

**MEMORIAL SERVICES
FOR DECEASED MEMBERS**

of the

**RAMSEY COUNTY BAR
ASSOCIATION**



Held at the

COURTHOUSE

Saturday, March 31, 1956

RAMSEY COUNTY BAR ASSOCIATION
ANNUAL MEMORIAL SERVICES

Court House, Saturday, March 31, 1956, 10:00 A.M.

On Saturday, March 31, 1956, Memorial Services in honor of those members of the Ramsey County Bar who died during the past year were held in the Court House.

STATE OF MINNESOTA, COUNTY OF RAMSEY.
District Court, Second Judicial District.

Present: Judge John B. Sanborn of the United States Circuit Court of Appeals; Judges Robert C. Bell, Dennis K. Donovan and Edward J. Devitt of the United States District Court; Chief Justice Roger L. Dell, and Associate Justices Leroy E. Matson, Martin A. Nelson and William P. Murphy of the Minnesota Supreme Court; Judges Carlton McNally, Clayton Parks, Albin S. Pearson, Robert V. Rensch, Royden S. Dane, Arthur A. Stewart, James C. Otis and Ronald E. Hachey, and retired Judge Gustavus Loevinger of the Ramsey County District Court; Judge Andrew A. Glenn of the Ramsey County Probate Court; Judges Edward D. Mulally and J. Jerome Plunkett of the St. Paul Municipal Court.

Also present: Officers and members of the Ramsey Bar Association, and families and friends of deceased members of the Bar.

Judge McNally: Pursuant to a custom of long standing we are met here today for the purpose of paying thoughtful tribute to the members of the Bench and the Bar who have passed away during the preceding year. As is customary, these exercises today will be conducted by the Ramsey County Bar Association, and the Court will at this time recognize Mr. Philip Stringer, the President of that Association.

Mr. Stringer: Thank you, Your Honor. The arrangements for the presentation of these memorials have been made by Mr. R. Paul Sharood, Chairman of the Committee on Memorials, and I ask that the Court at this time recognize Mr. Sharood, Chairman.

Judge McNally: The Court at this time recognizes Mr. R. Paul Sharood of the Ramsey County Bar Association.

Mr. Sharood: Thank you, Your Honor. It is indeed right and proper that we assemble here on this Easter Saturday morning to honor the memory of those of our brethren of bench and bar who died during the past year. Memorials have been prepared and will be presented for the following:

The Honorable
JOHN W. BOERNER
The Honorable
THEODORE CHRISTIANSON, JR.
ARTHUR CHRISTOFFERSON
JOHN C. DeCOURCY
CLARENCE A. MALEY
WILLIAM D. MITCHELL
ARTHUR E. NELSON
PATRICK J. RYAN
THOMAS W. WALSH
CHARLES H. WEYL

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A committee composed of Wilfrid E. Rumble, Chairman, Carl W. Cummins and John Christopherson have prepared a memorial to the Honorable John W. Boerner, and it will be presented by Mr. Rumble.

Mr. Rumble read the memorial for Judge Boerner.

MAY IT PLEASE THE COURT:

John W. Boerner was born in Fort Hayes, Kansas, on August 16, 1874. The Boerner family moved to Saint Paul in 1881 and Judge Boerner spent the remainder of his life in that city. His father, Ernest Boerner, was born in Germany, immigrating to this country when 17, and for most of his life he was an able and respected officer of the Saint Paul Police Department. His mother, Sarah Clancy, was born in Ireland and immigrated to the United States when she was 13.

Judge Boerner graduated from Webster Grade School and Cretin High School in Saint Paul and from the St. Paul College of Law in 1903. He was in the general practice in St. Paul for four years; was an associate

of the Honorable Thomas D. O'Brien during the time he served as Insurance Commissioner of Minnesota; then served as Assistant County Attorney under Richard D. O'Brien and became a Municipal Judge of St. Paul on June 6, 1914. He held that office until elected a District Judge in 1922. He assumed office as a District Judge on January 1, 1923 and remained a Judge of the District Court of Ramsey County until his retirement in 1949. He was elected to that Court for five successive terms, sure evidence of the great respect in which he was held by the people of Ramsey County.

Judge Boerner earned his way through high school and law school and during the latter part of that period worked for the Northern Pacific Railway Company. As a young man, he was active in baseball, tennis and ice skating and in later years was an enthusiastic hunter and golfer. He continued to play golf until within a few years of his death. Many of our older citizens will remember his interest in skating and the old Hollow skating rink which adjoined the family home on St. Anthony Avenue and which Judge Boerner actively supported for many years. As a result of his sports activities, Judge Boerner became and remained until his death a real sports enthusiast. He actually made a graph of each of the Minnesota football games and watching fights on television scored each round and picked his winner. We of the Committee have played golf with him through many years and know what a delightful companion he was and how much he enjoyed that game.

The members of the Bar of this County and his associates on the bench knew Judge Boerner well and it is principally for the benefit of others who may see this Memorial that we recite what immediately follows.

Thirty-five years of Judge Boerner's life were spent on the Municipal and District Court benches of this City and County. In performing the duties and responsibilities of those offices, he exhibited the same qualities which endeared him to all who knew him outside of his profession. He was a friendly, kindly, understanding and considerate man with a knowledge of people of all classes possessed by only a few. He had a delightful sense of humor, a sound reservoir of common sense and high integrity and great courage. In addition, he had a wide knowledge of history and current events. All of these attributes endeared him to his family and made him a splendid companion on the golf course and in those sports in which he participated. When these qualities are added to his intense desire to see justice done to all litigants in his Court and to his abiding confidence in the honesty, and

sincerity of the average American, it is easy to understand why he was an outstanding judge whose record in the Supreme Court of this State is probably surpassed by none and equalled by few other judges.

Judge Boerner was especially considerate of younger members of the Bar and always ready to lend them a helping hand. This was a trait which stemmed from his days as a young lawyer during which he was the confidant of and advisor to all the boys of his neighborhood and was always ready to help them in their athletic activities. He was patient with all lawyers and a good listener and he seldom interfered with lawyers in the trial of a case. We can remember him, when discussing matters in his chambers, lighting up his big, curve-stemmed pipe, leaning back in his chair and quietly smoking and listening to our arguments, usually with a twinkle in his eyes, rarely changing his expression, saying little but almost always coming up with the right answer. He was a comfortable Judge to practice before and was held in the highest esteem by all members of our Bar. We suffered a grievous loss when advancing years compelled his retirement.

Judge Boerner died in Saint Paul. on November 9, 1955, at the age of 81 years. He left surviving his wife, the former Marguerite Gravel to whom he was married on August 1, 1913, two daughters, Betty Boerner and Margaret G. Miller and two sisters, Sally Boerner Cook and Julia Boerner. They have suffered the loss of a loving, kind and considerate husband, father and brother and to them, on behalf of the Bar of Ramsey County, we extend our deepest sympathy.

