

IN MEMORIAM

JOHN B. SANBORN, JR.

(November 9, 1883 — March 7, 1964)

**UNITED STATES COURT OF APPEALS
EIGHTH CIRCUIT
St. Louis, Missouri**

September 11, 1964

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

MEMORIAL PROCEEDINGS

FOR

JUDGE JOHN B. SANBORN, JR.

Held in the Court Room at St. Louis, Missouri, on September 11,
1964, the opening day of the Court's regular term.

Sitting:

HON. HARVEY M. JOHNSEN, Chief Judge

HON. CHARLES J. VOGEL

HON. MARTIN D. VAN OOSTERHOUT

HON. M. C. MATTHES

HON. HARRY A. BLACKMUN

HON. ALBERT A. RIDGE

HON. PAT MEHAFFY

HON. JOSEPH W. WOODROUGH

CHIEF JUDGE JOHNSEN:

The Court is met in session today to recall and pay tribute to the outstanding service and the notable character of one of its late members, Judge John B. Sanborn.

We note the presence for the occasion of members of Judge Sanborn's family; of Mr. Justice Whittaker of the United States Supreme Court (retired); of most of the District Judges of the Circuit; of distinguished members of the Bar; and of others of the many friends of Judge Sanborn. The presence of all of you not only does honor to the memory of Judge Sanborn but it honors the Court as well.

A Committee has heretofore been appointed by an order of the Court to present a memorial expression for the occasion and for our records. Judge Gunnar H. Nordbye is Chairman of that Committee. We now recognize Judge Nordbye.

JUDGE NORDBYE: May it please the Court:

In appraising Judge Sanborn as a judge, Justice Whittaker, in an article in the 1959 Minnesota Law Review, observed, that, to state that Judge Sanborn was a quiet and kind man of culture who had practiced the principles of honor, truth, integrity and fairness in his judicial career, was but to recount the most obvious of his virtues. He then stated that any appraisal of his true stature must include the "great depth of his wisdom, the keenness of his analytical and inquiring mind, the soundness of his judgment, his mastery of the law, his constant quest for truth and, when found, his fearless declaration of it whether popular or not"; and that these attributes, when blended with the two other qualities of humbleness and simplicity, brought out in bold relief the true stature of the man. And then Justice Whittaker noted that Judge

Sanborn's life, which always was free from affectation or artificiality, proved the wisdom of the words of Emerson that "Nothing is more simple than greatness. Indeed to be simple is to be great." With that all-embracing summary of Judge Sanborn as a man and as a judge, there may be but little to be added in his memorial other than factual data of his life and certain intimacies which may be related by others who knew him long and well.

John Benjamin Sanborn was born in St. Paul, Minnesota, on November 9, 1883, and died on March 7, 1964. On May 18, 1907, he married Helen Clarke, of Algona, Iowa. She died on October 23, 1957. The immediate relatives who survive him are a niece, Mrs. William J. Gross, of St. Paul, Minnesota, who was an adopted daughter; two sisters, Mrs. Lucy S. Clapp, of Palo Alto, California, and Miss Rachel R. Sanborn, of St. Paul; and a brother, Frederick Sanborn, of Great Falls, Montana.

Judge Sanborn's roots ran deep in the pioneer history of the State of Minnesota and the Nation. He was a son of General John B. Sanborn and Rachel Rice Sanborn. His father, a lawyer, was in command of the Minnesota Fourth Regiment during the Civil War, first as a Colonel, then promoted to Brigadier General, and later to Brevet Major General. His regiment participated in many battles, including the operations that culminated in the fall of Vicksburg. It was the Minnesota Fourth Regiment, with General Sanborn at its head, which first entered Vicksburg.

Judge Sanborn's maternal grandfather, Edmund Rice, likewise a lawyer, served with a Michigan regiment as a First Lieutenant in the Mexican War before he settled in St. Paul in 1849 to practice law. Edmund Rice was Mayor of St. Paul for two terms, and served in Congress from the Fourth District of Minnesota from 1887 to 1889. Walter H. Sanborn, who served as a judge of the United States Court of Appeals for the Eighth Circuit, was a cous-

in of Judge John B. Sanborn and served as a judge of that Court for a period of more than thirty-six years.

Judge Sanborn was graduated from the University of Minnesota on June 1, 1905, with a degree of Bachelor of Arts, and from the St. Paul College of Law on June 20, 1907, with a degree of Bachelor of Laws magna cum laude. He practiced law in St. Paul after his graduation.

