In March, 1944, the Minnesota legislature assembled in special session to consider the problem of soldier suffrage. To some this may have seemed a problem peculiar to the Second World War. Minnesota, however, had faced a similar question in the fall of 1862, when soldier voting had become a burning issue and the theme of partisan political debate. Consequently, the legislature convened in special session to take appropriate action.

In some respects the situation in the Civil War period differed from that of the 1940's. The controversy over federal versus state control had not yet arisen. To the citizen of 1862, the states' rights theory was a political fact, accepted by the members of all parties. Without considering any other possibility, the voter vested the control of the elective franchise in the state. The collecting of soldier ballots, dependent as it was upon the crude transportation facilities of the 1860's, involved nearly as many difficulties as in 1944, despite the fact that the soldiers in blue were stationed within the continental limits of the United States, while the men in khaki were scattered all over the world. To the electorate of the earlier period, the idea of absentee or proxy voting was still a novelty. But in most respects the state of affairs in 1862 was similar to that of 1944. The debate in 1862 was, if anything, more acrimonious; the result was the same—some Minnesota soldiers voted.1

The earliest Minnesota references to the question of soldier suffrage probably appeared late in 1861 and early in 1862 in two Democratic weeklies. The first reprinted without comment a brief article from the La Crosse Democrat referring to the effect of the Pennsylvania voting law upon the 1861 elections. According to the Wisconsin newspaper, two-thirds of the soldiers voted for the Democratic ticket. The second item, of two sentences only, mentions the soldier voting law then pending before the New York legislature and asks if it would not be a good plan for the Minnesota solons to pass a similar law.

Aside from these isolated instances, the extant Minnesota newspapers seem to have been silent on the question of soldier suffrage until the late summer of 1862, when a controversy arose over the need for a special legislative session to deal with the question. The Democrats claimed that a proposal to legalize soldier voting had been discussed during the session from January 7 to March 7, 1862, and that the Republicans, who controlled the legislature, were responsible for its failure. Evidence that the project was submitted, however, is lacking both in the legislative records and in the press of the period. Debate must have been confined to the halls and cloakrooms of the Capitol, or it may have existed only in the imagination of a Democratic editor. Be that as it may, state-wide public discussion of the problem was inaugurated by the Pioneer and Democrat of St. Paul on August 19, 1862. In a front-page editorial on “The Disfranchisement of the Citizen Soldier,” the paper estimated that a third of the state’s voters would soon be in military service. The citizen who enlisted was hailed as a hero, but at the same time he was branded as inferior to the meanest coward by being deprived of his vote. In concluding, the editor asked the state authorities to rectify this injustice and give it their earnest and prompt consideration.

*Scott County Argus (Shakopee), November 30, 1861; Mankato Semi-Weekly Record, February 8, 1862.*

The normally Democratic Pioneer and Democrat had been assigned the public printing and was enjoying a brief interlude as a supporter of the Republican party, the dispenser of political favors in Minnesota at the time. See also St. Paul Journal, August 28, September 18, 1862.
Having initiated the controversy, the *Pioneer and Democrat* became mute upon the question, possibly shocked into editorial silence by the ardent enthusiasm with which its local rival, the *St. Paul Daily Press*, took up the cudgels for the soldier. On August 20, the day following the first editorial in the *Pioneer and Democrat*, there was launched in the *Press* a continuous series of editorials on the subject from the vigorous pen of Joseph P. Wheelock, who has been called "one of the ablest writers that the journalism of Minnesota ever had." In his first article, Wheelock, who was a close friend and steadfast political supporter of Governor Alexander Ramsey, called for an extra session of the legislature to adopt measures for taking the votes of all volunteers. In the next day's issue, on August 21, the *Press* published a petition to be signed by the citizenry, praying the governor to convene an extra session to consider soldier voting, conditions on the frontier resulting from the Sioux Outbreak, appropriation of the money required as a result of the new government call for troops, and legal authority to enable counties to appropriate money to aid the families of volunteers.

As the petition suggested, the serious Indian uprising gave added force to the demand for an extra session, although the original reason had been the enfranchisement of the citizen soldier. The first murders by the Indians were committed on August 17 in Acton Township, Meeker County. Vague news of the event reached St. Paul on the evening of the nineteenth and appeared in the newspapers on the twentieth, the day on which the *Press* published its first editorial favoring an extra session. Even before the shocking reports of the Indian massacres spread through the state, the Republicans swung into action to support the suggestion of the *Press*. At Owatonna, the Republican convention of the First Congressional District unanimously passed, on August 21, a resolution urging an extra session and giving as the sole reason for it the enfranchisement of the state volunteers. A petition to the governor was being circu-

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*Daniel S. B. Johnston, "Minnesota Journalism from 1858 to 1865," in *Minnesota Historical Collections*, 12:218. Many printed copies of the petition that appeared in the *Press*, all with long lists of signatures, are preserved in the Minnesota Governor's Archives for 1862, in the custody of the Minnesota Historical Society.*
To his Excellency Alexander Ramsey, Governor of the State of Minnesota.

The undersigned, citizens of the State of Minnesota, would respectfully but earnestly petition your Excellency, that without delay, you call an extra session of the Legislature of the State, for the following reasons:

I. Some steps should at once be taken to prevent the disfranchisement of the volunteers who have already enlisted, and those who may hereafter enlist in defence of the government, by providing some means by which their votes may be received. It is most unjust that those, who, by enlisting, exhibit superior patriotism, should be reduced to less than the ordinary rights of citizenship; and when, as in the present instance, the number of volunteers is equal to nearly one-third the entire voting population of the State, the grievance assumes such magnitude as to demand the immediate action of the State government.

