

MEMORIAL SERVICES

FOR DECEASED MEMBERS

of the

**RAMSEY COUNTY BAR
ASSOCIATION**



Held at the

COURTHOUSE

Saturday, April 17, 1954

RAMSEY COUNTY BAR ASSOCIATION
ANNUAL MEMORIAL SERVICES
Court House, Saturday, April 17, 1954, 10:00 A.M.

On Saturday, April 17, 1954, Memorial Services in honor of those members of the Ramsey County Bench and 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 Gunnar H. Nordbye, Robert C. Bell and Dennis F. Donovan of the United States District Court; Justices Theodore Christianson and Martin A. Nelson of the Minnesota Supreme Court; Judges Canton McNally, Gustavus Loevinger, Albin S. Pearson, Robert V. Rensch, Royden S. Dane, Arthur A Stewart and James C. Otis of the Ramsey County District Court; Judge Edward J. Devitt of the Ramsey County Probate Court; and Judges Andrew M. Glenn, Edward D. Mulally and Archie L. Gingold of the St. Paul Municipal Court.

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

Judge McNally: In conformance with a custom of long standing, we are met here today to pay thoughtful tribute to the members of the Bench and Bar who have passed away during the preceding year. As is customary, the proceedings will be under the auspices of the Ramsey County Bar Association, and the Court at this time recognizes Mr. Frank C. Hodgson, President of that association.

Mr. Hodgson: May it please Your Honors, the fine camaraderie that has always characterized the fraternity of the Bench and Bar of this Court has promoted the convening of this Special Term that we may, as Your Honor has said, pay deserved honor to the memory of our brethren who have answered the last summons during the past twelve months. The time selected always falls between Good Friday and Easter Sunday, a transition recognized in all traditional religions of the passing of the body from death to a triumphant resurrection of the spirit. During the past year thirteen of our members have died. Mr. Richard A. Moore is Chairman of the Ramsey County Bar Association Committee, and at this time I ask that he be recognized in order that he may introduce the several memorials.

Judge McNally: The Court recognizes Mr. Moore.

Mr. Moore: May it please the Court, since it is the desire of the Bar that there be a permanent record of the professional lives and attainments of those who have died during the past year, we shall, through committees, today present memorials to thirteen attorneys and judges who died during the past year. The names of these individuals for whom memorials will be given this morning are:

**FRED W. FOOT
EARL F. JACKSON
DANIEL J. KEEFE
JOHN J. KEEFE
F. L. DONAHOWER
CONRAD OLSON
JOSEPH W. FINLEY
L. S. MERCER
CLEON HEADLEY
CHARLES W. STERLING
LAMBERT S. GILL
LAZELLE S. SHOCKLEY
JUDGE KENNETH G. BRILL**

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On behalf of the Bar a committee consisting of Mr. Claude R. Beddall, Mr. William Leslie Ulvin and Mr. Bruce W. Sanborn, Chairman, has prepared a memorial to Mr. Fred W. Foot, lately of this Bar, which will be presented by Mr. Ulvin.

Mr. Ulvin read the memorial for Mr. Foot.

Frederick W. Foot, a member of the Ramsey County Bar for more than a quarter of a century, and first identified with it before the turn of the century, was born in Red Wing, in Goodhue County, on February 11th, 1872, and died in Saint Paul on June 7th, 1953. He was in his 81st year, still in active practice, with offices in the New York Building, where he had been located for many years.

He was the son of Silas B. Foot and Lorana Park Foot of Red Wing. His father, though residing in Red Wing, had interested himself in a Saint Paul business, which developed into a widely known and outstanding boot and shoe manufacturing establishment, doing business, throughout the Northwest as Foot-Schulze Company. .

Frederick W. Foot attended the Public Schools of Red Wing, Shattuck Military Academy, and the University of Minnesota. At the University he played on the football team, and became President of the Athletic Association. After receiving his Bachelor of Arts degree he turned to the study of law, and in 1895 completed these studies and received his law degree. He cherished, throughout his life, his connection with the University and its Alumni Association, and also his membership in the Sigma Chi fraternity.

Mr. Foot was admitted to practice before the Supreme Court of this State on June 7, 1895, and commenced the practice of law in Saint Paul. On April 26, 1899, he was married to Sadie O'Brien, a sister of Honorable Richard D. O'Brien, long a Judge of the District Court of Ramsey County. Mrs. Foot died in 1902 and no children of that marriage have survived their father.

In 1903 Mr. Foot moved back to Red Wing, and on November 17, 1906, he was married a second time, on this occasion to Emily Batlo

of Red Wing, who survives him. In addition to maintaining his interest, in his profession he developed a liking for farming, and for some time operated a 500 acre farm not far from Red Wing.

Mr. Foot returned to Saint Paul in the year 1925 and from then until his death devoted himself continuously and assiduously to the practice of law. He developed a varied general civil practice with the emphasis on trust work. He managed, liquidated, and distributed the proceeds of many trusts which originated in the 1920s or early 1930s and had as their basis lands in this State, and in the Dakotas and Montana. He conducted considerable litigation with which these trusts were concerned. He became something of a specialist in tax work, also. In the handling of his legal business he was diligent, studious, and thorough, and was guided by the highest standards of professional conduct.

He was a member of the Ramsey County Bar Association, the Minnesota Bar Association, and the Junior Pioneer Association.

Mr. Foot continuously maintained an interest in the soil, and in later years, as a recreation, spent much time developing a vineyard on property in the eastern part of the City. Later he bought some land at Orchard Lake, where he built a cottage, transplanted his vineyard, and spent many happy hours.

He is survived by his widow and five children, Mrs. Justine C. O'Connor and Mrs. Emilie Marie Flader of St. Paul, Minnesota, Mrs. Elizabeth F. Smith of Lombard, Illinois, Norman J. Foot of Chicago, Illinois and Carl B. Foot of New York City. He is also survived by two brothers, Edwin H. Foot and Robert M. Foot, both of Red Wing.

Respectfully submitted,
W. L. ULVIN
CLAUDE R. BEDDALL
BRUCE W. SANBORN, Chairman.

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Mr. Moore: On behalf of the Bar a committee consisting of Attorney General J. A. A. Burnquist, Mr. Worth K. Rice and Mr. Norman E. Biorn, Chairman, will present the memorial to Mr. Earl F. Jackson, lately of this Bar, which will be read by Mr. Biorn.

Mr. Biorn read the memorial for Mr. Jackson.

Earl F. Jackson was born at White Bear Lake, Minnesota on May 4, 1887. He attended high school in St. Paul and was graduated from the St. Paul College of Law where he was a member of Delta Theta Phi fraternity.

Following his admission to the bar of this State in 1912 he became associated in the practice of law with the Hon. J. A. A. Burnquist. He subsequently was a partner of the firm of Walsh, Jackson, Walsh and Yackel and at the time of his untimely death on June 28, 1953 at St. Paul, Minnesota he was a partner in the firm of Sanborn, Jackson and Biorn. He was a member of the American Bar Association as well as the Bar Associations of this County and State. During his legal career he engaged in general practice and specialized in matters relating to common carriers.

