

RESULTS OF ELECTIONS OF JUSTICES  
TO THE MINNESOTA SUPREME COURT  
1857 – 2010

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COMPILED

BY

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## 1. The Election Code

The Minnesota Constitution, ratified by voters on October 13, 1857, imposed conditions on state judges that were far more restrictive than the standard for federal judges set by Article III, §1, of the U. S. Constitution. Rather than serve “during good behavior,” equivalent to “lifetime” employment, judges on the state supreme court and lower courts were elected to short terms. Article 6, §3, provided:

The judges of the supreme court shall be elected by the electors of the state at large, and their terms of office shall be seven years and until their successors are elected and qualified.

The inclusion of a requirement of an elected judiciary in the 1857 constitution, besides being a reaction against the policy of presidential appointments to the court during the territorial period,<sup>1</sup> reflected the prevailing belief in the wisdom of the people; popularly-elected judges, it was supposed, would protect the rights and interests of the people; and a wayward judge could be checked at the next election.<sup>2</sup>

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<sup>1</sup> For the politics behind the selection of each of the eleven justices to the territorial supreme court, see my article, “‘Rotation in Office’ and the Territorial Supreme Court, 1849-1857” (MLHP, 2010).

<sup>2</sup> Minnesota was not alone in requiring the election of its judiciary. For articles on the rise of popular elections for the judiciary in other states in

Each judicial election since 1857 has been conducted according to an election code, which the legislature has amended, revised, reformed, and transformed many times. Unlike contests for executive and legislative offices, the results of many judicial elections—and thus the composition of the court—have been hugely influenced by the election laws themselves.

From 1858 to 1881, the supreme court of Minnesota consisted of a chief justice and two associate justices who were elected to seven year terms. In 1881, to assist the court in handling its heavy workload, the legislature increased the number of associate justices to four.<sup>3</sup> In the election on November 6, 1883, voters approved several amendments to the state constitution which affected judicial elections. The terms of all judges were reduced from seven years to six.<sup>4</sup> And future elections were to be held biennially in even numbered years. The last judicial election in an odd-numbered year was held in 1881. The election that year was also the first in which an incumbent was defeated, and it began a period of turmoil on the court that peaked in the seven elections from 1892 to 1910, and subsided in 1912, although, ironically, the election that year was the most tumultuous in the court's history.

The greatest cause of upheaval was the increasing involvement of political parties in the candidate-selection process. Partisanship reached its apogee from 1892 through 1910,

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the 1840s and 1850s, see Jed Handelsman Shugerman, "Economic Crisis and the Rise of Judicial Elections and Judicial Review," 123 *Harv. L. Rev.* 1061 (2010), and Kermit L. Hall, "The Judiciary on Trial: State Constitutional Reform and the Rise of an Elected Judiciary, 1846-1860," 45 *The Historian* 337 (1983).

<sup>3</sup> 1881 Laws, ch. 141, 184 ("The Supreme Court shall consist of one (1) Chief Justice and four (4) Associate Justices."). It was effective March 7, 1881.

<sup>4</sup> Today Article VI, §7, provides:

The term of office of all judges shall be six years and until their successors are qualified. They shall be elected by the voters from the area which they are to serve in the manner provided by law.

when party designations were posted next to candidates' names on the ballots.<sup>5</sup> This may be called the "party designation period" of judicial elections. The fates of judicial candidates, incumbents and challengers alike, depended on the popularity of the political party or parties that endorsed them, resulting in high turnover on the court. In the seven elections from 1892 through 1910, seven incumbents were deposed. The Republican Party was ascendant during most of these years and its endorsement was critical to a candidate's success. Five of the seven incumbents who were defeated did not receive the nomination of the Republican Party. The populist uprising in 1892 sank two Republican-endorsed incumbents.

In 1912, at the height of the Progressive Era, the legislature enacted two major reforms of the election code that transformed judicial contests and remain in use today. First, judicial candidates were listed on the ballot without party designation.<sup>6</sup> Second, the primary election for judicial

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<sup>5</sup> In 1894, "the party designation or politics of the candidate" followed his name on the ballot. 1894 Laws, ch. 1, §30, 7-8.

Occasionally a political party endorsed a candidate but did not nominate him. In 1894, for example, the Republican Party nominated Charles Start for chief justice and Lorin W. Collins for associate justice. The Democrats nominated Seagrave Smith for chief justice and endorsed John W. Willis for associate justice. The People's Party nominated John Willis, while the Prohibition Party did not nominate or endorse a candidate. *1895 Blue Book* at 379.

<sup>6</sup> 1912 Laws, Ex. Sess. Ch. 12, §1, effective June 19, 1912, provided:

**Designation of candidates nominated on non-partisan primary election ballot and those nominated by petition.**—Section 1. After the name of each candidate on the general election ballot nominated on the non-partisan ballot at the primary election shall he placed the words "nominated at primary election non-partisan." After the name of each candidate nominated by petition shall be placed the words "nominated by petition," and such other designation as may be now permitted by law, except that the words "non-partisan" shall not be placed after or to designate any candidate not dully nominated at a primary election on the non-partisan ballot.

candidates was inaugurated.<sup>7</sup> The elimination of party designations for judicial candidates and the enactment of the primary system in 1912 reflected the Progressives' goal of "direct democracy."<sup>8</sup> They thought that open primaries would dethrone the old party nominating convention system, which was dominated by political machines, and restore power to the people.<sup>9</sup>

Under the previous system, employed from 1857 to 1910, candidates ran in the general election against a field for seats on the court. In these elections, voters were instructed to "vote for one" or "vote for two" or more, the number corresponding to the number to be elected.<sup>10</sup> Candidates who received a plurality of the votes won.<sup>11</sup> For these reasons they are called

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<sup>7</sup> The politics behind the special session in 1912 when these laws were enacted is described by Carl Chrislock in *The Progressive Era in Minnesota, 1899-1918* 48-9 (Minn. Hist. Soc., 1971); see also William Watts Folwell, IV *A History of Minnesota* 365-74 (Minn. Hist. Soc., 1956) (published first in 1921). For the pre-1912 development of primary elections in the state, see Clarence J. Hein, "The Adoption of Minnesota's Direct Primary Law," 35 *Minnesota History* 341 (December 1957).

<sup>8</sup> See generally, Thomas Goebel, *A Government by the People: Direct Democracy in America, 1890-1940* (Univ. of N. C. Press, 2002).

<sup>9</sup> Chrislock, *supra* note 7, at 48-9, 84. A biographer of Robert M. LaFollette, a prominent progressive, described his embrace of the primary:

[M]ost insurgents believed that corporations could not dominate local politics if candidates were chosen directly by the voters. LaFollette reasoned further that the machine could never beat him again if the state adopted the direct primary. Sounding the insurgent note, LaFollette cried: "Go back to the first principles of democracy; go back to the people."

David P. Thelen, *Robert LaFollette and the Insurgent Spirit* 27 (Little Brown and Co, 1976).

<sup>10</sup> 1894 Stat. ch. 1, §30, 7-8.

<sup>11</sup> 1858 Laws, Sp. Sess., ch. 2, §5, 8, provided:

All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election.

“top two” or “top three” elections. The primary law changed this by winnowing the field to two or more finalists (depending on the number of seats at stake), who then stood in the general election (although there were three candidates in the unusual election for chief justice in 1912). The field system remained intact but the field itself was reduced to two candidates for each seat. Never again would there be a general election like that in 1898, when nine candidates vied for three seats.

In 1913, the legislature approved the appointment by the governor of two commissioners, who had the same responsibilities as elected justices.<sup>12</sup> Commissioners served on the court from 1913 to 1930, when the membership of the court was enlarged from five to seven, and the office of commissioner eliminated. Not surprisingly, the last two Commissioners, Ingerval Olsen and Charles Loring, were appointed associate justices by the governor.

The next legislative major overhaul of the laws governing judicial elections occurred in 1949, when the “alley system” was adopted. Under it, each justice is deemed to hold a separate office, and challengers are required to specify the particular justice whose seat they are seeking.<sup>13</sup> The field

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A plurality was defined as:

*Plurality to elect*—In all elections, unless it is otherwise expressly provided, the person having the highest number of votes for any office, shall be deemed and declared to be elected.

1863 Stat., ch. 1, §45, 64.

<sup>12</sup> 1913 Laws, ch. 62, 53-4.

<sup>13</sup> The 1949 act provided:

**Section 1. Associate justice or judge of district court deemed to hold a separate non-partisan office; alley system.** When two or more associate justices of the Supreme Court or two or more judges in a Judicial District are to be nominated at the same primary election or elected at the same general election, the notice of election shall state the name of each such associate justice

system, in use since statehood, was abolished. The 1949 legislation also provided that a sitting justice running for election or reelection would have the word “incumbent” placed after her or his name on the ballot.<sup>14</sup> It may be noted that in 1946, only three years before the passage of this legislation, an incumbent, Associate Justice William C. Christianson, who had served only seven months, was defeated in the general election. No incumbent has lost since 1946.

The moniker “incumbent” and the more individualized “alley system” seem to deter challengers: incumbents ran in only

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or judge whose successor is to be nominated or elected. Each associate justice or judge is deemed to hold a separate non-partisan office. The official ballot shall contain the names of all candidates for each such office, shall state the number of associate justices or judges to be elected and the number of candidates for whom an elector may vote, and shall designate each candidacy as “For the office of associate justice of the supreme court to which Name of Justice was elected for the regular term,” or “For the office of associate justice of the supreme court to which Name of justice was appointed,” or “For the office of judge of the district court of Number of district to which Name of judge was elected for the regular term,” or “For the office of judge of the district court of Number of district judicial district to which Name of judge was appointed,” as the case may be...

....

[I]n his affidavit of candidacy, any person eligible and desirous of having his name placed upon the primary ballot as a candidate for associate justice of the supreme court or as a candidate for judge of the district court shall state in his affidavit of candidacy the office of the particular justice or judge for which he is a candidate. ...

Laws 1949, ch. 690, §1. The legislation was effective April 25, 1949.

Today, ballots listing judicial office may describe a contest as, for example, “For the office to which James C. Otis was elected for the regular term” or “For the office to which John J. Todd was appointed.”

<sup>14</sup> See Minn. Stat. §204B.36, Subd. 5 (“If a chief justice, associate justice, or judge is a candidate to succeed again, the word “incumbent” shall be printed after that judge's name as a candidate.”).

nine uncontested elections from 1857 to 1949, whereas in the last sixty years, they have run thirty-one times without opposition. To a sizeable segment of the electorate the label “incumbent” is not a blessing; they seem to vote instinctively against “incumbents.” In every contested election for a seat on the court since the incumbent-designation act was passed, the challenger, while losing, still received at least 20% and frequently 40% or more of the vote.

A constitutional amendment ratified in 1956 delayed the time of the first election of an appointee. The 1857 constitution required judges to run for election “at the first annual election that occurs more than thirty days after the vacancy shall have happened.”<sup>15</sup> The 1956 amendment required an appointee to stand in the election that occurred one year after the appointment.<sup>16</sup> The significance of this provision was described by Professor Mary Jane Morrison:

Because of the change in this section [§8 of Article VI] to “the next general election occurring more than one year after the appointment” instead of the original “30 days after,” the judges and governors of this state increasingly have followed a practice of tendering a resignation or retirement petition timed to postpone putting the seat up for election yet immediately to create a vacancy for the governor to fill by appointment. This enables the governor’s appointee to obtain as much identification as possible as an incumbent before having to stand for election to

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<sup>15</sup> Art. 6, §10 (1857).

<sup>16</sup> Article VI, §8, now provides:

Whenever there is a vacancy in the office of judge the governor shall appoint in the manner provided by law a qualified person to fill the vacancy until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.

that seat, including the advantage of being labeled on the ballot as an incumbent.<sup>17</sup>

The 1956 amendments to Article VI, §9, also authorized the legislature to “provide by law for retirement of all judges and for the extension of the term of any judge who becomes eligible for retirement within three years after the expiration of the term for which he is selected.” Today judges must retire by the end of the month after they turn 70.<sup>18</sup>

And, finally, by a constitutional amendment passed in 1973, the size of the court was increased to nine members, but reduced in 1982 to seven through attrition. It has had seven members since 1986.

## 2. The Puzzle of the Elections of 1892, 1898, 1904 and 1910

The 1892 election was the first of four judicial elections where the start of the terms of the certain associate justices was delayed one year. Three associate justices elected in November 1892, did not take office until January 1894. Three justices elected in November 1898, did not take office until January 1900. Three justices elected in November 1904, did not take office until January 1906; and in November 1910, two justices were elected to terms beginning January 1912. These elections were held every six years; only the commencement

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<sup>17</sup> Mary Jane Morrison, *The Minnesota State Constitution: A Reference Guide* 199 (Greenwood Press, 2002)(citing cases).

<sup>18</sup> Minn. Stat. §490.121, subd. 21d, provides:

"Mandatory retirement date" means the last day of the month in which a judge has attained 70 years of age.

And Minn. Stat. §490.125, subd. 1, provides:

Except as otherwise provided in this chapter, a judge shall terminate active service as a judge on the judge's mandatory retirement date.



dates of the terms of certain associate justices—not all—were moved.

The reason for these delays is not clear but they likely were designed to provide redress for an unintended consequence of the 1883 constitutional amendments. Justices Mitchell, Dickinson and Vanderburgh were first elected in November 1881, had their terms shortened by the 1883 amendments and, after only five years in office, were forced to run again in November 1886, for terms that normally would end January 1893. This was an unfair hardship on them that could be rectified by extending their current terms one year. Thus, rather than viewing the January 1894, start date of the new terms of the three associate justices elected in 1892 as a *delay*, it is more accurate to view it as the last day of a one year *extension* of the current terms of Justices Mitchell, Dickinson and Vanderburgh, which they won in the 1886 election. As it happened, of the three, only William Mitchell was reelected in 1892 for the term beginning January 1894, which revealed that the decision to postpone the expiration date of the three incumbents' terms had created a problem that would end only with the resignation, death or promotion of their lineal successors over time (in fact, the odd term dates ended with the death of Associate Justice Philip Brown in February 1915, over twenty years later). The constitutional solution to this lingering problem lay in Article 6, §10, which required a newly appointed justice to stand in the next election that was held more than thirty days after his appointment.

