



AARON GOODRICH

Stormy Petrel of the TERRITORIAL BENCH

ROBERT C. VOIGHT

WHEN Charles Francis Adams, Jr. visited Wisconsin and Minnesota in 1860 on an electioneering trip with his father and Senator William H. Seward, one of the most vivid impressions he recorded was his meeting with a sprightly specimen of the western politician: "I saw . . . a strange, comical-looking character, carrying his thumbs in the armholes of a not over clean white waistcoat, and with a tall black hat perched on the back of his head, perambulating thoughtfully up and down. . . . the Judge developed into by all odds the most original and amusing character I encountered in the whole trip. . . . 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. . . . the Judge is also highly excitable, and, at bottom, I have an idea that he is not altogether sane."¹ Thus did the young New Englander describe Aaron Goodrich, the first chief justice of Minnesota Territory.

Goodrich's path to prominence was not easy, for he came from a family of farmers

and had tried a variety of occupations before he fixed upon the law as a career. Even then he might well have remained an obscure backwoods attorney had not a chance combination of personal associations and party patronage made him a judge. But although partisan favor, not legal distinction, carried him to Minnesota, and his career there was a stormy one, his vigorous and unconventional character left a stamp on both the legal and political development of the infant commonwealth.

The Goodrich family originally came from Wales and for six generations had grubbed the soil of New England. Aaron's father, Levi H. Goodrich, left the family farm near Old Hadley, Massachusetts, in 1795. He drifted to the west, where, in 1797, he followed the family bent for farming and took up land in Cayuga County, New York. Levi found a bride when, in 1799, Eunice Skinner of East Windsor, Connecticut, came to the nearby village of Sempronius as its first schoolmistress. They were married on February 7, 1802. To this union were born eight children, of whom six lived to maturity: Moses, Aaron, Eliza, Levi William,

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This passage appears in an extract from Adams' journal, edited by Theodore C. Blegen and published in "Campaigning with Seward in 1860," in *Minnesota History*, 5:185 (June, 1927).

Enos, and Reuben. Aaron was born on July 6, 1807.²

"The country was poor and the family were poor," wrote his brother Enos in 1851.³ Long hours of work in the fields were blended with reading and study, for the parents taught their children to value the life of the mind. Aaron must have been exposed to both the classics and the Bible, for throughout life his speech and writing were shot through with quotations from those sources.

In 1815 the family moved eighty miles westward to a new farm in Erie County. There, in his nineteenth or twentieth year, Aaron decided to break away from farming. He sought work in Buffalo, a town enjoying the economic upsurge which stemmed from the completion of the Erie Canal. Aaron found a job as a traveling agent for the Isaac W. Skinner Iron Foundry, which produced ploughs and other agricultural implement castings then in demand in the expanding West.⁴

Goodrich discovered that he was not a salesman. References to the tedium and the danger of travel burdened his personal letters. At length, on his twenty-seventh birthday, he wrote in discouragement to his sister Eliza when he lay ill in Columbus, Ohio, that the citizens were involved in "all kinds of fiting [*sic*] with dirks, pistols and knives and gambling by wholesale."⁵

He remained in the foundry business but began work in Buffalo itself, first with Skinner, later with the flourishing firm headed by Samuel Wilkeson. Wilkeson served for a time as a judge of common pleas, and he gave young Goodrich a first taste of legal study.⁶

By the panic year of 1837, Aaron's family had outdistanced him in thrusting west. Old Levi had led his family to Michigan Territory, where they had become successively farmers, storekeepers, and bankers in Lapeer County near present-day Flint. Aaron joined them in time to become cashier of the Goodrich Bank and to see it fail in 1838 along with many other "wildcats."⁷

Goodrich returned to the foundry trade, but he made a fresh start in a new setting when he journeyed to Dover, Tennessee. There Yeatman, Woods and Company operated several smelting plants, and Goodrich took work as a molder. Soon, however, he wearied of the forge and resumed his study of law. He began practice in the courts of Stewart County in the autumn of 1841.⁸

Lawyer Goodrich succeeded in building a clientele in the Dover area. He developed skill as an orator, and this plus his originality, and his catholicity of interests aided in expanding his practice in northwestern Tennessee. He joined the Tennessee militia and rose to the rank of colonel commandant of the Ninety-third Regiment.⁹

Dover girls who watched the tall young bachelor soon learned that his romantic

² Lafayette W. Case, ed., *The Goodrich Family in America*, 210 (Chicago, 1889); Elliot G. Storke, *History of Cayuga County, New York*, 32, 467 (Syracuse, 1879).

³ Enos Goodrich, "John Skinner Goodrich," in *Michigan Pioneer Collections*, 9:181 (Lansing, 1886).

⁴ Charles B. Elliot, "The Supreme Court of Minnesota," in *The Green Bag*, 4:115 (March, 1892); John Wilkeson, "The Manufacture of Iron in Buffalo," in the *State Historical Society of Wisconsin, Madison*.

⁵ Aaron to Eliza Goodrich, November 1, 1832, John Skinner Goodrich Papers, in the Burton Historical Collection, Detroit Public Library. The Minnesota Historical Society has photostatic copies of all items cited from this collection.

⁶ *Dictionary of American Biography*, 20:219 (New York, 1928); Case, *Goodrich Family*, 300.

⁷ See the following articles, all in the *Michigan Pioneer Collections*: Enos Goodrich, "Pioneer Sketch of Moses Goodrich and His Trip to Michigan in February, 1836," 17:488 (1890); Enos Goodrich, "Early Atlas—A Pioneer Sketch," 17:414–416; Enos Goodrich, "Our Pioneer Debating Society," 11:263 (1888); Henry M. Utley, "The Wild Cat Banking System of Michigan," 5:211 (1884).

