

**IN
MEMORIAM**

JOHN F. DAHL

(1870 • 1938)

**HENNEPIN COUNTY BAR ASSOCIATION
DISTRICT COURT
HENNEPIN COUNTY
FOURTH JUDICIAL DISTRICT**

FEBRUARY 11, 1939

John F. Dahl

(1870 - 1938)

John F. Dahl was born in the year 1870, in Bergen, Norway, of Swedish parents, and came with them to Minneapolis, Minnesota, when he was about six months of age. He attended the public schools of the City of Minneapolis, Gustavus Adolphus College at St. Peter, Minnesota, and the College of Law at the University of Minnesota, from which he graduated in June, 1892. He was a charter member of the Minnesota University Chapter of Theta Delta Chi fraternity. He was admitted to practice at the Minnesota bar, June 3rd, 1892. Soon thereafter he married Sophia Skjaerdingstad, a very talented Minneapolis pianist, and then with his bride, made a trip to Europe where they spent approximately a year at Berlin, Germany, studying music. They then returned to Minneapolis, where they established their home. Soon thereafter Mr. Dahl was appointed by the late Judge Seagrave Smith, then Senior Judge of the Hennepin County District Court, as his court reporter.

In 1894 Mr. Dahl was elected to the Lower House of the Minnesota State Legislature, where he served one term. One of his first votes during his service in the Legislature was cast for the late Senator Knute Nelson. One of his colleagues while there was the late Judge William A. Cant. He continued to serve as Court Reporter for Judge Smith until he retired from the Bench.

The following incident related to me by John, may perhaps be of interest: In the last case in which Judge Seagrave Smith sat, tried in April, 1898, the evidence was all in, counsel had made their closing arguments, and Judge Smith planned to give the charge to the jury the following morning. However, he was taken suddenly ill at his home, so he there dictated his charge to Mr. Dahl. It was transcribed by him and about a week later the charges read to the jury by the late Judge Charles B. Elliott, who succeeded Judge Smith as Senior Judge of this Court. A verdict was rendered, an appeal was taken, and the Supreme Court ordered a new trial for the reason that, in view of the statute, the trial having been commenced before Judge Smith, no other judge could be substituted in place of Judge Smith to complete the trial. Judge Smith never returned to his judicial duties. The case is Rossman versus Moffett, 75 Minn. 289 [(1899)(Collins, J.) (Appendix at 6-8)]

Mr. Dahl was then appointed by the late Judge A. M. Harrison of this

Court, as his court reporter, and he served as such until January 1st, 1905, at which time he was appointed First Assistant County Attorney of Hennepin County, by the late Al J. Smith, and he served in that capacity until January 1st, 1910.

Although Mr. Dahl, previous to his said appointment, had little, if any, actual experience as a practitioner at the Bar, it soon became apparent that he was a vigorous and exceedingly capable prosecuting attorney. He came from hearty Scandinavian stock, was endowed with unusual natural ability and confidence, which, coupled with his education, oratorical gifts, experience as a court reporter, ability to read and diagnose human nature, equipped and qualified him to a remarkably high degree for the arduous duties of his new office. During his service of five years, he successfully prosecuted a considerable number of very important, noted criminal cases, as well as a great many of lesser importance or note. Yet, withal, it was always his wish to be fair and just. A prosecutor - not a persecutor. His service as Assistant County Attorney was conspicuous and outstanding and of real and lasting benefit to the public. His ability and success, particularly as a trial lawyer, was very generally recognized, and I believe it may be fairly said that he will long be remembered as one of the truly great trial lawyers of this section of our country.

