

HISTORY OF THE MINNESOTA SUPREME COURT
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At about the same time as the organization of the Territorial Supreme Court, many other events were taking place which were to have a great significance upon the future state.

From the time the organic creating the territory was approved by President Polk on March 3, 1849, until the news reached St. Paul via steamboat on April 6, the people of the territory were unaware that the act had been approved.

In the meantime, President Taylor had already appointed Aaron Goodrich chief justice, and Bradley B. Meeker and David Cooper, associate justices of the supreme court for the new territory. Political consideration played a large part in the selection of officials for the new territorial offices - all of which were appointive - and President Taylor was quick to avail himself of the opportunity to reward those who had helped elect him. All those named by him to fill the territorial offices in Minnesota were Whigs, and all but one were wholly unfamiliar with Minnesota conditions.

In those days the judiciary was both political and partisan, with no thought or question that it should be otherwise. In view of this, it is not surprising that the early bench of Minnesota was not filled with top-flight jurists; rather, it is more surprising, when one considers the type that was appointed to

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some territories, that Minnesota was fortunate in receiving the judges who were appointed.

Goodrich, who was made chief justice, had served as a Whig congressman from Tennessee and had been a member of the electoral college that chose Taylor for President. David Cooper, only twenty-eight, and four years after having been admitted to the bar, had been an oratorical big gun in the Whig campaign in 1848. [-1-] Meeker, as mentioned previously, was a Yale graduate, but he owed his appointment to two powerful Kentucky political figures, Crittenden and Bell, who had prevailed upon President Taylor to appoint him.

It followed that the justices sitting on the bench could look forward to a tenure of office no longer than that which was served by the president, and if these justices, on nearing the end of their term, with rumors of presidential uncertainty filling the nation, had a let-down in the quality of their interest in things concerning the bench it may be attributed in part to this.

Arriving in the territory at about the same time as Goodrich and Cooper were Ramsey, of Pennsylvania, who had been appointed governor, and his secretary, Smith, of Ohio. As St. Paul had been made temporary capital of the new territory by provision of the organic act, it was natural that these men made it their destination. At that time St. Paul had about 200 inhabitants; and the only place of public resort then ready was the Merchants' Hotel, a log building at 3rd and Jackson streets.

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Soon after his arrival Governor Ramsey invited his official associates to meet him at the Merchants'. They met the first day of June, 1849, in a seven by nine room on the second floor, furnished with one bed, two chairs and a washstand made of unpainted pine lumber, a trunk, and a cracked 10 x 12 mirror.

Five men composed the gathering: Governor Ramsey and his secretary, Smith; Henry L. Moss, United States Attorney; and Justices Goodrich and Cooper. These five formally approved the proclamation issued by the governor that the Territory of Minnesota was an established fact.

Eleven days later Governor Ramsey issued a proclamation dividing the territory into three judicial districts, each to [-2-] be served by one of the supreme court justices. Stillwater was the seat of justice for the first district, Falls of St. Anthony for the second, and Mendota for the third. These last two districts, to which Cooper and Meeker had been assigned respectively, had no cases pending; but Goodrich had 60 cases upon the docket at Stillwater, and his court lasted six days.

Cooper's district comprised the territory west of the Mississippi and south of the St. Peter (Minnesota) river, with headquarters in an old sawmill by the river near St. Anthony Falls.

However, the legislature meeting in September, 1849, made some changes in these districts and re-allocated them. Judge Cooper was now assigned to the first district, which included

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Washington, Wabasha, and Itasca counties, the other two counties being attached for purely judicial purposes.

Judge Meeker was given the third district composed of Benton county to which, for judicial purposes, Pembina county was attached. Chief Justice Goodrich was given the second district which included Ramsey county and St. Paul, and carried along "Dakotah", "Wahnahta", and ["]Mahkota" counties.

During this territorial period when the supreme court justices held trial courts individually as district courts and then later assembled "en banc" to sit as a supreme court, it made possible the unusual situation that a judge might review his own decision. The practice was not commended even at the time, but observers later said that fortunately no disturbance in the administration of justice had occurred. And this in view of the fact that most of the early cases reaching the supreme court came by writ of error to the district court of Ramsey county!

Unlike Judge Howe of Wisconsin, who opened his court [-3-] by prayer, it is recorded that the first sessions of the Territorial supreme court were opened by the "Crier".

