

# **MEMORIAL SERVICES**

**FOR DECEASED MEMBERS**

**RAMSEY COUNTY BAR**

**HELD AT THE**

**COURTHOUSE, APRIL 24, 1943**



**SAINT PAUL LEGAL LEDGER**

## *Memorial Services*

On Saturday, April 24, 1943, 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

JUDGE HANFT: Judges of the Federal Courts, of the Supreme. Court of the State of Minnesota and of this district, Members of the Bar; Ladies and Gentlemen:

First I desire to have the minutes show the presence of Judge Sanborn of the United States Circuit Court, Judge Bell of the United States District Court, Judge Loring of the state Supreme Court, and it gives me extreme pleasure to note also the presence of Justice Andrew Holt, the dean and friend of us all, who for so many years graced these meetings while he was active on the Supreme Court Bench, with his attendance. All matters set for hearing at Special Term today stand adjourned for one week.

Mounting physical disability due to advancing years, over which I have no control, place in the realm of probability, rather than mere possibility, my inability after today of again presiding as your Senior Judge upon an occasion of this kind.

Naturally, therefore, in a serious mood, there comes to me the words of Thomas Gray in his Elegy Written in a Country Church-yard:

*"The boast of heraldry, the pomp of power  
And all that beauty, all that wealth e'er gave  
Await alike the inevitable hours—  
The paths of glory lead but to the grave.*

*Full many a gem, of purest ray serene,  
The dark, unfathomed caves of ocean bear;  
Full many a flower is born to blush unseen,  
And waste its sweetness on the desert air."*

In the Oh! so material world of this day and age, too many of us are prone to delay doing the nice and gracious things for our friends that we all fully intend some day to do 'ere life's evening tinges their brows with sunset glow, only to delay too long, and the Grim Reaper intervenes. The sentiment I desire to convey has been beautifully phrased in simple words by Charles Hanson Towne in his "Around the Corner:"

*"Around the corner I have a friend  
In this great city that has no end;  
Yet days go by and weeks rush on,  
And before I know it a year has gone.  
And I do not see my old friend's face,  
For life is a swift and terrible race.  
He knows I like him just as well  
As in the days when I rang his bell  
And he rang mine. We were younger then  
And today we are busy, tired men;  
Tired with playing a foolish game,  
Tired with trying to make a name.  
Tomorrow I say I will call on him,  
Just to show I am thinking of him;  
But tomorrow comes—and tomorrow goes,  
And the distance between us grows and grows.  
Around the corner; yet miles away.  
Here's a telegram, Sir—Dick died today.*

*And that's what we get and deserve in the end—  
Around the corner, a vanished friend."*

We are gathered here today to pay tribute to the memory of those members of the bench and bar of Ramsey County who have died since last we met upon a similar occasion. Would that some of the nice and gracious things that will be justly said about them in these memorials might have reached them while they were still able to hear, to appreciate and to enjoy them. All we can do today is to record their memorials in the annals of our Court in the hope that they will in some measure bring a ray of spiritual sunshine to the members of their families and to their friends whom they left behind when they departed this mundane sphere.

Mr. Finley, as president of the Ramsey County Bar Association, will you kindly report to this Court the names of the members of our bench and bar who have died during the past year and, as we proceed, the names of the members of the committees who have been appointed to draft and present the memorials today and the name of the member of each committee who is to read the respective memorial?

MR. FINLEY: May it please your Honors, your bar appears this morning to present to this Court memorials of the members of the bar who have died during the past year. It is the desire of the bar that there be a permanent record of the professional lives and attainments of those who have left our ranks. The members of the bar of this Court have died during the past year for whom memorials will be presented to your Honors are these:

Justice Royal A. Stone  
Mr. Frank M. Butler  
Mr. Joseph A. Dady  
Mr. Leonard J. Dobner  
Mr. Norman Fetter  
Mr. George W. Markham  
Mr. Harvey O. Sargeant

On behalf of the bar, a committee consisting of Mr. Edward S. Stringer, Mr. Alex L. Janes and Mr. Montreville J. Brown has prepared a memorial of Justice Royal A. Stone, lately of this bar, which will be presented by Mr. Brown.

