

# Ramsey County District Court Judges (1896)

## Foreword

The *St. Paul Sunday Globe* on May 10, 1896, was enclosed in a 28 page circular featuring articles on the newspaper's new building, illustrations on how a "modern newspaper" is made, 7 pages on bicycles (a historian of bicycles in Minnesota will find this a gold mine), Fort Snelling and other miscellaneous topics including several columns on the district court judges of Ramsey County.

The author of the article on the judiciary had covered the courts for the *Globe* for the past one and a half years. Having attended countless hearings, motions and trials, he had come to admire these men. He had witnessed how each in his own way presided over trials, interacted with lawyers, ruled on motions and sentenced the convicted (though Judge Otis, we are informed, did not handle criminal cases). He had visited with these men in their chambers, when they were off duty, relaxed and willing to talk at length on all sorts of subjects.

His article is a series of very impressionistic portraits of five of the six judges: Hascal R. Brill, William L. Kelly, Charles D. Kerr, Charles W. Otis and James J. Eagan. For some reason a sketch of Judge John W. Willis was included but the reporter's reflections of him on the bench omitted (perhaps they were stricken to shorten the article). Interestingly the portraits are not interrupted by anecdotes.





Front page of the *St. Paul Sunday Globe*, May 10, 1896.

## HONOR THE ERMINE

---

RAMSEY COUNTY'S DISTRICT COURT  
BEARS SIX WORTHY JURISTS  
AND MEN.

---

BROAD, BRAINY AND STRONG,  
THEY PRESENT AN ARRAY OF LEGAL  
TALENT SECOND TO  
NONE.

---

SIX SCHOLARLY ARBITERS

---

Entrusted With the Weighing Out  
of Justice Between Disputatious  
Residents of St. Paul.

---

Whatever may be said for or against the others, St. Paul has one set of public officials of which the people of the city have reason to be proud. These are the six judges of the district court of Ramsey county. They are not only good judges, but, what is better still, they are good men, and they are all, in the fullest sense, what the world calls self-made men.

Aside from Judge Willis, not one of them had the advantage of a complete education in his youth, but all have by their studious habits through life, backed by good mental organizations, become cultured gentlemen, with whom it is a delight to associate. Three of them Democrats and three Republicans, and differing widely as to theories of government, they are partisans only in this, that every one of them despises the low, unscrupulous methods of a certain class of politicians in all parties.

They love men of honor and manly bearing men who stand for decency and employ only decent means of gaining their ends, no matter to what party they may belong. Men of fine moral sensibilities themselves, they naturally recoil from anything that places a premium on trickery and dishonesty by enabling coarse, vulgar, unscrupulous self-seekers to crowd themselves to the front and thrive at the expense of the public. With them, manhood alone is at a premium, party at a discount; honest administration first, theory of government second, and no intelligent man who steers his politics by such a standard ever was or ever can be a partisan.



It would be impossible in one brief article to give a sketch of the character and life of each of these men and do justice to the subject. Therefore all that is attempted here is the barest outline of the distinguishing traits of each as they have been impressed upon the mind of one whose duty has brought him in contact in a semi-social way with all the district court judges



nearly every day during the past year and a half, adding to these brief sketches a glance at the biography of each, to substantiate what has already been stated, that they are all self-made men in everything that expression implies.

Judge Hascal R. Brill, the senior in point of service, though not in age, is conceded to be one of the greatest, if not the greatest trial judge in the state of Minnesota. He is an ideal judge. Calm, patient, painstaking; ever ready to listen to the opinions of others and give them equal consideration with his own, he is the same Judge Brill whether on the bench, in his chambers, on the street, at the banquet table, in his home or at the bench.

One might suspect that a man so evenly balanced would be cold; that his heart did not beat in response to the trials and sufferings of his fellow beings. But Judge Brill's is not that kind of a balance. His is not the equal poise of a chunk of ice weighed in the opposite scale to a piece of stone, but the balance of the intellectual, moral, kind-hearted, mainly man with complete mastery over himself.

Enter his home and you breathe the very charm of his character, be he present or absent. It is like entering a shady nook by a clear, cold stream, dropping beneath a spreading tree and drinking in the very soul of nature after one has been traveling a long, dusty road on a hot summer day. Back of his calm, judicial spirit, Judge Brill is a decisive man. Careful not to pass judgment until he has given a subject due consideration, and ever ready to admit error when it is pointed out to him that he is in the wrong, he is always firm in his rulings, and every intelligent attorney in the Ramsey county bar knows him too well to attempt to bluff him into receding from the position he has once taken.