From 1913 to 1915, he was a member of the Minnesota House of Representatives. He was Insurance Commissioner of the State of Minnesota beginning January 9, 1917, but characteristic of his devotion to country, he resigned that position at the age of thirty-four to enlist and serve as a private in the United States Infantry in the first World War. After the war, he again became Insurance Commissioner of Minnesota, and later a member of the Minnesota Tax Commission. On March 6, 1922, at the age of thirty-eight, he was appointed judge of the Second Judicial District, St. Paul, Minnesota, where he served until March 18, 1925, when he was appointed United States District Judge for the District of Minnesota by President Coolidge. He served as United States District Judge for nearly seven years, until January 23, 1932, when at the age of forty-eight he was appointed judge of the United States Court of Appeals for the Eighth Circuit by President Hoover. He commenced his service on the Circuit Court on February 2, 1932, at Kansas City, Missouri. On June 30, 1959, at the age of seventy-five he retired from regular active service and assumed the status of a Senior Circuit Judge. After his retirement, he served the Court continuously. His last service on the Court was at the November 1963 session at St. Louis, Missouri. He filed his last opinions in January, 1964.

His published decisions in cases in the Court of Appeals are found in Volumes 15 to 326, Federal Reporter 2nd Series. Those

appearing in 15 F.2d to 55 F.2d were opinions of the Court of Appeals which he wrote while he was a District Judge. As a District and Circuit Judge, he participated in hearing more than 2,400 Court of Appeals cases. His opinions in those cases number more than 900, including per curiam opinions, but not including dissenting opinions, which were few in number. All of his decisions were greatly relied upon and frequently cited by the Bench and the Bar.

For nearly twenty years he served with marked distinction as a member of the Committee of the Judicial Conference of the United States on Bankruptcy Administration and was a member of the Advisory Committee on Bankruptcy Rules to the Committee on Rules of Practice and Procedure of the Judicial Conference until September, 1962. He was Chairman of the Committee of the Judicial Conference of the United States to consider post-war building plans for the quarters of the United States Courts in 1944 and served as such until the work of the Committee was completed. In January, 1945, he became a member of the Advisory Committee to the Revisor of Title 28, United States Code, entitled, "Judicial Code and Judiciary," the revision of the Judicial Code which Congress by the Act of June 25, 1948, enacted into law. To this assignment he devoted many long hours in committee meetings in Washington, Chicago, Philadelphia and New York over a period of nearly four years. His fellow committee members quickly recognized his outstanding judicial qualities, and his opinions were eagerly sought and his suggestions always received the most considerate attention. This episode in his life illustrates his many acts of public service and dedication to the administration of the law.

For many years he was closely associated with the St. Paul College of Law, serving as Vice President from October, 1945, to March 1, 1949, and as President from March 1, 1949, to July 2,

1956. When it became the William Mitchell College of Law, he served as Trustee and Vice President from July 2, 1956, until his resignation on April 1, 1959.

On March 3, 1949, on the occasion of Minnesota's Territorial Centennial, he was designated as "One of the One Hundred Living Great of Minnesota." On March 25, 1956, he received the "Outstanding Achievement Award" from the University of Minnesota, and on June 16, 1959, the William Mitchell College of Law conferred upon him an honorary degree of Doctor of Laws.

Knowing Judge Sanborn, we are well aware that it would be his wish that we limit any memorial to the factual data of his tenure on the Bench, without more. His modesty was such that he would not even countenance testimonial dinners in his honor by the Bar when such events were being considered at various times during his career on the Bench. There was no pretense in his modesty. In fact, there was no sham or pretense in him, and he particularly disliked these qualities in others. Indeed, to know him was to love him. And when the news of his passing reached his many, many friends, it seemed unbelievable to them that rugged John Sanborn was gone. Upon receiving the sad news, one of his colleagues of this Court, now retired, wrote,

"We were blessed beyond words to have him for a friend * * * He was close in spirit, steadfast, constant, true as steel, beloved and admired, respected and depended upon — dear, dear John Sanborn * * * Our lives go on — much has gone out of them"

His whole career was spent primarily in public life, where he conformed to the highest standards of public service. Strict impartiality, subordination of private to public interests, and un-

wavering devotion to duty were inherent in him. Life to him was an opportunity to serve. For himself he wanted nothing but the inner glow which can come only to those who serve the public, without self-exaltation. He had a deep respect for the rights of his fellowmen and the knowledge that law, properly interpreted and applied, is the very essence of human liberty. He recognized and exemplified during his long career in determining the rights of others that it requires something more to be a judge than a thorough knowledge of the law. In addition, as he so clearly demonstrated, there must be humility with an unwavering adherence to the search for the right as one is given the power to see the right, without arrogance or any false pride in one's opinions.