MR. BROWN: Royal Augustus Stone, a practitioner at the Ramsey County Bar from 1907 to 1923, and Associate Justice of the Supreme Court of Minnesota from 1923 until his death, died at Miller Hospital in St. Paul, Minnesota, on September 13, 1942.

He was born at LeSueur, Minnesota, on June 26, 1875, the son of Herman Ward Stone and Polly Wells Stone, natives of Eastern Ontario, Canada. When he was one year old, his father with his family settled in Stevens



County, Minnesota, and located on a farm just outside Morris. It was on this farm that Justice Stone grew from infancy to young manhood. He attended the public schools at Morris; but completed his high school training at the Academy at Carleton College, Northfield, Minnesota. He entered the University of Minnesota in the fall of 1894, contemplating a course of study leading to B.A. and LL.B. degrees; but it was concluded that the family finances would not permit of this, so he transferred to Washington University at St. Louis which was offering a two-year law course, and there he obtained his LL.B. degree in 1897.

After completing his course at Washington University and taking and passing such examinations as were then required in Minnesota, he was admitted to the Minnesota Bar. He immediately began the practice of

law, locating at Morris. Except for a break during which he served in the Spanish-American War, he practiced at Morris until 1905. That year he was appointed Assistant Attorney General of Minnesota, and served in that position until 1907.

On August 14, 1901, he married Olive Whiting of Spring Valley, Minnesota, who survives him. Shortly after his appointment as Assistant Attorney General, Mr. and Mrs. Stone moved to St. Paul where they thereafter made their home.



ROYAL A. STONE  
1875-1942

He left the Attorney General's office in 1907, and with Thomas D. O'Brien formed the law firm of O'Brien & Stone with offices in St. Paul. Upon completion of his term as Attorney General, Edward T. Young joined the firm and the name was changed to O'Brien, Young & Stone. In 1909 Mr.

O'Brien was appointed to the Supreme Court to fill the vacancy caused by the death of Justice Edwin A. Jaggard. He served for two years, during which time Mr. Young and Mr. Stone practiced under the firm name of Young & Stone and then returned to practice with his former partners again under the name of O'Brien, Young & Stone.

Mr. Stone served his country during the World War. Upon discharge on July 21, 1919, he held the rank of Major, and was given a reserve commission as Lieutenant Colonel which he held for some years. Following his discharge, he returned to the practice of law in St. Paul, joining his old associates under the firm of O'Brien, Young, Stone & Horn. He remained with the firm until May 25, 1923.

As a lawyer he was equally at home as an adviser in his office and as a trial lawyer. During the course of a busy professional career, he tried many cases before juries and before courts sitting without a jury, many of them of the utmost importance. He possessed a sound and clear knowledge of legal principles, and to the preparation and trial of his cases he brought the aid of a clear and comprehensive intellect and the power of analysis which attends a discriminating mind. He commanded the attention and respect of both court and jury, for they knew that what he said expressed his true belief and that he asked only what he believed his client was entitled to under the facts and the law.

He was never known to seek in court an unfair advantage. His manner toward his adversary was always considerate, courteous, and forbearing. He possessed the faculty of being firm in presenting his points, while at the same time avoiding giving offense. He participated in none of the animosities that sometimes arise out of the trial of a case.

In 1923, following a term as president of the Ramsey County Bar Association, he was elected president of the State Bar Association. He served with distinction, and continued throughout his life to take a keen interest in the affairs of the Association.

On May 25, 1923, Governor Preus appointed him to the Supreme Court to fill the vacancy caused by the resignation of Justice Oscar Hallam. Following his appointment he was elected in 1924, 1930 and 1936, and in 1942 was nominated as a candidate to succeed himself.

Judge Stone served in many civic capacities, and was a public speaker of note. His great contribution of service, of course, was as a member of the Supreme Court of the State.

