

ANDREW J. DALEY

(May 25, 1857 - October 19, 1918)

Born in Wisconsin in 1857, Andrew Daly moved to Minnesota when he was twenty-one. He taught school—almost a prerequisite for lawyers of that period — and moved Rock County in Southwestern Minnesota in 1885, settling in Beaver Creek. About 1889, he moved to the county seat, Luverne.

In 1890, he ran on the Republican ticket for Court Commissioner. It was a year when the Republicans were challenged by the Alliance Party.¹ The contest was described by Arnold Rose, a county historian:

The election of 1890 brought a radical change in Rock county politics, caused by the entrance of the alliance forces. The campaign preceding the election was bitter and one of the most hotly contested in the history of the county. The republican and alliance forces had full tickets in the field, and many independent candidates entered the lists. The republicans carried the county for their nominees for governor, congressman, senator and representatives by small pluralities and elected auditor, treasurer, register of deeds, judge of probate court, attorney, court commissioner and one county commissioner; the alliance party elected surveyor, coroner, clerk of court, superintendent of schools and one commissioner; an independent was elected sheriff. The total vote was 1386.²

In the election on November 4, 1890, Daly defeated Gust Nelson, the Alliance Party candidate:

¹ The Farmers' Alliance of Minnesota emerged as a third party in 1890. See William Watts Folwell, 3 *A History of Minnesota 187-89* (Minn. Hist. Soc. Press, 1969)(published first, 1926).

² Arthur R. Rose, *Illustrated History of the Counties of Rock and Pipestone, Minnesota* 127 (1911).

A. J. Daly (Republican).....717
 Gust Nelson (Alliance).....651 ³

In victory, however, he faced the awkward if not embarrassing fact that he was not legally qualified to hold the office he had been elected to. A court commissioner held the “judicial powers of a judge of the district court at chambers” and was required to be “learned in the law” — that is he must be a lawyer.⁴ But Daly was not a lawyer, though he claimed to have read law “at intervals” before moving to Luverne.⁵

³ Rose, note 2, at 128.

⁴ Stat. c. 8, Title 10, §§989-994, at 283 (1891) provided:

COURT COMMISSIONERS.

SEC. 989. Election.— There shall be chosen in each organized, county one person, who shall be called a court commissioner and hold his office for the term of four (4) years and until his successor is elected and qualified.* The term of all court commissioners elected at the general election in November, one thousand eight hundred and eighty-four (1884), shall extend to the first (1st) Monday of January one thousand eight hundred and eighty-nine (1889), and until their successors are, elected and qualified.

SEC. 990. Bond and oath.— Before entering upon his duties, each court commissioner shall execute to the board of county commissioners a bond in the sum of two thousand dollars, with surety to be approved by the board, conditioned for the faithful performance of the duties required of him by law; and shall take and subscribe an oath of office, which, with his bond, shall be filed and recorded in the office of the register of deeds.

SEC. 991. Vacancy.— Whenever a vacancy occurs in the office of court commissioner, the judge of the district court for the district in which such county is situated, shall appoint some competent person to fill such vacancy, who shall give such bond and take such oath as is by law required of court commissioners, and who shall hold his office until the next general election, and until his successor is elected and qualified.

SEC. 992. Qualifications and powers.— Court commissioners shall be men learned in the law, and shall have and may exercise the judicial powers of a judge of the district court at chambers.

SEC. 993. Can be judge of probate at same time.— Nothing in this title shall prevent the same person from holding at the same time the office of judge of probate and that of court commissioner.

SEC. 994. Office and records.— The court commissioner shall keep his office at the county seat, and keep a record of all proceedings had before him, in books procured at the expense of the county, which books shall be delivered to his successor in office.

⁵ A biographical sketch published in 1897, undoubtedly written or approved by him, alleges that he “read law at intervals” before coming to Luverne. *Memorial Record of Southwestern Minnesota* 120 (Chicago, 1897).

He then launched a scheme — some would say in desperation— to have the legislature pass a law permitting him to be admitted to the bar *post haste*. This was unusual but not unprecedented. Through special legislation, William W. Billson was admitted in 1868 and James R. Bennett Jr., in 1877.⁶ Both men were under the age of twenty-one.⁷ Their special acts removed the age qualification but left intact other requirements.

Daley’s allies in the 27th legislature introduced a bill that applied only to a court commissioner of the 13th Judicial District who applied for admission within sixty days of its passage. It eliminated the requirement that an applicant prove that he had read law—in other words, that he have a legal education. After an initial hesitation in the House of Representatives, the bill sailed through the legislature without opposition. It passed the House on March 6, 1891, 71 yeas, 0 nays, and on March 21, it passed the Senate 36 to 0. Governor Merriam notified the Legislature on March 25, 1891, that he had signed it.⁸

**AN ACT TO PROVIDE FOR THE ADMISSION OF
CERTAIN PERSONS TO PRACTICE LAW
IN THE COURTS OF THIS STATE.**

*Be it enacted by the Legislature of the State of
Minnesota:*

⁶ Billson: 1868 Special Laws, c. 129, at 431.

