

# “EARLY COURTS OF MINNESOTA”

By

AARON GOODRICH

with

Recollections of Goodrich by William P. Murray,  
Edward Sullivan, Charles Francis Adams Jr.,  
Carl Schurz, and Thomas McLean Newson

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## FOREWARD

By

DOUGLAS A. HEDIN  
Editor, MLHP

When Aaron Goodrich wrote the following letter to the Secretary of the Minnesota Historical Society, he had served almost two years on the bench. He was nominated to be Chief Justice by President Zachary Taylor on March 15, 1849, and confirmed by the Senate four days later; he took two months to relocate from Tennessee to Minnesota Territory, where he took the oath of office on May 22nd. But very quickly he became engulfed in controversy, and a campaign arose to oust him from office. On October 21, 1851, President Fillmore replaced Goodrich with Jerome Fuller of New York. When Fuller's term expired, Henry Z. Hayner, also of New York, was nominated, confirmed, commissioned, and served until April 5, 1853, when he was replaced by William Welch. Both Fuller and Hayner returned to New York when their terms were over. Except for eight years spent in the diplomatic corps, Goodrich remained in Minnesota. Of the man's many peculiarities, his decision to live at the site of his public humiliation may be the oddest.

Goodrich is renowned for his eccentricities, curious mannerisms, and

strange obsessions. He will always be tagged with colorful adjectives. When Thomas Newson wrote, “There is but one Judge Goodrich. John Randolph is dead; Goodrich still lives,” he placed Goodrich on the same plane as one of the country’s most famous public eccentrics.

Goodrich’s “Early Courts in Minnesota” discloses nothing about the territorial judiciary that cannot be found in contemporary newspapers or recollections of other early settlers. It is our great loss that he did not disclose how the three members of the first court conferred, discussed the facts, argued law and reached conclusions.

When appellate judges today address bar groups, law students or citizens’ organizations, they invariably refer to the spirit of “collegiality” on their court. That word is used so frequently it has become a cliché. But Goodrich not only did not use that word, but he could not—it did not fit a bench whose members had no previous judicial experience, interacted infrequently, had a meager library,<sup>1</sup> and used commercial buildings as makeshift courtrooms for their hearings. We can be certain that they did not circulate drafts of opinions—this was the pre-typewriter era, when opinions were handwritten—because they would have had to ride or, more likely, walk to a colleague’s lodgings, and then on to the third. One of the few things Goodrich, Bradley Meeker and David Cooper had in common was that each had been nominated by Zachary Taylor, but this was not enough to create a climate of “collegiality.”

Goodrich left an impression. A few who met him after his removal recalled him in later years with pleasure and respect for his learning, highfalutin language and, important in that era, his capacity for being an amiable traveling companion. He enjoyed making obscure and ludicrous allusions to the ruins of antiquity. In the following letter, he observed that Minnesota, which had come into existence only two years earlier, lacked sites similar to those made famous in ancient texts:

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<sup>1</sup> After he was cashiered by President Fillmore, Goodrich took possession of eleven volumes of the library of the territorial supreme court and, despite official pleas, refused to turn them over to his exasperated successors on the ground that he remained the “legal incumbent of the office of Chief Justice.” See letter of Henry Z. Hayner to Secretary of State Edward Everett dated January 14, 1853, in National Archives Microfilm Publications, U. S. Territorial Papers, Territory of Minnesota Records, Justice Department, duplicates of which can be found in the Ronald M. Hubbs Microfilm Room, Minnesota Historical Society.

Minnesota is not regarded by the world as classic ground. I know of no spot here which has been rendered immortal, either by song or story. We have not the fields of Marathon, Pharsalia, or Actium, nor yet the valley of Idumea within our borders.

In 1859, while stumping for the new Republican party with Carl Schurz, Goodrich made similar refernces in his speeches. Puzzled, Schurz asked about them; Goodrich's reply dumbfounded Schurz; but when writing his memoirs almost a half century later, Schurz could still quote Goodrich's explanation:

One night, when after a very successful meeting and after an especially cordial and confidential talk we went to bed together, I picked up courage to say: "Judge, those sentences about the ruins of Palmyra and the downfall of the Roman Empire are very poetical. But I have not been able exactly to catch their meaning and application to the slavery question. Will you tell me?" The Judge gave a good-natured laugh. "Well," said he, "I have thought all along that the ruins of Palmyra and the downfall of the Roman Empire would strike you. The fact is, I composed the piece in which those sentences occur, many years ago when I was young, and I have always been fond of it and kept it in my memory. I thought it would do splendidly to wind up a speech with. It's true, its bearing upon the slavery question is not quite clear. But don't it sound beautiful? And don't you believe it sets folks to thinking?" Of course, I thought it did, and there was nothing more to be said.

Goodrich's March 4, 1851, letter on "Early Courts of Minnesota" appears in I *Collections of the Minnesota Historical Society* 55-58 (St. Paul: Minnesota Historical Society, 1902). It has been republished many times and can be found online.<sup>2</sup> Like Goodrich's letter, the recollections of Goodrich by William P. Murray, Edward Sullivan, Charles Francis Adams Jr., Carl Schurz and Thomas McLean Newson have been reformatted. Punctuation and spelling have not been changed.