An appellate judge is measured by his opinions. Justice Stone's opinions are models of concise and forceful language. To read some of them one must go beyond the use of legal terminology. He was a master of the use of English, and many a musty principle of law took on new life from the manner in which he stated it. He maintained to the end his habit of "calling things by their right names" as he saw them. He had the faculty of going directly to the point or points at issue in a case and of disposing of them without indulging in discussion of facts and law foreign to a decision of the case. He had an analytical mind. He unerringly discriminated between essentials and non-essentials. His opinions show him to have been a deep student of the law; show that his knowledge of the law covered the entire field of the law; and show him to have had singular ability in dating the rules and principles of law. Quite often he seemed to show discontent with the statement of a rule or principle in cases of long standing. On such occasions he had his own way of stating the rule or principle. But this was not because he thought the statement as originally made was not appropriate at the time made, but because he shared in the belief that case law needs, from time to time, some modification with resultant restatement to meet changes wrought by social and economic developments. His pronouncements of the law constitute an important contributing factor in a development of recent years, still continuing, which may well be termed, the modernization of the common law. Justice Stone's opinions were highly regarded through out the land, and through them, he took high rank among the appellate judges of the country.

He had great respect for precedent, but he was by no means a "case-lawyer," and when he regarded a previous decision as erroneous he showed little reluctance in overruling it. He was a legal student with a genuine love for the law as a science. He was a firm believer that as humanity is constantly progressive so must the law be constantly progressive. It was he who said: "Static or retrograde law cannot achieve justice." And he was not content just to make such a statement. He did his part, as a member of the Court and also as a member of the American Law Institute and the American and Minnesota Bar Associations, to make the law a progressive thing, a changing thing to meet new conditions requiring new legal concepts in order that justice might be accomplished.

Courage was one of Judge Stone's outstanding characteristics, and this was no more evident than in his public career. Whether as Village Attorney of Morris, as Assistant Attorney General or as a Justice of the Supreme Court, he never failed to do what he conceived to be the right thing to do. He was impervious to outside influences. On which side is the right in this situation? On which side is justice in this case? Answers to these questions were the objectives he constantly had in mind. If he concluded that under the facts and the law applicable thereto in a given case a decision must go against a person or a group or an organization with extensive influence, or be contrary to the popular notion at the time, courageously and without hesitation he decided according to his convictions. He was honest in every sense of that term, but in his work as a public servant and particularly as a judge he was without a single deviation intellectually honest. He was true always to his own conception of what was right. And in this day and age as never before we are in need of such men in public life. Public servants might well emulate the high ideals of Justice Stone to the ultimate good of those they serve; might well in the performance of their duties, whether in an executive, legislative or judicial capacity, make it a rule at all times to do the right as conscience gives them to see the right.

There was in him a certain gentleness and sincerity that will always be remembered by those who had the privilege of his friendship. He lived and practiced the fundamental Christian virtues which were a part of his character. He never hesitated when occasion required to condemn what he deemed improper conduct, but his condemnation was directed to the act and not the person. He was ready to forgive the individual. His attitude toward others was kind, his judgment charitable, and his belief in the high average honesty of mankind was one of the foundation stones of his life. It was truly said that although he was able at times to employ the most withering sarcasm it was not directed toward the humiliation of those with whom he disagreed, but toward the destruction of what they advocated.

As a friend he displayed his finest qualities. To that relation he brought loyalty, companionship and sympathy. Generosity he carried to a fault. In time of trouble he could always be counted on. He was not capable of effusive expressions of sympathy. In fact, on first acquaintance, he often appeared to be retiring, but this was all on the outside. His true inward feelings and character were indicated in the active and practical assistance he never failed to give.

He lived a life of accomplishment, usefulness and distinction. Toward everything his attitude was wholesome. Never was he guided by an unworthy purpose or a dishonorable impulse. His attitude toward his fellow man was that of sympathy and charity.

Much more might well be said in extolling the virtues of judge Stone, as a man, as a citizen, as a lawyer and as a judge. Suffice to say in conclusion, that all through his life he was guided in all things by the highest and nobles of ideals; that he was intensely loyal to his country, and showed this by twice volunteering his services in time of War; that as a lawyer he was an outstanding credit to the legal profession; that as a judge, he was just, profound and able, and has left a record which stamps

him as one of the greatest of a long line of distinguished judges who have served as members of the Supreme Court of the State.

EDWARD S. STRINGER  
ALEX L. JANES  
MONTREVILLE J. BROWN  
Chairman.

JUDGE HANFT: Justice Loring, as an associate of Justice Stone, I am sure you would like to add a few words:

JUSTICE LORING: May it please the Court, I think I may say with confidence that every member of the Supreme Court who served with Mr. Justice Stone would agree with all that Mr. Brown has said about him. Justice Royal A. Stone was a great jurist. He brought to the Supreme Court a fresh, aggressive mind, trained in the only school where real judges are made—the actual practice of our profession. By experience gained by years of work in court and in his office he knew the application of the principles of law to facts as they developed in human relations.

