

Judge Samuel M. Flint

August 4, 1818 = October 6, 1881

Few men were more active in the political life of St. Paul and Ramsey County in the 1860s than Samuel Minot Flint. The list of the important offices he held is impressive.

He was elected St. Paul City Attorney in 1861 and re-elected on April 7, 1863, with the endorsement of both political parties (Union and Democratic).¹

In 1865 he was elected County Attorney for Ramsey County and re-elected in 1867, serving from 1866 to 1870.² In that capacity he prosecuted George L. Van Solen for the murder of Dr. Henry Harcourt. It was a sensational case. The jury hung in the first trial and Van Solen was acquitted in the second trial in 1868.³

On December 6, 1874, he was elected City Justice.⁴ In 1875 the St. Paul Municipal Court was established by the 17th Legislature.⁵ It granted the new court jurisdiction in all criminal matters which were heard previously by justices of the peace, as well as civil suits in which the amount in controversy did not exceed two hundred dollars. The law elevated the office of City Justice to that of Judge of Municipal Court. Flint ran in the general city election

¹ J. Fletcher Williams, *A History of the City of Saint Paul to 1875* 409, 452 (1983) (published first in 1876 under the title, *A History of the City of Saint Paul, and the County of Ramsey, Minnesota*). He was the only candidate to have the endorsement of both parties in 1863.

² *Id.* at 423, 432.

³ For an account of the trial, see *id.* at 430-432. Cushman K. Davis and I. V. D. Heard were defense counsel; Henry Horn assisted Flint in the prosecution.

⁴ *Id.* at 450.

⁵ 1875 Special Laws, c. 2, at 25-36. Effective March 8, 1875.

November 1876 and was elected. The results of the election on November 7, 1876, were: ⁶

Samuel M. Flint.....2,506
Rochbrune.....13

Thus Judge Flint was St. Paul's first Municipal Court Judge, serving from 1876 to January 1881, when Walter T. Burr was sworn in. ⁷ He did not run for re-election in 1880 for several reasons. Besides his failing health, he was subjected to harsh criticism in the *Dispatch* and *Pioneer Press* for committing the same offense that he found defendants in his court guilty of and punished. From the *Dispatch*:

**A Bombshell—Judge Flint's
Impeachment for Drunkenness
Demanded.**

**Referred to a Committee of
Investigation**

The City Council held its regular meeting last evening at which every alderman was present.

Impeachment of Judge Flint.

The following communication was received and referred to a special committee consisting of Dowlan, Smith and Grace.

⁶ *St. Paul Dispatch*, November 9, 1876, at 4.

⁷ The results of the election for Municipal Court Judge in 1880, were:

William T. Burr.....4,662
Thomas Howard.....3,290

St. Paul Globe, December 8, 1880, at 2, and December 11, 1880, at 3.

To the Honorable, the Mayor, President of the Common Council and Councilmen of the city of St. Paul:

Gentlemen—the undersigned, a citizen, resident and voter of said city, respectfully represents that for the good name of said city at home and abroad it is for the good of the city and its judicial officers should be men who at least will have the interest of this city at heart sufficiently to not violate openly and publicly, daily, the laws and ordinances of said city and the laws of the city of State of Minnesota also. Such is not the case with Hon. S. M. Flint, Judge of the Municipal Court of the city of St. Paul.

He is daily guilty of violating the city ordinance in relation to drunkenness and also the general laws of the State upon the same subject, and for the purpose of again calling your attention to the subject, I write this with a request that you cause articles of impeachment to be preferred against him for daily and habitual intemperance and drunkenness, and that you cause the same to be followed up and presented as you are required to do.

It is not a pleasant thing for me to have to do this, but the good name of the city requires it to be done by someone, and what is everybody's business generally turns out to be nobody's business in practice.

Upon presenting such articles of impeachment against Mr. Flint, I will, upon request, furnish you with the names of such persons as witnesses to corroborate the same as effectually. All of which is respectfully submitted.

Theo. Burkhard.

These attacks triggered a response published in the *Globe*:

The War on Judge Flint.

To the Editor of the *Globe*.

