

EPISODES IN THE LIFE OF JAMES MANAHAN

Chapter One

The Making of *Trials of a Lawyer*

By

Douglas A. Hedin

Minnesota Legal History Project
minnesotalegalhistoryproject.org

• 2020 •

**In Memory
of
Kathryn Manahan**

**“ The life of a great advocate is a social document,
for he impinges in his work on public affairs,
commercial affairs, and the domestic affairs
of all classes of the community.
And these cases added notable pages;
for in one we can feel the throb of human emotion
and in the other we can lay our finger
on the pulse of national feeling. ”**

**Derek Walker-Smith
*Lord Reading and His Cases:
The Study of a Great Career*
(1934)**



JAMES MANAHAN

1914

Minnesota Wins Big Victory in Its Rate Case

was the banner headline a quarter inch above the familiar “Black Letter” typeface of the *St. Paul Pioneer Press*, Minnesota’s most influential newspaper, on June 10, 1913. The story was subtitled,

Authority of States to Regulate Rates Upheld by U. S. Supreme Court—Epoch-Making Decision Is Given by Highest Federal Tribunal in Famous Minnesota Case.

Above the fold were photographs of the “Leading Figures in the Minnesota Rate Case”: Thomas D. O’Brien, Edward T. Young and Edmund S. Durment, attorneys for the state, Pierce Butler and Jared How, attorneys for the railroads’ stockholders, and Judge William H. Sanborn, whose decision was reversed. Two others articles, *The History of Minnesota’s Long Battle for Lower Railroad Rates* and *Chronology of the Minnesota Rate Case*, traced the origin of the litigation to laws the state legislature passed in 1907 reducing passenger and commodity rates charged by railroads.

James J. Hill, when pressed for his opinion by a *Pioneer Press* reporter, replied that he did not have anything to say, and then, pointing to a pillar on the fourth floor of his office building, snapped, “You may just as well go to some lamp post and talk. I will never say anything.”

The newspaper quoted former Attorney General Young as telling his colleagues, “Boys, we’ve won the rate case.” It reported that “the news had spread over the city like wild-fire. Telephone calls began to come into the attorneys’ offices congratulating them on their victory.” Another article, *State Commission Sees Vindication*, quoted Charles E. Staples, a member of the Railway and Warehouse Commission, as crowing, “It certainly is good to know that the Supreme Court does not think this commission acted arbitrarily in fixing rates. I was so closely connected with the making of these tariffs that I feel that it is a sort of personal triumph.”

But ten days later the *Northfield News* responded to Staples’ claim of credit in an editorial dripping with contempt:

It is interesting to note that Commissioner Staples concludes that he has been indorsed by the decision of the United States supreme court in the Minnesota rate cases. Those familiar with recent rate history in this state, however, will hardly be inclined to conclude that the part played by Mr. Staples is as important as he imagines or that he has any special reason for patting himself on the back. There was a day when Mr. Staples, like Mr. Mills and Mr. Young, then a member of the commission, was ready enough in the matter of rates to make a compact with the railroads adverse to the public interest and the only reason it was not made was the publicity forced upon the commission by the Shippers & Receivers association when it broke into the game. The new rates followed the fight Mr. Loftus, Mr. Manahan and others put up before the commission as a result of which Mr. Manahan was denied the right to appear as counsel before that body. Legislative action followed hard upon this. The commission may find it convenient to claim credit for what it was reluctantly compelled to do, but there are those who are sufficiently familiar with the facts to put a different estimate on the importance of the part the commission played in securing for the state the just and equitable rates to be enforced.

The *Northfield News* got it exactly right: the *Minnesota Rate Cases*, in some respects a culmination of the Progressive Movement's attempt to reign in the roads, can be traced to James Manahan, George Loftus and other reformers. Curiously, in his memoir, posthumously published twenty years later, Manahan does not claim responsibility for victory in this case. In fact he cites it only once, in passing, in a footnote no less.

The Making of *Trails of a Lawyer*

Toward the end of his life, James Manahan suffered from “a nervous disorder”¹ and it is with a high degree of confidence that we can speculate that during those difficult days his daughter Kathryn encouraged him to write his memoirs as a means of combating or relieving his depression.² The result was *Trials of a Lawyer*.

Manahan and his daughter conceived the book as a joint effort in which they would write alternating chapters—one by him on episodes of his public life followed by one by her on their family, friends and cases he chose not to write about. In a tongue-in-cheek cover letter to New York publishers in 1931, he wrote:

My career as a lawyer, politician and member of congress, covering one-third of a century, was an interesting one, to me at least, and might have historic value.

¹ Transcript of memorial by James Daggett to the Ramsey County District Court on March 31, 1932. Manahan Papers, Box 3, Minnesota Historical Society, St. Paul, Minnesota (“It was his intense and untiring efforts on behalf of [agricultural interests and associations] that brought on a nervous disorder and undoubtedly hastened his death.”) (hereafter “MP Box ___”). Manahan himself refers to his “failing health.” *Trials of a Lawyer*, at 248 (hereafter “TOL, at ___”).