Judge Brill was born in Canada, but came to St. Paul when a mere boy, and here he received his education. Part of his

early life was spent on a farm near Red Wing. He had not been a member of the bar for many years before he was elected judge of probate in 1872. He held this position until March, 1875, when he was appointed judge of the court of common pleas, to succeed William Sprigg Hall, deceased. Within a year the court of common pleas was merged into the district court, and he has, by successive elections, practically without opposition, held a seat on the district court bench ever since.

Hon. William Louis Kelly, next to Judge Kerr in point of age, and next to Judge Brill in his term of office on the bench, is, despite his gray hairs, a youth at heart, and will, as he himself says, never grow old. A genial, kind-hearted gentleman; the embodiment of a fine moral sentiment himself, one might suppose that his experience in the trial of criminals—for he has probably tried twice as many as any one of the other judges since he has been on the bench—would naturally make him cold and cynical. But the reverse seems to be true.

Judge Kelly is a fatherly man, whose heart is full of pity for the downfallen and the erring, and he has a fellow feeling for even the most despised of mankind, while he metes out with stern justice the penalty imposed by the law as a punishment for crime. Like Judge Brill, though not to the same degree, Judge Kelly possesses a fine judicial temperament, and never jumps to conclusions, always carefully looking up the law before ruling on any important question. In the trial of criminal cases he always keeps uppermost in mind the truth that law was not designed to protect criminals, and taking his bearings from this beacon light, he brushes aside with rugged common sense all finespun technical ties, and lets justice have full sway.

Judge Kelly has tried many important civil cases as well as criminal, notably the Great Northern-Northern Pacific consolidation injunction suit, in which he took issue with such an

eminent jurist as Judge Sanborn, of the United States circuit court, and was sustained by the United States supreme court. His decision in the recent Soannell injunction case, though not of such great importance from a judicial point of view, for the reason that the law and evidence were all on one side, will mark a new era in the conduct of political organizations in the city of St. Paul, if not in the entire state, in the years to come.

Though two generations removed from the Emerald Isle, Judge Kelly still bears in a marked degree the characteristics of the Celtic race. He was born in Kentucky in 1837, and inherits the judicial instincts, his paternal grandfather, after whom he was named, having been a circuit judge. His father was a lawyer by profession, but never practiced, serving as clerk of the circuit court the greater part of his life. He died young, leaving his son practically the head of the family at the age of seventeen. A year later the son went to Louisville and secured a position as deputy clerk in the chancery court. Later on he secured a position in the post office, and on the death of the assistant post master was appointed to that place, which he held for a number of years, during which time he managed to take a course in law at the university, graduating in 1859. He was appointed special agent of the post office department in 1864, and had charge of all the army mails west of the Mississippi river. He continued in this service until the close of the war, and from that time until 1867 he was engaged in the reorganization of the mail service in the South. He then resigned and came to St. Paul, and followed various vocations for some ten years, farming for three years, editing a paper for a time, teaching school a spell and even trying the real estate business. It was not until 1878 that he began practicing law exclusively, and in 1887 he was appointed by Gov. McGill to an original vacancy on the bench; was elected the following year, and re-elected two years ago.

Hon. Charles D. Kerr, the most aged man on the bench, has more of the martial spirit than any other man on the bench. This may be due in a measure to his service in the army during the Rebellion, but he also has it by nature to a degree. It is not meant by this that Judge Kerr is harsh or severe, but that he brushes aside nonsense with the spirit of a strong, intelligent, brave military officer. Back of this is a fine patriotic sentiment that takes a manly pride in the progress of his country and her institutions. Judge Kerr must have been a gallant soldier on the field. His is not a mere animal bravery that fears no danger, but a mental bravery that loves justice, loves truth, and reckons not on danger in defending what he believes to be right. Judge Kerr is quick and decisive in his rulings on the bench, and small bore attorneys generally find his court room very warm when they resort to pettifoggging tactics, or indulge in nonsensical arguments in the trial of a case before him. But whenever a question of importance presents itself, Judge Kerr is one of the most deliberate judges on the bench, and always makes sure of his ground before deciding. Notwithstanding his decisive manner, he is kind hearted almost to a fault, and is one of the most popular men ion the bench.