II. The condition of our frontier is such as to require prompt action by the State government for the protection of the lives and property of the settlers. It is evident that a wide-spread insurrection among the Indians has been inaugurated. The National government, embarrassed by a great and absorbing war, cannot be expected to give sufficient attention to the affairs of a remote frontier people. We must provide for our own defence, and do so promptly; and this end can only be obtained by convening the Legislature, and by the passage of an efficient militia law, and such other legislation as may be deemed necessary.

III. The new call for troops to be furnished by this State, to the number of over five thousand, will in all probability render necessary on the part of the State many new expenditures, and we are informed that the last Legislature made no provision, by appropriation, sufficient for such an emergency; and that the action of the Executive Department is now, and will hereafter be, greatly embarrassed, unless by the convening of the Legislature steps are taken to provide for the extraordinary demands now made on the State Government.

IV. For the purpose of raising the quota of the State under the late call for 600,000 men, nearly all the Counties and many of the Townships have assumed liabilities for the support of the families of volunteers, by the issue of bonds or otherwise, which it is proper should be at once legalized by legislative action, and made to rest equally upon the taxable property of the localities issuing them.

And your petitioners will ever pray, &c.

A Petition Signed by Citizens of Nininger Asking for an Extra Legislative Session in 1862

[From the Minnesota Governor's Archives, 1862.]
lated and signed. Favorable editorials appeared in the Republican press. On August 24, just five days after the appearance of the first editorial in the *Pioneer and Democrat* and three days after authentic information about the extent and character of the Sioux Outbreak had reached St. Paul, the governor issued a call for the legislators to assemble, basing his decision upon "unmistakable popular demand" as evidenced "by petitions from different parts of the State numerously signed."  

The popular demand, adduced by the governor, did not arise from and found no acclaim among the Democrats. The reasons given were not satisfactory to any class of citizens, they insisted. The Indian difficulties were not a valid excuse for such an added expense to the state, for the extra session had been decided upon before the Sioux Outbreak. As for soldier suffrage, that should have been considered during the regular session when it was urged upon the legislators, and besides the soldiers were not interested in voting. The Republicans, declared one Democratic paper, "only care for them [the soldiers' votes] now, to the extent they can be made subservient to partizan objects." To the Democrats and the anti-Ramsey Republicans, the extra session represented only a sinister plot on the part of Governor Ramsey to have himself elected to the United States Senate. The few dissident voices, however, could hardly be heard over the chorus of approval from the Republican press. What the Republicans hoped to gain from the passage of a soldier voting law is aptly expressed in a letter written on August 28, 1862, by the lieutenant governor and the Republican candidate for representative in Congress, the colorful Ignatius Donnelly, to his "dear old woman" in Nininger: "Everything going right. We are going to have an Extra Session to enable the soldiers to vote before they leave the State—this will place my election beyond doubt—and would require but a short canvass on my part. I send a petition to Louis [Faiver] have it extensively signed & sent to me here soon."  

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6 Donnelly Papers, in the possession of the Minnesota Historical Society. For a note on Faiver, see W. H. Mitchell, *Dakota County*, 82 (Minneapolis, 1868). The petition
On September 9 the legislature met in joint session to hear the message of the governor. The major part of the address was necessarily devoted to the subject uppermost in men’s minds, the Indian attack on the frontier settlements, but the governor also urged upon the members the absolute necessity of guaranteeing to the soldiers of the state the right of suffrage. If the volunteers were to remain disfranchised, it might come about that the governments at home would be administered by “timid or disloyal spirits.” This “would be armed right contending against legalized treason.” Translated from oratory into political realism, this meant that, without the soldiers’ votes, the Republicans might cease to be the dominant party in the state of Minnesota.

When the Senate convened on the following day, Senator Rufus J. Baldwin of Hennepin County introduced Senate File No. 2, popularly known as the “soldiers’ voting bill.” The partisan debate centered chiefly about the question of constitutionality. With an election less than a month away, the Democrats found themselves in a difficult position. They had but five votes in the senate to sixteen for the Republicans, so the bill was sure to pass. If they opposed soldier suffrage, they might lose the soldier vote and with it the election. The Democratic leader, Senator William S. Moore of Stearns County, gave voice to the Democratic attitude. He insisted that the soldiers must and should vote, but denounced the present bill as “fraught with danger to the State,” quoting “with peculiar unction” the decision of the Pennsylvania supreme court, which had declared a similar bill unconstitutional. As the Republicans phrased it, the soldiers “must be led to believe that the Democratic party loved not them the less but the constitution more!” An attempt to refer the bill to the Republican attorney general, who was credited with believing it unconstitutional, was voted down, twelve to six.

mentioned, with Faiver’s signature appearing first on the list, is in the Governor’s Archives. The Democratic viewpoint toward an extra session is expressed by a writer in the Journal for August 28, 1862. The extra session was championed by the Press in its issues of August 23, 24, and 30, 1862. The State Atlas of Minneapolis for September 10 and 17, 1862, led the Ramsey opposition.

7 For the governor’s message, see Minnesota, Executive Documents, 1862, extra session, 14.
One Republican joined five Democrats in voting yea. The final vote on the passage of the measure was thirteen to six. Thirteen Republicans voted for the bill, four Democrats and two Republicans against it. Senator Moore abstained from voting at his own request and one Democrat was absent. This record furnished excellent campaign material for the coming political contest. As the Republicans emphasized again and again, not a single Democratic senator had voted for the bill. The editor of the Stillwater Messenger declaimed: “The same party that thus attempted to disfranchise our citizens, a few years ago extended the right of suffrage to the Sepoys that are now desolating our frontiers, and against whom these would-be disfranchised soldiers are now marching at the risk of life and the sacrifice of home comforts. O consistency!”

