

MEMORIALS  
of the  
Eleventh Judicial District Bar Association  
in  
St. Louis County District Court  
January 7, 1948

On January 7, 1948, in St. Louis County District Court, the Bar Association of the Eleventh Judicial District delivered memorials to ten men who died the previous year. The transcript of the proceedings is posted below. It has been reformatted. Page numbers have been added; a few misspelled words have been corrected; punctuation is unchanged. A heading to the tribute to each individual has been added by the MLHP. The nine lawyers and one judge commemorated are:

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STATE OF MINNESOTA  
COUNTY OF ST LOUIS

DISTRICT COURT  
ELEVENTH JUDICIAL DISTRICT

Opening of January, 1948, general term of the above court.

BE IT REMEMBERED, That with the following Judges present:  
Honorable Edward Freeman (Presiding), Honorable E. J. Kenny, Honorable Mark Nolan, and Honorable William J. Archer, at 9:30 o'clock, a.m., on January 7, 1948, at the courthouse in the City of Duluth, County of St. Louis, Minnesota, the following proceedings were had:

JUDGE FREEMAN: Ladies and gentlemen, it has been the custom in this district for some years past, at the opening of the January term each year for the Bar Association to present memorials in honor of those members of the bar and bench who have died during the past year. Pursuant to that custom, I now call upon the President of the Eleventh Judicial District Bar Association, Mr. Pass.

MR. PASS: If the Court please, at this time I would ask the Court to recognize Mr. Donald Harries, who is chairman of the Committee on Legal History and Biography, who will conduct the exercises today.

JUDGE FREEMAN: Mr. Harries.

MR. HARRIES: Mr. President, your Honors, members of the bar of Superior and our own district, and guests: The service of the lawyers and judges we commemorate today to the courts and to their clients and to their fellowmen embraces a period of well over half a century. And in that time their standards of professional conduct and attitudes in devising livable relationships amid the conflicting interests in our community have been woven into the very fabric of our social and economic life. Only to name them is like the sweep of a beacon over a wide arc of activities where it brings in focus much that is significant in the legal and civic history of this entire region at the head of the lakes. Frank Crassweller, Ralph Burdick, J. H. Whitely, Henry Paull, Frank Erchul,

Hubert d'Autremont, Clarence Hartley, Edgar MacPherran, Bert Fesler, and Francis H. DeGroat. The ideals and principles which these men exemplified during the last fifty years in their service to the courts, to the schools, in politics, in the relations of labor, capital and management, in the service of rich and poor, and in every worthy civic project, are ideals and principles which have imbued the administration of justice in this district with a spiritual vitality that will be a light and a guide for the remainder of this century and beyond and will give to us who follow a deeper sense of the essential value of law and justice. It is, therefore, with pride as well as sorrow that we tender these tributes. The first memorial will be presented by Mr. Elmer Blu to Frank Crassweller. Mr. Blu.

## Frank Crassweller

1866 – 1947

MR. BLU: May it please the Court, Mr. Pass, Mr. Harries, gentlemen of the bar and friends;

The light of a noble life has been extinguished; and the cunning pattern of nature is such, to paraphrase Othello, that there does not exist in all the world of science or of magic art, such a Promethian heat by which we may that sacred light relume.

I speak of Mr. Frank Crassweller, who was born in London on the fourth day of January, 1866. He was the second son of Christopher and Sarah Hallifax Crassweller. The father was a furnishing ironmonger and conducted that business in London under the name of Crassweller & Sons, the firm consisting of his father, his brother and himself. The mother conducted a private school to which the children of their particular neighborhood were sent for their primary education. Both parents were educated and cultured people. To their union in marriage there were born and who grew to maturity four sons and one daughter.

Although the family was English for centuries and though surrounded in England with comfort and pleasure, they removed in 1869 to the

wilderness of this hemisphere. The father then availed himself of the benefits of a land grant by the parliament of Ontario, whereby every family was entitled to select for themselves 200 acres of land. The land that was chosen by them for their home in the New World was located in the Muskoka district east of Georgian Bay and 200 miles north of Toronto, near the village of Rosseau, Ontario.

There they cut the logs and hauled them in with oxen to make the lumber for their home. They made by hand the shingles to cover their roof, and at the proper time the neighbors from miles around came and participated in a raising bee, and the primitive house in the wilderness took on the form of a comfortable home, and in due course it was completed.

The father, being perhaps the best educated man in the community, naturally assumed leadership in matters of social, educative and religious importance. He created social reforms, organized Sunday-schools, occupied the pulpit in the churches, and was relied upon for assistance at weddings and for comfort at funerals.

The mother, being the only educated and cultured woman in the section, not only instructed her own children in the various fundamental subjects but also spread her education and culture generally among the inhabitants of the region.

Not only did they bring with them from England all the books that they could comfortably carry, but once each week as long as he lived their Uncle Henry Crassweller, an eminent member of the London Stock Exchange, sent to them the illustrated London News, the London Observer, and Public Opinion. Thus with the books they brought with them, with the books they canoed and walked for miles to borrow, with the home education supplied by their parents, and with the publications mentioned, the foundation of the education of the children was assured.

In these remote surroundings and under these wholesome conditions, Frank Crassweller and his brothers and sister grew to maturity. His reach

then exceeding his grasp, he went to Goderich, Ontario, to teach school, which he continued for several years. In this vicinity at Zurich he met a noble woman, Allison M. Douglas, and on July 7, 1885 she became his wife. To this union there were born four sons and one daughter, three being born in Canada and two later in Duluth.

Desiring to improve his situation, he came to Duluth in 1888, leaving his family behind at Zurich until he could establish himself. Here he entered the law office of Mr. Walter Ayres, a prominent member of the Duluth Bar at that time. Prior to his coming he had learned stenography, and his duties in the office were that of a stenographer and clerk and he was afforded an opportunity to engage in the study of law. This was a position that his brother Arthur, who had come here the previous year, had arranged for him before his arrival.

He secured temporary living quarters and soon brought his family from Canada to Duluth. He at once commenced the construction of a house in Lakeside and it was completed in the spring of 1889. Thus he established a home for himself and his family, a home he occupied for the remainder of his life.

He continued the study of law with Mr. Ayres, his brother Arthur meanwhile being similarly employed in the office of Mr. W. W. Billson and also preparing for the Bar. After thorough study and preparation the two men in due time were admitted to practice, Arthur in 1888 and Frank in 1889, They continued for a time to work for Mr. Billson and Mr. Ayres respectively, but on February 1, 1897 they joined their efforts and established the law firm of Crassweller & Crassweller and commenced the general practice of law on their own account. The practice of the firm grew in volume and importance; they finally specialized in corporate and real estate matters, representing numerous important clients and substantial interests, and ultimately became one of the leading law firms practicing at this Bar. The firm continued in existence as a going concern for forty-seven years until Mr. Frank Crassweller retired from the firm and practice on December 31, 1944.