⁸ Joseph H. Parks, *John Bell of Tennessee*, 115 (Baton Rouge, Louisiana, 1950); Minute Docket of the County Court, August 2, 1841, February 7, 1842, April 1, 1844, April 10, April 20, 1846, in the office of the clerk of the county court, Stewart County Courthouse, Dover, Tennessee.

⁹ Isaac Atwater, "Territorial Bench of Minnesota," in *Magazine of Western History*, 7:209 (December, 1887); Commission Register, Book No. 5, Tennessee Militia, 202, in the State Library and Archives, Nashville, Tennessee.

musings turned to Michigan. Goodrich invited Celinda Fay to join him in Tennessee. She was a family friend whose parents, like Aaron's, had moved from western New York to Michigan in the 1830s. Celinda went to Dover where she and Aaron signed their marriage bond in the courthouse on January 8, 1840. No children were born to them and, as Aaron worked to further his public career, Celinda seemed contented with housekeeping. Brother Moses remembered the marriage as one between a "home woman," and a "man of the world." The union was not to last.¹⁰

BY 1847 Goodrich felt himself sufficiently known to enter political life. He decided to run on the Whig ticket for a seat in the lower house of the state legislature. He felt he could count upon the support of his Stewart County neighbors. Moreover, he found an established politician to aid him. This was John Bell, leader of the Whigs in central Tennessee. Bell was anxious in 1847 to oust the incumbent Democrat from Stewart County. There was every prospect that

Bell's candidate might lose, however, for the county had never elected a Whig legislator.¹¹

Goodrich took to the stump with zest, often sharing the platform with his rival, Abithel Wallace. The heat of July and August did not detract from the formality of the debates. The candidates met "on warm days, in very full-skirted coats, well buttoned up, which, somehow, neither of them cared to unbutton."¹²

The election returns showed that Goodrich had given Wallace a tight race, but the count favored the Democrat, 567 to 565. Goodrich felt the margin of defeat too small to accept. He challenged the count, Wallace resigned, and, in anticlimax, a select committee of the legislature awarded the seat to Goodrich. Representative Aaron Goodrich took his place in Nashville on October 18, 1847.¹³

When the legislature elected John Bell to the United States Senate, Goodrich squared his political debt by giving consistent support. He paid his debt to the party by using his oratorical skill in the Whig campaign for their presidential favorite, General Zachary Taylor. After a speaking tour of Tennessee from "the Mississippi to the boundaries of Virginia and the Carolinas," Goodrich was chosen as one of thirteen Tennessee electors pledged to Taylor. The general carried the state in 1848 with a total popular vote of 64,705 to Cass's 58,419. Goodrich joined jubilant Whig electors in Nashville to vote for Taylor and Fillmore. He had earned a claim to Taylor's patronage.¹⁴

The Tennessee legislator might well have been lost in the horde of office seekers had not several influential southern Whigs spoken out for him. James C. Jones, governor of Tennessee, wrote to Henry Clay to commend Goodrich as "a good Whig [who] has rendered much efficient service in the good cause."¹⁵ John J. Crittenden told Secretary of State John M. Clayton that "very high recommendations have enlisted mine & I hope your sympathy in his behalf."¹⁶

¹⁰ Deed Book No. 14, January 8, 1840, Office of the clerk of the county court, Stewart County Courthouse. The statement of Moses Goodrich is included in the court records of Goodrich v. Goodrich Chancery File No. 1095, Genesee County Courthouse, Flint, Michigan.

¹¹ *Jonesborough* (Tennessee) *Whig*, January 24, 1849; Aaron Goodrich to Eliza Goodrich Brigham, November 13, 1847, John Skinner Goodrich Papers.

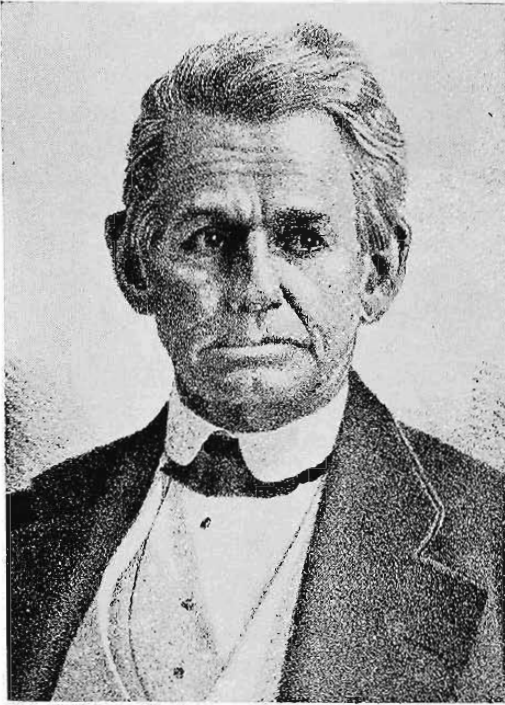
¹² Blegen, ed., in *Minnesota History*, 8:166. A broadside announcing the speeches is among the Aaron Goodrich Papers, in the Minnesota Historical Society.

¹³ *Politician and Weekly Nashville Whig*, October 8, 18, 1847; *Clarksville* (Tennessee) *Jeffersonian*, October 23, 1847.

¹⁴ *Jonesborough Whig*, November 15, 1848; *Nashville Whig*, November 26, 1847; Parks, *John Bell*, 101, 115; John P. Owens, "Political History of Minnesota," 40, in the Minnesota Historical Society.

¹⁵ Jones to Clay, February 8, 1849, Goodrich File, Miscellaneous Records of the Department of State, Record Group 59, National Archives. Hereafter records in the National Archives are indicated by the symbol NA, followed by the record group (RG) number.

¹⁶ Crittenden to Clayton, February 19, 1849, Goodrich File, NARG 59.