Justice Stone's adventurous, fighting spirit led him to challenge the absurdities which had developed in the law. Like a good woodsman, if he saw in the great forest of jurisprudence a tree that had gone dead at the top or was rotten at the heart, he did not hesitate to use the ax. He could not tolerate a growth not rooted in sound logic. He smote such with the keen edge of reason barbed with striking phrases. As has already been said, he was not a case lawyer and was not a case judge. I repeat, he was a great jurist.

I cannot pass this occasion without reminding you of his valuable services as chairman of the Judicial Council. He conceived that the Legislature meant what it said when it created the Council, and proceeded to organize that body to solve the problems presented to it and imbued it

with life. He performed a great public service for which the State of Minnesota holds him in grateful memory.

MR. FINLEY: If it please your Honors, the committee of the bar, consisting of Mr. R. D. Thompson, Mr. Worth K. Rice and Mr. Ray E. Cummins, has prepared a memorial of Mr. Frank M. Butler, lately of this bar, which will be presented by Mr. R. D. Thompson.

Frank Marshall Butler was born in LeRoy, Minnesota March 23rd, 1892. He spent his boyhood days in LeRoy where he received his grade and high school education.

When Frank was 13 years of age his father died leaving a widow and five small children to feed, clothe and shelter. Frank immediately pitched in to help all he could by working in a local grocery store, outside of school hours, driving the delivery wagon and doing incidental work about the store. This job led to employment as clerk in one of the general stores in LeRoy. In those days it was the custom in small towns for the stores to stay open for business until 6. o'clock in the evening and even later, and Frank, while just a boy, small for his age and slightly built, had to work hard long hours and do his school work besides. He was blessed with an industrious nature and never complained, but his days were so taken up that he seldom had an opportunity for play or athletics like most boys of his age.

When Frank was 18, the family moved to Austin, Minnesota, where he obtained employment with Hormel & Co., and in 1916 he arranged a transfer to the company's branch in St. Paul so he could attend the St. Paul College of Law, from which he graduated in 1919 and was admitted to the Bar. While in Law School, he, for a time, was in the office of Morphy, Bradford & Cummins in the capacity of Law Clerk. For two years thereafter, he was assistant credit manager of the Emporium and then opened offices in the Pioneer Building.

From the very beginning of his practice, Mr. Butler specialized in the commercial field. He had a wide acquaintance among credit men, acquired while he was with the Emporium and later through the Retail Credit Association, which at one time, he served as President. Through the years he became a leader in this field, serving the National Retail Credit Association in various capacities. He was nationally known and respected by the credit fraternity and by commercial lawyers. The nature of his practice rarely required his appearance in court but he was personally acquainted with most of the members of the Bar and highly regarded and respected by those who knew him for his honesty, unflinching courtesy and friendliness.

Mr. Butler was a member of the Ramsey County and Minnesota State Bar Associations, the St. Paul Athletic Club and several organizations in the field of commercial practice. He never aspired to political office but was deeply interested in public affairs.

Mr. Butler was married in 1922 to Violet N. Berg of St. Paul and to this union four children were born. He is survived by his widow and three sons, Bartlett, Jack and Ted, his only daughter having died in childhood. He also leaves to mourn him, his mother, Mrs. Jessie E. Butler of Winona, Minnesota, and one brother and three sisters.

He died suddenly on November 13th, 1942, at the age of 50 years. Frank was kind, loyal and generous to his friends and is greatly missed by all who were close to him.

WORTH K. RICE,  
RAY E. CUMMINS,  
R. D. THOMPSON,  
Chairman.

MR. FINLEY: If it please your Honors, Mr. James H. L. Kelehan, Mr. John C. Russell and Mr. James T. Denery, as a committee of the bar, has prepared a memorial of Mr. Joseph A. Dady, lately of this bar, which will be presented by Mr. James H. L. Kelehan.

MR. KELEHAN: Joseph A. Dady died suddenly in St. Paul on December 26th 1942, at the age of fifty-one.