For nine years Earl F. Jackson served with distinction as the Mayor of White Bear Lake where he enjoyed the confidence and support of the citizens of that community.

He was a resident of St. Paul, Minnesota for twenty-three years prior to his death. He enjoyed an active outdoor life and was particularly fond of hunting, fishing and golfing. He was a charter member of the St. Paul Athletic Club and was a member and past President of the Town and Country Club. He was also a member of the Nativity Mens' Club and the Catholic Church of the Nativity.

He was survived by his widow, Kathleen Jackson, two daughters, Kathleen J. George of Palo Alto, California and Marguerite J. Robinson of London, England, two grandsons and two brothers, Harry S. Jackson of St. Paul, Minnesota and Edward W. Jackson, now deceased.

Earl F. Jackson will always be remembered by those attorneys with whom he was closely associated as an industrious and honest practitioner. He had a full knowledge of the law, sound judgment, practical common sense and a high sense of justice which won him the confidence of all members of the bench and bar. He always gave his best efforts to those who entrusted their legal affairs to him. His high standards of ethics made him a credit to the community in which he lived.

Respectfully submitted,
J. A. A. BURNQUIST
WORTH K. RICE
NORMAN E. BIORN, Chairman

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Mr. Moore: On behalf of the Bar a committee consisting of Mr. George Cahill, Mr. Gerald F. Carlson and Mr. Robert F. Wille, Chairman, has prepared a memorial to Mr. Daniel J. Keefe, lately of this Bar, which will be presented by Mr. Carlson.

Mr. Carlson read the memorial for Mr. Keefe.

Daniel J. Keefe was born on a farm in the town of Erin about six miles from New Richmond, Wisconsin on February 15, 1872. He was one of four children born to Mr. and Mrs. Dennis O'Keefe, all of whom predeceased him, and leaving no children surviving them.

He received his early education in the local county school and at nearby New Richmond High School. For a time he taught a country school, and later attended the Law School at the Minnesota University, graduating therefrom in the spring of 1896 and was admitted to the Minnesota Bar on June 5th of the same year.

He was married about 1908, to Margaret Tierney, who died in St. Paul February 14, 1938. There were no children born to this marriage. During his early practice he was associated with Tim Sheehan, under the name of Sheehan and Keefe, with offices in the New York

Building. After discontinuing his association with Tim Sheehan, and in about 1912, he moved his office to the Pioneer Building, and from 1915 he officed with Robert F. Wille until his death June 30, 1953.

Mr. Keefe was well learned in the law, a kindly gentleman, and very highly regarded by his clients and fellow lawyers.

He came to St. Paul in April 1893, and thereafter until his death maintained his residence in the St. Paul area.

His death marked the passing of one of the older St. Paul Lawyers.

**Respectfully submitted,
GERALD E. CARLSON
GEORGE CAHILL
ROBERT F. WILLE, Chairman**

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Mr. Moore: On behalf of the Bar a committee consisting Of the Honorable Albin S. Pearson, Mr. Charles J. Yackel and Mr. Walter T. Ryan, Chairman, has prepared a memorial to Mr. John J. Keefe, lately of this Bar, which will be presented by Mr. Ryan.

Mr. Ryan read the memorial for Mr. Keefe.

John J. Keefe was born in Hudson, St. Croix County, Wisconsin, March 3, 1887, the son of John O'Keefe and Mary Henry O'Keefe. He was the eldest of six children, four of whom survive him. After a long illness he passed away in St. Paul, August 19, 1953.

John spent his early life in and around Hudson where he received his elementary education, graduating in 1905 from the Hudson High School. Following graduation from high school, and after teaching for a time in what was then known as the Burkhardt School, he enrolled in the River Falls Normal School (now known as River Falls State Teachers College), from which he graduated in 1908. Following his graduation from normal school he taught in the High School of Black

River Falls, Wisconsin. Thereafter he enrolled in the Law School of the University of Minnesota, from which he graduated in 1913.

Immediately following his graduation from the University, he was admitted to the Bars of both the States of Minnesota and Wisconsin. For a short time after his admission to the Bar of Wisconsin he practiced at Hudson in an association with Spencer Haven, a former Attorney General of the State of Wisconsin, and one of that State's leading lawyers.

In 1914 he returned to St. Paul and became actively engaged in the practice of the law in an association with Samuel A. Anderson, a lawyer well remembered by the older members of the Bar. Upon the termination of that association he practiced alone until becoming associated with William H. Fallon. That association terminated in 1935 and thereafter, except for a short time that his brother Frank was associated with him, he practiced alone until retirement.

During his entire practice he maintained offices in the New York Building and was engaged principally in trial work in the State and Federal Courts. While his practice was largely confined to the Courts of the States of Minnesota and Wisconsin, he tried many cases in other states.

John had a keen, active and retentive mind. He was studious and not only well grounded in the law, but fond of and well versed in the classics and in literature generally. He possessed great wit and a clear and ringing voice which helped to make him an excellent trial lawyer and a powerful and convincing advocate before any tribunal and in any controversy. He was a tireless worker and gave to every cause he ever represented the best that was in him. He was a master of clear and concise expression with arguments couched in beautiful English.

John was recognized by the Bench and Bar as an outstanding lawyer, courteous to the Court and his fellow lawyers, but never neglecting or sacrificing what he deemed to be the rights of his clients.

It was a pleasure to be in his company as his conversation was sparked with native wit and humor. We, who knew him best, never tired of his stories and were always amused by his take-offs on, "An old Erin Prairie Irishman by the name of Anthony Stevens".

John was a member of the Knights of Columbus, the Minnesota and Ramsey County Bar Associations, Midland Hills Golf Club, and Delta Theta Phi Law Fraternity.

Because of his sterling character and genial nature, the friendships that he established were large in number and once established continued during his life time. Until his physical condition prevented, he made every effort to be present on those numerous occasions when his intimate friends of long standing gathered for the purpose of preserving and improving a beautiful association which had existed for many, many years. His friends will never forget the contributions he made to the preservation of that association.

On October 19, 1915 he married Miss Georgina Mulcahy of Minneapolis. This marriage led to the greatest domestic happiness. During his prolonged illness that was to follow he was blessed with the companionship, encouragement and devotion of his wife. Two children were born to this marriage, Claire, a graduate of the University of Minnesota, and now with the Medical Division of the Veterans Administration, and Jane, now Mrs. Clifford, a graduate of St. Catherine's College, and living in Chicago.

John was a dutiful and loving husband and father. He enjoyed his family and spared nothing to the enjoyment and well being of his wife and daughters.

In about 1933 while in the prime of life and enjoying a practice with a promising future, he noticed a physical disability which at first was thought to be arthritis but proved later to be Parkinson disease, and from which he never recovered. Despite his disability he continued his practice until he was compelled to retire about 1943. At no time during his disability did he allow himself to become discouraged and all through his illness he retained his cheerful and pleasing

disposition, never allowing his handicap to become a burden to his friends. He loved life and made every effort to remain active and to regain his health. No one ever demonstrated greater will to live.

Of him it can well be said: "He was a real gentleman, a good lawyer, a kind and loving husband and father."