AARON Goodrich

As yet no specific position had been suggested; a letter to Clayton from Bell and Merideth P. Gentry brought the man and the job together. "In the event you should not have arranged your nominations for Judges of Minnesota Territory, allow us to suggest the name of Aaron Goodrich, Esqr., late of Tenn. or rather now of that state. He is a sound lawyer for his age — not being over thirty years of age and possesses every other qualifications [*sic*] for the station. He is a gentleman of high character for integrity, & of industrious habits — his morals without reproach."¹⁷

Action followed hard upon the suggestion made by Bell and Gentry. On March 19, 1849, Goodrich read the signature of Zachary Taylor on his commission. He was, the ornate script proclaimed, empowered "to execute and fulfill the duties of the Chief Justice . . . for the term of four years."¹⁸

Goodrich's two associates on the Minnesota bench were promptly appointed. Bradley B. Meeker left his law practice in Kentucky to travel to the territory. He owed his appointment to his uncle, Senator Tru-

man Smith of Connecticut. David Cooper of Pennsylvania filled out the trio of justices. His nomination was a clear consequence of the party work of his brother, Senator James Cooper.¹⁹ Among the three judges Goodrich was the colorful figure, Cooper a more brilliant student of the law; Meeker worked in the shadow of his colleagues. In April and May of 1849 the members of this diverse group made their separate ways to Minnesota.

Goodrich was saluted by Tennessee editors when he departed. His probable route led from Dover down the Cumberland River to Paducah, Kentucky, and thence to the flourishing inland port of St. Louis. There he went aboard the "Cora," which docked at St. Paul on Sunday, May 20, 1849. The chief justice disembarked alone, for he had sent Celinda home to Michigan.²⁰

TO GOODRICH, fresh from Nashville, his new home community offered a depressing prospect. St. Paul as yet possessed only one public inn, although the new American House, financed by the influential fur trader Henry M. Rice, was nearing completion. Goodrich was forced, therefore, to take a small room in the St. Paul House, a crowded log structure located at the corner of Third and Jackson streets in the center of the "lower town." With wry humor, he once described his quarters there: "the room was small but well lighted by a casement of 7 by 9 glass and sundry openings between the logs. There were no chairs in my apartment . . . [which] was in strict architec-

¹⁷ Bell and Gentry to Clayton, March 15, 1849, Goodrich File, NARG 59. Goodrich was actually forty-one years old.

¹⁸ The commission is in the Aaron Goodrich Papers.

¹⁹ Holman Hamilton, "Zachary Taylor and Minnesota," in *Minnesota History*, 30:109 (June, 1949).

²⁰ *Paris (Tennessee) Gazette*, quoted in the *Minnesota Chronicle* (St. Paul), August 9, 1849; *Daily Centre-State American* (Nashville), April 8, 1849; *Clarksville Jeffersonian*, April 2, 1849; Aaron Goodrich, "Early Courts of Minnesota," in *Minnesota Historical Collections*, 1:56 (St. Paul, 1850); testimony of Celinda Goodrich, Chancery File No. 1095, Genesee County, Michigan.

tural keeping with the window, it was just seven by nine.”²¹

The first official business of the territorial government was done in this room on June 1, 1849, when Governor Alexander Ramsey, Goodrich, Cooper, and United States District Attorney Henry L. Moss drafted the document which “proclaimed the organization of this Territory, recognized its officers, and required obedience to its laws.” Stillwater, St. Anthony Falls, and Mendota were chosen as the seats of justice of the first, second, and third judicial districts respectively. Goodrich as chief justice took the Stillwater assignment, Meeker was posted at St. Anthony, and Cooper presided at Mendota; the jurists were thus trial court justices as well as appellate judges.²²

The justices had few duties until the first court sessions. During the quiet summer months of 1849 Goodrich entered into relationships within the limited society of the frontier town which later had great bearing upon his judicial career. As Ramsey aptly observed, after some months of residence in St. Paul, “The population of the Territory is so small . . . that its society is something like that of a village — little slanders & scandals in the mouths of many.”²³ Goodrich, to his subsequent regret, soon gave St. Paul gossips a lively topic of conversation.

The lady in the case was a Mrs. Rodney Parker, whom Rice had brought from Lowell, Massachusetts, to lease and man-

age his new American House. Her husband had remained in Lowell to settle the couple’s business affairs. The relationship between Rice and Mrs. Parker did not prove harmonious. She resented his continued supervision of her work, and he tried unsuccessfully to persuade her to give up her lease. In the absence of her husband, Mrs. Parker turned for advice to Goodrich, who by that time had taken up residence in the new hotel. He defended the landlady “with some feeling” when Rice sent an agent to take the keys from her.²⁴

No doubt the judge was impressed by Mrs. Parker’s very strong apprehension that Rice and his friends might harm her. So real were her fears that she made an urgent appeal to Governor Ramsey, writing: “I believe that I shall be attacked by a lawless mob. . . . It remains for you Sir to say whether the life and property of a defenseless female . . . shall be placed in jeopardy.” Ramsey suggested that her fears were exaggerated and, if genuine, that she inform “some Judge or Justice of the Peace.” Her anxiety was presumably relieved when Parker arrived in St. Paul near the end of August.²⁵

The controversy had undesirable consequences for Goodrich. Some in St. Paul believed his interest in Mrs. Parker to be amorous as well as protective. “Goodrich,” wrote one teller-of-tales the following winter, “is too fond entirely of the society of Mrs. P of the American House. I think I have seen him twice since navigation closed, and both times he was gallanting Mrs. P.” At about the same time another gossip reported to Ramsey that “Judge Goodrich still hangs on to the Landlady.”²⁶

These charges were never sustained, but they were repeated when an effort was made to remove Goodrich from the bench in 1850. The most charitable view was voiced by James M. Goodhue, editor of the *Minnesota Pioneer*, who concluded that the judge had “through chivalry and kindness, in defending a woman, involved himself in difficulties and troubles.”²⁷

²¹ *Pioneer and Democrat* (St. Paul), June 4, 1858.

²² *Pioneer and Democrat*, June 4, 1858; Goodrich, in *Minnesota Historical Collections*, 1:56.

²³ Ramsey Diary, December 29, 1850, Ramsey Papers, in the Minnesota Historical Society.

²⁴ Mary Wheelhouse Berthel, *Horns of Thunder*, 144 n. (St. Paul, 1948); William G. Le Duc to Henry H. Sibley, filed with a letter of August 8, 1849, Sibley Papers, in the Minnesota Historical Society.

²⁵ Mrs. Parker to Ramsey, August 4, 1849; Ramsey to Mrs. Parker, August 10, 1849, Governors’ Miscellaneous File, in the Minnesota State Archives; *Minnesota Chronicle and Register* (St. Paul), August 25, 1849.

²⁶ Dr. Thomas R. Potts to Sibley, January 15, 1850, Sibley Papers; John P. Owens to Ramsey, December 20, 1849, Ramsey Papers.

²⁷ *Minnesota Pioneer* (St. Paul), April 15, 1852.

WHEN GOODRICH convened the territory's first court in August, 1849, many St. Paul residents traveled to Stillwater and there climbed the steep hill to a little frame building. The first court session was, wrote a St. Paul editor, "something of an epoch in our Territorial history." The attentive crowd saw more of procedure than of substance. Only one case was tried. The balance, Goodrich ruled, were not ready for trial, and he directed that they be held over until the spring.²⁸

Having pared litigation to a minimum, the chief justice centered his attention on organization of the bar and the bench. Lawyers from "nearly every state of the Union" were admitted to practice in the courts of the territory. Goodrich had a free hand in instructing the new members of the bar in the rules of practice, for the organic act was silent on the matter. His instructions to the assembled lawyers won praise from an editor who commended Goodrich's "urbanity, conciliatory firmness . . . industry and impartiality."²⁹

Whenever two or more of the territory's three justices sat together to review the work of a district court they constituted the supreme court. In Minnesota, as in other territories, the organic law stipulated this arrangement, commonly known as the *en banc* system.³⁰ Thus it often happened that a judge would review his own decision. This mode of handling appeals had the weakness of tempting a judge to sustain himself. Another disadvantage of "self-review" came from the possibility that a clash of personalities might lead two judges to consistently reverse the decisions of one with whom they disagreed. A separate supreme court would have remedied these evils, but it would also have entailed three more judicial salaries. Despite its weakness, the *en banc* system was sustained by the powerful argument of economy.

The first meeting of the Minnesota Territorial Supreme Court convened at the American House in St. Paul in January, 1850. Goodrich, presiding, was joined on

the bench by Cooper. Organization and procedure were the foremost concerns of the justices. Nineteen "attorneys, counsellors, and solicitors" came before the court in the first two days of the session and were admitted to practice. On the third day of the term Goodrich announced the rules of practice for the several courts of the territory. He read the rules with pride, for he had written them, probably working during the long night hours in his room at the American House. The rules, which were afterward published in pamphlet form, fixed court procedure for the territorial period.³¹

After the first brief meeting of the supreme court, Goodrich prepared to preside again as judge of a district court. Ramsey County had been established and defined by the territorial legislature during its first session in the fall of 1849. Goodrich called for order in the court before an audience crowded into the "public room adjoining the bar-room" of the American House on April 8, 1850. This was the first court in the territory to deal with a substantial body of litigation. Hence it gave opportunity for the use of Goodrich's rules of practice. St. Paul lawyers, editors, and the public, close-packed on wooden benches, came to sit in judgment upon their chief justice.³²

Cases not ready for trial when called were immediately placed on the docket for the

²⁸ *Minnesota Register* (St. Paul), August 11, 1849; *Chronicle and Register*, August 25, 1849.

²⁹ United States, *Statutes at Large*, 9:406; *Chronicle and Register*, August 25, 1849.

³⁰ James Willard Hurst, *The Growth of American Law*, 101 (Boston, 1950); United States, *Statutes at Large*, 9:406.

³¹ Docket of the Supreme Court of the United States for the Territory of Minnesota, Minute Book A, 1-2, in the office of the clerk of the Minnesota Supreme Court, State Capitol, St. Paul; Supreme Court of the Territory of Minnesota, *Rules of Practice for the Supreme, District, and Chancery Courts of the Territory of Minnesota* (St. Paul, 1850).

³² Minnesota Territory, *Laws*, 1849, p. 7, 46; Henry L. Moss, "Last Days of Wisconsin Territory and Early Days of Minnesota Territory," in *Minnesota Historical Collections*, 8:83 (St. Paul, 1898); *Pioneer*, April 10, 17, 1850; *Chronicle and Register*, April 6, 20, May 4, 1850; Ramsey Diary, April 8, 1850.

fall term. Defendants in criminal cases, said Goodrich, must enter into recognizances for appearance in September. In this decision the judge had no choice, for the territory lacked a jail where defendants could be held. St. Paul editors were pleased by the speedy postponement of cases, recognizing that brief service for the jurors would mean economies for the territory. Other savings resulted when a defendant convicted on an assault charge "sloped" from the territory before sentence was pronounced. This, wrote an editor, "is the best way to dispose of our rascals, so long as we are destitute of a prison."³³

Goodrich had reason to rejoice when he read published evaluations of his abilities as a trial judge. Although he had to settle "many questions of practice arising under the rules," his relations with the bar were described as pleasant and courteous. "To find nothing in a court to condemn, is praise enough," wrote the editor of the *Pioneer*. "We have no reason to doubt that Chief Justice Goodrich will prove as competent on the bench as he is gentlemanly off the bench." At a later time the same writer praised "the easy familiarity of the court [that] kept every body good natured." No doubt glowing under these public tributes, Goodrich had no way of knowing that one of the spectators had privately reached a different conclusion. After a morning visit to the courtroom, Governor Ramsey noted

³³ *Chronicle and Register*, April 20, 1850.

