

The year 1858 glistens in Colorado's history. People gripped by gilded dreams flocked here to seek their fortunes in the rivers and the hills. Despite many of those dreams getting tarnished along the way, Denver, the "Queen City of the Plains" was born on Nov. 17, 1858. But, as the population grew in what would be the Centennial State, so did the need for government and a system of justice.

Many and varied judicial systems emerged to satiate the need for order. In the mountains, this came in the form of "Miners Districts." These organizations, which would spring up whenever a large enough group of miners settled in one area, established boundaries, defined property rights, elected officers, set up courts, tried lawsuits, and punished criminals. Among the first of these districts were Gold Hill near present day Boulder, Jackson Diggins District in Clear Creek County, and Gregory District near Blackhawk, all of which were established in 1859.



Courtesy of Denver Public Library  
Western History Collection

The fledgling judicial system along the Front Range developed in a somewhat more conventional manner. Prior to 1861, most of what is now Colorado was part of Arapahoe County in the Territory of Kansas. In 1855, the legislature of the Territory of Kansas appointed Allen P. Tibbitts as the probate judge of Arapahoe County. Tibbitts was effectively Colorado's "first judge," although he never actually visited Arapahoe County, much less held court here. He never claimed his bench because, at that time in history, travel through this region could be treacherous, due to poor conditions and hostile Indians.

In March 1859, the first court was established in the "Pikes Peak Country." S.W. Wagoner was elected as its probate judge. Shortly after, however, a

restlessness to secede from Kansas began to grow among the citizens. As a response, an election held on Oct. 24, 1859, established the extralegal Territory of Jefferson in what is now Colorado. This self-proclaimed government instituted the region's first Supreme Court with a chief justice and two associate justices. Within two months, Jefferson territory's legislature expanded the judicial system to include district, county, and justice of the peace courts, in addition to the already established Supreme Court.

Many local citizens refused to acknowledge this judicial system's presumed authority, or that of its courts. Inevitably, conflict arose between the Arapahoe County courts and those of the Jefferson territory. Neither had a good grip on their claimed jurisdiction, and thus criminals frequently slipped through gaping loopholes in the system. As a result, People's Courts emerged. These were not permanent, or even official institutions, but they were summoned by the upper class to deal with serious crimes, such as murders. The court followed general procedures, allowing for both prosecution and defense, but the sentence was usually death, and it was carried out immediately after the ruling.



Old Supreme Court courtroom in the north wing of the state capitol building

After Kansas made the transition from territory to state in January 1861, people living in the Territory of Jefferson recognized the necessity, and inevitability, of coming under the authority of the United States. An application for status as a territory was filed, and in February 1861 Congress passed a bill creating the Territory of Colorado.

Immediately upon becoming an official territory, the mass of existing governing entities all ceded power to the new government. The territory was divided into three judicial districts. President Abraham Lincoln appointed three justices to the first legal Supreme Court in the territory. Chief Justice Benjamin F. Hall was given jurisdiction of the Denver District; Justice Charles Lee Armour Central City District; and Justice S. Newton Pettis, the Southern District, near Pueblo. The first case to be tried before the Supreme Court was *Gardner vs. Dunn* on appeal from Park County.

Colorado was admitted to the union as a state on Aug. 1, 1876. The state's original constitution provided for a Supreme Court with a bench of three justices, as well as four judicial districts, with one judge serving each. The following timeline illustrates the early progression of the state's judicial structure.

- 1876** – 4 judicial districts; 1 judge in each
- 1881** – 7 judicial districts; 1 judge in each
- 1887** – 9 judicial districts; 1 judge each, except Arapahoe County (incl. Denver) with 2
- 1891** – 13 judicial districts; first Court of Appeals
- 1893** – 2<sup>nd</sup> judge given to Pueblo area
- 1895** – 2<sup>nd</sup> judge given to Colorado Springs area
- 1905** – Supreme Court given 7 justices; first Court of Appeals abolished
- 1913** – second Court of Appeals established for a four-year life
- 1917** – second Court of Appeals abolished
- 1921** – 14 judicial districts
- 1945** – 15 judicial districts
- 1953** – 16 judicial districts
- 1958** – 18 judicial districts
- 1963** – 22 judicial districts, the present number
- 1970** – third and current Court of Appeals was established
- 1977** – Supreme Court and Court of Appeals moved into current building
- 2010** – 311 judges statewide: 7 Supreme Court justices, 22 in the Court of Appeals, 164 in district courts, and 114 in county courts

# Supreme Court

The history of Colorado's highest court began even before Colorado became the 38<sup>th</sup> state in the nation. The first Supreme Court was established in 1859 by the Territory of Jefferson, an extra-legal government existing prior to the Territory of Colorado.

When Colorado became an official territory, a new Supreme Court was established. Its first three justices were appointed by President Abraham Lincoln. This court held its initial session in Denver on July 10, 1861. The court convened in a cozy 7-by-9 foot room in the 12-by-25 foot Commonwealth Building on the corner of Larimer and 13<sup>th</sup> Street.



The present Supreme Court courtroom at 14<sup>th</sup> & Broadway

Between 1861 and its eventual move into the north wing of the state capitol building in the early 1890s, the court convened in many other locations, including the Middal Building behind the Lincoln Hotel, the Old Planter's House on Blake and 16<sup>th</sup>, the Keller House on 11<sup>th</sup>, the Jackson Building on 18<sup>th</sup> and Larimer, George W. McClure's building on Larimer between 15<sup>th</sup> and 16<sup>th</sup>, and one last location on the corner of Lawrence and 15<sup>th</sup>.

In 1905, the court grew to seven justices to help address the heavy caseload. These justices sit en banc, or in a full panel, for every case. Court of Appeals judges, in contrast, sit in panels of three to consider cases.

# Court of Appeals

Colorado's Court of Appeals has a fragmented, yet fascinating, history. The first Court of Appeals was established in 1891 by the Colorado General Assembly for an indeterminate term to help the Supreme Court with its heavy caseload. This court consisted of three judges and lasted until 1904, when it was no longer believed to be necessary.



The present Court of Appeals courtroom at 14<sup>th</sup> & Broadway

In 1913, a second Court of Appeals was created, this time with five judges, but with a pre-established term of only four years. Its mandate expired in 1917. In 1970, the third and present Court of Appeals was established, though it only had six judges at its inception. In 1974, this number was increased to 10, on Jan. 1, 1988, the number was increased to 13 and on July 1, 1988, the number was increased to 16. The most recent expansion added three judges effective July 1, 2008, for a total of 22.

The location of this court during its first two terms is unclear, but due to its close relationship with the Supreme Court, it may have been held in the same location. The third Court of Appeals began hearing cases in 1970 at the Supreme Court courtroom in the capitol building. When the court expanded to 10 judges in 1974, it moved to a new courtroom on the sixth floor of the Farmer's Union Building on 16<sup>th</sup> and Sherman. In 1977 it joined the Supreme Court in their current location at 14<sup>th</sup> and Broadway.

Welcome to the  
Colorado Supreme Court  
and  
Court of Appeals



An  
Historical  
Guide