It is evident from the last paragraph of his memoir that his political spirits were at a low ebb as well. He wrote it in the second year of the Great Depression; farmers—his constituents—had suffered terribly since the end of the War; the issues that made him well known during the Progressive Era were no longer even discussed; while Louis D. Brandeis, an ally in the railroad rate battles, served on the Supreme Court so did Pierce Butler, now an ultraconservative justice who once was his comrade in the presidential campaign of William Jennings Bryan in 1900. For good reason he was despondent.

² A belief that her father would benefit from memoir writing should not detract from her conviction that the final product was an important historical document. In a passage from her side of the book that also reveals her limitations as a writer, she recalled, “To be the daughter of a prominent man was then, as it is now, an interesting fate. It had a way of putting one in the shade which was both refreshing and invigorating. When the happenings of my own life lack in interest, my father’s life continues to be engrossing. It was so in infancy, when my father’s homecomings had a glamour which made one prepare, much in the spirit of the lad in the Arabian Nights, for what was going to happen next. To take a seat on the magic carpet of his remembrances and to be carried far a-field to the land where he spent his days, was always the most interesting of adventures.” Kathryn Manahan Papers, Ch. II (2) (underlining in original), in MP Box 3 (hereafter “KM at ___”). Kathryn’s papers are filed within her father’s, mostly in Box 3.

I am submitting this autobiography as a true story of one strenuous life. In alternating chapters my daughter contributes biographical side lights to relieve the monotony of my awkward style.³

This format did not sit well with New York publishers. Three rejected it. An editor of the Viking Press replied, “The arrangement of alternating chapters by yourself and your daughter is, indeed, a very novel and attractive idea; but our readers found that, in fact, it resulted in a certain spottiness, lack of continuity, and repetition. We did not, all things considered, find your writing at all an example of ‘monotony of awkward style.’”⁴ This criticism was taken to heart by Kathryn when she edited the book for publication because her chapters are absent. Nevertheless they are important because the published version contains only fleeting references to his wife and the lawyers who practiced with him, matters she addresses.⁵ The book actually covers only some his legal and political activities from the late 1890s to the early 1920s—about a third of his almost sixty-six years of life.

He wrote at a very high level. He surprises and entertains and, like all good memoirists, educates. It is easy to read his account of his near lynching in Lakefield in 1918 and imagine it as a gripping one act play (later he wrote a short story about it). However, he never got over his infatuation with “judicial recall” and interrupts—or more

³ Letter to Benjamin W. Huebesch, an editor at the Viking Press, January 30, 1931, enclosing manuscript. MP Box 3.

⁴ Letter from D. Zabladowsky to Manahan, April 3, 1931. MP Box 3. Dora B. Haines, who had contacted him while researching a book on the Lindbergh family, reached the same conclusion: “As I have roughly figured you have about a hundred and thirty thousand words as the manuscript stands now. Kathryn has written a trifle over a third of it. The difference in phraseology does not make a smooth piece of continuous writing....The differing styles does (sic) not make for a smooth reading.” Undated letter (probably 1930) from Haines, co-author with Lynn Haines of *The Lindberghs* (1933). MP Box 3. The published text of TOL has around 56,300 words.

⁵ Manahan associated with Jeanette Hoogesteger and Thomas V. Sullivan the longest; they likely were office-sharing arrangements.

accurately disrupts—his swift-paced stories with an old speech on the subject.

His writing reflects his personality. Reading the book we glimpse his energy, his disappointments, his impulsiveness, his irony, his wit, his abundant self-confidence. As the pages turn we hear subtle changes in his voice, from the indignation and passion of the 1906 rate hearings to the somber account of his trial for inciting a riot during the “War of St. Paul” in 1917. His “trials” are not courtroom contests, rather the challenges he faced in a few of the public controversies of the Progressive Era in Minnesota.

Trials of a Lawyer was privately published in 1933, a year after Manahan’s death on January 8, 1932.⁶ In letters to friends and political allies, his daughter offered it for sale for “not more than two dollars a volume.”⁷ Only a few hundred copies were printed, but now it is accessible on the internet through the Library of Congress’s National Digital Library Program.⁸ The complete text is also posted on the Minnesota Legal History Project website.

Some readers may ask, why retell a story that has been told so well?⁹ The fact is, Manahan’s memoir omits much. Digging deeper, more complete accounts of his “trials” emerge. As readers will quickly learn, they are at times more interesting than the originals though not as well written.

⁶ It was printed by the Farnham Printing & Stationery Co. of Minneapolis. It was not copyrighted. It was reviewed by George M. Stephenson, 15 *Minnesota History* 337-339 (September 1934).

⁷ Letter from Kathryn Manahan to George C. Lambert, July 25, 1933. MP Box 3.

⁸ See Library of Congress, “Pioneering the Upper Midwest: Books From Michigan, Minnesota and Wisconsin, ca. 1820-1910.”

⁹ There is only one study of Manahan’s public career, an honors thesis submitted by Carlyle Bayer to the Department of History, Hamline University: “‘The People’s Lawyer’: A Study of the Life of James Manahan and His Part in the Progressive Movement of the Middle West” (June 1937) (on file at the Minnesota Historical Society).

Granted, it is unusual for a writer to suggest that his readers stop and turn to something else but to more fully understand James Manahan, it is advisable to first read *Trials of a Lawyer* and then turn to the studies of episodes in his life that follow. ■: