

**“ JUDICIAL SYSTEM ” \***

in

**MINNESOTA**

IN

**THREE CENTURIES**

BY

**LUCIUS F. HUBBARD**

**RETURN I. HOLCOMBE**

Editorial Board

**LUCIUS F. HUBBARD**

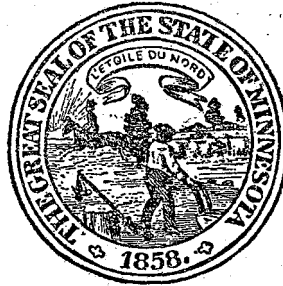
**JAMES H. BAKER**

**WILLIAM P. MURRAY**

**WARREN UPHAM**

*Semi - Centennial Edition*

*Volume Three*



**The Publishing Society of Minnesota**

**1908**

\* MLHP editor’s note: This article appears on pages 539 through 546 of the third volume of *Minnesota in Three Centuries*. The MLHP has reformatted it to make it more readable. The original page breaks have been added. The author’s punctuation and spelling have not been altered.

## Chapter XXXV.

### JUDICIAL SYSTEM.

#### SUPREME COURT.

THE constitution provides that the judicial power shall be vested in a supreme court, district courts, courts of probate, justices of the peace and such other courts inferior to the supreme court as the Legislature may from time to times establish. This latter prerogative the Legislature has exercised in the establishment of municipal courts in the larger cities of the State.

The supreme court consists of one chief justice and four associate justices, elected by the people, and holding office for six years, and until successors are elected and qualified. Two terms of court are held in each year, commencing on the first Tuesdays of April and October, at the capitol, in St. Paul. This court has original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity.

The clerk of the supreme court is an elective officer, the term of office being four years.

The reporter of the supreme court is an officer appointed by the supreme court to prepare the adjudicated cases for publication in official volumes, entitled, "Minnesota Reports."

Originally the reporter owned the exclusive copyright, and the reports were printed and bound at his expense, the State buying of him 200 copies of each volume at six dollars a volume. In 1881, an act was passed providing that the reporter [540] should have no pecuniary interest in the reports, but that they should be published by contract under his supervision, the publisher to agree to sell the volumes at two dollars a volume and the State to agree to buy 200 copies at that price. The contract price is now \$1. The copyright of the volumes already published vests in the secretary of the state

for the benefit of the people of the State, but the publisher is permitted to continue the publication and sale of such volumes as long as he complies with the requirements of the law as to the character and price of volumes. The State now buys 425 copies of each volume at the price last named.

The secretary of state is charged with the distribution of the volumes, one copy to each of the several departments of State, to each judge of the supreme court, and of the several district, probate and municipal courts, and to the clerk of each district court, while the University of Minnesota receives 100 copies for the law department, and the State library receives a sufficient number for exchanges with other states and for the use of the library. The remaining copies remain in the custody of the secretary of state for future distribution by law.

#### CHIEF JUSTICES, SUPREME COURT.

Lafayette Emmett: May 24, 1858, to January 10, 1865.  
Thomas Wilson: January 10, 1865, to July 14, 1869.  
James Gilfillan: July 14, 1869, to January 7, 1870.  
Christopher G. Ripley: January 7, 1870, to April 7, 1874.  
S. J. R. McMillan: April 7, 1874, to March 10, 1875.  
James Gilfillan: March 10, 1875, to December, 1894.  
Charles M. Start: January 7, 1895, to January, 1913.

#### ASSOCIATE JUSTICES, SUPREME COURT.

Charles E. Flandrau: May 24, 1858, to July 5, 1864.  
Isaac Atwater: May 24, 1858, to July 6, 1864.  
S. J. R. McMillan: July 6, 1864, to April 7, 1874.  
Thomas Wilson: July 6, 1864, to January 10, 1865.  
John M. Berry: January 10, 1865, to November 8, 1887.  
George B. Young: April 16, 1874, to January 11, 1875.  
F. R. E. Cornell: January 11, 1875, to May 23, 1881.  
D. A. Dickinson: June 27, 1881, to January, 1894.  
Greenleaf Clark: March 14, 1881, to January 12, 1882. [541]  
William Mitchell: March 14, 1881, to January, 1900.