It may be that a personal reference in connection with this firm may be forgiven, inasmuch as the early years of my young manhood were closely interwoven with the lives of these two men. In 1907, over forty years ago, I came to Duluth as a law graduate looking for a place to commence the practice of my chosen profession; soon it became clear to me it would be to my advantage to enter their office. Consequently, so to speak, I knocked on their door. They met me courteously and graciously, as they met everyone, and, notwithstanding the fact that I was a stranger, they generously took me in. I remained with them as clerk, junior partner and partner for ten long, happy and mutually hard-working years. On this occasion I am happy to state that during that long period there was never one ruffling word, never one unpleasant circumstance, and never one misunderstanding or dispute. They were like father and uncle to me! But with all that they were strict instructors in law, practice and procedure; the best possible exemplars in matters of conduct with clients and the public; always placing before me the highest ideals and ever attempting to inspire within me the noblest of motives. Not for all the wealth of Ormus and of Ind would I exchange the heritage that came to me from these two noble men during that ten-year period. Our mutual respect and confidence continued until terminated by the death of Mr. Frank, but I am proud to say that this fine relationship continues with Mr. Arthur to this very day.

The character, accomplishments and longevity of the Crassweller family require a least a passing comment. The father, Christopher Crassweller, attained the age of 86 years. The mother, Sarah Crassweller, lived to be 92. The oldest son, Christopher Crassweller, a graduate of the University of Toronto and for many years President of the Sarnia Collegiate Institute, lived to be 88. Mr. Frank Crassweller, whose memory we honor today, died at 91. Mr. Arthur H. Crassweller is still living, rich in years and honors, at 89. Mrs. Clara Crassweller Magor, their sister, lived to be 88, and Mr. Leonard Crassweller, retired Purchasing Agent for the western lines of the Northern Pacific Railway Company, is living in retirement in Tacoma at 86. Thus the average age of this family is 88 years. It goes without saying that their consciences were clear, their hearts pure, and their standards of living above reproach. The philosophy

of their lives and the song in their eternal souls must have been taken from Rabbi Ben Ezra –

“Grow old along with me!  
The best is yet to be,  
The last of life, for which the first was made:  
Our times are in his hand  
Who saith ‘A whole I planned,  
Youth shows but half; trust God: see all, nor  
be afraid!’”

Mr. Frank Crassweller lived in England until he was 13 years of age. He was naturally influenced by English history and by the freedom and democracy embodied in the Magna Charta. He was even then old enough to be impressed with the quality of justice laid down in the English common law, which early impressions were increased during his twenty years’ residence under the English flag in Canada. He spoke beautifully the language of Shakespeare; was familiar with the substance of many of the plays of that great poet, many of the lines of which he knew by heart.

Consequently, when he came to this country, he spoke in the English idiom and displayed many characteristics and mannerisms that marked him at once as a distinguished English gentleman. But notwithstanding the place of his nativity, his early training and the influences mentioned, no foreign-born individual ever became a more loyal and enthusiastic American citizen than he, or more thoroughly assumed the duties and obligations of American citizenship.

In his long career in this community he was, among other things:

Member of the Duluth City Council  
Member of the City Planning Commission  
Member, more times than one of the Duluth  
Board of Education  
Member of the Masonic Lodge

Member of the Duluth Kiwanis Club  
President of the Duluth Chamber of Commerce  
President of the District Bar Association  
President of the Minnesota State Bar Association; and  
Member of the Lakeside Presbyterian Church, which was  
his spiritual home for more than fifty years,

He was always interested in the politics of the City and did his utmost to keep the City clean and wholesome. In this connection he was engaged in many local political contests, and in them he was so sincere and conscientious that he never supported a political candidate except in gladness and never opposed a political foe except in sadness.

He was elected to the Hall of Fame for outstanding and distinguished civic service for the year 1941, and his picture among others hangs in an honored place in the Duluth City Hall.

Having four sons of his own enabled him to become acquainted with many boys of the City, and he was their sponsor and champion. He was interested in their sports and their activities, He took an especial interest in athletics generally; he attended every game possible, and he was always for the home team; the poorer the team the stronger he was for it. He was most genial in disposition. He was thoroughly good-natured; was unusually optimistic; and he saw the silver lining in every cloud. While he pitied the aimless, helpless and the hopeless, he had no traffic "with the slothful, with the mawkish, the unmanly".

His long mutual friendship with Judge Fesler caused the two to make a pact to the effect that the survivor of them would present in this forum the memorial for the one who had gone before. Neither one of them is here today, and their memorials are being presented by others.

The years dealt gently with Mr. Crassweller. "Length of day was in his right hand: and in his left hand riches and honor." Finally the evening came, the shadows fell, and he began the journey down the westering slope to meet the sunset and the afterglow, to greet the unseen and the

unknown, and to abide in the place that had been prepared for him. He passed from the earthly scene on April 7, 1947. This City and this Bar will long await the advent of his like and kind. "There was, there is, no truer, gentler, manlier man." I thank you.

**Ralph E. Burdick**  
1889 – 1947

MR. HARRIES: The Memorial to Ralph Burdick will be presented by Mr. Arthur Clure.

MR. CLURE: May it please the Court, Mr. Pass, Mr. Harries, gentlemen of the bar and friends: The memorial that I am to read this morning was prepared by Mr. McCabe, who was unavoidably detained out of the city and I present his apologies and regrets at not being able to be here this morning to read it personally.

Ralph E. Burdick was born at Mantorville, Minnesota, on November 11, 1889. He graduated from the University of Minnesota Law School in June, 1910 at the age of 20 years, and was required to wait several months to become of age so he could become admitted to the Bar. He was married at Duluth, Minnesota to Margaret Ellen Graham on September 19, 1913. He began his practice of law at International Falls where he remained for two years. He then came to Duluth where he practiced law for 35 years – first alone; and then as a partnership known as Burdick and Campbell, with Mr. Hiel Campbell. This partnership dissolved in 1929 and he then practiced alone until his death,

His death came on January 16, 1947 at McAllen, Texas where he was living temporarily for his health.

Mr. Burdick was intensely interested in Government as a citizen who desired better and more efficient government.

He was a business man as well as a lawyer. He helped to develop several important business ventures in this area. He, as much as anyone, was

instrumental in bringing to a successful conclusion before the Congress of the United States, the so-called fire cases which were pending before that body for many years after the forest fire of 1918.

He was a member of Lakeside Lodge #281 A.F. & A.M. of the Scottish Rite Bodies of the Valley of Duluth and the Aad Temple of the Shrine,

He had a kindly disposition which endeared him to his family. He was a kind and considerate neighbor.