Bennett: 1877 Special Laws, c. 126, at 200.

⁷ Eligibility requirements were set in Stat. c. 88, §4, at 864 (1878) (“4. Order of admission. If, upon the examination, he is found duly qualified, the court shall direct an order to be entered, to the effect that the applicant is a citizen of the United States, of the age of twenty-one years, of good moral character, and possesses the requisite qualifications of learning and ability to practise as an attorney and counsellor in all the courts of this state; and upon entry of the order, he is entitled to practise as such attorney and counsellor.”).

⁸ On Monday, March 2, 1891, the House Committee “report[ed] progress [on the bill] and ask[ed] to sit again.” House Journal, at 405. Two days later the House unanimously approved the measure. Journal of the House, March 6, 1891, at 475. The Senate followed two weeks later. Journal of the Senate, March 21, 1891, at 572. And the Governor signed it on March 25. Executive Communication from the Governor, Journal of the House, March 25, 1891, at 738-9.

SECTION 1. Any person holding the office of court commissioner, and who shall satisfy any judge of the supreme court or of any district court, by examination or otherwise, that he possesses the necessary qualifications of learning and ability, shall be entitled to practice as an attorney and counselor in all the courts of this state.

SEC. 2. For the purpose of admission he shall apply to a judge of the supreme court or of any district court, in vacation or in term time, and shall show that he has been elected to the office of court commissioner and has duly qualified as such, and shall submit to such examination as to his learning and ability as such judge may direct; *Provided, however,* That such application shall be made within sixty (60) days after the passage of this act; and *Provided, further,* That no proof shall be necessary as to the time and manner of reading law by such applicant.

SEC. 3. If, upon the examination or otherwise, he is found duly qualified, the judge shall direct an order to be entered by the clerk of said court, substantially as required by section four (4) of Chapter eighty-eight (88) of the General Statutes of one thousand eight hundred and seventy-eight (1878).

SEC. 4. This act shall apply only to the thirteenth (13th) judicial district, and shall take effect and be in force from and after its passage.

Approved March 24, 1891.⁹

By coincidence, the March term of the District Court convened in Luverne on March 24th. On April 6, the last day of the term, Judge Martin J. Severance examined him in open court and ordered him admitted to the bar. The *Rock County Weekly Herald* headlined his admission but misspelled his name in its report of the proceedings:

⁹ 1891 Laws, c. 35, at 116-17.

The Jury Find Joseph Shaver Not
Guilty—A. J. Dalley Admitted to the
Bar—Court Adjourns Sine Die.

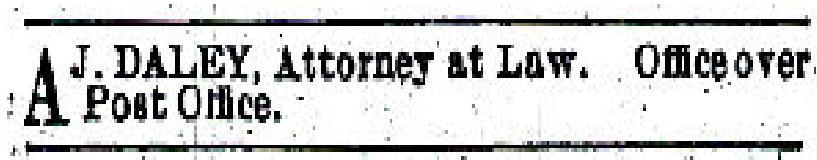
...

A. J. Daley was examined in open court for admission to practice as an attorney and counsellor at law in all the courts of this state, and by order of the court was duly admitted.

....

Court then adjourned sine die.¹⁰

Quickly taking advantage of the legislature's gift, he began practicing law in Luverne. His professional card in the local newspaper that autumn omits any reference to his Commissionership as that would have been contrary to the custom of the bar and bench at that time:¹¹



In the fall of 1892, he resigned his office, suggesting that his law business was flourishing.¹² Five years later, the following sketch appeared in the *Memorial Record of Southwestern Minnesota*:

ANDREW J. DALEY.—The name of this gentleman occupies a conspicuous place on the roll of leading men in Rock county, Minnesota. He is engaged in the practice of law in Luverne, and possesses many of those salient points that belong to the successful attorney. He is recognized as one of the representative members of the bar, and the part which he has taken in public affairs ranks him among the leading citizens of Luverne.

¹⁰ *Rock County Weekly Herald*, April 10, 1891, at 1.

¹¹ *Rock County Weekly Herald*, October 30, 1891, at 1 (enlarged).

¹² Rose, note 2, at 128 n. 56. He was succeeded by J. O. Helgeson in October 1892.

Mr. Daley is a native of Wisconsin, born in the town of Ridgeway, Iowa county, May 25, 1857. His parents were John and Mary (Ness) Daley, both natives of Norway, where they were reared and married. In 1847 they crossed the Atlantic and became residents of Dane county, Wisconsin. The father was a contractor and builder, carrying on that business for many years. His death occurred in 1865, and his widow, who still survives him, makes her home in Madison, Minnesota.

