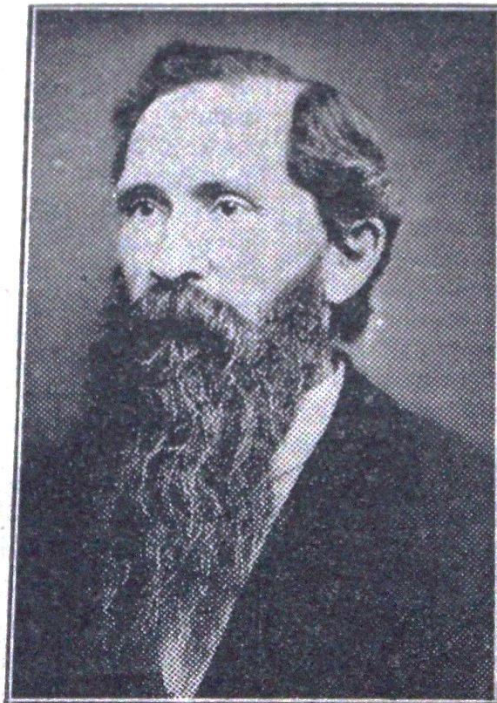


The Controversial Sherman Page

By

Kermeth W. Northwick

Honorable Sherman Page



(ca. 1867-1881)

Foreword

By

Douglas A. Hedin

Editor, MLHP

"The Controversial Sherman Page" was researched and written by Kermeth W. Northwick for his Masters Degree at Mankato State College in 1970. This is an important paper for those interested in the legal history of this state because it gives information about Judge Page before and after his famous impeachment trial in the state Senate in 1878.

After graduating from St. Olaf College, the author served in the Marine Corps in Korea. After his discharge, he and his wife moved to Austin where he taught in the high school for 34 years. His quest for more education never ceased. It seems he rarely passed a university without wanting to stop and enroll: over the years he took courses at San Jose State, Pepperdine University and Tufts University.

Kermeth Northwick died on June 12, 2018, at age 86. The following notice was published in *The Post-Bulletin* on June 16, 2018:

Kermeth Wynn Northwick, 86, of Austin, passed away on Tuesday, June 12, 2018, at Sacred Heart Care Center in Austin.

Kermeth was born Dec. 3, 1931, to Arthur and Maisel (Babcock) Northwick in Madison, Wis. His mother died in childbirth and he and his twin brother were brought to the

Bricelyn, Minn., area and raised by his paternal grandparents, Andrew and Bertha Northwick.

He graduated from high school in 1950 and entered St. Olaf College in Northfield. In 1952, he joined the Marine Officer program; after graduation he served in Puerto Rico and Korea. He remained in the Marine Corps Reserve and retired as lieutenant colonel in 1977.

In 1956, Kermeth married Alice Jean Olberg. They moved to Austin in 1959, where he taught at Austin High School for 34



years. He loved teaching and learned a great amount of wisdom from his students. Kermeth strongly believed in education and earned his master's degree at the University of Minnesota, Mankato in 1972. He continued his education throughout his career, attending San Jose State in 1973, Pepperdine University in 1982 and Tufts University in 1984.

Kermeth also loved the precious time spent with his family, and despite devastating loss, remained diligent in building a broad and loving network of friends and extended family, which he took great joy in, both locally and across many parts of the world. He enjoyed traveling and visited Norway, England, France, Italy, Greece, Scotland, the Caribbean and Mexico, as well as many places in the United States.

Kermeth was preceded in death by his wife, Alice; daughters, Brenda and Karrin; and twin brother, Kenneth. He is survived by his son-in-law, Michael Boehm, West Des Moines, Iowa; sister, Audrey Rear, Verona, Wis.; many nieces and nephews, cousins, and many great friends.

The following paper is a carbon copy of the original. As a consequence the type is out of focus, but enlarging it makes it easier to read.



THE CONTROVERSIAL SHERMAN PAGE

A Report Presented in
Historiography 6553
Mankato State College

In Partial Fulfillment
of the Requirements for the Degree
Master of Science in History

by
Kermeth W. Northwick
March 1970

Date March 5, 1970

This report has been examined and approved.