C. E. Vanderburgh: January 12, 1882, to January, 1894.  
Loren W. Collins: November 16, 1887, to April 1, 1904.  
Daniel Buck: January, 1894, to January, 1900.  
Thomas Canty: January 1894, to January, 1900.  
John A. Lovely: January, 1900, to January, 1906.  
C. L. Brown: January, 1900, to January, 1902.  
C. L. Lewis: January, 1900, to January, 1912.  
W. B. Douglas: April 1, 1904, to January 2, 1905.  
Charles B. Elliott: January, 1906, to January, 1912.  
Edwin A. Jaggard: January, 1905, to January, 1911.

#### CLERKS OF SUPREME COURT.

Jacob J. Noah: May 24, 1858, to January 15, 1861.  
A. J. Van. Vorhes: January 15, 1861, to January, 13, 1864.  
George F. Potter: January 13, 1864, to January 14, 1867.  
Sherwood Hough: January 14, 1867, to January 7, 1876.  
Sam H. Nichols: January 7, 1876, to January 5, 1887.  
J. D. Jones: January 5, 1887, to January 5, 1891.  
Charles P. Holcomb: January 5, 1891, to January 7, 1895.  
Darius F. Reese: January 7, 1895, to January, 1903.  
C. A. Pidgeon: January 5, 1903, to January, 1911.

#### REPORTERS OF SUPREME COURT.

Harvey Officer: May 24, 1858, to January 30, 1865.  
William A. Spencer: January 30, 1865, to June 15, 1875.  
George B. Young: June 15, 1875, to April 15, 1892.  
C. C. Wilson: April 15, 1892, to May 14, 1895.  
Henry B. Wenzell: May 14, 1895, to -

#### LOWER COURTS.

The district courts are created by the Legislature, the State being divided into nineteen judicial districts, with one or more -judges in a district, as the exigencies of business may require, and the judges are elected for six years. The district courts have original jurisdiction in all civil cases, both in law and equity, where the

amount exceeds \$100, or the punishment shall exceed three months' imprisonment or a fine of more than \$100. Also, in criminal cases where presentments are made by grand juries. [542]

The municipal courts generally have, the power of disposing of all criminal cases for infraction of city laws, and for hearing and committing for trial on arrests for violation of State laws. Chap. 146, G. L. 1891, "An act relating to villages of over 3,000 inhabitants, and providing for municipal courts therein." By the provisions of this act a municipal court has jurisdiction in civil actions where the amount does not exceed \$500; also, in all cases where a justice court has jurisdiction, and over certain criminal actions. Its jurisdiction is co-extensive with the limits of the county where located.

The probate courts are created by authority of the constitution, one for each county, and the judges to be elected by the people, for two years. The probate court has jurisdiction over the estates of deceased persons and persons under guardianship, and the examination and commitment of insane persons to the asylums. The compensation of judges of probate, except when fixed by special laws, is based upon the population of the various counties and runs from three hundred dollars in counties having a population of less than three thousand to four thousand five hundred dollars in counties having a population of one hundred thousand and over.

## JUDGES OF DISTRICT COURT.

### First District.

S. J. R. McMillan: May 24, 1850, to July 1, 1864.

Charles McClure: August, 1864, to December 31, 1871.

F. M. Crosby: January 1, 1872, to January, 1909.

Wm. M. McClure: November 19, 1881, to September, 1890.

Hollis R. Murdock: September 24, 1890, to January 14, 1891.