Incumbents Daniel Buck and Thomas Canty, who had defeated Dickinson and Vanderburgh, and William Mitchell ran in November 1898, for terms beginning January 1900, and all three lost (though defeated, they remained on the bench the next year). Their three successors, John Lovely, Calvin Brown and Charles Lewis, ran for reelection in November 1904, for six year terms beginning January 1906, and expiring January 1912, but John Lovely lost to Charles Elliott, who did not complete his term. He resigned September 1909. His appointed replacement, Thomas D. O'Brien, was required to

run in the next election, November 1910, for a normal six year term beginning January 1911 (which he did and lost).

This left two justices who still served odd terms—Calvin Brown and Charles Lewis. Their terms expired January 1912. To be reelected, they were required to run in the November 1910, election for terms starting January 1912. Calvin Brown ran and was reelected associate justice; however, in the midst of the 1912 election, he ran for chief justice and was elected to a normal six year term, beginning January 1913. His elevation created a vacancy in the associate justice ranks which was filled by the appointment of George Bunn in January 1913. Because Bunn attained this office by appointment, he stood for election in 1914, survived the primary, and won the general in November 1914, for a normal six year term commencing January 1915.

Charles Lewis did not seek reelection, and served to January 1912. In the election of November 1910, Philip Brown ran for the seat to be vacated by Lewis and won. He was the last justice whose term was still set by the delayed start scheme. His term ran from January 1912, to January 1918, requiring him to run for reelection in November 1916. But Philip Brown died on February 6, 1915. The following month, Albert Schaller was appointed to fill the vacancy. Article 6, §10, required Schaller to stand in the next election. He did not survive the 1916 primary. James Quinn was elected in the general election to a regular six year term running from January 1917, to January 1923.

Thus ended the curious cycle of judicial elections in which a few justices, who were successors to three justices first elected in 1881, were elected to six year terms whose commencement date was delayed one year.

### 3. Conclusion

There never was a time in the state's history when an individual was appointed to the court without regard to her or his politics. Politics has been a weighty factor in the selection

of every justice from the territorial period to the present day.<sup>19</sup> Anyone who has visions of a Golden Age when judicial appointments were made in an atmosphere free of politics is mistaken. While most justices are placed on the court by appointment, they require success at the polls to remain there.

The periodic revisions of the state's election code were the result of either legislative enactment or constitutional amendment and reflect the political and intellectual climate of the period in which they were enacted. At times, the code itself affected the election result. However, in recent decades (some would trace its beginning to the 1930s), a custom arose, almost imperceptible to the electorate, that incumbent justices will not complete their last six year terms, but instead will resign a year or two before their next election, thereby permitting the governor to appoint a successor, who then runs as the "incumbent" and wins. To many of the justices, the justifications for the custom that they will seek reelection to six year terms while knowing privately that they will quit the court before complete them, appear so strong that they will practice it for some time to come—until the legislature once again addresses the difficult task of reforming the judicial election code.

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<sup>19</sup> From 1851 to 1910, political parties backed, nominated or endorsed candidates for even minor judicial posts. In the election for Ramsey county officials in October 1851, Ira B. Kingsley of the People's Ticket defeated Henry Fletcher of the Old Line party for Probate Judge, and Jacob F. Noah of the People's Ticket and Orlando Simons of the Old Line party were elected justices of the peace.

The following year, in the contest for Probate Judge, Henry Lambert of the Opposition Party defeated Democrat William H. Welch. In the next election for county probate judge in October 1853, Democrat J. M. Stone defeated Whig Allen Pierce, while two Democrats were elected JPs. J. Fletcher Williams, *A History of the City of Saint Paul to 1875* 317, 331, 346 (St. Paul: Minn. Hist. Soc., 1983) (published first in 1876 under the title, *A History of the City of Saint Paul, and the County of Ramsey, Minnesota*).

## 4. Sources

Compiling the results of elections to the supreme court has been a time consuming and sometimes frustrating chore. Because judicial election records are not kept in a single depository, it is not as easy as it seems. For four elections in the late 1980s, the records are in a surprising state of disarray.

The primary source of election results from the early 1860s to 1962 is the microfilmed “Election Records” of the Secretary of State, which can be found on various rolls of Reel SAM 66, Ronald M. Hubbs Microfilm Room at the Minnesota Historical Society. The results of the first election on October 24, 1857, are not on microfilm, but were published in the *Daily Minnesotian* on December 18 and 19, 1857.<sup>20</sup>

From the early 1860s through the 1870s, the secretary of state reported the election results to the legislature and they were recorded in the *House Journal* in the first few days of the next legislative session. By the mid-1870s, those vote totals were published in the *Legislative Manual*, prepared by the secretary of state. The handwritten totals of the votes recorded on the microfilmed records of the secretary do not always agree with those reported to the legislature;<sup>21</sup> and the election results in

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<sup>20</sup> Enterprising readers who review these voting abstracts in the *Minnesotian* will notice the adjacent editorial accusing the victorious Sibley forces of massive election fraud.

<sup>21</sup> E.g., the secretary of state’s totals for the 1871 general election were:

S. J. R. McMillan.....	49,285
John M. Berry.....	46,250
Daniel Buck.....	30,786
William Mitchell.....	30,291
A. P. Jewell.....	120

In contrast, the *Journal of the House of Representatives*, 14th Sess., Wednesday, January 3, 1872, at 16, had the following figures:

S. J. R. McMillan.....	45,028
John M. Berry.....	46,410
Daniel Buck.....	30,757
William Mitchell.....	30,281
Write-ins.....	119

the *Legislative Manual* were not always the same as those reported by the secretary to the legislature.<sup>22</sup> These minor discrepancies were caused probably by a recount by the secretary of state as the *Legislative Manual* was prepared for publication.

For the results of judicial elections from the 1870s through 1982, the *Legislative Manual* or *Blue Book* as it is commonly called is the most accessible source (For many years the “abstracts” were printed on legal-size paper that folds out from the book; regrettably, because of heavy use and age, they are rapidly disintegrating). Inexplicably, the *Blue Book* does not contain the results of supreme court elections in 1984, 1986, 1988 and 1990. The only contested election during this period was between incumbent Douglas Amdahl and challenger Jack Baker in 1984. The paper tallies of the votes in each county in these four elections are stored in the Historical Society, but there are no state-wide totals for supreme court elections. These results may reside somewhere in the Historical Society or the office of the secretary of state and, if found, will be posted below.

Since 1998, the election division of the secretary of state has posted the results of all elections on its website.

For most nineteenth century elections, the secretary of state placed some votes, usually a few dozen or more, in a category labeled “scattering.” Today, these are called “write-in” votes,

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<sup>22</sup> E.g., The results of the November 1874 vote for chief justice recorded in *Journal of the House of Representatives*, 17th Sess., Thursday, January 7, 1875, at 19-20, were:

S. J. R. McMillan.....51,506  
Wescott Wilkin.....41,120

In contrast, the 1875 *Legislative Manual* reported the following totals:

S. J. R. McMillan.....51,607  
Wescott Wilkin.....41,115

Id. at 154-6.

and that is how they are listed in the election results that follow.

In 1949, the legislature required sitting judges running for election or reelection to be designated as “incumbents” on the ballot. To make the following elections results more intelligible, all incumbent candidates since 1864 are identified as “inc.” even though the law at the time may not have permitted such a designation.

Many judges ran in an election shortly after being appointed to fill a vacancy on the court caused by resignation, retirement or death. The date of an incumbent candidate’s appointment is provided after the election results. I have relied on two sources to determine the date a justice was appointed and the name of the departed justice: 1) “Biographies of the Justices of the Minnesota Supreme Court,” posted on the website of the Minnesota State Law Library, and 2) *Testimony: Remembering Minnesota’s Supreme Court Justices* (Minnesota Supreme Court Historical Society, 2008), which contains memorials and biographical sketches of all justices who served prior to the 1990s. The succession charts at the end of *Testimony*, prepared by Barbara Golden, then state law librarian, are invaluable. In fact, to better understand the following elections, the succession tables should be kept close at hand.

I also have consulted Professor Mary Jane Morrison’s *The Minnesota State Constitution: A Reference Guide 197-203* (Westport, Conn., Greenwood Press, 2002). And I turned many times to the online session laws maintained by the Office of the Revisor of Statutes, an extremely important agency whose history I hope will be posted someday on the MLHP. For recent developments in state judicial politics, George W. Soule’s, “The Threats of Partisanship to Minnesota’s Judicial Elections,” 34 *William Mitchell Law Rev.* 701 (2008), is recommended.

Most biographical information about the challengers in nineteenth century elections comes from Warren Upham & Rose

Bartean Dunlap's *Minnesota Biographies, 1655-1912* (St. Paul: Minnesota Historical Society, 1912). Memorials or biographical sketches of several of the justices and their challengers are posted on the MLHP (i.e., Isaac Atwater, William Mitchell, Arthur H. Snow, Arthur Young, Wallace Douglas). Biographical information about other unsuccessful candidates will be posted below when it becomes known.

## Acknowledgments

Research for this article was conducted at the Minnesota State Law Library and the Minnesota Historical Society. I especially appreciate the staff of the Historical Society who hauled box after box of election abstracts from the basement and delivered them to me in the reading room as I attempted to unravel several elections. I also appreciate the thoughts of Robbie LaFleur, Director of the Legislative Reference Library, on the riddle of the 1892-1910 elections.

For information about the gubernatorial practice of "extending" the terms of judges on the verge of retirement, which enabled Justice Fallon Kelly to avoid running for reelection in 1978, I am indebted to William Hart, a Minneapolis lawyer, who wrote the entry on Justice Kelly in *Testimony*.



# RESULTS OF ELECTIONS OF JUSTICES TO THE MINNESOTA SUPREME COURT

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**1857-8**

## Chief Justice

Lafayette Emmett.....	18,169
Horace R. Bigelow.....	17,178

## Associate Justice

Isaac Atwater.....	18,199
Charles E. Flandrau.....	18,110
John M. Berry.....	17,052
Harrison A. Billings.....	17,026

The first election was held on October 13, 1857. Each candidate was endorsed by a political party. The Republican State Convention, held on September 10, 1857, endorsed Horace Bigelow, John Berry and Harrison Aiken Billings, while the Democratic State Convention, held a week later, endorsed Lafayette Emmett, Isaac Atwater and Charles Flandrau. It was a top two election for associate justice.

Lafayette Emmett (1822-1906) was elected chief justice, and Isaac Atwater (1818-1906) and Charles E. Flandrau (1828-1903) were elected associate justices for terms of seven years.

Emmett received 51.4% of the vote and, Horace Bigelow received 48.6%. Emmett's plurality was 991 or 2.8% of the vote. Only the contest between James Quinn and William B. Anderson in the November 1916 general election was closer than this one.



Horace Bigelow (1820-1894) was a St. Paul lawyer and former partner of Flandrau. In the 1870s, he was a partner in Biglow, Flandrau & Clark, the latter being Greenleaf Clark, who would serve on the court in 1881-1882.

Isaac Atwater and Charles Flandrau did not complete their terms. They resigned in or after June 1864 to return to private practice. Thomas Wilson and Samuel J. R. McMillan were appointed to complete their terms.

The first legislature passed a law setting January 4, 1858, as the beginning of the justices' terms though they actually took office when the government was formed on May 24, 1858. Minn. Rev. Stat., ch. 89, §4, at 286 (1858), provided: "The term of office of each of said Judges, shall commence and date from the first Monday of January, 1858, and their several duties shall be and remain as now provided by law, until the same be changed by the Legislature." It was effective August 11, 1858.

Sources: The Secretary of State's records of results of the election on October 13, 1857, are missing. They do not appear in either the Secretary's election records preserved on microfilm at the Historical Society, or the journals of the House and Senate for proceedings in late 1857 and 1858.

The *Daily Pioneer and Democrat*, a contemporary newspaper, published the voting results of several counties for governor, judges on the supreme court, and other offices; and the *Daily Minnesotian* published "The Official Canvass of the State" for state offices. The results posted above were taken from the *Daily Minnesotian*, Friday, December 18, 1857, at 2; and Saturday, December 19, 1857, at 2.

For the party endorsements, see *Daily Pioneer & Democrat*, September 11, 1857, at 2 (Republican), and September 18, 1857, at 2 (Democratic).

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# 1864

## Chief Justice

Thomas Wilson (inc.).....	25,216
Andrew G. Chatfield.....	17,175
Write-in.....	55

At the time of this election, Thomas Wilson (1827-1910) had served on the court about five months. He was appointed associate justice to fill one of the vacancies caused by the resignations of Isaac Atwater and Charles Flandrau in June 1864.

When Chief Justice Lafayette Emmett decided not to seek re-election in 1864, Wilson ran for that post and won. His opponent, Andrew G. Chatfield (1810-1875), served on the territorial supreme court from 1853 to 1857. All 55 write-in votes were for “J. G. Chatfield” and were cast from Winona County.

Thomas Wilson did not complete his term. He resigned in July 1869, and was succeeded by James Gilfillan, who served the remaining five months

Thomas Wilson received 59.4% of the vote to Andrew Chatfield’s 40.5%.

## Associate Justice

Samuel J. R. McMillan (inc.).....	24,994
John M. Berry.....	24,951
E. O. Hamlin.....	17,351
E. T. Wilder.....	17,345

This was a top two election for seven year terms beginning January 1, 1865, and ending January 1, 1872.

At the time of this election, Samuel James Renwick McMillan (1826-1897) had served on the court about five months. He was appointed associate justice in June 1864, to fill one of the vacancies caused by the resignation of Charles E. Flandrau and Isaac Atwater.