Advisory Committee:

Phyllis F. Abbott Chairman

William E. Lass

Richard H. Annis

Date March 5, 1970

This report is submitted as part of the required work in the course Historiography 6553 at Mankato State College and has been supervised, examined, and accepted by the instructor.

Under the Alternate Plan for the Master of Science Degree in History, this report may be presented to the student's advisory committee as one of two studies offered in lieu of a thesis.

Instructor

William E. Lass
Signature

THE CONTROVERSIAL SHERMAN PAGE

Early Careers and Difficulties

Sherman Page played an important part in the early history of Mower County. He served as a superintendent of schools, political organizer, lawyer, and district judge. In these activities, Page caused many controversies and he quickly earned a position of prominence or notoriety depending on which side of the issue the citizen favored. A county historian in recalling the Page controversy stated:

Those were the most bitter days in the history of Mower County and the warfare of the Page and anti-Page factions, as they were called, brought Mower County into notoriety throughout the whole west. Today the matter has almost been forgotten or at least the bitterness has to a great degree disappeared and while the matter must be mentioned in a truthful history, the less it is dwelt upon the better.¹

Sherman Page was an imposing individual. He was a well-built, strong man, carrying with him everywhere, a look of dignity. He commanded wide respect. He was a shrewd, forcible and pleasant speaker as well as a sarcastic, vigorous writer. Both his friends and enemies recognized that he was a man possessed of more than ordinary ability, and before his unfortunate fall, he was thought capable by his supporters of filling any state office.

¹History of Mower County (Mankato, Minnesota: The Free Press Publishing House, 1884), p. 65.

Page was born February 23, 1833, in Vermont. Prior to his arrival in Mower County he had lived in Wisconsin and Iowa.² In 1857 he moved to Lancaster, Wisconsin, as a teacher. The history of his activities in this community was one of strife over the conduct of local school matters. He quarreled with his pupils, patrons, and friends until he had the whole area in an uproar. When the local newspaper criticized his management of the school, Page countered with a libel suit against the editor. His critics accused him of being indiscreet, vindictive, selfish and also lacking tact, wisdom, and judgment of human nature. A prominent citizen of the town spoke of Page as a man who "did love to raise hell...better than any man I ever knew. He was eternally at war with someone, until finally he became so unpopular that he was compelled to leave."³

In 1860 Page moved to Decorah, Iowa, as a teacher. He was soon in difficulty and was forced out of the position. He then obtained a lieutenancy in an Iowa cavalry unit and served at Fort Randall on the Missouri River frontier. He failed in this new career. He quarreled with his fellow officers and was expelled from their mess. Thus ostracized, he was forced to resign his commission to avoid dismissal on misconduct charges.⁴

²William Watts Folwell, A History of Minnesota (St. Paul: Minnesota Historical Society, 1926), III, 400.

³St. Paul Pioneer Press, August 30, 1877.

⁴Ibid.

In 1866 Page came to the township of Austin, Minnesota, to practice law and formed a partnership with E. O. Wheeler, a private banker and real estate dealer.

On September 5, 1866, Page was appointed superintendent of schools by the Mower County Board of Commissioners at an annual salary of \$400.00.⁵ It was during his second term in office that Superintendent Page began the conflict that tore the community into strong Page and anti-Page factions.

Page's struggle with the school authorities grew out of his desire to hold a teachers' institute in the school building during normal working hours the latter part of August. The trustees of the school board informed Page that this meeting must be held elsewhere and after school hours. Page refused to accept this and told the officials he would hold the meeting whenever and wherever he wished. When he found the doors to the school nailed shut, he used an ax and broke into the building and held the institute. Page was arrested but immediately released on bond.⁶

Subsequently, Page and an editor argued over the matter in a column set aside for school news in the Mower County Transcript. Page referred to the editor as a member of "the ring," a political group in control of the county. School board members and teachers took part in the controversy which excited many citizens.⁷

⁵Austin Daily Herald, November 8, 1941.

⁶Austin Register, August 20, 1867.

⁷Austin Daily Herald, November 8, 1941.

Continuing his offensive, Page became the champion of the county educators. He criticized the lack of facilities, proper equipment and decent working conditions. He won the presidency of the local teacher's association, but school authorities were unimpressed by his popularity and enthusiasm and in 1868 he was denied reappointment. He then returned to the practice of law.