In the practice of law, Ralph Burdick was ever alert to the needs of his clients. It is doubtful if ever a person who needed help did not receive it whether he could pay for the service or not.

Many years ago he befriended an American citizen of Chinese descent. In the years following, many a Chinese American citizen received like help. At his funeral 16 of them, I believe the total number in this area, filed by his casket paying their last respects to their faithful friend and advisor.

So it was with Ralph – known and loved by all who knew him – a good lawyer, a faithful friend and a credit to the Bar.

## Henry Paull

NA – 1947

MR. HARRIES: The Memorial to Henry Paull will be presented by Mr. I. K. Lewis.

MR. LEWIS: If your Honors please, officers and members of the bar and friends:

It has been said that

“They are poor who have lost nothing;  
They are poorer far who, losing, have forgotten;

They most poor of all, who lose and wish they  
might forget.”

In the death of Henry Paull, the Bar has sustained a substantial loss. But we are privileged to transmute a portion of our loss into treasure, through memory of his service and his personality. The qualities that gave significance to his life and to his service as a lawyer invite the best efforts of the legal profession.

To an extent not given to many lawyers, Henry Paull was able to bring to the poor, the unlettered, and the oppressed, confidence that, in America, all persons are equal before the law. Their faith in his fidelity and ability gave them confidence in the administration of law and justice. No service can be more beneficial to the Bar and to society as a whole than the implanting of such confidence in the hearts and minds of citizens.

About ten years ago, it was my privilege to be riding with Henry in his automobile in Northern Michigan. He was driving when we overtook a pedestrian who was dressed as a laborer. As we caught up with him, Henry said: “That poor fellow looks tired, if you don’t mind, I’m going to give him a ride.” On inquiry, after he entered the car, we learned that he was a timber worker. I asked him whom the timber workers of Michigan employed as their lawyer. He said: “There is one lawyer that we all know and believe in, and when we need a lawyer we always send for him.” I inquired who this lawyer might be. He replied: “Henry Paull of Duluth, and there is none better!” I asked whether he knew Henry Paull, for there had been no sign of recognition. He answered: “Yes, I know him, but I have never seen him.” I then introduced the woodsman to his lawyer.

The confidence and devotion registered on the face of that humble citizen on meeting his lawyer, whose counsel he had believed in and followed, although he had never seen him, demonstrated to me that Henry Paull was performing a service far more significant than merely trying law suits. He was creating respect for law, and promoting good citizenship.

That does not mean, however, that in every instance Henry Paull counselled respect and submission to conditions then existing. Quite the contrary. He believed that social and economic injustice was the cause of many individual transgressions and failures. He counselled resistance and reform where he believed that society or government denied a fair chance and equal opportunity to the humblest citizen,

He challenged oppression and social injustice wherever he found it, and he did not hesitate to employ appropriate means to win relief and freedom to the underprivileged. To him,

“True freedom is to share  
All the chains our brothers wear,  
And, with heart and hand, to be  
Earnest to make others free.”

In his zeal to relieve what he considered oppression and injustice, he often suffered personal discomfort and insult. He even endured kidnapping and physical assault. Yet, he was always calm, patient, and kindly. He seldom spoke ill of any person. No one in distress ever appealed in vain to Henry Paull. He was recognized as the champion of the needy and oppressed. Ordinary people in large numbers and far beyond the boundaries of his own state, had come to know that regardless of race, creed, color, or financial worth, they could come to Henry Paull for counsel and help. He always listened to their grievances with courtesy, patience, and sympathy. He made his fine abilities as counsellor and advocate available to them without regard to their ability to pay, for he did not regard his profession as a means to acquire fame or fortune for himself. He never aspired to a wealthy or influential clientele, rather he was content to serve the needy and the oppressed. He believed that laws and lawyers perform their true functions only as they help to bring about social and economic justice to all mankind. He recognized that the establishment of social and economic justice is a slow and painstaking process; that before the social order can be redeemed, many needy individuals must be helped.

So, while he labored to improve the social and industrial order, in the large, he used his profession and his fine abilities to help little people, in their individual needs. Perhaps he thought that in that way we best can achieve the larger goal. He seemed to realize that:

“Not by eastern windows only,  
When daylight comes, comes in the light;  
In front, the sun climbs slow, how slowly,  
But westward, look, the land is bright.”

Henry Paull has made a lasting and substantial contribution to the hope and the light of a better day. I thank you.

**James Harvey Whitely**  
1860 – 1947

MR. HARRIES: Your Honors, the memorial to J. H. Whitely will be presented by Mr. Andrew Nelson.

MR. NELSON; May it please your Honors, officers and members of the Bar of the Eleventh Judicial District, and friends:

James Harvey Whitely was born on July 26, 1860, near Washington, Pennsylvania. He was the son of Frederic Whitely and Ann MacMurray Whitely. The MacMurrays had come from Ireland in the 18th Century. The Whitelys had emigrated from Bath, England, in the early days. One of his ancestors was Lord Mayor of Bath in the 17th Century.

Mr. Whitely spent his youth on his father's farm near Washington, Pennsylvania, but early in life he decided to seek a higher education. He attended State Normal School at Edinboro, and Wooster College at Wooster, Ohio, graduating from the last named institution with the degree of Bachelor of Science.

In 1890 he married Bessie McClelland, whom he had met while they were both students at Edinboro

Mr. Whitely then entered the University of Michigan Law School and graduated therefrom in 1892, with the degree of Bachelor of Laws. Immediately after his graduation from Michigan Law School, he came to Duluth to enter upon the practice of his profession of law and served his apprenticeship in the law office of Judge McGindley. He then opened a law office of his own in Duluth, which he maintained until his death on January 18, 1947. At the time of his passing he had attained the ripe age of 88 years and six months. During his legal career of over 54 years he was engaged in general practice. He did considerable trial, as well as office work.

As one of the monuments to his memory, reference is made here to the case of Clausen vs. Minnesota Steel Company, reported in 186 Minn. Page 80, wherein he appeared as attorney for the employee and helped to establish the law with reference to a timely notice of latent injury to an employee. The Court sustained the position of Mr. Whitely, holding that when the injury does not result in present disability, but remains inactive and undisclosed for some period of time, the time for the employee to comply with the conditions with reference to notice of injury begins to run from the occurrence of the disability or the time the injury manifests itself as likely to cause disability. This case has become a leading one in Minnesota, as well as in other jurisdictions.

Reference has already been made to his trial work. I recall that, shortly after entering the practice of law in this City, a brother attorney, who is still a member of this Bar, came to me in a rather jubilant frame of mind and said that he had just won a jury verdict in an important case where Mr. Whitely appeared as counsel on the other side. From what he said, I judged that this brother attorney had a high respect for Mr. Whitely's ability as a trial lawyer at that time.

He was a member of the Eleventh Judicial District Bar Association and the Minnesota State Bar Association. During his residence here he was a member of the Endion Methodist Church.

He is survived by one daughter, Mrs. William McMillan of Minneapolis, a son, Warren Whitely of Duluth, and another son, McClellant Whitely, of Denver, Colorado, as well as five grandchildren.

Two of his children lost their lives in a tragic coasting accident in December, 1923.

Mr. Whitely was one of the founders and an officer of the Duluth Art Association, a member of the Home Culture Club, before which he delivered several addresses on literature. These affiliations show that he was interested in several worthy culture activities.

Mr. Whitely was a strong, healthy and vigorous man during most of his life. Only during the last three or four years did he begin to show a decline due to his advanced years.

Mrs. Whitely, his faithful wife, died on November 19, 1944.

In years and experience, he was the Nestor of our Bar when he laid down the instruments of his profession. Thank you.

## Hubert d'Autremont

1889 – 1947

MR. HARRIES: Your Honors, the memorial to Hubert d'Autremont will be presented by Mr. Robert Mayall.

MR. MAYALL; Your Honors, Mr. Harries, ladies and gentlemen:

Hubert H. d'Autremont was an active member of this Bar from 1920 until 1930. In the latter year he moved to Tucson, Arizona, where he maintained his residence until his death last April. Some here, who began their practice of law in Duluth after 1930, may never have known him. Many of us, however, knew him well while he resided in Duluth, and were fortunate enough to maintain our friendly relations with him during the years after he moved away.

He was born in Duluth on February 19, 1889. His parents, Charles d'Autremont and Hattie H. d'Autremont, came to Duluth from Angelica, New York, in 1882. His father, for many years, was a well-known member of this Bar and served as Mayor of Duluth in the early 90's.

Hubert d'Autremont attended the public schools of Duluth, Phillips Exeter Academy and Cornell University, from which he was graduated in the class of 1910. He then attended law school at Columbia University, from which he received his degree in 1912. He practiced law in New York City for about two years, and then went to Bisbee, Arizona, where he entered the law office of Knapp & Boyle, both of whom had formerly practiced in St. Louis County. Their practice consisted largely of mining law, and Hubert d'Autremont's interest in mining and mining law continued throughout his life,

When the United States entered the war in 1917, he enlisted in the Air Corps, received his commission as pilot, and spent the latter months of the war in Europe, returning to the United States in the Spring of 1919. In January, 1918, before going to Europe, he was married to Helen Congdon of Duluth.

After his return from war service, he made his home in Duluth and engaged in the practice of law with Harry Gearhart under the firm name of Gearhart & d'Autremont. The firm represented many of the companies which were then active in the timber business in this part of the state. Although he was active during the 1920's in the practice of the law, his interests, as was the case throughout his life, were many and varied. As has been said, he maintained an active interest in mining. In the early 20's he made a trip to Rhodesia in connection with the development of the Roan Antelope Copper Company property, and also made many trips to the West, where his brother was engaged in mining.

He was active in the Democratic organization in Minnesota. In 1920 he was a delegate to the National Democratic Convention in Los Angeles, and was Chairman of the Minnesota Democratic State Central Committee during the Hoover-Smith campaign of 1928.

In the year 1930, by reason of the health of his youngest son, Hugh, it became necessary for the family to leave Duluth for a more temperate climate. In that year the family moved to Tucson, Arizona, where they continued to reside until Hubert's death, and where Mrs. d'Autremont and her daughter, Mrs. Angleton, still live.

Shortly after moving to Tucson, he became associated with the Southern Arizona Bank and Trust Company of Tucson, as Vice-President, and later became President of that institution, in which position he continued until the time of his death. While he did not practice law during his residence in Arizona, he at all times maintained an active interest in matters having to do with the welfare of his new city and state. In 1931 and 1932 he was one of the organizers of the Tucson Organized Charities. In 1933 he became a member of Arizona's first State Board of Public Welfare. He was known throughout the state for his leadership in establishing facilities for the care of the tubercular.

Ho maintained his interest in political affairs and in 1940 was elected a member of the Arizona State Senate, in which he continued to serve until the 1947 session, when he was elected President of the Senate. During these years he was perhaps the most active leader in the state in maintaining the rights of the State of Arizona to its share of the water from the Colorado River.

In April, 1947, at the end of the Legislative Session, he was in Washington in connection with his duties as a member of a legislative interim committee. At the conclusion of his work there he went to his father's old home at Angelica, New York for a few days, and on April 16th, while visiting a friend at the neighboring town of Wellsville, died suddenly from a heart attack. He is survived by his widow, Helen, his daughters Cicely d'Autremont Angleton, and his son, Chester, who practices medicine in Hartford, Connecticut. His son, Charles, who was in the Navy during World War II, was killed during the landing at Anzio Beach. His son, Hugh, on account of whose health the family moved to Tucson, died in 1946.

To those who knew Hubert d'Autremont, his outstanding characteristics were his generous and unfailing interest in people, individually and collectively, his qualities of leadership and his loyalty and affection for those fortunate enough to be his friends.

Since he lived for so many years before his death in a locality far removed from this, it seems appropriate to include here the following from an editorial in the Arizona Daily Star at Tucson, which shows how he was regarded by those among whom he spent the last seventeen years of his life:

“Because the destiny of every community, every society, is determined by the abilities of the human beings who compose it, the death of Hubert d'Autremont is a heavy loss to Tucson and to the State of Arizona. Ever since he came to Tucson in 1930 down to the day of his death he contributed influentially and generously to the life and growth of his community and state.

“As a rancher and a bank owner and president, he not only invested heavily in the community, he used his investment wisely and productively to serve the customer with the small account as well as to help the larger enterprises actively engaged in the life of the city and state. As a man trained in mining as well as in law, he liked to look at mining property, and at times risk some of his own money.  
\* \* \*

“But these business activities pale into insignificance as compared to his work in political and social life. He was always active politically because he felt it was a duty of every good citizen to take part in politics and public life. He was a generous contributor and worker in the YMCA and United Appeal. Every charitable organization knew him as a friend and generous giver. But much of his kind of work will be unknown except by the many individuals in Tucson,

including Mexicans and Negroes, whom he silently helped. No people will know better than they what his death will mean. \* \* \* \*

“All of his political life had a purpose. Every act was one designed to help build a better life for others in our state. It was his leadership that created the Arizona Power Authority. He saw how necessary it was that the electrical resources of the Colorado be put to work in the state. It was his opposition as senate president that prevented, during the recent legislative session, the attempted emasculation of this electrical program. \* \* \* \*

“The loss of such a man from the life of our community and state is thus a serious one. A doer, a builder, a developer, a giver and as a man who proved his love for his brethren by acts, he leaves a big place to be filled.\*\*\* No one is in sight as a comparable substitute.”

I felt in view of the fact Hubert d’Autremont had been away from this community so long it was proper to put into his memorial delivered in this place this appraisal that was made of him by the people among whom he had lived during those years.

## Frank J. Erchul

1897 – 1947

MR. HARRIES: Your Honors, the memorial to Frank Erchul will be presented by Mr. Carl Schuster.

MR. SCHUSTER: May it please the Court, Mr. President, Mr. Chairman, members of the bar, ladies and gentlemen:

Frank J. Erchul was born in Tower, St. Louis County, Minnesota, on January 13, 1897. He died in the City of Gilbert, St. Louis County, Minnesota, on the 9th day of March, 1947, at the age of fifty years.

Probably except for Mr. d'Autremont he is the only lawyer for whom memorials are given today who was born in this county. He is the only lawyer from the Iron Range for whom a memorial is given today.

He moved from Tower to Gilbert with his parents in 1908 where he graduated from the Gilbert High School in 1914. In 1929 he graduated from the St. Paul College of Law. He spent his entire professional life in Gilbert, Minnesota.

While serving the last year of his fourth term as municipal judge of the City of Gilbert and while serving as attorney for the Gilbert schools, he collapsed following the throwing of a rock in the A. I. Lopp bonspiel in which he and his rink were participating.

At the time of his passing, he was secretary of the Gilbert Curling Club; had been president of the Range Curling association; was a veteran of the first World War; and had been commander of the Moe-Indihar Post of the American Legion, an organization in which he was always very active.

After full military services were held from the American Legion Club rooms and from St. Joseph's Catholic Church, burial was in the Gilbert cemetery with Reverend Father F. G. Schweiger officiating. His lovely and gracious wife, Margaret, his young children, James and Rita, and his parents will continue to live in Gilbert.

Frank J. Erchul was known as an excellent municipal judge. His personal qualities were such as to give him wide acquaintances and influence, and these were extended in no small degree by those of the lovely lady whom he had taken as his wife. Many of us who live on the eastern end of the Mesaba Range knew him for a long time and liked him much. We are persuaded that in the purpose which guided his life, in the spirit which imbued his public service, in the principles to which he was ever steadfast, and in the service which he performed for his city and schools, he still lives.

## Clarence Joseph Hartley

1885 – 1947

MR. HARRIES: If the Court please, the memorial to Clarence Hartley, prepared by Mr. Amasa Wheeler, who has been unavoidably prevented from presenting it himself, will in his absence be read by Mr. William Montague.

MR. MONTAGUE: Your Honors, officers and members of the bar, and ladies and gentlemen:

Clarence Joseph Hartley was born at Northwood, Iowa, on November 12th, 1885, the son of Walter T. and Olive Hartley. The family moved to Superior in 1891 where the father practiced law until his death in 1896.

Energetic, steady in purpose, and determined on following in the profession of his father, the son attended public schools in Superior, graduated from Nelson Dewey High School, and immediately started the career of eminent lawyer, civic leader and successful business man which was so abruptly terminated by his death in Duluth on February 26, 1947.

Guided by that talent for clear thinking which so characterized his endeavors in later years, he had included shorthand and typing in his high school course, and, after working a short time in business offices and approximately two years in a Superior law office, joined the staff of the Railway Commission of Wisconsin, as reporter, at Madison, where he promptly enrolled as a student in the University of Wisconsin law school.

To a young man without political aspirations for himself but intensely interested in all political questions, the environment at Madison proved dramatic and educational. The ambitions and philosophies of La Follette, Spooner, Davidson, Stephenson and Victor Berger were being vigorously debated. Men in and out of the State Assembly were discussing new measures concerning Labor Regulations, Tax Reforms,

Income Taxes, Railroad Regulation, Workmen's Compensation and many others urged as essential to the welfare of Wisconsin. Administrative boards were multiplying. Created in 1905, the Railroad Commission in 1907 was given jurisdiction of all Public Utilities. Administration agency procedure was new, problems complex, and hearings numerous; the great public interest in these problems, the values in controversy and the ability of lawyers appearing in matters with which the Commission was concerned stimulated ambition, but emphasized the importance of careful study and deliberate action.

Capable, discreet, friendly and always helpful, the young reporter enjoyed personal friendship with, and the confidence of, many eminent lawyers and laymen in the capitol city who, in different capacities, and from different motives, were discussing, writing and enacting into law the numerous so-called reform measures of that period. In law school he soon became noted for ability in analysis of facts, aptitude in the rules of evidence, felicity of expression and command of clear and vigorous English.

Graduating in the law class of 1909, Clarence Hartley started active practice in Superior, associating with Louis Hanitch under the firm name of Hanitch and Hartley. With an unusual capacity for sustained productive work, a keen interest in professional and civic affairs, adhering to high principles which were never compromised, he soon became widely known as one of the leading lawyers in the Lake Superior region. Though engaging in a general practice, his firm was counsel for many transportation, mining and timber interests in Superior and Duluth. He was President of the Wisconsin Bar Association in 1931.

On December 1st, 1932 he came to Duluth as Assistant General Solicitor for subsidiaries of United States Steel Corporation, for which he had long been Wisconsin counsel. Primarily his work in Duluth was in the fields of tax law, labor relations and the multitudinous problems of a large corporation and not trial work, though he participated in the trial of a number of cases and hearings of outstanding significance in mining, tax and railroad law.

Without ever neglecting his large and successful practice Clarence Hartley found the time to contribute generously of his time and talents to a wide variety of other interests. While in Superior, and later in Duluth, he was continuously interested in civic, educational, fraternal and church affairs. Never idle in mind or body, his boundless energy, business experience and professional skill made him a valuable and leading member of every organization.

He is survived by Marie Damon Hartley, whom he married in 1917, three children, John R. Hartley, of Minneapolis, Minnesota; Ruth Hartley Bagley, wife of Dr. Charles M. Bagley of Duluth; and Frederic D. Hartley, Kenosha, Wisconsin; his mother, Olive T. Hartley, who resides in Duluth, and five grandchildren.

As a devoted husband and father, devout Christian, eminent lawyer, congenial companion and friend to man Clarence Joseph Hartley attained a permanent place in the history of distinguished citizens of this community. I thank you.

## Edgar MacPherran

1868 – 1947

MR. HARRIES: Your Honors, the memorial to Edgar MacPherran was prepared by Mr. F. H. De Groat, and his last act before going home for the day and the last day of the old year was to deliver it to be typed. And in the last hour of his life he said to Mrs. De Groat that if anything should happen to him she should be sure to see that it got into the hands of Judge Dancer. The committee has obtained it and has instructed its chairman to read it, and, if it will please the Court I will do so.