In the house, where the Republicans had control thirty to twelve, the bill underwent a number of changes. Various amendments were adopted and others rejected, in no case by a strict party vote. The amended measure was passed on September 23, 1862, by a vote of thirty to six. Twenty-three Republicans, two Union Democrats, and five regular Democrats voted for the bill; four Democrats and two Republicans voted against it. The senate concurred in the amendments without a dissenting voice. With the signature of the governor on September 27, the bill became effective and remained in force until it was repealed in 1866 by a revision of the statutes. To meet the inevitable costs, the legislature appropriated $1,200.00. Since it would require time to visit all the regiments, the annual election date was moved ahead from the first Tuesday after the first Monday in October to the same day in November, or, in 1862, from October 7 to November 4.

8 Senate Journal, 1862, extra session, 11, 16, 28, 31, 33, 43–45, 49; Press, September 19, 1862; Chatfield Democrat, November 1, 1862; Stillwater Messenger, September 23, 1862. “Sepsos” were Indians who had been granted the right to vote on the initiative of the Democratic wing of the Minnesota constitutional convention of 1857 when drawing up the state constitution. See Minnesota Constitutional Convention (Democratic), Debates and Proceedings, 428–437 (St. Paul, 1857). A favorite epithet of the Republicans was the term “moccasin Democrats.” For an example of its use, see Harlow Gale to Donnelly, July 11, 1863, Donnelly Papers.

9 House Journal, 1862, extra session, 63, 65, 77–80, 84–89; General Laws, 1862, extra session, 18. A fuller account of the legislative difficulties in the house is given in Josiah H. Benton, Voting in the Field, 69 (Boston, 1915). The principal expense in-
Briefly, the measure provided that soldiers and sailors over twenty-one years of age, who had been residents of the state for four months and of any election district for ten days prior to entering the service of the United States or of the state of Minnesota, should be entitled to vote in that election district “during the continuance of the present war.” The ballots were to be collected by commissioners sent to the troops in the field for that purpose, and then returned personally or by mail to the election district, where they were placed unopened with the other ballots and canvassed, “in no way distinguishing the same from the other votes cast.” Election judges were directed to accept without challenge these soldier ballots, “unless the person whose name is endorsed upon the envelope shall have died after the certifying of the same.” The bill stated “That there shall be appointed by the Governor, by and with the advice and consent of the Senate, two commissioners for the eastern and middle States and for such of the southern States as lie east of the western line of the States of Virginia, and North and South Carolina; two for the western and the remainder of the southern States, and two for this State; said commissioners to be selected equally from the two recognized political parties of the State.”

The last provision is noteworthy. In the neighboring state of Wisconsin, and in many other states, the voting judges were the high-ranking officers of the various regiments. Since they were for the most part the political appointees of the party in power, the possibility of influencing votes in the day before the secret ballot was unlimited, and charges of fraud were frequent. Minnesota provided a representative of each party to guard against such chicanery. Even the Democrats had to concede that the law offered safeguards of every kind against irregularities in the voting. Nevertheless they asserted that the law was unconstitutional.

In collecting the soldiers’ votes consisted of payments to the commissioners. Each was to receive the “sum of three dollars per day for each day he may be employed ... and the sum of five cents per mile for each mile he may necessarily travel in the discharge of his duty.” If ballots were mailed, they were to be prepaid at no cost to the soldiers.


Frank Klement, “The Soldier Vote in Wisconsin during the Civil War,” in
Constitutional or not, the adherents of both parties immediately took steps to put the provisions of the bill into practice. Governor Ramsey appointed the six commissioners, but apparently the post was not a coveted one, as four appointees declined to serve and had to be replaced. In the meantime the chairmen of the Republican and Democratic state committees appealed to their respective county chairmen to send the county tickets to them immediately. Judge Abner Lewis of Winona, commissioner for the western states, departed on October 14. On the same day Commissioners George W. Sweet and D. C. Evans arrived at Fort Snelling to receive the votes of the soldiers stationed there. A reporter for the *St. Paul Press* on October 15 presented a vivid, if partisan, picture of the balloting at the post: "The Democratic candidate for Congress in the Second District, with a posse of retainers, was already on the ground endeavoring to induce the Soldiers to desert their principles, and by voting for Major [William J.] Cullen," Donnelly's rival for the congressional seat, "sanction the outrageous platform put forth in the Democratic State Convention of last July. Nothing that button-holing and coaxing and wheedling could do, was left undone, to reconcile the inconsistency of swearing to support the cause of the Union on the battle-field, and upholding the cause of treason at the ballot-box. The Major had a keg or two of lager brought out, to induce the boys to think well of him, and while swallowing the beverage, forget the bitter doctrines inculcated in the platform which he upholds. Even whiskey was smuggled in, in the Major's buggy, much to the disgust of the very men, who it was supposed would be greedy for it." The report reveals, however, that "it was of no use. The Major's lager was drunk, of course, and did they hurrah

Wisconsin Magazine of History, 28:37–47 (September, 1944); *Journal*, October 10, 1862.

