul and Stillwater editors were in complete accord with their legislators, who unanimously opposed the idea of a St. Peter capital. In St. Anthony, the other important east-river community, however, the legislators and editors disagreed. The three St. Anthony lawmakers, including Balcombe’s chief ally William Wales, supported removal. But editors Charles G. Ames of the *St. Anthony Republican* and Isaac Atwater of the *St.*

Anthony Express, while professing no love for St. Paul, were vigorously opposed. An east-west state with a St. Peter capital, they saw, would leave their community, too, near a remote corner, which would hamper it economically and politically.³¹

Like his St. Paul and St. Anthony counterparts, William Augustus Hotchkiss, editor of Minneapolis's *Minnesota Democrat*, was a vocal supporter of a north-south state. Further, he contended that the boundary memorial approved by legislators was "in direct conflict with the views of their constituents and the ultimate interests of the State." And, he believed a permanent capital should not be located prior to statehood. Professing to hold no brief for St. Paul, which he thought was a center of "political corruption," he asserted that removal should not "pass a Legislative body without a clause therein submitting it to the people for their sanction."³²

Hotchkiss's stance pitted him against two Minneapolis legislators—Councilor Joel B. Bassett and Representative John P. Plumer—who had voted for the bill. Apparently, hundreds of Minneapolitans agreed with Hotchkiss. On February 28 anti-removal protestors invited 400 people to a meeting at Woodman's Hall. Six hundred showed up, and the hall was reported to be "crowded to overflowing." By a reported majority of 598 to 2, the group approved resolutions condemning the votes of Bassett and Plumer and lauding Minneapolis's three anti-removal representatives. The protest did not necessarily mean that attendees were fond of St. Paul but, merely, that they preferred it to St. Peter. Significantly, they resolved that if the capital was relocated, it should be moved to Nicollet Island between Minneapolis and St. Anthony.³³

There were, however, people in Minneapolis who thought St. Peter would be a better capital than St. Paul. They held a counter-rally at Woodman's Hall on March 3. But despite their support for Plumer and Bassett, they agreed that Nicollet Island would be the very best site.³⁴

The greatest disparity between lawmakers and newspapermen occurred in the region south of St. Paul, St. Anthony, and Minneapolis. Although this area produced the most legislative support for removal, its editors generally condemned the effort.

Henderson, one of St. Peter's closest neighbors, demonstrated the most anti-removal sentiment. The *Henderson Democrat*, owned by town founder and territorial representative Joseph R. Brown, defended St. Paul and advocated a north-south state. The *Democrat's* publisher, John C. Stoeber, probably had some personal differences

"Remove the capital to St. Peter and I am worth \$200,000, and the state is as poor as h_l; keep the Capital at St. Paul the State is rich, and I am as poor as h_l."

with Gorman and the St. Peter Company. Before going to work for Brown, he had been the first editor of the *St. Peter Courier*, which the company owned.³⁵ Although not actively involved in day-to-day newspaper tasks, Brown provided his personal opposition to removal by writing "editorial correspondence" signed J. R. B.

The *Democrat's* stand was well expressed by its observation that the removal bill was enacted "by means of the most corrupt nature, and we hope to see the people, of all parties and prejudices, condemn this iniquitous sacrifice of public interests for the benefit of a soulless corporation." This opinion apparently was in perfect harmony with the sentiments of some Henderson residents, who protested the pro-removal vote of Francis Baasen of New Ulm. (He and Brown represented Sibley, Le Sueur, Blue Earth, and Brown counties in the House.) On February 25 a Henderson group hanged Baasen in effigy, comparing him to such historic arch-traitors as Judas Iscariot and Benedict Arnold. Three days later, a crowd of 400-to-500 "mourners," including delegations from Blue Earth, Nicollet, and Le Sueur counties, escorted the effigy to its burial spot.³⁶

The tenor of the *Democrat's* effigy story was that Baasen deserved to be maligned because he had sided with a greedy corporation. But Brown rushed to his peer's defense. He wrote that, after conversations with Baasen, he was convinced that the legislator was only trying to abide by the wishes of some of his constituents and that Baasen sincerely believed the legislature had the authority to remove the capital.³⁷