"When to the common rest that crowns our days,  
Called in the noon of life, the good man goes \* \* \*  
We think on what they were \* \* \* "

Joe Dady, as he was known to his friends, was born at Kellogg, in Wabasha County, Minnesota, on February 2nd, 1891, the son, of John J. and Mary Dady, and was reared on a farm.

He was one of six children, three sisters and two brothers, all of whom survive him. He was educated in the schools at Kellogg, attended St. Thomas College, in St. Paul, and received his legal education at the Minnesota College of Law, and was admitted to practice in this State in 1926. His entire professional career was spent in St. Paul, where he was associated with James H. L. Kelehan, up to 1938, since which time, until his untimely death, he practiced alone, maintaining an office in the Pioneer Building.

On February 8th, 1934, he was married to Helen Holmes, of this City, who survives him, together with two daughters and one son; the children are Mary Judith, four and one-half Years of age; Patricia, six years of age, and Robert, eight Years of age. For many, years he was a member of the Local Council of the Knights of Columbus, and was a devout Catholic.

Mr. Dady was industrious and attended diligently to the interests of his clients, and it was not unusual to find him in his office in the evening and on holidays, and by such industry he had developed a large number of clients whose interests he looked after carefully.

His untimely death was a great shock to his family and friends, that he was called so suddenly and far short of his allotted time, while yet in the full vigor of mind and body.

JAMES T. DENERY,  
JOHN C. RUSSELL,  
JAMES H. L. KELEHAN,  
Chairman.

MR. FINLEY: May it please your Honors, a committee of the bar, consisting of Mr. John P. Kyle, Mr. George W. Peterson and Mr. Milton P. Firestone, has prepared a memorial of Mr. L. J. Dobner, lately of this bar, which will be presented by Mr. John P. Kyle.

MR. KYLE: Leonard J. Dobner was born in Lake City, Minnesota, on February 16, 1862, died in California on March 22, 1943, and left surviving him Helen B. Russ, of Beverly Hills, California, Allan Dobner of San Diego, California, and Edwin A. Dobner of St. Paul, Minnesota. In 1888 he married Eunice Allen of Fergus Falls, Minnesota, who predeceased him in 1941.

Mr. Dobner graduated from the high school in Lake City in 1880, and from Hamline University in 1884, a member of the first graduating class. At Hamline he was captain of the baseball team, and a member of the football team.

After his graduation in 1884 he studied law in the office of Williams, Goodnow & Stanton, in St. Paul.

In 1885 he was admitted to the Bar, and associated himself with the late Commodore William F. Davidson, and was wont to say that he owed his success to his association with and to the inspiration he received from Commodore Davidson.

In 1885 he was elected to the School Board from the seventh ward, and served until 1890. In 1890 he was elected on the Democratic ticket as alderman from the tenth ward, and served a number of years. He was the only Democrat ever elected to the Council from the strongly Republican tenth ward. He was active in the practice of law in St. Paul for fifty-seven years.

In politics he was independent, and did not hesitate to leave his party when its personnel and policy were opposed to his own convictions.

Mr. Dobner was gentle, kind and courteous in manner and disposition, was patient, faithful and honest toward his clients, among whom were many in the humbler walks of life. He achieved some distinction in settling their disputes, being somewhat averse to litigation. He was a good business man as well as a good lawyer. His legal standards were ethical, and he left an honorable and untarnished name.

GEORGE W. PETERSON,  
MILTON P. FIRESTONE,  
JOHN P. KYLE,  
Chairman.

If MR. FINLEY: If your Honors please, a committee of the bar, consisting of Mr. Arthur A. Stewart, Mr. A. E. Horn and James E. Trask, has prepared a memorial of Mr. Norman Fetter, lately of this bar, which will be presented by Mr. Arthur A. Stewart.

MR. STEWART: Norman Fetter, for 53 years a member of the Bar of this State, died at his home in St. Paul, on May 21, 1942. Mr. Fetter was born in Fountain City, Wisconsin, May 1, 1864.

After completing his legal education at the University of Wisconsin, he moved to Minnesota and was admitted to the Bar of this State August 3, 1889. He first located in Minneapolis, practicing there for a short time as

member of the firm of Tupper & Fetter. Within a short time, however, he moved to St. Paul and for several years engaged in the general practice of his profession in this city and then became credit manager of the firm, of Lindeke-Warner and Schurmeier, one of the large wholesale houses of this city. He maintained his connection with this company and its successors until his death.