12 *Press*, October 7, 1862; *Journal*, October 10, 1862; *Winona Republican*, October 13, 1862. Lewis describes the difficulties encountered by the commissioners in a letter to Donnelly, December 19, 1862, Donnelly Papers. In his diary for Sunday, September 28, Ramsey records: "Not at Church. Session closing tomorrow. I was engaged in consultation with friends in selecting Election Commissioners for Soldiers." A manuscript copy of the Ramsey Diary for 1862 is owned by the Minnesota Historical Society. A letter to Ramsey from John M. Gilman, October 3, 1862, refusing the post of commissioner and suggesting William Sprigg Hall in his place, is among the Ramsey Papers in the possession of the Minnesota Historical Society.
for 'Cullen?' If they did they had a queer way of expressing themselves, for it sounded very much like 'Donnelly.'”

In the fall of 1862 the Sioux Massacre scattered the regiments then in the state all along the frontier. As a result the commissioners had to travel from Winnebago and Fairmont in the south to Fort Abercrombie on the western border, a long distance over the poor roads of the day. On October 15 they left Fort Snelling to take a boat up the Minnesota River. The original plan was to stop at St. Peter, the Winnebago Agency, New Ulm, Fort Ridgley, and Camp Release at the junction of the Chippewa and Minnesota rivers. From there the commissioners intended to strike across country to Glencoe, Hutchinson, Forest City, and points in the Sauk Valley, and thence to Fort Ripley and Fort Abercrombie. For some reason they returned to St. Paul before proceeding to Fort Ripley. In the Capital City the votes already received, some twenty-two hundred in number, were mailed. On October 31 the commissioners hired fresh horses and started for the camps on the upper Mississippi. Other commissioners were visiting the four Minnesota regiments in service outside the state. The vote of the First Minnesota Volunteer Infantry was received at Bolivar Heights, Maryland, on October 21 and 22. Those of the Fourth and Fifth Minnesota were mailed from Louisville, Kentucky, on October 23, and that of the Second Minnesota was taken on the twenty-fourth.

Both Republicans and Democrats attempted to make political capital of the soldier voting bill. The Republicans pointed to the Democratic votes against the bill, particularly in the senate, and conveniently forgot to mention that in the house more Democrats voted for the measure than opposed it. The Democrats claimed that their adversaries had openly and boldly violated the constitution in allowing soldiers to ballot a thousand miles from home. Not even

18 A similar account is given by J. C. Braden, a soldier stationed at Fort Snelling, in a letter to C. W. Thompson, October 15, 1862. The letter, which Thompson forwarded to Donnelly, is in the latter's papers.

19 Press, October 14, 1862. A detailed report of the votes polled in Minnesota is given by George W. Sweet in a letter to Donnelly, January 13, 1863, Donnelly Papers.

the poor taxpayer was forgotten. First, there was the cost of the extra session, then the expense of administering the law, and finally the burden of litigation growing out of contested elections. All this unnecessary exactment was laid at the door of the Republicans.  

Both sides claimed the majority of soldier support in order to induce the stay-at-homes to vote as the boys in the field did. At Fort Snelling the votes were four to one for Cullen, or so his supporters claimed. A soldier of the First Minnesota was quoted in a Republican newspaper as claiming that Donnelly and William Windom, the Republican candidates for Congress, had received nineteen out of every twenty votes polled. From the same regiment, a soldier's letter to a Democratic journal reported more modestly that two-thirds of the votes were Democratic. A Republican newspaper asserted that one company, captained by a former Democratic state senator, had voted the Republican ticket solidly, officers and men. The Democratic press pointed out, truthfully enough, that this company had not voted at all because the commissioners had been unable to reach it. In the Fifth Minnesota, the Republicans announced gleefully, the soldiers had burned the Democratic tickets as soon as they saw them. That was just one of "Mr. Ignis Fatuis Donnelly's electioneering lies," retorted the Democrats. So the debate continued, rising to a shrill crescendo as election day approached.  

Unfortunately for the Democrats the election was not decided by the billingsgate of the contending factions, but by votes deposited in the ballot box. On November 4, 1862, the Republicans elected two members to Congress, each with a majority of over two thousand, and the party carried all but six counties in the state. For this vic-

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16 See the statement of Robert F. Fisk, chairman of the Republican state central committee, in the St. Cloud Democrat, October 16, 1862. A good statement of the Democratic viewpoint is in the Chatfield Democrat, October 18, 1862.

17 Journal, October 17, 31, 1862; Press, October 28, 29, 31, November 1, 1862; Mankato Semi-Weekly Record, November 1, 1862. The company that did not vote was Captain Alonzo J. Edgerton's Dodge County Guards, later Company B, Tenth Minnesota Volunteer Infantry, which was stationed at the Winnebago Agency. Also disfranchised was Company H, Ninth Minnesota, located at Glencoe, according to a letter of Captain William R. Baxter to Donnelly, November 4, 1862, Donnelly Papers.

18 Executive Documents, 1862, p. 672. The commissioners estimated the total number of soldier ballots at 3,277. See letters to Donnelly from Abner Lewis, December 19,
tory, the *St. Paul Daily Union* gave Governor Ramsey credit. Without the extra session, which had passed the soldier suffrage bill, the Republican congressional candidates would have been defeated. Despite this praise of the law and the general success of the ticket, the Republicans as a whole were not content and complaints began to pour in. The “Dodge county boys” at the Winnebago Agency passed a resolution protesting that they had been deprived of their rights when the commissioners failed to reach them. The Republican press was full of such terms as “failure,” “fizzle,” “humbug,” “swindle” applied to the voting law. It was asserted that less than half of the soldiers' votes were obtained. In fact, one newspaper went so far as to claim that not one service vote in ten reached the home precinct. The *Hokah Chief* reported that of some two hundred and fifty straight Republican ballots, not one was received in that town. From Stillwater came word that but two votes had arrived from the First Minnesota, although nearly a hundred Stillwater men, many of whom had written home that they had voted, were serving in that regiment. According to the *Stillwater Messenger*, “The project is either a humbug, or the law has been abused.”

The Democrats did not lament the lack of soldier votes, but on December 13 Cullen announced that he would contest Donnelly's election. Except for the soldier vote, he, Cullen, would have been elected, and the law permitting such suffrage was unconstitutional and against public policy. How the Republican editors pounced upon the last phrase! “Who now is the friend of the soldier?” queried the *St. Paul Union*. “Let the Republicans of the State rub that question in and keep rubbing it in.” Even the Democrats were not enthusiastic about the new development. Their press for the most part merely printed the fact of the contest without editorial comment, although one Democratic journalist went so far as to

1862, G. A. Jenks, December 27, 1862, and Sweet, January 13, 1863, Donnelly Papers. The Republicans carried the state by 4,099 votes.

19 *Stillwater Messenger*, November 18, 1862; *St. Paul Daily Union*, November 6, 11, 26, 1862. The latter issue quotes the *Hokah Chief*. A letter written by a member of the Army of the Potomac, published in the *Union* of December 10, 1862, reads in part: “I know of two instances in which members of the ‘First’ walked over eight miles to vote — waited in camp a good portion of the day, and departed without voting, because Messrs. Commissioners had gone out riding.”
brand it a foolish undertaking. Cullen must have reached the same conclusion, for on January 12, 1863, one month after instituting the contest, he informed Donnelly that he would abandon the project.20

With this action of Cullen, the debate on the constitutionality of the measure subsided. On January 19, 1863, before the regular session of the legislature, William P. Murray, Democrat from St. Paul, gave notice that he would introduce a bill to repeal the soldier suffrage act, but there is no record of such a bill in the proceedings of the house. Murray must have realized that repeal was out of the question in a predominately Republican legislature. To meet the criticisms of the law, Baldwin, who had presented the original measure, introduced in the senate a joint resolution for the appointment of four additional commissioners to be named at the governor's discretion to receive servicemen's votes. This was immediately passed by a vote of fourteen to three, one Democrat voting for and three against the measure. In the house, the resolution was approved, twenty-nine to four. Three Democrats and one Republican recorded their opposition to the measure, while four Democrats were in favor of it. The cost of the first year of the soldier voting bill amounted to $850.00, so that the 1862 appropriation of $1,200.00 had been more than ample. For this reason the legislators appropriated $1,200.00 for 1863, in spite of the increased number of commissioners. With their appointment by the governor, the issue of soldier voting was temporarily relegated to the background.21

Upon the approach of the election of 1863, several questions arose to vex the administrators of the soldier voting law. Judge Lewis informed Governor Henry A. Swift that according to his interpretation of the act the commissioners appointed in 1862 should continue to function during the entire war. This posed a perplexing question, for new commissioners had already been selected to take the soldier vote in 1863. The problem was referred to Attorney General Gordon E. Cole, who declared Lewis' interpretation of the law

20 The Union for December 14, 1862, prints Cullen's letter and a Republican attack upon it. Cullen's rejoinder appears in the St. Paul Pioneer, December 18, 1862. For the Democratic reaction, see the Mankato Weekly Record, December 20, 1862, and the Chatfield Democrat, December 20, 1862.
“entirely unfounded.” In forwarding this opinion, Governor Swift suggested that Lewis could banish all doubts by formally resigning his post, and Lewis promptly did so. Another question was placed before the attorney general for decision: How can the Renville Rangers vote? Renville County, which had been virtually depopulated by the Indian troubles, had been attached for judicial purposes to Nicollet County. Could the votes of the Rangers be sent by the commissioners to Nicollet County to be canvassed? In reply, the attorney general quoted the law providing that the votes of soldiers must be deposited with “the judges of election of the precinct of which they had been ten days resident prior to their enlistment,” concluding: “If there are no inhabitants in Renville county I confess I do not see how the votes can be canvassed & the returns made.”

In the meantime, preparations for collecting the soldier vote got under way. On August 25 the commissioners for the Army of the Potomac, of which the First Minnesota was a part, announced that they would leave on September 21 for the front and requested that all ballots, state, legislative and county, be sent to them immediately. For several weeks the newspapers harped upon the fact that the county tickets were not being forwarded. On September 13 it was reported that only two counties, Rice and Mower, had responded to the call. In the interval the secretary of war had issued General Order No. 205, requiring that the accredited commissioners be granted all facilities for visiting the troops and receiving the vote. As September drew to a close, the Republican newspapers were filled with warnings to the soldiers to be on their guard against fraud. The Democrats had made up ballots which on their face seemed to contain the names of Republican candidates, but which in reality included some Democratic nominees. In this way the Democrats hoped to dupe the soldiers who were far from home and might not detect the trickery. The political skullduggery practiced in 1863 is described in a contemporary newspaper: “The tickets forwarded to

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22 Lewis to Swift, August 29, September 9, 19, 1863; Cole to Swift, September 11, 15, 1863, Governor’s Archives. The Renville Rangers, a group composed mainly of half-breeds under the command of Lieutenant James Gorman, had been “extremely useful” in the battle of Wood Lake. See Colonel Henry H. Sibley’s report, in Minnesota in the Civil and Indian Wars, 2:242 (St. Paul, 1899).
the Commissioners from Dakota county, by the Hastings crew, are an infamous fraud. They have two styles. One is headed, 'Union Ticket,' and reads, 'For Governor, H. T. Welles.' Then follows the remainder of the Union State Ticket, and beneath this appears the 'County Ticket,' which is the entire Copperhead Ticket of Dakota county, including the candidate for State Senator and two Representatives. The other is headed, 'Republican Union,' and contains the entire Union State ticket with the same Copperhead tail." In spite of these alleged machinations, the Republicans elected the entire state ticket by a majority of nearly seven thousand and carried all but seven counties.28