The piddling *Dispatch* and the blue nose of the *P. P.* have issued their edict that Judge Flint must go. For what? No one has yet made any charge against the conduct of Judge Flint while in the discharge of his duty, nor can any charge be truthfully made against him, while his integrity as a jurist and a man has never been questioned. And if his private life is to be used against him, the man living in so brittle a castle as the editor of the *Dispatch*, and that other man now editing the *P. P.*, whose life for years was proof most conclusive of his moral uncleanness, should be the last to demand punishment of another mortal on such grounds.⁸

The Judge was not impeached. His term ended in January 1881.

Flint on the Bench

The cases on Judge Flint's civil calendar consisted of suits over small sums of money (not exceeding \$200), those on his criminal calendar usually were for public drunkenness or crimes committed under the influence of alcohol.

Each St. Paul newspaper printed detailed accounts of the proceedings in Municipal Court. They differed, however, in style. Those in the *Pioneer Press* were more insightful, even literary at times. The first paragraph from the *P.P* on April 29, 1875:

⁸ *St. Paul Globe*, July 17, 1879, at 4 (author not named).

Judge Flint's Municipal Court is an institution that is growing more so every day. It would be difficult to see just what the city would do without it. It is at times odd, then funny, and again it has a very sad and serious appearance. Even the equable clerk of the institution, notwithstanding his coolness and freedom from changes, cannot hold the institution level. The ridiculous will at times crop out much to the disturbance of the dignity of the court, and as the room is not as large as it would be if it was larger, the laughter, the giggling of the bystanders or spectators, joggles too familiarly and uncomfortably against the decorum that naturally attaches to a "court of competent jurisdiction."⁹

The following articles are taken from the *Globe* in 1878-1880, and give some idea of sort of cases Judge Flint decided.

Session # 1 (July 1878)

MONDAY MORNING.

What the Sabbath Produced at the Municipal Court.

George Campbell pleaded guilty to being drunk Sunday, and was fined \$3 and costs by Judge Flint yesterday morning.

William Conklin is a very young man to appear as a criminal in a public court. He pleaded guilty to being drunk, and was sentenced by Judge Flint to three days at the stone pile.

J. H. Powers is a carpenter working on the new officer's quarters at Fort Snelling. He came to town and drank too much for the steadiness of

⁹ *St. Paul Pioneer Press*, April 29, 1875, at 4.

his gait. He was run in and spent the Sabbath in the "cooler," reflecting upon the uncertainties of the drunkard's path. Yesterday morning Judge Flint fined him \$3 and costs, or three days in default. Powers had no money, but he could plead as astutely as a pettifogger, and urged as a reason for the court's indulgent clemency that if he were sent to the stone pile he would lose his job and \$2.50 a day. The argument was a good one and weighed well with the judge, who let him off on condition that he leave for the fort at once.

McCartney is a Granger. He came to town to buy a horse, but lager and the weather was too much for him and he found himself before His Honor Judge Flint yesterday morning. He acknowledged his weakness, both of head and appetite. The latter got the better of him, and the head was too weak to stand it. Judge Flint thought \$3 and costs or three days cracking stones would strengthen both. Stern justice, however, relented and allowed the granger to depart in peace to the bosom of his distracted family.

William Rigney had been to the "London," and the bad whisky and bad music so befuddled his brain that he lost his senses. Chief Weber ran him in Saturday night, and the Court fined him \$5 and costs.¹⁰

Session # 2 (August 1878).

A NUISANCE.

**A Vigorous Effort to Abolish it But it
Seems too Many for the Authorities.**

¹⁰ *St. Paul Globe*, Tuesday, July 23, 1878, at 4.

A case of considerable importance was brought up at the municipal court yesterday morning. John Patterson, the indefatigable health inspector, summoned Patrick Nolan for herding hogs within the city limits. It appears that Nolan has for some time back kept several hogs on his premises, and has been suffered to do so by the authorities to the disgust and great annoyance of the public. The stench arising from the nuisance lately has been intolerable to persons residing on Seventh street below Wabashaw and to persons who have had occasion to pass down Seventh.

