

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF HENNEPIN FOURTH JUDICIAL DISTRICT

IN THE MATTER OF A MEMORIAL TO GEORGE
HOKE, DECEASED.



**State of Minnesota,
In District Court**

1945

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A BIOGRAPHICAL SKETCH

In or about the year 1876 a strapping young up-
state "New York Yankee" by the name of George
Albert Hoke, on a summer surveying job with the
Pennsylvania Railroad Company, came into the
beautiful rolling hill country of Northumberland
County, Pennsylvania. Apparently he found it to
his liking, for the following year he returned, this
time to stay permanently, as station master in the
small town of Dalmatia, Pennsylvania. On his
first trip into the Susquehanna Valley the year
previous he had, somewhat against his parents'
wishes, become acquainted with and very fond of
the handsome young daughter of a prosperous
Pennsylvania Dutch farmer of the community, and

upon his return the following year he promptly married the young lady, Emma Sarah Henzel by name. A year and a half later, on October 28, 1879, their only child, George Edward Hoke, was born at Dalmatia, the name "George Edward" being for his Yankee grandfather.

Everything went along smoothly for several years for the new young family until, much to everyone's amazement because of his unusual strength and bodily vigor, George Albert contracted the then little understood disease of consumption and grew steadily weaker. With modern treatment he might well have recovered to live to a ripe old age, but in those days a consumptive was simply wheeled into a dark room with no ventilation and left to die. In 1885 the young station master died at the age of 31 leaving Emma and six-year-old George to make their way alone.

As a girl Emma had grown up and gone to school with John Brower, a widower with three young children who lived about four miles up the Susquehanna River Valley at Herndon where he operated the town's general store, and, each finding themselves unable to provide a normal home for their respective children, they were married after an appropriate interval, after which Emma and her six-year-old son moved to Herndon. John's three children, John, Jr., Lincoln and Agnes, were all older than George, but after a somewhat difficult preliminary adjustment period it seems that the children of the two families became fairly harmonious. George entered the county school there and found

the three R's so much to his liking that he rapidly outstripped his somewhat slower-witted stepbrothers and sister in his school work, all of which gladdened his mother's heart but did not contribute to family harmony. He grew like a weed, but the gangly-legged boy with the glasses which his long hours of study soon made necessary had a hard time keeping up with his squatter, more heavily muscled stepbrothers, "Link" and John, Jr., when it came to helping his stepfather in moving heavy molasses barrels around the store. Although taller by far, George had grown so fast he developed a sense of physical inferiority to his half brothers that he never quite overcame until a time when years later, while home on summer vacation from Dartmouth College where he had purposely built himself up physically by wood chopping and long walks through the mountains, he was able to return to Herndon and swing a grain cradle in one of the family's farm fields with young John Brower until John cried enough and acknowledged his "cork was pulled." This was a great personal triumph for George, for the untimely death of his own father which had so affected his whole life had haunted him since youth and, believing that this disability might well be hereditary, he had constantly engaged in all manner of physical exercises to build up his own strength and worried considerably lest he never reach thirty years of age himself.

Along with getting his early schooling George worked in his stepfather's store and in the summer

months performed all manner of odd jobs, including bundling shingles for 10¢ an hour in the local sawmill. At the age of sixteen he graduated at the head of his high school class at Sunbury, Pennsylvania, a few miles farther up the river, and although urged to study medicine by one of his stepfather's brothers, a prosperous local doctor, he immediately commenced teaching school. In furtherance of his supposed teaching career he spent the year 1895-6 at Bloomsburg State Normal School and, after finishing there with honors in the spring of 1896, he took a position as timekeeper with the Phoenix Bridge Company of Phoenixville, Pennsylvania, in bridge construction work in Brooklyn. During the summer of 1896 he worked on the Franklin Avenue Bridge, the Brighton Beach Extension, and other bridge projects in the New York vicinity, and for the next two years traveled all over the East, usually in the capacity of "straw boss" with the bridge gang. In those days before extensive use of the typewriter with its carbon copies, business correspondence was customarily kept by use of the letter press, the ink of the original letter being permitted to soak through to fine paper, forming the copy. George wrote all the letters and kept the payroll and other records for Big B. H. (Ben) Yenser, the crew foreman, and it seems that here he first developed the pungent, forceful style so characteristic of his legal writings in later life. For example, a letter dated July 31, 1896, reads:

"The knee braces on columns 11 through

16a are too low to clear trains. Please advise. In sending money either send it express or have check certified. Banks will no longer cash checks unless certified. Compelled to go to New York office for money last Saturday.