John M. Berry (1827-1887) was a state senator. He was re-elected in 1871, 1876 and 1882. He died in office on November 8, 1887.

Eli Trumbell Wilder (1813-1904) was a lawyer from Red Wing.

Source: Microfilm Reel SAM66, Roll 1, Image 42, and *Journal of the House of Representatives*, Thursday, January 5, 1865, at 16-18.

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## 1869

### Chief Justice

Charles G. Ripley.....	25,899
Charles E. Flandrau.....	22,206
E. O. Hamlin.....	1,440
Write-in.....	492

This was an open election. There was no incumbent.

Chief Justice Thomas Wilson resigned in July 1869, and James Gilfillan was appointed to fill the vacancy, but he did not run in the general election, and his term ended in January 1870. Gilfillan returned to the court as chief justice in 1875 and served until 1894, when he retired.

Charles G. Ripley's main opponent was Charles E. Flandrau who served on the territorial supreme court in 1857-8, and was elected to the first state supreme court, serving from 1858 to June 1, 1864, when he resigned to return to private practice.

Ripley received 51.8% of the vote; Charles Flandrau received 44.4% and E. O. Hamlin received 2.9%.

Christopher Ripley (1822-1881) did not complete his term. He resigned in April 1874, and was succeeded by Samuel J. R. McMillan.

Sources: *Journal of the House of Representatives*, 12th Sess., Wednesday, January 5, 1870, at 11.

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## 1871

### Associate Justice

Samuel J. R. McMillan (inc.).....	49,285
John M. Berry (inc.).....	46,250
Daniel Buck.....	30,786
William Mitchell.....	30,291
A. P. Jewett.....	120
Write in.....	129

Top two election in which both incumbents won.

Daniel Buck (1829-1905) was a Mankato lawyer, who served several terms in the state legislature. Although he lost this election, he was elected associate justice in 1892 for a term beginning January 1, 1894. He lost a bid for reelection in 1898. He resigned on November 20, 1899.

Other justices who failed in their initial runs for the court but were elected subsequently were John M. Berry, William Mitchell, and George Bunn. Peter Popovich did not survive the primary when he ran for an open seat in 1966, but was appointed associate justice twenty one years later.

At the time of this election, William Mitchell (1832-1900) was in private practice in Winona; he later served as district court judge in Winona County from 1875 to 1881.

This was the first of five elections in which William Mitchell was on the ballot for a seat on the court. Seven years later, he appeared again, and would lose again. In 1881, he was appointed associate justice, and was elected to a full term that year; he was reelected in 1886 and 1892, and lost in 1898.

Samuel James Renwick McMillan was appointed chief justice in April 1874, leaving a vacancy in the associate justice ranks. That was filled by the appointment of George B. Young, who did not seek election to a full term in the November election.

Sources: Microfilm Reel SAM66, Roll 1, Image 78-81; see also *Journal of the House of Representatives*, 14th Sess., Wednesday, January 3, 1872, at 16-17.

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## 1874

### Chief Justice

Samuel J. R. McMillan (inc.).....	51,506
Wescott Wilkin.....	41,120
Write-in.....	130

In April 1874, Samuel James Renwick McMillan (1826-1897), who had served as associate justice since June 1864, was appointed chief justice to fill the vacancy caused by the resignation of Christopher G. Ripley. McMillan ran in the general election in November 1874, and won. His term was brief. He resigned when he was elected U. S. Senator by the state legislature on February 19, 1875. James Gilfillan was appointed chief justice and completed the remaining ten months of the term. He ran in the November election and won.

Wescott Wilkin (1824-1894) was a district court judge in Ramsey County from 1865 to 1891.

S. J. R. McMillan received 55.5% of the vote, and W. Wescott Wilkin received 44.3%.

Associate Justice

Francis R. E. Cornell.....	50,977
William Lochren.....	41,720
Write-in.....	12

This was an open election. George B. Young (1840-1906) was appointed associate justice on April 16, 1874, to fill the vacancy caused by appointment of Samuel J. R. McMillan to be chief justice. Young did not run for a full term in the November 1874 election, and his term expired on January 1, 1875.

Francis Russell Edward Cornell (1821-1881), who was attorney general at the time of this election, did not complete his term. He died on May 23, 1881, and was succeeded by Daniel Dickinson.

In this election, F. R. E. Cornell received 55% of the vote and William Lochren (1832-1912), a Minneapolis lawyer, received 45%. Lochren later served as a federal district court judge from 1896 to 1907.

Source: *Journal of the House of Representatives*, 17th Sess., Thursday, January 7, 1875, at 19-20; see also *1875 Blue Book* at 154-6.

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## 1875

### Chief Justice

James Gilfillan (inc.).....	47,010
Lafayette Emmett.....	34,623

At the time of this election, James Gilfillan (1829-1894) had held office about seven months. He was appointed chief justice following the resignation of Samuel McMillan in March 1875. He served previously as chief justice in 1869-1870.

Lafayette Emmett (1822-1906) was chief justice from 1858 to 1865. He was the second ex-justice who failed in an attempt to rejoin the court; earlier, in the election of 1869, Charles Flandrau, an associate justice from 1858 to mid-1864, ran for chief justice but lost to Charles Ripley.

In this election, James Gilfillan received 57.6% of the vote while Lafayette Emmett received 42.4%.

Source: Microfilm Reel SAM66, Roll 1, Images 94-8.

**\*\***

## 1878

### Associate Justice

John M. Berry (inc.).....	62,065
William Mitchell.....	29,303
O. M. Mead.....	6,078
Write-in.....	372

Berry received 63.4% of the vote while William Mitchell, a district court judge in Winona County, received 30%, and O. M. Mead received 6.2%. This was the second time William

Mitchell was on the supreme court ballot. In 1871 he came in fourth in a field of five for two seats.

Source: *Journal of the House of Representatives*, 21st Sess., Wednesday, January 9, 1878, at 12.

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## 1881

### Associate Justice

William Mitchell (inc.).....	102,373
Daniel A. Dickinson (inc.).....	101,413
Charles E. Vanderburg.....	65,015
Greenleaf Clark (inc.).....	38,582
Write-in.....	117

This was a top three election in which two of the three incumbents won. This was the last election in an odd-numbered year.

At the beginning of 1881, the court was composed of Chief Justice Gilfillan and Associate Justices John M. Berry and Francis R. E. Cornell. That year, the legislature expanded the court from three to five members. In March 1881, Greenleaf Clark and William Mitchell, a district court judge in Winona County, were appointed to fill the new seats. Because they were appointed, they were required to run in the general election of November 1881, for terms beginning January 1882.

At the time of this election, Daniel A. Dickinson (1839-1902) had been on the court for about five months. He was appointed associate justice on June 3, 1881, to fill vacancy caused by death of Francis R. E. Cornell on May 23, 1881.



Because his appointment occurred more than thirty days before the election, he was required to run in November 1881. He won, was re-elected in 1886 but lost in 1892.

Greenleaf Clark (1835-1904) was not nominated by the Republican Party at its convention in September 1881, but he received the endorsement of the Democrats, thus permitting him to remain on the ballot—against his wishes. He lost the general election and his term expired in January 1882. He was the first incumbent to be defeated.

Charles E. Vanderburgh (1829-1898), a Hennepin County District Court Judge, received the Republican nomination, and was elected in November 1881, thereby succeeding Clark. In the 1880s and 1890s, his last name was spelled without the “h.”

Source: Microfilm Reel SAM66, Roll 1, Images 127-132. For accounts of the endorsing conventions, see Harlan P. Hall, *H. P. Hall's Observations* 240 (1904), and Henry A. Castle, “Reminiscences of Minnesota Politics,” 15 *Collections of the Minnesota Historical Society* 553, 577 (Minn. Hist. Soc., 1915).

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## 1884

### Associate Justice

John M. Berry (inc.).....	172,199
Austin H. Young.....	190
John B. Berry.....	66
Write-in.....	104

John Berry did not complete his term. He died in office on November 8, 1887, at age 61. He was succeeded by Loren Warren Collins.

The records are unclear whether both John Berry and Austin Young (1830-1905), a Hennepin County District Court judge, were listed on the ballot, or whether Berry was the only candidate listed and Young received 190 write-in votes. The latter is the most probable.

Source: Microfilm Reel SAM66, Roll 1, Image 182-4.

**\*\***

## 1886

### Associate Justice

William Mitchell (inc.).....	195,540
Daniel A. Dickinson (inc.).....	193,945
Charles E. Vanderburgh (inc.).....	185,938
C. E. Shannon.....	8,927
J. McKnight.....	8,873
J. W. Cochran.....	8,863
Write-in.....	58

This was a top three election for terms beginning January 1887. Three constitutional amendments ratified in 1883

explain why the three incumbents, who were first elected to seven year terms in November 1881, stood in this election, only five years later. Two amendments reduced the terms of the judges from seven years to six, and required elections, except for “judicial officers,” to be held in even-numbered years beginning November 1884. A third provided that all elected officials whose terms would otherwise expire in January 1886, should hold office until January 1887. William Mitchell, Daniel Dickinson and Charles Vanderburgh now served six year terms; however, those terms could not run from their assumption of office in January 1882 to January 1888, because that would require them to run in November 1887, an odd-numbered year, nor could their terms extend to January 1889 because that would give them seven year terms, something expressly revoked by the amendments; accordingly, they ran in the November 1886, election, an even numbered year, for terms beginning January 1887. All three ran in the general election in 1892.

Charles E. Shannon (1848- ) was a Granite Falls lawyer.

Source: Microfilm Reel SAM66, Roll 1, Images 202-213; the amendments are interpreted in an Opinion of Attorney General William J. Hahn (December 22, 1883), and *State ex rel. Lull v. Frizzell*, 31 Minn. 460, 18 N.W. 316 (1884)(Mitchell, J.).

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## 1888

### Chief Justice

James Gilfillan (inc.).....	144,962
Seagrave Smith.....	105,795
F. L. Claffey.....	735
Write-in.....	71

From the first election in October 1857, to this election, a judicial candidate's party affiliation was not listed on the ballot even though he may have been endorsed by a particular party. From 1892 through 1910, ballots designated the judicial candidate's party endorsements (sometime several parties nominated the same candidate). This experiment ended in 1912 when judicial candidates were listed on the ballot or were nominated without party designation.

Seagrave Smith (1828-1898) served as a district court judge in Hennepin County from 1889-1898.

James Gilfillan received 57.6% of the vote, Seagrave Smith received 42.1%, and F. L. Claffey received 0.3%.

### Associate Justice

Loren W. Collins (inc.).....	148,785
George W. Batchelder.....	101,937
G. S. Livermore.....	569
Write-in.....	76

At the time of this election, Loren Warren Collins (1838-1912) had served on the court about one year. He was appointed associate justice on November 12, 1887, to fill a vacancy caused by the death of John M. Berry on November 8, 1887.

George Washington Batchelder (1826-1910) was a lawyer in Faribault.

Loren W. Collins received 59.2% of the vote; George Batchelder received 40.6%; and G. S. Livermore received 0.2%.

Source: SAM66, Roll 1, Images 240-242.

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# 1892

## Associate Justice

(For terms beginning January 1894)

William Mitchell (R., D. & Pro.)(inc.).....	165,541
Daniel Buck (D. & Peoples').....	113,194
Thomas Canty (D. & Peoples').....	109,166
Daniel A. Dickinson (R. & Pro.)(inc.).....	101,148
Charles E. Vanderburgh (R. & Pro.)(inc.).....	100,064
William N. Davidson (Peoples').....	42,084

This was a top three election for a six year term beginning January 1894, and expiring January 1900, thus requiring the incumbents to run for reelection in 1898. It also was the first in which the candidates' political party endorsements were listed. The four political parties were Republican (R), Democratic (D), Peoples' Party, and the Prohibition Party (Pro).

Because this election was for terms beginning January 1894, Charles Vanderburgh and Daniel Dickinson, who were defeated, continued to serve in 1893. Dickinson resigned in October 1893, and newly-elected Daniel Buck was appointed to succeed him. Vanderburgh served out his term.

Daniel Dickenson and Charles Vanderburgh were the second and third incumbents to be defeated in an election, the first being Greenleaf Clark in 1881.

Daniel Buck (1829-1905) did not complete his six year term that expired on January 1, 1900. He was defeated in the 1898 election for a term beginning January 1900, resigned on November 14, 1899, and was succeeded by the appointment of newly-elected Calvin L. Brown to finish the term.

Thomas Canty (1854- ) was a district court judge in Hennepin County from 1891 to 1893. Elected to the court in 1892, he served from January 1894, to January 1900.

William N. Davidson (1833- ) was city attorney of Luverne and probate judge and surveyor of Rock County.

Source: SAM66, Roll 2, Image 432, and *1893 Blue Book* at 466-7.

**\*\***

## **1894**

### Chief Justice

Charles M. Start (R.).....	152,508
Seagrave Smith (D.).....	72,741
Sumner Ladd (Peoples' Party).....	59,942

This was an open election with no incumbents on the ballot. Chief Justice James Gilfillan, who did not seek reelection, died on December 16, 1894, at age 65.

Charles Start served as attorney general from January 1880 to March 1881, when he was appointed district court judge in the Third Judicial District succeeding William Mitchell.

Seagrave Smith (1828-1898) was a district court judge in Hennepin County from 1889-1898. He also ran against Chief Justice Gilfillan in 1888.

Sumner Ladd (1838- ) was a lawyer from St. Peter.

Start received 53.5% of the vote; Seagrave Smith received 25.5%; and Sumner Ladd received 21%.

Associate Justice

Loren W. Collins (R.)(inc.).....	162,701
John W. Willis (D. & Peoples').....	113,019

John Willey Willis (1854- ) was a judge in the Second Judicial District from 1893-1899.

Loren W. Collins received 59% of the vote while John Willis received 41%. His plurality was 49,682.