The newspaper editors of Cannon Falls, Faribault, Hastings, Lake City, Oronoco, Owatonna, and Shakopee also strongly opposed capital renewal. Collectively, they emphasized that it was unconstitutional and inspired by speculators led by Gorman—and that pro-removal legislators acted without a public mandate.³⁸ Generally, in labeling removal illegal or unconstitutional, they did not rely on their own interpretation of the Organic Act but unreservedly endorsed Emmett's opinion. Obviously, they regarded the attorney general as an impartial jurist.

moval, he insisted that St. Peter's greatest advantage was that it would be centrally located in an east-west state. Such a capital would cause "the perfection of her [Minnesota's] system of internal improvements," which, in turn, would lead to an infusion of new capital and every point along the new railroads gaining "in wealth and enterprise."⁴¹

Furthermore, in an east-west state, southern Minnesota would presumably break the economic stranglehold of St. Paul, which would be left on the very edge. Ridding themselves of St. Paul as capital would free Minnesotans, according to the editor, from the bad influences of a place "where every other man is a loan-shark; with brokers, bankers, money lenders, real-estate dealers and Shylocks of every description in abundance."

The *Courier* never provided any details of Emmett's opinion and the enrolled-bill controversy. Its editor contended that the capital-removal act was legal because the legislature had unrestricted removal power. Significantly, he did not mention the Organic Act's stipulation that a permanent capital could only be located by a vote of the people. This lack of concern for legalities was also evident in his insistence that the act signed by Gorman was "valid in every sense of the word"; all that the governor needed was a bill that carried out the legislative intent, even if it did not meet all technical procedural requirements. The editor presumed that the removal act would "never be brought before any tribunal for adjudication." Consequently, "We therefore conclude that the next edition of the geographies may set down St. Peter as the capital of Minnesota."⁴²

Outside of St. Peter, Winona had the only newspapers that zealously favored removal. As the organs of their local political parties, the *Winona Republican* and the Democratic *Winona Argus* sharply disagreed on such great national issues as the abolition of slavery. But Daniel Sinclair, the *Republican's* editor, and William Ashley Jones of the *Argus* agreed that a St. Peter capital would benefit Winona. They saw the capital, an east-west state, and a proposed railroad linking Winona and St. Peter as interrelated pillars of their future prosperity. The Transit Railroad, chartered by the territorial legislature in 1854, was projected to be constructed from Winona westward to the Missouri River.⁴³

Amidst increasing concern about imminent statehood, St. Peterites and Winonans championed the Transit Railroad cause. On March 28, 1856, an "immense number of the citizens of St. Peter, Traverse des Sioux and surrounding country" had participated in a pro-

Ridding themselves of St. Paul as capital would free Minnesotans from the bad influences of a place "where every other man is a loan-shark; with brokers, bankers, money lenders, real-estate dealers and Shylocks of every description in abundance."

railroad rally. They approved a resolution calling for the rapid building of the line from Winona to St. Peter. Both Winona newspapers endorsed the idea of choosing a lobbyist to work in Washington for a federal railroad land grant.⁴⁴

Winona's editors seem to have been as surprised as the public when capital removal was proposed in the legislature. But they immediately promoted it because they believed a St. Peter capital would enhance the prospects of both the Transit Railroad and an east-west state. Reflecting their area's animosity toward St. Paul, they also justified removal as vengeance for St. Paul's overweening economic and political dominance. Like the *St. Peter Courier*, the Winona newspapers insisted that the people of southern Minnesota strongly supported capital removal.⁴⁵ This claim was unsubstantiated. But, whatever the degree of public support, it is clear that it soon declined because of congressional actions.

WHILE DELIBERATING the Minnesota statehood enabling bill, Congress never considered an east-west alternative to Rice's proposed north-south state. On January 31, 1857, before the east-west state memorial from the Minnesota legislature reached Washington, the House of Representatives approved a north-south state. The Senate overwhelmingly followed suit on February 25. Senators were aware of the memorial from Minnesota but believed that Congress, not the people of a territory, should establish state boundaries.⁴⁶

The Minnesota Enabling Act of February 26, 1857, by itself, struck a serious blow to the prospects of an east-west state. Then, Rice, assisted by lobbyists from St. Paul and Winona, convinced legislators to make a generous railroad land grant to Minnesota—predicated on a

north-south state. The grant act, approved on March 3, amounted to about six million acres (approximately 11 percent of the state's area).⁴⁷

Above all else, Minnesotans wanted statehood and railroads. Even such staunch east-west bastions as St. Peter and Winona joined St. Paul and Stillwater in lauding the railroad-grant heroes, including Rice.

Together, the enabling and land-grant acts undercut any public support for an east-west state with a St. Peter capital. As St. Paul, Minneapolis, Stillwater, Winona, and St. Peter were all holding railroad celebrations, there was virtually no newspaper commentary on the future capital. Everyone knew that the removal act of dubious constitutionality and processing specified that territorial offices were to move to St. Peter on May 1. There seemed to be a general assumption that the move would be challenged legally.⁴⁸

Gorman, however, assumed that removal would occur. Accordingly, he named three commissioners to plan for the erection of a capitol in St. Peter. He also helped distribute a pro-removal tract, written by newspaperman William C. Dodge, and traveled to Washington, where he obtained a legal opinion that removal was constitutional from a former U.S. attorney general.⁴⁹

But Gorman lost his bully pulpit when newly inaugu-

rated President James Buchanan replaced him with Samuel Medary, an Ohio newspaper editor and Democratic Party stalwart. When news of the change reached Minnesota, Goodrich, who never missed an opportunity to criticize Gorman, noted: "Our Territory has been so long suffering under the curse of mingled imbecility in that office, that the news brought by telegraph seems altogether too good to be true."⁵⁰

Medary, who reached St. Paul on April 22 and was sworn in the next day, did not act to remove the capital. With his hand forced, Alfred F. Howes, president of the St. Peter Company, applied for a mandamus (legal writ) to compel the governor and other territorial officers, including the auditor, treasurer, and librarian, to remove their offices to St. Peter.⁵¹

The mandamus hearing, with counsels representing both the company and the government, was held on July 10 before Judge Rensselaer R. Nelson, whom President Buchanan had appointed to the Minnesota territorial federal court. The 31-year old jurist, a son of U.S. Supreme Court Justice Samuel Nelson, was a Democrat and a graduate of Yale College.⁵²

Nelson ruled on two questions presented to him by Howes and the defendants: "After the Governor and Legislative Assembly had established a temporary seat of



Not to be: View of St. Peter from the Minnesota River, 1868, with handwritten notations at its margins (not shown here). Above the small white structure at center is written: "Building created for State Capitol became the Court house when Capitol failed to get there."

government at St. Paul was there any authority to change and locate it at another place?" and "If they [the governor and legislature] had the power to change the temporary seat of government have they done so?"⁵³

On the first question, Nelson mirrored Emmett's opinion by emphasizing Section 13 of the Organic Act. He ruled the act only authorized the power "to do a single act at a particular time." Thus, the legislature had exhausted its power of removal when it chose St. Paul as the temporary capital in 1849.

Realizing that this response had rendered the removal act unconstitutional, Nelson observed, "It may be unnecessary for us to examine" the second question. Nonetheless, he decided to consider it "for the purpose of satisfying ourselves as to what constitutes legislative enactment." Noting House Speaker Furber's qualifying addendum and Council President Brisbin's refusal to sign the copied bill, Nelson rejected Howes's contention that it had been passed. The bill signed by Gorman, he ruled, had never become a law because it did not conform to legislative rules, the ultimate authority in such matters.

AS ANTICIPATED, NEWSPAPER editors who had opposed removal were pleased with Nelson's ruling. M. H. Abbott of Stillwater's *St. Croix Union* typified such reaction: "Thus ends this Saint Peter capital removal farce. How any unprejudiced man, with the Organic Law before him, could for a moment contend

that the Legislature have the power to remove the capital from St. Paul, we have always been at a loss to conceive." But pamphleteer William Dodge, a former owner of the *Winona Republican* who moved to St. Peter in May 1857 and started the *Free Press*, stubbornly insisted that capital removal was legal.⁵⁴

Generally, however, the press and the public quietly acquiesced in Nelson's ruling. The collective mood was that it was time to concentrate on making Minnesota a state. On July 13, the day before the ruling was publicized, the Minnesota constitutional convention began meeting at the capitol. The delegates, chosen in a special election on June 1, had a vastly different outlook than that of most of the territorial legislators. Although the dysfunctional convention split into Democratic and Republican wings, both sides desperately wanted statehood. If there was any strong public interest in reviving the capital-removal question, it certainly was not reflected in the dual conventions.⁵⁵

Thus, in the space of a few months, the capital-removal effort peaked, waned, and then vanished. Its demise was certainly caused, in part, by Rice's congressional accomplishments. The degree to which the Minnesota press influenced this change is impossible to determine. But, even assuming that the newspapers had nothing more than modest impact on molding public opinion, their harsh criticism of capital removal certainly helped destroy the dreams and schemes of the St. Peter Company. □

Notes

1. William Watts Folwell, *A History of Minnesota* (St. Paul: Minnesota Historical Society, 1921), 1: 383; George S. Hage, *Newspapers on the Minnesota Frontier, 1849-1860* (St. Paul: Minnesota Historical Society, 1967), 63-64. The *Pioneer and Democrat* had both daily and weekly editions. References throughout this article are to the daily.

2. For more about the territorial newspapers, see Daniel S. B. Johnston, "Minnesota Journalism in the Territorial Period," *Collections of the Minnesota Historical Society* (St. Paul, 1905), vol. 10, pt. 1, p. 248-351; Hage, *Newspapers*, 138-45. Despite its name, the *Minnesota Democrat* was a Republican paper. Its editor, William Augustus Hotchkiss, consistently referred to the Republican Party as the Democratic Republican Party.

3. The author was unable to obtain any information about capital removal from the

Carimona Telegraph, *Chatfield Democrat*, *Minnesota Advertiser* (St. Cloud), and *Sauk Rapids Frontiersman*. There are no extant issues of the Carimona paper, and the Minnesota Historical Society's files of the other three contain only widely scattered issues for this period.

4. *Congressional Globe*, 34th Cong., 3d sess., 26: 201 (Dec. 24, 1856); *Pioneer and Democrat*, Jan. 7, 1857. Except for the western portion south of Lake Traverse, Rice's proposed boundaries became present-day Minnesota's. Rice specified that between Lake Traverse and Iowa, the boundary would be a direct line to the point where the Big Sioux River entered Lake Kampeska (western edge of present-day Watertown, SD) and then along the river to Iowa's northwestern corner.

5. *Pioneer and Democrat*, Jan. 15, 1857.

6. *Pioneer and Democrat*, Jan. 15, 1857. For detailed commentary on the advantages

of the east-west state, see *Winona Republican*, Dec. 16, 1856.

7. *Pioneer and Democrat*, Jan. 21, 23, 1857.

8. *St. Paul Advertiser*, Jan. 10, 1857.

9. *Pioneer and Democrat*, Feb. 7, 1857.

10. *St. Peter Courier*, May 10, Dec. 25, 1855, Aug. 27, 1856; "An Act to Incorporate the St. Peter Company," *Session Laws of the Territory of Minnesota, 1856*, 73-75. The 1856 incorporation act specified that the company's 1854 incorporation under the territory's General Incorporation Act was "null and void"; St. Peter Company Records, Feb. 21, 1854, Minnesota Historical Society (MHS), photocopy in Nicollet Co. Historical Society, St. Peter. For a copy of the 1854 incorporation, see Deed Book A, 97-98, Nicollet Co. Recorder's Office, St. Peter.

11. Gorman to Swift, Jan. 31, 1857, Henry A. Swift Papers, MHS.

12. *Daily Times*, Feb. 11, 1857.

13. *Daily Times*, Feb. 11, 1857; "An Act to Establish the Territorial Government of Minnesota," *U.S. Statutes at Large*, 9 (1849): 409.

14. *Daily Times*, Feb. 11, 1857. Newspapers usually identified Balcombe as St. A. D. Balcombe.

15. Here and below, *Pioneer and Democrat*, Feb. 11, 13, 1857.

16. *Daily Minnesotian*, Feb. 14, 1857.

17. Minnesota Attorney General, *Opinion of the Attorney General on the Bill for the Removal of the Seat of Government* (St. Paul, 1857), 1, 5.

18. *Pioneer and Democrat*, Feb. 19, 1857; *Daily Minnesotian*, Feb. 21, 1857. Coverage in both newspapers included a list of all representatives and how they voted.

19. For detailed commentaries by Brown and Berry, respectively, see *Daily Minnesotian*, Mar. 7, Mar. 25, 1857. The political clout of the area west of the Mississippi was sharply increased by legislative reapportionment in 1855; *Session Laws of the Territory of Minnesota, 1855*, 36–39.

20. Here and below, *Pioneer and Democrat*, Mar. 2, 1857; *Legislative Glossary*, www.leg.state.or.us/glossary.html.

21. *Pioneer and Democrat*, Mar. 2, 4, 1857; *Daily Minnesotian*, Mar. 3, 1857.

22. *Pioneer and Democrat*, Mar. 5, Mar. 3, 1857.

23. *Pioneer and Democrat*, Mar. 4, Mar. 5, 1857.

24. *Pioneer and Democrat*, Mar. 5, 1857; *Daily Times*, Mar. 10, 1857.

25. *Daily Times*, Jan. 19, 1857; *Pioneer and Democrat*, Feb. 19, 1857. Gorman's alleged \$50,000 would amount to \$1,227,500 today; *Consumer Price Index (Estimate) 1800*, www.minneapolisfed.org/community_education/teacher/calc/hist1800.cfm?.

26. *Pioneer and Democrat*, Feb. 12, Mar. 2, 1857; *Daily Times*, Feb. 11, Mar. 10, 1857.

27. *Pioneer and Democrat*, Feb. 21, Feb. 23, 1857, Mar. 9, 1857; *Daily Minnesotian*, Feb. 23, 1857, Mar. 14, 1857; *Daily Times*, Mar. 10, 1857. Land-transaction records in the deed books in the Nicollet Co. Recorder's Office, St. Peter, show no land transfers from the company to any legislator.

28. The author attempted to do first-hand research in all Minnesota newspapers published during the capital-removal crisis, where possible comparing the excerpts published in the St. Paul dailies to the original articles. Except for an occasional typographical error, the reprints are accurate copies of the originals. Thus, there is no

reason to believe that the St. Paul editors altered comments in order to make their case more persuasive.

29. *St. Paul Advertiser*, Feb. 21, 1857.

30. *St. Croix Union*, Mar. 6, 1857; *Stillwater Messenger*, quoted in *Pioneer and Democrat*, Feb. 21, 1857.

31. *St. Anthony Republican*, quoted in *Pioneer and Democrat*, Feb. 21, 1857; *St. Anthony Express*, in *Daily Minnesotian*, Mar. 11, 1857.

32. *Minnesota Democrat*, Jan. 24, 1857, Feb. 14, 1857.

33. *Pioneer and Democrat*, Mar. 3, 1857.

34. *Daily Minnesotian*, Mar. 6, 1857.

35. Memorandum of Board Meeting, Oct. 2, 1854, St. Peter Company Records.

36. *Henderson Democrat*, Mar. 5, 1857.

37. *Henderson Democrat*, Mar. 12, 1857.