Our subject is the second in their family of six children and was principally reared in Dane county, Wisconsin, where he attended the district schools, while later he pursued a commercial course in Madison, Wisconsin. For some time afterward he engaged in teaching in Minnesota, and at intervals read law, while in 1890 he came to Luverne, where he was admitted to the bar the same year, and where he has since maintained his residence. He has devoted himself assiduously to his chosen profession and is now well established in general practice, having a distinctly representative clientage in the local, state and federal courts, his specialty being civil cases.

In 1886, Mr. Daley married Miss Nellie Knudtson, of Beaver Creek, Rock county, Minnesota, a native of Iowa and a daughter of K. N. Knudtson. They now have one son and five daughters, —Walter O. Sylva, Ethel, Maud, Mabel and Grace. In politics, Mr. Daley affiliates with the Republican party, but has never sought political preferment. He takes a deep interest in public matters calculated to advance the general welfare, was reared in the faith of the Lutheran church, and has held several offices in the church which he attends. He has a comfortable residence in Luverne, which is the center of a cultured society circle, and his friends in the community are many.¹³

¹³ *Memorial Record of Southwestern Minnesota*, note 5, at 119-120.

He seems to have been a man in a hurry. He built a thriving law practice, served as attorney for the village, later city, of Luverne, and was active in local business organizations and his church. He became the proverbial “pillar of the community.” A county history published in 1911 has a glowing profile of him accompanied by a photograph of the family home:¹⁴



RESIDENCE OF A. J. DALEY, LUVERNE

A. J. DALEY (1885), a prominent attorney of Luverne and southwestern Minnesota, has been continuously engaged in the practice of law in that city for twenty-two years. In 1889 he moved to the county seat from Beaver Creek, where he had been engaged in the mercantile and real estate business since 1885.

John and Mary (Ness) Daley, the parents of our subject, were married shortly after arrival to this country from their native land, Norway. That was in the year 1852. The Daleys were among the pioneer settlers of Dane county, Wisconsin, where it was

¹⁴ Rose, note 2, at 597-97.

John Daley, the father, died in 1864. His farm, taken at that early date, was purchased from the government at a cost of \$1.25 per acre. The mother makes her home with her son In Luverne. A. J. Daley has one living brother, John J. Daley, of Choteau, Montana. Halvor J. Daley, the other of three sons, died at Madison, Minnesota, in September, 1905, while serving as register of deeds of Lac Qui Parle county.

Mr. Daley of this review was born in Dane county, Wisconsin, May 25, 1857, and there, he grew to manhood. He left Wisconsin at the age of twenty-one to become a Minnesotan. He located in Goodhue, one of the eastern counties, and was engaged in educational work there practically up to the time of removing to Rock county and Beaver Creek in the year already noted. Since establishing his residence in Luverne Mr. Daley has been an active spirit in the promotion of that city's substantial growth along many different lines, civic, moral and intellectual. Fraternally he is a Knight of Pythias, and at present is the keeper of records and seals of the local lodge.

When the question of changing the municipal government of Luverne from the village form to that of a city was first introduced Mr. Daley was selected to head the board of fifteen leading citizens appointed by the district court to take steps necessary to bring about the change. After due deliberation this board of 1900 decided that it was inadvisable to incorporate under a special charter such as the charter board had authority to prepare, but completed its work by recommending that the necessary action be taken to create a city government under the provisions of the general statutes of the state. This step was finally taken four years later under the direction of Mr. Daley, who served as village attorney during this entire period. A petition

signed by 347 freeholders of the city, dated July 1, 1904, was filed with the judge of probate and the intended results soon followed. Luverne commenced its career as a city with the first election under the new charter, held September 6, 1904. Mr. Daley was retained by the new council as the first city attorney.

Mr. Daley is a man of family. His marriage to Nellie Knudtson was solemnized at Beaver Creek the first of May, 1886. Mrs. Daley is a native of Allamakee county, Iowa, and the daughter of Knudt N. Knudtson and Laura M. Knudtson, early day settlers of Beaver Creek township. The following seven children have been born to Mr. and Mrs. Daley: Walter O., who manages the San Benito, Texas, farm of his father; Ethel, Maud, Mabel, Grace, Ernest and Marie.

In 1912, Daley took his second plunge into electoral politics, running for the Republican Party nomination for Congress in the Second Congressional District. The *New Ulm Journal* reported the story:

ANDREW J. DALEY
Candidate for the Republican Nomination
for Congressman of the Second District.