Yours very truly,

B. H. Yenser
(Hoke)"

The records also show that Ben Yenser, competent bridge foreman though he was, suffered mightily on the few occasions he endeavored to communicate directly with his company without the editorial aid of his young timekeeper, which is only what one should expect of a good "normal school" secretary.

But George's appetite for knowledge and getting ahead in the world was only whetted and greatly augmented by his travels. And after two years of bridge building at an average of $22\frac{1}{2}\text{¢}$ an hour, he had saved up \$500.00, enough, he hoped, to go to Dartmouth College.

Arriving in Hanover, New Hampshire, in early November of 1898 with his hard earned \$500.00 in his jeans, George found himself six weeks late for college opening, and in a personal interview with President William J. Tucker, the educator pointed out the difficulties the young man would necessarily encounter in getting such a late start. He advised against entering that fall, but suggested George come back for the college opening the following year, but George, mindful of the terrific struggle he had made to get there and having considerable misgivings about being financially able

to get back another time, pleaded for a chance. The president finally concluded to permit him to make the try, and by bending every energy to his work, George was gratified to find that at Christmas time he had caught up on all back work and was enjoying a "B" average well up in his class standings.

Originally entering with the Class of 1902, George was forced to bolster up his slender finances by dropping out for another year of bridge building so that he graduated with the Class of 1903. He thoroughly enjoyed the atmosphere of the small New Hampshire college town with its lovely wooded mountains, brooks and rivers so reminiscent of his boyhood Pennsylvania home, and he was one of the first to urge wider participation amongst undergraduates in the many outdoor activities that come within the scope of the present Dartmouth Outing Club.

George's appetite, both intellectual and physical, was prodigious: In addition to the prescribed courses he read very widely and almost constantly in History, Government and Law, together with endeavoring to master such things as the principles of logic and argumentation. Amongst a good many of his classmates he was known as "Hungry Hoke" because of his habit of selecting two or three good walking companions, weighing themselves before starting, and walking twenty miles over the mountains to Woodstock, Vermont, for an enormous Sunday dinner, and the man who the scales showed gained the least paid the bill. From his sobriquet

one could infer that he did not often pay.

Two of his classmates and close friends in the Class of 1903, V. M. (Vic) Cutter and W. W. (Billy) Grant, now life trustees of the college, signed the diploma received by his son George P. in 1935. Mr. Cutter for many years served as president of United Fruit Company and Mr. Grant became one of the leaders of the Denver bar.

George was prominent in campus activities, serving as president of the debating team, class orator at graduation, manager of the Dramatic Club, president of the German Club, together with being a member of Psi Upsilon, Paleopitus (the senior governing body) and Casque & Gauntlet (leading senior society).

Through Mr. H. L. Moore, president of the old Minnesota Loan and Trust Company and trustee of Dartmouth at that time, George came to Minneapolis following graduation and commenced work as a clerk in the bank. Upon being asked what salary he thought he should receive, George suggested \$35.00 per month, but Mr. Moore started him in at \$50.00—"The first time in my life I ever paid a man more than he asked." - But the tedious detail and routine of bank work bored him, and as he recalled it he often had to remain late at night, "chasing a few cents around for hours on end" trying to make his accounts balance. Through a St. Paul fraternity brother, Bruce Sanborn, of the Class of 1905, he came to know and greatly admire Bruce's father, the late Honorable Walter Sanborn of the United States Circuit Court, and Judge San-

born took a great interest in him and encouraged the young man to continue the study of law. Not having sufficient funds to permit him to drop business entirely and resume his education, George spent two years at the St. Paul College of Law in 1905-6, after which, by saving and by borrowing some money in addition from Judge Sanborn, he was able to go back East to Cambridge and study at Harvard Law School in 1906 and 1907 where he roomed with Bruce Sanborn at 40 Kirkland Road, receiving his LL.B. with the Class of 1907.