Respectfully submitted,
WILFRID E. RUMBLE, Chairman
CARL CUMMINS
JOHN CHRISTOPHIRSON

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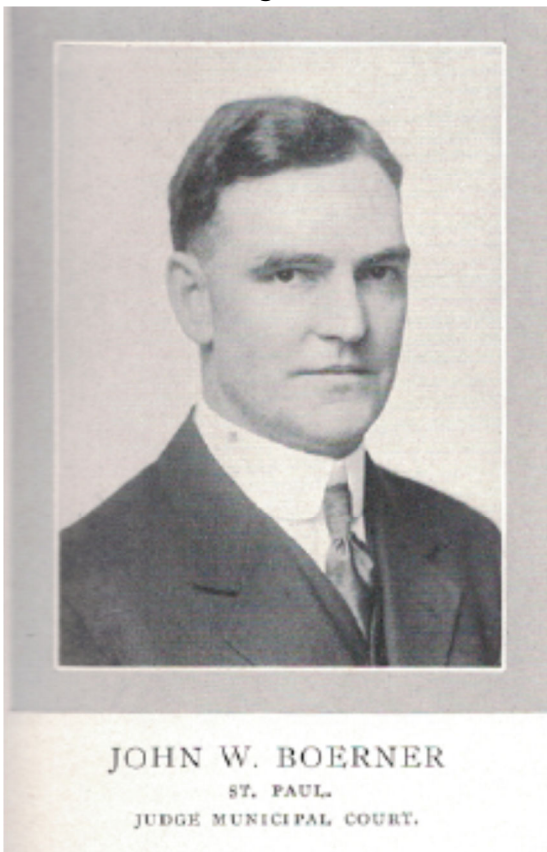
Mr. Sharood: On behalf of the Judges of the District Court of Ramsey County, a separate memorial will be presented by the Honorable Arthur A. Stewart for Judge Boerner.

Judge Stewart read the memorial for Judge Boerner.

The Court of which Judge Boerner was a member for so many years, and over which he presided as Senior Judge for the last three years of his active life, feels that it should avail itself of the opportunity to pay him a tribute in addition to that presented by the Bar.

Most all of Judge Boerner's professional life was devoted to the work of the trial judge; for thirty-five years he was a Judge of the Municipal and District Courts of this county. Most of the members of this court served with him on this Bench for many years. His associates on the Bench, and the lawyers who practiced before him, remember him as an excellent judge, a courteous gentleman, and a real friend. His counsel was frequently sought by his associates and friends and his advice was sincere and sound.

Judge Boerner was a good lawyer. The decisions of the Supreme Court reviewing the cases he tried demonstrate that it is not particularly difficult to determine what the law relating to a particular subject matter may be, it is sometimes difficult to apply it to the particular facts. Judge Boerner not only knew and understood the broad principles of the law, but he had a rare judgment in the application of those principles.



The determination of legal principles and their application to particular facts is only part of the work of a trial judge. The broad field of what we lawyers term the discretionary power of the trial court provides the real test of a judge, and presents to him his most difficult and per-plexing problems.

In the determination of questions of fact the trial judge is almost

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supreme; his decision is to all intents and purposes final. The trial judge must determine whether the verdict of a jury is consistent with the weight of the evidence. When he tries a case without a jury he must study, weigh and analyze the testimony and determine frequently from a mass of conflicting evidence what the facts really were. When he determines those questions of fact that determination is practically final. The Supreme Court seldom disturbs a trial judge's determination of fact questions.

Likewise in the criminal court, where a large part of the work involves the disposition of cases in which a defendant has pleaded guilty or been found guilty, the trial judge has the responsibility of considering the frequently very difficult question whether the best interests of the State, society and the defendant, require punishment or the granting of probation. His determination of these cases is one of the utmost importance, both to society and the individuals involved. The determination of these questions is the responsibility of the trial judge, and his alone. There is no appeal from his decision.

In the determination of those questions which rested almost solely in the discretion of the trial judge, and in which his decision is practically final, Judge Boerner excelled. He was a keen analyst of facts; he was a shrewd judge of human nature, and he seldom was in error in his determination of what the facts were and what the ends of justice required.

Judge Boerner has now left our midst, and his name now joins the long list of able, conscientious jurists who served on this court in the past. To that long list—Brill, Kelly, Orr, Bunn, Hallam, Lewis, Hanft, Michael, and many others, we now add the name of John W. Boerner.

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Mr. Sharood: A committee composed of Joseph A. Mann, Chairman, the Honorable James C. Otis and Richard A. Moore have prepared a memorial for the Honorable Theodore Christianson, Jr., which will be read by Judge Otis.

Judge Otis read the memorial for Judge Christianson.

If there were to be asked these questions concerning Ted Christianson, namely:

What combination of abilities and capacities won for so young a man such great respect and admiration from the members of the bench and bar?

What unusual talents permitted him to be a genuine and respected friend and advocate of both conservative and liberal, of judges and lawyers, of political friend and political foe, officer and seaman in fact of all he encountered during a lifetime which, while brief in duration, was full in experience?

a great variety of answers varying with the persons asked would be returned. But somehow, in all of them, there would be expressed the thought that in Ted Christianson there were qualities of leadership and a genuine capacity for fellowship surpassed by none. These attributes he demonstrated throughout his entire life, and at his death the persons of high position and low who came silently to share a last moment with the man they deemed their friend, gave eloquent testimony of the influence his life had on them and so many others.

Perhaps in his record of accomplishments may be found the thread that marked with greatness his short career. Early in 1926, just thirteen years after he was born in Dawson, Minnesota, he displayed his interest in and zest for politics. At that age, he was elected President of Meritville of Groveland Park School, St. Paul, Minnesota, a student organization of eighth graders. While attending that school, Ted first met one of his classmates, Dorothy Ovrum, who from then on through University High School and the University of Minnesota, was his constant companion and in 1939 became his wife.

Ted's political interests, inspired by the fine example of his father, Governor Theodore Christianson, grew and matured. At the University of Minnesota, as President of the All University Council, he instituted student government reforms which continue to endure. Upon graduation, he became actively interested in the affairs of the Republican party, holding a variety of state and local offices in that organization, but more particularly advising and consulting with party leaders. He was particularly skillful in restoring political harmony when differences in opinion threatened party discord. Time and time again

his counsel was sought out to mend broken fences and to soothe sore wounds.

To civil affairs Ted gave freely and continuously of his time and boundless energy. While President of the St. Paul Junior Association of Commerce in 1943, many of that organization's most worthwhile city-wide programs were, through his foresight, conceived and carried out. His contributions have been memorialized by that organization in one of its top awards, "The Ted Christianson Memorial Award" given annually in recognition of the most outstanding contributions by a St. Paul resident toward civic betterment.

Equally lasting were his untiring efforts in other worthwhile endeavors, among them being the St. Paul Council of Human Relations, where as director, his liberal and humanitarian approach to difficult questions made an enduring impression. The practical application of his knowledge was demonstrated by the many innovations brought about while he was President of the Minnesota Alumni Association. Great as the demands were, he found time for activity in his church, the American Legion, the Masonic Fraternity and many other organizations. As an authoritative and respected public speaker, he was in constant demand.

Ted was among the first to answer the call of duty in World War II. His ability for leadership was quickly recognized and soon utilized. As Fighter Director Officer aboard the U.S.S. Panamint, he served months at battle station both in the Atlantic and in the Pacific. He earned and received a number of military honors and decorations for his service.