Source: *1895 Blue Book* at 468-9.

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**1898**

Associate Justice

(For terms beginning January 1900)

John A. Lovely (R.).....	129,268
Calvin L. Brown (R.).....	107,523
Charles L. Lewis (R.).....	100,806
Thomas Canty (D. & Pop.)(inc.).....	99,002
William Mitchell (D. & Pop)(inc.).....	89,527
Daniel Buck (D. & Pop.)(inc.).....	78,441
S. Grant Harris (Mid. Road Pop.).....	7,020
Josiah H. Temple (Mid. Road Pop.).....	5,019
Edgar A. Twitchell (Mid. Road).....	4,592

This was a top three election for terms beginning January 1900, in which all three incumbents were deposed. Never before nor since have so many incumbents been defeated in a single election.

Though defeated in November 1898, Thomas Canty, William Mitchell and Daniel Buck continued to serve in 1899. Daniel Buck resigned on November 20, 1899, and newly-elected Calvin Luther Brown was appointed to complete the remaining six weeks of that term. Thomas Canty and William Mitchell served out their terms, leaving office in January 1900.

John A. Lovely (1843-1908), who was elected in 1898, did not complete his six year term, which began January 1900, and expired January 1906. He was defeated in the November 1904 election, and resigned in October of the following year. He was succeeded by newly elected Charles B. Elliott, who was appointed associate justice on October 3, 1905.

Charles Lundy Lewis (1851-1936), who served as a district court judge in St. Louis County, 1893-\_\_, was reelected in 1904 for a term beginning January 1906, and ending January 1912.

Source: *1899 Blue Book* at 502-3.

**\*\***

**1900**

Chief Justice

Charles M. Start (R)(inc.).....216,123  
 Write-in.....116

Associate Justice

Loren W. Collins (R)(inc.).....192,427  
 Write-in.....59

Loren Warren Collins (1838-1912) did not complete his term. He resigned on March 31 (or April 1), 1904, to seek the nomination of the Republican Party for governor. He was



succeeded by Wallace B. Douglas, who was appointed associate justice that very day.

Source: *1901 Blue Book* at 534-5.

**\*\***

## **1904**

### Associate Justice

(For term beginning January 1905)

Edwin A. Jaggard (R.).....	179,353
O. M. Hall (D.).....	86,074

Open election for term beginning January 1905, and expiring January 1911. The incumbent Wallace Douglas (1852-1930) did not run in the election. He was appointed associate justice in April, 1904, to succeed Loren Collins, who resigned in April 1904 to run for governor.

Edwin Ames Jaggard was a district court judge in Ramsey County, elected first in 1898. Osee Matson Hall ( \_ - 1914), a lawyer from Red Wing, served two terms in Congress, 1891-1895. Jaggard received 67.6% of the votes to Osee Hall's 32.4%.

Of the four justices who stood for election in 1904, only Edwin Jaggard's term began January 1905. This office had been held by Loren Collins who resigned, leaving a vacancy. Under Article 6, §10, a vacancy was to be filled by appointment by the governor, and the successor was to be elected at the first election that occurred more than thirty days after the vacancy. In an Opinion to Secretary of State Peter Hanson on August 23, 1904, Attorney General William Donahower wrote, "The resignation of Justice Collins and the subsequent appointment of his successor to hold until the next general election makes it necessary to elect a justice of the supreme court whose term of office begins in January 1905."

## Associate Justice

(For term beginning January 1906)

Calvin L. Brown (D. & R.)(inc.).....	174,888
Charles L. Lewis (R.)(inc.).....	167,776
Charles B. Elliott (R.).....	165,256
John A. Lovely (D.)(inc.).....	96,097
Charles E. Otis (D.).....	79,265

Top three election. Incumbents Calvin Luther Brown and Charles Lundy Lewis were elected to six year terms beginning January 1906, and expiring January 1912. They were first elected in 1898 for six year terms beginning January 1900.

John Lovely (1843-1908) was endorsed by the Democratic Party. He lost. Six years earlier, in 1898, he was endorsed by the Republican Party and won, receiving more votes than any other candidate in a field of nine. Though his term did not expire until January 1906, he resigned in October 1905, and was succeeded by the appointment of newly-elected Charles B. Elliott to serve out the remaining months of the term.

Charles Elliot (1861-1935) did not complete his six year term. He resigned on September 1, 1909 to accept an appointment to be Associate Justice of the Supreme Court of the Philippine Islands. He could not take a leave of absence from the Minnesota Supreme Court to serve in the Philippines because that was prohibited by Article 6, § 11, of the 1857 constitution (“The Justices of the Supreme Court and the District Courts shall hold no office under the United States, nor any other office under this State.”). In 1914, he again ran for a seat on the court, but did not survive the primary.

Thomas D. O’Brien was appointed to fill the vacancy caused by the resignation of Charles Elliot. Charles Lewis completed his term which expired January 1912. He did not seek reelection.

Source: *1905 Blue Book* at 508-9; Attorney General Opinion No. 54 (August 23, 1904).

## 1906

### Chief Justice

Charles M. Start (R.)(inc.).....200,167

This was Charles Start's second election in which he ran unopposed. He was elected easily in 1894 against a field of two, and reelected in 1900 without opposition. This background is necessary to understand his actions after the primary election six years hence.

Source: *1907 Blue Book* at 484-7.

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## 1910

### Associate Justice

(Terms beginning January 2, 1911)

David F. Simpson (R.).....135,035  
Edwin A. Jaggard (R.) (inc.) .....129,536  
Thomas D. O'Brien (D.) (inc.) .....95,429  
Arthur H. Snow (D.).....66,911

Top two election for terms beginning January 2, 1911. This was the last partisan election.

Incumbent Edwin Jaggard, who was first elected to the court in 1904, and reelected in this election, did not complete his term. He died on February 13, 1911, at age 53. George L. Bunn was appointed to succeed him.

At the time of this election, Thomas D. O'Brien (1859-1935) had served on the court about fourteen months. He was appointed to the court on September 1, 1909, to replace

Charles B. Elliot, who resigned to accept an appointment to be Associate Justice of the Supreme Court of the Philippine Islands. Under Article VI, §10, of the constitution, because he was appointed to fill a vacancy, he was required to stand in the November 1910 election, the first occurring more than thirty days after the vacancy. He was outvoted by both Edwin Jaggard and David Simpson.

David Simpson (1860-1925) served as district court judge in Hennepin County from 1897 to January 1911, when he ascended to the court. He did not complete his term. He served only one year, resigning effective January 1, 1912. Andrew Holt was appointed to succeed him. Holt ran in the November 1912 general election and won.

Arthur Snow (1841-1915) served as a district court judge in Winona County from 1897 to his death in 1915.

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Associate Justice

(Terms beginning January 2, 1912)

Calvin L. Brown (R.) (inc.).....167,313

Philip E. Brown (R.).....162,520

In this election for six year terms beginning January 2, 1912, Calvin L. Brown and Philip E. Brown were unopposed.

Charles Lewis, who had served since 1900, did not seek reelection. Philip Brown was elected to that open seat.

Philip Brown (1856-1915) did not complete his term. He died on February 6, 1915, at age 59, and was succeeded by Albert Schaller, who was appointed associate justice in March 1915.

Source: *1911 Blue Book* at 476-9.

# 1912

## NON-PARTISAN PRIMARY ELECTION (September 17, 1912)

### Chief Justice

Charles M. Start (inc.).....	61,126
Charles W. Stanton.....	54,710
F. Alexander Stewart.....	46,119

This was the first non-partisan election as well as the first primary election for seats on the court.

On September 23, 1912, only six days after he received the most votes in the primary, Charles Start notified the secretary of state that he would not be a candidate in the general election and requested that his name be omitted from the ballot. In his withdrawal letter, Start noted that he had been assured that he would be reelected “without serious opposition. It is now evident that my acceptance of nomination would involve a campaign for election which I am unwilling to make.”

After Start’s withdrawal, Attorney General Lyndon A. Smith held that Alexander Stewart, a Minneapolis lawyer, would be on the general election ballot even though he had the least votes in the primary.

Start’s withdrawal spurred Associate Justice Calvin Brown to secure a place on the general election ballot by popular petition. The petition drive was spearheaded by Royal Stone, a St. Paul, lawyer who would later serve on the court. The petitions, containing over 3,350 signatures, were hand delivered to the secretary of state on October 4, 1912. The petition drive was successful, as was Calvin Brown in the general election.

Charles W. Stanton was the probate judge in Swift County, 1890-1894, and a judge on the Fifteenth Judicial District bench, 1908-\_\_.

In the primary, Charles Start received 37.7% of the vote, Charles Stanton received 33.8%, and Alexander Stewart received 28.5%.

### Associate Justice

#### Class 1:

Oscar Hallam.....	77,835
George L. Bunn (inc.).....	73,805

#### Class 2:

Andrew Holt (inc.).....	126,323
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Also at stake in this election were for two associate seats, one occupied by Andrew Holt, the other by George Bunn. The 1912 legislation provided that where there were “two or more offices to be filled by candidates running at large” those offices must be “classified and numbered one, two, etc.” 1912 Laws ch. 2, §2, 5-6. Because there were two open associate seats, they were divided into Class 1 and Class 2.

Oscar Hallum, a district court judge in Ramsey County from 1905 to 1912, who secured his place on the ballot by petition, and George Bunn, the incumbent, sought the Class 1 seat. Since this was a top two primary, they both were named on the ballot at the general election.

Andrew Holt was on the only candidate for the Class 2 seat.

At the time of this election, George Bunn had served on the court about twenty months. After the death of Edwin Jaggard on February 13, 1911, Bunn was appointed to complete that term, which expired in January 1913. He served as a district court judge in Ramsey County from 1897 to his appointment to the court.

GENERAL ELECTION  
(November 5, 1912)

Chief Justice

Calvin L. Brown (inc.).....	96,140
Charles W. Stanton.....	83,521
F. A. Stewart.....	58,760

This was Calvin Brown's fourth election. He was elected associate justice in 1898, and re-elected in 1904 and 1910. Thus, when he ran for chief justice in this election, he knew he would remain on the court regardless of its outcome. He would win again in 1918.

In this election, he received 40.3% of the vote; Charles Stanton received 35%, and Alexander Stewart received 24.6%.

Associate Justice

Class 1:

Oscar Hallam.....	108,203
George L. Bunn (inc.).....	101,204

Oscar Hallam (1865-1945) received 51.7% of the vote while George Bunn received 48.3%. Hallam's plurality was 6,999 or 3.4% of the vote.

This was the third closest election in the court's history; the closest occurred four years later when James Quinn received 50.83% of the vote, and William B. Anderson received 49.17%.—a difference of 1.66%; the second occurred in 1857, the very first election, when Lafayette Emmett received 51.4% of the vote to Horace Bigelow's 48.6% for the office of chief justice—a difference of 2.8%.

Although George Bunn lost this election, he remained on the court. In January 1913, he was reappointed associate justice to

fill the vacancy created by the election of Calvin Brown to be chief justice. The following year, Bunn was elected to a full six year term. He died in office on October 9, 1918.

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Class 2:

Andrew Holt (inc.).....117,025

At the time of this election, Andrew Holt (1855-1948) had been in office about ten months. He was appointed to fill the vacancy caused by the resignation of David F. Simpson effective January 1, 1912.

Source: *1913 Blue Book* at 361-2, 504-7. See also *Minneapolis Journal*, September 23, 1912, at 1 (“Judge Start Quits Race for Election; Brown to be Put Up”); Four folders labeled “Secretary of State, Nominating Petitions, 1912, Justice,” Minnesota Historical Society, which contain the nominating petitions for Calvin Brown and Oscar Hallam; and Attorney General Opinions No. 303 (September 23, 1912) that a person can be nominated by petition for an office even if he was not a candidate in the primary, and No. 276 (October 2, 1912) that the general election ballot should contain the name of F. Alexander Stewart notwithstanding the fact that he came in third in the primary.

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# 1914

## PRIMARY ELECTION

(June 16, 1914)

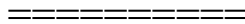
### Associate Justice

Albert Johnson.....	63,414
George L. Bunn (inc.).....	51,377
Charles B. Elliott.....	32,845
P. W. Morrison.....	29,283
William Watts.....	21,331
Alva H. Hunt.....	20,660

This was a top two primary.

Albert Johnson, a lawyer in Red Wing, served on the First Judicial District Court, 1909-\_\_.

Charles B. Elliott (1861-1935) served as an associate justice on the supreme court from 1905 to 1909, when he resigned to accept a presidential appointment.



## GENERAL ELECTION

(November 3, 1914)

George L. Bunn (inc.).....	149,309
Albert Johnson.....	127,132

George Bunn had served since February 1911. He lost the November 1912 election but remained on the court because the governor appointed him associate justice in January 1913, to fill the vacancy caused by the election of Calvin Brown to be chief justice.

This was his fourth election in two years. He ran in the primary and general elections in 1912, and in the primary and general elections in 1914.

In this election, George Bunn received 54 % of the vote, and Albert Johnson received 46%. His plurality was 22,177.

Source: *1915 Blue Book* at 196-7, 534-7.

**\*\***

## **1916**

### PRIMARY ELECTION (June 19, 1916)

#### Associate Justice

William B. Anderson.....	69,219
James H. Quinn.....	58,530
Albert Schaller (inc.).....	53,324
Thomas Kneeland.....	25,433

Top two primary. At the time of this election, Albert Schaller (1856-1934) had served on the court about fifteen months. He was appointed associate justice in March 1915 to fill the vacancy caused by the death of Philip E. Brown on February 6, 1915, at age 59. Schaller did not survive the primary and his term ended on January 1, 1917.

William B. Anderson (1862- ) was a Winona lawyer, who served in the state legislature, 1901-1902, 1905. Six years later, in 1922, he ran again but lost in the primary.