As a trial judge, while he always controlled his Court, he did so with dignity and was gracious to witnesses and considerate and helpful to the members of the Bar. In both the trial court and the appellate court he was quick to grasp the real issues of the case being tried or presented. He was a gentle, courteous man and was possessed of an unusual quantity of common sense, analytical ability, and courage. He had an untiring capacity for work and a prodigious memory for applicable decisions and legal precedents. He was firm in his convictions of what was right and wrong and did not deviate from them although he always was tolerant of the views of others. He was patient and painstaking in all his judicial work and he had an unusual ability to state in simple, clear, forceful language the opinions he wrote for the Court. With these attributes, coupled with his complete integrity and honesty, one readily understands why John B. Sanborn was considered one of the great judges of the Nation.

In his judicial opinions, certain outstanding characteristics may be noted. He did not believe in departing from time-tested and time-honored principles of law merely because they did not square with his personal views. He was strongly of the opinion that the

law as written should be followed regardless of whether he believed it to be a wise law. On the other hand, technicalities of the law he freely cast aside in order to avoid an injustice. In all of his opinions, he made it clear that wide discretion should rest in the trial court as to its findings of fact in order to insure an efficient and orderly administration of the many fields of litigation in the federal trial courts. His views in this regard may be found in many of his decisions and are graphically demonstrated. In one he stated that he found

“no warrant for the belief that we can retry doubtful issues of fact upon a cold record, and substitute our judgment for that of the trial court with respect to such issues, or that a district court, in nonjury cases, is to act as a sort of special master for this Court, to report testimony, to make advisory findings, and to enter an advisory judgment.”¹

In another of his opinions he summarized his views by stating that “this court has consistently refused to attempt to outpredict, outforecast or outguess a trial judge with respect to a doubtful question of the law of his State.”² However, Judge Sanborn’s indulgence in granting to the trial court wide discretion in determining controverted questions of fact is not found when complaints have been summarily dismissed or summary judgments hastily granted. On many occasions he reiterated that there was no justification for dismissing a complaint for insufficiency of statement unless it appeared to a certainty that the plaintiff could not recover under any factual basis which could be proved in support of the complaint.

¹ Pendergrass v. New York Life Ins. Co., 181 F.2d 136, 138 (8 Cir. 1950).

² Homolla v. Gluck, 248 F.2d 731, 733 (8 Cir. 1957).

When Judge Sanborn was first appointed to the trial bench, he related that an elderly lawyer who had taken an interest in him said to him, "Remember, John, no man was ever good enough to be a judge." Undoubtedly that trite statement is but a truism. Truly, no man is good enough to be a judge in the full sense of the word, but Judge Sanborn is one of the few whose name and fame will long survive.

As we all know, he was a friendly person who cherished the companionship of others. He possessed an outstanding sense of humor, which was without barbs, subtle and delightfully human. He had a fund of anecdotes regarding lawyers and court-room incidents which he loved to relate. Those of us who survive him, and who have had the privilege of his companionship throughout the past decades, knew the resources of his mind and heart and his capacity and unfailing willingness to expand them to the farthest boundaries in aid of others. He rendered services and encouragement to numerous deserving individuals and institutions in their various activities. His greatness as a man is demonstrated by the many enduring qualities he has left of himself with others and which will live on and on in those who knew him.

In his younger days he was an ardent canoeist on the numerous lakes and rivers along and beyond the boundary between Minnesota and Canada. There he paddled his canoe over the water routes of the early French voyageurs for many, many miles, and as they did, portaged his canoe and packsack far into the deep wilderness. As a duck hunter, his prowess was almost legendary. In September, 1929, a fellow hunter, a lawyer in Minneapolis, wrote him,

"Unusual achievements in those lines of human activity in which hunters and fishermen indulge are generally discredited by one's auditors, unless there is

corroborative testimony. It is my observation that the Bench is not put in any different category than the Bar or the laity in this respect

“Assuming my presumption to be correct, should you need any corroboration as to your achievement at the Lake Emily Gun Club on Saturday, the 21st day of September, I should be most happy to verify the occurrence that upon that day while you were shooting a twenty-gauge double-barrel gun, on your first shot you killed four redheads, on the second shot, two, and on the third shot, two, the birds being in flight at the time of the occurrences.