W. C. Williston: January, 1891, to January, 1911.

### Second District.

E. C. Palmer: May 24, 1858, to December 31, 1864.  
Wescott Wilkin: January 1, 1865, to January 5, 1897.  
H. R. Brill: January 1, 1876, to January, 1913.  
Orlando Simons: January 1, 1876, to November, 1890.  
L. M. Vilas: February 15, 1889, to August, 1889.  
William L. Kelly: March 17, 1887, to January, 1913.  
C. D. Kerr: February 14, 1889, to January, 1897.  
Charles E. Otis: August 28, 1889, to January, 1903. [543]  
James J. Egan: January, 1891, to January, 1897.  
W. D. Cornish: December 5, 1890, to January, 1893.  
J. W. Willis: January, 1893, to January 2, 1899.  
O. B. Lewis: January 5, 1897, to January, 1909.  
George L. Bunn: January 2, 1897, to January, 1911.  
E. A. Jaggard: January 2, 1899, to January, 1905.  
Grier M. Orr: January 5, 1903, to January, 1909.

### Third District.

Oscar Hallam: January, 1905, to January, 1911.  
Thomas Wilson: May 24, 1858, to July 1, 1864.  
Lloyd Barber: September 12, 1864, to December 31, 1871.  
C. N. Waterman: January 1, 1872, to February 18, 1873.  
John Van Dyke: February 28, 1873, to January 8, 1874.  
William Mitchell: January 8, 1874, to March 14, 1881.  
Chas. M. Start: March 14, 1881, to January 7, 1895.  
O. B. Gould: January 7, 1895, to January 5, 1897.  
A. H. Snow: January 5, 1897, to January, 1909.

### Fourth District.

James Hall: May 24, 1858, to October 1, 1858.  
Edward O. Hamlin: October 1, 1858, to December 31, 1858.  
Charles E. Vanderburgh: January 1, 1859, to January 12, 1882.  
A. H. Young: January, 1877, to January, 1891.  
John M. Shaw: January 13, 1882, to January 8, 1884.  
M. B. Loon: January 8, 1884, to May 1, 1886.

John P. Rea: May 1, 1886, to March 5, 1889.  
William Lochren: November 19, 1881, to May 8, 1893.  
Henry G. Hicks: March 15, 1887, to January, 1895.  
Frederick Hooker: March 5, 1889, to September, 1893.  
Seagrave Smith: March 5, 1889, to May, 1898.  
Charles M. Pond: November 18, 1890, to January 5, 1897.  
Thomas Canty: January 5, 1891, to January 3, 1894.  
Robert D. Russell: May 8, 1893, to October 20, 1897.  
Robert Jamison: September 19, 1893, to December 1, 1897.  
Chas. B. Elliott: January 3, 1894, to October 4, 1905.  
Henry C. Belden: January, 1895, to May 5, 1897.  
David F. Simpson: January 5, 1897, to January, 1909.  
E. M. Johnson: May 5, 1897, to January 2, 1899.  
John F. McGee: October 20, 1897, to November 19, 1902.  
Willard R. Cray: November 19, 1902, to January, 1905.  
Wm. A. Lancaster: December 11, 1897, to January 2, 1899.  
Alexander M. Harrison: May 19, 1898, to January, 1905.  
Chas. M. Pond: January 2, 1899, to January, 1905. [544]  
Frank C. Brooks: January 2, 1899, to January, 1911.  
Andrew Holt: January 2, 1905, to January, 1911.  
Horace C. Dickinson: January 2, 1905, to January, 1911.  
John Day Smith: January 2, 1905, to January, 1911.  
Frederick V. Brown: October 4, 1905, to January, 1913.

#### Fifth District.

N. M. Donaldson: May 24, 1858, to December 31, 1871.  
Samuel Lord: January 1, 1872, to February 21, 1880.  
Thomas S. Buckman: February 21, 1880, to January, 1911.

#### Sixth District.

L. Branson: May 24, 1858, to December 31, 1864.  
Horace Austin: January 1, 1865, to September 30, 1869.  
M. G. Hanscome: October 1, 1869, to December 31, 1869.  
Franklin H. Waite: January 1, 1870, to October 1, 1874.  
A. C. Woolfolk: October 1, 1874, to December 31, 1874.  
D. A. Dickinson: January 1, 1875, to June 27, 1881.