Patterson notified Nolan several times to abate the nuisance, and the latter only increased it, by throwing water upon the festering, fever-catching masa of filth. Finding no other method would answer, Nolan was yesterday brought before Judge Flint, charged as above. The judge was severe upon John for his action in the matter, thinking his zeal for the health of the city carried away his judgment, and gave Patrick till August 31 to fix things up, and get the attendance of the city attorney. John would receive the thanks of the whole community if he could get every pig-pen removed outside the city.

The case of John Martin & Co., for violation of the fire ordinance, has been continued from time to time by motion of the city attorney. Another continuation was had yesterday till this morning, and to-day no doubt will be repeated the farce, and continuation after continuation will be ordered until some fine night the surrounding neighborhood will find itself in flames.

Patrick H. Crowley is a soldier hailing from Ft. Lincoln, was on his way to Washington where he was to take charge of a cemetery. He got pretty drunk in St. Paul so much so that he thought he was robbed. The police ran him in and Judge Flint

fined him yesterday morning \$3 and costs, and advised him to put his "wealth" in good keeping till he departed out of the city. ¹¹

Session # 3 (June 1879).

***Municipal Court.
Before Judge Flint.***

CRIMINAL.

The city vs Joseph Walsh, assault and battery committed for fourteen days.

The city vs. James Kennedy, disorderly conduct continued until the 16th inst., at 2 P. M.

CIVIL.

Marcus Johnston vs. John McIntosh; garnishee of S. Folson. Hearing set for June 20th, at 10 A. M.

Mr. Rudowsky vs. Isaac Cadou; action for goods sold and delivered. Judgment for plaintiff for \$65.85.

Michand Bros. vs. E. Chappell; action for goods sold and delivered. Judgment for plaintiff for \$52.60.

William Gibbons vs. Peter Vergorson; action on contract. Case set for trial June 14, at 2 P. M.

Adolphus Elliot vs. Noyes Bros. & Cutler; garnishees of S. B. Seeley. Frank Carleton appointed referee to take disclosure of garnishee and report to the court.

¹¹ *St. Paul Globe*, August 31, 1878, at 4.

David Messer vs. C. Edwards, defendant, and the St Paul & Sioux City railroad company, garnishee action on promissory note.

Case passed on call of calendar.

Frederick J. Hoffman vs. William J. Parsons; action for restitution of certain premises. Motion made by plaintiff to vacate order transferring to district court and to file reply, argued and submitted.

L. M. A. Roy vs. John Frank; action for breach of contract. Case continued to next general term of June 17, 1879, at 10 A. M.

Elizabeth W. Gilbert vs Joseph O'Gorman. Case continued to next general term of June 17, 1879, at 10 A. M.

Farnham & Lovejoy vs. William Murphy; action on account. Judgment for plaintiff for \$206.68.

Harrison & Verplanck vs. J. G. Pitts; promissory note. Decision of court filed ordering judgment for plaintiff for \$126 with interest and costs.

Joseph Meyer vs. Samuel Rosenbaum; action on contract. Case settled and dismissed.¹²

Session # 4 (February 1880).

A FIELD DAY.

Judge Flint Goes Through Twenty-Four Criminal Cases.

Yesterday was a field day at the Municipal Court, Judge Flint disposing of twenty-four crim-

¹² *St. Paul Daily Globe*, June 11, 1879, at 6.

inal cases in addition to the regular weekly calendar of civil cases.

The first to appear before the bar were Charles Fox, Frank Smith, Robert Wallis and Joseph Green, four vags who were arrested at the St. Paul & Duluth roundhouse Monday night. Fox was discharged and the others committed for two weeks each to the wood pile.

John Brown and Patrick Moran, charged with imbibing too much booze both tried to beg off, but were given their just deserts. Brown having \$3 paid his fine and Moran was sent up for seven days.

John Allen, the colored wife beater, was sent to jail for thirty days in default of \$15 fine, and his wife, Louisa, who was drunk at the time the fracas occurred, went to the same quarters for three days.

