

WILLIAM A. KERR

(May 21, 1867 – April 16, 1919)

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(ca. 1896)

In late 1888 or early 1889, twenty-one year old William A. Kerr, a graduate of New Brunswick University and a member of the Canadian bar, moved to Minneapolis, was admitted to the bar a few months later and joined a prominent law firm. Unlike most lawyers, he had ambitions for the bench. In 1894 he ran as the Republican-endorsed candidate for Special Judge of the Minneapolis Municipal Court. The results of the election on November 6, 1894, were:

Raleigh A. Daly (Independent).....2,173
Charles J. Robertson (Prohibition).....1,201
Francis X. Claffey (Peoples').....5,744
Henry S. Mead (Democrat).....9,424
William A. Kerr (Republican).....19,167¹

To understand Kerr’s “special” judgeship it is necessary to go back to the legislation establishing the municipal court of Minneapolis in 1874.² It authorized one municipal court judge, and also required a Court of Common Pleas judge to substitute when the municipal court judge was unavailable.³ But this was not a practical solution to the “unavailability” problem because the Court of Common Pleas already had a full calendar. In sessions in 1877 and 1878, the legislature created a “special” municipal court judge to fill in when the regular municipal judge was unavailable; the part-time Special Judge was elected to a three year term and paid \$8 a day.⁴ In 1889, the Minneapolis Municipal Court Act was

¹ Report of Special Committee to Canvas Election Results, Minutes of the Minneapolis City Council, November 12, 1894, at 704-710.

² 1874 Special Laws, ch. 141, at 362-272. It was approved February 13, 1874.

³ 1874 Special Laws, ch. 141, § 19, at 371.

⁴ The following is the 1877 law authorizing the election of a “special” municipal court judge:

There shall be one special judge of said municipal court, whose manner of election, term of office, powers, duties, and qualifications shall be the same as those of municipal judge, except as otherwise provided in this act, and his successor shall be elected, and vacancies in his office filled in like manner. The Governor shall immediately appoint some person duly qualified to fill the vacancy in the office of the said special judge, until his successor be elected at the next general city election, and qualified. In case of a press of business in said court, at the request of the municipal judge, or in case of the absence or sickness of the municipal judge, at the request of the mayor or acting mayor of said city, the said special judge shall act as judge of said court, and when the special judge so acts at the request of the [said]

revised once again: the Special Judgeship became full time, with a six year term, and annual pay of \$3,000.⁵ Kerr was elected under this law in 1894.

In 1896, the *Minnesota Law Journal* published this flattering profile:

Few lawyers have had so much legal experience crowded into a comparatively few years of active life as William A. Kerr, one of the judges of the municipal court of Minneapolis.

He was born on a farm in New Brunswick, Canada. After graduating from the university of N. B. he studied law at St. John, N. B., with Weldon & McLean, one of the leading law firms of Canada. During his course of study there he received a complete insight into the theory and practice of the English common law.

Coming to Minneapolis in 1888, Mr. Kerr entered the office of Russell, Calhoun & Reed. When Judge Russell retired from this firm prior to going on the district court bench, the business was continued by Louis A. Reed and Mr. Kerr, under the firm name of Reed and Kerr — the firm becoming later Reed, Kerr & Dougherty.

Mr. Kerr was elected one of the judges of the

municipal judge, the said special judge and the municipal judge may each have and exercise the powers of the said court. The said special judge shall not act on the trial or examination of any case or otherwise, except as above provided; and such special judge acting as judge of said court, shall receive compensation from the city at the rate of eight dollars per day, in the absence or sickness of the municipal judge, but not when acting at the request of the municipal judge, unless the city council shall, previous to the performance of such services, so direct. This section shall not incapacitate such special judge from acting as attorney in any case in said court, but when such judge is acting as such judge of said court, he shall take no action in such case, save to adjourn the same.