Judge Kerr comes of revolutionary stock, being a descendant of Dr. Benjamin Rush, one of the signers of the declaration of independence. He also inherits the judicial instincts, for his maternal grandfather was a French jurist, who presided for a time over the supreme court of the Island of Sara Domingo. Judge Kerr was born in Philadelphia, in 1835, and is therefore two years older than Judge Kelly. His father died when the judge was quite young, and though a man of some means, unscrupulous persons swindled the widow and orphans out of the property, and Charles, being the eldest of the children, on him fell the responsibility of providing for his widowed mother and the rest of the family. In the struggle he managed to acquire an education, however, and graduated from the Illinois college, at Jacksonville, in 1857. After serving

for a time in the law office of Samuel F. Miller—afterwards Justice Miller, of the United States supreme court—he was admitted to the bar in 1861.

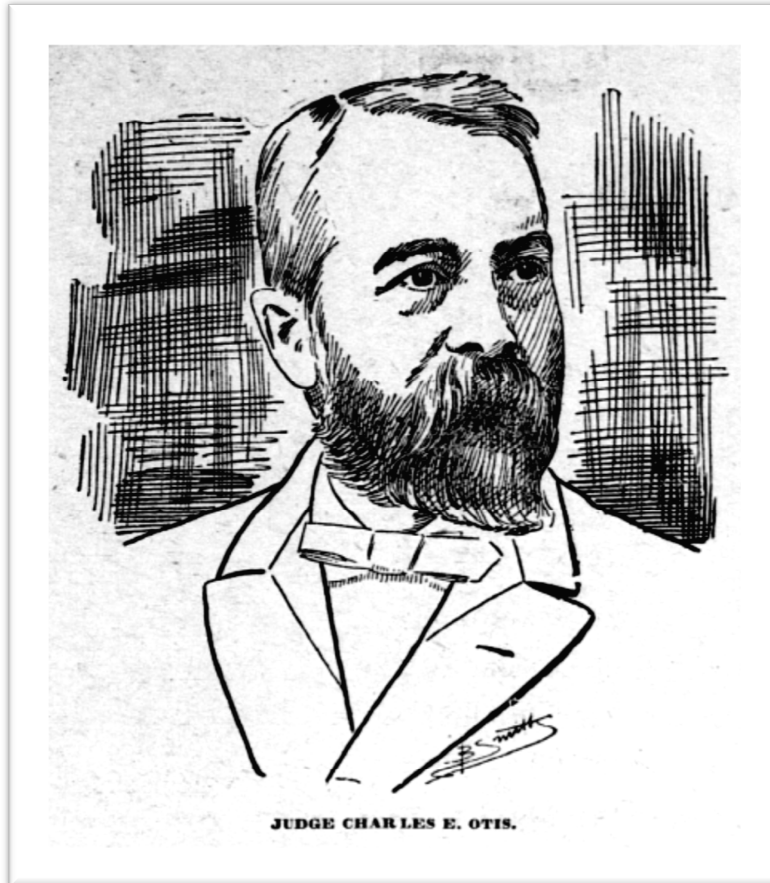
Judge Kerr enlisted the same year, and made a brilliant war record, his regiment taking part in many of the most eventful campaigns and great engagements. He was commissioned a colonel just before being mustered out, in 1865, but too late to have his name appear on the rolls at Washington with that rank and official notice sent him before his retirement.

After the war he was induced to come to Minnesota on account of ill health, and he began the practice of law at St. Cloud. He served as mayor of that city for a time, but finally came to St. Paul in 1873, where he won a reputation as an able and honest lawyer. He was appointed to the bench in 1888 on the unanimous indorsement of the Ramsey County Bar association. Previous to this he served in the St. Paul city council, and was president of that body for a time. He also served on the school board, and was a member of the State Bar Association.

Judge Charles E. Otis, who has been on the bench since 1889, leads all the others in point of business sagacity. He is a clean-cut gentleman with a clear head and good knowledge of law. Judge Otis has a robust common-sense way of getting at the facts in a case, without permitting his mind to become befogged with legal technicalities. He has confined himself exclusively to the trial of civil cases, and his decisions and rulings command the universal respect of the intelligent members of the bar. He is seldom reversed by the supreme court.

