

IN MEMORIAM

JAMES E. PHILLIPS

(January 31, 1866 – September 28, 1935)

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WABASHA COUNTY BAR ASSOCIATION

DISTRICT COURT
WABASHA COUNTY
WABASHA, MINNESOTA

Friday, November 15, 1935

JAMES E. PHILLIPS
(1866—1935)

A Scotsman by birth, JAMES E. PHILLIPS arrived in Lake City in 1867 at the age of one and died there in 1935 at the age of sixty-nine. Excepting years in Minneapolis, while he attended the University of Minnesota, first to get a B.A. and, later, a LL.B., and in Alexandria, where he taught and administered the school system, he spent his adult life in Lake City. He had a mild but chronic case of civic-mindedness, the symptoms being his service in many community organizations, the school board and as city and county attorney.

That Phillips taught school for several years before he became a lawyer was not unusual in the Nineteenth Century in this state. From the profiles of lawyers in local histories and bar memorials, it is clear that many future lawyers taught school for a few years. They may have been attracted to teaching because it was seasonal, salaried and not as arduous as farming. In any event, teaching was a very common pre-law job in this period.

That Phillips served on the Lake City school board for “many years” was also not unusual. In the Nineteenth and early Twentieth Centuries, lawyers served on the school boards of many towns and cities. Of the numerous forms of civic participation in this period, service on school boards held a mighty attraction for lawyers.

The value these lawyers placed on education carried over to their children. Many lawyers of this period did not attend a college or university. They attended rural schools, worked—sometimes as teachers—then apprenticed with an established lawyer for several years before passing an oral examination and being admitted to the bar. But frequently their children attended college—most always their sons and usually their daughters.

James Phillips died on September 28, 1935, and the following week, the local newspaper carried his obituary on its front page:

LAKE CITY GRAPHIC-REPUBLICAN

LAKE CITY, MINNESOTA

THURSDAY, OCTOBER 3, 1935.

J. E. PHILLIPS PASSES; WAS CIVIC LEADER

Attorney Here Since 1901 Dies
At Home Saturday Morning
Was Ill Five Months

Lake City was shocked Saturday morning to learn of the passing of James E. Phillips, leader in community affairs, prominent member of the bar for 34 years, and leading citizen of Lake City, since 1901. Death came at 1 a. m. after a five months illness.

Mr. Phillips was known for his character and integrity. He was most active in the affairs of his church, serving as trustee and deacon for many years and taking a leading part of the work of the Sunday School.

Born in Banff, Scotland January 31, 1866, he was brought here at the age of one year by his parents, who were founders of the Scotch settlement near Lake City. He attended the rural schools and was graduated from Lake City high school. He attended the University of Minnesota from which he was graduated in 1894. He then taught school and was superintendent of schools, at Alexandria for several years before returning to the University of Minnesota Law School.

In the year 1901 he was graduated from law school and was admitted to the bar, coming to Lake City to open his practice.

Mr. Phillips gained early prominence in the profession of law and was elected to many public offices, including the Lake City city, council, two terms as county attorney of Wabasha county in addition to serving his city as a member of the school board for many years and as member of the public library board. For several years he served as city attorney for Lake City, and held that post at the time of his passing. He also served on the Lake, City hospital board.

He was married July 12, 1893 and is survived by his widow and one son, Arnold Phillips, of Minneapolis, and one granddaughter, Doris Phillips, in addition to several nieces and nephews and three brothers, William Phillips of Lake City, John Phillips of St. Paul and Alec Phillips of Edmonton, Canada. A first-born son died in infancy.

Mr. Phillips was a charter member of Phi Gamma Delta fraternity at the University of Minnesota, going with Judge John Selover of Minneapolis to Madison, Wis., for the charter. Judge Selover is now the sole surviving charter member. Since graduation Mr. Phillips has served as a member of the board of directors of the University Alumni association and until his illness attended all functions of that body.

He was a member of the Masonic lodge and the Workmen and Woodmen orders.

Funeral services were held Monday afternoon at the home and at the Congregational church which he had served so, faithfully for many years. The Rev. A. B. McKeith, pastor, officiated at the home and church services while the Masonic service was used at Lakewood cemetery where interment was made.

Rev. McKeith eulogized Mr. Phillips' life as one of service to God and his fellow men.

Bearers at the funeral were E. A. Smith, R. C. Steele, William Howatt, Fred Watson, Ed. L. Burghardt and G. H. Lange.

