

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

PART TWO-B

DOCUMENTS RE:

ASSOCIATE JUSTICE
BRADLEY B. MEEKER

Compiled

by

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PART TWO-B

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

Documents regarding and Chief Justice Welch and
Associate Justice Chatfield are posted in
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Documents regarding Associate Justices
Sherburne and Nelson are posted in
PART TWO-E

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

SOURCES

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

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

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

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

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

BRADLEY B. MEEKER

Term: March 19, 1849, to April 5, 1853.

Served: May 9, 1849, to April 5, 1853.

1. March 15, 1849: “Benjamin B. Meeker” was nominated by President Taylor.

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

To the Senate of the United States:

. . . .

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

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

. . . .

Z. TAYLOR.

Washington, March 15th, 1849.

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

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

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

Whereupon

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

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

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

/s/ Zachary Taylor

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETINGS:

KNOW YE, *That reposing trust and confidence in the wisdom, uprightnes, and learning, of Benjamin B. Meeker of Kentucky, I have nominated and by and with the advice and consent of the Senate*

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

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

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

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

By the President, /s/ Z. Taylor.

/s/ Jm. Clayton Secretary of State.

Zachary Taylor

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PRESIDENT OF THE UNITED STATES OF AMERICA.

*Commission
annul. 81.
page*

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

KNOW YE, That reposing special trust and confidence in the wisdom, uprightness, and learning, of Benjamin B. Meeker, of Kentucky,

I have nominated and by and with the advice and consent of the Senate

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

and do authorize and empower him to execute and fulfil the duties of that office, according to the Constitution and Laws of the said United States, **AND TO HAVE AND TO HOLD**, the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him,

the said Benjamin B. Meeker, for the term of four years from the 7th day of the date hereof.

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

(L.D.)

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

By the President.

Zachary Taylor
John Clayton Secretary of State

4. April 3, 1849: President Taylor signed Meeker's second commission.

/s/ Zachary Taylor

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETINGS:

KNOW YE, *That reposing trust and confidence in the wisdom, uprightness, and learning, of Bradley B. of Kentucky,*

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

and do authorize and empower him to execute, and fulfil the duties of that office, according to the Constitution and Laws of the said United States, AND TO HAVE AND TO HOLD, the said Office, with all the powers and privileges, and emoluments to the same right appertaining, unto him, the said Bradley B. Meeker, until the end of the next session of the Senate of the United States, and no longer.

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

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

By the President, /s/ Z. Taylor.

/s/ Jm. Clayton Secretary of State.

Zachary Taylor,

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PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

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

Bradley B. Meeker of Kentucky,

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

and do authorize and empower him to execute and fulfil the duties of that office, according to the Constitution and Laws of the said United States, AND TO HAVE AND TO HOLD, the said Office, with all the powers, privileges, and emoluments to the same of right appertaining; unto him, the said Bradley B. Meeker, until the end of the next Session of the Senate of the United States and no longer.

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

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

Z. Taylor.

By the President:

John M. Clayton, Secretary of State.

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

5. May 9, 1849: Meeker took oath of office before G. K. Smith, Secretary of Minnesota Territory.

Personally appeared before me G.L. Smith, Secretary of the Territory of Minnesota, Bradley B. Meeker one of the Associate Justices of the Supreme Court of said Territory who makes solemn oath in due form of law to support the Constitution of the United States, and faithfully to discharge the duties of Associate Justice within and for the said Territory of Minnesota agreeably to law.

Bradley B Meeker

Sworn and subscribed }
before me this 9th day }
of May 1849 }
G. K. Smith

Meeker's oath is filed in a folder marked "Territorial Secretary: Bonds and Oaths—Territorial Offices" in the box of "Territorial Records of the Territorial Secretary" at the Minnesota Historical Society.