Like his father before him, Ted loved the field of law. Upon graduation from the University of Minnesota Law School in 1937 with an outstanding scholastic record, he began the practice of law with the firm of Cummins and Cummins in St. Paul. Not only as a member of the State and American Bar Associations were his abilities soon recognized, but they also were demonstrated in the office and in the trial of many cases in both the State and the Federal courts. As an advocate, his integrity was above reproach. His word was never doubted and his judgment, was held in high esteem by the Courts.

Returning from military service in 1946, he was admitted to partnership and his firm then became Cummins, Cummins and Christianson, where he continued in the active practice of law until at the early age of thirty-seven he was appointed to the highest court of this state, the Supreme Court of Minnesota. That appointment was overwhelmingly

approved in the election immediately following his appointment by the people of Minnesota who accorded him one of the largest majorities ever given an elected public official in this state.

His unusual ability to cope with the most perplexing legal problems was evident from the time he wrote his first opinion for the Court, when he was called upon to resolve a most difficult question, to his last opinion, written, not long before his death at the early age of forty-two, in September of 1955. In that last opinion, Judge Christianson expressed not only the law of Minnesota, but his personal philosophy that the freedom of the people was based upon the fundamental tenet that no person shall be deprived of his right to vote.

Above all, his devotion to his fine family surviving him, Dorothy his wife; Sally, his daughter; and Teddy, his son, will remain a vivid and beautiful memory, for all.

Fortunate, indeed, is the man who can so live that his success in material things will not serve to dwarf his spiritual stature and who, by his example, bids us to have an abiding faith in our institutions and in our fellowmen and to cultivate self-respect in place of self-regard. Such a man was Ted Christianson. May we, because of his example, experience a higher hope and a greater impulse for real and beneficent progress in every field of human endeavor.

Respectfully submitted,
JAMES C. OTIS,
RICHARD A. MOORE
JOSEPH A. MAUN, Chairman

Mr. Sharood: On behalf of the Supreme Court of, the State of Minnesota, a separate memorial has been prepared for Judge Christianson, which will be presented by the Chief Justice Roger. L. Dell.

Chief Justice Dell read the memorial for Judge Christianson.

September 19, 1955, was a day of sorrow for the members of the Supreme Court for it was then we learned that in the early hours of that morning death had taken from his family and from us our colleague, Justice Theodore Christianson, for whom we all had such great admiration and affection.

I had known Justice Christianson since he was a boy dating back to the time that his father was governor Ted, during the summers, worked at odd jobs for his lifelong friend, Roy Dunn at Dunnvilla, in my home county. I last visited with Ted at Dunnvilla where he was spending his annual vacation in the month of August preceding his death. The memory of that last visit will always be cherished.

I watched him grow from a boy into a man, from student into a lawyer, and then into a judge. We became firm and fast friends. It is from such a friendship that you learn to know the man, and are able to appreciate his true worth. As a boy, he was always solicitous of the welfare of his friends and deeply respectful of his elders. He had an outstanding personality, a keen sense of humor, a jovial disposition, and yet was serious and painstaking in all of his pursuits. These traits remained with him throughout his life. There is no one who knew him as a friend who did not become richer through that friendship. In all the years that I knew him I never heard him once speak with rancor toward his fellow men. When others were ready to condemn he would invariably say "Oh, he is a pretty good fellow." Because of these unusual traits, his friends were legion and he had the respect of the leaders of all political parties, of all segments of society and of the rich and the poor alike. I shall not dwell on his work as a lawyer, leaving that for other memorials.

On May 12, 1950, at the age of 37, he was appointed Associate Justice of the Supreme Court by Governor Youngdahl to fill the vacancy created by the resignation of Associate Justice Harry Peterson. At that time he had only been engaged in the practice of law for thirteen years. He immediately applied himself with all his vigor and energy to the arduous task of analyzing records, marshaling facts, studying the law of the cases and writing opinions. He frequently mentioned to me the difficult time he had that first summer as he worked and pondered over an important workmen's compensation case which involved many intricate legal problems. He did his work so thoroughly and well that the opinion, as finally written, has become one of the frequently cited cases of our court. By the time I became a member of the court in January, 1953, he had established himself as one of the best and most thorough members of the court. He was in his chambers early in the morning and seldom left until six o'clock in the evening and when he went home he invariably carried a full briefcase so that he could work on into the night.

It was a fine experience to be a member of the court with Justice Christianson. He had a keen sense of fairness and an eager desire to

do justice. It made no difference to him who the lawyers were, from what judge the appeal had been taken, the names of the litigants or the nature of the cause. His was a constant search for a righteous decision under established principles of law. He possessed a fine legal mind, excellent reasoning powers and was of great help in the conferences so important in the work of an appellate court. And above all else he had the happy faculty of making life easier and more pleasant for his colleagues. There are times on any court when things look dark and dismal. On those occasions the full impact of Judge Christianson's personality and bright outlook on life was felt by all the members of the court. I shall always be grateful for his kindness and patience and for the many nice human things which he did for me and for the members of the court.

It is truly tragic that one so young and competent should die with the very best years ahead of him. What a loss Minnesota has sustained. Had he lived and remained a member of the Supreme Court throughout his working years our people and our institutions would have been materially enriched through his service. He was under pressure to leave the court so that he might be a candidate for governor and also for United States senator. He firmly resisted this pressure since he was first and last a lawyer and he loved his association with his lawyer friends and judges and his work upon the bench.

What the future would have held for him, had he lived, none of us will ever know but of one thing I am certain and that is that in the years ahead he could have held any public office in this state within the gift of man had he so desired. I am sure that the quality of his work contributed much to the reputation of the Supreme Court. His untimely death has created a big void among its members. The memory of our association with him will always nestle close to our hearts and we join with his family and the bar of this state in mourning his loss.

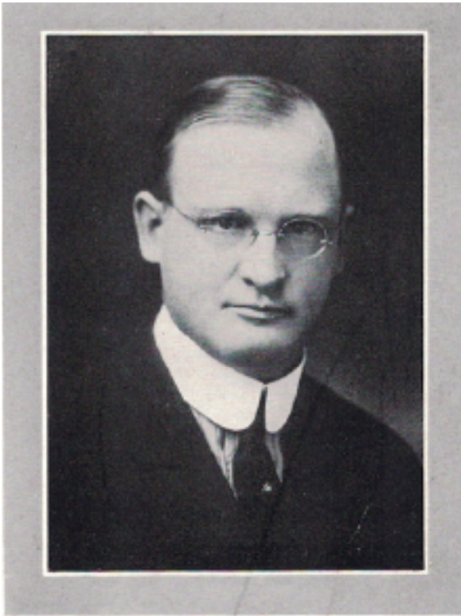
ROGER L. DELL, Chief Justice.
For the Supreme Court.

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Mr. Sharood: A memorial for Arthur Christofferson has been prepared by a committee composed of Charles E. Houston, Chairman, the Honorable J. A. A. Burnquist and Bert McMullen, which will be presented by Mr. Houston.

Mr. Houston read the memorial for Mr. Christofferson.