³⁴ *Pioneer*, April 10, 17, September 26, 1850; Ramsey Diary, April 9, 1850.

³⁵ Pierre Chouteau, Jr., *et al v. Henry M. Rice et al*, File No. A1795 1/2, in the office of the clerk of the district court, Washington County Court-house, Stillwater.

³⁶ Goodrich to William H. Seward, February 8, 1857, Seward Papers, Rush Rhees Library, University of Rochester, New York.

³⁷ For full discussions of the territorial politics touched upon in this and the following three paragraphs, see Erling Jorstad, "Personal Politics in the Origin of Minnesota's Democratic Party," in *Minnesota History*, 36:259-271 (September, 1959); John C. Haugland, "Alexander Ramsey and the Birth of Party Politics in Minnesota," in *Minnesota History*, 39:37-48 (Summer, 1964).

in his diary that he was "Mortified at the Judge's utter incapacity for his place: Want of decision of character, wants knowledge of law Etc. — Talks too much."³⁴

THE DEATH of President Taylor in the summer of 1850 created grave uncertainties for all of Minnesota's Whig officeholders. Their apprehension was increased by the fact that "Old Rough and Ready," being no politician, had been notoriously haphazard in his distribution of patronage. Under Millard Fillmore a reshuffling of federal appointments was widely anticipated.

Goodrich especially had reason to feel that his position was in jeopardy. In little more than a year in the territory he had made powerful enemies and had offered them several grounds for attack. His clash with Rice in the Parker affair had been aggravated when Rice appeared before him as defendant in a civil suit and judgment was rendered against him.³⁵ Although Ramsey was bound through party loyalty to stand by the judge, he regarded Goodrich as a political embarrassment, and his support was lukewarm. There was one other factor in the situation, of which only Goodrich was aware: he and the new president had met many years before in the state of New York, and their early contact had ended in antagonism. "It was my misfortune," wrote Goodrich later, "to know and dispise [*sic*] Millard Fillmore in my school boy days, & after the death of . . . Taylor, he did me all the harm he could."³⁶

Fillmore was not responsible, however, for the fact that Goodrich became one of the pawns in a heated battle between Minnesota's two political factions.³⁷ Party identifications had not yet developed in the territory, and "faction" more accurately describes the political alignments which tended to take shape around men of influence in the community. Henry H. Sibley, Minnesota agent of the American Fur Company and the territory's delegate in Washington, was the unquestioned leader of the dominant group. Rice aspired to challenge

him. Both men were Democrats, as was the overwhelming majority of the territory's population.

Although Ramsey was a fervent Whig, he knew that a Whig party organization was not in prospect in Minnesota during the early 1850s. He and Goodrich had talked earnestly about this in the spring of 1849 and concluded that there was not one prominent Whig among the old settlers "who could be pitted against H. M. Rice, — Dem."³⁸ The territory's Whigs were mostly new arrivals and were not only weak in numbers but were also widely resented as outsiders who had come to the territory only because of federal patronage.

Ultimately Ramsey threw his support to Sibley, who took care to present himself to the electorate as a nonpartisan candidate. The resulting faction was identified by its opposition as the "Gov. Ramsey-Dr. Borup-Mr. Sibley-Judge Goodrich-Goodhue-democratic-whig-people's-Territorial-party-no-party." More briefly the *Minnesota Democrat* dubbed it the "Fur Company Coalition," in reference to Sibley's business connections.³⁹

The Rice political combination included such diverse personalities and party connections as Alexander M. Mitchell, marshal of the territory, George L. Becker, Edmund Rice, John B. S. Todd, Alexander Wilkin, and, on occasion, Judge Cooper, who had visions of replacing Goodrich as chief justice. This group, excluded from offices both by the outcome of local elections and by Taylor's presence in the White House, heard opportunity knock with Fillmore's inauguration. Goodrich, because of his vulnerability, became their chief target.

AS EARLY as August, 1850, Fillmore had received unfavorable reports about Goodrich. Sibley wrote to Ramsey on August 28 that the president, speaking informally, had said "he had learned that some of . . . [the Minnesota officials] were very unfit for their stations, especially one of the Judges from Tennessee."⁴⁰

On November 28, 1850, a letter written in St. Paul set in motion the chain of actions that would after another year of contest cost Goodrich his post. Alexander Wilkin, known to Ramsey as an agent of Rice, placed in Fillmore's hands a formal request for the removal of Goodrich.⁴¹ Wilkin charged the chief justice with lack of skill as a lawyer and with undignified deportment on the bench; he described Goodrich as an adulterer and alleged that he "had an interest in" a public house in which court sessions were held. Finally, Wilkin charged that Goodrich had refused to certify the accounts of the United States marshal. One question was raised at the close of the petition: since Goodrich had been appointed for a fixed term, did the president have the power to remove him? Fillmore pondered over the problem.

The assault on Goodrich soon moved from individuals to groups. A number of Minnesota lawyers signed a petition asking Fillmore to remove the judge. Their charges were not as specific as those made by Wilkin, but they echoed his list and closed with the assertion that Goodrich was generally unpopular.⁴²

Goodrich was shocked to learn of the group letter. He confidently turned to Ramsey for aid. The governor's diary for December 2 contains a bleak summary: "Judge Goodrich here to inform me that an effort is making [*sic*] to remove him by privately circulating a petition among the members of the bar for his removal, addressed to the Prest. of the U. States. Advised him to let it pass — Said I would write to Sibley."