Lakefield Standard:—A. J. Daly, of Luverne, last week made public the platform upon which he will make his campaign. Banking and currency, constitutional changes, recall of federal judges, the tariff, federal trade commission, interstate commerce, parcels post, the Panama canal and national primaries comprise some of the planks in his platform, and a careful reading thereof will indicate that he has a very comprehensive grasp of these problems and that his views thereon are unusually sound.¹⁵

¹⁵ *New Ulm Journal*, September 7, 1912, at 3 (photograph omitted).

In the Republican primary on September 17, 1912, he came in second:¹⁶

Andrew J. Daley (Republican).....	5,154
Franklin F. Ellsworth (Republican).....	7,745
Winfield S. Hammond (Democrat.....	2,464
John R. Hollister (Public Ownership).....	153

He died on October 19, 1918, at age sixty-one. The *Rock County Herald* reported the story:

A. J. DALEY ANSWERS SUMMONS OF DEATH

**Well-Known Attorney Passes
Away Following Protracted
Illness From Heart
Trouble.**

**RESIDENT OF LUVERNE
TWENTY-SEVEN YEARS**

**One of Luverne's Most Public-
spirited Citizens and Active
Workers for City's
Advancement.**

**A. J. Daley, for twenty-seven years actively engaged
in the practice of law in this city, died Saturday
morning at 2:40 o'clock at his home after a**

¹⁶ 1913 Blue Book, at 359 (his name was misspelled Dailey). In the November election, Democrat Winfield S. Hammond was elected. The results were:

Winfield S. Hammond (D).....	14,718
Franklin F. Ellsworth (R).....	13,093
John R. Hollister (PO).....	1,479

Bruce M. White, et al, *Minnesota Votes* 97 (Minn. Hist. Soc. Press., 1977).

pronounced illness of several months' duration from heart trouble.

Mr. Daley had been a resident of Rock county since 1885, and during all of this period had been prominently identified with the business and professional interests of either Beaver Creek or Laverne, and was one of the best known attorneys in Southwestern Minnesota.

He was a man of extraordinary energy, a deep student of law and took a keen interest in public matters. Of a positive disposition, he was as untiring a worker for any project that met with his approval as he was against a project that did not meet his approval.

He was at all times much interested in any movement that he believed was for the advancement of the interests of Laverne, and in recognition of this trait and ability was appointed chairman of the commission that drafted the present city charter when the municipality was changed from village government in 1900.

During the four years prior to this change in the charter, Mr. Daley served as village attorney, and was the first city attorney under the new charter. Further recognition of the interest he displayed in the welfare of the city was shown with the organization of the present Laverne Commercial club, by his election as president of that organization, and while his tenure of office had expired the matter of filling the office for the present year had been postponed pending his recovery.

During the past fifteen years or more Mr. Daley had suffered several severe sieges of illness, but invariably recovered sufficiently within a few months to resume the practice of his profession, and many of

his acquaintances expected that he would be equally fortunate in his last illness.

Up to a few days before his death he spoke encouragingly to acquaintances in regard to his condition and had arrangements made to go to Chicago to receive treatment from a specialist and planned to spend the winter in the South. However, the day before his death he apparently recognized the futility of the valiant fight for life that he had made, took steps to close up several private matters.

Andrew J. Daley was born on May 25th, 1857, in Dane county, Wis., and lived there until twenty-one years old. He then moved to Goodhue county, this state, where he remained until 1885, when he came to Beaver Creek. He took up the practice of law in Luverne four years later (sic).

On May 1st, 1886, Mr. Daley was united in marriage to Miss Nellie Knudtson, who died several years ago. To this union were born eight children, seven of whom survive. They are Walter O., Mrs. Ethel V. Hagedorn, the Missus Maud E. and Mabel E., Mrs. Grace M. Case, Ernest O. (now in the government service in France) and Miss Marie L. Other surviving relatives are the deceased's aged mother, Mrs. Mary J. Daley, of this city, and one brother, John J. Daley, of Dupugee, Mont. . . .

During the funeral hour, the business houses of Luverne were closed.¹⁷

A. J. Daley must have been very sensitive to the circumventive means he used to be admitted to the bar because his flattering biographical sketches in local histories published in 1897 and 1911 and his obituary do not mention his election to the office of Court Commissioner in 1890 or the special act of the Legisla-

¹⁷ *Rock County Herald*, October 25, 1918, at 1 (Details of funeral services omitted).

ture in 1891, tailored to his personal specifications, that granted him prompt entry to the profession.

Over the next forty years, the Legislature enacted similar special laws granting eligibility dispensation to dozens of individuals who wished easy admittance to the bar. The Supreme Court finally halted the practice by declaring such acts unconstitutional in *In Re Application of George W. Humphrey to Practice law*, 178 Minn. 332 (1929), and *In Re Application of Walter E. Grantham to Practice law*, 178 Minn. 335 (1929).



Posted MLHP: June 27, 2016;
Expanded to include 1912 congressional race, October 30, 2016.