William Phillips Jr., of, Minneapolis, nephew of the deceased, was soloist at the funeral, with organ accompaniments played by Mrs. M. W. Lunde.

The capacity of the Congregational church was taxed to its utmost for the rites and there were many unable to gain entrance. Large numbers from out of the city, attended the rites, including delegations from Rochester, Wabasha, and the Twin Cities.



On November 15th, a committee of the Bar Association of Wabasha County presented a memorial to him in district court. Later John W. Murdoch and Harold J. Alton, two members of the county bar who were also law partners, delivered eulogies.

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF WABASHA

THIRD JUDICIAL DISTRICT



**IN RE THE DEATH OF JAMES E. PHILLIPS,
LAKE CITY, MINNESOTA.**



RESOLUTION

WHEREAS James E. Phillips, for many years a member of the Bar of Wabasha County has, since the last session of this Court, died, the undersigned committee appointed by the Honorable Vernon Gates, District Judge, does respectfully submit to the Court as follows, vis:

Our late brother, James E. Phillips, has long been recognized by the Bar of this District, as a lawyer who in his practice was guided by the highest ideals of the profession. He was at all times mindful and true to his obligations to his clients, to his duty to the Court and his brother attorneys. Mr. Phillips enjoyed a very high reputation in the City of Lake City, and wherever he was known, as a lawyer and a public spirited citizen. As a husband, a father, a lawyer, a public citizen, he ever discharged with fidelity the obligations laid upon him. His loss is of course most deeply felt by his family and his passing will be deeply regretted by his clients whom he faithfully served, the members of the Bar of this District, with whom he sustained the most friendly relations and the citizens of Lake City whose interests were always close to his heart and for whom he rendered great service.

We suggest to the Court that a time and place be fixed by order of this Court at which these resolutions may be publicly presented to the Court and the members of the Bar be given an opportunity to express their individual sentiments respecting the removal by death of our late brother James E. Phillips.

Dated November 15th, 1935.

/s/ John W. Murdoch
/s/ James A. Carley
/s/ Wm. G.-----

REMARKS OF MR. JOHN W. MURDOCH:

May it please the Court and members of the Bar: I well remember the time our late brother, James E. Phillips, began the practice of his profession in the City of Lake City. He was

a man a trifle older than I and yet I had been in practice about ten years.

From the time that he entered upon the practice of his profession down to the day of his death, we were always friends and I cannot now think of anything which ever intervened which caused any strain upon that tie or any misunderstanding between us. I have tried cases in this Court with Mr. Phillips on the opposite side of the table, and have several times been associated with him in the trial of actions in this District.

Mr. Phillips was not at his best as a trial lawyer. He was a careful enough practitioner, but did not have the combative, belligerent qualities or the emotional dramatic quality which enables the trial lawyer to visualize before the jury the thing which he himself sees. Largely for these reasons I believe, Mr. Phillips, while he had a wide clientage, did not particularly care for active litigation, especially before a jury. When he did undertake such a case, however, he always gave it careful preparation and gave to the presentation of the case, his very best efforts.

It was as a counselor, an arbitrator between conflicting interests, a healer of differences, that he was at his best. His integrity was never, questioned. He made the interest of his client so much his own, especially as I have observed it in the conduct of cases in which we were associated, that it was almost painful to him to stipulate a fee which was at all adequate for the work which he had done. I feel sure that there are a very large number of the clients of his office who are still under large obligations to him on account of the hours and days which he spent in patient diligent attention to their interest, for which he was never paid more than a fraction of what his services were really worth.

Mr. Phillips was genial, always approachable, never irascible

or over-bearing; he was always a lawyer with whom one could safely sit down, lay his cards on the table and discuss any proposition in dispute, with a feeling that he would find Mr. Phillips willing to meet him with an open mind and a disposition to work out a solution which should be fair and equitable to all of the conflicting interests.

I shall not speak of the public service which he rendered to his home community. I know that it was very extensive, but there are other members of the Bar here who can speak with greater knowledge on that point than can I.

I have never known of Mr. Phillips indulging in what is known as a "sharp practice". Honesty was a very fundamental part of his character. Deceit and guile had no part in the weapons which furnished his arsenal.

I have never, during the time that Mr. Phillips has practiced law, heard any of his brethren of the Bar accuse him of any action which was unethical or opposed to the highest standards of professional integrity. He was throughout a hard worker and enjoyed that most inestimable blessing, good health. It was only the last year of his life which was saddened by the pain and weariness of his last sickness. He bore with fortitude and uncomplaining resignation, the pain and the inevitable end which was so plainly discernible.