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<sup>2</sup> It was republished verbatim in a chapter on the "Bench and Bar" in Henry J. Castle, I *History of St. Paul and Vicinity* 316, 317-19 (Chicago & N.Y.: Lewis Pub. Co., 1912), which is posted separately on the MLHP.

# EARLY COURTS OF MINNESOTA.

BY

HON. AARON GOODRICH.

Hon. O. K. Smith, Sec. &c.

Sir: I have the honor to acknowledge the receipt of your letter of the 25th of December, 1850, requesting of me something statistical for this Society. Previous to a compliance with this request, permit me to congratulate you upon the prosperous condition of this Institution, much of which is the result of your untiring energy in faithfully chronicling passing events.

You have left but little for me to say. Minnesota is not regarded by the world as classic ground. I know of no spot here which has been rendered immortal, either by song or story. We have not the fields of Marathon, Pharsalia, or Actium, nor yet the valley of Idumea within our borders. None of these, save those to which the Red man points us as the "Golgotha" of his fathers. We now daily behold, and within but a short distance of our dwellings, the smoke of the Indian wigwam, curling upward amid nature's forest trees, from the place where it arose at a period of antiquity beyond which Indian tradition "runneth not to the contrary." On this very spot, which has been for centuries, and almost to the present hour

"Alike their birth and burial place,  
Their cradle and their grave;"

—our ears are greeted by the "sound of the church going bell," while the spires of our churches are glittering in the beams of the morning sun.

If we have not the tattered banner, borne at the head of

victorious legions in deadly conflict in the wars of freedom; if we have not the sabre, the battle axe, the triumphant eagle, or the “dyed garments of Bozrah” to deposit in the archives of this Society, as mutely eloquent remembrances to call up associations of devoted heroes and gallant patriots;

“Names that adorn and dignify the scroll,  
Whose leaves contain their country’s history.”

—yet we have something to write that will be interesting to the generations that are to come after us. It will be pleasing to them to trace the history of a powerful State, back to its present Territorial existence; with pride will they point to the record of our time, and say, these are the names of our ancestors; this is no “Delphic” oracle; this is not a doubtful translation of the inscriptions upon the Pyramids upon the plains of Gizeh, or the Statues of Nineveh—’tis history.

On the 19th of March, 1849, President Taylor appointed the following named persons Judges of the Supreme Court for this Territory, to wit:

Aaron Goodrich, of Tennessee, Chief Justice,  
David Cooper, of Pa. } Associate Justices.  
Bradley B. Meeker, Ky. }

Responsive to the call of the President, the undersigned bid adieu to Tennessee, and embarked for St. Paul, at which place he arrived on board the steamer Corah, Capt. Gormand, on Sunday, the 20th day of May, 1849.

On the Sunday following, his Excellency Governor Alex. Ramsey, reached St. Paul and on the 1st day of June he proclaimed the organization of this Territory, recognized its officers, and required obedience to its laws.

On the 11th day of June, 1849, the Governor issued his second proclamation, dividing the Territory into three Judicial Districts, as follows:

The county of St. Croix constituted the first District, the seat of justice at Stillwater; the first court to be held on the second Monday in August, 1849.

The seat of justice for the second District was at the Falls of St. Anthony; the first court to be held on the third Monday in August.

The seat of justice for the third District was at Mendota; the first court to be held on the fourth Monday in August.

The Chief Justice was assigned to hold the courts in the first District, which duty he performed in accordance with the Governor's proclamation. This was the first court held in this Territory; it remained in session six days; sixty cases upon the Docket. The Clerk of the Court of this District was Harvey Wilson. The following is a list of the members of the bar, who were in attendance at the court:

C. K. Smith, M. S. Wilkinson, W. D. Phillips, P. P. Bishop, John S. Goodrich, John A. Wakefield, H. L. Moss, A. M. Mitchell, Edmund Rice, James Hughes, L. A. Babcock.

Judge Meeker was assigned to hold the courts in the second District, which duty he performed—there was no cause pending in this court.

Judge Cooper was assigned to hold the courts in the third District, which duty was performed by him. No cause pending in this court.

There were at that period fifteen lawyers in the Territory.

Up to this time we have had two trials for murder; the accused was in one case acquitted by the jury, and in the other found guilty of manslaughter, and imprisoned in Fort Snelling for the period of one year.

The first term of the Supreme Court in this Territory was held at the American House, in the town of St. Paul, on

Monday, the 14th day of January, 1851. Judges Goodrich and Cooper being present.

There is at this time but one Court House in the Territory; this is at Stillwater.

Having been specially assigned by Gov. Ramsey, for that purpose, the undersigned repaired to Sauk Rapids, in the county of Benton (this place is situated on the left bank of the Mississippi, 76 miles above the Falls of St. Anthony), and on the 11th day of June, 1850, opened and held the first court at that place. There was no business of importance disposed of at this term.

The county of Ramsey now constitutes the first Judicial District. St. Paul is the seat of justice; it is also the capital of the Territory. The Clerk of the Court, Mr. Humphrey, informs me that there are now one hundred cases upon the Docket. The Chief Justice was assigned by an act of the first Territorial Legislature to hold the courts in this District.