Arthur Christofferson was born at De Pere, in Brown County, in eastern Wisconsin, on January 14, 1878. Thereafter he resided and attended school at Hudson. While in high school, he was employed in St. Paul by the Northern Pacific Railway Co., in which employment he continued while attending night school at the College of Law at the University of Minnesota. He received his law degree and was admitted to practice in the Minnesota Supreme Court in 1901. During the first year following his admission to practice, he was engaged in the real estate business, in which he prospered. Thereafter he practiced during his entire career at St. Paul.



ARTHUR CHRISTOFFERSON
ST. PAUL.
CHRISTOFFERSON & BURNQUIST, LAWYERS.

For several years he was associated in the practice of law with J. A. A. Burnquist, until he became Governor of Minnesota in 1915. Thereafter he was a member of the firm of Christofferson & Walsh and Christofferson & Christofferson. In 1933 he became a member of the legal staff of the Federal Land Bank of St. Paul and continued there for about four years, when he reentered private practice. In 1939 he became deputy attorney general under Attorney General Burnquist, which position he continued to occupy until his retirement in 1952.

In 1902 he married Lulu Fortune of River Falls, Wisconsin. To them three children were born; John, now a resident of Georgia, Janet, now Mrs. Frank Rhame and Mary, now Mrs. Win Bruckner.

He was a member of Olivet Congregational Church, in St. Paul. For many years he was active in fraternal circles wherein he was promoted to high office. His interest in serving the community was illustrated by membership for several years on the Library Board of the city of St. Paul.

He was recognized by his profession and in the business world as a lawyer of ability. His experience covered a wide range. He was possessed of superior judgment in the disposition of business.

Those who knew him best will always remember his genial nature, his sense of humor, his pride in and love for his family, his loyalty to his friends and his many years of commendable interest in public affairs. In the practice of law and in the conduct of business therewith connected, he staunchly adhered to his opinions as to what he believed to be sound and ethical.

Respectfully submitted,
CHARLES E. HOUSTON, Chairman
J. A. A. BURNQUIST
BERT McMULLEN

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Mr. Sharood: A committee composed of William Dunn, Chairman, The Honorable Edward J. Devitt and O. A. Blanchard have prepared a memorial for John C. DeCourcy, which will be presented by Mr. Dunn.

Mr. Dunn read the memorial for Mr. DeCourcy.

John C. DeCourcy was born on April 23, 1883, at Killarney, Ireland, the son of Triphena Spring DeDourcy and Maurice DeCourcy. John's mother died when he was four years old and John moved to St. Paul at the age of nine years with his father and stepmother, settling on Dayton's Bluff where John continued to live until his death.

John attended Van Buren grade school and thereafter at the age of fifteen years worked as a special delivery boy in the St. Paul Post Office until he passed a Civil Service examination for railway mail clerk. While John was employed as a mail clerk he made a visit to the University Minnesota one afternoon to view the campus and the buildings. While John was resting on the campus lawn near the Law School building, he was approached by a man who identified himself as the Dean of the Law School and during their conversation, John told him of his ambition to study law but as he had only a grade school education, he felt that he would not be permitted to study law. Dean

William S. Pattee suggested that John take a high school examination. John took and passed the examination. He immediately enrolled in the University Minnesota Law School and while attending law school continued working as a railway mail clerk three days a week. He was graduated from the University of Minnesota Law School on February 7, 1908 and admitted to the Bar Minnesota the same year.

A short time later John entered the private practice of law in partnership with Martin Hurley in the Globe Building in St. Paul but continued to work as railway mail clerk for the following three years. From 1916 to 1938 he engaged in the general practice of law in the Commerce Building in St. Paul, during which time he was counsel for the St. Paul Mercantile Company, headed by Albert Wunderlich, and was also counsel for Sam Thompson, Real Estate Broker.

John moved to the St. Paul Building in 1938 where he continued the general practice of law until his death on December 22, 1955, at the age of seventy-two years. He attained a reputation as one of the outstanding criminal lawyers of the Northwest.

John was married on June 20, 1910 to Margaret Gibson of St. Paul at St. John's Catholic Church on Dayton's Bluff. There were two children born of this marriage, namely, Bernice, who lives with John's widow at 889 Hudson Road of this City, and Charlotte, who died November 4, 1946, leaving one son, Michael Conway.

John was a charter member of the St. Paul Athletic Club in which he held a life membership and was a member of the Ramsey County and State Bar Associations since his admission to practice.

For many years John was a member of the St. Paul Lawn Tennis Club and won City and State championships while a member of said Club. In later years he terminated his membership in the St. Paul Lawn Tennis Club to accept a membership in Keller Golf Club where he became an avid and excellent golfer.

John C. DeCourcy will long be remembered by the members of our local and State Bar as a brilliant and capable lawyer and for his Irish wit and humor.

Respectfully submitted,
Honorable EDWARD J. DEVITT
O. A. BLANCHARD
WILLIAM J. DUNN, Chairman

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Mr. Sharood: A committee composed of Arthur J. Donnelly, Chairman, John B. Burke and Richard Powers have prepared a memorial for Clarence A. Maley, which will be presented by Mr. Donnelly.

Mr. Donnelly read the memorial for Mr. Maley.

On May 31, 1955, the legal profession and banking fraternity lost one of the most capable, conscientious and sincere individuals in its membership in the person of Clarence A. Maley. He was born in Saint Paul, Minnesota, August 29, 1893, and spent the greater part of his lifetime in this city. He received his preliminary education in the Monroe Grade School and Cretin High School, graduating from the latter school in 1909. In his boyhood he was actively engaged in athletics and, due to his height, was inclined toward the game of basketball, where he played position of center, and on one or two seasons was the member of a city championship team.

Upon his graduation from high school, he entered the employ of The American National Bank of Saint Paul as a messenger, and remained in the employ of this bank until he enlisted in the Army October 8, 1917. He was commissioned as a lieutenant and saw service overseas. Upon his discharge from the Army in 1919, he immediately resumed his employment at The American National Bank and entered the St. Paul College of Law the following year. Upon graduation from law school, he was admitted to practice before the Minnesota Bar in 1924. In 1923 he was made an Assistant Cashier at The American National Bank, in 1929 Assistant Cashier and Trust Officer, in 1939 Vice President, and in 1941 he was elevated to the position of Vice President and Trust Officer, a position which he held at the time of his death.

Clarence Maley took an unusually active interest in civic matters and the affairs and welfare of his church. As a result, he served on the Winter Carnival Committee in 1916 and 1917, was President of the St. Paul Winter Carnival from 1942 to 1946, and was selected to serve as King Boreas XII in 1949. He was a member of the American Legion, the Midway Club, Saintpaulites, Inc., The Minnesota Club, Phi Beta Gamma legal fraternity, director of the St. Paul Chamber of Commerce, a director in the Saint Paul Athletic Club, President of the American Institute of Banking, Treasurer for many years of the St. Paul Roundtable National Conference of Christians and Jews, President of

the local chapter of the Kiwanis Club, served as President of the Corporate Fiduciaries Association, and was a member of the Ramsey County, Minnesota State and American Bar Associations.

As a member and trustee of the Holy Spirit Church, he gave much of his time to its welfare, and was an intimate friend and financial adviser of its pastor, Father George W. Keefe. He was a member of the Fourth Degree of the Knights of Columbus, and held the office of Faithful Navigator in the years 1928 and 1929.