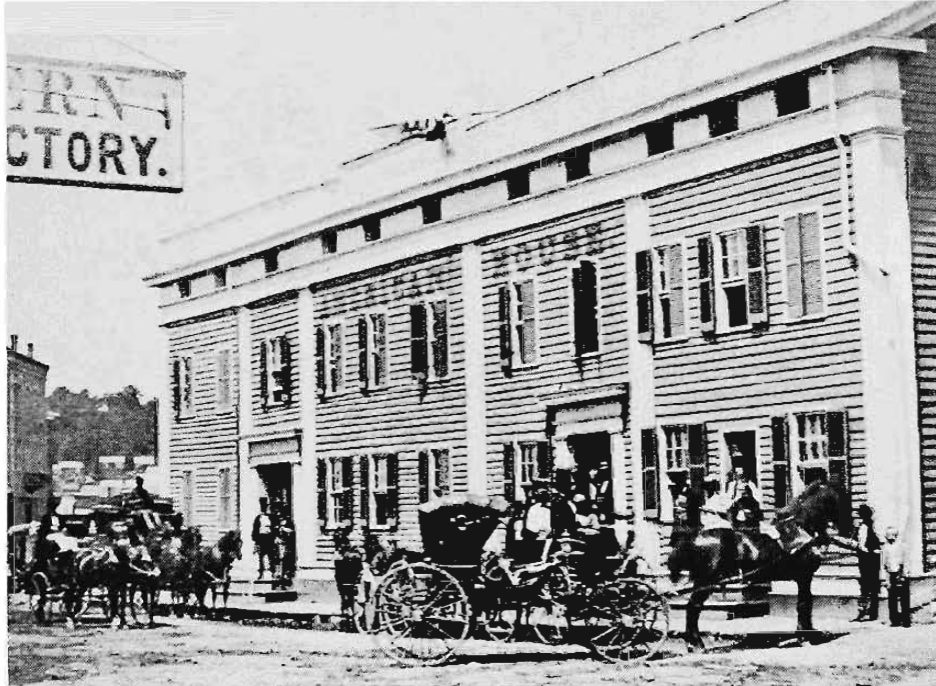
³⁸ Ramsey Diary, June 19, 1849.

³⁹ *Minnesota Democrat* (St. Paul), April 15, June 24, 1851.

⁴⁰ Sibley to Ramsey, August 28, 1850, Ramsey Papers.

⁴¹ Wilkin's petition, dated November 28, 1850, is in the Goodrich File, NARG 59.

⁴² Petition dated November 30, 1850, Goodrich File, NARG 59. The petitioners included Edmund Rice, George L. Becker, Morton S. Wilkinson, Bushrod W. Lott, Rensselaer R. Nelson, Henry F. Masterson, Orlando Simons, William Hollinshead, William D. Phillips, Ellis C. Whittall, and John W. North.



THE American House in 1856

Ramsey made good on his promise. He told Sibley he doubted that Fillmore could remove Goodrich, but nonetheless he felt that they should support the jurist in his fight to stay in office. Ramsey spoke with candor. "You know what we think of him as a Judge," the governor wrote, "but it can not now be remedied & our policy is to make the best of him. The Judge supported you and if you can . . . ease him off a little it is your duty to do so."⁴³

Goodrich had one potentially powerful defender in Washington. This was Gentry, the leading Whig Congressman from Tennessee. Sibley tried to enlist Gentry's aid and "roused [him] up somewhat." Gentry supported his old friend with a warning to Fillmore that hasty action might lead to an injustice. The judge, Gentry insisted, was the victim of a "selfish and unjust conspiracy."⁴⁴

⁴³ Ramsey to Sibley, December 3, 1850, Sibley Papers.

⁴⁴ Sibley to Ramsey, February 9, 1851, Ramsey Papers; Gentry to Fillmore, February 14, 1851, Goodrich File, NARG 59.

⁴⁵ Sibley to Ramsey, December 19, 1850; February 9, 1851, Ramsey Papers.

⁴⁶ This word was written, then crossed out, in the original. The letter, dated January 7, 1851, is in the Goodrich File, NARG 59.

⁴⁷ Parker to Sibley, January 10, 1851, Goodrich File, NARG 59.

Goodrich's best friend in the crisis, however, was Sibley. He was a well-informed agent, wise in the ways of political maneuver. Talking to several Senators, he urged them to "represent to the Prest." that attacks upon Goodrich were attacks upon the administration itself. During late 1850 and early 1851 Sibley kept Ramsey informed with frequent letters from Washington.⁴⁵

The governor, although friendly to Goodrich, was cautious in his official statements. He showed this in a letter drafted for Sibley's use in Washington. "I have [known]⁴⁶ witnessed no conduct on his part that would effect [*sic*] the moral standing of any man," wrote Ramsey in an equivocal phrase. He conveniently closed out memories of his visit to Goodrich's courtroom, saying that an opinion of the judge's legal ability would be superfluous from "those who do not attend the courts."

