

“The Territorial Court in Houston County” *

IN

HISTORY

OF

Houston County

INCLUDING

EXPLORERS AND PIONEERS OF MINNESOTA,

AND

OUTLINE HISTORY OF THE STATE OF MINNESOTA,

BY REV. EDWARD D. NEILL ;

ALSO

SIOUX MASSACRE OF 1862,

AND

STATE EDUCATION,

BY CHARLES S. BRYANT.

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**** MLHP editor: This section appeared on pages 315 to 316 of this history of Houston County. It has been reformatted. The author’s spelling and punctuation have not been changed.**

JUDICIAL.

The Territorial Court.—The first term of the United States District Court, Territory of Minnesota, convened in the First judicial district, was at Caledonia, on the 20th of August, 1855. William H. Welch, Chief Justice of the Territory, presided. The following persons were drawn by lot to serve as grand jurors, and severally answered to their names: Thomas Conniff, Harvey Gillett, John Campbell, John Montgomery, Eliakim Lafflin, Embrick Knudson, Edwin Stewart, Henry Burnett, Levi West, Wm. F. Dunbar, Edwin Butterfield, James Weitz, Burton Andrews, Ralph L. Young, Eli Bake, John J. Dunbar.

The first venire being exhausted, another was ordered, and the following jurors reported in person: Samuel McPhail Samuel Surface, Samuel Armstrong, Hugh Brown, Eugene Marshall, and Henry Parmelle. This being the required number of twenty-four to constitute a grand jury, Samuel McPhail was appointed foreman.

The jury was then sworn, and after receiving their charge, retired for business.

At this session of the court the following persons answered to their names as petit jurors: William James, Daniel Herring, Knud Knudson, Lawrence Lynch, Enoch C. Young, James Hiner; John S. Looney, John Tripp, Anthony Huyck, Ole Anderson, Aaron S. Taylor, Gilbert Nelson, Thomas Dunbar, Peter Johnson, Jacob Webster, Charles W. Metcalf, David Lynn, John Brown, James J. Belden, S. R. Ball, Augustus Parmelee, M. B. Metcalf, William Oxford, Russell H. Thurber, William D. Gibbs, Charles Turner, Nelson Oleson, George Larson, Hagan Harverson.

At this term of the court, there were two cases for perjury, and one for selling spirituous liquor to Indians. The perjury cases were in relation to land titles, anti thus it seems that the community at that time were certainly a law-abiding one.

The next term of the court was held June the 23d, 1856, and only three or four cases were then presented. Michael Burke applied for a certificate of

citizenship, and the necessary affidavits and witnesses appearing, the certificate was granted. So that this was the first naturalization in the county of Houston. Two others also made successful application for citizenship at that term of the court.

The next regular term was on the 20th of October, 1856, but the chief justice, William B. Welch, not being present, after the grand and petit jurors were called, and several adjournments, the sheriff adjourned the court *sine die*.

On the 14th of September 1857, another session was begun and holden, the Chief Justice being present, and it seems that quite a respectable docket had accumulated.

William L. Gibbs was appointed foreman of the grand jury. Seven regular cases were called.

There appears to have been four regular attorneys present, M. S. Wilkinson, I. I. Moreland, Mr. Flint, and Mr. Dennison.

The following persons made application to be admitted as citizens of the United States: Patrick Jennings, Theodore Fish, Nicholas Fish, Lewis Mahler, and Robert McCormick.

O. T. Gilman was sworn, and admitted to practice in this court as attorney and counselor. The next term of court was held on the 1st of November, 1858. The Hon. Thomas Wilson, District Judge, presiding. Charles A. Coe was appointed foreman of the grand jury. At this session some new attorneys appeared, among them Samuel McPhail, and M. G. Thompson, and also W. Trask, Esquire Tucker, and J. H. Smith. A case of divorce was tried at this term, Alexis Durkee against Emily Ann Durkee. A decree was granted, the defendant being in default

At this time, the State being organized, it had become the third judicial district. The court remained in session four days.

In 1859, the term of the court began on the 16th of May, Hon. Thomas

Wilson presiding. On the empaneling of the jury, Edward Mackintire was appointed foreman. Several cases were tried, and several dismissed. A considerable part of the record is made up of evidence in relation to naturalization cases.

The Judges of the District court from the Territorial days to the present time have been, Wm. H. Welch, N. M. Donaldson, Thomas Wilson, David Barber, C. N. Waterman, Judge Mitchell held a special term, Sherman Page; H. R. Brill presided at the May term in 1878, and John Q. Farmer is the present official.

The Clerks of the District Court since its organization have been James A. McCan from 1855 to 1856; James J. Belden, from 1856 to 1866; John Dorsch, from 1866 to 1870; Joseph Vossen, from 1870 to 1878; G. J. Lomen, from 1878, his term expires in 1886. The judicial districts of Minnesota embrace several counties, with a clerk in each county.



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