Early in his career, Mr. Fetter was well known as an author of legal articles and textbooks. In 1895 the West Publishing Company published as a part of its hornbook series "Fetter on Equity Jurisprudence" and an accompanying casebook. For many years these books had a large sale and were in very general use in the law schools of the country. Many of the lawyers



who studied law at about the turn of the century well remember having studied "Fetter on Equity Jurisprudence." In 1897 the West Publishing Company published a two-volume work written by Mr. Fetter on the subject of carriers of passengers, which had a large distribution and was very favorably known to the lawyers of that period. He was also author of a work on charitable funds.

Mr. Fetter was very active in the affairs of the St. Paul Credit Men's Association; he was the fifteenth president of the association and was one of its incorporators. In 1935 the

District Court of this county appointed Mr. Fetter court commissioner to fill an unexpired term and at the conclusion of his appointed term Mr. Fetter declined to be a candidate for election.

While his business activities occupied most of his time Mr. Fetter maintained a close association with the legal profession; he was a member of the Ramsey County and State Bar Associations until his death and enjoyed his friendship with other lawyers.

His kindly counsel and his lovable personality will be missed by the many of us who knew him. Norman Fetter was an able lawyer, known to the older members of the profession as an authority in many branches of the law, especially those pertaining to commercial activities. He was a convincing speaker and had a delightful, subtle humor.

Mr. Fetter is survived by his wife Isabel Fetter of St. Paul, a son and two daughters, Dr. Ferdinand Fetter Philadelphia who is now a Lieutenant Commander in the United States Navy, Dr. Mary Fetter who is on the staff of St. Martha's Hospital at Antigonish, Nova Scotia, and Miss Dorothy Fetter.

A. E. HORN,  
JAMES E. TRASK, H  
ARTHUR A STEWART,  
Chairman.

MR. FINLEY: If your Honors please, a committee of the bar, consisting of Mr. John A. Burns, Mr. F. Manley Brist and Mr. W. P. Westfall, has prepared a memorial of Mr. George W. Markham, lately of this bar, which will be presented by Mr. John A. Burns.

MR. BURNS: George Wilber Markham was born in Belfast Township near the Village of Belfast in Allegany County, New York on May 24th, 1868 and died at his home 792 Osceola Avenue, St. Paul, Minnesota, on December 29, 1942

He was married on September 14, 1897, at Madison, Wisconsin, to Rachel C. McGovern, who with two daughters, Georgianna (now Mrs. Radford

Brown) and Miss Marion Markham, and three granddaughters, all now living in Washington, D. C., survive him.

He was the youngest of nine (9) children born to James and Hannah Finnessy Markham. He has referred to the place of his birth as being called a farm, but in fact it was in the heavy timber country where there was but a small clearing sufficient for the minimum buildings to furnish, housing for the family and shelter for the livestock. His recollection is that the timber was so heavy that he could see the sun only for a short time at midday.

His early schooling was at the local district school, an old board shack more than a mile from his home; after completing the schooling so afforded he later attended High School and the Genesee Valley Seminary in the Village of Belfast. He came to St. Paul in 1888, his older brother James Edward Markham having preceded him by a number of years.

James had already established a very considerable reputation as a trial lawyer and was particularly successful in the trial of personal injury cases; he had formed a partnership with one Morris Propping under the firm name of Propping & Markham. George was attached to this office for some time where he studied law. Later when the Hon. Charles D. Kerr, then a member of the firm of Kerr & Richardson was appointed to the District Bench of Ramsey County, James formed a partnership with Harris Richardson under the name of Richardson & Markham, where George continued study law; he and a number of others were subjected to a very rigid written examination for admission to the Bar, which lasted three days. This examination was prepared by committee made up of Charles N. Bell, W. D. Cornish afterwards District Judge of Ramsey County) and T. R. Palmer. Mr. Bell will be remembered by many of the older attorneys as having been identified with the Wilder Will cases. Judge Cornish later was general counsel for the receiver of the Union Pacific Railway Company, and T. R. Palmer was a member of the firm of Palmer, Beek & Mitchell, and president of the Bankers Life Insurance Company, subsequently the

Minnesota Mutual Life Insurance Company. Mr. Markham in a memorandum referring to this examination says that after a written examination the candidates are subjected to an oral quiz by Judge Wilkin, and he refers to Leonard Straight as one of the other successful candidates passing this examination.