Albert Schaller was the tenth incumbent to lose a bid to remain on the court. While he was defeated in the primary, all previous incumbents were deposed in general elections. The first was Greenleaf Clark in 1881, followed by Daniel

Dickinson and Charles Vanderburgh in 1892. In the 1898 election three incumbents, Thomas Canty, Daniel Buck, and William Mitchell, were defeated. In 1904, John Lovely became the seventh incumbent to lose a reelection bid. In 1910, Thomas D. O'Brien was ousted; two years later George Bunn lost; and Albert Schaller followed in 1916. Thirty years later, William Christianson was defeated. From 1881 to 1916, a period of 35 years, ten incumbents lost elections. From 1916 to 2010, a period of 94 years, only one incumbent lost.

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GENERAL ELECTION  
(November 7, 1916)

James H. Quinn.....	157,342
William B. Anderson.....	152,182

Open election. No incumbent.

This was the closest election in the court's history. James Quinn received 50.83% of the vote, and William B. Anderson received 49.17%. Quinn's plurality was 5,160 votes or 1.66% of the votes.

The state's first judicial election in October 1857, for chief justice was almost as close as this one. In that election, Lafayette Emmett received only 2.8% more of the votes than Horace Biglow. The third closest occurred in November 1912, when Oscar Hallam defeated incumbent George Bunn by 3.4% of the vote. In 1922, James Quinn won the fourth closest election in the court's history, defeating William A. Anderson by 3.8%.

Source: *1917 Blue Book* at 196-7, 510-13.

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# 1918

## Chief Justice

Calvin L. Brown (inc.).....	182,018
Benjamin Drake.....	109,148

Calvin Brown received 62.5% of the vote, while Benjamin Drake received 37.5%. His plurality was 72,870.

Calvin Brown did not complete his term. He died on September 24, 1923, at age 69. He was succeeded by Samuel Bailey Wilson, who was appointed chief justice on September 29.

## Associate Justice

Andrew Holt (inc.).....	159,517
Oscar Hallam (inc.).....	134,750
Thomas Fraser.....	113,381
William H. Vanderburgh.....	62,456

Top two election.

Oscar Hallam (1865-1945) did not complete his six year term. He resigned in May 1923, and was succeeded by Royal A. Stone.

This was William H. Vanderburgh's first run for a seat on the court. He will be a candidate in nine future elections. He was the son of Charles E. Vanderburgh, who served as a district court judge in Hennepin County from 1859 to 1881, and as associate justice on the supreme court from 1882 to 1895.

Source: *1919 Blue Book* at 670-1 (Abstract).



# 1920

## PRIMARY ELECTION

(June 21, 1920)

### Associate Justice

Homer B. Dibell (inc.).....	98,949
George L. Siegel.....	92,283
Albert Johnson.....	88,322
William H. Vanderburgh.....	27,939

Top two primary. Albert Johnson did not survive this primary. Six years earlier, he came in second in the primary but lost to incumbent George Bunn in the general election. In 1924, he survived the primary but lost in the general election to Chief Justice Wilson.

=====

## GENERAL ELECTION

(November 2, 1920)

Homer B. Dibell (inc.).....	375,188
George L. Siegel.....	279,860

At the time of this election, Homer Dibell (1864-1934) had served as an associate justice for over two years. He was appointed to fill the vacancy caused by death of George L. Bunn on October 9, 1918. He was a supreme court commissioner, being appointed to that position on April 1, 1913. Edward Lees replaced him as commissioner.

In this election, Dibell received 57.3% of the vote, and George Siegel received 42.7%. His plurality was 95,328.

Source: *1921 Blue Book* at 104-5, 362-3 (Abstract).

# 1922

## PRIMARY ELECTION

(June 19, 1922)

### Associate Justice

James H. Quinn (inc.).....	140,008
William A. Anderson.....	79,186
Archie H. Vernon.....	54,975
Conrad H. Christopherson.....	49,372
William B. Anderson.....	45,104
William H. Vanderburgh.....	37,251

Top two primary.

=====

## GENERAL ELECTION

(November 7, 1922)

James H. Quinn (inc.).....	295,473
William A. Anderson.....	274,309

James Quinn received 51.9% of the vote while William A. Anderson received 48.1%. His plurality was 21,164. This was the fourth closest election in the court's history, and James Quinn was a candidate in two of them. He defeated William B. Anderson in the 1922 general election by 1.66% of the vote, and William A. Anderson in this election by 3.8%.

James Quinn (1857-1930) did not serve out his term. He retired effective January 1, 1928, and was succeeded by Clifford L. Hilton, who was appointed associate justice that day.

Source: *1923 Blue Book* at 284-5, 452-3 (Abstract).

# 1924

## PRIMARY ELECTION (September 16, 1924)

### Chief Justice

Samuel B. Wilson (inc.).....	86,439
Albert Johnson.....	69,999
Horace D. Dickinson.....	62,127
Ernest Lundeen.....	48,475
Hugo O. Hanft.....	41,475
Harold Baker.....	39,959
W. L. Comstock.....	34,283
Frederic A. Pike.....	24,608

Top two primary.

### Associate Justice

Andrew Holt (inc.).....	154,393
Royal A. Stone (inc.).....	139,649
William A. Anderson.....	105,992
Thomas Fraser.....	77,669
John A. Roeser.....	47,004
William H. Vanderburgh.....	36,732
Oscar A. Naplin.....	25,008

Top four primary for two seats, both occupied by incumbents.

=====

GENERAL ELECTION  
(November 4, 1924)

Chief Justice

Samuel B. Wilson (inc.).....	350,563
Albert Johnson.....	296,157

Samuel Bailey Wilson (1873-1954) had been in office about thirteen months at the time of this election. He was appointed chief justice on September 29, 1923, to succeed Calvin L. Brown, who died on September 24. He received 54.2% of the vote, while Albert Johnson received 45.8%. His plurality was 54,406.

Associate Justice

Andrew Holt (inc.).....	317,348
Royal A. Stone (inc.).....	299,989
William A. Anderson.....	249,607
Thomas Fraser.....	234,501

Both incumbents were reelected. Andrew Holt (1855-1948) had served since 1912, when he was appointed to fill a vacancy caused by the resignation of David F. Simpson.

At the time of this election, Royal Stone (1875-1942) had served on the court about seventeen months. He was appointed May 25, 1923, to succeed Oscar Hallam, who resigned that month to return to private practice.

Source: *1925 Blue Book* at 316-7, 318-9 (Abstract).

\*\*



## 1926

### Associate Justice

Homer B. Dibell (inc.).....	311,353
William H. Vanderburgh.....	200,783

Homer Dibell (1864-1934) received 60.8% of the vote and William Vanderburgh received 39.2%. His plurality was 110,570.

Source: *1927 Blue Book* at 184-5 (Abstract).

\*\*

## 1928

### PRIMARY ELECTION

(June 16, 1928)

### Associate Justice

Clifford L. Hilton (inc.).....	231,584
Edward J. Lee.....	74,005
William H. Vanderburgh.....	46,001

This was a top two primary.

At the time of this primary election, Clifford L. Hilton (1879-1946), had been in office less than six months. He was appointed on January 1, 1928, to fill the vacancy caused by the retirement of James Quinn effective January 1, 1928.

=====

GENERAL ELECTION  
(November 6, 1928)

Clifford L. Hilton (inc.).....	529,197
Edward J. Lee.....	263,425

Clifford Hilton received 66.8% of the vote, and Edward Lee received 33.2%. His plurality was 265,772.

Source: *1929 Blue Book* at 193, 194-5 (Abstract).

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**1930**

Chief Justice

Samuel B. Wilson (inc.).....	472,264
------------------------------	---------

Samuel Bailey Wilson (1873-1954) did not complete his six year term. He resigned on September 6, 1933, to return to private practice. He was succeeded by John Patrick Devaney, who was appointed chief justice on September 7.

Associate Justice

Andrew Holt (inc.).....	313,150
Royal A. Stone (inc.).....	298,071
Edward J. Lee.....	215,101
William H. Vanderburgh.....	126,273

Top two general election. Andrew Holt had a plurality of 98,049, and Royal Stone had a plurality of 82,970. Both men would stand successfully for reelection in 1936.

Source: *1931 Blue Book* at 190-1.

# 1932

## Associate Justice

Charles Loring (inc.).....	477,505
Homer B. Dibell (inc.).....	442,157
Ingerval M. Olsen (inc.).....	438,672
Edward J. Lee.....	369,440
William H. Vanderburgh.....	283,011

This was a top three general election. In November 1930, the state constitution was amended to expand the court from five to seven members. The position of “commissioner” was eliminated in the process.

At the time of this election, Charles Loring had served on the court about two years, although in different offices. He was appointed a commissioner on August 1, 1930, and appointed to one of the new associate seats in November 1930. In November 1932, he was elected associate justice for a six year term.

Homer Dibell did not complete his term. He died on February 17, 1934, at age 70. He served on the court over twenty years. He was appointed commissioner on April 1, 1913, and served in that capacity until 1918, when he was appointed associate justice; he was elected in 1920, and reelected in 1926 and 1932. In March 1934, Julius J. Olson was appointed to succeed him.

Ingerval M. Olsen (1861-1943) was appointed commissioner on October 1, 1927, and appointed to fill one of the two new seats on the court on November 20, 1930. He was elected to a full six-year term in 1932, but did not finish it. He retired on December 15, 1936, at age 75, and was succeeded by Harry Peterson.

Homer Dibell’s plurality was 72,717; Charles Loring’s was 108,065; and I. M. Olsen’s was 69,232.

Source: *1933 Blue Book* (Abstract).

# 1934

## PRIMARY ELECTION

(June 18, 1934)

### Chief Justice

John P. Devaney (inc.).....	215,250
George W. Peterson.....	192,536
James C. Mitchell.....	135,433
E. Luther Melin.....	67,470

Top two primary. This was E. Luther Melin's first run for a seat on the court. Twenty-eight years later he ran for the eleventh and last time.

### Associate Justice

Clifford L. Hilton (inc.).....	284,623
Julius J. Olson (inc.).....	198,301
William A. Anderson.....	169,069
William H. Vanderburgh.....	103,397
Charles Louis De Reu.....	64,481
Roy D. Modeen.....	63,984
R. A. McQuat.....	50,466

This was a top four primary for two seats on the court.

=====

## GENERAL ELECTION

(November 6, 1934)

### Chief Justice

John P. Devaney (inc.).....	522,147
George W. Peterson.....	335,755

At the time of this election, John Patrick Devaney (1883-1941) had been in office about fourteen months. He was appointed chief justice on September 7, 1933, to fill the vacancy caused by the resignation of Samuel B. Wilson on September 6.

John P. Devaney's plurality was 186,372. He received 60.9% of the vote, and George Peterson received 39.1%.

John Devaney did not complete his term. He resigned on February 14, 1937, to return to private practice. He was succeeded by Henry M. Gallagher, who was appointed chief justice the next day.

### Associate Justice

Clifford L. Hilton (inc.).....	485,580
Julius J. Olson (inc.).....	424,468
William A. Anderson.....	315,246
William H. Vanderburgh.....	204,137

This was Clifford Hilton's second election. He was appointed to the court on January 1, 1928, to fill a vacancy caused by the resignation of James H. Quinn. He was elected to a full six year term in November of that year, and reelected in 1934.

At the time of this election, Julius Olson (1875-1955) had served on the court about eight months. He was appointed on March 5, 1934, to fill a vacancy caused by the death of Homer B. Dibell on February 17, 1934.

Source: *1935 Blue Book* at 204-5 (Abstract).

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# 1936

## Associate Justice

Andrew D. Holt (inc.).....	465,178
Royal A. Stone (inc.).....	461,340
Edward J. Lee.....	302,116
William H. Vanderburgh.....	288,791

Top two election for two seats on the court.

Andrew Holt (1855-1948) did not complete his six year term, resigning in 1942. On October 6, 1942, Thomas O. Streissgeth (1889-1950) was appointed to complete Holt's term, which ended January 1942.

Royal Stone did not complete his term. He died on September 13, 1942, at age 67, and was succeeded by Maynard Pirsig, who was appointed to complete the last few months of the term.

This was William Henry Vanderburgh's tenth and last run for a seat on the court. He was a candidate in every election from 1918 to 1936—a record that lasted until 1962, when Luther Melin ran the eleventh time. In this election, Vanderburgh received more votes than he had in any previous election. He died on April 7, 1938, at age 80.

Source: *1937 Blue Book* at 206-7 (Abstract); *Minneapolis Journal*, April 7, 1938, at 11 (Vanderburgh obit.).

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# 1938

## Chief Justice

Henry M. Gallagher (inc.).....	641,573
Henry J. Bessesen.....	279,557

At the time of this election, Henry Gallagher (1885-1965) had served as chief justice over twenty months. He was appointed chief justice on February 15, 1937, to fill the vacancy caused by resignation of John Devaney on February 14.

Henry Gallagher did not complete his term. He resigned on January 3, 1944, to return to private practice. He was succeeded by Charles Loring.

Gallagher's plurality was 362,016. He received 69.7% of the vote, and Henry Bessesen received 30.3%.

## Associate Justice

Harry H. Peterson (inc.).....	528,456
Charles Loring (inc.).....	407,237
George W. Peterson.....	341,527
Carl J. Eastvold.....	277,543

Top two election.

At the time of this election, Harry Peterson (1890-1985) had served on the court about twenty-two months. He was appointed to fill the vacancy caused by resignation of I. M. Olsen on December 15, 1936.

Charles Loring, who had served on the court since 1930, was reelected to a six year term in 1938. He completed this term, though in a different capacity. In January 1944, he was appointed chief justice and was elected to that position in the general election that fall.

In this election, Peterson's plurality was 186,929, and Charles Loring's was 65,710.

Source: *1939 Blue Book* at 214-5 (Abstract).

