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HISTORY OF THE MINNESOTA SUPREME COURT
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By an act of the United States Congress there was created on March 3, 1849, the Territory of Minnesota. A governor in whom was vested wide and powerful authority, appointed for four years, was decreed head of the territory. It was further provided that the judicial power of the territory should be vested in a supreme court, district courts, probate courts, and in justices of the peace.

The supreme court was to consist of a chief justice and two associate justices. The territory was to be divided into three judicial districts in each of which district court was to be held at such time as prescribed by law, by one of the supreme court justices, provided the justice, after his appointment, resided in the district to which he had been appointed.

The act provided an annual salary of \$1,800 each for the chief justice and the associate justices. The act also provided for an appropriation of \$20,000 to the territory to be applied by the governor and legislative assemblies to the erection of public buildings at the seat of government. An additional \$5,000 was granted the territory for the purchase of a library for the use of the governor, judges of the supreme court, legislators, and attorneys.

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The first supreme court for the Territory of Minnesota, consisting of Aaron Goodrich, chief justice, Daniel Cooper and Bradley Meeker, associate justices, was created June 1, 1849. The first formal session of the court, there being no court house in St. Paul at that time, was held at the American House, an hotel, January 14, 1850.

Trivial as this first session was, it had a lasting effect on the history of Minnesota. Arising out of the birth of the territory, it signaled the arrival of a higher order of law and [-1-] justice -- a court of last resort in which wrongs would be righted -- and this promise of orderly, constructive justice may have filled the hearts of those living in the territory with the same indescribable uplifting of hope that surged through the Colonists on that memorable day of July 4, 1776. In this sense that first supreme court meeting was symbolic. It meant the laying of the foundation upon which the new territory could build a system of jurisprudence.

Yet, in the light of events that followed, there are some who hold that these first three justices left no impression on Minnesota jurisprudence, that their tenure of office was too brief, and that the business conducted by the court was relatively unimportant. The last two statements are true. But it seems inconceivable that three men could constitute, for a period of years, the first supreme court of a new territory, then withdraw and leave behind them no impress of their ever having been there --

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no precedents, no rules of practice, no single beacon shining out to orient those who followed.

Rather, it is more reasonable to assume that they did exert an influence. One not alone on the jurisprudence of a future great state, but one which also made itself felt in devious ways upon the social, economic, and political upbuilding of that state. However, it is not meant by this that these first three justices themselves established any great precedents. They didn't. That fell to the lot of Flandrau, Atwater, and Emmett, and some few others who came later. But the fact remains that Goodrich, Cooper, and Meeker were the first to arrive on the ground, and the first to get their spades into that ground. In so doing if all of their attendant acts weren't positive good, some were negative bad; and by being bad created a "precedent" for others to steer clear of. This influence alone, arising out of mistakes, would speed correction [-2-] and make for safer progress, reflecting itself in a thousand ways upon the growth of the state.

Biographical matter on many of the early supreme court justices is extremely sketchy. In view of the fact that all of them originally came from the east it's not surprising that little has been recorded of their early lives. Particularly so, when it is understood that the people pioneering in the territory probably cared very little for what they referred to as the judges' pedigrees. Their interest centered rather in the judge himself and the manner in which he conducted his court. As is so often the

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case in things historical, it wasn't until years later, when Minnesota had taken her place as a great state and her courts a place high in national ranking, that inquiries arose concerning the lives and backgrounds of the early justices, and to just what extent they had influenced the moulding and making of the state.

Today these events have been mellowed by the passing of more than eighty years, and now, stripped of the hustle and bustle of the times in which they occurred, certain facts stand out more clearly perhaps than at any previous time. These will be pointed out here from time to time, but first the background will be given of the three justices who sat as the first supreme court of Minnesota Territory.

It will be recalled that Governor Ramsey's proclamation declaring the territory of Minnesota duly organized was dated June 1, 1849. At this time the administration of President Zachary Taylor, the last of the Whig presidents, was in power, and official appointments were given only to those holding the same political views. Goodrich, chief justice, and Bradley Meeker and David Cooper, associate justices, were first appointed.

Aaron Goodrich was born in Cayuga county, New York, July 16, 1807. In 1815 the elder Goodrich moved to western New York [-3-] where young Aaron spent his youth on his father's farm while attending country school. Meanwhile he read a great many law books. When about twenty he moved to Tennessee and completed

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his studies, commencing to practice soon after. In 1847 and 1848 he was a member of the Tennessee state legislature.

On receiving his appointment to the Minnesota territorial supreme court he traveled to St. Paul by steamboat. The appointment was dated June 1, 1849, the same date as the organization of the territory. However, it wasn't until seven months later that Goodrich held the first session of the Territorial supreme court at the American House in St. Paul. With him was Associate Justice Cooper; Meeker, though having been appointed at the same time, had not yet arrived in the territory.

The actual length of Goodrich's service on the bench was from January 14, 1850 to November 13, 1851, on which date he was summarily removed from office on charges specifying incompetency and unfitness as a judge.