“I hope you appreciate that this letter is intended not as a reflection upon your standing in the community, or your veracity, but is merely a commentary upon the doubting qualities of human nature under such circumstances.”

He loved his cabin on the beautiful St. Croix River, not far from St. Paul, where he spent most of his leisure time in later years. There, along the river, through the winding trails in the heavily wooded areas, he loved to walk and to work. He could swing an axe with as much dexterity as a seasoned woodsman. He knew the names of every tree, flower and bush. He delighted in walking along the river in the springtime when the anemones, blood roots, and the Dutchman's-breeches were first sending forth their dainty blooms to greet the warming spring sun. He knew the hiding place of a rare orchid deep in the woods. The fiery red cardinal flowers blooming in the lowlands along the river were his friends, and on one of the craggy, bare bluffs along the river he would, with almost boyish enthusiasm, spot the dainty blue Pasque flower, perhaps the earliest of all spring wildflowers in that area.

He loved to take this trip with his companions. He would lead the way and approach the top of the windswept cliff slowly and almost reverently, taking pains that no one would carelessly step on the modest little flowers, huddled in and sometimes hidden by the last year's grasses still brown after the winter's cold and snow. There, he would stand silently, admiring the brave little flowers, the first harbingers of spring. And shortly before he passed away in March, 1964, when he was lying in his hospital bed, one of his friends said to him, "John, it will not be long now before we will look for the little Pasque flowers on the St. Croix hillside." He replied, "No, it will not be long now." But one could quickly perceive that he doubted that he ever again would tramp along the beautiful hills of the St. Croix River, and with his stoical attitude towards life, one also knew, as he turned his head, that he was thinking in the words of the English writer,

"Mourn not by word or sign when I have fled,
Tear no flower from its stem to fade with me,
To go I have no dread—nay, my swift spirit will be
Over the hills and far away ere ye
Can signal to each other—He is dead!"

An eminent Canadian jurist once said that when a judge finally lays aside his robes, above all things he would hope that his fellow judges, that smaller brotherhood within the brotherhood of the Bar, the men best qualified to express an opinion in the matter, would set their seal of approval on his work and that he would also hope that the members of the Bar would agree with such judgment.

The man on the street will say that Judge Sanborn was the people's judge; the lawyers will fondly recall him as a lawyer's judge; and his fellow judges, that smaller brotherhood of the bar, always will remember him as a judge's judge. With Judge

Sanborn's passing a light has gone out that never again will be lit in our lifetime. His place in our lives can never be filled. Blessed be his memory.

Respectfully submitted,

John C. Benson
Charles W. Briggs
Stephen R. Curtis
Edward J. Devitt
Donald D. Harries
George A. Heisey
Oscar R. Knutson
Wilfrid E. Rumble
Leland W. Scott
Lee H. Slater
Kay Todd
Gunnar H. Nordbye, Chairman.

JUDGE JOHNSEN: Judge Nordbye, the Court expresses to you as Chairman, and to the other members of the Committee, our thanks and appreciation for the beautiful and comprehensive character-ization which you have made of Judge Sanborn.

We have requested Judge Blackmun, who began his legal career as Judge Sanborn's law clerk, and who succeeded Judge Sanborn as a member of this Court, to make response for the Court. I now call upon Judge Blackmun.

JUDGE BLACKMUN: Chief Judge Johnsen, Members of Judge Sanborn's family, Mr. Justice Whittaker, Miss Larson, the Judge's faithful secretary for so many years, Gentlemen of the Bench and Bar, and Guests:

It is a difficult task, but one of honor, to respond on behalf of this court to the tribute which has been so eloquently prepared by the committee and so devotedly and movingly presented by Judge Nordbye. The Judge was Judge Sanborn's intimate friend and co-laborer in the law for many years. What has been said, Judge Nordbye, means much to this court and to everyone who is here with us on this day.

Within a very short space of time, between June 30, 1959, and January 4, 1961, just a year and a half plus four days, three men who sat as judges on this court and who worked together for almost three decades retired from active service. These were Judge Sanborn, Judge Archibald K. Gardner, and Judge Joseph W. Woodrough, who honors us with his presence here today. Death has now taken two of the three from us. As a result the identity of almost half the court has recently changed. Of those of us who are now on active assignment only our Chief Judge sat with Judges Gardner, Sanborn and Woodrough for longer than ten years. But while the rest of us have had shorter periods of privileged co-service with these three stalwarts of the Eighth Circuit, some of us have had other relationships with each of them, apart from the appeals bench, and all of us, in the comparatively short time we have been here, have come to know the companionship and the value of association with John Sanborn.

