

Documents Regarding the Nominations, Confirmations,
Recess Appointments, Commissions,
Oaths of Office, Removals, and Terms of the Ten
Justices who Served on the Supreme Court of
Minnesota Territory,
1849-1858

PART TWO-A

DOCUMENTS RE:

CHIEF JUSTICE
AARON GOODRICH
and
ASSOCIATE JUSTICE
DAVID COOPER

Compiled

by

Douglas A. Hedin
Editor, MLHP

2009–2010

PART TWO-A
TABLE OF CONTENTS

<u>Section</u>	<u>Pages</u>
Sources.....	3
Aaron Goodrich.....	4-11
David Cooper.....	12-15

Documents regarding Associate Justice Meeker
are posted in
PART TWO-B

Documents regarding Chief Justices Fuller and Hayner
are posted in
PART TWO-C

Documents regarding and Chief Justice Welch and
Associate Justice Chatfield are posted in
PART TWO-D

Documents regarding Associate Justices
Sherburne and Nelson are posted in
PART TWO-E

And documents regarding Associate Justice Flandrau and
John Pettit's Commission are posted in
PART TWO-F.

SOURCES

The *Journal of the Executive Proceedings of the Senate of the United States of America* can be found online. It is an invaluable source for the dates of Presidential nominations and removals and proceedings in the Senate on those nominations. The excerpts from the *Executive Journal* that follow have been reformatted. Punctuation, spelling and grammar are not changed.

The commissions of Justices Goodrich, Cooper, Meeker, Fuller, Hayner, Welch, Chatfield and Sherburne are taken from Vol. 1, Book of Commission of Judges (Jan. 26, 1837—Dec, 11, 1856), Record Group 59, Stack Area 250, Row 48, Compartment 3, Shelf 3, National Archives (Archives II Reference Section), College Park, Maryland.

The commissions of Justices Nelson and Flandrau are taken from Vol. 2, Book of Commission of Judges (Feb. 4, 1856—Jan. 21, 1879), Record Group 59, Stack Area 250, Row 48, Compartment 3, Shelf 3, National Archives (Archives II Reference Section), College Park, Maryland.

The commissions of the justices, including John Pettit's recess commission, can also be found on Roll 8 of the microfilm copies of U. S. Territorial Papers. Territory of Minnesota Records: Justice Department records in the Ronald M. Hubbs Microfilm Room at the Minnesota Historical Society.

The original oaths of office of the ten territorial justices are filed in a manila folder marked "Territorial Secretary: Bonds and Oaths—Territorial Offices" in the box of "Territorial Records of the Territorial Secretary" at the Minnesota Historical Society. The handwritten oath of each territorial justice has been retyped and appears in the entry for each justice in PART TWO. Misspellings and abbreviations have not been changed. Copies of the original handwritten oaths are in PART THREE-A.

AARON GOODRICH

Term: March 19, 1849, to October 21, 1851.

Served: May 22, 1849 to October 21, 1851.

1. March 15, 1849: President Taylor's nomination of Aaron Goodrich was sent to the Senate.

The following messages were received from the President of the United States, by Mr. Bliss, his secretary:

To the Senate of the United States:

I nominate Edward W. McGaughey, of Indiana, to be governor of the Territory of Minnesota.

Charles K. Smith, of Ohio, to be secretary of the Territory of Minnesota.

Aaron Goodrich, late of Michigan, now of Tennessee, to be chief justice of the supreme court of the United States for the Territory of Minnesota.

David Cooper, of Pennsylvania, and Benjamin B. Meeker, of Kentucky, to be associate justices of the supreme court of the United States for the Territory of Minnesota.

Henry L. Moss, of Minnesota, to be attorney of the United States for the district of Minnesota.

Joshua L. Taylor, of Minnesota, to be marshal of the United States for the Territory of Minnesota.

.....

Z. TAYLOR.

Washington, March 15th, 1849.

Journal of the Executive Proceedings of the Senate of the United States of America, 31st Congress, Special Session, Thursday, March 15, 1849, at 84.

2. March 19, 1849: Goodrich was confirmed by Senate.

The President pro tempore laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 21st February last, a copy of the official journal of Lieutenant Colonel Philip St. George Cook, from Santa Fé to San Diego; which was read.

