# MAJOR CASES

*Judge Nelson's court was at different times in the development of the judicial system in the Seventh Circuit, the Ninth Circuit, and finally the Eighth Circuit.*

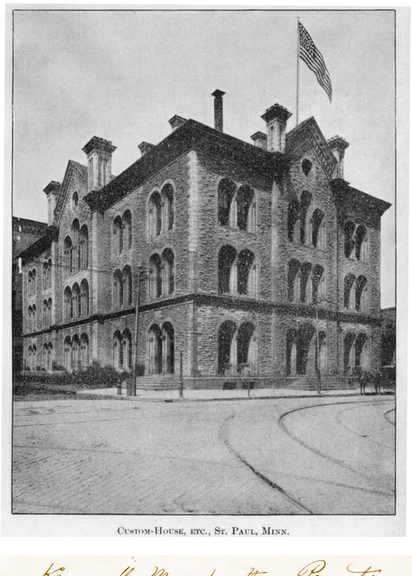
Judge Nelson ruled often from the bench. Most of his cases were not published.

## As the sole judge of the U.S. District Court for Minnesota, Judge Nelson

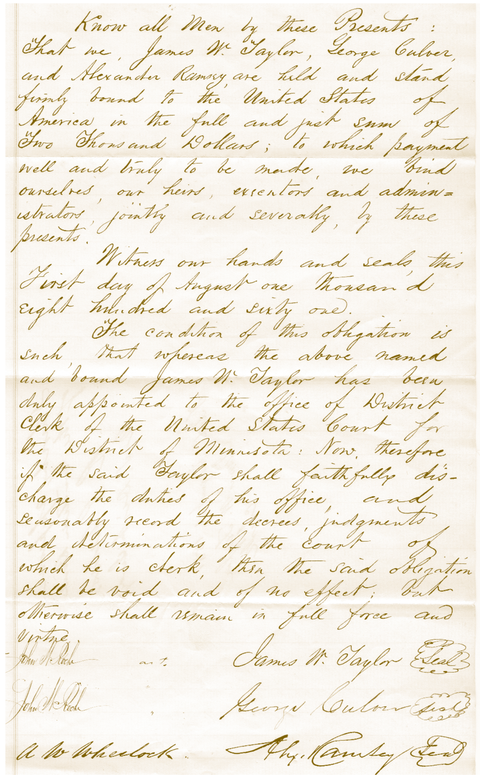
held court in St. Paul twice a year, and at various times traveled to Preston, Mankato, Winona, and Duluth for annual court sessions. Travel wasn't easy in the early years before the railroads were built. The lawyers and the judge traveled to Mankato and Winona by steamboat, but for towns without rivers they used horses. Some early sessions were held in places such as the Masonic Hall in Mankato because of the lack of courthouses.

He was seldom overruled and apparently never by his father, Justice Samuel Nelson, who sat on the U.S. Supreme Court from 1845-1872. According to a local lawyer, there was an attorney who heavily emphasized one of Justice Samuel Nelson's Supreme Court decisions while arguing a case in front of R.R. Nelson, without getting any reaction at all, or any mention of that case in the decision issued.
On another occasion, when an officious army officer brought in four prisoners with a large escort of armed soldiers and saluted the judge with a military bow, Nelson responded with these words:

*"Captain, it is not in accordance with the genius of our institutions to have armed soldiers in a court of justice; remove the guards!"*



Custom-House, etc., St. Paul, Minn.



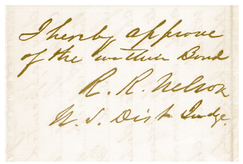
Know all Men by these Presents: That we James W. Taylor, George Culver, and Alexander Ramsey are held and stand firmly bound to the United States of America in the full and just sum of Two Thousand Dollars; to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Witness our hands and seals this First day of August one thousand eight hundred and sixty one.

The condition of this obligation is such that whereas the above named and bound James W. Taylor has been duly appointed to the office of District Clerk of the United States Court for the District of Minnesota: Now, therefore if the said Taylor shall faithfully discharge the duties of his office, and seasonably record the decrees, judgments and determinations of the Court of which he is clerk, then the said obligation shall be void and of no effect; but otherwise shall remain in full force and virtue.

James W. Taylor [Seal]
Geo. Culver [Seal]
Alex. Ramsey [Seal]

Bond needed for clerk of court $2,000, famous names guaranteeing it, and approval on reverse side by R. R. Nelson.