**Respectfully submitted;
HON. ALBIN S. PEARSON
CHARLES J. YACKEL
WALTER T. RYAN, Chairman**

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Mr. Moore: On behalf of the Bar a committee consisting of Mr. Allen L. Gray, Mr. Leonard J. Keyes and Mr. Eugene F. Matthews, Chairman, has prepared a memorial to Mr. F. L. Donahower, lately of this Bar, which will be presented by Mr. Matthews.

Mr. Matthews read the memorial for Mr. Donahower.

Frederick Lee Donahower Sr. was a member of the Ramsey County Bar for 26 years and was born at St. Peter, Minnesota August 10, 1893. Up to 1952 he was very active in the law practice and had his offices in the Pioneer Building, St. Paul, Minnesota.

He was the son of Frederick W. and Jeanette Donahower of St. Peter, Minnesota and he spent his boyhood in that city where he attended the public schools and had branched into a college career at Gustavus Adolphus College which was interrupted by World War I.

Then he enlisted in the U. S. Army December 15, 1917, and was sent from Jefferson Barracks to Taliaferro Field in Texas where he joined the 160th Depot Brigade, Flying School Batallion. He continued in the Army until January 31, 1919 when he was honorably discharged.

Subsequently, Mr. Donahower entered the Minnesota College of Law and was graduated with the class of 1927. Immediately thereafter he

commenced the practice of law in St. Paul and specialized in the probate branch of law, personal injuries, and general office practice.

Commencing about 1952 sickness overtook him and he spent more than one year in the Veteran's Hospital, Fort Snelling, to alleviate the conditions from which he was suffering. Intermittently he would return to finish up work of his clients and he was loyal to them to the last. In the last 12 months of his life he was unable to pursue his profession and lived in retirement.

Frederick was married May 26, 1923 at St. Paul, Minnesota, and on November 13, 1924 a son Frederick Lee Donahower, Jr. was born to him and his wife Helen. He was justly proud of his son and devoted many hours tutoring him and taking him on long hikes along the river banks and at the lakes in the St. Paul area. His son launched upon a legal career and was graduated from the St. Paul College of Law, and began practicing his profession in the State of Minnesota in 1952. Shortly thereafter Frederick Lee Donahower Jr. entered the U. S. Air Force where he now holds the rank of First Lieutenant. Words can never express the attachment and loyalty that he had for his son, and he was justly proud of him.

During his active years of practice Lee was a member of the American Bar Association, and the Minnesota and Ramsey County Bar Association, in which he took an active part, attending meetings and doing committee work.

His long race with sickness came to end September 20, 1953 when he suddenly died at St. Paul, Minnesota and he was buried at the National Cemetery, Fort Snelling, Minnesota with the full honors of a soldier. He left surviving him his widow, Helen Donahower, and his son Frederick Lee Donahower Jr. and two grandchildren.

Respectfully submitted,
ALLEN L. GRAY
LEONARD J. KEYES
EUGENE F. MATTHEWS, Chairman

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Mr., Moore: On behalf of the Bar a committee consisting of Mr. Paul C. Thomas, Mr. M. J. Galvin and Mr. M. L. Countryman, Jr., Chairman, has prepared a memorial to Mr. Conrad Olson, lately of this Bar, which will be presented by Mr. M. L. Countryman, Jr.

Mr. Countryman read the memorial for Mr. Olson.

On October 15, 1953, Conrad Olson, Assistant General Counsel of Northern Pacific Railway Company, died suddenly at his desk. Born in St. Paul on January 9, 1895, he was fifty-eight years of age, and had been a lifelong resident of this City.

After graduating from St. Paul Central High School in 1913, and attending, Macalester College, he was attracted to the stage and appeared in a number of stock company productions with the well known actor, Edward Arnold. He then entered the St. Paul College of Law, from which he was graduated in 1918. He served in the U. S. Naval Reserve Force during World War I, and, upon his release from service, entered the general practice of law in St. Paul. In December 1922 he was appointed Judge of the Municipal Court of the City of St. Paul, remaining on the Bench until June, 1926. He then returned to the general practice of law in St. Paul in association with the late Judge Oscar Hallam, and served two terms as a member of the Minnesota State Senate.

On November 15, 1928, he entered the Law Department of Northern Pacific Railway Company in St. Paul as General Attorney where he successively held the positions of General Attorney and Commerce Counsel, and was appointed Assistant General Counsel on December 1, 1945, which position he held at the time of his death.

He is survived by his widow, the former Aida P. Walters, whom he married on November 6, 1951, and by his son, Ensign Conrad Bruce Olson, U. S. Navy, now assigned to the U.S.S. Epperson at Honolulu, Hawaii. He also leaves surviving his three sisters, Mrs. Florence T. Hall of St. Paul, Mrs. Mabel Stromquist of Minneapolis, and Mrs. Edson Roach of Carrington, North Dakota.

"Connie" Olson was a good lawyer and until ill health slowed his faculties he was an energetic and successful advocate. His venture into the theatrical field in his youth gave him the ability to speak effectively and entertainingly, and his career as a Judge and a Senator gave him a broad understanding of human nature and of the practical workings of the legislative and judicial processes. Both as a Judge and as a legislator he acquitted himself with distinction. Later in life he became an authority on commerce law and successfully handled many proceedings on behalf of the Minnesota railroads before the Interstate Commerce Commission and western state commissions. He had a friendly and generous nature and his unhappy end is lamented by the host of friends he made in railroad circles and at the Bar.

**Respectfully submitted,
PAUL C. THOMAS
M. J. GALVIN
M. L. COUNTRYMAN, JR. Chairman**

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Mr. Moore: On behalf of the Bar a committee consisting of Mr. James E. Kelley, Mr. Lewis L. Drill and Mr. William H. Fallon, Chairman, has prepared a memorial to Mr. Joseph W. Finley, lately of this Bar, which will be presented by Mr. Fallon.

Mr. Fallon read the memorial for Mr. Finley.

Joseph W. Finley was born at Bird Island, Minnesota, on August 4, 1896, the son of James J. Finley and Jane Reagan Finley. He received his early education in the schools in that community. He later attended the College of St. Thomas and the St. Paul College of Law from which institution he was graduated in 1921. His legal education was interrupted by World War I in which he saw service in the A.E.F. as a member of the Chemical Warfare Service.

While a law student he was employed in the office of the late Judge Howard Wheeler. At this time, he manifested the qualities of leadership which he later displayed in a high degree by being elected Dean of Ramsey Senate of Delta Theta Phi law fraternity.

Following his admission to the bar in 1921 he was engaged in the practice of law with his brother Mathew, both in Minneapolis and St. Paul. In 1925 he became associated with Mr. Gerhard Bundlie and Mr. James E. Kelley. That Association continued until 1930 when Mr. Finley was appointed Assistant United States District Attorney by Mr. Lewis L. Drill, a member of this committee. In that office he was engaged in a great deal of trial work where he earned the respect and admiration of the Judges of the United States District Court and of the Eighth Circuit Court of Appeals.

In 1935 Mr. Finley returned to his former associates and became a partner in the firm of Bundlie, Kelley and Finley, which partnership continued to the time of his death.