Mr. Butler, from the Committee on the Judiciary, to whom was referred, the 15th instant, the nominations of Charles K. Smith, Aaron Goodrich, David Cooper, Benjamin B. Meeker, Henry L. Moss, and John L. Taylor,

and on the 17th instant those of Thomas C. Perkins, William B. Scott, James Campbell, Henry Boyce, and John E. King, reported.

Whereupon...

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Journal of the Executive Proceedings of the Senate of the United States of America, 31st Congress, Special Session, Monday, March 19, 1849, at p. 89.

3. March 19, 1849: President Taylor signed Goodrich's Commission.

/s/ Zachery Taylor

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETINGS:

KNOW YE, *That reposing trust and confidence in the wisdom, uprightness, and learning, of Aaron Goodrich of Tennessee, I have nominated and by and with the advice and consent of the Senate*

Do appoint him Chief Justice of the Supreme Court of the United States for the Territory of Minnesota;
and do authorize and empower him to execute, and fulfil the duties of that office, according to the Constitution and Laws of the said United States,
AND TO HAVE AND TO HOLD, *the said Office, with all the powers and privileges, and emoluments to the same right appertaining, unto him, the said Aaron Goodrich, for the term of four years from the day of the date hereof.*

In Testimony Whereof, *I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.*

GIVEN *under my Hand, at the City of Washington, the nineteenth day of March, in the year of our Lord one thousand eight hundred and forty nine and of the Independence of the United States of America, the seventy third.*

By the President,

/s/ Z Taylor

/s/ Jm. Clayton Secretary of State.

Zachary Taylor

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

KNOW YE, That reposing special trust and confidence in the wisdom, uprightness, and learning, of *Samuel Goodrich of Tennessee,* I have nominated, and by and with the advice and consent of the Senate

Do appoint him *Chief Justice of the Supreme Court of the United States for the Territory of Minnesota,*

and do authorize and empower him to execute, and fulfil the duties of that office, according to the Constitution and Laws of the said United States, **AND TO HAVE AND TO HOLD,** the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said *Samuel Goodrich, for the term of four years from the day of the date hereof.*

In Testimony Whereof, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

GIVEN under my Hand, at the City of Washington, the *nineteenth* day of *March,* in the year of our Lord one thousand eight hundred and *forty-nine* and of the Independence of the United States of America, the *seventy-third*

P.P.

By the President.

Z. Taylor
J. M. Clayton Secretary of State

Vol. 1, Book of Commission of Judges (Jan. 26, 1837-Dec, 11, 1856), Record Group 59, Stack Area 250, Row 48, Compartment 3, Shelf 3, National Archives (Archives II Reference Section), College Park, Maryland.

5. October 21, 1851: President Fillmore removed Goodrich by making a recess appointment of Jerome Fuller. He signed Fuller's commission that day.

6. October 22, 1851: John J. Crittenden, Acting Secretary of State, wrote Goodrich of President Fillmore's decision to replace him, and in a note to Jerome Fuller at the bottom of the letter enclosed his Commission.

Department of State
Washington October 22nd 1851.

Honorable A. Goodrich
 ∂c., ∂c.,
 St. Paul.
 Min. Teriy.

Sir:

The President of the United States having thought proper to confer the appointment of Chief Justice of the Supreme Court of the United States, for Minnesota, which you now hold, upon Jerome Fuller, this letter is written to apprise you of the circumstances, and to inform you, that your successor's Commission has been this day transmitted to him by this Department.

I am very respectfully
Your Obedient Servant
J. J. Crittenden, Act. Secretary

Department of State
Washington October 22nd 1851.

Honorable Jerome Fuller,
 Albany New York.

Sir:

The President having appointed you Chief Justice of the Supreme Court of the United States for the Territory of Minnesota, I have the honor to enclose your commission, the receipt of which you will be pleased to acknowledge.

Roll 8 of the microfilm copies of U. S. Territorial Papers. Territory of Minnesota Records: Justice Department records in the Ronald M. Microfilm Room of the Minnesota Historical Society. The copy of this letter on microfilm is too faint or light to reproduce.

Almost certainly, Crittenden's original handwritten letter was on the stationery of the Department of State. That letterhead has been cropped from the microfilm copy.

