

THE SUPREME COURT OF MINNESOTA.

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I.

THE history of the highest court of a State is not the least important part of the history of the Commonwealth. Although the least showy, the judiciary is by far the most efficient instrument in forming and developing the characteristics which distinguish the people of one community from those of another. To write a true and complete history of the Supreme Court of a State would require a minute study and analysis of its decisions affecting private as well as public rights. These decisions become the measure of business morality, and thus powerfully influence and direct the every-day life and habits of the people. The court is the balance-wheel of the political system; its steady wisdom operates as a break upon the hurried action of the people and their legislative representatives while acting under the pressure of public excitement.

I do not propose here to attempt such a minute study of the history of the court, as there is another view from which the subject may be approached which is scarcely less important. The personal element enters largely into the history of jurisprudence. The flow of law must be through a personal medium, and during its passage the law of refraction is liable to influence the result. The legislature may, in the plenitude of its wisdom and power, enact a statute for a certain purpose; but whether in fact such statute will ever become the law of the land may depend upon the mental peculiarities of the members of the court which is called upon to construe and apply it to the multifarious circumstances of life. There are few statutes which a court may not construe into a nullity. So every court has its peculiarities, which are but the reflections of the personal characteristics of the men who con-

stitute it. "One judge of high moral perceptions and a tender and instructed conscience will see clearly the requirements of natural right in the case, or the correct application of written law or judicial precedents. Another judge, unscrupulous, passionate, unlearned, or vindictive, may utterly fail either to perceive or apply the right."

The body of the law now in force in this country is the work of the judges. Mansfield, before the days of legislative fecundity, created the commercial law of Great Britain; Marshall created a system of constitutional law very different from that contemplated by the constitutional convention which constructed his text, or the successive congresses which sought to embody their ideas in statutes. It is hardly too much to say that a great judge creates the laws which in theory he declares. In a contest between such a judge and the legislative power, his decisions will percolate through and ultimately undermine any legal structure the legislature may create.

Minnesota is as yet a new State, and its Supreme Court of Judicature is without traditions. No ancient portraits of famous judges in wig and gown look down upon their successors. Portraits indeed hang upon the walls of the court-room, but they are of men who have recently passed away, or of those whose voices are still heard before the court. The history of the State is encompassed by the life of a single generation, and the founders of the commonwealth are still with us in the flesh. One member of the territorial court is a leader of the bar to-day, while another is a distinguished Federal judge.

Minnesota has had no judicial monarch, no monarchy of a single mind to interrupt the republic of judges. The average member-

ship of the court in character and learning has been high, and to almost every member may truly be applied the eloquent language of Bishop Horne: "When he goeth up to the judgment-seat he putteth on righteousness as a glorious and beautiful robe, to render his tribunal a fit emblem of that eternal throne of which justice and mercy are the habitations."

On the 23d of December, 1846, Morgan L. Martin, the territorial delegate from Wisconsin, introduced into Congress a bill for the creation of the Territory of Minnesota; but it was not until the 3d of March, 1849, the day before the inauguration of President Taylor, that the bill organizing the new Territory was finally passed and became a law.

Section 9 of the Organic Act provided "that the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

The supreme court shall consist of a chief-justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts, by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointment, respectively reside in the district which shall be assigned to them."

On the 19th day of March, 1849, President Taylor appointed the members of the first territorial Supreme Court. Governor Ramsey reached St. Paul on the 27th day of May, 1849, and on the first day of the following June issued a proclamation declaring the new government duly organized, with the following officers: Alexander Ramsey of Pennsylvania, Governor; C. K. Smith of

Ohio, Secretary; Aaron Goodrich of Tennessee, Chief-Justice; David Cooper of Pennsylvania and B. B. Meeker of Kentucky, Associate Justices; J. L. Taylor, Marshal; and H. L. Moss, United States Attorney. On the 11th day of the same month the Governor issued a second proclamation, dividing the Territory into judicial districts in accordance with the requirements of the Organic Act.