M. J. Severance: June 27, 1881, to January, 1900.  
Lorin Cray: January, 1900, to January, 1912.

#### Seventh District.

James M. McKelvey: August 1, 1866, to April 19, 1883.  
L. W. Collins: April 19, 1883, to November 16, 1887.  
L. L. Baxter: March. 18, 1885, to January, 1911.  
D. B. Searle: November 14, 1887, to January, 1907.  
Myron D. Taylor: December 1, 1906, to January, 1913.

#### Eighth District.

L. M. Brown: March 11, 1870, to December 31, 1870.  
A. G. Chatfield: January 1, 1871, to October 3, 1875.  
L. M. Brown: October 29, 1875, to January 3, 1877.  
J. L. Macdonald: January 3, 1877, to November 4, 1886.  
James C. Edson: November 4, 1886, to January 27, 1891.  
Francis Cadwell: February, 1891, to January, 1905.  
P. W. Morrison: January, 1905, to January, 1911.

#### Ninth District.

M. G. Hanscome: March 11, 1870, to January 1, 1877.  
E. St. Julien Cox: January 1, 1877, to March 22, 1882.  
H. D. Baldwin: April 4, 1882, to January 3, 1883.  
B. F. Webber: January 3, 1883, to November 15, 1905.  
I. M. Olsen: November 15, 1905, to January, 1913. [545]

#### Tenth District.

Sherman Page: January 1, 1873, to January 10 1880.  
John Q. Farmer: January 10, 1880, to January, 1893.  
John Whystock: January, 1893, to November, 1898.  
Nathan Kingsley: November 26, 1898, to January, 1913.

### Eleventh District.

O. P. Stearns: April 23, 1874, to January, 1894.  
R. Reynolds: March 19, 1885, to January 4, 1887.  
Ira B. Mills: March 18, 1887, to January, 1899.  
J. D. Ensign: April 16, 1889, to January, 1903.  
Charles L. Lewis: March 14, 1893, to September 1, 1895.  
Samuel H. Moer: January, 1894, to January, 1900.  
Page Morris: September 2, 1895, to September 1, 1896.  
W. A. Grant: January 5, 1897, to January, 1909.  
H. B. Dibbell: January, 1900, to January, 1912.

### Twelfth District.

John H. Brown: March 13, 1875, to January, 1890.  
Gorham Powers: January 31, 1890, to January, 1909.  
G. E. Quale: April 30, 1897, to January, 1911.

### Thirteenth District.

A. D. Perkins: March 17, 1885, to March 1, 1891.  
P. E. Brown: February, 1891, to January, 1911.

### Fourteenth District.

Ira B. Mills: March 8, 1887, to January, 1893.  
Frank Ives: January, 1893, to January 3, 1890.  
Wm. Watts: January 3, 1890, to January, 1900.  
Andrew Gindeland: March 24, 1900, to January, 1911.

### Fifteenth District.

C. B. Sleeper: March 10, 1887, to January 5, 1889.  
Geo. W. Holland: January 5, 1889, to January 7, 1901.  
W. S. McClenehan: January 7, 1901, to January, 1913.  
Marshall A. Spooner: March 27, 1903, to January, 1911.

Sixteenth District.

Calvin L. Brown: March 10, 1887, to August 30, 1899.  
F. J. Steidl: August 30, 1899, to January 7, 1901.  
S. A. Flaherty: January 7, 1901, to January, 1913. [546]

Seventeenth District.

Jas. N. Quinn: March 12, 1897, to January, 1911.

Eighteenth District.

Jos. C. Tarbox: May 5, 1897, to January 2, 1899.  
A. E. Giddings: January 2, 1899, to January, 1911.

Nineteenth District.

Peter H. Stolberg: April 11, 1907, to January, 1909.



**Posted MLHP: January, 2008.**