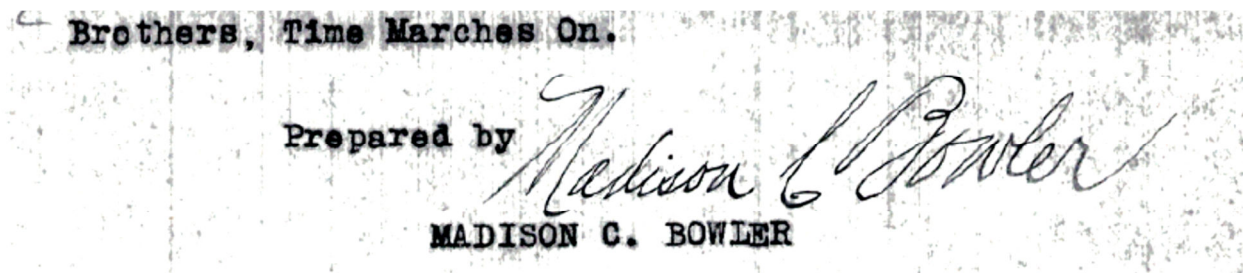
His ability and reputation as a lawyer rapidly gained recognition, and on June January 1st, 1910, Mr. Dahl was engaged as counsel for the Minneapolis Street Railway Company. During the period of eight years that that relationship existed, during which period he was in court almost constantly, engaged in the trial of litigation in which the Railway Company was involved, he maintained the same splendid record of success in protection of the interests of his client, established by him as Assistant County Attorney. February 12th, 1918, Mr. Dahl resigned as counsel for the Railway Company, terminated that association, and thereafter engaged in private practice in Minneapolis until the death of his wife, Sophie Dahl, in the year 1926, going then to Los Angeles, California, where he engaged in practice with his son, Theodore Dahl, until 1933, then returned to Minneapolis, where he engaged in private practice until his last illness. December 23rd, 1931, he married Nell Bruner Minneapolis, Minnesota

John Dahl was a very companionable man. He loved life. He loved the out doors. He enjoyed and engaged in various athletic sports, among them golf, tennis, handball and swimming. He was a talented and accomplished vocalist and pianist and sang in male quartette with the late Albert Berg, who for many years was Secretary of State of

Minnesota, and Gustaf Holmquist, the famous basso of international reputation. For many years he sang in the choir of St. Joseph Catholic Church, which for some time he directed. He was also a moving spirit in the Odin Club. John had a great talent for making friends and was generous to a fault, ever ready to help people who were in trouble, not only with his legal services, but with his pocket-book as well. He also freely gave counsel and advice to other attorneys who often went to him for assistance.

He and his charming wife Sophie, for many years virtually kept open house for their many friends, among them, members of the legal profession, musicians and literary folk were numerous.

John F. Dahl departed this life in Minneapolis Minnesota, May 6, 1938. He is survived by his widow, Nell Bruner Dahl of Minneapolis, son Theodore Dahl, a sister Christine Dahl, and two grandchildren, all of Los Angeles, California.