Goodrich gained a firmer endorsement from an unexpected source — Rodney Parker, manager of the American House. When the landlord wrote to Sibley he used some candid comparisons. "The Judge," he observed, "neither gets drunk or gambles & this is saying a good deal for a territorial officer." At another point Parker declared that Goodrich's "moral character is far above the general standard here."⁴⁷

Friendly voices were also found in the territorial legislature. Sibley organized this support in a petition to Fillmore. The signers joined in a sweeping "unequivocal denial" of any grounds for derogatory reports about the highly respected chief justice. The negation was followed by a flowery affirmation of the high esteem of the community for Goodrich as a judge, citizen, lawyer, and man. Goodhue and other private citizens added their names to the document. Sibley was urged to use it "as circumstances may direct."⁴⁸

Goodrich, always a fighter, was not content to watch the contest. He sent a complete defense of his position to Sibley on January 16, 1851. The judge hit hard. He wrote in anger and named his enemies. Rice and his "minions," Goodrich wrote, were the "embodiment of ultra Democracy in Minnesota." Sibley was supplied with a point-for-point denial of the charges made in the Wilkin letter of November. In closing, Goodrich declared that "Each and every charge against me alluded to in this communication is a *base fabrication* as devoid of truth as the devil is supposed to be of Christian piety. . . . Make such use of this letter as Justice shall require. I shall hold myself responsible for its contents. It is not private."⁴⁹

SIBLEY HAD fought for Goodrich with skill, Ramsey with circumspect phrases, his legislative friends with platitudes, and Goodrich himself had struck back in wrath. The waiting now began.

At St. Paul the judge was "as figetty [*sic*] as a hen with a brood of young ducks."⁵⁰ He pestered Ramsey with repeated visits in the early months of 1851. Surely he cursed the slow, irregular flow of mail from Washington. Finally, Sibley reported apparent victory. Daniel Webster had talked to him on February 19 and reassured him. On February 20 Sibley wrote to tell Ramsey that Goodrich was probably "safe."⁵¹

During the long winter months Goodrich maintained his interest in the social and cul-

tural life of frontier St. Paul. He contributed to a fund to pay the costs of printing Reverend Edward D. Neill's *Dakota Lexicon*. A charter member of the Minnesota Historical Society, the judge played an active role, serving on several of its committees.⁵²

He continued to invest in real estate in the growing community. His first purchases were made in 1850 and were increased throughout his active life. His brother Reuben, who had prospered in Michigan, sent money for investment in St. Paul lots, and Aaron made good choices in the "lower town" which later became the commercial heart of the city.⁵³

Goodrich's future seemed assured. His judgeship appeared secure; his investments flourished; and his community activity was accepted. Yet during these seemingly tranquil months Fillmore had decided to throw him out of office. On January 6, 1851, the president scribbled a note to Webster: "It seems to me we must appoint a new chief justice. Shall we take Bullock of Tenn.? M. F."⁵⁴

One doubt slowed the president. What was the precise scope of his removal power when acting against a territorial judge? He asked his attorney general, John J. Crittenden, to answer. Crittenden returned a lengthy reply on January 23, 1851. Its conclusion was crisp: "You, as President of the United States, have the power to remove from office the Chief Justice of the Terri-

⁴⁸ James M. Goodhue and others to Sibley, January 16, 1851, Goodrich File, NARG 59.

⁴⁹ Goodrich to Sibley, January 16, 1851, Goodrich File, NARG 59.

⁵⁰ Ramsey Diary, January (n.d.), 1851.

⁵¹ Sibley to Ramsey, February 20, 1851, Ramsey Papers.

⁵² *Chronicle and Register*, January 27, 1851. A record of subscriptions to the printing fund, dated January 13, 1851, is in the Sibley Papers.

⁵³ Henry S. Fairchild, "Sketches of the Early History of Real Estate in St. Paul," in *Minnesota Historical Collections*, 10:435 (St. Paul, 1905); interview with Alice Goodrich Robertson, daughter of Aaron Goodrich, in St. Paul, December 27, 1956.

⁵⁴ The note, dated January 6, 1851, is in the Goodrich File, NARG 59.

tory of Minnesota, for any cause that may, in your judgment, require it."⁵⁵

Although armed, Fillmore waited. The winter and spring passed. Goodrich's heavy oak gavel came down sharply on the table in St. Paul's Methodist Episcopal Church, where, flanked by Meeker and Cooper, he opened the second session of the supreme court on July 7, 1851.⁵⁶ The three judges dealt with matters of substance for the first time. Fifteen cases sent up from the lower courts were tried, and the decisions handed down in the heat of the Minnesota summer made up the first section of *Minnesota Reports*. The opinions and the dissents displayed the legal philosophies of Goodrich and his fellows on the bench.

The legal thought of the chief justice evidenced a consistent orientation. He was a devotee of the common law as expounded by Blackstone, and thus, in the context of the times, was rated a staunch conservative, holding for the relative flexibility of common law usage and against strict adherence to the letter of the governing statute.⁵⁷

During the decades in which Minnesota's legal system took shape, the nation was witnessing a bitter struggle between the advocates of comprehensive statutory codes and the defenders of the traditional common law. Goodrich threw himself into this con-

troversy with all the fervor of his disputatious nature and made his influence felt in Minnesota long after his brief judicial career ended.⁵⁸

This was now drawing rapidly to a close. Without warning, on October 22, 1851, Fillmore used his latent power and replaced the judge. Goodrich received the news on November 1. Shocked and angered, he hurried to Ramsey's home. There he vowed he would fight the action. The president, he insisted, had no authority to remove a federal judge. Ramsey cut short the flood of protest. He assured him that opposition was futile. "Yield with dignity," the governor pleaded.⁵⁹

Surely Ramsey saw the full pattern of forces which had brought Fillmore to his decision. The president had determined, about a year after Taylor's death, to replace Taylor appointees with "real Whigs." Goodrich's successor, Jerome Fuller, was a "strictly orthodox" Fillmore Whig. Ramsey also knew that the Rice faction had made a fresh assault upon Goodrich in the fall of 1851. Becker at Washington was suspected of having "wormed himself into the President's good graces, and had some influence in causing the removal of Judge Goodrich."⁶⁰

The aura of doubt surrounding the presidential power to remove a member of the judiciary nurtured Goodrich's initial decision to resist. Despite Fuller's arrival in St. Paul, Ramsey noted that "Goodrich still persists in doing business, insisting that the Prest. has no constitutional right to remove him." While Goodrich protested in St. Paul, Webster, in Washington, acted to strike him from the public payroll. He informed the chief clerk in the comptroller's office that the claims of Goodrich could be ignored and that his quarterly salary could be withheld.⁶¹

The debate, for the principals, was over. St. Paul editors, however, continued to fill columns with charge and countercharge in the "removal controversy." Crittenden's opinion was reprinted, in whole and in

⁵⁵ 5 *Opinions of the Attorneys General of the United States* 288.