**\*\***

**1940**

Associate Justice

Clifford L. Hilton (inc.).....	518,524
Julius J. Olson (inc.).....	487,034
Clifford W. Gardner.....	387,308
J. A. Morrison.....	310,146

Top two election. Clifford L. Hilton's plurality was 131,216, and Julius Olson's was 99,726.

Clifford Hilton (1879-1946) did not complete his term. He retired on May 1, 1943, and was succeeded by Clarence R. Magney.

Source: *1941 Blue Book* at 226-7.

**\*\***



# 1942

## PRIMARY ELECTION

(September 9, 1942)

### Associate Justice

Luther W. Youngdahl.....	211,047
Thomas F. Gallagher.....	177,691
Royal A. Stone (inc.).....	144,938
J. Norman Peterson.....	84,427
O. J. Anderson.....	66,599
E. Luther Melin.....	34,867
Clifford E. Enger.....	34,502
Clifford Wesley Gardner.....	34,366
Reuben G. Thoreen.....	27,757
Albert H. Enerson.....	29,962

Top four primary.

Royal Stone, first elected in 1924, was one of the finalists in this primary, but died on September 13, 1942. On October 6, 1942, Maynard Pirsig (1902-1997), a law professor at the University of Minnesota Law School, was appointed to complete Stone's term; he served from October 6, 1942 to January 4, 1943; he was not a candidate in the general election.

Thomas O. Streissgeth also served from October 6, 1942, to January 4, 1943. He was appointed to complete the term of Andrew Holt who retired in 1942. He too was not a candidate in the general election.

Because of Stone's death, O. J. Anderson, the fifth place finisher, ran in the general election.

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GENERAL ELECTION  
(November 3, 1942)

Luther W. Youngdahl.....	377,774
Thomas F. Gallagher.....	355,714
J. Norman Peterson.....	206,484
O. J. Anderson.....	191,574

Top two general election. No incumbents.

Luther Youngdahl's plurality was 171,290, and Thomas F. Gallagher's was 149,230.

Luther Youngdahl (1896-1978) did not complete his six year term. He resigned in March 1946, to run for governor. He was succeeded by William C. Christianson, a Red Wing lawyer.

Source: *1943 Blue Book* at 270-1, 272-3 (Abstract).

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**1944**

Chief Justice

Charles Loring (inc.).....	790,101
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At the time of this election, Charles Loring had served as chief justice for ten months. He was appointed to fill the vacancy caused by the resignation of Henry Gallagher on January 3, 1944. Loring served as a court commissioner beginning August 1, 1930, was appointed an associate justice in November 1930, elected in 1932, and reelected in 1938.

## Associate Justice

Harry H. Peterson (inc.).....	629,165
LeRoy E. Matson.....	458,307
Clarence R. Magney (inc.).....	396,872
J. Norman Peterson.....	366,216
Allan L. Johnson.....	361,872
Clifford E. Enger.....	307,815

Top three general election for three seats on the court. There were only two incumbents running, the third seat being open.

At the time of this election, Harry H. Peterson (1890-1985) had served on the court almost six years. He was appointed to fill the vacancy caused by resignation of Ingerval M. Olsen on December 15, 1936. He was elected to a full term in 1938, and reelected in 1944, but did not complete his term. He resigned in 1950 to run for governor.

At the time of this election, Clarence Magney (1883-1962) had served on the court about sixteen months. He was appointed on July 1, 1943, to fill the vacancy caused by the resignation of Clifford L. Hilton on May 1, 1943. He was reelected in 1950, and retired in 1953.

The third seat was won by Leroy E. Matson, whose first name was sometimes misspelled LeRoy. In early 1944, Thomas O. Streissgeth was appointed to complete the term of Charles Loring who had been appointed chief justice in January upon the resignation of Henry M. Gallagher. Streissgeth did not run in the general election. Two years earlier, Streissgeth was appointed to complete the term of Andrew Holt, who retired on the eve of the general election.

Peterson's plurality was 262,949; Matson's plurality was 92,091; and Magney's was 30,431.

Source: *1945 Blue Book* at 178-9.

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# 1946

## PRIMARY ELECTION

(July 8, 1946)

### Associate Justice

Frank T. Gallagher .....	234,287
Julius J. Olson (inc.).....	133,185
William C. Christianson (inc.).....	139,182
Rollin G. Johnson (Forest Lake) .....	82,013
John C. Holton.....	74,760
Joseph P. Johnson (Lawyer, St. Paul).....	64,383
E. Luther Melin.....	62,053
R. O. Mason.....	34,505

Top four primary for two seats on the court occupied by incumbents. To prevent confusion, Joseph P. Johnson was identified on the ballot as “(Lawyer, St. Paul)” and Rollin G. Johnson was identified “(Forest Lake).” This was authorized by a specific provision in the election laws:

When the names of two or more candidates for the same or different offices appearing on the same ballot at any election are the same, each such candidate shall have added thereto not to exceed three words, indicating his occupation and residence, and upon such candidate furnishing to the office preparing the official ballot such words, they shall be printed on the ballot with and as are the names of the candidates and immediately after his name.

Laws 1941, ch. 527, §1, 1024-5.

Frank Gallagher’s plurality was 159,527; William Christianson’s plurality was 64,422; and Julius J. Olson’s was 58,425.

=====

GENERAL ELECTION  
(November 5, 1946)

Frank T. Gallagher.....	441,122
Julius Olson (inc.).....	366,617
William C. Christianson (inc.).....	330,738
Rollin G. Johnson.....	244,554

William C. Christianson (1892-1985) was appointed associate justice in March 1946, to complete the term of Luther Youngdahl, who resigned to run for governor. Christianson survived the primary, ran in the general election but lost in a field of four, which was led by Frank T. Gallagher, a Waseca lawyer and younger brother of Henry M. Gallagher, who served as chief justice from 1937 to 1944. William Christianson's term ended on January 1, 1947. He was appointed district court judge for Goodhue County in 1949 and served until his retirement in 1963.

The defeat of William Christianson was the first loss of an incumbent since 1916, when Albert Schaller lost in the primary. No incumbent has been defeated since 1946.

Frank Gallagher's plurality was 110,385, Julius Olson's was 35,879.

Source: *1947 Blue Book* at 178-9, 180-1 (Abstract).

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## 1948

### Associate Justice

Thomas F. Gallagher (inc.).....	666,097
Oscar R. Knutson (inc.).....	546,926
John C. McGrath.....	346,484
E. Luther Melin.....	273,000

Top two election. This was the last election in which candidates ran against a field for seats on the court.

At the time of this election, Oscar Knutson had served on the court over five months. He was appointed to fill the vacancy caused by the resignation of Julius Olson in May 1948.

Thomas Gallagher's plurality was 319,613, and Oscar Knutson's was 200,442.

Source: *1947-1948 Blue Book* at 176-7.

**\*\***

## 1950

### Chief Justice

Charles Loring (inc.).....	499,392
Gordon C. Peterson.....	413,622

This was the first election under the "alley system" enacted by the legislature in 1949.

Charles Loring's plurality was 85,770. He received 54.7% of the vote, and Gordon Peterson received 45.3%.

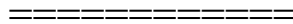
Associate Justice

(For the Office of Associate Justice of Supreme Court to  
which Theodore Christianson was appointed)

Theodore Christianson (inc.).....531,474  
Mark Nolan.....378,246

At the time of this election, Theodore Christianson (1913-1955) had served on the court less than six months. He was appointed on May 15, 1950, to fill the vacancy caused by resignation of Harry Peterson. He received 58.4 % of the vote, and Mark Nolan received 41.6%. His plurality was 153,228.

Theodore Christianson did not complete his term. He died on September 19, 1955, at age 42. He was succeeded by William P. Murphy, who was appointed associate justice on September 24.

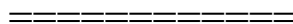


(For the Office of Associate Justice of Supreme Court to  
which C. R. Magney was elected for the regular term)

Clarence R. Magney (inc.).....506,130  
E. Luther Melin.....346,799

Clarence R. Magney, who was first elected in 1944, received 59.3% of the vote, while Luther Melin received 40.7%. His plurality was 159,331.

Clarence Magney (1883-1962) did not complete his term. He retired in 1953 when he reached the mandatory retirement age of 70. He was succeeded by Roger L. Dell, who was appointed associate justice on July 16, 1953.



(For the Office of Associate Justice of Supreme Court to which Leroy E. Matson was elected for the regular term)

Leroy E. Matson (inc.).....722,293

This was Leroy Matson's second election. He was first elected to an open seat in 1944.

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Harry Peterson was the third justice to resign from the court to run for governor. Loren Collins was the first. Collins served from 1887 to April 1904, when he resigned to seek the nomination of the Republican Party for governor. But, in a highly contentious convention, Robert C. Dunn, the former state auditor, was nominated and elected governor. Luther Youngdahl was the second. He served on the court from 1943 to 1946, when he resigned to run for governor. He received the nomination of the Republican Party, and was elected in 1946, 1948, and 1950, when he defeated Harry Peterson, his former colleague on the court, who was nominated by the Democratic Party. Governor Youngdahl received 60.7% of the vote in the 1950 election, former justice Peterson received 38.3%, and Vernon Campbell, the nominee of the Industrial Government Party, received 1%.

Source: *1951 Blue Book* at 178-9 (Abstract).

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## 1952

### Associate Justice

Frank T. Gallagher (inc.).....	847,903
E. Luther Melin.....	328,829

Frank Gallagher's plurality was 519,074. He received 72.1% of the vote to Luther Melin's 27.9%.

Source: *1953 Blue Book* at 360-1 (Abstract).

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## 1954

### Chief Justice

Roger L. Dell (inc.).....	535,831
E. Luther Melin.....	422,862

At the time of this election, Roger Dell had served on the court less than ten months. He was appointed associate justice on January 12, 1953, to fill the vacancy caused by the retirement of Clarence Magney.

Only six months later, on July 16, 1953, he was appointed chief justice, to fill the vacancy caused by the retirement of Charles Loring. Martin A. Nelson was appointed associate justice to fill the vacancy caused by Dell's promotion.

Roger Dell received 55.9% of the vote, and Luther Melin received 44.1%.

=====

## Associate Justice

Martin A. Nelson (inc.).....842,044

Martin Nelson had been on the court less than four months before this election. He was appointed associate justice in mid-July 1953 to fill a vacancy caused by the elevation of Roger Dell to be chief justice.

Martin Nelson and Roger Dell were the last appointees who served less than a year before standing for election. In 1956, Article VI, §8, was amended to require an appointee to stand in the next election held more than one year after the appointment.

=====

Oscar R. Knutson (inc.).....629,876  
Allan L. Johnson.....298,370

Oscar Knutson's plurality was 331,506. He received 67.9% of the vote, and Allan Johnson received 32.1%.

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Thomas Gallagher ( inc.).....868,259

Source: *1955 Blue Book* at 355 (Abstract).

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# 1956

## Associate Justice

William P. Murphy (inc.).....650,137  
Leslie L. Anderson.....538,700

At the time of this election, William P. Murphy (1898-1986) had served on the court for about thirteen months. He was appointed associate justice on September 24, 1955, to fill the vacancy caused by the death of Theodore Christianson five days earlier.

William Murphy received 54.7% of the vote to Leslie Anderson's 45.3%. His plurality was 111,437.

=====

Leroy E. Matson (inc.).....803,637  
E. Luther Melin.....343,948

Leroy Matson received 70% of the vote while Luther Melin received 30%. His plurality was 459,689.

Leroy Matson did not complete his term. He died on February 28, 1960, at age 64, and was replaced by Lee Loevinger (1913-2004), who resigned after about a year of service on the court to accept a presidential appointment to the Federal Communications Commission.

Source: *1957-1958 Blue Book* at 652-3.

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## 1958

### Associate Justice

Frank T. Gallagher (inc.).....	695,655
E. Luther Melin.....	248,895

In this election, Frank Gallagher's plurality was 446,760 votes. He received 73.6% of the votes while Luther Melin received 26.4%.

This was Luther Melin's third attempt to unseat Frank Gallagher. Melin did not survive the July 1946 primary, in which Gallagher received the most votes. He challenged Gallagher six years later without success.

In this election, Gallagher received 72.1% of the vote to Luther Melin's 27.9%.

Frank Gallagher (1887-1977) did not complete his term. He retired in January 1963, and was succeeded by Robert Sheran, who was appointed associate justice on January 8, 1963.

Source: *1959-1960 Blue Book* at 476.

**\*\***

## 1960

### PRIMARY ELECTION (September 13, 1960)

### Chief Justice

Roger L. Dell (inc.).....	257,570
Clifford E. Hansen.....	123,226
E. Luther Melin.....	92,777

=====  
GENERAL ELECTION  
(November 8, 1960)

Chief Justice

Roger L. Dell (inc.).....757,779  
Clifford F. Hansen.....503,389

In this election, Roger Dell (1897-1966) received 60.1% of the vote and Clifford Hansen received 39.9%. His plurality was 254,390. This was his second election. He was appointed chief justice in 1953 and elected to a full six year term the following year.

Roger Dell did not complete his term. He resigned on January 24, 1962, and was succeeded by Oscar Knutson the next day.

Associate Justice

Oscar R. Knutson (inc.).....929,538  
William G. Dressel.....281,477

Oscar Knutson, received 76.8% of the vote, William G. Dressel received 23.2%. His plurality was 648,061.

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Martin A. Nelson (inc.).....1,092,049

=====  
Thomas F. Gallagher (inc.).....1,145,343

Thomas F. Gallagher (1897-1985), who was first elected in 1942, completed his term but did not run for reelection in 1966.

Source: *1961-1962 Blue Book* at 466-7, 492.

# 1962

## Associate Justice

William P. Murphy (inc.).....	699,514
William G. Dressel.....	296,980

This was William Murphy's second election. He was elected in November 1956, after being appointed in September 1955, to fill the vacancy caused by the death of Theodore Christianson on September 19, 1955.

In this election, he received 70.2% of the vote, and William Dressel received 29.8%. His plurality was 402,534.