Michael Shanahan, Edward Peters, John O'Keefe and Thomas Shanahan were arraigned for assaulting Theodore Lineau while he was in company with two young ladies in the Sixth ward Sunday night. Michael Shanahan and Edward Peters were fined \$10 each and the others were discharged.

Joseph Brimm and Andrew Bohline, who engaged in a fight with knives at Emmert's brewery Monday afternoon, were sent to jail, Bohline going over for thirty days, and Brimm, who commenced the fight, for sixty days.

Josephine Heenan, charged with threatening to kill Mrs. Grove, was not ready for trial, and had her examination continued to this morning.

Isaac Zumbro, who attempted to break into J. W. Greve's residence on Sunday night, with a dog and club, had his case continued to nine o'clock this morning.

Patrick Stearin, Timothy O'Donnell and John Thull, three boys charged with stealing a bottle of whisky from John Kaifer of 295 Fort street were arraigned. Thull plead guilty to the charge and was fined \$10, and the other two discharged.

John Mullany, one of the gang of boy who went through Presley's store and has been a terror to Rice street, was sent to the Reform school.

Herman Conrad, who made off with \$300 from The dwelling of Herman Schroeder, had his examination continued until this morning in order to obtain witnesses.

James Ahern and Oliver Mason were found guilty of assaulting John Schneider. Ahern paid a fine of \$20 and was discharged, and Mason, in default of \$10 fine, went to jail for twenty days.¹³

Obituaries of Judge Flint

The Judge died in October 6, 1881, at age 63. Obituaries from three local newspapers follow. From the *St. Paul Globe*, October 7:

JUDGE SAMUEL M. FLINT.

His Sudden Death from Apoplexy Last Evening.

Hon. Samuel M. Flint died suddenly yesterday evening of apoplexy at his residence near the corner of Mississippi and Somerset streets, passing from life with scarcely a struggle in the midst of his family. For more than a year past

¹³ *St. Paul Daily Globe*, February 18, 1880, at 4.

Judge Flint has been in failing health, and has been almost incapable of attending to business.

For the past month or so, however, he has been in apparently improved physical condition, and has appeared more or less upon the streets.

On Wednesday he was on the streets greeting old acquaintances nearly all day, returning to his home somewhat exhausted but in the best of spirits and apparently better than he had been for nearly a year. He arose later than usual yesterday morning—6 o'clock—and complained of feeling oppression in the region of his chest. He ate a light breakfast, and started out for a walk. He was met by Col. C. S. Uline, and the twain spent nearly an hour together conversing upon old times.

About 11:30 he returned to his home, and complained of feeling unwell. Mrs. Flint assisted him to undress, and he rested easily for an hour, when he became somewhat impatient and arose and dressed himself. He partook only sparingly of dinner, and being still weak remained at home. He complained of feeling poorly about 5 o'clock, and retired to his room. He refused to go to bed, but declared his preference for his easy chair, where he reclined in apparent comfort for about a quarter of an hour. Mrs. Flint, sitting in an adjoining room, heard him gasping for breath, and going to his assistance found his face resting on his breast and the spark of life almost extinguished. Calling the assistance of her son-in-law, Mr. Fisher, the judge was placed upon his bed, but after a few gasps he passed away to that bourne whence no traveler returns.

Judge Flint was born in Braintree, Vt., on the 4th of August, 1818, and was consequently a little over 63 years of age at the time of his death. On the 4th day of May, 1847 he was married to

Miss Cornelia M. Craig in his native place, a lady who has ever since been the partner of his joys and sorrows.

He studied law in the office of J. P. Kidder, now Judge of the United States District Court of Dakota, and completed his studies in the office of Judge Hibbard, being admitted to the bar with the highest honors. In 1850 he was elected United States attorney for the county in which he resided, and subsequently served two terms as county clerk.

In 1867 he started for the West, and with his family took up his residence in St. Paul. He opened a law office at the corner of Third and Robert streets, in partnership with his old preceptor, Judge Kidder.