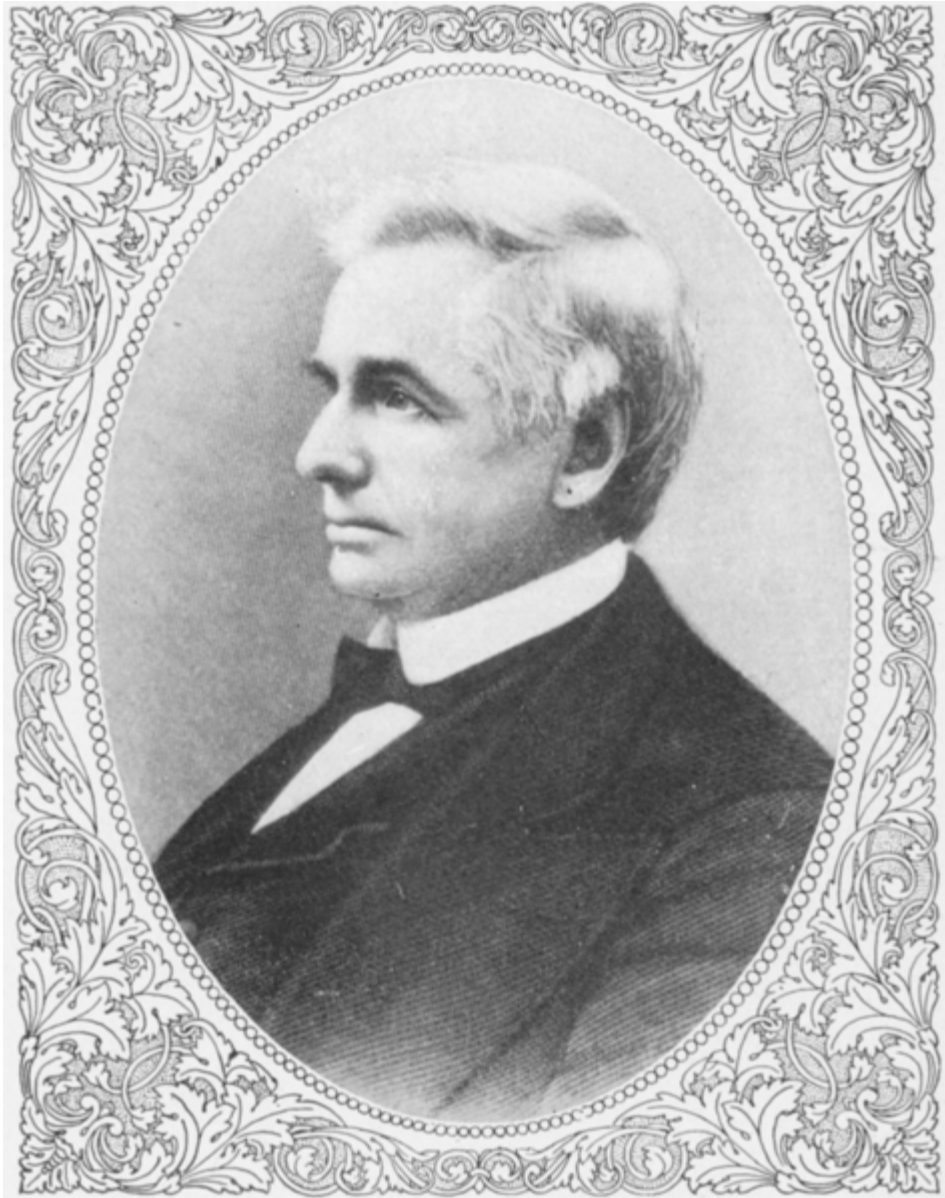
Stated Terms of court, second Mondays of April and September.

There are now thirty lawyers in Minnesota.

I am, sir, respectfully yours,  
AARON GOODRICH.

St. Paul, March 4, 1851.

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Aaron Goodrich  
From *The Reminiscences of Carl Schurz*,  
Volume Two (1852-1863)

## Five Recollections of Aaron Goodrich

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### A. William P. Murray

William Pitt Murray was a prominent lawyer in Minnesota during the territorial period and the decades after statehood.<sup>3</sup> He knew Goodrich first-hand. In November 1904, he delivered an address to the Executive Council of the Historical Society in which he profiled the first members of the territorial supreme court, including Goodrich:

Goodrich, not having a very high opinion of his associates on the bench, always waited to hear what their views were on any legal proposition and then took the opposite side of the question, spending a good part of the time writing dissenting opinions. He was always tenacious in regard to the dignity of the Court, and always liked to be spoken to as the Court. Even at his meals, if he desired anyone at the table to hand him something, he would say, “Will the gentlemen be so kind as to hand the Court the beans, the pickles, the bread” or whatever he might want. On more than one occasion he stopped counsel while addressing a jury, and said that the remarks of the attorney reminded

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<sup>3</sup> The following is the entry on Murray in the semi-official compilation of biographies published by the Historical Society in 1912:

MURRAY, WILLIAM PITT, lawyer, b. in Hamilton, Ohio, June 21, 1825; d. in St. Paul, June 20, 1910. He studied at Miami University, Oxford, Ohio; was graduated in law at the State University of Indiana, 1849, and came to St. Paul the same year; was a member of the territorial legislature, 1852-3, and in 1857, and of the council, 1854-5, being its president in 1855; was a member of the state constitutional convention, 1857; a representative in the legislature in 1863 and 1868; and a state senator, 1866-7, and 1875-6. He was a member of the St. Paul city council, 1861-8 and 1870-9; being six years its president; and for thirteen years was the city attorney, 1876-89. Murray county, established in 1857, was named in his honor.

Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* 535 (14 Collections of the Minnesota Historical Society) (St. Paul: Minnesota Historical Society, 1912).

him of an affair down in Tennessee; then he would proceed to tell some amusing story, and by the way he was a first class story teller. The judge was removed by the president before the expiration of his term of office. One of the charges against him was that he was too fond of the women.<sup>4</sup>

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## B. Edward Sullivan

The following is an extract from Edward Sullivan's travelogue, *Rambles and Scrambles in North and South America*, that was reprinted in the *Minnesota Democrat* on December 2, 1852, under the headline, "English Travelers and Their Falsehoods." The newspaper article began, "We have never yet seen a book of travels in America, written by an Englishman, that was not filled with the most ridiculous falsehoods, and perversions, inordinate cockney self-conceit seems to be a disease among the English book writers on the people of the United States."<sup>5</sup>

The Chief Justice of Minnesota was holding his sessions at St. Paul's. The bar of the hotel was the court-house. The judge was sitting with his feet on the stove, on a level with his head, a cigar between his lips, a chew as big as an orange in his mouth, and a glass of some liquor by his side. The jury were in nearly the same elegant position, in different parts of the room; and a lawyer, sitting across a chair, leaning his chin on the back of it, was addressing them. The prisoner was sitting, drinking and smoking, with his back turned to the judge, and looked the most respectable and least concerned of the whole party. Altogether it struck me that there might be a great deal of justice, but very little dignity, in the application of the law in Minnesota. The fact of the judges being elected by a

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<sup>4</sup> William P. Murray, "Recollections of Early Territorial Days and Legislation," 12 *Collections of the Minnesota Historical Society* 103, 107 (St. Paul: Minnesota Historical Society, 1908). This paper was read to a meeting of the Executive Council of the Society on November 14, 1904.

<sup>5</sup> *Minnesota Democrat*, December 8, 1852, at 2.

majority in the Houses of Assembly of the different states, and changed every year, is a circumstance that does not enhance the dignity of the judgeship, and must interfere with the independence of his position. Instead of its being, as with us, the reward of experience and approved integrity, it is very frequently turned into a political appointment, and the dignity of the position sacrificed to the interest of the individual. A man who only holds a position by the suffrage of a party runs a risk of being swayed in favour of the majority that placed him there, and can remove him at pleasure. Moreover, the judge cannot enforce the proper respect due to him from the counsel, when they all know their places may be reversed the next day. The age at which a youth becomes independent is a very striking feature in the society of the Far West. A small boy keeps his father's store, or drives his father's waggon, at six years old; commences smoking and chewing at seven; repudiates his father, and starts on his own resources at ten; marries at sixteen, and, after becoming in turns judge, doctor, general, and being rich and ruined several times, generally finishes up as a bar-keeper, and dies, a "used-up" wizened, careworn old man, at forty.<sup>6</sup>

After quoting this passage, the *Minnesota Democrat* posed a rhetorical question: "Did any Trollop or Hall, or Dickens ever put in print such a farrago of falsehood, stupidity and ignorance?"<sup>7</sup>

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### C. Charles Francis Adams, Jr.

Future Secretary of State William H. Seward campaigned for Lincoln in Minnesota during the 1860 presidential election. Accompanying him were Charles Francis Adams and his son, both of whom kept diaries.<sup>8</sup>

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<sup>6</sup> Edward Sullivan, *Rambles and Scrambles in North and South America* 165-66 (London: Richard Bentley, 1852). The book is available online.

<sup>7</sup> *Minnesota Democrat*, supra note 3, at 2.

<sup>8</sup> John M. Taylor, *William Henry Seward: Lincoln's Right Hand* 121-23 (New York: Harper Collins, 1991)(describing Seward's "heterogeneous group," and noting that "for the young Adams, the trip was an eye-opener" because of the amount of liquor some of his traveling companions consumed).

In the following excerpt from his Journals, Charles Francis Adams, Jr., described Judge Goodrich.<sup>9</sup> Footnotes by Theodore Blegen have been retained.

*Tuesday, September 10th [11th],* \* we set out for Madison. As I was waiting at the hotel in Milwaukee to pay my bill I saw in the hall a strange, comical-looking character, carrying his thumbs in the arm-holes of a not over clean white waist-coat, and with a tall black hat perched on the back of his head, perambulating thoughtfully up and down. I recognized him as a man who, two evenings before, had been pointed out to me at Chicago as Judge Goodrich, of Minnesota, and as a warm political friend of Governor Seward. I introduced myself to the Judge, and my doing so subsequently proved quite a stroke; for the Judge developed into by all odds the most original and amusing character I encountered in the whole trip, and, moreover, he was greatly pleased at my having made his acquaintance. He never forgot it; and from that time, I became, next to Governor Seward, his guest of distinction in the party. The Judge here joined us, and at once became the life of the company. Not witty, he had a queer, humorous, scriptural form of speech, and he expressed himself in the oddest and most unexpected fashion. Full of stories and broad fun, he only asked for an audience; and when he secured one, the more fastidious were apt to be shocked; for the Western average man is the reverse of refined, and you are lucky if you escape those who mistake

[\* Blegen: The dates of this and the two following entries obviously are in correct; they should read September 11, 12, and 13.]