While Mr. Finley engaged in the general practice of law, in his later years he devoted most of his time to representing organizations in the entertainment field, as a consequence of which he made broad contacts with attorneys throughout the United States and participated in much important litigation. He was a thorough student of the law and his opinion was given only after careful study and deliberation as a result he achieved notable success and his untimely illness and death cut short a career which undoubtedly would have gone to great heights.

Mr. Finley was possessed not only of a fine legal mind and a pleasing and friendly personality, but he was also animated by the virtue of charity to his fellow men. In spite of his ill health and his very heavy work schedule, he was never too busy to lend a helping hand. This is best evidenced by his long record of activity in the American Legion and Disabled American Veterans of which organizations he was a charter member, both of which he loved and served extremely well.

This service to the American Legion encompassed his work as commander of the Business and Professional Men's Post in 1926, as chairman of the 4th District Legal Committee from 1928 to 1932, as District Commander in 1935, as Department Legislative Chairman from 1943 to 1948, and finally as Department Commander in 1946. In these activities he gave generously of his time preparing proposed

legislation and appearing before committees of the legislature; many of the laws pertaining to veterans' benefits now on the Statute books are his work.

In addition to these things, Mr. Finley took an active interest in politics. He served for many years on various local and state committees of the Republican party and was Ramsey County chairman from 1936 to 1938. Mr. Finley likewise served the bar of this county and state being President of the Ramsey County Bar Association [1941-1943].

At the close of World War II and while he was Department Commander of the American Legion, Mr. Finley recognized the need of preparing for the return of the war disabled. He called together various groups and after much planning and consultation, and because of his close personal acquaintance with Dean Diehl of the School of Medicine of the University of Minnesota, the so-called "Minnesota Plan" was born. That plan called for the integrated service of medical specialists at the University of Minnesota, the Mayo Clinic and the Veterans' Administration. It provided the very best in medical care and service for the disabled veterans and proved to be so satisfactory that the plan was adopted later by the Veterans' Administration on a National basis.

At the same time Mr. Finley was active in raising money for the Variety Heart Hospital at the University of Minnesota and also for the \$500,000.00 American Legion Heart Foundation, both of which programs were brought to successful conclusion during his lifetime.

As a disabled veteran of the First World War he had a sympathetic understanding of the problems and needs of his fellow disabled, but always refusing to accept any of the benefits or service for himself, and it was only on the day of his death that he consented to enter the Veterans Hospital at Fort Snelling. Never possessed of a particularly rugged constitution, Mr. Finley was under continuous medical observation and treatment from the time of his discharge from the Army in 1919. During the last years of his life he was totally disabled and repeatedly sought relief in the mountains of Arizona.

His untimely death occurred on November 12, 1953 at Fort Snelling, Minnesota. He is survived by his widow, Susie; his sons, Joseph M., a member of the bar, and Dr. Paul R. Finley; and a daughter, Ruth Ann.

To those who knew Mr. Finley personally, it was always a matter of great concern how anyone in such a quiet and unassuming way could do so much. He was never too busy to do a favor or assist a friend, and countless unknown people today can attest to his generosity. He was a noble character, a loyal friend and a successful and creditable member of his profession.

Respectfully submitted,
JAMES E. KELLEY
LEWIS L. DRILL
WILLIAM H. FALLON, Chairman

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Mr. Moore: On behalf of the Bar a committee consisting of. Mr. Victor J. Holper, Mr. William W. Marvin and Mr. Henry J. Brandt, Chairman, has prepared a memorial to Mr. L. S. Mercer, lately of this Bar, which will be presented by Mr. Brandt.

Mr. Brandt read the memorial for Mr. Mercer.

Today it is our privilege to express our appreciation for and pay fitting tribute to the memory of a beloved associate and a member of this Bar—Lafayette S. Mercer who departed this life on December 29, 1953.

Mr. Mercer was born in Fountain City, Indiana in 1881, and spent his formative years in that city. His early schooling was acquired in the state of his birthplace, but for his law school education he entered the University of Michigan from which he graduated in 1910. He was duly admitted to the Bar and before his death he was a member of the Ramsey County Bar Association, the Minnesota Bar Association, and the American Bar Association. He also held membership in other national groups concerned with the law.

Shortly after graduation he entered the employ of West Publishing Company and he remained with that company until he retired a few years before his death. During this time he served his company in progressively important capacities and at the time of his retirement he was its Editorial Counsel.

Mr. Mercer contributed vitally to the development of West Publishing Company. His counsel and advice were sought and respected by his associates and he always gave freely of himself and his time in assisting those who were associated with him. His co-operation was always given without stint that those who worked with him and those who were to follow could carry on the work with a broader vision for service to the lawyers of the United States.

The fact that he spent his entire productive life with one company illustrates something of the sound attributes of this man. He had a singleness of purpose for an always better service to his fellow lawyers and the real ability to carry this out that is characteristic of men who build in the arts, the professions, and the business of the nation. The company with which he was associated for so many years serves the nation's lawyers better today for his having given forty years of his life to its service.

Mr. Mercer had the singular gift of getting along with people. His associates, the lawyers whom he served, and the judges of the nation, all of whom he knew personally, were his friends. He made his manner of making a living a pleasant personal experience which was contagious and reciprocated. He counted those with whom he did business as personal friends and his loss to the profession for these qualities is therefore real and irreplaceable.

As is sometimes the custom of men who leave their home towns and live their life elsewhere, he remained devoted to the community in Indiana where he spent his formative years and maintained his membership in the Fountain City Masonic Lodge. His roots here in St. Paul, however, were deep and vigorous. During his long years of usefulness here he was a member of the Scottish Rite in St. Paul, Osman Temple Shrine, the Acacia Fraternity, the Athletic Club, and the Minnesota Club.

He had a lively interest in the betterment of the Community and its citizens and he expressed this by his membership and his work in the Kiwanis Club, on the Board of Trustees of the First Methodist Church, and by his membership on the Board of the Good Will Industry. The latter two organizations were especially close to his heart and he gave freely of his time and his means to further their objectives.

Mr. Mercer is survived by his wife, Mrs. Isabel Mercer of St. Paul; and four sons, L. S. Mercer, Jr. of Menlo Park, California; Allen R. Lindgren, St. Paul; Ward E. Shaw, Minneapolis; Robert W. Shaw, Duluth, and five grandchildren. His family life was exemplary. He was a devoted husband and an understanding father and the fruits of his precepts are reflected in the character of his sons.

We herewith extend our deepest sympathy to the widow and to the sons of Lafayette S. Mercer, and request that a copy of this resolution be given them and that it be spread upon the records of the Ramsey County Bar Association.

Respectfully submitted,
WILLIAM W. MARVIN
VICTOR J. HOLPER
HENRY J. BRANDT, Chairman

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Mr. Moore: On behalf of the Bar a committee consisting of Mr. John K. Fesler, Mr. George W. Morgan and Mr. Charles W. Briggs, Chairman, has prepared a memorial to Mr. Cleon Headley, lately of this Bar, which will be presented by Mr. Briggs.

Mr. Briggs read the memorial for Mr. Headley.