The work of the supreme court for the first year was light, due in a measure, perhaps, to the scarcity of the inhabitants. On June 11, 1849, the census of the territory was 4,780; of which 3,067 were males and 1,713 were females. Listed apart were 158 soldiers stationed at Fort Snelling.

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Of the three supreme court justices who were the first to sit on the bench, Goodrich, Cooper, and Meeker, the first two of these came in for a good deal of criticism.

Chief Justice Goodrich, during the time he served, was under continual fire. In 1851 a self-constituted committee went to Washington to secure his removal, but the secretary of state after hearing the complaints refused to give them any consideration. However, the opponents of Judge Goodrich never ceased their efforts, and in January 1852 charges specifying incompetency, unfitness as a judge, improprieties on and off the bench, were found to contain substance enough to justify his removal by President Fillmore. The vacancy created was filled by the appointment of Jerome Fuller of New York.

At one time Chief Justice Goodrich, with two others, was appointed to compile the statutes from 1849 to 1858. But Goodrich got up his own code. It was in no sense a compilation, but a brand new code all his own. One provision, with a bold, vigorous sweep of his pen, took care of all matters not provided for. It read: "If any question shall arise, civil or criminal, which is not provided for in this revision, the ancient statutes shall prevail in regard to it". It is said that it got into print but no further.

At still another time the legislature called upon Goodrich and others to frame a revised statute, and instructed Goodrich to report in a few days. Very surprisingly, within the

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specified [-4-] time an elaborate and profound report was laid before them. The thought arose that Goodrich, like Benjamin Franklin, was in the habit of carrying around with him a system of government in his pocket to be used whenever occasion required.

Yet, notwithstanding all this, Chief Justice Goodrich accomplished much that was worth while. He imparted a scholarly note to everything he touched, and must have stimulated the thinking of his associates.

During the time the attack against Goodrich was at its height the judge must have drawn some solace from the fact that he had company. Against Judge Cooper, his fellow member on the bench, powerful opposition was forming. A newspaper, the first to be published here, and edited by James Goodhue, carried on an incessant sniping against David Cooper.

But here the complaint was of a different nature. Cooper was admittedly a good lawyer, technical and precise. It was said that he was so set and so positive in his convictions that he could not endure opposition. Even on the bench, it is charged, he showed open anger to those who differed with him. And he found no defenders among the rough and ready element -- in fact, to them he was an object of ridicule, due in great measure to his mode of dress. Cooper was a foppish dandy. Elegant in manners, resplendent in brocaded jacket with lace at sleeves and throat, and with the regal hauteur of one born to the aristocracy, he was not

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popular with those who were engrossed in wresting an empire from the wilderness.

In the midst of these complaints some of Cooper's friends made the fatal error of attempting to make him chief justice. Editor Goodhue met this new move with a fresh barrage of charges. On January 16, 1851, Editor Goodhue charged that Judge Cooper often left the territory for long periods; that his continual absences [-5-] deprived him of legal residence there, if ever he held such right. Goodhue accused Cooper with owing bills to washer-women, laundresses, barbers, tailors, printers, shoemakers, grocers, and inn-keepers; all debts which, according to the editor, Cooper made no effort to pay. Goodhue went on to maintain that Judge Cooper during the short periods he was in the territory, spent the days, the nights, and Sundays playing cards. The judge was pictured as arrogant, self-conceited, and with a "ridiculous affection of dignity".

All may have gone well, as the judge was standing up with more or less dignity under the barrage, had not Goodhue given the impression that he was about to avail himself of the old Chinese custom of including one's ancestors. This proved to be too much for the judge's brother, Joseph, who thereupon made the matter a personal affair. Soon rumors of threats and personal violence between him and Editor Goodhue were making the rounds. To save face, an encounter between the two became inevitable.

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In St. Paul, on a cold January morning, Joseph Cooper and James Goodhue met face to face in the street. With set, determined faces they approached each other until an arm's length separated them. Then Goodhue, armed with a pistol, and Cooper, armed with a knife, struck simultaneously. A bullet from Goodhue's gun struck Cooper over the left groin. Yet, even as the gun exploded, Cooper slashed out viciously with his knife, cutting across Goodhue's abdomen.

The mix-up settled nothing. Goodhue's life hung in peril for many days; and Cooper became an invalid for life. [-6-]