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<sup>9</sup> "Minnesota As Seen By Travellers: Campaigning with Seward in 1860," 8 *Minnesota History* 150, 165-66, 170 (1927); reprinted as "I Moved Among Men," in Theodore C. Blegen, *Grass Roots History* 219-241 (Minneapolis: University of Minnesota Press, 1947). According to Blegen, Charles Francis Adams Jr., wrote his journals immediately on his return home from the journey, from recollection and notes made at the time.

pure coarseness for wit. Judge Goodrich was not at all choice in his conversation, but he was indisputably humorous. In addition to those peculiarities, the Judge is also highly excitable, and, at bottom, I have an idea that he is not altogether sane; but he is always a Western original.

*Wednesday, September 11th [12th]*, we drove out to a large farm of a Mr. Robbins, in the vicinity of Madison, a party of some 40, passing as we went a procession of wagons on their way to the meeting, to be held that afternoon. In the vehicle in which I found myself, were Judge Goodrich and Mr. Washburn, the representative of the district in Congress, beside the gentleman who drove us out, and myself. Goodrich was great. He had come out to Minnesota from New York, where he was born, by way of Tennessee, and he now got telling us of his political experiences in the latter State,— how he used to hold “discussions” with the opposing candidate, and go to the meetings “a walking magazine”, — with all his “tools” as he expressed it; — how he and his opponent used to “meet on warm days, in very full-skirted coats, well buttoned up, which, somehow, neither of them cared to unbutton.” And he recounted his various adventures with so much humor and in such an original way, that I felt it a misfortune that I alone from the East was there to enjoy it. Presently we met a wagon in which was seated a tall, strong-featured, close-shaven man, wearing a tall, white hat; when, suddenly, Goodrich seemed to grow crazy, and vehemently insisted on our team hauling up. He then incontinently tumbled out of our wagon, and into that of the stranger. We saw no more of him for the rest of the drive; but at the Robbins farm we found him again, and he then made us acquainted with his white-hatted friend, who turned out to be Senator Wilkinson, of Minnesota. He had, it seemed, come down to Madison to meet Gov. Seward. Of Wilkinson I afterwards during the trip saw a great deal. He is not a man of any considerable ability, and would hardly have got into the Senate except from a newly settled State; but I took naturally to him, and he apparently took to me.

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The following day (20th) it was a very used-up party—sleepy, peevish, unwashed. Even Judge Goodrich was under a cloud. I was the most philosophical; for, as the sun gained power, I rolled myself in my cloak, and dozed away hours, lying on the deck with a log for a pillow. Finally, the Captain of the boat, in great mortification, woke me and tried to insist on my taking his room. He couldn't express the regret he felt at our being on his boat. I politely declined his offer; and we steamed along. Still it was undeniably monotonous, and the hours passed slowly; but evening came at last, and at 10 o'clock we were all pleased when we heard the roaring of a cannon and saw the long line of "Wide-awake" torches which told of our approach to Dubuque. Landing here, the party was escorted to a hotel, and the usual speeches followed. It was one o'clock before we were permitted to go to bed.

The party left Dubuque on the evening of the 22d, and at Mendota I saw the last of Judge Goodrich;\* for my record says "he had come with us thus far on the road to Kansas; but for some days he had plainly been unwell, and his liveliness was departed. During the night, feeling very much the reverse of well, he got into a berth in the wretched device then doing service as a sleeping-car; and, when the party changed at Mendota he was left quietly asleep. We saw him no more. He and a Mr. Baker, who acted as Gov. Seward's secretary, had been left together. "The first we knew of them was a telegraphic message next morning, informing us that they were left, and pathetically asking 'when and where they should overtake us.' Mr. Baker caught up with us at Leavenworth; but poor Goodrich, — after cursing the conductor of the train on which he was left asleep with strange oaths, hurting himself in jumping from the car, running in the night time and

[\*Blegen: The quotation marks and interpolated matter in this last paragraph are printed without change from the copy of the document supplied by [Samuel R.] Thayer.]

in his slippers half a mile across country, having in his hurry forgotten to put on his boots, — felt discouraged as well as ill; so, after airing his whole varied stock of expletives, he gave up the chase in despair, and returned first to Chicago, and thence to St. Paul, — that “Apostolic City of his adoption”, — as he was wont to term it.”