Meanwhile Page had become a well-known local figure because his actions were debated in the press. The Mower County Register, a Republican oriented paper, was critical of his actions from the beginning. The Mower County Transcript, also Republican and which appeared in 1868, was a Page supporter until it changed ownership in 1875. The Mower and Fillmore County Republican appeared in the same year and supported Page throughout his career in Austin. The fiftieth anniversary issue of the Austin Daily Herald made the following statement of the coverage of the Page era.

The vindictiveness, monstrous characterizations and vicious accusations which appeared in print were examples of newspaper reporting at this time. Although they made for interesting reading, they failed to enlighten the citizens of the area.

A series of incidents continued to widen the rift between the Page and anti-Page factions. The first incident was a personal attack on Page which was not approved of by

⁸ Austin Daily Herald, November 8, 1941.

leaders of the anti-Page forces. It involved the disfiguring of a fine team of driving horses owned by Page and Wheeler. The Austin Register in referring to this incident stated that "a person who would disfigure a dumb beast would burn his neighbor's house."⁹

The second incident involved the construction of new sidewalks. The village authorities had begun laying three paralleled plank sidewalks to meet the needs of a growing community. Page and his law partner, Wheeler, kept a pair of horses in a barn on Bridge Street. The construction of the new sidewalks made it impossible for them to drive their team onto the street. One day the enraged Page took an ax and chopped up the section of the sidewalk blocking the driveway. Page was admonished by village officials and new sidewalk was again laid. Much to the surprise of the village, Page again destroyed the new section. When the sheriff tried to arrest him, Page and Wheeler locked the officer in a law office and began to argue law with him. When the citizens heard the loud, excited talking, they gathered in the streets below. The sheriff called for help and Page was taken forcibly to justice court. He was accused of violating the ordinance prohibiting the mutilation of sidewalks. Page was fined \$15.00 but the trial cost the village \$400.00.¹⁰ These

⁹Austin Register. July 18, 1869.

¹⁰Trial Transcript of State of Minnesota and Village of Austin v Sherman Page. Bill of Costs, September 21, 1869, Clerk of District Court Office, Austin, Minnesota.

actions seemed curious to Austinites and some expressed the opinion that Sherman Page was insane. Whatever Page's intentions were, he had now achieved a notoriety that made him regionally known.

Rather than withdraw from public life, Page in 1871 decided to be a candidate for the state senate representing Austin and Mower County. The Mower County Register vigorously opposed his election. The paper cautioned voters to be aware of this self-appointed political hero. The Transcript backed his candidacy and after his nomination, referred to him as a prominent lawyer, an honorable man, and a useful citizen. There were 1,856 votes cast, of which Page received 978 and his opponent 878. He failed to carry but one of the three wards in the village of Austin.¹¹

At this time Page was an aggressive self-righteous reformer who seemed bent on destroying the older party politicians by trying to discredit them, and even going so far as to charge them with criminal conduct in matters of public and party concern.

Page completed one legislative term and resigned all this so he could be eligible for a more important and longer lasting position--that of district judge.

¹¹Austin Daily Herald, November 8, 1941.

Notorious Judge

The 1872 legislature created a Tenth Judicial District composed of Mower, Houston, Fillmore and Freeborn counties and Page announced his candidacy for this judgeship.¹² He completely disregarded other practicing lawyers in the four counties who were more experienced and better qualified and deserving than he. Despite a campaign characterized by intense animosity and his own lack of experience, Page won the election easily, but received only a 200 vote majority in Mower County.

One of the dominant characteristics of the newly elected judge was his vehement opposition to liquor. Page neither smoked nor drank and was an active member in the local temperance movement, thereby intensifying the Page and anti-Page fight. "No quarter to my enemies" had been the motto of Page when he was a lawyer and many wondered if this partisan zeal would not be carried to the bench.¹³

In 1874 an incident occurred which tested his objectivity: Austin had five saloons operating without a license to sell hard liquor. One Saturday night in June, a group of women called the "Crusaders" marched downtown to protest. They entered the Zeller tavern followed by a large crowd, including the sheriff. A riot resulted and Judge Page, who arrived on the scene, ordered the sheriff to make some arrests. The sheriff was unable to do so and Page turned to

¹²Polwell, Minnesota, III, 400.