The year 1863 was a banner one for collecting the soldiers’ ballots, or tickets as they then were called. According to the estimate of the commissioners, a total of 4,750 votes was received, apportioned as follows: Army of the Potomac (First Minnesota), 400; Army of the Cumberland (Second Minnesota) 400; Army of the Mississippi (Third, Fourth, and Fifth Minnesota), 750; Upper District of Minnesota (Fort Ridgley, Fort Abercrombie, and other western posts), 900; and Lower District of Minnesota (Fort Snelling and points on the Minnesota River), 2,300. These figures are, no doubt, too high. After all, the commissioners had to justify their expense accounts, but statements in county newspapers giving the soldier vote in local elections indicate that the ballots cast by the soldiers probably amounted to from twelve to fourteen per cent of the total vote. This may be compared with fourteen per cent in 1863 in Iowa, where the ballots from the servicemen were tabulated separately, and six per cent in the Minnesota election of 1944.24

Just how many of the eligible soldiers actually voted is impossible to estimate. On December 15, 1863, Minnesota had furnished 11,622

28 Press, August 25, 30, September 5, 6, 10, 15, 19, 20, 23, 29, 1863. The trickery charged to the Democrats was not unknown to the Republicans, if one may believe a letter written on November 1, 1862, by Charles B. Jordan to Donnelly: "An arrangement has been made with Sam E. Adams [of Monticello], whereby the Democratic votes will have the name of Ignatius Donally instead Cullen. . . Say nothing about Adams course in this matter." Donnelly Papers.

24 The commissioners’ estimate appears in Executive Documents, 1863, p. 48. For the Iowa vote, see Benton, Voting in the Field, 52. In the election of 1944 the Minnesota soldiers’ ballots totaled 62,517 in a vote of approximately 1,197,000. Minneapolis Star-Journal, November 20, 1944.
men to the services. Of these, some had died or deserted, others were in hospitals or on detached duty where they could not be reached by the commissioners, and the enlistments of many one-year men had expired. In addition, some were foreigners who had not yet been naturalized and some were citizens of other states who had no legal right to exercise the franchise in Minnesota. It has also been estimated that about thirty per cent of the Civil War soldiers were under the legal voting age of twenty-one. Whatever may have been the actual percentage of the legitimate soldiers voting, whether sixty or seventy or eighty per cent, the state’s servicemen made a better showing than was registered in the Minnesota election of 1944, when but 62,517 of the more than 200,000 in uniform cast their ballots.25

That the specter of unconstitutionality still haunted the halls of the State Capitol is suggested by a passage in the inaugural address of Governor Stephen Miller, delivered on January 13, 1864: "If requisite to secure to the enlisted men from Minnesota the full exercise of the right of suffrage, we should submit to the people such an amendment to the Constitution as will place that privilege beyond controversy." The fearless legislators, however, merely extended by a unanimous vote the provisions of the joint resolution authorizing the appointment of four additional commissioners. The increase in the soldier vote and the added commissioners necessitated a deficiency appropriation of $1,439.00. At the same time the regular appropriation for administering the law in 1864 was increased from $1,200.00 to $2,000.00. With the appointment of the ten commissioners and the adjournment of the legislature, the subject of soldier suffrage remained comparatively quiescent until the important presidential election of 1864 drew near.26

If one may judge from the reaction of the Republican editor of a Mankato newspaper, the post of commissioner had come to be regarded as a political plum, a reward for loyal party workers, to be

25 Troops furnished by Minnesota in the Civil War are tabulated in Executive Documents, 1863, p. 332.
distributed equably among the political districts of the state. The editor, Charles H. Slocum of the *Mankato Weekly Union*, complained bitterly that Governor Miller had awarded only two appointments to his part of Minnesota, and these to two Democrats, “dyed in the wool,” completely ignoring the loyal Republicans in the area. The *State Atlas* of Minneapolis sprang to the defense of the governor with a vigorous protest against the charge that he had proved “unfaithful to his political friends.” Only five Republican commissioners were to be chosen and there was no known method of dividing five men equally between two political districts, unless “a man can be found who resides on both sides.” The governor did the best he could by allotting three Republicans and two Democrats to the northern district, while the southern district had two Republicans and three Democrats. The patronage problems of Minnesota politicians have not changed greatly since 1864.

One of the appointees, Andrew C. Dunn of Faribault County, who had served as a commissioner in 1863, became the center of partisan controversy in September of 1864. In January Dunn had been unanimously elected clerk of the house, although it had a Republican majority and he was classed as a War or Union Democrat. This seemed strange enough, but when, after the nominating conventions, Dunn announced that he would support Lincoln, the Democrats were up in arms. The First Congressional District Democratic convention at Faribault passed a resolution asking that Dunn be removed and replaced by “a gentleman who is a Democrat, both in name and in fact.” The Democratic state convention followed suit by endorsing the Faribault resolution. To carry out the desires of these gatherings, John H. Brisbin, chairman of the Democratic state central committee, wrote to Governor Miller urging that “the position claimed by Mr. Dunn is vacant and should be supplied by the appointment of a Democrat therein.” If Dunn was retained, Brisbin asked that a genuine Democrat be permitted to follow the commissioner on his visits to the army camps and keep an eye on his

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27 The *State Atlas* of March 16, 1864, quotes the *Mankato Weekly Union* of March 11, and it defends the governor in the issue of April 13 against a second critical article in the *Mankato paper* of April 1.
Judges of Election of
Clear Water Election District,
P.O.
Clear Water
Hought County,
Minnesota.