I think my own case is an example and not an uncommon one. His friendship and his kindly guidance, which I was privileged to have for over thirty years, reached from the relationship of master and student, so to speak, to that of senior counsellor and junior colleague with, on my part, never a question of his example, his sympathetic integrity, and his interest. He was to me, as he was to Judge Nordbye, although in a different way, a steadfast, a true, and a great friend and an exceptional personality.

It was this way with many others, both in the law and outside it.

Judge Nordbye has recounted some of the things to which Judge Sanborn adhered in his concern for necessary balancing points in the structure and function of our federal courts. These particularly expose the wisdom which grew from his experiences as a trial judge and which resulted in his continued sympathetic understanding of the trial court and its problems. His ten years on that bench, state and federal, with the daily drama of the courtroom, with its revelations of the weaknesses and of the strengths in human character, with the successes and failures of lawyers, with the awareness that each day could bring forth the unexpected, were among the happiest days of his long judicial life.

But it is the appellate court which saw his longer period of service to this country. I stress some of the things for which he stood in this contributing period of his life:

First, John Sanborn had a profound concern for the court itself. He wanted it strong and steadfast. He wanted it free from the pendulum swings of inconsistency and of varying political backgrounds and philosophies. He wanted its judges to be just good judges and not supporters of a cause. He wanted them to be loyal and readily respectful of each other. He wanted the court free of personality conflicts. It seems to me that perhaps it was he who did the most to contribute to the balance and, to use an old phrase, to the team or family character of this court. Much of it was due to his gentle, modest, and self-effacing character and to his ability to dispel tension and the heat of differing approaches in the courtroom and in the conference room.

Second, he loved the law and was content to give complete concentration and long hours toward ascertaining what the law was or what it should be. Conversely, he was impatient with controversy

which was essentially factual in nature when it presented itself at the appellate level. His attitude was the logical one that a factual dispute was primarily a matter for the trier of fact. I suspect this approach was responsible for the opinion quotations and references which Judge Nordbye has given us this morning.

Third, he was ever fair in his work assignments and in his attitude toward his colleagues. He always assumed more than his share and he was always willing to take on the uncomfortable and the disagreeable.

Fourth, he brought to everyone on this court more than a judicial acquaintanceship. His was an intimate and a personal relationship, one of assistance but never one of overbearing authority. Service on a court of this kind is necessarily a close personal and confidential one. He made it a matter of genuine friendship.

Fifth, Judge Sanborn's opinions were always helpful, helpful as precedents in the writing of other opinions and helpful, I am sure, to the trial judge when he encountered and had to resolve under time pressure the difficult questions of the contested trial. His views were not buried in obscure, long, and difficult to understand prose. He was the master of the pithy statement. He was always to the point. He cut through the unimportant. He was easy to read, and he was short.

Sixth, he possessed an impatience for purely technical positions, particularly in the criminal law field. Yet he was a staunch defender of fundamental rights.

Seventh, there was a complete absence of pride in his authorship. This is an attribute so desirable in a multiple judge court. Only with diffidence did he make necessary suggestions for the

writings of others but he welcomed suggestions for his own opinions.

Eighth, he was a man absolutely without pretense. He was quick to detect pretense in another, either as an individual, as counsel, as litigant, or, especially, as judge.

Ninth, he was a man of great modesty. This was genuine and never false. He took his oath for this court, as he once told me, by “going over to Minneapolis one day to get Judge Booth to swear me in”. The personal trappings of the court and its insignia were not, as such, for him; yet he insisted on dignity and formality and orderliness in its procedure. He never officiously put forward his own strength or his own importance but he also never hesitated to use that strength and his unlimited supply of judicial courage when these were needed. He would have preferred, I am sure, to have had no Memorial here today.

Tenth, he was possessed of dry and subtle and spontaneous humor based in his New England ancestry, in his knowledge of history, and in his interest in people. He had unlimited ability to temper tension with the welcome softness of his humor. All of us enjoyed this, thrived and relaxed under it and appreciated its effect and its help.

Eleventh, he was possessed of vast and basic wisdom, good judgment and, to use his own expression, “surefootedness” to a degree one seldom sees.

Twelfth, with all this, he was completely and intellectually honest.