¹³Austin Daily Herald, November 8, 1941.

the men in the crowd and ordered them to assist the sheriff. One individual, a Thomas Riley, refused to obey the mandate and the judge said: "'I'll deal with you later.'" ¹⁴

The next year when Riley was serving as deputy sheriff, he presented a bill for duties performed for the county board. Page refused to allow the bill and later got into a barroom quarrel with Lafayette French, the county attorney, telling him that he had "sacrificed his party for this miserable little Irishman." When told that Riley would sue to receive his money, the judge reportedly replied: "Let him sue. It has got to come before me, gentlemen." ¹⁵ Many Austinites were shocked at this flagrant show of prejudice, which became the basis for Article II of the impeachment proceedings.

The quarrel with French served to heighten the bitter political scrimmages in the First Congressional District during the 1870's. The Republican Party was split into two factions, one supporting Representative Mark H. Dunnell of Owatonna and the other, the favorite sons from the counties in the district. Mower County usually sent two delegations to the convention comprised of Page and anti-Page supporters. ¹⁶ The Mower County Republican backed Page and his followers and denied they constituted a political ring. The paper declared this group

¹⁴ Austin Daily Herald, November 8, 1941.

¹⁵ Journal of the Senate of Minnesota sitting as a High Court of Impeachment, for the trial of Hon. Sherman Page (St. Paul: Ramaley and Cunningham, 1878), I, 265.

¹⁶ H. P. Hall, Observations From 1849 to 1904 (St. Paul, 1904), p. 297.

to be the legitimate Republican Party and the "mongrel ring" that opposed it was said to be backed by Democrats and others unworthy of Republican votes.¹⁷

The case of county treasurer, Ingmund Ingmundson, pointed out the involvement of politics in the Page struggle. Ingmundson was an active member of the Republican Party and had supported the liberal movement in Hower County with which Page was strongly identified. However, at a county meeting in 1875, Ingmundson spoke out against Page's leadership, attacking what he called "one man power" in politics.¹⁸ Page became so angry over this denouncement that he refused to have anything to do with Ingmundson.

Ingmundson was re-elected county treasurer in the fall of 1875. The following year Judge Page ordered a grand jury to investigate alleged irregularities in the office of the county treasurer. The grand jury could not find any irregularities and refused to indict the treasurer. Page sent the jury back with an order to bring out an indictment. When they failed to do so a second time, he not only dismissed them but charged them with incompetence. He then ordered the county attorney, Lafayette French, to make out a complaint for Ingmundson's arrest and had him tried without

¹⁷Hower and Fillmore County Republican, November 4, 1875.

¹⁸Journal of the Senate, Page Trial, I, 481.

"Sir--Knowing you, and believing that your prejudices are stronger than your sense of honor, that your determination to rule is more ardent than your desire to do right; that you will sacrifice private character, individual interests, and the public good, to gratify your malice; that you are influenced by your ungovernable desires to abuse the power with which your position invests you, to make it a means of oppression rather than of administering justice, that you have disgraced the judiciary of the State and the voters by whose suffrages you were elected; therefore, we the undersigned citizens of Hower County hereby request you to resign the office of judge of the district court, one which you hold in violation of the spirit of the constitution, if not of its express terms."²¹

Page became more angry as the citizens took sides against him. He began examining well known citizens and having them arrested for contempt. He was seeking to uncover the leaders of the conspiracy framed against him. Page soon charged Lafayette French with circulating libelous statements about the district judge. In an unusual hearing Page passed judgment on the truth of charges aimed at himself. In July, Page, having found the charges and specifications true, suspended French from practicing law for a time.²²

News of Page's actions spread throughout the area and comments criticizing his judicial behavior could be found as far away as Bismarck, Dakota Territory. In 1877 the St. Paul Pioneer Press in a series of editorials accused him of sitting as an accuser, judge and jury. Page became very angry and

²¹Journal of the Senate, Page Trial, III, 330.

²²Felwell, Minnesota, III, 402-03.

immediately had the Pioneer Press reporter arrested and brought libel charges against the paper for \$60,000.²³ However, none of his actions were successful.