=====

James C. Otis (inc.).....	643,117
E. Luther Melin.....	355,054

At the time of this election James Otis (1912-1993) had served on the court over a year. He was appointed associate justice in 1961, to fill the vacancy caused by the resignation of Lee Loevinger. Loevinger was appointed to fill a vacancy caused by the death of Leroy Matson in February 1960, and served until he accepted an appointment to the Federal Communications Commission in 1961.

In this election, James Otis received 64.4% of the vote to Luther Melin's 35.6%. His plurality was 288,063.

This was Ebin Luther Melin's last run for the court. He ran first in 1934, again in 1942, and then in every election cycle from 1946 through 1962, a total of eleven elections and a record unmatched by any incumbent or challenger in the court's history. He died on February 17, 1967, at age 81.

Source: *1963-1964 Blue Book* at 518-9; *Minneapolis Star*, February 18, 1967, at BI (Melin obit.).

# 1964

## Chief Justice

Oscar R. Knutson (inc.).....1,213,583

Oscar Knutson, who had served as associate justice since 1948, was appointed chief justice on January 25, 1962, to fill the vacancy caused by the resignation of Roger Dell the previous day.

## Associate Justice

Walter F. Rogosheske (inc.).....1,105,195

At the time of this election, Walter Rogosheske (1914-1998) had served on the court thirty-three months. He was appointed associate justice on February 1, 1962, to fill the vacancy caused by the elevation of Oscar Knutson to be chief justice.

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Robert J. Sheran (inc.).....760,693

William G. Dressel.....426,772

At the time of this election, Robert J. Sheran (1916-2012) had served on the court about twenty-two months. He was appointed to the court on January 8, 1963, to fill the vacancy caused by the retirement of Harry Gallagher. In this election, he was elected to a six year term that expired on January 1, 1971; however, he did not complete his term, resigning on July 1, 1970. Fallon Kelley was appointed his successor.

In this election, Sheran received 64.1% of the vote, while William Dressel received 35.9%. His plurality was 333,921.

Source: *1965-1966 Blue Book* at 414-416 (results of these races are listed by congressional district, which must be added manually to get statewide total).

# 1966

## PRIMARY ELECTION (September 13, 1966)

### Associate Justice

(For the office to which Thomas F. Gallagher was elected)

Daniel Foley.....	85,261
Thomas Gallagher.....	224,115
T. B. Knutson.....	109,174
C. Donald Peterson.....	117,627
Peter S. Popovich.....	64,276
Harold W. Schultz.....	49,014

Top two primary. A rare open election. No incumbent. Thomas F. Gallagher chose not to run for reelection in 1966.

While Peter Popovich, a St. Paul lawyer and state legislator, lost this election, over two decades later, in November 1987, he was appointed associate justice. He was the fourth justice who was defeated in his initial run but later appointed or elected to the court. John Berry was defeated in 1857, elected in 1864, reelected in 1871, 1878, and 1884, and died in office in 1887. William Mitchell lost elections in 1871 and 1878, was appointed associate justice in March 1881, elected in the general election later that year, reelected in 1886 and 1892, but lost again in 1898. Daniel Buck, who ran unsuccessfully in 1871, was elected associate justice in 1892, but defeated in 1898.

=====



GENERAL ELECTION  
(November 8, 1966)

Associate Justice

C. Donald Peterson.....576,457  
Thomas Gallagher.....511,490

C. Donald Peterson served in the state legislator from 1959 to 1963. He ran unsuccessfully on the Republican ticket for lieutenant governor in 1962.

His plurality was 64,967. He received 53% of the vote, and Thomas Gallagher received 47%.

=====

Martin A. Nelson (inc.).....747,543  
W. G. Dressel.....267,214

Martin Nelson (1889-1979) did not complete his six year term. He retired in 1970, and was succeeded by John J. Todd.

Nelson's plurality was 480,329. He received 73.7 % of the vote, and William G. Dressel received 26.3%.

Source: *1967-1968 Blue Book* at 362-4, 384-6.

\*\*

## 1968

### Associate Justice

William P. Murphy (inc.).....1,092,814

William P. Murphy (1898-1986) did not complete his term. He resigned in 1972, and was replaced by Harry MacLaughlin.

=====

James C. Otis (inc.).....1,049,710

Source: *1969-1970 Blue Book* at 430-4.

**\*\***

## 1970

### Chief Justice

Oscar Knutson (inc.).....843,552

Jerome Daly.....278,942

Oscar Knutson (1899-1981) did not complete his six year term. He resigned on December 17, 1973, and was replaced by Robert J. Sheran, who was appointed chief justice the next day.

Oscar Knutson received 75.1% of the vote, and Jerome Daly received 24.9%. His plurality was 564,610.

### Associate Justice

Walter F. Rogosheske (inc.).....961,245

Source: *1971-1972 Blue Book* at 479-80.

# 1972

## Associate Justice

Fallon Kelly (inc.).....1,153,738

At the time of this election, Fallon Kelly (1907-1992) had served on the court about twenty-eight months. Four months before the November 1970 election, Associate Justice Robert Sheran resigned to return to private practice. On July 6, 1970, Kelly was appointed to succeed him. Because he had held office less than a year before the next election, he was not required to stand for election in November 1970.

=====

C. Donald Peterson.....1,275,963

=====

John J. Todd was appointed associate justice on January 3, 1972, to fill a vacancy caused by the retirement of Martin Nelson, who had reached the mandatory retirement age of 70; and Harry H. MacLaughlin was appointed on May 1 to fill the vacancy caused by the resignation of William P. Murphy. Because they were appointed less than a year before the next election, they did not stand in the November 1972 election.

Source: *1973-1974 Blue Book* at 536-7.

\*\*

# 1974

## Associate Justice

James C. Otis (inc.).....711,030  
John Remington Graham.....309,670

James Otis received 69.7% of the vote, while John Remington Graham received 30.3%. His plurality was 401,360.

=====

Lawrence R. Yetka (inc.).....550,989  
John D. Flanery.....420,339

Lawrence Yetka received 56.7% of the vote, and John D. Flanery received 43.3%. His plurality was 130,650.

=====

John J. Todd (inc.).....892,106

At the time of this election, John Todd had serve on the court twenty-two months. He was appointed associate justice on January 3, 1972, to fill a vacancy caused by the retirement of Martin A. Nelson.

=====

Harry MacLaughlin (inc.).....876,481

At the time of this election, Harry MacLaughlin (1927-2005) had served on the court for two and a half years. He was appointed associate justice on May 1, 1972, to fill a vacancy caused by the resignation of William P. Murphy.

Harry MacLaughlin did not complete his term. He resigned in September 29, 1977, to accept appointment to the federal district court. He was succeeded by Rosalie Wahl, who was appointed associate justice October 3, 1977.

During the court's history, two other members resigned to accept a federal judgeship, the first being Charles B. Elliot, who served from 1905 to 1909, when he accepted an appointment by President Taft to be Associate Justice of the Supreme Court of the Philippines, the second being Joan Ericksen Lancaster, who served from September 8, 1998, to 2002, when she accepted an appointment to be United States District Court Judge for the District of Minnesota.

=====

George M. Scott (inc.).....892,082

George Scott (1922-2006) was appointed to the court on June 22, 1973, to fill one of the two additional seats on the court authorized by an amendment to the constitution in 1972, which enlarged the court from seven to nine members.

Source: *1975-1976 Blue Book* at 580.

**\*\***

**1976**

Chief Justice

Robert J. Sheran (inc.).....1,285,877

At the time of this election, Robert J. Sheran (1916-2012) had served continuously on the court about three years. He was appointed chief justice on December 18, 1973, to fill the vacancy caused by the resignation of Oscar Knutson on December 17. He did not complete his six year term,

resigning on December 18, 1981. He was succeeded by Douglas Amdahl, who was an associate justice.

This was Robert Sheran's second tour on the court. He was appointed associate justice on January 8, 1963, elected to a full term in 1964, and resigned in July 1970 to return to private practice. In December 1973, he rejoined the court, this time as chief justice. He was only the second justice to be reappointed to the court after serving a term or a part of a term and resigning, the first being James Gilfillan who served as chief justice in 1869-1870, resigned to return to private practice, and was reappointed chief justice five years later, serving from 1875 to 1894.

In the nineteenth century, two justices who resigned later failed in their attempts to rejoin the court. Charles Flandrau, elected in 1857, served from 1858 to 1864, when he resigned; he ran unsuccessfully for chief justice in 1869. Charles B. Elliot was elected associate justice in November 1904, for a term beginning January 1906; he resigned on September 1, 1909, to accept a federal appointment; in 1914, he attempted to regain a seat on the court, but he did not survive the June 1914, primary.

### Associate Justice

Walter F. Rogosheske (inc.).....1,243,079

Walter Rogosheske (1914-1998) did not complete his six year term. He resigned on September 7, 1980, and was succeeded by John Simonett.

Source: *1977-1978 Blue Book* at 538-40.

\*\*

# 1978

## PRIMARY ELECTION

(September 12, 1978)

### Associate Justice

(For seat occupied by Rosalie Wahl)

Rosalie E. Wahl (inc.).....	247,714
Robert W. Mattson, Sr.....	140,053
Dan Foley.....	112,294
J. Jerome Plunkett.....	97,635

Top two primary.

Associate Justice C. Donald Peterson, whose term also expired in January 1979, did not run in the primary because he had only one challenger.

=====

## GENERAL ELECTION

(November 7, 1978)

### Associate Justice

Rosalie E. Wahl (inc.).....	778,472
Robert W. Mattson, Sr.,.....	581,187

At the time of this election, Rosalie Wahl had served on the court about eleven months. She was appointed October 3, 1977, to fill the vacancy caused by the resignation of Harry H. MacLaughlin.

She received 57.3% of the vote, and Robert Mattson received 42.7%. Her plurality was 197,285.

=====

C. Donald Peterson (inc.).....1,032,543  
Jack Baker.....282,079

C. Donald Peterson received 78.5% of the vote, and Jack Baker received 21.5%. Peterson’s plurality was 750,464.

=====

Fallon Kelly (1907-1992) did not stand for reelection in 1978 although his term expired that year. He was appointed associate justice on July 6, 1970, and won his first election for a six year term in 1972. To secure pension benefits, he applied to Governor Perpich for an executive order “extending” his term to July 6, 1980, which would give him ten years of service and permit him to avoid the 1978 election. The governor granted his request, and Kelly served until July 6, 1980, when he retired. He was succeeded by Douglas Amdahl.

Source: *1979-1980 Blue Book* at 486-7, 490-1. Gov. Perpich’s executive order, dated September 30, 1977, extending Kelly’s term, can be found as Exhibit 2, Appendix, Brief for Respondent, *Page v. Carlson*, 488 N.W.2d 274 (1992).

\*\*

## 1980

### Associate Justice

James C. Otis (inc.).....1,339,673

James Otis (1912-1993) did not complete his term. He resigned effective September 1, 1982, and was succeeded by M. Jeanne Coyne, a Minneapolis appellate lawyer.

=====



Lawrence R. Yetka (inc.).....1,253,425

=====

George M. Scott (inc.).....1,147,762

Jack Baker.....426,218

This was George Scott’s second election., He was appointed on July 3, 1973, to fill one of the two new seats after the court was expanded from seven to nine. He was first elected in 1974, and reelected in 1980 and 1986.

In this election, he received 72.9% of the vote, and Jack Baker received 27.1%. His plurality was 721,544.

=====

John T. Todd (inc.).....1,301,227

John Todd did not complete his term. He resigned in 1985 to return to private practice. He was not replaced because he was the first justice to leave the court after the 1982 amendments to the constitution reducing the size of the court from nine to seven by attrition.

Source: *1979-1980 Blue Book* at 468-9.

**\*\***

**1982**

Associate Justice

John E. Simonett (inc.).....971,069

Jack Baker.....495,416

At the time of this election, John Simonett had served on the court slightly more than two years. He was appointed associate justice on September 8, 1980, to fill a vacancy

caused by the resignation of Walter F. Rogosheske the previous day. In this election, he received 66.2% of the vote, and Jack Baker received 33.8%. His plurality was 475,653.

Source: *1983-1984 Blue Book* at 342-3.

**\*\***

**1984**

Chief Justice

Douglas K. Amdahl (inc.).....	Missing
Jack Baker.....	Missing
Write-ins.....	"

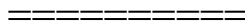
At the time of this election, Douglas Amdahl had served on the court over two years. He was appointed associate justice in July 1980 to fill the vacancy caused by the mandatory retirement of Fallon Kelly. On December 19, 1981, he was appointed chief justice to fill the vacancy caused by the resignation of Robert Sheran on December 18, 1981.

Douglas Amdahl (1919-2010) did not complete his term. He retired on January 31, 1989, at age 70, and was succeeded by Peter Popovich, who was appointed chief justice the next day.

Associate Justice

Glenn E. Kelley (inc.).....	Missing
-----------------------------	---------

Glenn Kelley (1921-1992) was appointed associate justice on December 18, 1981, to fill the vacancy caused by the elevation of Douglas Amdahl to be chief justice following the resignation of Chief Justice Robert Sheran.



M. Jeanne Coyne (inc.).....Missing

At the time of this election, Mary Jeanne Coyne had served on the court slightly more than two years. She was appointed in September 1982 to fill the vacancy caused by the resignation of James Otis.

=====

C. Donald Peterson (inc.).....Missing

C. Donald Peterson did not complete his term. He retired in 1986 at the age of 68. He was not replaced.

=====

By constitutional amendment passed in 1982, the membership of the supreme court was reduced by two seats, from nine to seven, which would occur by attrition of the next two justices to retire. In 1985, John J. Todd resigned, and he was not replaced. The following year, C. Donaldson Peterson retired, and he also was not replaced.

\*\*

**1986**

Associate Justice

Lawrence Yetka (inc.).....Missing

This was Lawrence Yetka’s last election. The six year term to which he was elected expired in January 1993, and he did not run for reelection.