On August 17, 1929, Mr. Maley married Gertrude E. Billion and became the father of four children, Thomas Jerome, Katherine Anne, Susanne Josephine and John Gregory, who are now ages 23, 21, 19 and 14, respectively

He was intensely fond of his family and took unlimited pride in the achievements of his children. His hobbies were gardening and doing odd jobs about his home.

Clarence Miley was a man whose character and integrity were above reproach, and whose sound judgment was respected and sought by his many friends and fellow officers at The American National Bank. His absence is deeply felt by his family, friends, professional and business associates and particularly among the junior officers of The American National Bank whom he often counseled.

Respectfully submitted,
ARTHUR J. DONNELLY, Chairman,
JOHN B. BURKE,
RICHARD D. POWERS

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Mr. Sharood: A committee composed of Michael J. Doherty, Chairman, Montreville J. Brown and John A. Burns have prepared a memorial for William D. Mitchell, which will be presented by Mr. Doherty.

Mr. Doherty read the memorial for Mr. Mitchell.

William D. Mitchell was for 29 years a member of the Ramsey County Bar and at one time president of the association. While the last thirty years of his life were spent elsewhere, he never lost touch with the Bar

and people of this community. The committee in charge of this program has deemed it fitting that he should be included among those to be remembered at this meeting, the more so perhaps because of the honor which has been reflected upon this City, and this State by his distinguished career.

Mr. Mitchell was born in Winona, September 9, 1874, and was therefore at his death last year of the, age of 81 years. His ancestry was Scottish. His grandparents emigrated from Scotland to Ontario, Canada, which was the birthplace of a son William Mitchell who, 49 years later, after having moved to this state, was appointed by Governor Pillsbury to our State Supreme Court on which he served for 19 years and became one of the great judicial figures not only of the State but of the country.

Early in his professional career, William Mitchell Senior established his residence, and office at Winona, Minnesota, and it was there that William D. Mitchell was born. His early education was had in the public schools of Winona and at Lawrenceville Academy in New Jersey. A rather surprising fact is that his first interest, looking toward professional career, was in the subject of electricity. With intention of pursuing that subject, he entered Sheffield Scientific School at Yale University for a course in engineering. Evidently becoming convinced that his stronger interest and talents belonged to another field, he discontinued the engineering course at the end of his sophomore year, returned to Minnesota and entered the State University. With some credits from Yale, he earned an A.B. degree in two years. In addition, he took night law school work during his senior academic year and finished the law course in an additional two years, receiving his L.L.B. degree in 1896, at the age of 22 years.

Upon admission to the Bar his first employment was as a law clerk in the office of Stringer & Seymour where he continued until the outbreak of the Spanish American War in 1898. He then entered the military service receiving a commission as Second Lieutenant in the Fifteenth Minnesota Volunteer Infantry. In the course of the War he served in several capacities.

At the conclusion of the War he returned to the office of Stringer & Seymour for about a year, after which he went into practice with his father, an association which ended with his father's death only eight months later.

Following this he became a member of the firm of Palmer, Beek & Mitchell, the duration of which was cut short by Mr. Palmer's resignation to become President of the Minnesota Mutual Life Insurance Company and by Mr. Beek's taking up commercial work. He next joined in the formation of the firm of Howe, Taylor & Mitchell, his partners being Jared Howe and Carl Taylor.

In 1905, Pierce Butler (later Justice Butler) resigned as general attorney for the Omaha Railroad Company and with Mr. Mitchell and Jared Howe organized the firm of Howe, Butler and Mitchell, a firm which with various changes of membership has had continuity up to the present time. Changes of firm name during the time Mr. Mitchell remained a member, included Butler, Michell & Hoak, Butler, Mitchell & Doherty, and Mitchell, Doherty Rumble, Bunn & Butler.

In the year 1901, Mr. Mitchell married Gertrude Bancroft of Saint Paul. They had two sons, William and Bancroft. William followed in the profession of his father and grandfather, became a fine lawyer, practicing with his father's firm and its successor in Saint Paul and, under special assignments, with the Government in Washington. He is now General Counsel for the United States Atomic Energy Commission. Mrs. Mitchell preceded Mr. Mitchell in death by about three years, leaving a grievous void in the final years of Mr. Mitchell's life.

During the years of his practice in Saint Paul, Mr. Mitchell participated in various civic and military activities. He was secretary of the First Charter Commission of this city and later Chairman of the Commission. In 1917, he was Colonel of the Sixth Infantry, Minnesota National Guard, which he helped organize. In 1918, at the age of 43 years, he enlisted in the National Army and was assigned to the Field Artillery Officers Training School at Camp Taylor, Kentucky, and remained in service to the end of World War I. In 1919, under appointment by President Wilson, he became Regional Counsel for the United States Railroad Administration.

In 1925, James M. Beck then Solicitor General of the United States resigned that office. Unsolicited, Mr. Mitchell was tendered the appointment by President Coolidge to fill the vacancy. He accepted. His reason for accepting the appointment may be partly explained by the view which he held and then expressed that to escape the danger of premature retrogression it was particularly imperative that a lawyer should continue to develop after the age of 50. He had himself matured mentally early in life. He became established in his profession with an ample clientele at an age much younger than most lawyers. In

1925 he was 51 years old and evidently felt that the opportunities for further professional advancement here were rather limited, but saw in the new field opened by the tendered appointment possibilities of new and broader interests and activity and greater usefulness.

Some reference should be made to Mr. Mitchell's work as Solicitor General. It included the important duty of representing the interests of the Government in cases before the Supreme Court. It is estimated that Government cases constitute between 25 and 35% of all the business of that Court. It would probably be no exaggeration to say that no Solicitor General in the history of that office ever gained and held the confidence and good opinion of the members of the Court to a greater, if as great, a degree, as did Mr. Mitchell. This is attributable mainly to two things. First, Mr. Mitchell's ability as a lawyer and the demonstrated soundness of his judgment on legal questions, and second, his complete candor and honesty with the Court in presenting and discussing the merits of the Government's position in cases before the Court. It wasn't with him so much a question of whether, with his urging, the Government might prevail as it was a question of whether the Government deserved to prevail. The fact that the Government might have prevailed in the lower courts was not at all a persuasive consideration. During the 3 years and 9 months he occupied the office, he or his subordinates under his direction, in 34 cases conceded to the Supreme Court that the lower Court's decisions in favor of the Government were erroneous.

The reputation which Mr. Mitchell gained as Solicitor General was, it may be assumed, one of the things that recommended him for the honor next conferred upon him.

With the accession of Herbert Hoover to the Presidency in 1929, he appointed Mr. Mitchell to the Cabinet Post of Attorney General. Mr. Mitchell in common with his father had always been a democrat. So far as information is available this was the first time that a President of the United States drew upon a rival party for an appointee to his Cabinet. The four years of Mr. Mitchell's tenure as Attorney General were difficult years for the Department of Justice. It had the duty among other things of enforcement of a law that was unenforceable, namely the National Prohibition Act. With the assistance of a capable staff including such men as G. Aaron Youngquist, a former Attorney General of Minnesota, the Department headed by Mr. Mitchell, among its other functions, gave the best administration possible of the then existing Criminal Code.