According to Page, the paper had accused him of carrying out a personal vendetta, of harassing a grand jury, and had likened him to a genuine judicial bully more troublesome than a plague of grasshoppers. Page stated in an affidavit that these remarks hurt his reputation and impaired his ability to act as an effective judge.²⁴

C. H. Davidson, editor of the Austin Register, believing he had been ignored, was delighted that Page would sue the Pioneer Press. He stated: "Go for 'em if you like, Sherman; we know they don't like you any better than we do."²⁵

It was evident, however, when the bar association assigned a group of lawyers from the four counties the task of examining the validity of these accusations, that Page had friends and defenders. They were especially concerned with the allegations made by the St. Paul Pioneer Press. The committee met for three days and announced that they did not deem it necessary to reprimand the judge, because they believed he had not violated any code of conduct. The opposition forces

²³Austin Register, August 7, 1877.

²⁴Trial Transcript of Sherman Page v St. Paul Pioneer Press, May 16, 1877, Clerk of District Court Office, Austin, Minnesota.

²⁵Austin Register, May 24, 1877.

immediately called this action a complete whitewash of the issues.

The decision to attempt to impeach Page came about in the remaining months of 1877. On January 22, 1878, twenty-six angry citizens of Mower County presented their petition to the Minnesota House of Representatives urging that Page be impeached. Interestingly all of these complaints originated in Mower County; there were no complaints from Fillmore, Freeborn, and Houston counties which comprised the remainder of Page's district. The judiciary committee was given the task of examining the particulars of the charges and agreed at the outset to permit a procedure similar to that of a grand jury inquest, whereby, Page and his lawyers were allowed to call witnesses and cross-examine those summoned by the committee. These preliminary private hearings lasted a month. The judiciary committee then reported its conclusions to the House; and on February 27, 1878, by a vote of seventy-one to thirty, Sherman Page was impeached for crimes, misdemeanors, and corrupt conduct in office.²⁶

Trial and Vindication

The impeachment trial of Judge Page convened in May, 1878. Of the ten articles of impeachment, eight alleged

²⁶Folwell, Minnesota, III, 403-04.

malicious treatment of individuals and one, an insult to a grand jury; the tenth was a blanket charge of arbitrary and offensive actions toward officers of the court and county.

The trial was conducted in the customary order of a criminal suit with one exception, a concluding argument by the prosecution was allowed. The testimony was characterized by an unusually high number of discrepancies and rank contradictions. Many trying hours were spent in deciding trivial questions. Page handled himself very well throughout the trial. His testimony was skillfully given and it was not damaged to any extent by the cross-examination.

The attorneys for both sides were able and experienced men. The prosecuting counsel had a difficult and trying job in carefully presenting every charge in order to gain a conviction. J. B. Wakefield, lieutenant governor, acted as the President of the court, Charles W. Johnson, Secretary, and M. Anderson was the Sergeant at Arms.²⁷

The defense attorneys were Cushman Kellogg Davis, J. W. Losey, and J. A. Lovely. Page was especially fortunate

²⁷Edward Duffield Neill, The History of Minnesota from the earliest French Explorations to the present time (5th ed; Minneapolis: Minnesota Historical Society, 1883), p. 769.

in having the services of Davis, a former governor of Minnesota and noted as one of the ablest and most prominent members of the Minnesota bar. In the opinion of a Wisconsin senator, Davis was brilliant and presented legal arguments with the strength and eloquence that could be excelled by no one.²⁸

Early in the trial, Davis became the dominant member of the court. He spoke of the seriousness of the charges, the rights of the individual and the need for objectivity. He reminded the senators that it was not for them to cause political death under the ambush of impeachment. He mentioned the importance of the integrity and independence of the judicial department and referred to the recent impeachment trial of President Andrew Johnson as an example of an invasion of one branch of government's power by another.

Near the close of the trial, Davis discussed the beginnings of Page's difficulties. He spoke of the "old political ring" in Austin and their long crusade to destroy Page. He talked of a conspiracy fostered by a private mob and conducted through the efforts of a private attorney. In general, Davis considered the accusations trivial but the precedent it might establish, dangerous.

²⁸James A. Baker, Lives of the Governors of Minnesota, Collections of the Minnesota Historical Society, Vol. XIII (St. Paul, 1908), p. 205.