Edgar MacPherran, as his name would indicate, was on his father's side of Scotch ancestry. He was one of four children, born to James Emmet MacPherran, a graduate of Washington and Jefferson College, and Sarah Ann Witherow, of the State of Virginia, where earlier generations of the parents were pioneer settlers. The father was a scholarly lawyer, who had migrated to Sterling, Illinois for the practice of his profession, where

the son, Edgar, was born January 27, 1868, and who died at Duluth, Minnesota, July 29, 1947. He attended the public schools at Sterling, and received his preparatory work at Phillips Exeter Academy, Exeter, New Hampshire, where he gained distinction in being “uncommonly versed in the Greek authors and an early master of the Latin classics”, later manifest in the lucidity and felicity of expression and his master of clear and vigorous English. Upon graduation he entered the University of Michigan, from which he was graduated in 1890, with a degree of A.B., and thereupon entered the Law School of the University for the study of law as his chosen profession. Owing to a serious and prolonged illness he was obliged to withdraw. On recovery he resumed his studies in his father’s office, and upon admission to the Illinois Bar entered practice in partnership with his father. In the late ‘90s he was appointed Land Commissioner of the Duluth, South Shore and Atlantic Railway Company at Marquette, Michigan, and as such was engaged in colonizing and disposition of the Railway Company’s land grant. Resigning that position he came to Duluth in 1912 to take up the practice of law. A partnership was formed with the late Howard T. Abbott, a collegemate at the University of Michigan, and he enjoyed a wide and extensive practice. He was a member of the bar of the United States Supreme Court, of the various Federal and State Courts of Illinois, Michigan and Minnesota.

He was a member also of the Pilgrim Congregational Church of Duluth, in which he was recognized not only as a devout Christian but also as a very learned Bible student.

A lawyer’s reputation or fame is ephemeral, as is that of stage celebrities, orators and as Mr. MacPherran would add, “most politicians”. They appear, have their day, and are soon supplanted by others reaching out for the prizes so relinquished. It has been said that the lawyer’s best fame is the esteem of his professional brethren, that is, whilst living, but never long enduring.

What manner of man was our deceased brother? As a citizen, his warm friendly personality was one of his outstanding traits. Blessed with a

keen sense of humor, he saw in every situation the humorous side. His greeting to others expressed the friendliness of his nature. Possessing a fine presence, accompanied with good looks, wisdom, a cultivated and cultured mind, he was a delightful companion and host.

Indeed, he seemed to possess all those attributes which a favorite Greek philosopher summed up as necessary to lasting happiness, namely: “good birth, good health, good looks, good luck, good reputation, good friends, good fortune and goodness.” He seemed to his friends the personification of his own ideals.

As a lawyer, he was assiduous in his professional tasks. Highmindedness was with him a controlling characteristic. Inflexible and incorruptible integrity distinguished his whole career. As moral force and honesty lie at the foundation of all really great characters, he achieved high and honorable distinction.

Mr. MacPherran’s natural disposition did not lead to becoming an advocate though on occasions necessary, he displayed a marked aptitude and ability in that field of law practice. Rather, he preferred the role of business adviser and consultant to many corporations in respect of their operations in the fields of iron ore production, steel manufacturing, coal production and distribution, and ever recurring tax problems. Grounded in principles of the common law, ever a student, diligent in business, with a discriminating mind, and retentive memory, gifted with robust common sense and sense of right, genial in his dealings with his fellowman, he possessed most happily those qualities which inspired the confidence reposed in him by clients, attested by their retainers for many years. So faithfully did he fulfill his duties he deserves an epitaph like that accorded a London lawyer found, by an intimate friend, a Wisconsin lawyer, now dead, inscribed upon the wall of a London Church, St. Dunstam in-the-West, reading:

“Sacred to the memory of Hobson Judkin, Esquire, late of Clifford’s Inn, the Honest solicitor, who departed this life June 30, 1812. This tablet was erected by his clients as a

token of gratitude and respect for his honesty, faithful and friendly conduct to them throughout life. Go, reader, and imitate Hobson Judkin.”

## Judge Bert Fesler 1866 – 1947

Your Honors, the memorial to Bert Fesler will be presented by Mr. Harry Gearhart.

MR. GEARHART: May it please, the Court, members of the Bar and ladies and gentlemen:

I do now know why I should have been chosen to present, upon this occasion a Memorial to Judge Fesler except that, in age, I am nearer to the generation in which he lived and worked than are many of you here, that he and I were warm friends and that I ever had a vast admiration for him and for his mental attainments.

I do not wish this Memorial to Judge Fesler to be couched in extravagant language or to be a flowery recital, of his unusual and decidedly exceptional qualities of which most of us know him to have been possessed. It would not appeal to him and I am incapable of the use of such language, so I will content myself, largely, with a resume of his life for the purposes of the record.

Judge Fesler traced the ancestry of the Fesler family back to the Revolutionary times, in which war three brothers fought, namely, John, Peter and William. One of them married a member of the Rousch family which originally came from the Palitinate country, of which Frankfort is the capital, in the middle to the latter part of the 18th century.

From the union of John Rousch Fester and Harriet Fish there was born, on July 22nd, 1866, the subject of this Memorial, Bert Fesler.

John Rousch Fester enlisted as a volunteer in the 27th Indiana Volunteer

Infantry and was chosen Captain of a Company thereof, and was later promoted to the rank of Lieutenant Colonel of the Regiment. He was wounded at the battle of Antietam and fought with honor at the Battle of Gettysburg. Prior to his enlistment in and for some time after his discharge from the Army, he was a live-stock dealer in Indiana and, upon his retirement from active business, he became Adjutant-General of the Grand Army of the Republic for the State of Indiana.

Bert Fester was born at Franklin, Indiana, where he attended and graduated from the grade and High School.

Just prior to the fall of 1884 the Fesler family moved from Franklin to Indianapolis, Indiana, and from the fall of 1884 to the spring of 1886, Bert Fesler attended the University of Indiana at Bloomington, Indiana, interrupting his collegiate work from the fall 1886 to the spring of 1887 to teach school at Martinsville, Indiana. The fall of 1887 found him again at the University of Indiana from which institution he graduated in the spring of 1889. During the time he was attending the University of Indiana, Dr. David Starr Jordan was its President. Judge Fesler was a great admirer of Dr. Jordan, and, because of Dr. Jordan's prominence in his own field, namely, ichthyology (the study of fish and fish life) Judge Fesler, in addition to the general education given in colleges at that time, majored in ichthyology and received his degree in that subject.

During his college life he became a member of the College Fraternity Phi Delta Theta, and graduated as one of the two highest men in his class.

In 1923, upon the institution of a chapter of Phi Beta Kappa, the honorary Greek letter society or fraternity, at the University of Indiana, he was awarded the much coveted Key because of his outstanding work while there.