These twelve aspects of John Sanborn’s character—love for his court, devotion to the law, fairness, genuine friendship, helpful-

ness, impatience with technicality, absence of pride, lack of pretense, modesty, humor, judgment, and intellectual honesty—are some of those which made up, as we knew him, the man and the judge. They combined with others to create a personality whom we admire and respect and love, whose presence and friendship we cherish, whose absence leaves us empty and hollow, but whose spirit and example and judgment remain ever a part of the Eighth Circuit.

Just two years ago, on September 12, 1962, in this courtroom and from this bench, Judge Sanborn gave the response for the court in the Memorial for Judge Seth Thomas. He concluded with the comment,

“It has always seemed to me that the greatest tribute that can be paid to any judge is to have his associates able to say, with truth and sincerity, that the court upon which he served was a better court because he had been a member.”

I am sure that those good friends of Judge Thomas who are here will not mind if we use the same words again today—the Eighth Circuit is a better court because John Benjamin Sanborn graced it with his character, strengthened it with his strength, lifted it with his wisdom, assured it with his judgment and his courage, made it cooperative and happier with his humor, and leveled it with his self-restraint

And so we join with Judge Nordbye in saying “Blessed be his memory.” And we gratefully acknowledge the strange ways of fortune which sent John Sanborn here to this bench in the first place, which kept him here so long, and which now send us, who remain behind, on the court’s continued way, better because he was among us. This is the positiveness and this is the assurance which emerges from great loss. The emphasis, as he would have

it, is on the future not on the past. It is on the court's continued standing and integrity. It is on its ascertainment and development of the law as best frail men, who try to be judges, are able to find and to administer it. This is the legacy which Judge Sanborn and, also, the other departed members of this court have always left. May we rejoice in that legacy and may we profit by what they have given us in their lives and of themselves.

JUDGE JOHNSEN: The members of the Court join fully in what Judge Blackmun has said, and indeed in all that has been expressed here today. I would add merely a brief closing note.

I should like to call to mind and to have noted for the record of these proceedings the fact that an era in the history of this Court has come to a close.

For over seventy years, from the creation of the Court, down to the death of Judge John B. Sanborn, the Court of Appeals for the Eighth Circuit has borne a Sanborn identification, by which it has in large measure been symbolized.

This began with the appointment of Judge Walter H. Sanborn, a cousin of Judge John B. Sanborn, as one of the original judges of the Court following its creation in 1891. Judge Walter H. Sanborn served as a member of the Court until his death in 1928. Judge John B. Sanborn was at that time a District Judge but he was called upon to sit frequently on the Court of Appeals until his appointment thereto in 1932. Thus, from the time that the Court began and until Judge John B. Sanborn's death, the Sanborn name and the Sanborn character have been an integral part of this Court. They have served to give the Court a great deal of its judicial reputation.

Such a long stamp of identification is unique in the history of the federal judicial system. It is unique in the renown which it has

involved as well as in its length. It is only rivalled, but not surpassed, by the service, identification and distinction which have been given to the Court of Appeals for the Second Circuit by the two Hands, Judge Learned Hand and Judge Augustus Hand.

It is with some sadness that we must let the Sanborn era pass and set upon another. The pride, the pleasure and the satisfaction which have come to us from it, both judicially and personally, will, however, be treasured by us for many years, and so also will its aura remain hovering in our courtroom.

The proceedings which have been had here this morning will be spread upon our records. In honor and tribute to Judge Sanborn, the Court will stand in adjournment for the rest of the day. ■

III III III

These memorial proceedings appeared first at 358 F.2d 4-20 (1964).

Justice Charles E. Whittaker and Judge Gunnar H. Nordbye each contributed “A Tribute to John B. Sanborn,” 44 *Minnesota Law Review* 197-204 (December 1959). The most thorough study of Sanborn is Thomas H. Boyd’s “The Life and Career of the Honorable John B. Sanborn, Jr.,” 23 *William Mitchell Law. Rev.* 203-312 (1997).

In his history of the Eighth Circuit, Jeffrey Brandon Morris devotes a chapter to “The Sanborn Court, 1929-1959.” See *Establishing Justice in Middle America; A History of the United States Court of Appeals for the Eighth Circuit* 97-139 (University of Minnesota Press, 2007).

Memorials to several members of the Sanborn family are posted on the MLHP: “Edward Peyson Sanborn (1853-1934)” (MLHP, 2010), and “Walter Henry Sanborn (1845-1928)” (MLHP, 2011-12).

III • III