May it please the Court:

Cleon Headley was born in Fairmont, Minnesota, November 14, 1887, the third son of Charles W. and Sara Sherman Headley. Both parents were of English ancestry.

They were early graduates of Ripon College, Wisconsin. His father was the first Superintendent of Schools in Fairmont, Minnesota, and later was principal of a private academy in Montevideo, Minnesota.

Cleon graduated from the Winnebago, Minnesota, High School and from Beloit College at Beloit, Wisconsin. After college he taught for a year each in the high schools at Mankato and Red Wing, Minnesota. In the fall of 1911 he entered the Harvard Law School from which he graduated in 1914.

He was admitted to the bar in New York and practiced there for two years. While there he joined the 7th Regiment of the New York National Guard and went with that unit to the Mexican Border in 1916. When he was mustered out he came to St. Paul, Minnesota, and began the practice of law with Davis, Kellogg & Severance.

After the outbreak of the First World War he enlisted in the Second Officers Training Camp at Fort Snelling from which he was commissioned a First Lieutenant. He was afterward commissioned a Captain and served in the military forces until the end of the war.

He then returned to St. Paul and to Davis, Kellogg & Severance with which, and its successor firms, he continued to practice law for the rest of his life. Successor firms were Davis, Kellogg, Severance & Olds; Kellogg, Morgan, Chase, Carter & Headley; Morgan, Chase, Headley & Hoshour, and Morgan, Headley, Raudenbush & Morgan.

He was a member of the American, Minnesota and Ramsey County Bar Associations. Of the latter he was a past president [1937-1938].

He was at one time Chairman of the Community Chest Campaign and for a number of years was President of the St. Paul Area Community Chest and Council. He served on committees of the Minnesota Historical Society and various other organizations. Recently he was active in the Minnesota Cancer Society. He was a member of the Minnesota and Athletic Clubs.

Cleon was married in 1917 to Gertrude Knight of Boston, who survives him, as do three children: David K. Headley of St. Paul, Richard K. Headley of Tacoma, Washington, and Beth Headley, now a senior at Middlebury College, Vermont. He is also survived by four grandchildren and by three brothers, Leal A. of Carleton College, Northfield, Louis S. of St. Paul, and Harold C. of Winnebago, and by one sister, Neith E. Headley of the Department of Child Education at the University of Minnesota.

When the news came on January 1, 1954, that Cleon had passed away in his sleep, it seemed as if a tall tree had fallen upon the hill and "left a lonesome place against the sky." He was in the full tide of his usefulness. It seemed that the grim reaper might have paused yet awhile.

Cleon had that amount of intelligence, understanding and moral character which established his right to be a professional man.

As a leader in the legal profession he was held in the highest respect by members of the bench and bar. His sincerity and ability were symbolic of the men whose memories will continue to enhance the highest traditions of the profession.

He actively demonstrated a high sense of civic duty and responsibility. He was prominent in many cultural affairs.

His family life was one of complete and unselfish devotion.

Without sham or pretense he made a direct and straightforward approach to the problems of life, yet with sympathy and kindness. He concerned himself only with values that really mattered. The superficial he discarded.

He invested his talents to the full and multiplied them many fold. In addition to intellectual vigor he had a prodigious capacity for work. Combined with these was an undivided loyalty to those he served.

His preparation of a case was tireless and exhaustive. As an advocate his thrust was clean and skillful—always within the code of honor and ethics. He acted upon the principles which guided him not as if they had been taught him but as if they had been born in him.

He loved the rugged ways and hills of New England where he spent his vacations. They were a source of strength to him in a turbulent world.

He was a liberal of the old school and in the true sense. As a coral reef grows from what has gone before he saw that advances in human associations must proceed upon the lessons and experience of the ages. Individual integrity, dignity, freedom and self-reliance were fundamental. He observed the established standards of behavior as old, as history.

He was to be trusted implicitly.

He hurt no one needlessly or unjustly. He tried to preserve the even hand of justice throughout his life.

He was a philosopher in the teaching of David Thoreau: "To be a philosopher ** * is so to love wisdom as to live according to its dictates a life of simplicity, independence, magnanimity, and trust."

Thus he finished his course as he had lived, unafraid.

With due reverence for the mysteries of the universe and of the infinite, but with becoming modesty, he could have said: "I am the, master of my fate; I am the captain of my soul."

Shall we not remember him in the lines of the Great Bard?

**"This above all: to thine own self be true,
And it must follow, as the night the day,
Thou canst not then be false to any man."**

We may close with these lines as fitting in Cleon's memorial:

**"For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter grow as the years roll by,
Are the fast and genuine friends of man."**

**Respectfully submitted,
JOHN K. FESLER
GEORGE W. MORGAN
CHARLES W. BRIGGS, Chairman**

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Mr. Moore: On behalf of the Bar a committee consisting of Mr. Reece J. McGee, Mr. Osmon R. Springsted and Mr. John E. Charles, Chairman, has prepared a memorial to Mr. Charles W. Sterling, lately of this Bar, which will be presented by Mr. John E. Charles.

Mr. Charles read the memorial for Mr. Sterling.

Charles W. Sterling was born on a farm in McLean County, Illinois, on January 20th, 1888. A short time later his father who was a lawyer, moved the family to Denver, Colorado. In Denver, Mr. Sterling had his grade and high school education. Here also, at the Denver University, he received his B. A. Degree in 1908. During summer vacations while at Denver University, he worked as a topographer on the United States and Canadian Boundary Survey.

After finishing at Denver, he enrolled in the Law Department at the University of South Dakota located at Vermillion, where his uncle, Thomas Sterling, was Dean of the Law Department and who, the following year, was elected United States Senator from South Dakota. Another uncle, John Sterling from Illinois, served in Congress at the same time. Mr. Sterling received his LLB Degree in June, 1911, and

was admitted to practice in June, 1911. He practiced law for a short time in South Dakota, but in 1912 he joined the Bureau of Investigation, U. S. Department of Justice, which was the forerunner of the Federal Bureau of Investigation.

In 1915 Mr. Sterling was appointed a Special Assistant United States District Attorney in St. Paul, which position he resigned to enter the law firm of Todd, Fosnes & Sterling. Some time later he organized the firm of Sterling, Spence and Converse.

Charles Sterling was a life-long Republican, starting his active work in the party when, during the summer after his graduation from the University of South Dakota, he toured the state campaigning for his uncle. From 1922 to 1924 he was chairman of the Republican Committee, and in 1923 was appointed to the Railroad and Warehouse Commission. He resigned this position to manage the campaign of Judge Oscar Hallam for the United States Senate. In 1928 Mr. Sterling was a delegate to the National Republican Convention at St. Louis.

In 1933 Mr. Sterling purchased the controlling interest in the Cherokee State Bank of St. Paul, which at the time of purchase had a total asset of \$450,000.00, and which at the time of his death had grown to \$4,500,000.00. He also purchased and developed a real estate addition just west of the east County Line of Ramsey County known as Bartelmy Acres.

He was very much interested in the development of Alaska where his brother, Hawley, was Deputy Commissioner of Highways; and in 1947 flew to Alaska where together with his brother they travelled by plane and car over most of the Territory.