The first district was composed of the county of St. Croix alone, and to this was assigned the Chief-Justice. The second

district comprised the region north and west of the Mississippi River, and north of the Minnesota River, and of a line running due west from the head-waters of the Minnesota River to the Missouri. To this district Judge Meeker was assigned. The third district, to which Judge Cooper was assigned, comprised the country west of the Mississippi River and south of the Minnesota River. The same proclamation provided that terms of court should be held, to continue one week, — in the first district at the village of Stillwater on the second Monday,



AARON GOODRICH.

in the second district at St. Anthony Falls on the third Monday, and in the third district at Mankato on the fourth Monday, of August, 1849. Thus was the wilderness organized, and the machinery for its government provided. It was an illustration of the modern practice of transplanting the entire machinery of government in advance of the governed. The land was little more than a wilderness. The entire population, exclusive of Indians, could not have exceeded one thousand. The census taken four months after the passage of the law organizing the Territory, and after the rush of emigrants had set in, showed four thousand six hundred and eighty souls, of which three hundred and seventeen were connected with the army. West of the great river the Indians held undisputed sway, from the southern line of the State north to the embryonic city of St. Paul. The banks of the Mississippi could show but two or three habitations of white men. St. Paul contained one hundred and fifty inhabitants and thirty buildings. But these few pioneers were buoyant and hopeful of the future. "The elements of empire were plastic yet and warm, awaiting but the moulding hand of the thousands soon to come." On the 28th of April, before the arrival of the territorial officers, "with but a handful of people in the whole Territory, and a majority of these Canadians and half-breeds," the first issue of the first newspaper ever published in Minnesota saw the light. It could not be called a metropolitan sheet,

and it was issued under somewhat discouraging as well as unusual circumstances.

Some of the conditions ordinarily supposed to be necessary to journalistic success were wanting, as the editor informs us that he "had no subscribers. The people did not want politics, and we had none to give them. We advocated Minnesota, morality, and religion from the beginning." We are also

informed that the first number of the paper was printed in a building through which "all out-doors is visible through more than five hundred apertures; and as for type it is not safe from being pried on the galleys by the wind." About the time the new judges reached the field of their future labors, this paper was urgently advising settlers then swarming into the Territory to bring with them tents and bedding.

It was to this crude and unformed community, planted in the depth of the wilderness, near the roaring falls of St. Anthony

of Padua, that Chief-Justice Goodrich and Justices Meeker and Cooper came early in 1849, bearing with them the commissions of President Taylor enjoining them to administer justice to the inhabitants thereof, and charged with the duty of laying the foundation of the jurisprudence of the great State of the near future.

The first Chief-Justice was born in Cayuga County, New York, on the 16th day of July, 1807. In 1815 his father moved to western New York, where the son spent his minority upon a farm, receiving such



BRADLEY B. MEEKER.

It could not be called a metropolitan sheet,

education as could be conferred by the country schools.

After reading law for a time, he removed to Tennessee, where his legal studies were completed and practice commenced. In 1847 and 1848 he was a member of the State Legislature, being the only Whig who ever represented the district.

During the three years he sat as Chief-Justice he seems to have given general satisfaction, although, by reason of his short period of service and the limited amount of business transacted, he failed to leave any impression on the jurisprudence of the State. His inclinations seem to have been rather literary and archæological than legal. After retiring from the court, he devoted his time to such studies until 1861, when he was appointed by President Lincoln to the position of Secretary of Legation at Brussels, where he remained until 1869.

Upon the organization of the State in 1858, Judge Goodrich was appointed a member of a commission charged with the duty of preparing and reporting to the Legislature a Code for the State. Although favoring liberal rules of practice, as was evidenced by his dissenting opinion in the first case decided by the Supreme Court, he was a firm believer in the saving grace of the common law and on this commission opposed the adoption of the code system. His views were embodied in an elaborate minority report.

One of the reasons given for his dissent

was the excessive cost of justice under the code system. Its popularity with the lawyers was compared to that of Diana with the jewellers of Ephesus, — "Know ye not by this our craft we beget our wealth?"

In 1860 he was a member of a commission to prepare a system of pleading and practice, with instructions to report within a few days. An elaborate report was laid before the Legislature within the time, which creates a suspicion that the Chief-Justice, like Franklin, was in the habit of carrying systems of government in his pocket, ready for any emergency that might arise.

The principal result of his labors while in Europe was a work entitled "A History of the Character and Achievements of the so-called Christopher Columbus," which was published in Philadelphia in 1874. This is a work of considerable interest and ingenuity. It is sought to be shown that the great Christopher's real name was Criego,

and that while pursuing the honorable career of a pirate of many years' experience, he came into the possession of the log of some worthy mariner who had been gathered to his fathers, and thereupon set up as a great discoverer.