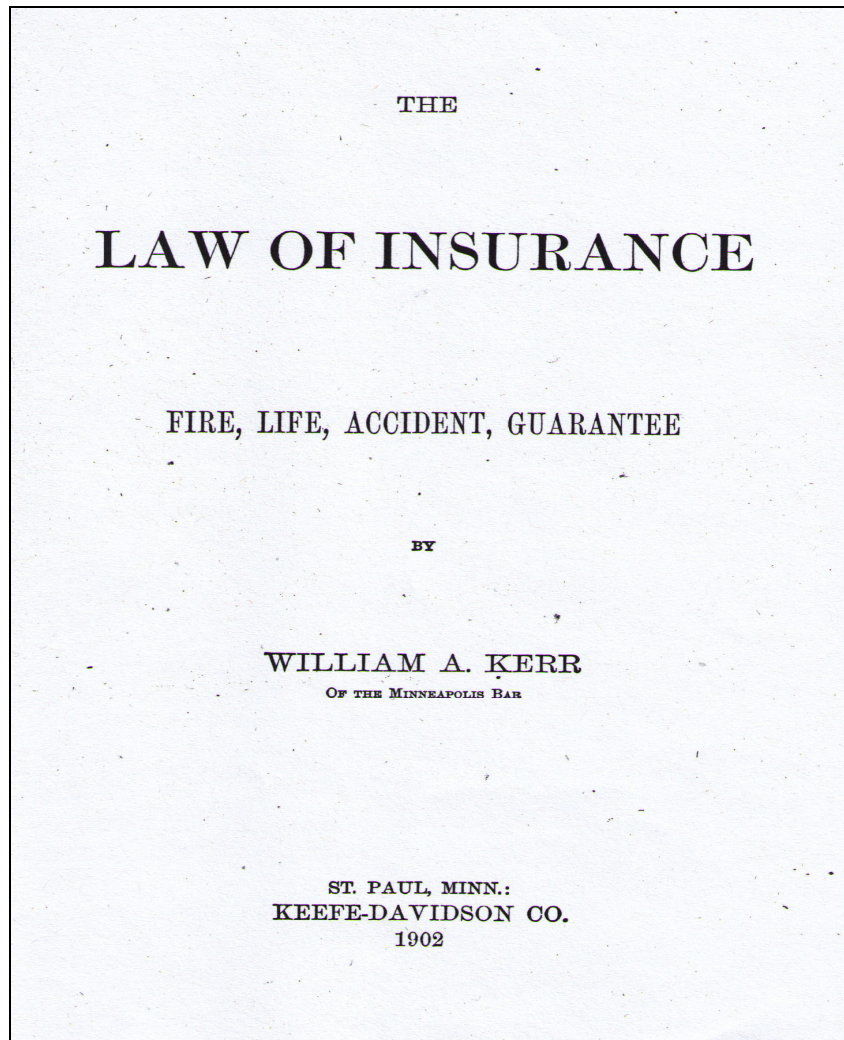
1877 Special Laws, ch. 178, § 1, at 240. The Minneapolis Municipal Court Act was revised the next session. See 1878 Special Laws, ch. 65, at 328-333.

⁵ 1889 Special Laws, ch. 34, at 558-611. Sections 4 and 18 set the term length and salary. Under §20, Hennepin County District Court judges were required to substitute in cases of sickness or absence of the municipal court judges.

municipal court of Minneapolis in 1894. He is known as a conscientious and fearless judge. Cases heard by him are disposed of promptly.

The judge is an active member of several social and athletic organizations.⁶

He did not seek re-election.⁷ Back in private practice, he continued work on a book on insurance law. It was published in 1902.⁸



⁶ 4 *The Minnesota Law Journal* 139 (July 1896) (a sketch of Kerr in this article is posted above).