He was a Mason, a member of the State and Ramsey County Bar Association and a very active member of the Sigma Alpha Epsilon College Fraternity.

On January 1st, 1950, because of ill health, he gave up his office in the Pioneer Building and retired from active practice of law.

Charles W. Sterling died on January 1st, 1954. He is survived by his wife, Kathryn of St. Paul; two sons: Major Thomas Sterling, Monterey, California and John Sterling of Manhattan Beach, California; four grandchildren; two sisters: Mrs. Marcella Van Burg of Houston, Texas and Mrs. Eloise Hirt, Naples, Italy; a brother Theodore Sterling of Los Angeles, California and two stepdaughters; Mrs. Henry Delp of St. Paul and Mrs. Delmar Ashcraft of Port Arthur, Texas.

**Respectfully submitted,
REECE J. McGEE
OSMON R. SPRINGSTED
JOHN E. CHARLES, Chairman**

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Mr. Moore: On behalf of the Bar a committee consisting of Mr. Lewis L. Anderson, Mr. Gerhard J. Bundlie and Mr. Russell D. Thompson, Chairman, has prepared a memorial to Mr. Lambert S. Gill, lately, of this Bar,, which will be presented by Mr. Russel D. Thompson.

Mr. Thompson read the memorial for Mr. Gill.

Lambert Stephen Gill, prominent in civic affairs in this community for many years, died in his sleep Sunday, January 3rd, 1954. He was born in Tower, Minnesota on November 2, 1889, the son of Mr. and Mrs. John Gill and received his early education in the schools at Tower and Virginia, Minnesota. He graduated from the St. Paul College of Law in 1916.

He is survived by his wife, Myrtle A. Gill, two daughters Mrs. John B. Hilton of St. Paul and Mrs. John Price, Jr., of Fletcher, North Carolina, and two brothers Frank J. Gill of New York and Alexander Gill of Los Angeles and eight grandchildren.

Mr. Gill never engaged in the private practice of the law but maintained a close association with members of the bar and was a

member of the Ramsey County and Minnesota Bar Associations until his death.

Mr. Gill started his business career upon graduation from law school in 1916 with the Emporium Department Store of St. Paul as Manager of the Collection Department and soon was made general credit manager. He was a member of the St. Paul Retail Credit Association and served that association as president and as a member of its Board of Directors and as a member of its various committees. He was active in organizing the Mutual Credit rating Exchange and later the Credit Bureau of St. Paul, Inc., and served both organizations as president and as a member of the Board of Directors. Mr. Gill was known and respected nationally in the Credit field and held many posts in the District and National retail credit associations.

In 1941 he was elevated to the office of Vice President of the Emporium and subsequently became interested in the affairs of the St. Paul Association, serving that organization as a director for nine years. At the time of his death, he was chairman of the Retail division of the Association and director of the executive committee on Industrial relations.

He was also a director of St. Paulites, Inc., the St. Paul Round Table of the National Conference of Christians and Jews, Inc., and the Ramsey County Tuberculosis and Health Association and was a member of the St. Paul Athletic Club and Kiwanis Club.

In 1937 Mr. Gill served Osman Temple of the shrine as potentate and for the greater part of his life was active in Masonic affairs.

In 1942 he was crowned King Boreas of the St. Paul Winter Carnival and held that post four years during World War II. Several mornings a week during that entire period he appeared at the St. Paul Armory along with the Mayor and other officials in the early hours to bid farewell and good cheer to Ramsey County boys inducted into the service of our country.

It was characteristic of Mr. Gill that he was not satisfied just to have his name in the roster of any organization he was connected with. He took a very active part in the affairs of each organization and gave unsparingly of his time and energy and the benefit of his counsel and varied business experience. He was meticulous about attending meetings and never shirked the responsibility of taking on difficult assignments.

He was a devoted family man and between his family and many civic enterprises, had little time for hobbies. He enjoyed horseback riding, owned a horse and used every opportunity he could to indulge in this recreation and exercise.

Mr. Gill was possessed of a fine intelligence, excellent character, had a real sense of humor, unbounded energy and was a true and staunch friend. His loss is very real to his large circle of friends and associates as well as to the entire community which he served so faithfully for many years. It is appropriate that the bench and bar pause on this occasion to do honor to such a public spirited citizen.

**Respectfully submitted,
GERHARD BUNDLIE
LEWIS L. ANDERSON
R. D. THOMPSON, Chairman**

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Mr. Moore: On behalf of the Bar a committee consisting of Mr. James A. Fetsch, Mr. Philip J. Klein and Mr. John A. Burns, Chairman, has prepared a memorial to Mr. Lazelle S. Shockley, lately of this Bar, which will be presented by Mr. John A. Burns.

Mr. Burns read the memorial for Mr. Shockley.

Lazelle Seymour Shockley was born on a farm near Ridgeway, Harrison County, Missouri, on May 17, 1892, and died in Saint Paul, Minnesota on January 24, 1954. He attended district and high school at Bethany, Missouri. He was graduated from high school at Bethany,

Missouri in 1909, and entered the State University at Columbia, Missouri in 1910. After completing the academic prerequisites, he transferred to the University Law School, and upon completion of his law course, he was admitted to the Missouri Bar in 1916.

In 1917 Mr. Shockley was inducted into the Army, where he ultimately served in Battery B, 341st Field Artillery, 89th Division. He saw active service with this organization during World War I, and he later served with the occupation forces in Germany. Mr. Shockley was a member of St. Paul American Legion Post No. 8.

After his separation from the Army in 1919, he was for a time a practicing attorney at St. Louis, Missouri. In 1921, he transferred to employment as an editor with the West Publishing Company in Saint Paul.

In 1924 he took a leave-of-absence from the West Publishing Company and earned the degree of Doctor of Jurisprudence in residence at Yale University. He then returned to his employment with West Publishing Company until 1928 when he entered the private practice of law in Saint Paul. He continued in the private practice of law until 1942 when he accepted a position as a member of the full time faculty of the St. Paul College of Law where he remained until his death.

Mr. Shockley's father and mother and one sister, Martha Jane Shockley, predeceased him. He never married, and the only survivors of his immediate family are Mrs. Mary Adelia Hubbard, a teacher in the English Department, San Bernardino, California, and Lewis C. Shockley, Riverside, California.

It was in his work as a law teacher that Mr. Shockley found his greatest satisfaction. During his scholastic career he had been considered a profound and brilliant student by his instructors and fellow students. He used this aptitude for scholarship to its greatest advantage in his teaching. He combined patience and quiet persistence in the presentation of his material with sternness and exactitude in gauging his students' efforts. This combination caused him to be at

once revered and respected by those younger members of the Bar who were so fortunate as to have received a large part of their legal training under his guidance.

Mr. Shockley was devoted to the hobbies of reading, hiking, and gardening. The memory of his humor in the unassuming manner in which he would relate accounts of strolls of many miles on Sunday afternoons will linger long in the minds of his listeners. Many of his students and fellow instructors were the recipients of gifts of early blooming flowers and produce from his annual gardens. His interest in reading of the decisive campaigns of the great military leaders of history provided his greatest recreational stimulus in recent years.