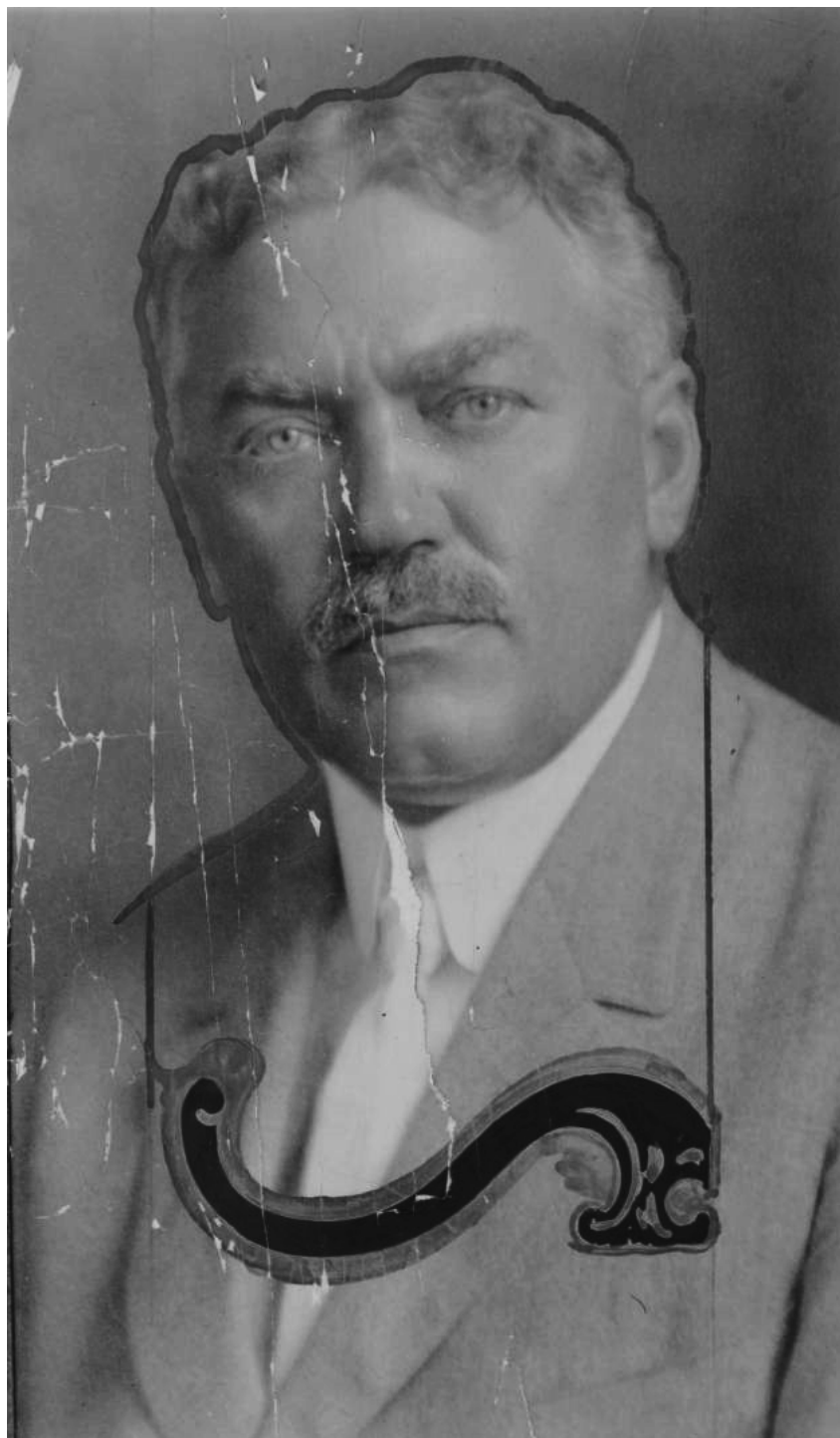


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Appendix

A photograph of John F. Dahl taken in February 1917 for a story in a Minneapolis newspaper on a trial in which he acted as defense counsel is posted below.

The complete text of the Minnesota Supreme Court's decision in *Rossman v. Moffett*, 75 Minn.289, 77 N.W. 289 (1899) follows on pages 6-8.



John F. Dahl, attorney for Dr. C. D. Whipple, has been fined \$50 for contempt of court while making defense arguments.

Date of photograph: February 21, 1917.

**Source: Minneapolis Newspaper Collection,
Hennepin County Library**

C. H. ROSSMAN v. C. T. MOFFETT.

January 17, 1899.
Nos. 11,461-(217).

75 Minn. 289, 77 N.W. 960

Trial—Change of Judge during Trial—G. S. 1894, §4842.

The words, "except in trial of causes when the trial has already commenced," found in G. S. 1894, §4842, prohibit, by implication, a change of judges after a trial has commenced in district court, in so far, at least, as material matters are concerned.

Sickness of Presiding Judge—Charge to Jury.

The judge who tried this cause was taken sick after the testimony was all in and the closing arguments of counsel had been made, and was unable to personally charge the jury. *Held*, that the jury should have been discharged and a new one impaneled.