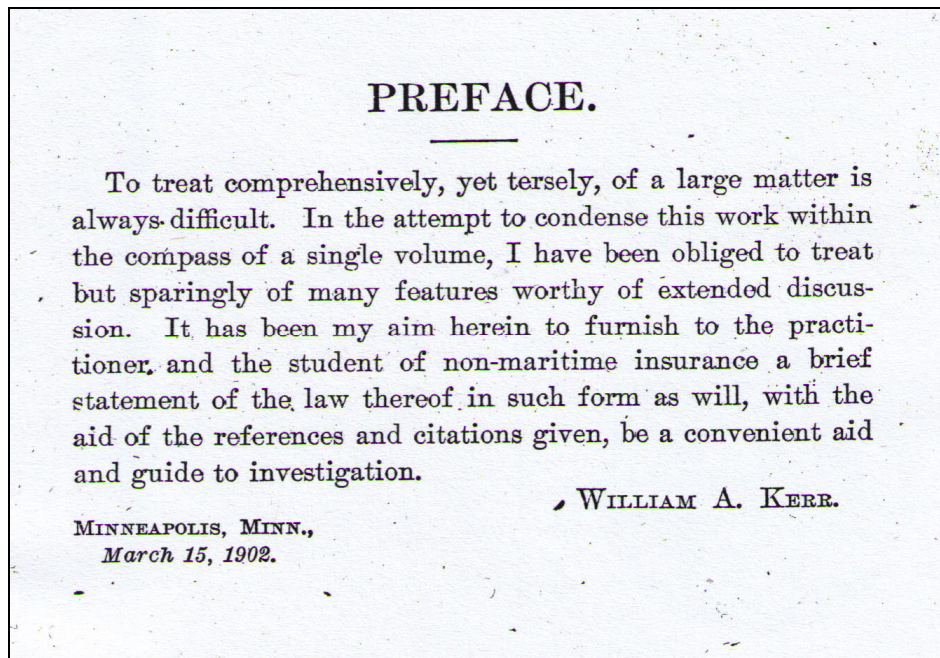
⁷ In the November 1900 election for Special Judge of the Minneapolis Municipal Court, Republican Horace D. Dickinson defeated Democrat Frank T. Corrison. See Proceedings of the City Council of Minneapolis, November 16, 1900, at 472.

⁸ A fragile copy rests in “storage” in the Law Library of the University of Minnesota Law School.

“Kerr on Insurance,” a 917 page tome, appeared during the Golden Age of law treatises. Lawrence M. Friedman writes:

As the population of cases exploded, treatises were needed more desperately than ever. No single writer dared state all of American law any more. But texts and treatises of all types poured off the presses, on specific subjects, to turn a profit and help lawyers in their work. It has been estimated (perhaps conservatively) that a thousand treatises or so were published in the last half of the nineteenth century. Overwhelmingly these were American treatises, rather than American editions of British books.⁹

Kerr’s audience, like those of other treatise writers, was the practitioner who needed help deciphering the hieroglyphics in insurance contracts:



He did not write another book. A profile in *The Book of Minnesotans*, published several years later, presents him as a socially prominent lawyer practicing successfully in his own firm:

⁹ Lawrence M. Friedman, *A History of American Law* 476-77 (3rd ed. 2007).

KERR, William A., lawyer; born at Chatham, New Brunswick, Canada, May 21, 1867; son of William and Jane (Loggle) Kerr; educated in Chatham graded and high schools and University of New Brunswick; unmarried. Studied law in New Brunswick; came to Minneapolis, Jan., 1889; admitted to practice law, April, 1889; elected Judge of Municipal Court of Minneapolis, serving term of 6 years; senior member of Kerr & Fowler, since 1905. Author: Kerr on Insurance. Republican. Mason, Shriner; member B. P. O. E. Clubs: Minneapolis, Minikahda, Commercial, Minneapolis Whist. Recreations: Fishing and hunting. Office: Suite 401, Loan and Trust Bldg. Residence: 408 E. 14th St., Minneapolis.¹⁰

The Judge died on Wednesday, April 16, 1919, a victim of the influenza pandemic. He was fifty-one years old. The evening *Minneapolis Journal* carried his obituary:

**W. A. Kerr Dies at
Excelsior Springs
From Pneumonia**

William A. Kerr, formerly municipal judge, and an attorney in Minneapolis for the last 30 years, died early today at Excelsior Springs, Mo., from pneumonia following an illness of three weeks.