It is in keeping with Mr. Shockley's military eservice and with his interest in things military that his estate has been dedicated to providing scholarships for veterans of the armed services. It is further fitting and a source of satisfaction that his final resting place is in the National Military Cemetery at Arlington, Virginia among men who have borne arms for their country, and where the entrance inscription from the lines of the Southern poet, Theodore O'Hara, reads as follows:

**"On Fame's eternal camping grounds
Their silent tents are spread,
While Glory guards, with solemn rounds,
The bivouac of the dead."**

It is with deep regret that we mourn the passing of Lazelle S. Shockley, distinguished soldier, lawyer, scholar, teacher and friend.

**Respectfully submitted,
JAMES A. FETSCH
PHILLIP J. KLEIN
JOHN A. BURNS, Chairman**

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Mr. Moore: On behalf of the Bar, a committee consisting of the Honorable John B. Sanborn, the Honorable Theodore Christianson and Mr. Roland J. Faricy, Chairman, has prepared a memorial to Judge Kenneth G. Brill, lately of this Bar and of this Bench, which will be presented by Mr. Fancy.

Mr. Faricy read the memorial for Judge Brill.

The Honorable Kenneth Gray Brill, long a member of this Bar and for almost twenty-five years a distinguished Judge of the District Court for Ramsey County, died on the sixteenth day of February 1954.

He was born in Saint Paul on June 17, 1883, the son of Hascal R. Brill and Cora, Gray Brill. He grew to manhood and was educated here and he spent his life as a member of and in the service of this community. His father before him was an eminent jurist who had served brilliantly as a Judge of the same District Court for more than forty-seven years. Between father and son they had presided ably over many of the important trials in this populous jurisdiction for a period just short of seventy-five years, almost the entire life of the Court. Each in his own right reflected great credit upon both the Bench and the Bar of this District.

Judge Brill received his elementary education at Webster School. He attended Central High School, graduating in 1903, took pre-law and one year of law at the University of Minnesota, and graduated from the St. Paul College of Law in 1907. While at Central High School he played right end on the football team which won the state championship and was a member of the track team running the half mile and the mile. He helped organize and was a charter member of Pi chapter, Lambda Sigma, a national high school fraternity, and at one time was its national vice president.

At Minnesota he was a member of Psi Upsilon Fraternity, of Skull and Snake, and of Phi Delta Phi legal fraternity.

While attending the St. Paul College of Law he was a clerk in the office of Howe, Butler and Mitchell, and later in George Edgerton's

office. Upon graduation and admission to the Bar he served for four years as Assistant City Attorney of St. Paul and was associated at various times as a partner in the practice of law with John P. Coleman, George W. Markham, Charles E. and James C. Otis, and Alf E. Boyesen, James C. Otis and Roland J. Faricy. He was elevated to the Bench in May of 1929, serving there until his death.

On October 19, 1909, he married Laura Cooke to whom he was devoted and who contributed greatly to his happiness and his success. She survives him. He was justly proud of their two sons, Kenneth G. Jr., who is a professor of geology in the Institute of Technology of St. Louis University, St. Louis, Missouri, and Richard H., associated with Aluminum Corporation of America and residing at Pasadena, California.

Judge Brill, though burdened with a heavy practice and, after becoming a Judge, with the duties of that office, gave unstintingly and unselfishly of his time and his talents for the welfare of the community, serving with intelligence and zeal on many boards and committees and holding many offices of distinction and honor.

Because of his years of work with that laudable organization, he was elected a life member of Boy Scouts of America. He served as President of Minnesota Historical Society, President of Minnesota Society, Sons of the American Revolution; Master of Summit Lodge A. F. and A. M., Trustee of Hamline University, Director of St. Paul Athletic Club. From the time of his admission to practice he was active in affairs of the Bar Associations, local and state, having been President of the Ramsey County Bar Association [1927-1928], a member of the Board of Governors of the Minnesota State Bar Association, and a member of the Board of the Minnesota Bar Association Foundation. In 1949, the Minnesota Territorial Centennial year, he was selected as one of the one hundred most famous living Minnesotans.

He was a member of the Church of St. John the Evangelist.

During his entire lifetime Judge Brill lived and moved in an atmosphere of the law. His earliest recollections were of his father's courtroom. His home environment, the moral tone of the family life, his association with his father and his father's friends, engendered in him a wholesome respect for law and the principals of justice, an appreciation of the functions and the limitations of the judge and of the advocate, and an understanding of the high standards expected of each. These sentiments blossomed with maturity and remained with him through life.

Gentle and gracious in bearing, courteous in manner, considerate to those appearing before him as counsel, party or witness, fair, just and impartial in his rulings and decisions, industrious and discriminating in the consideration and analysis of the problems presented to him, he was an excellent judge. He conducted his high office with modesty and reserve, adding to the high esteem with which the District Bench of Ramsey County always has been held by the Bar and by the public generally. His congenial personality, his kindly interest in people and in their affairs endeared him to many. He had a host of friends. Those friends, his family, the Bar and the Bench, the community in general, suffered a great loss with his death.

**Respectfully submitted,
HON. JOHN B. SANBORN
HON. THEODORE CHRISTIANSON,
ROLAND J. FARICY, Chairman.**

Judge McNally: The Judges of the District Court have asked Judge Gustavus Loevinger to present a memorial to Judge Brill on behalf of the Judges of this Court.

Judge Loevinger read a memorial for Judge Brill.

One year ago Judge Kenneth Gray Brill sat on this platform with his fellow judges. Today we are compelled to speak of him as of times past. It is fitting that we recall on this day the companionship, the mutual counselling, the helpful association and the treasured memories of him and of all those who have left us, in the year that is gone by.

In speaking of Judge Brill on this occasion we would remember him as we, who worked with him, knew him. A quality which his friends and associates often noted was his deep and sincere humility. Indeed, he had this virtue to an extent that it was almost a fault—so much so that it tended to throw into a shadow his abilities and achievements as a judge and his idealism and characteristics as a man.

This humility did certainly not spring from lack of judicial capacity. A review of the reports of the Supreme Court of this state for the last 15 years reveals that Judge Brill had an unusual and outstanding record in the small number of appeals, from his decisions and in the large proportion of affirmances. This record is an unspoken testimonial to his judicial soundness.

It must suffice here to refer to only two of his many difficult and important cases. In 1938 he had before him the famous case of *Clancy v. The Daily News*, a libel suit. Able and eminent counsel represented the adversaries. Many intricate and novel questions confronted the trial judge at every moment of this highly technical litigation. So well did he handle this case that it was unanimously affirmed [202 Minn. 1].

In 1949 Judge Brill presided at the celebrated De Zeler murder trial. The case was vigorously prosecuted and defended. Many unusual situations developed and a large number of evidentiary and procedural problems that had to be disposed of on short notice. On appeal he was again upheld unanimously [230 Minn. 39].

It can truly be said of Judge Brill that he exemplified the qualifications which the Greek philosopher Socrates named: "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly and to decide impartially."