One branch of Mr. Mitchell's duties as Attorney General, of special interest to lawyers, was his recommendations for judicial appointments. Due to his insistence upon careful screening of candidates and by reason of President Hoover's implicit reliance upon his judgment and recommendations, the character of appointments to the Federal Courts during his term of office was unusually high.

With the expiration of President Hoover's term, Mr. Mitchell again retired to private life. His official career in Washington had proven such a heavy drain up on his financial resources that he felt the necessity of renewing his practice where a liberal income would be an early prospect. He went to New York City becoming immediately the head of the firm of Mitchell, Taylor, Capron & Marsh. The Taylor of this firm was Carl Taylor who had been one of Mr. Mitchell's old time associates in Saint Paul. He continued as head of this firm until his death on August 24th, 1955.

The reputation and prestige he had acquired during his official career in Washington attracted a large clientele in New York City and his practice there soon included some highly important public and private litigation and matters. He represented both the American and British Governments in notable cases. On one occasion he went to London at the request of the British Government to testify as an expert witness on American law in a case involving the Gold Clause in British bonds.

From 1941 to 1943, Mr. Mitchell was President of the Bar Association of the City of New York. In 1945 he was selected as Counsel for the Joint Congressional Committee for the investigation of the Pearl Harbor disaster.

By Act of Congress of June 19, 1934, the Supreme Court was given power to prescribe the practice and procedure in civil actions in the District Court of the United States. The Court appointed an Advisory Committee to draft and submit a proposed set of rules. This Committee composed of 14 members, included a number of the most prominent law school men in the country as well as leaders of the American Bar engaged in practice. Mr. Mitchell was selected as Chairman of the Committee. After three years of study and discussion, the Committee submitted a final draft to the Supreme Court with recommendations for its adoption. With some modifications, the Court promptly adopted the draft and it became effective on September 16, 1938. This set of rules was a monumental achievement and the other members of the committee were quite unanimous in conceding to Mr. Mitchell a major share of the credit for the success of the project. These rules served as

a pattern for the Rules of Procedure for the District Courts of Minnesota adopted in 1951.

Mr. Mitchell will rank high in the history of the American Bar. To say how great a lawyer he was would require agreement on the marks of a great lawyer. He lacked some of the qualifications usually associated with a great advocate, using that term in the restricted sense. He was not an eloquent nor polished speaker. His language had none of the quality of rhetorical elegance. He was nothing of the showman, practiced no appeal to the emotions and made no effort to impress by the mere force of his personality. Such things were alien alike to his gifts and his character. His right to be called a great lawyer rests upon a more solid foundation; upon abilities that distinguish a great lawyer in a truer sense; abilities essentially of an intellectual order. He was a legal scholar in the full sense of the term. His mind was clear and quick, one that could make short work of the analysis of intricate legal problems, one that could go directly to the core of a matter in controversy stripping it speedily down to the decisive, controlling point or points and subject those points to a sound and penetrating judgment. With these qualities of mind went a capacity for sustained concentration which enabled him, for example, at a single session to dictate a lengthy contract or other legal document or brief so completely and precisely as to require, when transcribed, the change of scarcely a word or phrase. He was never put, as so many of us are, to a second, third or fourth draft each trying to improve upon the others.

He had a distaste for jury trial work but derived much satisfaction from presenting matters to judge constituted courts, particularly Appellate Courts where he could rely upon logic, sound reasoning and understanding of the law. His arguments were effective because, for one thing, he always had the advantage of close and usually open minded attention of the judges who knew in advance that they would hear an able, honest and fair presentation. He scrupulously avoided exaggeration or the claiming for a point more than its real value. He was invariably dignified, poised and decorous. His language, written or spoken, though plain as to literary style, was like his thinking, clear, concise and definite. Its meaning was never mistakeable.

Meticulously ethical in his contacts with his clients, with other lawyers and with the Courts, his ethical sensitiveness seemed to his associates at times to border on the extreme.

Mr. Mitchell had his roots, professionally speaking, in what this generation of lawyers is inclined to look back upon as the golden years

of the Ramsey County Bar, years in which Saint Paul had probably a stronger Bar, particularly a stronger senior Bar, than any city of comparable size in the United States—and one of the most colorful. A dozen or more names could readily be recalled of men whom everyone would recognize as the leaders of that great Bar, but to offer any list as complete would be hazardous. Mr. Mitchell, although one of the juniors of that group, carried its tradition forward to the end of his career and was one of its last as well as one of its most worthy exemplars, in point of ability, learning, character and professional achievement.

Respectfully submitted,
M. J. DOHERTY, Chairman
MONTREVILLE J. BROWN
JOHN A. BURNS

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Mr. Sharood: A committee composed of Roy J. Mohan, Chairman, Michael J. Galvin and Mark H. Gehan have prepared a memorial for Arthur E. Nelson, which will be presented by Mr. Ward Fleming.

Mr. Fleming read the memorial for Mr. Nelson.

ARTHUR E. NELSON, son of Swedish parents who emigrated to Minnesota in the early pioneer days, was born May 10, 1892 at Browns Valley. He attended grade school in that community, and following his graduation from the Browns Valley High School, in 1910, he came to St. Paul, where he worked his way through Macalester College and the St. Paul College of Law. He was admitted to the Bar in 1915. World War I interrupted his practice of law, his service being with the Heavy Artillery.

In 1920, the City Council of St. Paul, elected him Corporation Counsel, and he served two years in that capacity. During that time he challenged the street car company, defeating the utility's application for increased fares before the State Railroad and Warehouse Commission, and later in the State and Federal Courts. His conduct of the office of Corporation Counsel marked him as a resourceful energetic and able public servant, and found him in the race for the office of Mayor of St. Paul, and at the age of twenty-nine, he was elected to that office, the youngest Mayor ever elected by St. Paul. His administration, was distinguished by a stimulation of public im-

provements. He augmented the school plan in the city, and the matter of adequate sewage disposal, long a problem, was improved. As an appreciation of his civic efforts, the citizens returned him to office for another two years, at the conclusion of his first term. At the end of his second term, Art Nelson, as he was known to all St. Paul, decided to return to private life and his law practice.

During the years following he broadened his legal activities, maintaining law offices in both St. Paul, and Chicago, having built up an enviable reputation as a corporation and utility lawyer, specializing in labor and public relations. He had a wide acquaintance with business and public figures throughout the Nation.

In 1942 he filed for "short term United States Senator" from Minnesota, and was elected. He frequently said that he spent fourteen long years getting himself into the United States Senate for 49 days, thus becoming a "Gentleman from Minnesota". While he was in the Senate he tried to focus attention on assistance to small business, a subject of paramount interest today.

Arthur Nelson was a communicant of St. John's Episcopal Church, a member of Macalester Blue Lodge, the Shriners, Jesters, Paladin Commandery, the Ramsey County Bar, the Minnesota and Illinois State Bar Associations, the American Bar Association, the American Legion, and the Forty & Eight.