Judge Goodrich was an active partisan of Seward, and labored and voted for him for President in the Convention of 1860. After his return from Europe he continued to reside in St. Paul until his death. John Skinner Goodrich, a brother of the Chief-Justice, was a judge of the Supreme Court



DAVID COOPER.

of Michigan in 1850, and two other brothers were members of the Senate of that State.

Bradley B. Meeker was born at Fairfield, Connecticut, in 1813. Although descended from Robert Meeker who established the town in 1650, the father of Bradley was in poor circumstances, and unable to give his children an education. After many struggles with adverse circumstances, the youth came under the notice of Governor Thomlinson, under whose patronage he was sent to Weston Academy and subsequently to Yale College. After leaving college he settled at Richmond, Madison County, Kentucky, where he commenced the study of law while engaged in teaching as a means of support.

After admission to the bar in 1838, he practised his profession at Richmond until 1845, when he removed to Flemingsburg in the same State. Here he soon became a leader in the movement for a constitutional convention for the revision of the State Constitution.

Through the influence of John Bell, President Taylor appointed Mr. Meeker one of the Associate Justices of the Territory of Minnesota. This position he held, performing the duties with credit, until the commencement of the Pierce administration in 1853, when he was succeeded by Moses Sherburne. Judge Meeker wrote but seven decisions, all of which appear in the first volume of the Reports. After leaving the bench he never engaged in active practice, but devoted himself to real-estate transactions, with indiffer-

ent success, although he finally accumulated a competence. He was active in the life of the new community, was somewhat eccentric in his habits, and seems to have been in demand as a public speaker.

He was a member of the Democratic wing of the Constitutional Convention of 1857, and there advocated an appointive judiciary.

During the year 1857 the people of the

Territory were suffering from "hard times;" and Judge Meeker advocated a plan which he thought would relieve debtors and at the same time make Minnesota a haven of rest for the financially troubled of other lands. In November of that year he wrote to a member of the Legislature a letter from which I quote the following:—

"You are now in a position to do Minnesota good service, and I know you well enough to know that you will do all in your power to promote her best interests. Now, something must be done, or northern Minnesota will be a pauper

country within two years. I have thought much about the matter, and have at last fallen upon the following relief measures. In the first place, I want you to pass a law prohibiting all our courts of justice from rendering any judgments for debts due by contract or judgment contracted or rendered out of Minnesota for the term of five years from the passage of such law. Now, the effect of such a legislative act would be this: all the embarrassed men of business, whether manufacturers, merchants, or mechanics, would wend their way with their families and friends to Minnesota in the spring, where they could enjoy legal repose from the demands of their creditors, and establish them-



ANDREW G. CHATFIELD.

selves anew. This step, so merciful in these days of pecuniary depression and oppression, would revive emigration again to Minnesota, and fill it with enterprise and money."

Judge Meeker lived in Minnesota but a short time after retiring from the bench, and died while temporarily stopping at a hotel in Milwaukee, Wisconsin, in 1873.

David Cooper was born July 22, 1821, at a place known as "Brooks Reserve," in Frederick County, Maryland. In 1831 the family removed to Gettysburg, Pennsylvania, for the purpose of giving an elder brother James, subsequently United States Senator from Pennsylvania, an opportunity to pursue his legal studies. After a short time spent at Pennsylvania College, David Cooper commenced the study of law in the office of his brother at Gettysburg. After being admitted to practice, in 1845, he removed to Louistown, in Mifflin County, where he soon became known as a very successful lawyer. After a legal and political career somewhat brilliant for so young a man, Mr. Cooper was, at the early age of twenty-eight, appointed one of the first Associate Justices of the Supreme Court of Minnesota. Judge Cooper seems to have been rather a difficult person to get along with, and soon made many enemies. His ability was unquestioned, but his irascible temper was the cause of much trouble to himself and his friends. Judge Flandrau writes:—

"Judge Cooper was a very industrious and painstaking lawyer, but irascible in the highest degree. He so fully identified himself with the cause of his client, that fair criticism from opposite counsel of the merits of the case would be construed into a personal affront, and he never forgave a judge who decided against him. With all these peculiarities, the judge had a very genial side to his nature."

