

## Finding Aid to the Fargo, N.D. City Justice of the Peace Records

### North Dakota. City Justice of the Peace (Fargo)

Fargo, N.D. City Justice of the Peace Records, 1893-1947

9.7 linear ft.

Collection number: Mss 116

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### OVERVIEW

**Access:** The collection is open under the rules and regulations of the Institute.

**Provenance:** Donated by the police department in 1977. (Acc. 1972)

**Property rights:** The State of North Dakota owns the property rights to this collection.

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**Citation:** [Identification of item]. Fargo (N.D.) Justice of the Peace Records, MS 116. Institute for Regional Studies, North Dakota State University, Fargo.

### HISTORY

On January 5, 1875 the Dakota Territorial Legislature passed "An Act to Incorporate the City of Fargo." One of the positions to be appointed was a city justice of the peace. He was to "have exclusive jurisdiction and it shall be his duty to hear and determine all offenses against the ordinances of the city, and concurrent jurisdiction with other justices in all other cases civil and criminal." At the newly elected Fargo Council's second meeting on April 15, 1875, E. D. Barker was appointed City Justice. However he resigned June 9, 1875 and James Stack was appointed. Beginning in 1877 the position was filled through municipal election. (Attached to this finding aid is a list of all city justice of the police from 1875 to 1925 as found in the Fargo Council/Commission meeting minutes.) In 1887 the Dakota Territorial Legislative

Assembly enacted a law for the incorporation of cities within the Territory which provided for an elected City Justice of the Peace. (Chapter 73, Article X Laws of Dakota, 1887) The 1889 Territorial Legislative Assembly amended that chapter by creating a new city officer, namely a Police Justice. The newly created Police Justice position assumed all the duties and prerogatives of the former city justice of the peace.

The new City Justice of the Peace was to "have the same jurisdiction as justices of the peace within said county in all civil and criminal cases, (Chapter 33, Laws of Dakota, 1889). In April 1896 Municipal Courts were established through North Dakota legislative action. They were declared unconstitutional by the North Dakota Supreme Court and abolished by the 1905 Legislative Assembly. Apparently the courts were contested shortly after their establishment in 1896. Also attached is a list of police magistrate for the City of Fargo from 1890 to 1925 as taken from the Council meeting minutes.

## SCOPE AND CONTENT

The records of the Police Magistrate Court and City Justice of the Peace consist of primarily of docket ledgers spanning 1893 to 1947. Due to the variety of courts involved, conflicting titles for the presiding judges, and lack of identification for the volumes; placing them in proper order proved difficult. The researcher should bear this in mind when using the records. The records have been divided into the following series: Police Magistrate Court Dockets, 1893-1919; Police Magistrate Court Miscellaneous Ledgers, 1896-1919; Justice Court, 1902-1906; City Justice of the Peace, 1919-1947.

The [Police Magistrate Court Dockets Series](#) appear to be quite complete for the time period of 1893 to 1919. Two volumes contain some records of the short-lived Municipal Court. The volumes beginning in 1910 contain indices.

The [Police Magistrate Court Miscellaneous Ledgers Series](#) contains a variety of records which did not fit into the docket series. They are primarily records of complaints, summons and change of venue.

The [Justice Court Series](#) contains civil dockets for 1902 to 1906 and one criminal docket for 1903 to 1906; all of which are indexed.

The [City Justice of the Peace Series](#) covers from 1919 to 1947. Both the civil dockets and criminal dockets are complete for the entire period.

## BOX AND FOLDER LIST

Box/Folder	Content
	<b>Police Magistrate Court Dockets</b>
1	Oct. 2 1893 - Sept. 12, 1898 (Inc.)

