

# JUDGE MEEKER'S DISTRICT COURT SESSION IN HENNEPIN COUNTY (1853)

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During Minnesota's territorial period, a Supreme Court Justice served as a trial judge and appellate judge. When an appeal was taken from his rulings as a trial judge, he joined the other two justices, now convened as the Supreme Court, to review the case. Judge Flandrau reflected upon this process in an address to the Minnesota Historical Society in 1896:

When the territory was organized, its judicial power was vested in a Supreme Court, District Courts, Probate Courts, and Justices of the Peace. Three judges were allowed it, a Chief Justice and two associates. The judges held the trial courts individually, and assembled in banc to sit as a Supreme Court of Appeals. This allowed a judge to sit in review of his own decision, which is not to be commended, but did not produce any noticeable disturbance in the administration of justice that I remember.<sup>1</sup>

The opinions of the Territorial Supreme Court Justices are mentioned in memoirs and occasional articles while their service on the trial bench has been neglected.<sup>2</sup> This is regrettable because, by some measures, their trial work was more important to the development of the territory than their decisions in occasional appeals. But it is also understandable: lawyer-writers naturally

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<sup>1</sup> Charles E. Flandrau, "Lawyers and Courts of Minnesota Prior to and During Its Territorial Period," 8 Minn. Hist. Soc. Coll. 89, 98 (1898) (MLHP, 2009).

<sup>2</sup> See e.g., Russell O. Gunderson, History of the Minnesota Supreme Court §§2-7 (np. 1937) (available online at <http://www.lawlibrary.state.mn.us/gunderson.html>); and the entries on the territorial justices in *Testimony: Remembering Minnesota's Supreme Court Justices* 1-41 (Minnesota Supreme Court Historical Society, 2008).

Difficult to categorize because it is largely a compilation of anecdotes is Robert J. Sheran & Timothy J. Baland's "The Law, Courts, and Lawyers in the Frontier Days of Minnesota: An Informal Legal History of the Years 1835 to 1865," 2 Wm. Mitchell L. Rev. 1 (1976).