38. See, for example, *Cannon Falls Gazette*, quoted in *Daily Minnesotian*, Mar. 7, 1857; *Faribault Republican*, Mar. 12 1857; *Dakota Journal* (Hastings), in *Daily Pioneer and Democrat*, Mar. 11, 1857; *Lake City Tribune*, in *Daily Minnesotian*, Mar. 7, 1857; *Oronoco Courier*, in *Daily Minnesotian*, Mar. 3, 1857; *Owatonna Register*, in *Pioneer and Democrat*, Feb. 21, 1857; *Valley Herald* (Shakopee), Feb. 25, 1857; and *Shakopee Advocate*, in *Pioneer and Democrat*, Feb. 21, 1857. The territory's southeasternmost newspaper, the *Southern Minnesota Herald* (Brownsville) was neutral on the issue. While believing that removal was inspired by the desire for an east-west state, editor Charles Brown thought legislators should be guided by "wisdom coming down from above" in selecting the "best possible point" for the capital; Mar. 7, 1857. While refraining from endorsing a St. Peter capital, Henry W. Holley, editor of the *Chatfield Republican*, opined that legislative approval of removal was "but the expressed wish of a majority of the people of the Territory." But he also observed that if the legislature erred, "the proper tribunal will no doubt correct and reverse their blunders." Quoted in *St. Peter Courier*, Mar. 25, 1857.

39. *Cannon Falls Gazette*, in *Daily Minnesotian*, Mar. 7, 1857.

40. Henry B. Smith, the first named editor of the *Courier*, was succeeded by Andrew J. Morgan. After Morgan left the paper in May 1856, no editor was identified in the masthead.

41. Here and below, *St. Peter Courier*, Feb. 18, 1857.

42. *St. Peter Courier*, Mar. 25, 1857.

43. On the Transit Railroad, see Alan R.

Woolworth, *The Genesis & Construction of the Winona & St. Peter Railroad, 1858–1873* (Marshall, MN: Society for the Study of State and Regional History, 2000), 2–3.

44. *St. Peter Courier*, Apr. 1, 1856; *Winona Republican*, Mar. 25, 1856.

45. *Winona Argus*, Feb. 26, 1857; *Argus*, in *Winona Republican*, Mar. 3, 1857; *Winona Republican*, Jan. 6, Feb. 17, Mar. 10, 1857.

46. *Congressional Globe*, 34th Cong., 3d sess., 26: 517–19, 808, 814, 900, 965 (Jan. 31, Feb. 21, 26, 1857).

47. *U.S. Statutes at Large*, 11 (1857): 166–67, 195–97.

48. *Pioneer and Democrat*, Mar. 21, 1857; *Winona Argus*, Mar. 26, 1857; *St. Peter Courier*, Apr. 8, 1857; *St. Croix Union*, Mar. 13, 27, 1857.

49. *Daily Minnesotian*, Mar. 26, 1857; *Pioneer and Democrat*, June 1, 11, 1857; *Winona Argus*, Mar. 19, 1857. The pamphlet, *Address of the Majority Members of the Legislature to the People of Minnesota*, was also published in the *St. Peter Courier*, Mar. 18 and 25, 1857. Although written and circulated in the name of pro-removal legislators, it did list any as authors and shows no characteristics of multiple authorship. Copy in MHS.

50. *Pioneer and Democrat*, Mar. 19, 1857.

51. James H. Baker, *Lives of the Governors of Minnesota*, vol. 13, *Minnesota Historical Society Collections* (St. Paul, 1908), 70; *Pioneer and Democrat*, July 14, 1857.

52. *Pioneer and Democrat*, Apr. 28, July 11, 1857; *Biographical Directory of Federal Judges, 1789–Present*, www.fjc.gov/history/home.nsf/page/judges.html.

53. Here and two paragraphs below, *Pioneer and Democrat*, July 14, 1857.

54. *St. Croix Union*, July 17, 1857; *Free Press*, July 22, 1857.

55. See *The Debates and Proceedings of the Minnesota Constitutional Convention [Democratic]* (St. Paul: Earle S. Goodrich, 1857); *Debates and Proceedings of the Constitutional Convention for the Territory of Minnesota [Republican]* (St. Paul: George W. Moore, 1858).

All images are in MHS collections, including the ledger book and stock certificate in the St. Peter Company files within the Great Northern Railway Records.



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