- 2 Sept. 12, 1898 Nov. 26, 1901  
Nov. 29, 1901 May 29, 1905
- 3 June 1, 1905 - March 28, 1908  
April 3, 1908 Dec. 30, 1909 (Includes "Record of Fines, Penalties Forfeitures,"  
April-December 1896 pp.1-21)
- 4 Jan. 3, 1910 - October 28, 1910 (Includes Civil Calendar, Municipal  
Court, Aug. - November 1896, pp. 1-2)  
Oct. 31, 1910 - August 30, 1912 (Indexed)
- 5 Sept. 1, 1912 - Nov. 24, 1913 (Indexed)
- 6 Nov. 25, 1913 - Nov. 17 1914 (Indexed)  
May 1, 1915 - June 11, 1919 (Indexed)
- Police Magistrate Court-Miscellaneous Ledgers**
- 7 Criminal Calendar A, April 22 - Dec. 3, 1896  
Record of Complaints docket, April 21, 1906-April 29, 1907  
Record of Complaints docket, May 19, 1908-April 15, 1910 (Recovery of  
money and goods)
- 8 Record of Complaints docket, April 21-May 28, 1910 and May 5, 1915 -  
August 12, 1916 (Indexed)  
Fines Paid into Police Court, May 1, 1915 - July 12, 1918 (Includes Clerk of  
Courts fee entries, April-May 1896)
- 9 Record of Complaints, Summons and Change of Venue, May 5, 1915 - April  
29, 1919 (Aug. 7, 1917-April 29, 1919 for Justice of the Peace)(Indexed)
- 10 Judgment Book of Verified Complaints, May 27, 1908 - 10 Nov. 22, 1909; with  
Index volume. (Includes for April - November 1896.)
- Justice Court, Justice of the Peace, Cass County N.D.**
- 11 Civil Justice Docket, Sept. 16, 1902 May 7, 1904 (Indexed)
- 12 Civil Justice Docket, June 18, 1904 July 10, 1906 (Indexed)  
Criminal Justice Docket, Oct. 24, 1903 - Nov. 23, 1906 (Indexed)
- City Justice of the Peace, Cass County, N.D. Dockets (Indexed)**
- 13/1 Civil, May 2, 1919 - August 31, 1920 and Criminal, June 3, 1919 -  
Sept. 23, 1921 (Indexed)

**Civil Dockets**

13/2 Sept. 8, 1920 - Nov. 25, 1922  
 13/3 Nov.. 28, 1922 - Nov. 2, 1923  
 13/4 Nov. 5, 1923 - Aug. 13, 1924  
 13/5 Sept. 12, 1924 - Nov. 9 1926  
  
 14/1 Nov. 10, 1926 - April 14, 1931  
 14/2 April 15, 1931 - Dec. 28, 1940  
 14/3 Jan. 8, 1941 - Sept. 3, 1946 (Includes  
     Criminal Docket, July 1, 1946-Feb.25, 1947)  
 14/4 Sept. 10, 1946 - May 1, 1947

**Criminal Dockets**

14/5 Sept. 24, 1921 - April 3, 1922  
 15/1 April 4, - August 24, 1922  
 15/2 August 25, - November 24, 1922  
 15/3 Nov, 27, 1922 - May 17, 1923  
 15/4 May 5 - September 17, 1923  
 15/5 Sept. 15, 1923 - April 12, 1924  
 15/6 April 8 - September 9, 1924  
 16/1 Sept. 10, 1924 - June 27, 1925  
 16/2 June 29 - August 21, 1925  
 16/3 August 24, 1925 - March 4, 1926  
 16/4 March 8 - October 12, 1926  
 16/5 October 13, 1926 - Nov. 16, 1928  
 16/6 Nov. 26, 1926 - Aug. 24, 1936  
 17/1 Nov. 9, 1936 - March 4, 1946  
 14/3 July 1, 1946 - Feb. 25, 1947

**City Justice of the Peace for the City of Fargo**

1875 E. D. Barker (April-June)  
     James Stack (June- )  
 1876 John J. Skuse  
 1877 C. A. Roberts  
 1878 James S. Stack  
 1879 James S. Stack  
 1880 Augustus Roberts  
 1881 Augustus Roberts  
 1882 Augustus Roberts  
 1883 A. B. Gaptill

1884 Augustus Roberts  
1885 William H. Barnett  
1886 William H. Barnett  
1888 William H. Barnett  
1890 J. H. Mulchakey  
1892 C. F. Johnson  
1894 E. C. Gearey  
1896 E. C. Gearey  
1897 A. G. Hanson  
1898 A. G. Hanson  
1900 A. G. Hanson  
1902 A. G. Hanson  
1904 Martin Ryan  
1906 Henry F. Miller  
1908 Henry F. Miller  
1910 Augustus Roberts  
1912 Augustus Roberts  
1914 Augustus Roberts  
1915 Leigh Monson  
1917 Leigh Monson  
1919 Henry F. Miller  
1921  
1923 J. K. Bingham  
1925 E. L. Richter

**Police Magistrates of the City of Fargo**

1890 William H. Barnett  
1892 William H. Barnett  
1896 S. G. Roberts\*  
1897 E. C. Gearey  
1906 Martin Ryan  
1910 H. F. Miller  
1915 Augustus Roberts  
1919 Leigh Monson  
1925 Paul M. Paulson

\*City Council minutes listed office as Municipal Justice. The 1897 minutes list office as Police Magistrate again.