Mr. Nelson died in Chicago, Illinois on April 11, 1955, following a short illness, at the age of sixty-two. He is survived by his widow, Alice Blanche Nelson, now residing in Denver, Colorado, three sons, James L. Nelson, a practicing attorney, now residing in Denver, Arthur W. Nelson, also an attorney, residing in New York City, and Roy J. Nelson, associated with the St. Paul Fire & Marine Insurance Company, resident in St. Paul, and one daughter Alice Ann, living with her mother in Denver.

Arthur E. Nelson left his imprint upon the civic and political life of St. Paul. He was a good public servant, served his community with distinction, and was an standing member. of the legal profession.

Respectfully submitted,
ROY J. MORAN, Chairman
M. G. GALVIN
MARK H. GEHAN

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Mr. Sharood: A committee composed of Pierce Butler Jr., Chairman, Lewis L. Anderson and Richard E. Kyle have prepared a memorial for Patrick J. Ryan which will be presented by Mr. Kyle

Mr. Kyle read the memorial for Mr. Ryan.

MAY IT PLEASE THE COURT:

Approximately 30 years ago, a brilliant Minnesota lawyer, then 40 years of age, stood before the Supreme Court of the United States and delivered an argument in the case of Lake Superior Mines vs. Lord. His argument in that case persuaded the Supreme Court to uphold the constitutionality of the Minnesota mining royalty tax. Each Judge who heard his argument said separately to one of his colleagues that the argument was the best he had heard on the bench up to that time. In that case he was opposed by extremely able counsel, including Charles Evans Hughes, who later became Chief Justice of the Supreme Court of the United States. Three years earlier in the same court this lawyer represented the State of Minnesota in a landmark case which upheld the constitutionality of the iron ore occupation tax law.

Almost 30 years later this same lawyer was still trying and arguing important cases in the State and Federal courts of this state and nation.

The colorful career of this remarkable advocate commenced in St. Paul on March 18, 1883. He graduated from the University of Minnesota Law School in 1904, and except for a period of service as an officer in the United States Army during World War I and as an assistant county attorney of Ramsey County in his younger days, he was constantly engaged in the general practice of law in the City of St. Paul until his death on July 13, 1955. In addition to his practice, he gave freely of his time to the county, state and American Bar Associations, served on many of their committees, was president of the Ramsey County Bar Association, and was for many years a member of the State Board of Law Examiners.

During his 50 years at this bar he engaged in a practice encompassing nearly every field of law, and involving work not only as a trial and appellate lawyer but also as a counsellor and legal scholar. His clients ranged from the indigent widow to the large corporation. He acquired a firm and deserved reputation as a versatile, competent and courageous counsel who without the slightest sacrifice of ethical standards

or deviation from intellectual or moral honesty, fought the causes he undertook with fairness, with exceptional skill, and without fear. His scrupulous devotion to honest and ethical practice earned him almost reverent respect at both bench and bar. At the same time he was a genuine individualist who refused to conform merely for the sake of popular approval. To all of these traits was added a scholarly mind, a droll wit, a warm and genial personality, and a truly generous nature.

He was never married. His only survivors are his brother, James L. Ryan, of this city, and his nephew, Richard B. Ryan, a member of our bar.

The members of this committee feel a sense of real loss in the passing of this man. It is impossible to do justice to his memory in this memorial. What is said here is offered merely as a reminiscent salute and a fond farewell to a great lawyer and a true friend, Patrick J. Ryan.

Respectfully submitted,
RICHARD E. KYLE, Chairman
PIERCE BUTLER, JR.
LEWIS L. ANDERSON

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Mr. Sharood: A committee composed of T. Frank Quinn, Chairman, John W. Graff and Donald D. Wozniak have prepared a memorial for Thomas W. Walsh, which will be presented by Mr. Quinn.

Mr. Quinn read the memorial for Mr. Walsh.

Thomas William Walsh, son of the late Richard A. Walsh, a former judge of this Court, and of the late Margaret Wheeler Walsh, was born in St. Paul, Minnesota on October 27, 1897. He was one of thirteen children, all of whom were born in St. Paul, and five of whom volunteered their services and served in the American military forces in World War I.

On the 21st day of October, 1955, he passed away suddenly and left surviving his widow Mildred Stewart Walsh, daughter of the late William Stewart, a former Commissioner of the Minnesota Department of Conservation, and two children, a son Thomas William Walsh Jr.

who is now a student at the St. Paul Seminary, and a daughter Mary who is married to Edwin Janssen Jr. and who resides with her husband in St. Paul.

Mr. Walsh was a graduate of the College of St. Thomas. He attended the University of Minnesota and the St. Paul College of Law and was admitted to the bar in the year 1924. He was admitted to practice before the Supreme Court of the United States, all of the Federal and Minnesota State Courts as well as the Interstate Commerce Commission, the Minnesota Railroad and Warehouse Commission, the United States Department of Justice, and other administrative bodies.

During the First World War he served his country by entering the Navy as a Seaman Second Class and was honorably discharged as an Ensign. He volunteered for service in World War II where he also served in the Navy, and he was discharged therefrom with the rank of Lieutenant Commander.

Mr. Walsh was prosecuting attorney for the City of St. Paul from 1924 to 1928 and was continuously thereafter engaged in the private practice of law except for the time he spent in Military Service. He was successively associated in practice with his father, with the late Earl F. Jackson, with the late Arthur Christofferson, with Charles Yackel, with his late brother Harry M. Walsh, with Russell F. Swensen, and with Lawrence C. Merthan who is now on a temporary assignment for an American Foundation in West Germany.

In the year 1937 he was appointed by the Governor of Minnesota as Chairman of the Minnesota Great Lakes-St. Lawrence Waterways Commission, and served in that capacity for two years without compensation.

At the time of his death he was attorney for the Minneapolis-Saint Paul Sanitary District which position he had held for a number of years, having been elected thereto by the Board of Trustees of Minneapolis, St. Paul and Duluth to succeed the late Judge Oscar Hallam.

The organizations with which Mr. Walsh was affiliated include the Christie De Parcq Post of the American Legion, the Forty and Eight, Disabled War Veterans, the Athletic Club of St. Paul, the University Club, the American Rose Society, and the Minnesota Rose Society.

In politics Mr. Walsh always supported the candidates for the Democratic-Farmer Labor Party. He was Chairman of the Ramsey County Volunteer Committee for the late Lloyd B. Olson, as well as an active supporter of all Liberal and Progressive Candidates for National Office, including Senator Hubert Humphrey and Governor Freeman and our five Democratic Congressmen.

He held various offices in the Democratic Farmer Labor Party in the State of Minnesota, and was sent to the 1948 and 1952 Democratic National Conventions as delegate from Minnesota.

Throughout Mr. Walsh's professional career, he had broad experience in all phases of the Transportation Field, and had appeared actively as an attorney for about 27 years before State and Federal Bodies in matters involving transportation problems.

Orville Freeman, Chairman of the Democratic Farmer Labor Party in 1948, appointed Thomas Walsh as Chairman of Arrangements for President Truman's visit to Minnesota during the 1948 Presidential election. The tremendous majority that the President received in Minnesota reflected the splendid campaign that was put on in this State.