The voting took place on June 28. Only the vote of Senator George W. Clough from Mower County prevented an unanimous acquittal on four of the first five articles. There were cases where the majority voted guilty but there never was a two-thirds majority vote that could bring about a conviction. The case ended with an acquittal on every charge and specification.²⁹

An interesting side effect of Page's impeachment was the writing of a play by a St. Paul attorney, Dewitt Clinton Cooley. The play, entitled The High Old Court of Impeachment, was a farce of the Page proceedings. The play was first presented in Austin on June 10, 1880. A review of the play appeared in the Mower and Fillmore County Republican on June 11. It stated: "The Austin Dramatic Club, Jr. acquitted themselves with great credit, presenting each part in a masterly manner. The entertainment was first class and was received with great applause."³⁰ There is no record available of Page's reaction to the production.

Page, pleased with the result of the trial, returned to Austin. His friends believed he had been vindicated. But for his opponents, there had never been a gloomier day in

²⁹ Polwell, Minnesota, III, 407.

³⁰ Mower County Republican, June 11, 1880.

Austin. David Blakley, former editor of the defunct Austin Mirror wrote in the Minneapolis Tribune:

"Page is technically acquitted but morally convicted beyond reach of hope. We believe him a mono-maniac on the subject of his own importance and the criminality of any opposition to his wishes. He is a born egotist and a natural tyrant."³¹

The anti-Page forces were so disheartened by the turn of events that an "indignation" meeting was called for in the public square. Mayor E. P. Von Valkenburgh of Austin made an emotional speech in which he claimed all the brave soldiers who fought at Shiloh, Vicksburg, Atlanta, and Lookout Mountain had been made cowards by this cashiered lieutenant of the home guards.

Page with one year remaining of his term now returned to the bench. A petition requesting his resignation was signed by 1,500 citizens and published in the Transcript. A committee presented the petition to Page, who agreed to take it under consideration and personally interview all signers.

In June, Page called for a meeting at Jones Hall to discuss the grievances. The hall was packed with anti-Page personnel and the atmosphere was very hostile.³² Page gave a long speech defending his behavior on the bench and declared the assaults of his enemies had forced him to fight. He assailed the mayor for his vicious attacks and called them

³¹Austin Daily Herald, November 8, 1941.

³²Ibid.

all lies. The mayor started across the hall in a rage and had to be restrained by members of the crowd. The speech was not a conciliatory one and Page stated emphatically he would not resign and planned to serve out the rest of his term.

In April, 1879, Page announced his candidacy for the judgeship in the election that fall. He said he could not withdraw without endangering the principles of reform which he had always adhered to and advocated. He was still active in the temperance movement and the reform section of the Republican Party which was striving to remove corrupt elements of the old Mower County "ring." He must continue to fight against the forces that were trying to crush him.

The anti-Page faction was surprised at Page's decision to run again. The Austin Register reported:

We said he was acquitted but not vindicated. We said he would live in history as the fly embalmed in the amber of ex-Governor Davis' eloquence. If we had a thousand votes to cast he should not get one.

The paper urged the friends of Page to persuade him not to enter the election so that peace might return to the county.

At a judicial convention held in Rushford, in August, 1879, J. O. Farmer was chosen as candidate for the judgeship. Farmer had occupied the bench on an interim appointment during the impeachment proceedings.

The campaign was hard fought and carried extensively in the local papers. A committee of anti-Page people wrote

³³Austin Register, July 17, 1879.

a complete review of Page's life. The history of his "misdeeds" and "meanesses" filled four columns and was circulated throughout the district. The final results of the election gave Farmer 6,833 votes and Page 750. Austin city and township cast majorities against Page.³⁴ Page had sought a complete vindication in his candidacy for re-election but his hopes were disappointed.

In December, 1879, there was a meeting of citizens in Jones Hall. The purpose was to induce friends and enemies of Page to let bygones be bygones and to live in tolerant, if not cordial, friendship. The papers called it "A Grand Peace Demonstration." Page addressed the meeting and said he had always acted without bias or prejudice. He had nothing to retract or regret. A number of resolutions commending Page were adopted at this time. A committee was appointed to investigate charges of fraud in the election, but it proved useless for lack of enthusiasm.

