A legal legacy for statehood: the development of the territorial judicial system in Dakota Territory, 1861-1889

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Author
Hyatt, Bernard Floyd

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Abstract
It is the purpose of this dissertation to provide an in depth analysis of Dakota Territory's judiciary, court structure, and ease law from its formation in 1861 until statehood was achieved in 1889. It is an attempt to reveal the true nature of the federally-appointed judges, judicial system, and judge-made law of the Territory. The method used is a thorough research and analysis of available historical materials. The basic historical data used are: (1) federal and territorial court records, (2) federal and territorial statutes, (3) federal and territorial court opinions, (4) newspapers, (5) letters, (6) published books and articles, and (7) unpublished materials. Historical narration, supplemented with charts and maps, is used to present the results of the research and analysis. The important finding seems to be that the legal experience in Dakota Territory appears to fall generally within the neo-Turnerian view. Neo Turnerianism is found in Dakota specifically in four basic themes elitism, judicial intervention, legal reform movement, and federalism. Regional elites interjected themselves into the economy, politics, and society of the Territory. They were able to manipulate its legal and judicial systems by influencing the judicial appointment process and by taking advantage of the codified jurisprudence informally offered by the national legal reform movement. Complex laws and codes were brought into Dakota which replaced existing systems of informal pre-Territory law. The initial territorial organic act provided by Congress was later augmented by congressional statutes, eastern codes, Dakota Assembly law, and federal-territorial court decisions. Dakota's judge-made law was usually based upon United States Supreme Court, eastern, and Midwestern precedents which were revised to make them harmonize with the Territory environment, economy, politics, and society. Territory case law was generally construed to encourage railroad, land, and mining developments which favored corporations and the creditor class. The intrusion by regional elites operated within federalism's framework of congressionally mandated guidelines, while being monitored by the United States Supreme Court through its appeals process. The neo-Turnerian position generally falls within the pattern of intervention through these means.

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The Territory of Dakota was an that existed from March 2, 1861, until November 2, 1889, when the final extent of the reduced territory was split and admitted to the Union as the states of North and South Dakota. The Dakota Territory consisted of the northernmost part of the land acquired in the Louisiana purchase in 1803, as well as the southernmost part of Rupert's Land, which was acquired in 1818 when the boundary was changed to the 49th parallel. It also established forts in Dakota Territory to protect the frontier settlements of the Territory, Iowa and Minnesota and the traffic along the Missouri River. Following the Civil War, hostilities continued with the Sioux until the 1868 Treaty of Fort Laramie. The Territory of Dakota was an organized incorporated territory of the United States that existed from March 2, 1861, until November 2, 1889, when the final extent of the reduced territory was split and admitted to the Union as the states of North and South Dakota. History. The Dakota Territory consisted of the northernmost part of the land acquired in the Louisiana purchase in 1803, as well as the southernmost part of Rupert's Land, which was purchased in 1818. The name refers to the Dakota branch of the Sioux tribes which occupied the area at the time. The Territorial Governor was appointed by the President of the United States. The men who served as Governor (and their dates of office) were: List. Territorial governors. Governors after statehood. The Territory of Dakota was an organized incorporated territory of the United States that existed from March 2, 1861, until November 2, 1889, when the final extent of the reduced territory was split and admitted to the Union as the states of North and South Dakota. United States territory. United States territory is any extent of region under the sovereign jurisdiction of the federal government of the United States, including all waters and all U.S. naval vessels.