The summer of 1889 he spent in Georgia, Colorado and Utah as a member of a fish survey group operating under the direction of Dr. Jordan, identifying and classifying fishes found in certain lakes and

streams in those regions. In Colorado he found a species of fish not theretofore known to ichthyologists, and the species was named after him.

During the period from the fall of 1889 to the spring of 1890, he taught school in Topeka, Kansas, and while there met Vinnie Leona King, whom he married on March 28th, 1894.

To them were born four children, namely; Ruth Fesler Lipman, now residing in California, Rachel Fesler Nyswander, now residing in Washington, D. C., John K. Fesler, now residing in St. Paul, Minnesota, and Dr. James W. Fesler, now a professor of Political economy at the University of North Carolina.

And, in mentioning his children and to throw an added light upon his character, it may be well to state that Judge Fesler saw to it that all four children went through the grade school, high school and through college; that one son, in addition to receiving an Academic degree at the University of Minnesota also secured there a Law degree; that the other son, in addition to being given an Academic degree at the University of Minnesota, received a Master's degree and the degree of Doctor of Philosophy from Harvard University, and that all four children, as a part of their education, were given trips to and some time in the European capitals.

In the summer of 1890 Judge Fesler became connected with the Bureau of Fisheries, of Washington, D. C., doing research work, conducting surveys in the field for the Fish Census Survey Committee and being engaged in office work in Washington itself. During such period he spent some little time in Boston, Massachusetts, and as far West as northern Michigan, Wisconsin and Minnesota, his work in Minnesota being making a survey, for the Census Bureau, of the fish and fish life along the north shore of Lake Superior from Duluth on east around Isle Royale. This latter work entailed the hiring of a sixteen foot row boat in Duluth and, with two helpers, rowing such boat (for it was before the advent of the gasoline motor) to and around Isle Royale and back to

Duluth, a trip involving not only considerable hardship but actual physical danger. The time he spent in his north shore work was fascinating to him and induced a further study of the shore and of the country back from the Lake, resulting in an intensive study at the surface conditions, the history and the folk lore of that area. Over a period of several years he made a number of talks and wrote numerous papers upon the subject at meetings of several Historical Societies, such as "The North Shore in 1890", "Back from the Shore", "The Arrowhead Country Before It Became Famous", etc., all of which are intensely interesting to an inhabitant of this country.

In the year 1891 Dr. Jordan had accepted the invitation of Senator and Mrs. Stanford to become the President of the University they were establishing at Palo Alto, California, in memory of their sort, Leland Stanford, Jr., and Dr. Jordan asked Judge Fesler to come west to help him in the opening of the University in October 1891. The invitation was accepted, and Judge Fesler left immediately for Palo Alto, visiting, enroute, at Indianapolis and Topeka.

Upon reaching Stanford, he was appointed Master of Encina Hall, which was the men's dormitory.

He remained at Stanford University until he left and returned to Indianapolis about May 1st, 1892.

During the time he was in Washington he roomed with a young man who was attending night law school. The Judge would frequently call for his roommate before the roommate's school was over and would go in and listen to the end of some lecture and, upon their later arrival at their room, they would discuss with each other some of the problems of which he had heard fragmentary portions. He thus became interested in the law as a study and a science.

When he later took up his work at Stanford University, he made weekly trips to the University of California at Berkeley, to take infrequent law lectures there.

He never registered at or took a regular course in any law school, but, upon his return to Indianapolis in 1892, he read law in the office of an older brother then in practice in Indianapolis, for a matter of six months and was there admitted to the bar.

At that time no especial legal knowledge or experience was necessary as a pre-requisite to admission to the Bar. Judge Fesler was never enrolled at any Law School and never attended any Law School excepting the occasional lectures he was able to get while in attendance upon his duties at Stanford University. If a candidate for admission to practice was of good moral character, he was, upon motion made before a Court, duly admitted.

At first he considered the thought of residing in Indianapolis, and there practicing law but, in September 1892, decided he preferred the idea, as he said, "of getting into a strange city and of making a record that shall be my own", so he came to Duluth, where he had first visited while in the employ of the Fish Census Survey Committee, in the summer of 1890.

He found for himself a place in the office of A. N. McGindley, an old time practitioner in Duluth, and read and studied law there for several months.

He later, probably about 1901, formed a partnership, for the practice of law, with the late William O. Pealer under the firm name of Pealer & Fesler.

Soon after his arrival in Duluth in 1893, he became interested in politics, especially those of a local nature, always being on the side of the common people whom he always considered as the "under dog".

He was appointed City Attorney, first, in 1904, and served as such for two terms and into the year 1908. He then practiced law alone until 1910 when he was again made City Attorney, holding the office until 1912 and in 1913, was, by Governor Eberhard, appointed to the District Bench

to succeed Judge Dibell who had been appointed to the Supreme Court. He took his seat as a District Judge on March 14th, 1913, was elected in 1914 and was elected for a term of six years at each succeeding election and resigned the office on December 1st, 1944, because of ill health.

He was always interested in work of a public nature and, early in his career, interested himself upon behalf of the public in the fight of the City against the old Duluth Gas and Water Company which resulted in the acquisition by the city of the private company's monopoly of the business of furnishing gas and water to the public.

Later, he was retained by and acted in behalf of the City of Virginia and several other communities upon the iron ranges in litigation of the same general nature.

He was possibly the most active member of the Charter Commission which framed the City Charter under which we now operate our city.

In 1920, when Judge Ensign desired to be relieved of his duties as Judge of the Juvenile Court, Judge Fesler took over that work and continued until his resignation on December 22nd, 1943. Many of us lawyers are inclined to look at the work of the Juvenile Judge as being such as to afford the Judge a relaxation from the arduous duties of a trial Judge. But laymen, more familiar with the work of the Juvenile Judge, people whose children may have had to come in contact with such Court, place a much higher valuation upon such Court and the Judge administering its work and they realize the importance of such Court and the vast influence or the work of the Judge. And Judge Fesler took such an interest in each individual youngster who was brought before him, making their troubles his own troubles, investigating their home lives, their antecedents, and the company kept by them, that, in his work in that department, he was an outstanding success. He was firm or conciliating, as he might think necessary, treating each single case as an individual problem.

It would be interesting to know, though we never shall, the vast amount

of good he did in the treatment of the younger element. And, as the young boys grow into manhood, many of them were pleased to say that they knew Judge Fesler.

He took, possibly, an equal interest in Americanization work and, for several years, was head of the Americanization Committee.

Judge Feeler was a very human man, – a man of intense likings for some people and of strong dislikes of others. Of those whom he disliked, he had little to say, but, in his Court work, such likes and dislikes did not interfere in the least with his decision as to who was in the right and who in the wrong. I am sure that I never knew a Judge who could so completely divorce his personal feelings for or against a litigant or his attorney from his Court work.