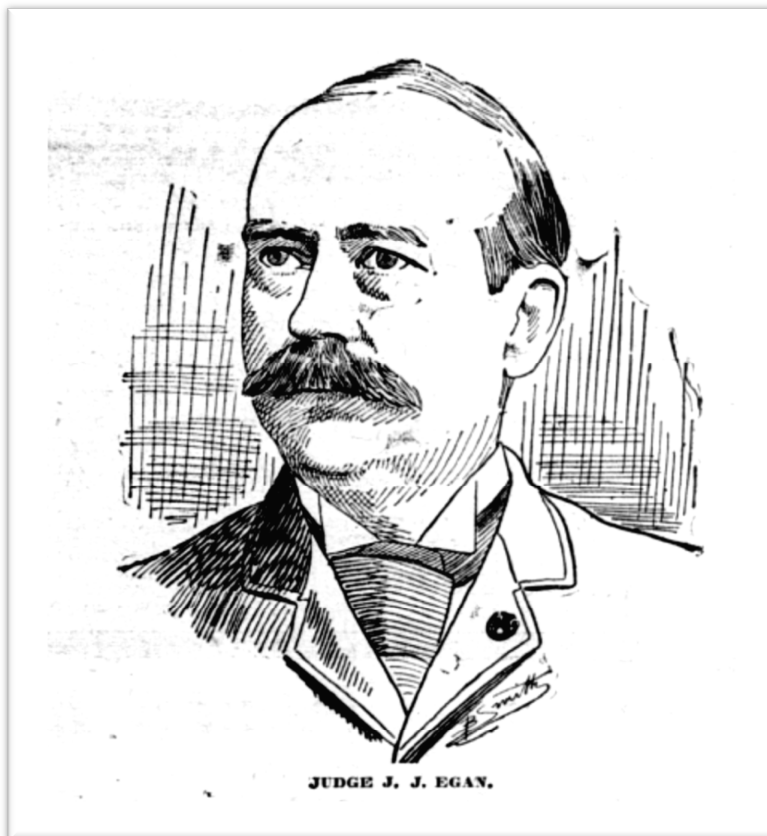
Judge Otis is a modest man, and not very talkative, but when he has anything to say it is generally worth listening to, and when a gentleman who commands his respect finds him unoccupied and in a conversational mood, it is a pleasure to discuss economic and social questions with him. Of the four

judges who have at one time or another followed the plow, Judge Otis has seen more farm life than any of them. A descendant of John Otis, who came to this country and settled near Boston in 1635, his father settled in Michigan, in 1834, while the country was yet a wilderness, and began farming.



Twelve years later Judge Otis was born, being one of thirteen children, of whom eleven reached their majority. Five of these became lawyers, three of whom were elevated to judicial positions. Judge Otis grew up on the farm, going to a district school in winter and working on the farm in summer. After preparing for college, he taught an old-fashioned country school a year and a half to provide further funds. This was in the days when the teacher boarded around with the pupils. He entered the university of Michigan, taking a four-year

course in the classical department and graduating in 1869. He was superintendent of public schools thereafter at Laporte, Ind., and in 1871 commenced the study of law in the office of his brother, George L. Otis, then a leading lawyer of this city. He was admitted to the bar in 1873, and entered into partnership with his brother George, and after the latter died, in 1883, Charles took his brother Arthur into partnership with him, and continued to practice law until appointed to the bench by Gov. Merriam, to succeed the late Judge Vilas. He was elected without opposition in 1890, and his term expires with the present year. Previous to his appointment to the bench Judge Otis was a member of the St. Paul school board for a time, and afterwards at in the city council for two terms. He took an active part in the legislation that resulted in the purchase of the city water works.



Next In point of term of service on the bench comes Judge James J. Egan, and what shall be put down as his distinguishing traits, for he has many, as have all men of his striking intellectuality and bubbling human nature. There is more human nature in one square inch of Judge Egan, so to speak, than is a whole house of bishops. If you have the pleasure of his intimate acquaintance, so that he knows you to be a man, and you happen to be in a "tight hole," go to Judge Egan the day he draws his month's salary, and if that amount will help you out, the chances are you will be helped out. And after you have gone away, if some genial, whole-souled fellow comes along, Judge Egan will assail him with some humorous tirade, and you and the salary and unpaid rent are all forgotten.

Judge Egan is a charming conversationalist. He is cultured and witty, and get him in a serious mood and he is remarkably philosophical, quickly separating the kernel from the chaff on social and economic questions. ■