=====

George M. Scott (inc.).....Missing

George Scott (1922-2006) did not complete his six year term. In fact he served only ten months of it. He resigned November 1987, and was succeeded by Peter S. Popovich, who was appointed associate justice on November 16, 1987.

\*\*

**1988**

Associate Justice

John E. Simonett (inc.).....missing

John Simonett did not complete his six year term. He resigned in mid-1994, and was succeeded by Paul H. Anderson, who was appointed July 1, 1994.

\*\*

**1990**

Associate Justice

Alexander M. (“Sandy”) Keith (inc.).....Missing

At the time of this election, Alexander Keith had served on the court twenty-one months. He was appointed associate justice on February 1, 1989, to fill the vacancy caused by the elevation of Peter Popovich to be chief justice.

=====

Rosalie E. Wahl (Inc.).....Missing

Rosalie Wahl did not complete her six year term. She resigned in 1994, and was succeeded by Edward C. Stringer, appointed September 1, 1994.

=====

M. Jeanne Coyne (inc.).....Missing

Mary Jeanne Coyne (1926-1998) did not complete her term. She resigned and was succeeded by Kathleen A. Blatz, who was appointed associate justice on November 1, 1996.

=====

There was no election for chief justice in 1990.

In 1984, Chief Justice Amdahl was elected to a six year term; however, he retired on January 31, 1989, and was succeeded by 68 year old Peter Popovich, who was appointed chief justice the next day.

On June 21, 1990, Chief Justice Popovich, who would reach the mandatory retirement age of 70 on November 27, 1990, submitted his resignation to Governor Perpich effective November 30, 1990. The Governor then submitted the following inquiry to Attorney General Humphrey:

Is the constitutional duty of the Governor to appoint someone to fill the vacancy until a successor is elected in November 1992, eliminating the election for the office of Chief Justice in November, 1990?

On July 17, 1990, the Attorney General, through his Chief Deputy John R. Tunheim, responded, “[I]n our opinion, the vacancy created by the mandatory retirement of Chief Justice Popovich must, according to the Constitution, be filled by

gubernatorial appointment. The individual appointed will serve until the election of 1992.”

Governor Perpich thereupon appointed Alexander M. Keith chief justice effective December 1, 1990. Chief Justice Keith stood for election in November 1994, and won.

Source: Attorney General Opinion No. 184D (July 17, 1990).

\*\*

## 1992

### PRIMARY ELECTION (September 15, 1992)

#### Associate Justice

(For the seat previously held by Lawrence Yetka)

Alan C. Page.....	287,840
Kevin Johnson.....	138,921
Edward W. Bearce.....	69,559

Top two primary. No incumbent. Open seat.

Lawrence Yetka was appointed associate justice on July 3, 1973, elected in 1974, and reelected in 1980 and 1986. Born on October 1, 1924, he was 68 years old in 1992 and, had he run and been reelected that year, would have faced mandatory retirement at the end of October 1994. In June and July 1992, he applied to Governor Carlson for an “extension” of his present term to October 31, 1994, which would permit him to not only receive enhanced pension benefits but also avoid the November 1992, election (just as Fallon Kelly had done in 1978). On July 6, 1992, Governor Carlson, with the concurrence of Secretary of State Joan Growe, issued an executive order approving Yetka’s application, thereby extending his term to October 31, 1994. This act, however, was nullified by

the supreme court in *Page v. Carlson*, 488 N.W.2d 274 (1992), a suit brought by Alan Page, an assistant attorney general. The court ordered Page's name placed on the ballot for the primary election. Lawrence Yetka did not file for the primary election.

=====

GENERAL ELECTION  
(November 3, 1992)

Chief Justice

Alexander M. Keith (inc.).....1,266,434  
Ross A. Phelps.....694,638

Alexander Keith received 64.6% of the vote, and Ross Phelps received 35.4%. His plurality was 571,796.

Alexander Keith did not complete his six year term. He resigned on January 29, 1998, and was succeeded by Kathleen Blatz, who was appointed chief justice that very day.

=====

Associate Justice

Sandra S. Gardebring (inc.).....1,161,698  
Roger A. Peterson.....772,854

At the time of this election, Sandra Gardebring (1947-2010) had served on the court about twenty-two months. She was appointed on January 4, 1991, to fill the vacancy caused by the elevation of Associate Justice A. M. Keith to be chief justice.

She received 60% of the vote and Roger Peterson received 40%. Her plurality was 388,844.

Sandra Gardebring did not complete her term. She resigned a few months before the election in 1998, and was succeeded by Joan Ericksen Lancaster, appointed September 8, 1998.

=====

Esther M. Tomljanovich (inc.).....1,047,691  
Mark Douglas.....836,114

At the time of this election, Esther Tomljanovich had served on the court about twenty-six months. She was appointed to the court on September 1, 1990, to fill the vacancy caused by the retirement of Glenn Kelly.

She received 55.6% of the vote and Mark Douglas received 44.4%. Her plurality was 211,577.

Esther Tomljanovich did not complete her term. She resigned a few months before the 1998 election, and was succeeded by Russell A. Anderson, appointed associate justice September 1, 1998.

=====

Alan C. Page.....1,240,633  
Kevin Johnson.....750,228

His name now on the ballot by order of the supreme court, Page survived the primary and won the general election, receiving 62.3% of the vote, while Kevin Johnson received 37.7%. His plurality was 490,405.

Source: *1993-1994 Blue Book* at 332-5, 358-9. Governor Carlson's executive order dated July 6, 1992, extending Lawrence Yetka's term can be found as Exhibit 3, Appendix, Brief for Petitioner, *Page v. Carlson*, 488 N.W.2d 274 (1992).



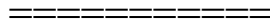
# 1996

## Associate Justice

Paul H. Anderson (inc.).....	1,041,101
John Remington Graham.....	665,031
Write-in.....	4,761

At the time of this election, Paul Anderson had served on the court about twenty-eight months. He was appointed associate justice July 1, 1994, to fill the vacancy caused by the resignation of John Simonett.

He received 60.9% of the vote, and John Graham received 38.9%.



Edward C. Stringer (inc.).....	904,569
Roger A. Peterson.....	783,794
Write-in.....	4,374

At the time of this election, Edward Stringer had served on the court twenty-four months. He was appointed associate justice on September 1, 1994, to fill the vacancy caused by the resignation of Rosalie E. Wahl.

He received 53.4% of the vote, and Roger Peterson received 46.3%.

Edward Stringer did not complete his term. He resigned in 2002, and was succeeded by Sam Hanson, appointed June 6, 2002.

Source: *1997-1998 Blue Book* at 368-9.

# 1998

## Associate Justice

Alan C. Page (inc.).....	1,303,920
Roger A. Peterson.....	504,217
Write-in.....	3,055

Alan Page received 72% of the votes, and Roger Peterson received 27.8%.

Roger Peterson challenged Sandra Gardebring in 1992, receiving 40% of the vote, and Edward Stringer in 1996, receiving 46.3 %.

Source: 1998 Election Results, Election Division, Minnesota Secretary of State website.

**\*\***

# 2000

## Chief Justice

Kathleen A. Blatz (inc.).....	1,412,359
Burton Randall Hanson.....	518,912

At the time of this election, Kathleen A. Blatz had served on the court four years. She was appointed associate justice on November 1, 1996, to fill a vacancy caused by the resignation of Jeanne M. Coyne. On January 29, 1998, she was appointed chief justice to succeed Alexander Keith, who resigned. Her elevation to that post caused a vacancy which was filled by the appointment of James H. Gilbert.

In this election, she received 73.1% of the vote, and Burton Hanson received 26.9%. Her plurality was 893,447.

Kathleen Blatz did not complete her six year term. She resigned on January 10, 2006, and was succeeded by Russell A. Anderson, who was appointed chief justice that day. Russell Anderson served as chief justice from January 10, 2006, to June 1, 2008, when he retired. The next day, June 2, Eric Magnuson was appointed chief justice, but he resigned effective June 30, 2010, and was succeeded by Lore Gildea, appointed May 13, 2010, effective July 1, 2010.

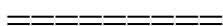
Associate Justice

James H. Gilbert (inc.).....1,278,792  
 Greg Carlson Wersal.....573,698

At the time of this election, James Gilbert had served on the court about thirty-three months. He was appointed associate justice on January 29, 1998, to fill a vacancy caused by the elevation of Kathleen Blatz to be chief justice.

In this election, he received 69% of the vote, and Greg Carlson Wersal received 31%. His plurality was 705,094 votes.

James Gilbert did not complete his six year term. He resigned in late 2004, and was replaced by G. Barry Anderson, who was appointed associate justice on October 13, 2004.



Joan Ericksen Lancaster (inc.).....1,194,811  
 John Hancock.....639,915

At the time of this election, Joan Ericksen Lancaster had served on the court about twenty-six months. On September 8, 1998, she was appointed to fill the vacancy caused by the resignation of Associate Justice Sandra S. Gardebring.

In this election, she received 65.1% of the vote, and John Hancock received 34.9%. Her plurality was 554,896 votes.

She did not complete her term, resigning in 2002 to accept a federal district court judgeship. She was succeeded by Helen Meyer, appointed June 6, 2002.

=====

Russell A. Anderson (inc.).....1,125,966  
Tom Strahan.....584,613

At the time of this election, Russell A. Anderson had served on the court about twenty-six months. On September 1, 1998, he was appointed to fill a vacancy caused by the resignation of Associate Justice Esther J. Tomljanovich.

In this election, he received 65.8% of the vote, and Tom Strahan received 34.2%. His plurality was 541,353.

On January 10, 2006, Russell Anderson was appointed chief justice, succeeding Kathleen Blatz, who resigned. He retired on June 1, 2008, and was replaced by Eric J. Magnuson, who was appointed chief justice the next day.

Source: 2000 Election Results, Election Division, Minnesota Secretary of State website.

**\*\***

**2002**

Associate Justice

Paul H. Anderson (inc.).....1,130,361  
Jack Baker.....504,350  
Write-in.....4,464

Paul Anderson received 69% of the vote to Jack Baker's 30.8%.

Source: 2002 Election Results, Election Division, Minnesota Secretary of State website.

## 2004

### Associate Justice

Helen Meyer (inc.).....1,775,839  
Write-in.....13,407

At the time of this election Helen Meyer had served on the court about twenty-nine months. She was appointed associate justice on June 6, 2002, to fill the vacancy caused by the resignation of Joan Ericksen Lancaster. She received 99.2% of the vote.

=====

Samuel L. Hanson (inc.).....1,734,914  
Write-in.....12,553

At the time of this election, Samuel L. Hanson had served on the court about twenty-nine months. He was appointed associate justice on June 6, 2002, to fill a vacancy caused by the resignation of Edward C. Stringer. He received 99.3% of the vote in this election.

Samuel Hanson did not complete his a six year term. He resigned effective January 1, 2008, and was succeeded by Christopher J. Dietzen.

=====

Alan C. Page (inc.).....1,642,085  
Tim Tingelstad.....632,778  
Write-in.....5,416

This was Alan Page's third election. He received 72% of the vote, and Tim Tingelstad received 27.8%.

Source: 2004 Election Results, Election Division, Minnesota Secretary of State website.

## 2006

### Associate Justice

G. Barry Anderson (inc.).....	1,457,164
Write-in.....	12,408

At the time of this election, G. Barry Anderson had served on the court a few weeks more than twenty-four months. He was appointed associate justice on October 13, 2004, to fill the vacancy caused by the resignation of James H. Gilbert.

He received 99.2% of the vote.

Source: 2006 Election Results, Election Division, Minnesota Secretary of State website.

\*\*

## 2008

### PRIMARY ELECTION

(September 9, 2008)

### Associate Justice

Paul H. Anderson (inc.).....	205,154
Tim Tingelstad.....	69,448
Alan Lawrence Nelson.....	46,645

Top two primary for seat occupied by Paul Anderson.

=====

Lorie Skjerven Gildea (inc.).....	169,017
Deborah Hedlund.....	56,477
Jill Clark.....	55,129
F. Richard Gallo, Jr.....	35,576

Top two primary for seat occupied by Lorie Gildea.

=====

GENERAL ELECTION  
(November 4, 2008)

Associate Justice

Paul H. Anderson (inc.).....	1,261,595
Tim Tingelstad.....	818,797
Write-in.....	8,071

This was Paul Anderson’s third election. He was appointed to the court on July 1, 1994, elected in 1996, and reelected in 2002.

In this election, he received 60.4% of the vote, and Tim Tingelstad received 39.21%.

=====

Lorie Skjerven Gildea (inc.).....	1,103,963
Deborah Hedlund.....	894,683
Write-in.....	8,719

At the time of this election, Lorie Gildea had served on the court about thirty-four months. She was appointed associate justice on January 11, 2006, to fill the vacancy caused by the appointment of Russell Anderson to be chief justice. After Russell Anderson retired in 2008, and after his successor, Eric

Magnuson, resigned on June 30, 2010, Lorie Gildea was appointed chief justice effective July 1, 2010—the third chief justice in three years.

In this election, she received 55% of the vote, and Deborah Hedlund, a district court judge in Hennepin County, received 44.6%.

Source: 2008 Election Results, Election Division, Minnesota Secretary of State website.

\*\*

## 2010

### Associate Justice

Helen Meyer (inc.).....	932,682
Greg Wersal.....	672,095
Write-in.....	3,301

Helen Meyer received 58% of the vote to Greg Wersal's 41.79%.

=====

Christopher Dietzen (inc.).....	1,241,920
Write-in.....	15,821

Christopher Dietzen received 98.74% of the vote.

=====



Alan C. Page (inc.).....	1,073,643
Tim Tingelstad.....	619,681
Write-in.....	2,921

Alan Page received 63.30% of the vote, and Tim Tingelstad received 36.53%.

Source: 2010 Election Results, Election Division, Minnesota Secretary of State website.



Posted MLHP: October 10, 2010; and revised numerous times thereafter.