He was much interested in the out-of-doors, and, years ago, he and several companions indulged in an annual deer hunt in which the Judge did little travelling to provide the camp with game, but he loved to be out with his intimates, to sit around the camp during the days, to take short walks out in the brush, and, when evening came, to sit around the camp fire and tell stories. And, thinking of stories, Judge Fesler had a wonderfully retentive memory for stories and was gifted with an ability to tell a story to its best advantage. Yet among all the stories I have ever heard him tell, I never heard him tell one which might be called “off color” or one which he could not tell in a company maintaining most rigid rules of decorum.

Judge Fesler was truly a remarkable man. The sacrifices he must have made to give each one of his children the education both he and they desired are known to but a few of his intimates. His Americanization work and his work as Judge of the Juvenile Court are known to but a few more. But most of his acquaintances knew and think of him only as a Judge of the District Court. And his work upon the District Bench was remarkable. Think of him — one who had never attended law school excepting for the few lectures he took when in California, who “read law” in a law office probably less than one year and who probably never

had a very extensive or lucrative practice, being placed upon the Bench and becoming the outstanding trial Judge which he was. He seemed to have an intuitive knowledge of what the law should be and was, and his judgment of facts, or upon the facts, appeared to be almost uncanny.

I do not know what a close examination of the Supreme Court reports might show, but I am sure that, upon a study of such reports, it would be found that, in his decisions upon questions of law he was, over a period, of years, sustained by the Supreme Court in an extraordinary number of cases.

He was ever ready to undertake any work which might be assigned to him and never shirked any work he undertook. During his entire term of service he was the one Judge who was always available and could ever be found either here in his Court Room or his Chambers in this building, or about his living quarters.

His tall, spare figure has been and will be missed in his old Court Room and about the corridors of this building. But we lawyers will, even though he be with us no longer, continue to pay homage to him as an able and a just and upright Judge of this Court.

Francis H. De Groat  
1868 – 1947

MR. HARRIES: The memorial to Mr. Francis De Groat will be presented by Mr. William Harrison.

MR. HARRISON: May it please the Court, Mr. President, Mr. Chairman, gentlemen of the bar and ladies and gentlemen guests of the Association:

On December the 31st, 1947, as the old year was waning, so did the sands of time allotted Francis H. De Groat run out, and aged 79 years, at “sunset and evening star he put out to seas” — Husband, Father, Lawyer, Friend. He was placed to rest in beautiful Forest Hill Cemetery in

Duluth, January 3, 1948. This was fitting and appropriate as he had been for so many years closely identified with the aims of the Association acting as its general counsel from about 1910.

Mr. De Groat was born in Owego, Tioga County, New York, September 1, 1868 the son of John Fields De Groat and Mary Perry De Groat. He was married August 17th, 1904, to Mary E. Young at La Porte, Indiana. She survives him along with two daughters, Mrs. Frederick Harlow, Duluth, and Mrs. Edward Reed, New York City. Three grandchildren also survive.

Mr. De Groat came west to Wisconsin when a young man and pursued his classical education and also his law course at the University of Wisconsin, where he graduated with a degree of LL. B. He shortly thereafter came to Superior, Wisconsin, where he hung out his shingle in 1892 and embarked upon the practice of law; and his eminent fitness, integrity and friendly manner soon attracted a large clientele. In the practice of his profession in the early years he was closely identified with the lumbering industries and numbered among his clients Red Cliff Lumber Company, Merrill-Ring Lumber Company and the Gilbert timber interests. In 1905 Mr. De Groat removed from Superior, Wisconsin, and established his practice at Duluth and continuously thereafter was engaged therein, until his death last December 31, 1947. Mr. De Groat was a general practitioner, and besides his lumbering interests, he was active in the organization of the old Zenith City Telephone Company of Duluth. Shortly after his arrival here, the new Cuyuna Iron Range was opened up and developed, and he was active in the organization of a number of mining companies operating in such district and engaged in drafting the intricate options and mining leases incident thereto. With the passage of the first Federal Estate Tax law and the Minnesota Inheritance Tax, he became a recognized authority on Wills, Trusts and estate and inheritance taxes, which occupied a great deal of his time. During the last few years preceding his death, he suffered from impairment of his hearing and he was not in the best of health, but because of his indomitable will and the careful ministrations of his wife in following his medical advisors, he remained in active

practice up to the time of his death.

Mr. De Groat was a sound, accurate, thorough and successful lawyer, having a broad grasp of the fundamental principles coupled with a studious nature and an untiring persistence to get at the roots of the matter involved. Any matter submitted to him for his counsel or opinion had his thorough and conscientious thought, and his patience exhibited in research and briefing a problem was remarkable. No member of our FBI Bureau ever stalked a quarry more persistently, or relentlessly, than did Mr. De Groat pursue his search in and out of the Bar Library to find supporting legal authority upon the controlling principles of the law applicable to the matter at hand. He was above all a gentleman, and exhibited constantly such grace and courtesy that it was a pleasure to come in contact with him, and all professional dealings with him were conducted on a high plane as to ethical standards. He proved himself true to the best ideals of our profession. Mr. De Groat's sterling character, his unquestionable integrity and high sense of professional ethics attracted the lawyers to him at once, and thereafter, he was always regarded with admiration, affection and respect, for he was every inch a man, and as Alexander Pope puts it "an honest man's the noblest work of God". He fully measured up to the standards expounded by Henry Van Dyke when he said:

"Four things a man must learn to do  
If he would make his record true,  
To think without confusion clearly;  
To love his fellow man sincerely;  
To act from honest motives purely;  
To trust in God and heaven securely."

May the memory of him as a loving husband, and kind and indulgent father, now fall as a benediction upon the bereaved family; and may the memory of his career as a lawyer act as an inspiration for us who follow to emulate his example. Francis H. De Groat approached the final summons with peace of mind and fortitude and his entire life is exemplified in what is said in the last verse of *Thanatopsis*:

“So live, that when thy summons comes to join  
The innumerable caravan that moves  
To the pale realms of shade, where each shall take  
His chamber in the silent halls of death,  
Thou go not, like the quarry-slave at night,  
Scourged to his dungeon, but, sustained and soothed  
By an unfaltering trust, approach thy grave  
Like one who wraps the drapery of his couch  
About him, and lies down to pleasant dreams.”

MR. HARRIS: Mr. President and members of the Court, this completes the memorials to be presented. The lawyers who have presented them will file copies with the reporter, and if the Court please, on behalf of the Bar I should like to move that each memorial be spread upon the permanent records of the Court.

JUDGE FREEMAN: The memorials presented today will all be spread upon the permanent records of this Court. That concludes the exercises and the Court will stand adjourned for five minutes; then we will proceed to the call of the calendar.

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