Judge Brill was conscious of the tradition of his family for judicial scholarship and wisdom which it was his destiny to carry on. Indeed at times he seemed fearful lest something he did might tarnish that reputation. That this anxiety was groundless is now beyond question.

Judge Brill was imbued with an idealistic concept of the functions of a judge. But like all judges he was continually confronted with a reality unreconcilable with judicial idealism. From time to time he presided in the Juvenile Court. The tragic plight of the wards of that court—the delinquent, the dependent, the neglected—did not leave him when he went out of the court room door. The limitations on the judicial power to provide a solution to the problems of many of these children plagued him long after the official hearing had ended.

Similarly, the difficulty of unravelling the tangled threads of the unhappy marriages that came before him and of providing adequate support for the children of divorce when there was an inadequate income, gave him many hours of unquietness of spirit. He found no comfort in the realization that many of these social ills are beyond judicial cure.

Like all judges, Judge Brill was called upon to weigh evidence, determine the credibility of witnesses, pass upon the admissibility of evidence, give the proper instructions to juries and resolve an infinite number of controversies as to substantive and procedural law. Although his record in these matters is excellent, as the reports of the Supreme Court prove, his modesty often caused him to express doubt as to the correctness of his conclusions. In this he exemplified Lord Bacon's suggestion that a judge should be "more advised than confident". This was not an assumed attitude but an ingrained quality of the Judge's character.

Raised from infancy in a judicial atmosphere, it was natural for him to uphold the dignity and the respect belonging to the judicial office. But he was no less consistent in demanding from himself that industry and that willingness to accept and discharge every responsibility that went with the office. It could be said of him truly, "above all things integrity was his portion and his proper virtue".

Yet he was completely free from pride of position and from cant of power. His intimates and friends knew Judge Brill as one that loved his fellow-man. He spent many leisure hours in unrequited and unpublicized services to the humble, the lowly, the nameless, the

many who live in back-streets and bye-ways, the little people who never rise to the level of public acclaim. The flattery that often is bestowed on those in offices of honor and power did not lessen his courtesy, his consideration, and his kindness toward all that came within the orbit of his daily activities. Nor were these qualities marred by the slightest show of condescension or affectation.

It has been said that "nations fall where judges are unjust because there is nothing that the multitude think worth defending". But a country which is a country of laws; in which the judge is a judge for the peasant as well as for the palace; in which every man's happiness is guarded by fixed rules from tyranny and caprice—that nation will not fall. It is in this spirit that Judge Brill served his state and his nation. It is as such a judge that we shall remember him.

HON. GUSTAVUS LOEVINGER

Judge McNally: Judge John B. Sanborn, of the United States Circuit Court of Appeals, a life-time associate and intimate friend of Judge Brill, will present a personal tribute in the form of a memorial to Judge Brill.

Judge Sanborn read a memorial for Judge Brill.

I cannot and shall not attempt to describe the deep sense of loss and loneliness which came to me with the death of Kenneth G. Brill. That tragic event marked the end of a long and close friendship.

Kenneth and I were born in St. Paul in the same year, he in upper town and I in lower town. We were both most fortunate in our choice of parents. He went to the Webster School at Laurel and Mackubin, while I went to the Franklin School at Tenth and Broadway. We spent our boyhood in what seems now to have been a peaceful, simple and uncomplicated society, devoid of automobiles and traffic problems. Many of the men who had founded the State and established its Constitution and laws were still living. The generation which had fought the Civil War was still the dominant influence in politics and government.

Although I am not certain when Kenneth Brill and I first met, I suspect that it was about the time we entered the old Central High School on Tenth between Robert and Minnesota Streets. We were both members of the High School Track team—and it is possible that during our years at the school our interest in athletics and in our studies were somewhat out of balance. However, we both graduated with our respective classes, took our pre-legal courses at the University of Minnesota, and joined the Class of 1907 at the St. Paul College of Law. The College at that time occupied rooms on the top floor of the Old Court House on Wabasha Street.

There were four members of the class who during the years we were studying law were almost constantly together: Edward S. Stringer, Kenneth G. Brill, Dillon J. O'Brien and myself. That association and friendship persisted after we graduated, and particularly is that true with respect to Edward Stringer, Kenneth Brill and me, who never lost touch with each other until the end. Of this group of intimate friends, I alone remain.

I wish to take this opportunity to express my appreciation and gratitude for the devotion and companionship of a most loyal and unselfish friend. The pleasantest memories which I have are nearly all in some way associated with Kenneth Brill, memories of our high school days, of law school days, of the days when we were struggling to gain a foothold in the practice of law, memories of long walks and of week-ends together in the country, memories of lawyers' meetings and judges' meetings and of a delightful companionship lasting throughout the years of our lives. Kenneth Brill had a rare sense of humor which was a delight to his friends, and was one of those persons who contribute more in the way of courtesy, kindness and affection than they receive in return. He asked nothing for himself.

Kenneth Brill never realized how greatly he was respected and admired in this community as a friend, a man, and a judge. As every election day approached he worried about his prospects and was fearful that he had become one of the forgotten men, although everyone except himself knew that no one could possibly have displaced him.

As a judge he was worried for fear that in deciding a case he might inadvertently have done someone an injustice. On the infrequent occasions when the Supreme Court of Minnesota was unable to see eye-to-eye with him as to some doubtful question of law, he would, over my protestations that, after all, courts of appeals were not infallible, confess error and blame himself for having committed it. Sometimes when he was affirmed by a divided court, he would be much impressed by the views of the minority and wonder whether he and the majority were right after all. No judge ever approached the solution of legal problems with more seriousness or a greater concern for the rights of litigants.

While Kenneth Brill was the son of a great judge to whom all of us of the legal profession are vastly indebted for his many years of outstanding and devoted service, he was never overshadowed by his father's reputation but was a distinguished judge in his own right. His chief characteristics were modesty, honor, integrity, unselfishness, courtesy, kindness, painstaking industry, devotion to his work, consideration for others, and firmness in his convictions of right and wrong and in his determination that no act or neglect of his should ever cast any shadow upon the high standards and traditions of the court which he served. He had every qualification for the position he occupied. This court is a better court because he was a member of it. That, to my mind, is perhaps as fine a tribute as can be paid to any judge.

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Judge McNally: If there are no further memorials, the Court will recognize Mr. Moore of the Ramsey County Bar

Mr. Moore: May it please Your Honors, this concludes the memorials to those of the Bench and Bar who have left us during the past year. It is gratifying and also altogether fitting and proper that we spend these few minutes this Saturday before Easter in memory of those of us who have gone ahead. On behalf of the Bar I should like to move this Court that the Clerk be instructed to spread these memorials on the

minutes of Your Honors' Court in perpetual memory of these departed members of the Bar, and that a copy of these memorials be delivered to the families of these members of the Bar.

Judge McNally: The motion is granted, and the Court joins in these memorials. On behalf of the District Court we express our thanks to the members of the other Court who have attended and assisted in the presentation of these memorials. We also express our appreciation to the Ramsey County Bar Association for the interest they have taken in these memorials.

As a further mark of respect for the deceased, no business will be transacted and court will be adjourned.

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