⁵⁶ *Minnesota Democrat*, July 8, 1851.

⁵⁷ See especially Goodrich's dissents in *Desnoyer v. Hereux*, 1 *Minnesota Supreme Court Reports* 20-23 (Hol.) and *Chouteau v. Rice et al*, 1 *Minnesota* 29-39 (Hol.).

⁵⁸ In 1858 he was one of three commissioners named by the legislature to revise and simplify the civil practice of the Minnesota courts. See Isaac Atwater, "Territorial Bench of Minnesota," in *Magazine of Western History*, 7:209 (December, 1887); Aaron Goodrich, *Code of Pleadings and Practice in Civil Actions in the Courts of This State* (St. Paul, 1858).

⁵⁹ Ramsey Diary, November 1, 1851.

⁶⁰ Leonard D. White, *The Jacksonians: A Study in Administrative History, 1829-1861*, 312 (New York, 1954); *The Minnesotian* (St. Paul), November 6, 13, 1851.

⁶¹ Ramsey Diary, November 21, 1851; Elisha Whittlesey to Webster, January 15, 1852, Goodrich File, NARG 59.

part.⁶² As late as 1893, writers in the legal journals kept alive the question of the presidential power to remove a territorial judge. One essayist speculated: "Were the question an open one we would be strongly inclined to the opinion . . . that judges should be appointed during good behavior."⁶³ Goodrich, advised forty years earlier that the question was not open, left public office but not public life.

THE REMOVAL controversy revealed the nature of the man. Goodrich did not shrink from battle. He reveled in a contest laced with political implications and much preferred to speak out bluntly than to play the spectator, although his was often a lonely voice. Sometimes he clashed with his associates because he was a conservative who instinctively rejected change; at other times he found himself out of step because of his perverse iconoclasm. The latter characteristic was evident in his outspoken agnosticism and in the delight with which he strove to topple revered historic traditions.⁶⁴

Whatever the occasion, Goodrich was independent. He demonstrated this in the mid-1850s when he became one of the early organizers of Minnesota's Republican party and again in the 1870s when, disgusted with the Grant administration, he campaigned for Horace Greeley. His last political act was to cast a defiant vote for Grover Cleveland.⁶⁵

He was a platform orator of real ability, bringing warmth, humor, and ornate prose to his hearers. His greatest contributions as a party orator were made in 1859 and 1860. In the former year he canvassed Minnesota in company with Carl Schurz, helping to elect Ramsey governor of the state. Like young Adams, Schurz was impressed with the judge and left a vivid sketch of this western "original," who seemed to him "a representative of American sturdiness and of the peculiar American intellectual ambition developed under the rough conditions of primitive life in a new country."⁶⁶

Goodrich's contributions in 1860 brought

him the friendship of Seward and resulted in his appointment as secretary to the American legation in Brussels, a post he held for seven years. Seemingly he adapted "the Western vigor of his vocabulary" to "diplomatic usage"—a feat which filled Carl Schurz with wonder.⁶⁷

In 1869 he raised St. Paul eyebrows for a second time by returning to the city in company with a nineteen-year-old girl to whom he had extended protection on her journey from Paris. She became his wife in 1870, following his divorce from Celinda. The closing years of his life were devoted to antiquarian studies which culminated in the publication of a book attacking Columbus as an imposter. A century after Minnesota's first chief justice took up his post, one of the state's journalists wrote with real insight: "Of all the stormy petrels of the early territorial period . . . probably the stormiest was Aaron Goodrich."⁶⁸

⁶² *Minnesotian*, January 10, 1852.

⁶³ William D. Lewis, "Supreme Court of the United States," in *American Law Register and Review*, 32:309 (January, 1893); see also, "Removal of Territorial Judges," in *American Law Review*, 24:264 (January, 1893).

⁶⁴ For references to the judge's reputation as an "unbeliever," see *Pioneer and Democrat*, August 21, 1860; Charles W. Nichols, "Henry M. Nichols and Frontier Minnesota," in *Minnesota History*, 19:256 (September, 1938). In a talk before the Minnesota Historical Society in 1873 Goodrich denounced the organizers of the Boston Tea Party as "mercenaries and sharp speculators." *St. Paul Daily Press*, December 17, 1873.

⁶⁵ Eugene V. Smalley, *A History of the Republican Party*, 154, 343 (St. Paul, 1896); *Minnesotian*, September 11, 21, 1857.

⁶⁶ Carl Schurz, *Reminiscences*, 2:145 (New York, 1909).

⁶⁷ Schurz, *Reminiscences*, 2:147. For a more detailed account of Goodrich's sojourn in Europe and of his later years, see Robert C. Voight, "Defender of the Common Law: Aaron Goodrich, Chief Justice of Minnesota Territory," 132-165, a doctoral dissertation on file in the University of Minnesota and the Minnesota Historical Society.

⁶⁸ Mark Fitzpatrick, "Forgotten Facts About St. Paul," *St. Paul Pioneer Press*, January 11, 1953, sec. 3, p. 8.

THE WOODCUT of Goodrich on page 144 and the photograph on page 149 are from the Minnesota Historical Society's picture collection.



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