Upon returning to St. Paul he commenced practice with the firm of How, Butler & Mitchell. Then when the senior partner, Jared How, moved to San Francisco in 1913, the firm became Butler, Mitchell & Hoke. Mr. Pierce Butler of that firm later became Associate Justice of the United States Supreme Court, and Mr. William D. Mitchell, son of the famous Minnesota Supreme Court Judge, served as United States Attorney General under President Hoover. In later years George often remarked that one of the great privileges of his life had been that of acting as "cub lawyer" for Pierce Butler and Mr. Mitchell in the formative years, particularly in some of the bitter court battles and litigation that Justice Butler customarily handled for their firm in those early days.

In 1911 George and a Dartmouth classmate, Dean Gregg, had arranged a summer vacation motor trip back to New England in the course of which they returned to Hanover and drove all through the White Mountain region. During their

stay they visited for a time in New York at the home of an attractive young lady, Edwina Fisher, just graduated from Miss Porter's School in Farmington, Connecticut, who spoke in glowing terms to the young men of a Farmington classmate named Carolyn Peabody of their own city of St. Paul. Following Edwina's suggestion, upon his return George promptly called at the home of Alexander Peabody, one of St. Paul's well-known private bankers, where he was introduced to a red-headed, athletic, fascinatingly gay young woman whose vivacious personality fairly bubbled over with youth and vitality and who strongly appealed to him. One difficulty was her engagement to another young man, but George, nothing daunted, pressed his suit and prevailed upon her to change her mind. They were married in St. Paul on April 27, 1912.

From the start George found court work particularly appealing to him, and there was great opportunity for it in the very extensive railroad litigation of those days before widespread adoption of the various state workmen's compensation acts and the Federal Employers' Liability Act. Another close friend of Dartmouth days who had been a co-member of the same college debating team was Dennis Lyons of the Northern Pacific Railway Company legal department with whom George was frequently associated in trial work. In 1919 the Northern Pacific offered George the position of General Counsel at a handsome salary considerably higher than he was currently receiving from

the Butler firm, but after deliberating for some time whether to accept it, George concluded that in spite of the considerable advance in salary and relative security that would be afforded by employment with a large corporation, he nonetheless preferred to take the greater risks and what to him seemed the greater opportunities in private practice. Feeling also that opportunities were better at that time in the newer community of Minneapolis, he moved to this city in 1919 and formed the firm of Hoke, Krause & Faegre with offices in the old Security Building.

In 1923 Mr. Albert C. Cobb of the well-established old Minneapolis firm of Cobb & Wheelwright in looking over the field of rising young trial attorneys to handle their extensive court work approached George seeking to hire him as a salaried trial counsel for their firm, but although George was flattered by the offer, he nonetheless was able to advise Mr. Cobb that their small new firm was prospering to the extent that they would only consider a complete amalgamation of their respective offices which was thereupon completed under the name of Cobb, Wheelwright, Hoke & Benson. In 1927, after Mr. Wheelwright's passing, the firm name was changed to Cobb, Hoke, Benson, Krause & Faegre, which in time became the largest legal entity in the Northwest. Space limitations will not permit specific reference to the great number of cases in the Federal Courts and our own Minnesota Supreme Court handled by George and other members of his firm, but if one consults any ran-

dom volume of the Minnesota Reports of this period he will more than likely find several matters handled by the "Cobb, Hoke" firm.

In 1935 Mr. Cobb died and in 1939 upon the dissolution of the old firm, George formed a new firm, Hoke, Cobb & Janes, in which he was active until retirement because of illness in 1942.

Perhaps because of early opportunities with Pierce Butler, perhaps because of its relatively great importance at the time, perhaps because of a natural affinity for that type of work—at any rate, George was admittedly enjoying himself most, and probably doing his best work, when locked in a battle of wits with some worthy antagonist in the courtroom. Chiefly as defense counsel for various railroad and insurance companies he toured the circuit in every county seat of Minnesota and in most of the neighboring states trying lawsuit after lawsuit in much the fashion of the English barrister. Although he constantly had the aid of a group of thoroughly competent and reliable juniors digging out the minutiae of the law for him, his was the sole responsibility when the particular case reached the courtroom, and he realized the strain of constant traveling from trial to trial, always against a fresh adversary, was beginning to tell upon him.

In 1924 he had moved to the country and built a country home near Wayzata where he acquired some farm acreage and commenced building a herd of Guernsey cattle and operating a dairy farm which afforded him considerable pleasure and re-

laxation from the rigors of court work. From 1925-1938 he served as chairman of the Wayzata School Board.