Page then retired from public life, but remained a controversial figure to the citizens of Austin. On the evening of August 24, 1880, while Page sat reading by his living room window, a would-be assassin fired a double barreled shotgun at him. He was hit on the left side of the head and in the neck by several pieces of buckshot. Most

³⁴Austin Daily Herald, November 8, 1941.

of the shot went into the wall and ceiling and a slug passed through the stovepipe; the window frame and screen were badly shattered by the shot.

The community was shocked, but there was no great effort made to apprehend the criminal. Page hired a Pinkerton detective, Arthur Wood, for the sum of \$257.00. This expense was later paid by the county.³⁵ The detective apprehended the suspect, John Riley, in La Crosse, Wisconsin. He was the brother of Thomas Riley, the former deputy sheriff who had been involved in the Page impeachment.

Page blamed the best citizens of Austin for the attempted assassination. He claimed they had "hired the Riley boys" to kill him. Page appeared at the preliminary hearing as a counsel for the prosecution, assisted by J. A. Lovely of Albert Lea. Lafayette French represented the defense. The grand jury indicted Riley for attempted murder and, in lieu of \$6,000 bail, he was confined to the Freeborn County jail. Page had made serious objection to the prisoner being placed in the Mower County jail. He believed that jail to be inadequate and the prisoner would probably escape.

The trial was held in Dexter as the defendant's lawyer believed prejudice in Austin would prevent a fair trial. Page

³⁵ Trial Transcript of State of Minnesota v John Riley, November 29, 1880, Clerk of District Court Office, Austin, Minnesota, p. 3.

asked that Lafayette French be removed as the defendant's lawyer because of his prejudicial attitude. Page stated that French wanted him dead and would do anything to delay justice.

Page testified and was the main witness against Riley. The testimony brought out the bitter feelings that still existed between Page and the community of Austin. Page stated that the Riley brothers hated him for his political views, his judicial proceedings, and his anti-temperance beliefs. He mentioned the hostility shown to him by Frank Riley at a recent political convention.³⁶ Frank Riley had operated a saloon in Austin during the time Page was a judge.

In his testimony Riley admitted his hatred for Page but stated this was the general feeling of most of the citizens in Austin and Albert Lea. He said that, "there are lawyers and merchants there who would give \$5,000 to get rid of that old Judge."³⁷ He did not think they would ever apprehend the man who shot at Page because no citizen would help the authorities. The defense lawyers stressed the lack of evidence connecting Riley to the crime. The trial lasted one week and the jury took less than two hours to bring in a verdict of "Not Guilty."

³⁶State of Minnesota v John Riley, February 28, 1881. Clerk of District Court Office, Austin, Minnesota, pp. 2 and 12.

³⁷Ibid., p. 44.

In 1882 Page left Austin for California. He settled in the Los Angeles area "where he engaged in farming and horticulture."³⁸ Judge Page died January 5, 1918, at Sierra Madre, California. The California record lists his occupation as "retired lawyer."³⁹

The Page era was merged with a political situation of the bitterest kind and into this the opposing factions leaped with their personal hatreds and partisan animosities. The struggle involved schools, churches and businesses. Few citizens escaped the emotion surrounding the Page fight.

In reading the accounts of those days, the author has reached the conclusion that restraint on both sides would have been necessary to have avoided this fifteen year battle.

The newspapers of the city must share the blame for the difficulties of this era. Their reporting was biased and misleading and at times reached the state of a frenzied crusade. A more temperate and objective type of reporting might have made the situation less explosive.

Fault can also be found in the personality of Judge Page. Although he was a man of marked ability and possessed a good mind, he was too much of a partisan to be a judge. Naturally combative and quick to form conclusions, he took sides on every matter that came before him. He was

³⁸ History of Mower County (Mankato, Minnesota: The Free Press Publishing House, 1884), p. 65.

³⁹ Letter from California Bureau of Vital Statistics to the author, November 20, 1967.

inexperienced, overconfident of popular support, sarcastic and at times boisterous in expression. Page was an able lawyer but he proved to be a failure as a judge. His very zeal defeated his efforts toward reform.

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Credits & Acknowledgments

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