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#### D. Carl Schurz

Carl Schurz is one of the great figures of the second half of the nineteenth century, and for this reason his observations of Aaron Goodrich are especially interesting.<sup>10</sup> In 1858, he sought the nomination of the new Republican Party for the governorship of Wisconsin, but was unsuccessful. The following year, he was invited to campaign

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<sup>10</sup> The following is the entry on Schurz in the *Biographical Directory of the United States Congress*:

SCHURZ, Carl, a Senator from Missouri; born in Liblar, near Cologne, Germany, March 2, 1829; educated at the gymnasium of Cologne and the University of Bonn; having taken part in the German revolutionary movement of 1848, he was compelled to flee from Germany; was a newspaper correspondent in Paris and later taught school in London; immigrated to the United States in 1852 and settled in Philadelphia, Pa.; moved to Watertown, Wis., in 1855; studied law; admitted to the bar and practiced in Milwaukee, Wis.; unsuccessful candidate for lieutenant governor and governor of Wisconsin; appointed Minister to Spain in 1861 but resigned in 1862; during the Civil War was appointed brigadier general of volunteers in the Union Army; engaged in newspaper work after the war in St. Louis, Mo.; elected as a Republican to the United States Senate and served from March 4, 1869, to March 3, 1875; was not a candidate for reelection in 1874; served in the Cabinet of President Rutherford Hayes as Secretary of the Interior 1877-1881; editor of the *New York Evening Post* 1881-1884; contributor to *Harper's Weekly* 1892-1898; president of the National Civil Service Reform League 1892-1901; engaged in literary pursuits; died in New York City, May 14, 1906; interment in Sleepy Hollow Cemetery, Tarrytown, N.Y.

in neighboring Minnesota for the party. His biographer, Hans Trefousse, describes his first impression:

The Republicans in that frontier state were anxious to win over the Germans, and Schurz heeded their summons. He liked the state immensely; Fort Snelling on its cliff overlooking the Mississippi reminded him of the castles on the Rhine, and the raw nature of the country—the impossible roads, primitive conditions, and splendid air—gave him a sense of adventure.<sup>11</sup>

Aaron Goodrich joined him on the speaking tour, and they struck up a friendship. Goodrich had a “singular” personality that was not easy to forget. Schurz did not. Almost five decades later, when Schurz published his memoirs, he retained a vivid memory of Goodrich:

#### CHAPTER IV <sup>12</sup>

In the autumn of 1859 I was on duty not only in Wisconsin, where it was my special business to allay the dissatisfaction caused among my friends by the action of the State Convention which I have described, but I was also urgently asked to make some speeches in Minnesota, where the first State election was to be held in November. I obeyed the call. I remember that journey with pleasure, and may be pardoned for indulging myself in giving a picture of what political campaigning with its humors was at that period in the "Far West." The population of Minnesota was thin, the western part of the State still occupied by Sioux tribes. The twin cities of St. Paul and Minneapolis, which now count their population by the hundred thousands, were then still in their infancy. St. Paul, if I remember rightly, had about 12,000 inhabitants, and the name of Minneapolis did not yet exist at all. That settlement was called the Falls of St. Anthony, and had a population of about 2,000 souls. At St. Paul I was received by the Republican candidate for

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<sup>11</sup> Hans L. Trefousse, *Carl Schurz* 77 (Knoxville: Univ. of Tennessee Press, 1982).

<sup>12</sup> Carl Schurz, II *The Reminiscences of Carl Schurz (1852-1863)* 143-47 (New York: McClure Publishing Co., 1907).

Governor, Mr. Alexander Ramsey, a man of moderate gifts, but blessed with one of those winning countenances which betoken sound sense, a quiet conscience, good humor, and a kind heart for all men. I was to meet him again at a later period in the Senate of the United States and in the cabinet of President Hayes.

I found myself put down in the plan of campaign for one or two speeches a day, with an itinerary spreading over a large part of the State. I was to travel for several days in the company of a gentleman who introduced himself to me as "Judge Goodrich." There being at that time no railroads in that part of the State which I was to visit, Judge Goodrich and I rode in a buggy from place to place, to small country towns and sparsely populated settlements. He was a middle-aged man of slim stature, a clean-shaven, somewhat haggard face, and lively dark eyes. I soon discovered in him one of those "originals" who at that time seemed to abound in the new country. I do not know from what part of the Union he had come. He had received more than an ordinary school education. His conversation was, indeed, rather liberally interspersed with those over-emphatic terms of affirmation which are much in use on the frontier, so that it seemed the Judge liked to appear as one of the people. But sometimes he made keen observations touching a variety of subjects — political, historical, philosophical, even theological — which betrayed an uncommonly active and independent mind and extensive reading. As we became better acquainted he began to confide to me the favorite trend of his studies. It was the discovery and unmasking of sham characters in history. He had, upon close investigation, found that some men whom conventional history called very good and great, had not been good and great at all, and did not deserve the credit which for centuries had, by common consent, been bestowed upon them, but that, in fact, that credit and praise belonged to others. His pet aversion was Christopher Columbus. His researches and studies had convinced him that Christopher Columbus had made his voyage of discovery according to the log-book of a shipwrecked seaman who had sought shelter with him,

whom he had treacherously murdered, and whose belongings he had made his own. Judge Goodrich told me long stories of the misdeeds of Christopher Columbus which he had found out in their true character. He spoke of the so-called "Great Discoverer of the New World" with intense indignation, and denounced him as an assassin, a hypocrite and false pretender, a cruel tyrant, and a downright pirate. He was industriously pursuing his inquiries concerning that infamous person, and he was going to expose the fraud in a book which he hoped to publish before long.

This impeachment of the character and career of Columbus was indeed not entirely new to me, but I had never heard it argued with such warmth of feeling, such honesty of wrath. As I traveled day after day with Judge Goodrich and slept with him in the same rooms of the primitive country taverns of Minnesota, and sometimes in the same bed, and as our intimacy grew, I liked him more and more for the rectitude of his principles, the ingenuousness and generous breadth of his sympathies, and the wide reach as well as the occasional quaintness of his mental activities. He appeared to me as a representative of American sturdiness of manhood and of the peculiar American intellectual ambition developed under the rough conditions of primitive life in a new country. Some of his oddities amused me greatly. When he shaved himself he always sat down on the edge of the bed, rested his elbows on his knees, and then plied the razor without any looking-glass before him. I asked him whether this was not a dangerous method of performing that delicate function; but he assured me solemnly that it was the only way of shaving that made him feel sure that he would not cut his throat.

His oratory, too, was somewhat singular. We agreed to alternate in the order of proceedings in addressing audiences; Judge Goodrich was to speak first at one meeting and I at the next, so that we listened to one another a great deal. His speeches always had a sound, sober, and strong body of argument, enlivened by some robust

anecdotes after the fashion of the stump, but he regularly closed with an elaborate peroration couched in wonderfully gorgeous and high-sounding phrase, in which the ruins of Palmyra and the decline and fall of the Roman Empire played a great and mysterious part. That a man of such a practical intellect and large reading, and so capable of strong reasoning should please himself in such a sophomorical display, astonished me not a little. It actually troubled me. One night, when after a very successful meeting and after an especially cordial and confidential talk we went to bed together, I picked up courage to say: "Judge, those sentences about the ruins of Palmyra and the downfall of the Roman Empire are very poetical. But I have not been able exactly to catch their meaning and application to the slavery question. Will you tell me?" The Judge gave a good-natured laugh. "Well," said he, "I have thought all along that the ruins of Palmyra and the downfall of the Roman Empire would strike you. The fact is, I composed the piece in which those sentences occur, many years ago when I was young, and I have always been fond of it and kept it in my memory. I thought it would do splendidly to wind up a speech with. It's true, its bearing upon the slavery question is not quite clear. But don't it sound beautiful? And don't you believe it sets folks to thinking?" Of course, I thought it did, and there was nothing more to be said.

The next day I was sent by the campaign managers upon an expedition on which Judge Goodrich could not accompany me, and we parted with very sincere regret. I never saw him again. But he sent me a copy of his book on Christopher Columbus — a book full of ingenious ratiocination and righteous wrath — as soon as it appeared in print, and I heard that after a long bachelorship he had married a beautiful and accomplished lady of Spanish or South American birth, and was sent as Minister of the United States to Brussels. I have often thought how careful he would be in that place to tone down the Western vigor of his vocabulary, and how difficult he would find it to reduce and adapt it to the diplomatic usage.



## D. Thomas McLean Newson

On May 15, 1854, the first issue of the *Daily Times* appeared in St. Paul. It was edited and published by Thomas M. Newson, who had worked previously as a writer for the *Minnesota Pioneer*. On December 14, 1859, the *Times* merged with the *Minnesotian*, and Newson continued to operate that newspaper, known as the *Daily Minnesotian and Times*, until June 1860, when the merger was dissolved. The next year Newson sold his interest in the paper, probably to enlist in the army.<sup>13</sup> He served on the union side, attaining the rank of major.<sup>14</sup>

Like his contemporaries, John Fletcher Williams and Edward Duffield Neill, Newson believed the territorial period deserved to be described in books which could be read by future generations. And so, he wrote *Pen Pictures of St. Paul, Minnesota, and Biographical Sketches of Old Settlers: From the Earliest Settlement of the City, Up to and Including the Year, 1857*, and self-published it in 1886.<sup>15</sup> In a Preface, Newson

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<sup>13</sup> John Fletcher Williams, *A History of the City of Saint Paul and of the County of Ramsey, Minnesota* 352, 391 (St. Paul: Minnesota Historical Society, 1876)(republished in 1983 as *A History of the City of St. Paul to 1875* by the Historical Society; it also appears in the Michigan Historical Reprint Series); and George S. Hage, *Newspapers on the Minnesota Frontier, 1849-1860* 148 (St. Paul: Minnesota Historical Society, 1967).

<sup>14</sup> The following is the entry on Newson in the semi-official compilation of biographies published by the Historical Society in 1912:

NEWSON, THOMAS MCLEAN, b. in New York city, Feb. 22, 1827; d. in Malaga, Spain, March 30, 1893. He settled in St. Paul in 1853; engaged in newspaper publication; was assistant quartermaster in the army in the civil war, attaining the rank of major; was appointed U. S. consul to Malaga, Spain, by President Harrison; author of "Drama of Life in the Black Hills," 92 pages, 1878, and "Pen Pictures of St. Paul, Minn., and Biographical Sketches of Old Settlers," 746 pages, 1886.

Warren Upham & Rose Barteau Dunlap, *Minnesota Biographies, 1655-1912* 546 (14 Collections of the Minnesota Historical Society) (St. Paul: Minnesota Historical Society, 1912).

<sup>15</sup> The title page states that it was "Published by the Author." The printer was Brown, Treacy & Co., of St. Paul. Newson held the copyright. Now in the public

stated his purpose in writing this book:

The work embraces a period of twenty years, commencing at 1838 and ending with 1857 inclusive, and treats exclusively of the old settlers of SAINT PAUL and not of the State at large. It has been my purpose to record impartially every prominent fact and every event transpiring in this period, as well as to obtain all accurate dates and other correct information respecting the subjects about which I have written and who have either lived or died during the period covered by my book. In delineating character I have avoided anything which savored of extravagance in my laudations; and the best evidence that I have been successful in my labors is the commendation of over one hundred citizens of SAINT PAUL whose verdict can be found at the end of this volume. Hoping that my work will not only meet the approbation of the old settlers themselves and their children, but of the people at large, I submit it to an intelligent and discriminating public.

At the end of the text are “Over One Hundred Complimentary Notices,” and under the bold heading “WHAT THEY THINK” appear blurbs from prominent figures about Newson’s book, including the following from Aaron Goodrich:

Judge Aaron Goodrich. — “His facts, data, estimate of man, etc., etc., are wonderfully correct and can be relied upon by the future historian of his facts.”

With Goodrich’s assurance of accuracy, we can turn to his “picture” in Newson’s *Pen Pictures* :

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domain, the book is available from BiblioLife of Charleston, S. C.

At the end of the text, immediately preceding the index, a note appears:

Pen Pictures was published in the St. Paul Globe two years prior to being collected in book form.

## AARON GOODRICH.

The subject of this sketch has been in the past and is to-day a character — an individualization — a positiveness — an originality —markedly different from other men in this particular, that he expresses his own sentiments in his own way, and is always ready and willing and able to defend them. He was born in Sempronius, Cayuga County, New York, in 1807; practiced law in Tennessee; was elected as a Whig to the House of Representatives of that State, in which capacity he served to the satisfaction of his constituents; was a Presidential elector on the whig ticket in 1848; was appointed by President Taylor in March, 1849, Chief Justice of Minnesota, and took up his residence in St. Paul that year; presided at the first term of the Supreme Court in the Territory; held the first District Court at Stillwater, Sauk Rapids and St. Paul; was a corporate member of the Historical Society; a charter member of the first Masonic lodge; a corporate member of the Grand Lodge of the State; drew up the first Republican platform adopted in this State; prepared a code of pleadings and practice; was a member of the Republican National Convention at Chicago; labored to secure the nomination of Seward for President; was appointed Secretary of Legation to Brussels, which position he held eight years; returned to St. Paul in 1869; wrote a book entitled "A history of the character and achievements of the so-called Christopher Columbus;" arguing that the name and pretended achievements of that individual were mythical; married a Miss Paris; was a member of the Cincinnati convention which nominated Horace Greeley, in which body he cast his vote for Judge Davis, of Illinois. Judge Goodrich was not pleased with the action of that convention. He was one of the original movers in the organization of the "Old Settlers' Association" in 1858; has been its secretary nearly ever since. Of late the Judge has devoted his leisure moments to revising his book, reading, studying, digging into the rubbish of the past. He was a great admirer of Wm. H. Seward, and tried very hard to make him President. In a speech introducing

Seward to a St. Paul audience, the Judge gave utterance to sentiments highly complimentary to his friend, who greatly appreciated them.

#### THE MAN PERSONALLY.

Judge Goodrich is a tall, spare man, with an exceedingly active brain; speaks quickly and decidedly; talks right at you with an earnestness born of a conviction that he is right, while his eyes dilate, as they move rapidly in their sockets, and his voice becomes louder as he proceeds with his reasons for his opinion, which he proposes you shall not misunderstand. He is a walking encyclopedia of ancient and biblical history; an arsenal of fun and fact; a magazine full of argumentative missiles; a volcanic explosion in the midst of the religious element, and a generally accepted electric battery, from which a thousand positive forces penetrate the citadels of bigotry and ignorance. There is but one Judge Goodrich. John Randolph is dead; Goodrich still lives. No man in the State has such a striking individuality as Goodrich, and no man is more generally correct in his conclusions than Goodrich. He is eminently independent; never trims or uses policy, and though his utterances are sometimes unpalatable, yet they command attention by their originality. He made a good, sound judge, though he would, occasionally, interpret the law sandwiched with a funny story; is an effective political speaker on the stump; an excellent writer, as his book shows; a good lawyer; a scholar among the pyramids; a hater of cant, hypocrisy and meanness; a lover of honest thought and honest expression. With all his idiosyncrasies he has a kind heart, is esteemed by his former associates, and though not now in active public life, yet is very kindly remembered by the "old guard who continue to hold the fort." The Judge is now in his seventy-ninth year, yet he is still active, and as ready for an argument or a story, as he was twenty years ago.

The following is a good illustration of the character of the man, which appeared in one of our daily papers:

"The other day an acquaintance approached the Judge with the remark, 'Judge, if you were made supreme ruler of the universe, what would you do?'

'I'd resign immediately, I would, by gad, sir; I'm not hankering after any more responsibility than I am compelled to bear.' "

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Posted MLHP: March 23, 2010.