Mr. Walsh also originated the idea of "Truman Day" in Minnesota in 1949, marking the first anniversary of the President's splendid victory and the final event of the Minnesota Centennial. The enthusiastic reception that the President received in Minnesota on this occasion was one of the outstanding events in the history of Minnesota.

During the past several years Mr. Walsh devoted a great portion of his spare time to flower gardening and in particular to the culture of roses and he initiated the establishment of a rose garden on the grounds of the Minnesota State Capitol. He did a great deal of traveling in this country and its possessions and in Canada and Europe and was very fond of reading.

Tom Walsh was at all time a true gentleman and was a devoted husband and father. He was personable and affable and possessed a most sympathetic, generous, and charitable nature. He was a true advocate and possessed an unbounded loyalty to his clients and friends.

His demise was a true loss to his profession and a most sad and unexpected shock to the great number of those who were close to him.

Respectfully submitted,
T. FRANK QUINN, Chairman
JOHN W. GRAFF
DONALD D. WOZNIAK

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Mr. Sharood: A committee composed of the Honorable Albin S. Pearson, Chairman, the Honorable Arthur A. Stewart and Clifford J. Menz have prepared a memorial for Charles H. Weyl, which will be presented by Mr. Menz.

Mr. Menz read the memorial for Mr. Weyl.

May it please the Court:

CHARLES H. WEYL was born December 11, 1884 at St. Paul, Minnesota. He was the son of Mr. and Mrs. Charles J. Weyl.

He graduated from the St. Paul Central High School in 1902 and from the St. Paul College of Law in 1905.

He was admitted to the Bar on his twenty-first birthday the December following his graduation from the Law School. He immediately entered practice and associated with Herbert J. Charles in the Globe Building, In 1912 he became associated with Asa G. Briggs, the firm becoming Briggs, Weyl and Briggs. In 1936 he left that firm and practiced alone until January 1, 1955, when he retired from practice to become Clerk of this Court

On May 27, 1914 he married Hattie A. Peterson. He is survived by Mrs. Weyl and three children: Kenneth C. Weyl, now a member of the Duluth Bar, Mrs. Philip J. (Marion) McCauley of St. Paul, Mrs. William F. (Virginia) Connolly of Stanford, Connecticut, and eight grandchildren.

He was for a time Captain-Adjutant of the First Field Artillery, Minnesota National Guard.

He was International President of the American Inter-Professional Institute and was Secretary of the St. Paul Chapter from its inception to the date of his death.

He was a Past President of the Ramsey County Bar Association and Past President of the St. Paul Gavel Club. He was a member of the Reformation Lutheran Church of St. Paul. He died at St. Paul on February 20, 1956.

Mr. Weyl was a public-spirited citizen, a fine gentleman, a loyal and helpful friend, and a devoted and considered husband and father. His quiet and genteel demeanor, his true modesty, his genuine interest in people, his restrained language, and his ability to assert himself clearly and forcibly without the slightest ostentation and with great respect for the opinions of others were constant and conspicuous. In all of his associations, whether with one person, or with a few, or with many, he was always congenial, sympathetic, and sincere.

He neither spoke nor thought ill of any one and was kind and courteous to all regardless of what the circumstances might be. It is primarily because of the possession of these attributes that Mr. Wyl was a great man.

Upon this occasion it is peculiarly fitting and proper that some emphasis be placed upon his professional conduct and attainment, for by reflecting upon his ability and conduct as an extremely active practitioner for almost a half century, we not only honor him but improve ourselves professionally. In addition to being a truly professional lawyer, he was intensely interested in the problems within other professions and in relations between the various professions. Also he was a capable and efficient clerk of this court. It would be utterly impossible to determine the full extent of his activities or even to find the titles of the important actions which he personally tried in the trial courts of this and other states and it would be practically impossible to find all of the reported cases which he had had in the various appellate courts; but it is widely known that the number is great.

While the greater part of his work was in the defense of negligence actions, his practice extended into the field of property and business law and he was highly competent and widely experienced in those areas. In addition, to being well read in the arts and sciences generally,

he long ago acquired wide and detailed knowledge in anatomy and medicine and in engineering and mechanics which was skillfully applied in his office and in the court room. He was meticulous in the investigation and analysis of facts and in thorough research of applicable law; and therefore was remarkably resourceful when suddenly and unexpectedly confronted during negotiation or trial with a novel, difficult situation. In a large percentage of cases the establishment of liability was extremely probable. He was an able negotiator.

Always courteous, calm, and to the point, he was nevertheless firm and courageous and he possessed to a remarkable degree the very rare quality of being able to see clearly the strength of his opponent position and the weakness of his own. There was no sham insincerity, nor waste of time or energy on immaterialities and trivialities. He was an expert in the evaluation of case. When he failed to effect a settlement of a controversy as often happened in a practice as extensive as his, he calmly, cheerfully, and courageously proceeded to trial regardless of how laborious that might be.

During trial he was not diverted by extraneous, impractical matters. He refrained from asking frivolous, unnecessary and unfair questions. His examinations of witnesses were extremely orderly, fair and effective. As towards the witnesses, whether friendly or hostile, he was very respectful towards the court, jury and opposing counsel. His summations were direct, simple, conversational and persuasive so that there were few, if any, juries that did not clearly understand what his contentions were.

On appeal his briefs, like his oral arguments, were so concise, comprehensive and persuasive that he always received respectful attention even from those who differed with him. Among his many other virtues was his ability to accept defeat in a manly fashion. He was a good loser for when he failed to prevail as happened many times when the issue of liability was close and the amount damages large, he submitted gracefully with no remorse nor rancor and proceeded calmly and efficiently with the next item of business.

To his clients and to his profession he rendered more than was required and from his adversary there was wholesome respect for his character, knowledge, and skill.

At no time during a long career did Mr. Weyl ever file as a candidate for any public office. Very shortly before an impending vacancy, he was invited by a unanimous bench to act as its clerk. He accepted only

because he thought that he could make a substantial contribution and because he wished to terminate a continually increasing strain incident to travel and trial in many distant counties. He had no intention whatever of going into retirement or even partial retirement. From long trial experience in this and innumerable other court houses, he understood fully the importance and the activities of the office. Because of his ability and experience he discharged fully his duties from the very first day. His service, though short, was of such high quality that it will be long remembered.

Respectfully submitted,
C. J. MENZ, Chairman
Honorable ALBIN S. PEARSON
Honorable ARTHUR A. STEWART

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Mr. Sharood: That completes the memorials, and I now move you, Judge McNally, for an order directing the acting Clerk of this Court to spread the memorials upon the permanent minutes of this Court and to further instruct her to send copies of the memorials to the next of kin of those we have here today remembered.

Judge McNally: The motion of Mr. Sharood is granted. We have known intimately and well each one of the persons for whom memorials were read here today, and the Court wishes to join in the memorials. We wish to thank the members of the other courts who have by their presence here today participated in these exercises, and of course we wish to thank the Ramsey County Bar Association for so effectively continuing this splendid tradition. The Clerk is directed to carry out the mandate expressed in Mr. Sharood's motion.

As a further mark of our respect no other matters will be taken up, and the Court will now adjourn without day.

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The photographs of Judge Boerner and Arthur Christofferson are from *Men of Minnesota* (1915) and are added by the MLHP.

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