I hereby approve of the within Bond
R. R. Nelson
U. S. Dist. Judge

## Civil Rights

**On June 8, 1875, Judge Nelson, renowned for his jury instructions, issued these instructions to a Grand Jury in Winona:**

*"I think that where race, color, nativity, and religious or political belief furnishes the only reason for the commission of [a] wrong or outrage, a proper occasion arises for the exercise of the power of Congress under [the fourteenth amendment].... [The state governments] were created for the purpose of protecting life, liberty, and the pursuit of individual happiness... Yet as the fourteenth amendment creates citizenship and guarantees the equality of all person before the law, I think Congress can provide the punishment of individuals who deprive any person of the enjoyment of the rights of citizenship and of legal equality solely on account of race or color... It will be conceded, I think, that State legislation making it an offense to refuse the enjoyment of hotel accommodations to white persons, and permitting the exclusion of all other persons, would be repugnant to this amendment... [The] power of Congress can be exerted directly to put down all outrage or discrimination on the part of individuals when the motive originated only in race or color."*

## Copyright Infringement

**In Shook v. Rankin (1875 ) Judge Nelson issued an injunction prohibiting a group of actors from performing a play called "The Two Orphans," which they had memorized:**

*"It is important that there should be a speedy decision of this motion, and while delay would perhaps enable me to present my views more elaborately, and satisfactorily to myself, it would not change the result I have arrived at...This is valuable property. It has been said that dramatic compositions are the most valuable of all literary works, and there is some reason in it. While authors of literary productions, as a general thing, are compelled to await the printing, manufacture, and sale of their books before they can derive any profit from them, the dramatic manuscript can be readily put on the stage, and if it is an amusing and entertaining production, and well brought out, it immediately becomes a source of profit. If it has a successful run, this profit and value are increased, so that it seems to me the assertion is true in some respects, that the authors of literary dramatic compositions are entitled to the great protection which has been accorded to them by the copyright laws of this country, for the reason that they are the most valuable of literary compositions."*

## Writ of Habeas Corpus

**In 1879, Judge Nelson explained his reasons for granting a writ of habeas corpus to a prisoner named Charles Taylor (In Re Taylor):**

*"The general rules is that a prima facie case must appear in the petition, and probable cause must be shown before the writ of habeas corpus will be granted...The writ is not to be granted as a matter of course, and ought not to be granted unless the petitioner shows, in the first instance that he is entitled to it...A court has the right to refuse the writ, and its duty requires a refusal in many cases, but whether its judgment was right or wrong, such refusal does not work as an immunity from further imprisonment. A denial of the writ is not a deprivation of liberty without due process of law. If it is, there would be no need of penitentiaries or prison, for jail doors could be thrown open as fast as decisions are obtained refusing to grant the writ when applied for. The motion to quash all proceedings is granted and the prisoner is remanded to the sheriff."*

## Eminent Domain

**In Secombe v. Milwaukee (1873) Judge Nelson expressed his opinion about when property condemnation by the government is permissible:**

*"It is necessary to a proper understanding of the position of the defendant to give a history of the proceedings which resulted in the judgment of condemnation—The necessary steps were taken by the company, commencing by the publication of a notice...That application would be made to the judge of the district court of Hennepin County...We have examined the record and the proceedings in this case, from the commencement to the final entry of judgment, and find that the company pursued the statutory provisions...The legislature of this state was the only competent tribunal to judge of the mode and manner of exercising the right of eminent domain within the constitutional limits...The statute is the guide for the action of the company, and if we find that it has conformed to the provisions of the several acts laid down for its government is these proceedings, it is not our province to question the discretion exercised by the legislature... It is true that after the order was made for judgment, and that the money be paid into the court, several months elapsed before it was done, but this delay, in our opinion, does not invalidate the judgment. No action was taken to have it set aside. The award was confirmed without complaint, and the owners cannot now attack it on that account."*

## Property Rights

**In Rahally v. Wilson (1872), a case to determine the legal owner of 21,000 bushels of wheat, Judge Nelson delivered the following opinion:**

*"This case is one of general interest, and involves questions of importance to the business community, or at least of that portion of it dealing in the staple products of this state...the general creditors...cannot complain. The receipt-holders have not voluntarily parted with their title to the property; they have not been privy to the invasion of their rights...I confess that this case is not free from doubt, but the equities are with the complainant and the relief must be granted."*

## Sherman Antitrust Case

**The Sherman Antitrust Act was passed July 7, 1890. In one of the early cases, United States v. Nelson, *et al* (1892), Judge Nelson dismissed an indictment brought under that act against several lumber dealers who had met in Minneapolis and agreed to raise the price of lumber 50 cents per 1000 ft., in advance of the market price, in the five states where they did business. He stated:**

*"An agreement between a number of dealers and manufacturers to raise prices, unless they practically controlled the entire commodity, cannot operate as a restraint upon trade, nor does it tend to injuriously affect the public. Unless the agreement involves an absorption of the entire traffic in lumber and is entered into for the purpose of obtaining the entire control of it with object of extortion, it is not objectionable to the statute, in my opinion. Competition is not stifled by such an agreement and other dealers would soon force the parties to the agreement to sell at the market price, or a reasonable price, at least."*

The city of St. Paul, Minnesota, ca 1868.
From the collections of the Minnesota Historical Society

St. Paul population in 1865: 12,976