Headquarters, 3 Regt. Min. Vol's.

J. J. Fuller

We...do certify that...J. J. Fuller...

whose name is endorsed on this envelope, is the identical person who is engaged
in the military service of the United States, from the State of Minnesota, and that
he has personally acknowledged before us that the enclosed ballot is his free and
voluntary vote which he desires to cast at the general election to be held on the
eighth day of November, 1864, in the State of Minnesota, and that he has taken
the oath prescribed by law.

Dated at... this...day of...A.D. 1864

A. L. Dunn Commissioner.

A. L. Dunn Commissioner.
activities. Failing this, the Democrats requested that the ballots be entrusted to the Republican commissioner, Allen Harmon of Minneapolis, so that "the party may at least have the service of an honest and conscientious man." In his answer, the governor pointed out that the appointment of Dunn had been unanimously approved by the senate and that under such circumstances only the courts were authorized to act. This completed the interchange of letters and soon the stormy arguments in the opposing newspapers abated. When the commissioners took the field, Truman Parker, Democratic commissioner to the Army of the Cumberland, completed his duties in that sector as early as possible and hurried to join Harmon and Dunn at St. Louis. As a result, Dunn was left behind to take the votes at Jefferson Barracks, while Harmon and Parker continued southward to collect the remaining soldier ballots. Naturally the Democrats were particularly interested in replacing their former adherent, since the largest contingents of Minnesota soldiers were with the Army of the Mississippi, the Third, Fifth, Sixth, Seventh, Ninth, and Tenth regiments, and the Second Battery. Although four of the regiments were pursuing the Confederates and could not be reached, Harmon reported a total of 1,900 votes collected. No wonder the Democrats were perturbed!

At home the election of 1864 followed the same pattern as those of the two preceding years. The commissioners assembled in St. Paul on September 15 to receive their instructions. On the next day the polls were opened for the soldiers at Fort Snelling. As usual the Press had a story to tell: "A number went up from the city to electioneer, and among them Jack Ward, who in addition to the McClellan tickets, carried a bottle of whiskey in his coat pocket, which, as occasion offered, he passed out to the soldiers. This coming to the Colonel, he politely escorted Mr. John Quincy Adams Ward outside the lines. The best of the joke was that just before the

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28 Press, September 18, 1864; Pioneer, September 7, 8, 10, 17, 1864. The journeys of the commissioners are described in the Press for November 3 and 4, 1864, and criticism of Dunn's conduct as commissioner appears in the Pioneer for October 2 and 15, 1864. Some twenty envelopes in which soldier ballots were sealed, including a number endorsed by Dunn and Harmon, are among some township archives preserved by the Minnesota Historical Society. All at one time contained ballots cast by men from Clearwater Township, Wright County.
Colonel took John Quincy in he had lent his bottle to a soldier, who emptied it neatly and quickly while the proprietor stood out in the cold exceedingly chop-fallen, and couldn't even get back to secure his precious but empty casket.” In conclusion the writer expresses the hope that “When John Quincy next a peddling goes, May we all be there to see.” The Press then relates how Charles H. Lienau, editor of the Minnesota Volksblatt, the German Democratic weekly of St. Paul, was escorted under armed guard outside the limits of Fort Snelling because he allowed his electioneering zeal to go too far. Through the columns of the two Democratic newspapers of St. Paul, German and English, Ward and Lienau branded the charges “an infernal lie,” but the Press had drawn first blood. As was customary, each party claimed the majority of the soldier vote. The result, however, was the same, for on November 8, 1864, the Lincoln electors received 25,057 votes to 17,376 for the McClellan men, the Republicans re-elected Windom and Donnelly to Congress, and the party carried all but nine counties in the state.29

The Republican victory in the first wartime presidential election had been gained without the ballots of many soldiers in the field. Colonel William R. Marshall, commanding the Seventh Minnesota, described in a personal letter the indignation of the Minnesota boys who felt that they had been needlessly deprived of their cherished right to vote. The colonel wrote: “I feel almost like characterizing it as an outrage. Less soft terms have been freely used.” To the sensitive officeholders this was ominous criticism indeed, and the governor hastened to answer: “I . . . am terribly mortified that our brave men of the Second, Fifth, Seventh, Ninth and Tenth regiments did not obtain an opportunity to vote. Assure them that I made every possible effort to reach them, both in Arkansas and Missouri, and that I will labor faithfully for such an amendment to the law during the next session as will reach every soldier belonging to the state in the future.” In a letter to the Press, Commissioner Harmon sprang to the defense of himself and his colleagues, describing their earnest

29 Press, September 15, 17, 1864; Pioneer, September 18, 1864; Minnesota Volksblatt, September 24, 1864. For the election returns, see Executive Documents, 1864, p. 98.
but fruitless efforts to ascertain the whereabouts of the elusive troops, but the criticism continued. One correspondent in a vitriolic letter reported: "I was told here that one Commissioner, who does not live a thousand miles from Mankato, forgot the soldiers before his work was done, and went to speculating in apples, and that another, who went to the Potomac Army, threw his work upon his colleagues and went to Massachusetts on a pleasure trip."