His abilities soon brought him into prominence, and he was elected county attorney at three successive elections, serving in that capacity for six years, a part of the time when the territory embraced in this district included the county of Washington. He ran for the office of city justice, and was elected, serving two years. When the office was changed to judge of the municipal court, he was again a candidate, and served for two terms with general acceptance. He retired from the office about a year since on the election of Judge Burr, the present incumbent of the office.

Judge Flint has been universally acknowledged as a man of great natural ability, a lawyer of fine capacity and a judge of unimpeachable integrity. The correctness of his decisions on the bench has never been brought in question.

He was a man of warm, generous impulses, and while he had some enemies he could number his friends by the thousands. He dies universally regretted, not only for what he proved himself to

be, but for the inherent nobleness of character which he was known to possess.

Judge Flint leaves a wife, a lady widely known and everywhere respected, and a son and daughter, the latter the wife of Louis Fisher, Jr.

The obsequies will take place from the family residence on Somerset street, on Saturday at 2 lock p. m.¹⁴

From the *St. Paul Pioneer Press*, October 7:

SUDDEN DEMISE OF JUDGE FLINT.

**Stricken by the Remorseless Reaper
While Sitting in a Chair at his Residence
Yesterday Afternoon –The Career of the
Deceased.**

Judge Samuel M. Flint died suddenly at 5 o'clock yesterday afternoon, at his residence, No. 34 Somerset street. The deceased had been ill for a long time, though not sufficiently so as to prevent him from walking about. He was on the street all yesterday forenoon, and returned home about 11 and 12 o'clock. He took a light dinner and again went out, but again returned between 4 and 5 o'clock and complained of not feeling well. His wife endeavored to have him retire, but he refused and sat down in a chair. Soon afterwards his wife, who was in an adjoining room, heard him making a noise as if trying to speak. She went immediately to where he was sitting and found him unable to speak, and apparently suffering a good deal. Well with the aid of others

¹⁴ *St. Paul Globe*, October 7, 1881, at 1.

in the house, she got him upon a bed, when he apparently immediately expired.

Judge Flint was born in Braintree, Vermont, August 4, 1818, and was sixty-three years old. He studied law with Judge Kidder, in Braintree, and practiced there for several years, and then went to Chelsea, Orange county, where he practiced law, and was elected county clerk. About twenty-seven years ago he came to St. Paul, where he has since resided. He has occupied the positions of city and county attorney, and was elected judge of the municipal court. The latter position he occupied for several years.

For the last year of his life he held no public position, and owing to ill health did not practice any in the courts. He was a lawyer of admitted ability, and among members of the profession was regarded as a man possessed of an excellent judicial mind. He leaves a wife and two children—a son and daughter.¹⁵

From the *Daily Dispatch*, October 7th:

Judge S. M. Flint

¹⁵ *St. Paul Pioneer Press*, October 7, 1881, at 7. Outstate newspapers noted the Judge's passing. *Freeborn County Standard* (Albert Lea), October 13, 1881, at 6 ("Ex-Judge Samuel M. Flint, died suddenly in St. Paul, on Thursday last. Judge Flint was born in Braintree, Vermont, August 4, 1818, and was sixty-three years old. He studied law with Judge Kidder in Braintree, and practiced there for several years, and then went to Chelsia, Orange county, where he practiced law, and was elected county clerk. About twenty-seven years ago he came to St. Paul, where he has since resided. He has occupied the position of city and county attorney, and was elected Judge of the municipal court.").

**Sudden Demise of This Old and Well
Known Citizen at His Residence on
Somerset Street Last Evening.**

Shortly after 5 o'clock last evening Judge S. M. Flint died suddenly at his residence on Somerset street, in this city, it is supposed of heart trouble. He had been moving about during the day in about his usual manner, and retired to his room a short time previously and was sitting in his easy chair when the dread summons came. His gasps for life were heard from the adjoining room, and his wife's going to him he was found

In Extremis—

his head resting on his breast—and in a few moments had ceased to breathe. Judge Flint was born August 4, 1818, in Braintree, VT., and was consequently in his 64th year. He married in 1847, Miss Cornelia M. Craig, of the same place, who survives him. He studied law in the office of J. P. Kidder, now Judge of Dakota territory, and Judge Hibbard, Braintree, and, on being admitted to practice was, in 1850, elected State's Attorney for the county of Orange, in which he subsequently served two terms as County Clerk