As a result of his life-long love of hunting, fishing and outdoor life, he had first built a simple northwoods cabin near Tamarack Lake in Becker County, Minnesota, which was originally used in 1936 primarily as a base camp for duck hunting in that area. When the original cabin burned in 1938 he purchased a considerably larger acreage in the same general area but farther east toward Park Rapids, and on this new location commenced construction of several cabins and farm buildings with the idea of creating a sheep ranch to which he would ultimately retire when the time came.

In August, 1941, and while the sheep ranch was still in course of construction, George was stricken with a ruptured appendix and peritonitis which invalidated him and forced his retirement. In spite of the severity of his illness from which it was doubted he could recover, he rallied considerably and during the last three years of his life he, for the first time, was able to indulge his love of farming, hunting and fishing as much as he cared to without hurrying back for "an important case on Monday." Just as it seemed that he was well on the way toward a remarkable recovery to health, he slipped and fell sustaining a fractured skull. His long hospitalization and partial invalidism of the last three years had made their mark even on his unusually strong constitution, and had so drained his reserve strength that he was unable to

rally from this additional misfortune. Two days later he died at Detroit Lakes, Minnesota, on June 30, 1944, at the age of 64 years.

Besides his wife, Carolyn Peabody Hoke, he is survived by two sons, George P., of the Minneapolis law firm of Snyder, Gale, Hoke, Richards & Janes, Marshall P., a Major in the Army Air Forces, two foster-daughters, Mrs. Herbert W. Melby of Sheridan, Wyoming, and Mrs. Henry Curtis of St. Paul, Minnesota, and three grandchildren, Carolyn G. Hoke, Marshall P. Hoke, Jr., and George Hoke V.

He was a member of the American Bar Association, the U. S. Chamber of Commerce, the Minneapolis Civic Council, the Dartmouth Alumni Association of the Northwest, the Minnesota Club of St. Paul and the Lafayette Club and Minneapolis Club of this city.

Certainly two of the outstanding qualities of George Hoke were, first, his almost blunt directness and forcefulness and, again, his plainness and humility.

In a lifetime of dealing with complicated reasoning, dialectic and legal formulae, he always strove to avoid technicalities and quickly reach the root of a problem, "see the spike" as he was accustomed to say. An example of this brevity of statement appears in one of his latest briefs in the Minnesota Supreme Court where he prevailed in a very serious malpractice action involving many thousands of dollars on a ten-page brief wherein he dismissed the long and involved testimony of plain-

tiff's leading medical expert with

"This theory, and the doctor who advanced it, turned out to be medical humbug, and both were abandoned."

Having achieved marked success by self-denial, perseverance and plain hard work, he never acquired the slightest affectation. Among his good friends he counted as well the corner newsboy and his many farmer-neighbors along with the executives of the large corporations his firm represented. One of the many condolence letters received by his family expressing appreciation for little courtesies and acts of kindness shown the writer by George illustrates the wide appreciation of this plainness. While perhaps over praiseworthy considering the occasion, it indicates a widespread opinion of the man. After expressing gratefulness for certain considerations given his wife during the years George served as chairman of the Wayzata School Board, the letter concludes

"I cannot help but feel that such acts by a really great man for the benefit of little people truly indicate the great character which he had."

Respectfully submitted,

SNYDER, GALE, HOKE, RICHARDS & JANES.

Read, accepted and ordered spread upon the records of the Court, at a special term of the Full Bench of the District Court for Hennepin County, Minnesota, held at Minneapolis on February 24, 1945.

Appendix

From *Hubbell's Legal Directory* (1922).

DILLE, HOKE, KRAUSE & FAEGRE,

**JOHN I. DILLE.
GEORGE HOKE.
CLAUDE G. KRAUSE.
J. B. FAEGRE.**

300 SECURITY BUILDING.

MINNEAPOLIS.

ATTORNEYS FOR : Great Northern Railway Co., The Travelers Insurance Co., The Aetna Casualty & Surety Co., The Kansas Casualty & Surety Co., The Iowa Bonding and Casualty Co., The Medical Protective Co., Minneapolis State Bank, Republic State Bank.



Carolyn Peabody Hoke
-1931-

Credits

The photograph of George Hoke on the first page was taken on
December 18, 1929, and
that of his wife taken on November 16, 1931.

Both are from the Minneapolis Newspaper Photograph Collection of the
Hennepin County Library.