Judge Kerr was born in New Brunswick, Canada, in 1867, and attended the University of New Brunswick, from which he graduated in 1887. He studied law and came to Minneapolis in 1888. Here he entered the law firm of Russell, Calhoun & Reed, which later became Reed & Kerr. In 1894 he became judge of the municipal court, holding office for six years. Following his term of office he went into partnership with

¹⁰ Albert N. Marquis, ed., *The Book of Minnesotans: A Biographical Dictionary of Leading Men of the State of Minnesota* 279 (1907).

Judge Fred V. Brown. At the time of his death Judge Kerr was a member of the firm of Kerr, Fowler, Schmitt & Furber.

Judge Kerr was a member of the order of Elks, and was affiliated with the Commercial club of Minneapolis, and the Minikahda, LaFayette and Republican clubs.¹¹

At the annual convention of the Minnesota State Bar Association in 1921, a committee presented the following memorial, which asserted erroneously that he served on the Fourth Judicial District Court from 1905 to 1908:

William A. Kerr died at Excelsior Springs, Missouri, April 16th, 1919, a victim of influenza. He came of Scottish ancestry, and was born at Napan, New Brunswick. He graduated from the University of New Brunswick in 1887, with the highest honors, and thereafter entered the law office of Weldon & McLean at St. John, New Brunswick. In 1889 he removed to Minneapolis, and in due course, became a citizen of our country. In his youth he was an athlete of note and distinction, and at one time was a member of the famous "Lurline Boat Club." Upon his arrival in Minneapolis he entered the well known law firm of Russell, Calhoun & Reed, which later became Reed & Kerr. He was elected a Judge of the Municipal Court of Minneapolis in 1895. About this time he prepared and published "Kerr on Insurance." Upon leaving the

¹¹ *Minneapolis Journal*, April 16, 1919, at 8 (photo and funeral arrangements omitted). The *Minneapolis Tribune* carried a similar story the following morning under the headline, "W. A. Kerr, Pneumonia Victim." It concluded with a reference to a trial Kerr was to start that day:

Mr. Kerr had been engaged as counsel for Albert H. Hall, whose trial in district court on a charge of attempted bribery is set for today. Mr. Hall was out of the city yesterday, so it could not be learned whether he would be ready to substitute counsel at short notice.

Minneapolis Tribune, April 17, 1919, at 14.

bench, he became a partner in the firm of Brown, Kerr, Merrill & Buffington. He was appointed by Governor Johnson, to the District bench of Hennepin County, in 1905 and resigned in 1908. At about this time also he formed a law partnership with Charles R. Fowler. At the time of his death, he was a member of the law firm of Kerr, Fowler, Schmitt & Furber. He was a popular member of many clubs, and fraternal orders. Mr. Kerr's predominating characteristics were industry, courage, integrity, and steadfastness.¹² □

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RELATED ARTICLE

Judge Kerr's treatise on insurance law is posted in its entirety in the "Treatises" category of the archives of the MLHP.

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William A. Kerr should not be confused with Charles Deal Kerr (1835-1896), a civil war hero who served on the Second Judicial District Court from 1889 to his death on December 25, 1896. An article on Charles Kerr will be posted on the MLHP at a later date.

The names and service dates of all Judges of the Minneapolis Municipal Court are listed on the Minnesota Election Trends Project website. electiontrendsproject.org. ■

¹² *Proceedings*, Minnesota State Bar Association 227-28 (1921).

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