Apparently this vocal dissatisfaction had its effect, for when the Republican legislators convened in January, 1865, they could read in their own official newspaper: "The law is grossly defective . . . and needs a thorough revision." From another editorial in the same journal it was evident that the specter of unconstitutionality had not yet been exorcised. Against this backdrop of general disapproval, the governor's recommendations in his annual message were mild enough—namely, that four additional reserve commissioners, who could be called into service when and if needed, be appointed, and that men on detached service be allowed to mail in their ballots directly. The house promptly passed a bill granting additional compensation to the commissioners of 1864 who, it was claimed in the debate, had expended more money than they had received. In the senate the bill was referred to the finance committee, the watchdog of the treasury. When the committee reported adversely, the bill did not even come to a vote. The senate, for its part, passed a resolution to refer the question of constitutionality to the joint committee of the house and senate on amendments to the constitution, but there is no record of any action by the committee. The legislature was content to repeat the usual procedure, by extending the joint resolution of 1863 authorizing four additional commissioners, passing a deficiency appropriation of $1,200.00, and appropriating $3,500.00 for 1865.

Before the next election began to exercise the minds of the politicians, the situation changed radically in so far as soldier voting was concerned. The war between the states was over and many of the

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80 Press, November 9, 10, 11, 12, 1864; Minnesota in the Civil and Indian Wars, 2:606b.
Minnesota boys had discarded the blue and returned to civilian pursuits. As the *Press* said: "They will cast their ballots in person. There will be no intimidation by 'shoulder strapped gentry,' no fraud and deception by the voting commissioners." Yet nearly four thousand soldiers, or about a fifth of the total number Minnesota sent to war, were still in uniform. The assignments of the commissioners had to be changed. The Army of the Potomac was no more. Some of Minnesota's veterans were at Chattanooga, Tennessee, and Demopolis; others were with General Alfred Sully's expedition on the Missouri River or scattered along frontier outposts in the state.\(^\text{32}\)

The politicians for the most part ignored the troops still in uniform, directing their partisan blasts rather at the larger number of discharged volunteers. Both Republicans and Democrats emphasized their great contributions during the war to the welfare and support of the troops in the field and pointed the finger of scorn at the pretensions of the opponent. For a moment, however, soldier voting again attracted the attention of the state's newspapers, when the enlisted men of Companies A, E, and F of the Second Cavalry assembled at Fort Ridgely and unanimously passed a resolution, declaring: "We . . . will withhold our votes from all political elections until we once more enjoy full rights and privileges of free citizenship." The reasons for such action they stated in the following words: "We believe that we are retained in the so-called 'frontier service' for the purpose of profit and speculation by the monied interests of this State: that the so-called 'frontier service' or 'Indian war' is merely a sham or farce, kept up for that particular object."

The report of Commissioners Charles S. Rice and John L. Gaskill reveals that the soldiers had uttered no empty threat. Company A cast but three votes, Company E, sixteen, Company F, nine, and Company K, two, while the vote of the other companies ranged from thirty-three to sixty-two. It was also reported that members of Company B of Hatch's Battalion, stationed at Twin Lakes, refused to vote at all. In spite of this abstention, the Republicans again registered a victory. In the race for the governorship, Marshall obtained

\(^{32}\) *Press*, September 9, November 2, 1865.
a majority of 3,476 over Henry M. Rice, his Democratic opponent. The Democrats succeeded in carrying ten counties, their greatest achievement since soldier balloting had been inaugurated.

With the election of 1865, the story of soldier voting in Minnesota during the Civil War reaches its conclusion. The revision of the statutes in 1866 erased the soldier voting law from the books and soldier voting was forgotten until 1916, when the franchise was extended to Minnesotans stationed on the Mexican border. Of all the Northern states, Minnesota was the fourth to enact Civil War soldier suffrage legislation. Missouri volunteers were permitted to vote under an ordinance passed at a state convention on June 12, 1862. On September 17, 1862, a soldier voting law enacted by the Iowa legislature was signed. Wisconsin's statute took effect on September 25, and Minnesota followed on September 27. Pennsylvania soldiers had voted in 1861 under an old law, which was declared unconstitutional in 1862. Minnesota was therefore one of the four Northern states in which volunteers could vote in 1862. The laws of Iowa, Wisconsin, and Minnesota were carefully scrutinized by the officials of other states, desirous of passing similar enactments. The Iowa-Wisconsin method of setting up the polls, voting, and canvassing the votes in the field was widely imitated. Voting by proxy was limited to four states—Minnesota, Connecticut, West Virginia, and New York—although in Pennsylvania soldiers on detached duty could vote by proxy. Of these, only Connecticut followed Minnesota's example of sending commissioners to the troops to collect the votes and return them to the home precinct.

"Every motive of prudence . . . as well as every dictate of justice will direct that so long as our volunteers continue to retain the ordinary rights of citizenship, they shall not, by your omission to now act, be deprived of the fundamental right of suffrage by reason of their absence on the battle fields of the nation." So spoke Governor Ramsey, in the somewhat florid style of the period, to the legislators

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88 Press, October 13, 18, 1865; Chatfield Democrat, September 23, 30, 1865; Executive Documents, 1865, p. 453.
86 Executive Documents, 1862, extra session, 13, 14.
of 1862 assembled in extra session, and the lawmakers acted promptly and effectively. During the elections of 1862, 1863, 1864, and 1865, Minnesota soldiers and sailors expressed their preferences at the ballot box. Mistakes there undoubtedly were, an occasional fraud possibly, but the fact remains that the appointment of two commissioners of differing political faiths kept the irregularities within the limits of human frailty. Disfranchisement, reduction "below the level of free-men," was due, not to any fault in the law or its administration, but to the exigencies of war. Minnesota has reason to be proud of its record in granting to its volunteers in the Civil War the right of suffrage.