7. December 19, 1851: President Fillmore sent the nomination of Jerome Fuller for a four year term to the Senate.

To the Senate of the United States:

I hereby nominate the persons herein named for the offices to which the were appointed during the last recess of the Senate:

.....

Jerome Fuller, of New York, to be chief justice of the supreme court of the United States for the Territory of Minnesota in the place of Aaron Goodrich, removed.

MILLARD FILLMORE.

Washington, December 19, 1851.

Journal of the Executive Proceedings of the Senate of the United States of America, 32nd Congress, First Session, Saturday, December 20, 1851, at 341-42.

8. January 15, 1852: Having received Goodrich's request for payment of his salary, the Comptroller of the Treasury requested confirmation from the State Department of the exact date of Goodrich's last day in office.

Rec'd 16 January Mr. Forrest
Treasury Department Comptroller Office January 15th 1852.
Hon. Daniel Webster Secretary of State
Sir,
Aaron Goodrich, Esq, who was appointed by President Taylor, Chief Justice of the Territory of Minnesota, has sent an order for a quartered salary ending December 31st 1851, claiming that he is still Chief Justice of that Territory.
Be pleased to inform me, from what day his removal from the office of Chief Justice took effect. This information is necessary for me to decide when his salary ceased.
I am, Very Respectfully Yours, Elisha Whittlesey

Recd 16. Jan'y W Forests.

Treasury Department
Comptroller's Office
January 15th 1852.

Hon Daniel Webster
Secretary of State
Sir,

Aaron Goodrich Esq^r,
who was appointed by President Taylor,
Chief Justice of the Supreme Court of the
Territory of Minnesota, has sent an order
for a quarterly salary ending December 31st
1851, claiming that he is still Chief Justice
of that Territory.

Be pleased to inform me, from what day
his removal from the Office of Chief Justice
took effect. This information is necessary
to enable me to decide when his salary
ceased.

I am
Very Respectfully
Yours
Elisha Whittelsey -

9. January 16, 1852: Secretary of State Webster replied.

Department of State
Washington, January 16th 1852

Elisha Whittlesley, Esq:
First Comptroller of the
Treasury Washington

Sir:
In reply to your letter of the 15th instant, requesting to be informed from what day the removal of Aaron Goodrich, Esq: as Chief Justice of the Supreme Court for the Territory of Minnesota took effect, I have to inform you, that Mr Goodrich was notified on the 22d day of October, 1851, of his removal on which day Jerome Fuller was commissioned as Chief Justice of the Territory in his place.

I am, sir, &c
D.W.

Roll 37 of National Archives Microfilm Publication M40: Domestic Letters of the Department of State, 1784-1906, National Archives (Archives II Reference Section), College Park, Maryland. Webster's letter was transcribed and furnished to the MLHP by David A. Lambert, Textual Archives Services Division, by email dated April 29, 2009. A copy is on file at MLHP.

9. In 1854, the United States Supreme Court denied Goodrich's challenge to his dismissal. In the syllabus, Crittenden's letter of dismissal on October 22, 1851, is cited.

On 21st of October, 1851, the President of the United States thought proper to remove Mr. Goodrich, and to appoint Jerome Fuller to the office; of which removal Mr. Goodrich was informed by an official letter from the department of state, dated 22nd October, 1851, and received by him on 30th November, 1851, as stated by him.

United States ex rel Goodrich v. Guthrie, 58 U. S. (17 How.) 284 (1854).

DAVID COOPER

Term: March 19, 1849, to March 18, 1853.

Served: June 9, 1849, to March 18, 1853.

1. March 15, 1849: Cooper is nominated by President Taylor.

The following messages were received from the President of the United States, by Mr. Bliss, his secretary:

To the Senate of the United States:

. . . .

I nominate Edward W. McGaughey, of Indiana, to be governor of the Territory of Minnesota.

Charles K. Smith, of Ohio, to be secretary of the Territory of Minnesota.

Aaron Goodrich, late of Michigan, now of Tennessee, to be chief justice of the supreme court of the United States for the Territory of Minnesota.

David Cooper, of Pennsylvania, and Benjamin B. Meeker, of Kentucky, to be associate justices of the supreme court of the United States for the Territory of Minnesota.

. . . .

Z. TAYLOR.

Washington, March 15th, 1849.

Journal of the Executive Proceedings of the Senate of the United States of America, 31st Congress, Special Session, Thursday, March 15, 1849, at 84.