As I think of our departed brother, I feel that his death was not untimely. He had almost approached the Psalmist's allotment of three score years and ten. Throughout, the years of his profession, he had borne the heat and burden of the day with courage and uncomplaining fidelity. He died a rich man, not in this world's goods, but in the possession of a character which had its tap root in integrity. He was true to every trust that was ever laid upon him,— as husband, father, lawyer, public servant and friend. Of how many of us here present can this be said? Is there any one of us who

could ask for more? He had the rare good fortune to be able to continue his life's work until the candle had almost burned out.

As I think of his life, I am reminded of the words by Frank J. Hughes –

“Is your hair growing gray and your face growing old?
Are your dreams their fruition denied?
To stay to the finish; Who trades that for gold?
Sit close in the saddle and ride.

Is your course leading out to the shadowless land,
Where the years of fulfillment abide?
Good luck to you, comrade, the grip of my hand;
Sit tight in the saddle and ride.”

And again I think if he were here he might say to us in the words of the great Apostle, “I have fought a good fight, I have finished my course, I have kept the faith. Henceforth there is laid up for me a crown of righteousness which the Lord, the righteous judge shall give me in that day”.

REMARKS OF MR. HAROLD J. ALTON:

May it please the. Court and members of the Bar: In support of the resolution that has been offered here today, I deem it an honor and privilege to have the opportunity, of making the following remarks, as a younger member of the Bar of Wabasha County.

It was my good fortune to become quite well acquainted with Mr. James E. Phillips, although knowing him a comparatively short time. As City Attorneys of Lake City and Wabasha, we had many things in common and similar interests. I know of no one who painstakingly gave more of his time and effort to promote the interest of the community in which he lived, and expected less in return. He was truly a public servant. The interest of his community was his and he cherished it.

He was a genial friend and companion and always ready to meet you more than half way. He was a lawyer and counselor in the true sense of the word, always nobly upholding the finest dignity of our great and noble profession. It is sad that he cannot continue as a living example to the many, many laymen with whom he came in contact, exemplifying the highest standards of professional ethics. Even though I knew Mr. Phillips but a brief period, I know that he was an unusually kind and loving husband and a good and beneficent father.

Although his fame was not spread far and wide as some, the wealth of his character was known to all who were acquainted with him, whether that acquaintanceship sprang from contacts with him on the same or opposite sides of the counsel table. He is a silent memory of those who struggle on in this existence to carry out the purpose for which we were created and his life calling. He carried on uninfluenced by politics or any other sinister influence, although there were never any spectators to cheer and inspire him, to sacrifice all, endure all things sooner than give up the faith of his fathers and the ideals into which he was born. He was the last one to think of himself, which is proven conclusively by the malady with which he departed from us. Because of all of this, and other things I have failed to mention, I do not hesitate to say, he was a great man and his was a great life.

No soldier on the battlefield
Defended with more zeal,
Each trust the ship of faith had placed
On his judicial keel.

If it please the Court, I urge this in support of the resolution.



RELATED ARTICLES

Memorials to other members of the Wabasha Bar posted on the MLHP include: “Harold J. Alton (1903-1937)” (MLHP, 2012); “Charles E. Callaghan (1863-1926)” (MLHP, 2012); “Samuel L. Campbell (1824-1910)” (MLHP, 2012); “E. N. Card (1828-1910)” (MLHP, 2012); “James A. Carley (1869-1952)” (MLHP, 2012); Terry Walters, “Remembering Judge [Daniel F.] Foley” (MLHP, 2010); “John R. Foley (1890-1953)” (MLHP, 2012); “Allen J. Greer (1854-1905)” (MLHP, 2012); “Wesley Kinney (1837-1926)” (MLHP, 2012); “Hugh L. Lothrop (1888-1931)” (MLHP, 2012); “Michael L. Marx (1871-1921)” (MLHP, 2012); “John F. McGovern (1860-1905)” (MLHP, 2012); “Henry W. Morgan (1850-1918)” (MLHP, 2011); “John H. Mullin (1842-1907)” (MLHP, 2012); “John N. Murdoch (1831-1898)” (MLHP, 2012); and “John W. Murdoch (1869-1962)” (MLHP, 2012).

See also: “Bench and Bar of Wabasha County (1884), and Early Courts and Lawyers of Wabasha County (1920)” (MLHP, 2008). ■