He Came West

some 26 or 27 years ago, and settled in this city, formed a partnership with Judge Kidder in the practice of the law. He served three terms as County Attorney, and was afterwards elected City Justice, and upon the creation of the Municipal Court, in 1875, served out the term of Justice to which he had been re-elected, as Judge of that court, and was again elected Judge of that tri-

bunal, his term as such ending Jan. 1st last. He lives a widow and two children—son and daughter—the last named the wife of Louis Fisher, Jr. Judge Flint in many friends, especially

Among The Old Settlers.

Among the bar his standing, while a practicing attorney, was deservedly high, and as a prosecuting attorney he is said to have had no superior in the county. He was of a genial, impulsive nature, and while in the active pursuits of life, was highly esteemed by a large circle of friends and admirers, and in those days universally regarded as very popular among all classes.¹⁶

This was a time when the wealth of a deceased public figure frequently became the subject of newspaper reports. Judge Flint's will was thought to be of sufficient public interest that it was published on the first page of the *Globe*, October 26, 1881:

Will of the Late Judge S. M. Flint.

The will of the late Judge S. M. Flint was filed for probate yesterday. After specifying that he desired that his just debts should be promptly paid, the will makes the following bequests:

To his son Henry Augustus and daughter Mary Ann Ardillo Fisher, his Fort street out lot in equal proportions, the same to remain undivided until the said Henry Augustus arrives at the age of 21 years. In case of the death of the daughter before the maturity of the son, then her proportion to go

¹⁶ *St. Paul Daily Dispatch*, October 7, 1881, at 4 (funeral arrangements omitted).

to her son Lewis Minott Fisher, and in case of the death of the son, his share to go to his mother, Cornelia Minerei Flint.

To his son Henry, in case he becomes a member of the legal profession, his law library, and his private law library to be divided equally between his son and daughter.

All of the remainder of the property, real and personal, he bequeathed to the widow, with power to sell and dispose of the same for his support and maintenance, and at her decease, whatever may remain to go to the son and daughter in equal proportions. The widow was appointed sole executrix of the will, and is requested she be allowed to act as such without giving bond.

The will bears date Sept. 20, 1877.¹⁷



Afterword

Over a half century after Judge Flint's death, Thomas D. O'Brien fondly remembered him in his posthumously published memoir, *There Were Four of Us, or Was It Five*:

At the time of my admission I was clerk of the municipal court, where I remained for a year and where I had an excellent opportunity to learn practice.

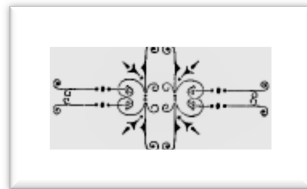
Judge Flint of the municipal court was from Vermont and, like all Vermonters whom I have known, very loyal to his state. A Vermont case, therefore, was generally conclusive with him; but still, he was a shrewd judge. and a toss of his head would indicate an intention to disregard the

¹⁷ *St. Paul Globe*, October 26, 1881, at 1.

testimony of a witness. He was quite old at the time of my appointment, and physical disabilities caused him to lose considerable time. The law provided for special judges to be called in when necessary. As these were always young men, impatient of delay, some amusing and strange incidents occurred. C. K. Davis referred to the record made by a special judge as "a confluent and running error."

Once a reporter on one of the papers criticized Judge Flint rather harshly. I resented his article, and when he next visited the court we had some words. Judge Flint heard of this; and next morning, when the docket was neared, he said to me, "I want no officer of my court to commit a breach of the peace, but if you do lick Jones, I have twenty-five dollars to pay your fine."

In addition to my appointment, I received many acts of kindness from Judge Flint and have always held him in pleasant memory.¹⁸



¹⁸ Thomas D. O'Brien, *There Were Four of Us, or Was It Five 27* (1935) (MLHP, 2021). O'Brien dictated his memoir in 1935, shortly before his death, but it was not published until 1938.