

Roosevelt, Nelson, and Alaska

EDITED BY CARL L. LOKKE

THE BRIEF LETTER that follows is among the Knute Nelson Papers owned by the Minnesota Historical Society. It is significant for the light it throws on a matter of some importance to Minnesotans—the selection of Alfred S. Moore of Pennsylvania to replace Arthur H. Noyes of Minnesota as United States district court judge in Nome, Alaska. This requires some explanation.

Noyes, a Minneapolis attorney, was appointed to the coveted Nome judgeship—the Nome gold rush was in full swing—under the Alaska civil code act of June 6, 1900. The government expected him to straighten out some bitter litigation over the fabulously rich claims on Anvil Creek. But the judge on arrival stirred up a hornet's nest by placing a number of these claims in the hands of a receiver, the redoubtable Alexander McKenzie of North Dakota. Collusion was suspected. After protesting in vain, the claim owners, several of whom were Scandinavians, appealed to the United States circuit court of appeals in San Francisco. This appeal was not in vain. The circuit court in separate trials found first the receiver and then the judge guilty of contempt of court for failing to obey its earlier commands to return the disputed claims to the owners. The Nome affair, before and after the trials, became an object of intense partisan feeling. President Theodore Roosevelt finally removed Noyes on February 24, 1902, and appointed Moore to the Nome judgeship on May 21, 1902.

This appointment troubled Senator Knute Nelson of Minnesota. His anger had been stirred by the attempt through Noyes to despoil the Scandinavian mine owners, and he now appears to have seen in the Moore appointment a fresh attempt to do the same thing. He wrote a letter of protest to President Roosevelt. A search in the National Archives and the Library of Congress unfortunately has failed to reveal this letter. Its contents are suggested, however, by Roosevelt's reply of June 16, 1902. Couched in characteristic style, it must have given the Senator considerable satisfaction. If he had not been consulted in regard to the

selection of Moore, neither had his colleagues from North Dakota. His mind was doubtless eased further at this time by word that Judge Moore had appointed as clerk George V. Borchsenius, who had been removed the year before by Noyes and had been supported for reappointment by Senator Nelson. The experienced clerk could keep an eye on the new judge. "Nelson has been 'pizen' to the McKenzie gang on account of their persecution of the Scandinavian miners," declared the Seattle Daily Times of July 3, 1902, "and Mr. Borchsenius is a Scandinavian." Even though the clerk had taken part in what President Roosevelt called "that Nome business," Attorney General Philander Knox did not oppose his reappointment. The clerk and the judge, it may be added, worked well together. Comparative peace settled upon the gold city on the shore of Bering Sea.

Personal.

WHITE HOUSE, WASHINGTON, June 16, 1902

MY DEAR SENATOR NELSON: I thank you very much for your letter. I am concerned at what you say as to the affiliations of Judge Moore, who was chosen by the Attorney General without the knowledge of Senators [Henry C.] Hansbrough or [Porter J.] McCumber or anyone else interested in the Nome matter; the choice being made because it was the Attorney General's opinion, in which I fully concurred, that it would be well to get some one who had taken no part in that Nome business. If he does not do well he could be removed at once, and I assure you he will be removed. I thank you for writing and appreciate the genuine kindness and regard that made you write.

Faithfully yours,
THEODORE ROOSEVELT

HON. KNUTE NELSON
United States Senate.



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