2. March 19, 1849: Cooper was confirmed by the Senate.

Mr. Butler, from the Committee on the Judiciary, to whom was referred, the 15th instant, the nominations of Charles K. Smith, Aaron Goodrich, David Cooper, Benjamin B. Meeker, Henry L. Moss, and John L. Taylor, and on the 17th instant those of Thomas C. Perkins, William B. Scott, James Campbell, Henry Boyce, and John E. King, reported.

Whereupon

Resolved, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Journal of the Executive Proceedings of the Senate of the United States of America, 31st Congress, Special Session, Monday, March 19, 1849, at 89.

3. March 19, 1849: President Taylor signed Cooper's commission.

/s/ Zachary Taylor

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETINGS:

KNOW YE, *That reposing trust and confidence in the wisdom, uprightness, and learning, of David Cooper, of Pennsylvania, I have nominated and by and with the advice and consent of the Senate*

Do appoint him an Associate Justice of the Supreme Court of the United States for the Territory of Minnesota;

and do authorize and empower him to execute, and fulfil the duties of that office, according to the Constitution and Laws of the said United States, AND TO HAVE AND TO HOLD, the said Office, with all the powers and privileges, and emoluments to the same right appertaining, unto him, the said David Cooper, for the term of four years from the day of the date hereof.

In Testimony Whereof, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

GIVEN *under my Hand, at the City of Washington, the nineteenth day of March, in the year of our Lord one thousand eight hundred and forty nine and of the Independence of the United States of America, the seventy third.*

By the President, /s/ Z. Taylor.

/s/ Jm. Clayton Secretary of State.

Zachary Taylor

77

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

KNOW YE, That reposing special trust and confidence in the wisdom, uprightness, and learning, of

David Cooper, of Pennsylvania, I have nominated, and, by and with the advice and consent of the Senate

Do appoint him *an Associate Justice of the Supreme Court of the United States for the Territory of Minnesota*

and do authorize and empower him to execute and fulfil the duties of that office, according to the Constitution and Laws of the said United States, **AND TO HAVE AND TO HOLD**, the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said *David Cooper*, for the term of *four years* from the day of the date hereof.

In Testimony Whereof, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

GIVEN under my Hand, at the City of Washington, the *nineteenth* day of *March*, in the year of our Lord one thousand eight hundred and *forty nine* and of the Independence of the United States of America, the *seventy third*.

Z. Taylor

By the President

John M. Clayton, Secretary

Vol. 1, Book of Commission of Judges (Jan. 26, 1837-Dec, 11, 1856), Record Group 59, Stack Area 250, Row 48, Compartment 3, Shelf 3, National Archives (Archives II Reference Section), College Park, Maryland.

4. June 9, 1849: Cooper took oath of office before Chief Justice Goodrich.

Territory of Minnesota
County of St. Croix

Personally ap-
peared before me the subscriber one of the justices of the Supreme court
of the United States for said Territory David Cooper who, having been
dully appointed one of the justices of the court aforesaid, for the Territory
aforesaid, being duly sworn according to law doth say, That he will
support the Constitution of the United States and that to the best of his
learning and ability he will faithfully discharge the duties of his office.

Sworn and subscribed before } D. Cooper
me this Ninth day of June }
A.D. 1849

Aaron Goodrich

Cooper’s oath is filed in a folder marked “Territorial Secretary: Bonds and Oaths—
Territorial Offices” in the box of “Territorial Records of the Territorial Secretary” at the
Minnesota Historical Society.

5. March 18, 1853: Cooper’s four year term expired.

6. April 5, 1853: President Pierce nominated Andrew G. Chatfield to
replace Cooper:

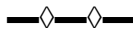
The following messages were received from the President of the United
States, by Mr. Webster, his secretary:

....
To the Senate of the United States:

...
I nominate Andrew G. Chatfield to be associate justice of the United
States for the Territory of Minnesota, in place of David Cooper, whose
commission has expired.

...
FRANKLIN PIERCE.
Washington, April 5, 1853.

*Journal of the Executive Proceedings of the Senate of the United States of America, 33rd
Congress, Special Session, Tuesday, April 5, 1853, at 147.*



Posted MLHP: December 28, 2009.
Revised March 12 & April 23, 2010.