In the first case decided by the court Goodrich wrote a dissenting opinion. His tastes were literary and archaeological rather than legal, and this, along with his short period of service on the bench and the limited amount of court business, accounts for his leaving no great impression upon the jurisprudence of Minnesota.

After his withdrawal from the court he devoted several years to his favorite studies. He had always been a pronounced Whig in politics, and in 1861, following the merger of this party to a great extent with the Republicans, Lincoln appointed him secretary of legation at Brussels.

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His official duties being next to nothing, he spent long periods of study searching and delving through the museums and archives of Europe. He mingled freely with the nobility, and was [-4-] pointed out by them as being a distinguished scholar. He remained until 1869 when he returned to America, bringing with him the result of his principal labor while in Europe -- a somewhat iconoclastic volume of his writing entitled "A History of the Character and Achievements of the so-called Christopher Columbus" which was later published in 1874. After his return from Europe he resided in St. Paul until his death, June 24, 1887.

Goodrich while serving as one of the territorial judges also acted as a district court judge, and his work in this latter capacity was considerable. His work while on the bench of the supreme court is contained in volume 1 of the Minnesota Reports, and totals 1 opinion and 2 dissents. This, of course, does not include business transacted at chamber meetings, nor the amount of work expended in cases that were decided without written opinions.

David Cooper, the associate justice with whom Chief Justice Goodrich sat at that first meeting, was born July 22, 1821, at "Brooks Reserve" in Frederick county, Maryland.

In 1831 the family moved to Gettysburg, Pennsylvania, and there young David attended Pennsylvania College and later studied law in the office of his brother at Gettysburg. He was admitted to practice in 1845 and shortly after moved to

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Louistown, Pennsylvania, where he soon became known as a successful lawyer.

At the early age of twenty-eight, Cooper was appointed one of the first justices of the Minnesota territorial supreme court. While serving as a member of this court he was under continual fire. By nature Cooper was industrious, but possessed a temper which brooked no criticism of either himself or his client.

Cooper withdrew from the bench in 1853, and practiced law in St. Paul until 1864, when he moved to the Territory of Nevada. He practiced for several years in Austin, then at Salt Lake where his career, begun so brilliantly, soon ended in an inebriate asylum. [-5-]

Justice Cooper sat on the supreme court bench from July 14, 1850, until April 7, 1853, and during this time wrote 9 opinions and no dissents. They appear in Volume 1 of the Minnesota Reports.

The third member appointed to the territorial supreme court at the same time as Goodrich and Cooper was Bradley B. Meeker. Justice Meeker was born at Fairfield, Connecticut, in 1813, and died sixty years later, February 20, 1873, while temporarily stopping at an hotel in Milwaukee, Wisconsin.

The father of Bradley, being in poor circumstances, was unable to give his children an education. Young Bradley, after many struggles, came to the notice of Governor Thomlison, under

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whose patronage he was sent to Weston Academy. Later he was sent by the same benefactor to Yale, and after leaving this institution went to Richmond, Kentucky, where he taught school while studying law in his spare time. He was granted admittance to the bar in 1843, and practiced at Richmond until 1845, when he moved to Flemingsburg in the same state.

Through the influence of John Bell, President Taylor appointed Meeker one of the associate justices of the Minnesota territorial supreme court. The appointment was dated, like the others, June 1, 1849, but Meeker didn't sit on the bench until July, 1851, as he arrived in the territory too late to be present at the first session. Meeker continued to hold his seat until President Pierce came into office. Meeker's term expired at this date and he was succeeded by Moses Sherburne.

Meeker held that the new administration had no power to remove territorial judges, and for a time threatened to bring the question before the United States supreme court, but finally dropped it. After leaving the bench he never again engaged in [-6-] private practice, but invested in considerable property in Ramsey county, adjoining Minneapolis, and devoted all his time to its management.

While a supreme court judge, Meeker also acted as a district judge, and the amount of work accomplished in this office must have been considerable. He was a member of the Democratic

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wing of the Constitutional Convention of 1857, and was a strong advocate of an elective judiciary.

Justice Meeker served on the supreme court bench from July, 1851, to July, 1853, and during that time wrote 7 opinions and no dissents, all of which are recorded in the first volume of the Minnesota Reports.

And now back to that first session of the supreme court held at the American House. The first act of the court was the appointment of James K. Humphrey as clerk, and next followed the admission of nine applicants to practice as "attorneys, counsellors, and solicitors". January 15 the court admitted ten more attorneys, and on January 16 promulgated rules of practice.

The next term of the supreme court was held at the Methodist Episcopal church July 7, 1851. On that day William Hollinshead was appointed first court reporter, and six more attorneys were admitted to practice.

On the following day the supreme court heard its first recorded case -- Benjamin Gervais vs. Simon Powers and Amherst Willoughby -- an action of trespass in which defendants drove from the premises of plaintiff a cow which he had been keeping as an estray for six weeks. A district court reversal of a justice's judgment, wherein plaintiff was allowed \$2 a week pasturage for the time he had kept the cow, was affirmed by the supreme court. [-7-]