The conduct of certain Federal officers gave rise to bitter complaints. In January, 1851, a local paper printed a savage article on "Absentee Office-Holders," in which Cooper was characterized as a "profligate

vagabond." This abusive publication led to a street encounter between the editor and a brother of Judge Cooper.

Like Meeker, Cooper was eccentric. He was a gentleman of the old school, and to the end of his life wore the ruffled shirt and laced cuffs of a past generation. After retiring from the bench in 1853, he practised law in St. Paul until 1864, when he removed to Nevada. The career commenced so auspiciously amid the brilliant successes of youth ended in darkness in an inebriate asylum at Salt Lake City.

In accordance with the Governor's proclamation, the first term of the district court was organized in St. Croix County, August 2, 1849, at the village of Stillwater. This was the first court ever held in Minnesota. Chief-Justice Goodrich presided, and Judge Cooper sat as an associate.

As usual, the lawyers had preceded the courts, and had evidently been kept waiting for some time, as the paper announced that "about twenty of the lankest and hungriest were in attendance." We find the following account of this first court in the "Chronicle and Register" for August 5:—

"The proceedings were for the first two or three days somewhat crude, owing to the assembling of a bar composed of persons from nearly every State in the Union, holding all their natural prejudices in favor of the courts they had recently left, and against those of all other places in Christendom. But by the urbanity, conciliatory firmness, and harmonious course taken by the court, matters were in a great measure systematized, and business finally despatched to the satisfaction of all concerned. The industry and impartiality of the court were matters of commendation on all sides."

The editor then proceeds to compliment the prosecuting attorney upon his ceaseless energy and firmness, and the landlord and citizens of Stillwater upon the sumptuous hospitalities extended to the visiting citizens. One startling feature of the great event duly chronicled was the fact that one of the jurymen wore boots.

In the second district the court convened "at the house of Mr. Bean, on the west bank of the Mississippi, at the falls of St. Anthony." The grand jury was duly sworn; and it is interesting to know that Mr. Justice Meeker's charge was able, and "characterized by sound legal and philosophical lore."

After retiring to "the old mill in the vicinity for deliberation," it was found that the community had failed to provide them with any derelictions to investigate; and the term of court came to a sudden close, with nothing to render it memorable other than its position chronologically in the legal history of what is now the city of Minneapolis.

Much ceremony attended the launching of the judicial ship in Mr. Justice Cooper's district. A spacious warehouse was fitted up and gorgeously decorated for the occasion. Governor Ramsey and Chief-Justice Goodrich occupied seats with the presiding justice. Justice Cooper's charge to the grand jury was a somewhat flowery and elaborate affair. After listening to its flowing periods, our editor decided that, although a young man, the Justice possessed "a discriminating mind, competent knowledge of the law, suavity of manners, and much personal dignity. Minnesota may be proud of her judge." It was subsequently discovered that but three of the members of the jury could understand the English language; and possibly to prevent the utter waste of judicial eloquence, the charge was printed in full in the next issue of the village newspaper.

The first term of the Supreme Court was held at the American House in St. Paul, on Monday, July 14, 1850, Chief-Justice Goodrich and Justice Cooper being present. About this time a certain Englishman named Edward Sullivan made a tour through the Northwest, and, as is common with such travellers, published his "impressions." From this book, entitled "Rambles and Scrambles in North and South America," I quote the following picturesque bit:—



MOSES SHERBURNE.

bles and Scrambles in North and South America," I quote the following picturesque bit:—

"The Chief-Justice of Minnesota was holding his session at St. Paul. 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, and 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 and leaning his chin on the back of it, was addressing them. The prisoner was sitting drinking and smoking, with

his back to the judge, and looking the most respectable and least concerned of the party. Although it struck me that there might be a good deal of justice, there was very little dignity, in the application of the law in Minnesota."

The learned writer then proceeds to enlarge on the usual topic, the weakness of an elective judiciary, and attributes the lack of dignity in the Minnesota Court to the fact that the judges were elected by "a majority of the members of the House of Assembly." This latter learned observation on the method of electing Federal judges seems to corrob-

rate the contention of the Chief-Justice that Mr. Sullivan's description of the court was purely apocryphal. It appears that by this time there was no occasion for the journalist to lament the lack of "politics" in Minnesota; and the Chief-Justice always contended that the description of his court was furnished the traveller by political enemies who were seeking to undermine him at Washington.

Political excitement ran high in the Territory in 1851, and factional quarrels led to the resignation of Chief-Justice Cooper. He was succeeded, Nov. 13, 1851, by Jerome Fuller of New York, who served until Dec. 16, 1852, when he was succeeded by Henry Z. Hayner. It seems impossible to acquire any information about Hayner, who was Chief-Justice from Dec. 16, 1851, to April 7, 1852. He never presided, and it is believed that he never came to Minnesota.

When the Pierce administration came into power, March 4, 1853, all the Federal officers in the Territory were removed. On April 7 William H. Welch became Chief-Justice, and Andrew G. Chatfield and Moses Sherburne Associate Justices. The new Chief-Justice was a native of Connecticut, and a graduate of Yale College and Law School. He came to Minnesota in 1850, residing first at St. Anthony and subsequently at St. Paul. After serving four years under the appointment of President Pierce, he was reappointed by President Buchanan, and remained in office until the

organization of the State government in 1858.

Andrew Gould Chatfield was born at "Butternuts," Otsego County, New York, Jan. 27, 1810. His parents were natives of Connecticut, and of good Revolutionary stock. His maternal grandmother was a member of the Ruggles family, a name well known in the legal and political history of the Empire State. Enos Chatfield, the father of the Judge, removed from Connecticut to New York, where he accumulated some property, but lost it through a defective title.

His children were thus thrown upon their own resources. After acquiring the rudiments of an education by private study in the fitful light of the historical pine-knot after laborious days of farm labor, Andrew went to Hamilton Academy, where he remained for some time. At the age of twenty-one he removed to Steuben County, New York, and commenced



R. R. NELSON.

the study of law in the office of Henry F. Cotton at Painted Post. In 1833, after three years' study, he was admitted to the bar of the county court. During the same year a partnership was formed with James Birdsell, and the practice of law commenced in the village of Addison in Steuben County.

In November, 1838, Mr. Chatfield was elected a member of the Legislature as a Democrat, to which party he faithfully adhered during his long life. He soon became prominent as a leader of his party, and was re-elected for three successive terms.

In 1841 he served as chairman of a committee to investigate the affairs of the Erie Railway, a corporation which had received State assistance in the form of a loan of \$3,000,000.

At the completion of his duties on this committee, Mr. Chatfield returned to private life and the practice of his profession. In 1845 he was again elected to the Assembly, where during the session of 1846 he served upon a committee, of which Samuel J. Tilden was chairman, charged with the duty of devising a plan for the settlement of the difficulties between landlords and tenants which had given rise to the "anti-rent" riots.

This report was an important event in the history of the anti-rent troubles. During the same session Mr. Chatfield served as chairman of the Judiciary Committee and Speaker, to fill a temporary vacancy caused by the extended absence of the regular Speaker. At the close of the session he was appointed one of a committee to investigate the alleged frauds in connection with the enlargement and repairs of the various canals of the State. For the greater part of a year he devoted himself to the arduous duties which devolved upon this committee. Mr. Chatfield was also a member of the Constitutional Convention of 1846. At this time perhaps no young man in political life in that State stood higher or had more brilliant prospects; but the ten years of public service had left but little time for the accumulation of money, and the necessity of providing a competence for his

family induced a removal to the new West. He settled at what is now Kenosha, Wisconsin, and was soon elected county judge, which office he held but for a short time.

In 1853 Judge Chatfield, while in attendance upon the Supreme Court at Washington, met Gen. H. H. Sibley, then delegate from Minnesota. Sibley's glowing description of the new land filled him with a desire to locate within its bounds; and as the Federal offices were then being filled by President Pierce, Mr. Chatfield was, upon the recommendation of General Sibley, appointed one of the Associate Justices of the Supreme Court of the Territory.

His commission was dated April 7, and in June following the new Justice removed to Mendota, and entered upon the duties of his office. Judge Chatfield held the first court in almost every county then organized west of the Mississippi River.

His journeys from county to county were

made upon horseback, and along the "Indian trail," then the only highway through the greater part of the huge judicial district. On one of these journeys his eye was attracted by the wonderful beauty of the prairie bordering on "Roberts Creek" adjoining the "Big Woods," and he resolved to make the spot his future home. A town was soon after surveyed, and named Belle Plaine. A stock company was formed, and for some time it seemed that the projectors of the new town would realize the fortune their enterprise deserved. But the crisis of 1857



CHARLES E. FLANDRAU.

brought disaster, and an assignment for the benefit of creditors followed. Judge Chatfield retired from the bench in 1857, and resumed the practice of the profession.

"During his term in Minnesota," writes Mr. J. F. Williams, "he had become widely acquainted with the people of the Territory, and was much respected by them as an upright citizen, a learned lawyer, and a gentleman of high honor and cultivated mind. As years rolled on, they brought him increasing honors from a widening circle of friends. Wherever he went his venerable and dignified appearance made him an object of respect. His large experience of men and public affairs, and his quick perception made him an agreeable companion." He frequently attended the conventions of his party in the State; and although not taking a very active part in politics, his advice was always eagerly sought. At various times he received the nominations of his party for Chief-Justice, Attorney-General, and Member of Congress; but in the then condition of parties in the State an election upon the Democratic ticket was hopeless. At an advanced age Judge Chatfield was again raised to the bench. In 1870 he was appointed Judge of the Eighth Judicial District of the State, which position he held until his death, Oct. 3, 1875, at his rural home in Belle Plaine. Over his grave there stands a granite monument bearing this inscription: —

"The able and upright Judge, the honest man. Erected by the bar of the State."

Moses Sherburne was appointed one of the Associate Justices by President Pierce in 1853. He was a native of Maine, having been born at Mount Vernon in March, 1808. After being admitted to the bar, he located at Phillips, where he resided until his removal to Minnesota. At the time of his appointment he had filled a judicial position for many years. He took his seat at the January term, 1854, and served until 1857.

After retiring from the court, he continued to reside in St. Paul, and practised law with much success until his death in 1868. Judge Sherburne was a man of more than average ability. He was an influential member of the Constitutional Convention of 1857, and in 1858 was a member of a commission appointed by the Legislature to revise the general laws of the State. He was an eloquent speaker, and won for himself the title of "the old man eloquent."

One of the first acts of President Buchanan's administration was the appointment of Rensselaer R. Nelson and Charles E. Flandrau as Associate Justices of the Supreme Court of the Territory, in place of Justices Sherburne and Chatfield.

The names of Nelson and Flandrau are closely identified with the judicial and political history of the Territory and State. Judge Nelson was born in Coopertown, New York, on the 12th day of May, 1826. His father, Samuel Nelson, was for many years one of the most eminent judges of the Supreme Court of New York, and later Associate Jus-



WILLIAM H. WELCH.

tice of the Supreme Court of the United States.

Young Nelson inherited his father's legal ability. Graduating from Yale in 1846, he soon after entered the law office of James R. Whiting in New York City, but completed his studies at Coopertown, where he was admitted to the bar in 1849.

After a short time spent at Buffalo, Mr. Nelson decided to try his fortune in the far West; and the 12th day of May, 1850, saw the future jurist climbing the long pair of rickety stairs which led from the steamboat-landing to the upland, where a few cheap frame and log houses, stumps, rocks, and ungraded streets indicated the future city of St. Paul.

The young lawyer's first interview with a leading citizen was far from encouraging. Hearing that the young man had designs of practising law in St. Paul, the gentleman was deeply moved with compassion. "My dear young man," said he, "I sincerely pity you. We have a population of six hundred; and fifty of them are lawyers, the most of them starving. I advise you to take the next boat East, because you have no chance here. We have too much trouble with the lawyers here already."

Mr. Nelson did not take the well-meant advice, but opened an office, and continued to practise his profession until 1854, with a good measure of success. In 1853 he had the honor of refusing a nomination as delegate to Congress. In 1854 he removed for a short time to Superior, Wisconsin, where he took an active part in the organization of the new county of Douglass, and held the office of District Attorney.

Returning to St. Paul in 1855, the practice of the law occupied his attention until 1857, when he was appointed an Associate Justice of the Supreme Court, and immediately entered upon the duties of the position. Judge Nelson served until Jan. 1, 1858, when the territorial court was superseded by the State court. But one general term of the court was held after Judge Nelson's appointment, and but two opinions written by him appear in the Reports. This, however, conveys but a very inadequate conception of the amount of judicial work done by him during his brief term of service. A large amount of chamber work devolved upon him as the judge of the district court residing at the capital; and it was in this capacity that he rendered a decision in one of the *causes célèbres* in the early history of the State.