6. September 25, 1850: President Fillmore signed Meeker's third commission.

/s/ Millard Fillmore

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETINGS:

KNOW YE, *That reposing trust and confidence in the wisdom, uprightness, and learning, of Bradley B. Meeker of Kentucky, I have nominate and by and with the advice and consent of the Senate*

Do appoint him to be an Associate Justice of the Supreme Court of the United States for the Territory of Minnesota- -

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

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

GIVEN *under my Hand, at the City of Washington, the twentieth-fifth day of September in the year of our Lord one thousand eight hundred and fifty and of the Independence of the United States of America, the seventy fifth.*

By the President, /s/ Millard Fillmore
/s/ Daniel Webster Secretary of State.

Millard Fillmore,
PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL WHO SHALL SEE THESE PRESENTS, GREETING:

KNOW YE, That reposing special trust and confidence in the wisdom, uprightness, and learning, of
Bradley B. Meeher of Kentucky I have nominated
and by and with the advice and consent of the Senate
Do appoint him to be an Associate Justice of
the Supreme Court of the United States for the Territory
of Minnesota

and do authorize and empower him to execute and fulfil the duties of that office, according to the
Constitution and Laws of the said United States, **AND TO HAVE AND TO HOLD**,
the said Office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him,
the said

Bradley B. Meeher for the term of four years
from the day of the date hereof.

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

Seal

GIVEN under my Hand, at the City of Washington, the *twenty fifth* day of *September*
in the year of our Lord one thousand eight hundred and *fifty* and of the
Independence of the United States of America, the *seventy fifth*.

By the President, *Millard Fillmore*

Daniel Webster, Secretary of State

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

6. March 18, 1853: Meeker's four year term, set in his first commission, expired.

7. April 5, 1853: President Pierce nominated Moses Sherburne to be Associate Justice, thereby "removing" Meeker.

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

.....

To the Senate of the United States:

.....

I nominate Moses Sherburne to be an associate justice of the United States for the Territory of Minnesota, in place of Bradley B. Meeker, removed.

FRANKLIN PIERCE.

Washington, April 5, 1853.

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

Because Pierce apparently believed that Meeker did not recognize that his term had expired, he removed him by nominating Sherburne. The President's action made April 5, 1853, the last date of Meeker's term; but if measured by the Organic Act's limitation of a term to four years and his first commission, it ended on March 18th.

8. May 6, 1854: The *St. Anthony Express* published an open letter to the residents of Minnesota Territory from Meeker in which he set forth arguments why his removal was unconstitutional, illegal and improper.

St. Anthony Express, May 6, 1854, at 1-2. The manifesto covered three columns on the front page and two on the second. It is reproduced in its entirety in Documents: Part Three, at 38-47. It is clear from his manifesto published in the *St. Anthony Express* on May 6, 1854, that Meeker rested his claim on his third commission signed by President Fillmore on September 25, 1850.

9. August 15, 1854: A quorum of the Territorial Supreme Court denied Meeker's "request" to be "admitted to a seat on the bench." Moses Sherburne did not participate in the proceedings.

The court's order was not accompanied by an opinion explaining its reasoning. The order is noted in the docket book of the court for August 15, 1854.

The following is the entry in the docket book on August 15, 1854, of the Supreme Court's denial of the "request" of Meeker to be restored of his former position:

Tuesday, August 15, 1854.
Court met pursuant to adjournment in
the Clerk's office.
Present and Presiding,
Hon. Wm. H. Welch, Chief Justice.
Hon. A. G. Chatfield, Associate Justice.
Hon. Moses Sherburne, " "

Hon. B. B. Meeker appeared before the
Court and presented his commission as an
Associate Justice of the Supreme Court of this
Territory, and requested that he be admitted to a
seat on the bench as one of the Judges thereof.

And his said Commission having been
examined by the Court, and it appearing
also that said Commission had been (over)

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superseded by the appointment by the
President of the Honorable Moses Sherburne
as said Associate Justice in the place
of the said B. B. Meeker;

It was ordered by the Court, that the
said application be refused. Mr Justice Sher-
burne being interested, took no part in the Decision.

Territorial Archives, Supreme Court, Docket A. 1851-1858, at 52-3. Minn. Hist. Soc.

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