Action in the district court for Hennepin county by the receiver of the Fred B. George Stationery Company, an insolvent corporation, to recover \$1,000 upon promissory notes. At the trial the proceedings mentioned in the opinion were had. From an order, Elliott, J., denying a motion for a new trial, plaintiff appealed. Reversed.

W. A. McDowell, for appellant.

Wendell Hertig and Robert Jamison, for respondent.

COLLINS, J.

From the record before us in this action it appears that when the testimony was all in and the arguments of counsel had been made to the jury, April 26, 1898, the court, the late Hon. Seagrave Smith presiding, adjourned until the next day. Sickness prevented Judge Smith from resuming the trial on the following day, and he never returned to his judicial duties. Another judge of the same judicial district excused the jury several times thereafter, ordering them each

time to be present on a day certain. On May 4, the jury being present as ordered, the judge last mentioned read to the jury, from sheets of paper, what purported to be a charge in the case, caused the jury to retire, and afterwards received their verdict. These sheets of paper were handed to the judge, who read this so-called charge, by Judge Smith's official stenographer, with a statement that the matter had been dictated to him by Judge Smith at the latter's residence, had then been written in short hand, had then been typewritten by himself, and afterwards examined and corrected by Judge Smith. At the outset of these proceedings counsel for plaintiff objected to the same, and to all thereof, and saved these objections by proper exceptions to the rulings thereon. The verdict was for defendant. Several assignments of error are made and argued, and of these but one need be considered. This has reference to the matters contained in the foregoing statement of facts. G. S. 1894, §4842, reads as follows:

"In all actions and proceedings now or hereafter pending in any district court of this state, or before any judge thereof, except in trial of causes where the trial has already commenced, where the judge who should be present at any hearing is not so present by reason of sickness or otherwise, any judge of the same judicial district may act in the place of said judge, who is not so present, with the same jurisdiction, power and effect as if such action or proceeding was conducted and acted upon by said absent judge."

The implied prohibition in this section, found in the words, "except in trial of causes where the trial has already commenced," compels us to hold that there was error in not sustaining the objections made by counsel to the action of the judge who read the purported charge to the jury, sent them out to deliberate upon, and finally received, their verdict. We are not prepared to say that, in the absence of the judge who has presided over a trial, the language should be so construed as to render it improper for another judge to perform some of the duties of the absentee,—such, for instance, as adjourning the trial, or discharging the jury in case of a disagreement, or because of such absence, or in receiving a verdict,—but it is obvious that the object of the words used in section 4842 is to prevent the substitution of a presiding judge after the trial has commenced, and while any material

matters of the trial are under consideration. But counsel for defendant contends that the charge read was that of Judge Smith, and should be treated as if he had personally delivered it to the jury. This position cannot be indorsed. Even if it had been completely established by legal evidence that, in fact, the contents of the paper read had been prepared under the direction of Judge Smith, as his charge in the case,—and there was no proof of this, nothing but the stenographer's statement,—such procedure could not be countenanced in a court of justice for reasons which readily suggest themselves. If a judge could prepare his charge at his residence, and send it to be read to the jury, as his charge, it would be immaterial who read it or how it reached them. It could be wired or telephoned, or the services of a phonograph could be brought into requisition, or it might be communicated to the jury through the medium of the newspaper. If such an important feature of the trial as the charge can be transmitted and placed before the jury in any of these ways, no reason exists why rulings upon the trial cannot be communicated to counsel in the same manner. The possibilities in this direction are so great that in time we might have criminals sentenced without the personal appearance of the trial judge. It cannot be held that this was the charge of Judge Smith. And no one claims it to have been the charge of the judge who read it, and who could not have charged the jury, except by consent of parties, because of the prohibition by implication found in the above quoted language. As plaintiff refused to consent to a change of judges upon the trial, the jury should have been discharged, and a new one impaneled.

Order reversed, and a new trial granted.

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Related Article

One of Dahl's law associates was Robert J. McDonald. For his bar memorial see, "Robert J. McDonald (1896-1947)" (MLHP, 2013) (delivered first, 1948).

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Posted MLHP: May 28, 2018.