Not being satisfied with his legal education, Mr. Markham afterwards attended the University of Minnesota Law School during the senior year, and was graduated from the University in 1891. Among his classmates were Albert R. Moore and James D. Denegre of St. Paul and Ripley B. Brower of St. Cloud.

He later continued his academic work at the University of Minnesota, taking advantage of the night extension courses then provided. While at the University of Minnesota he was one of the charter members of the (John Dillon Chapter) Dillon Inn, Phi Delta Phi. He served for a short time as assistant City Attorney under Leon T. Chamberlain, who later became General Attorney for the Northern Pacific Railway Company. After leaving the City Attorney's office he was again identified with the office of Richardson & Markham until James E. Markham was elected City Attorney. He then formed a partnership with Albert R. Moore which continued until the organization of the firm of Durment & Moore.

After his brother, James E. Markham retired from the City Attorney's office he and George were again associated until James became Deputy Attorney General.

In addition to the association already referred to, Mr. Markham was, for a number of years, a member of the legal Department of the Chicago Great Western Railway Co. until the General officers of that Road were moved to Chicago; during the first World War, while Mr. William D. Mitchell was in active service, Mr. Markham was, for a time, associated with the firm of Butler & Mitchell; he was also associated in a partnership with the Hon. John B. Sanborn, now United States Circuit Judge, the Hon. Joseph A. A.

Burnquist, present Attorney General, and the Hon. Kenneth G. Brill, one of the judges of the Ramsey County District Court.

He early specialized in insurance and real estate law and for a long period of time represented the Middlesex Banking Company which had large land and mortgage interests in the Dakotas and Montana, and was attorney for the Connecticut Mutual Life Insurance Company and The Travelers Insurance Company in respect to their mortgage investments. He also served as legal advisor for the real estate firms of Ware & Ware, Newport & Company and Iowa Land Company.

During all of his professional career he was active in Bar Association affairs and served upon the Board of Trustees and was President of the Ramsey County Bar Association and was a member of the Board of Governors of the State Bar Association. It was during his term as President of the Ramsey County Bar Association, and primarily upon his suggestion and advice, that the first schedule of minimum fees was adopted in Ramsey County; and this schedule, with minor changes, has continued to the present time.

He was always prominent in civic and public affairs, although avoiding any political aspirations in his own behalf. He was one of the prominent promoters of the Saint Paul Athletic Club, and one of its charter life members.

He appeared as attorney in many cases of more than local importance. He was generally accepted as an outstanding authority on real estate, mortgage and probate law. His eminence at the bar is largely attributable to a very persistent application to work, unyielding integrity of thought and fearlessness of purpose. In his practice of the law he was an exemplar of the highest ideals of professional ethics and will always be remembered and esteemed as one of the leaders of the Ramsey County Bar.

In recent years and up to the time of his death he was assistant Attorney General of the State of Minnesota, continuing his work in that office up to and including the day preceding his death.

Respectfully submitted,  
W. P. WESTFALL,  
F. MANLEY BRIST,  
JOHN A. BURNS,  
Chairman.

April 24, 1943

MR. FINLEY: If it please your Honors, a committee of the bar, consisting of Mr. Paul D. Schriber, Mr. George W. Peterson and Hon. J. A. A. Burnquist, has prepared a memorial of Harvey O. Sargeant, lately of this bar, which will be presented by Mr. Paul D. Schriber.

MR. SCHRIBER: Harvey Oakes Sargeant was born in Omro, Wisconsin on July 6, 1878 and died in McAllen, Texas on December 9, 1942, and left surviving him, a widow, Helen Sargeant and two sons, Harvey, Jr., and Ned Sargeant.



His parents were born in Vermont and were pioneer settlers in Wisconsin. He attended the public schools in Omro, Ripon College, and graduated from the University of Wisconsin in 1901.

Upon graduation, he came to St. Paul and for some time made his home with the late Olin B. Lewis, a District Judge of this Court for many years, and as a law student received great training and inspiration from Judge Lewis. For a time

he was a reporter on the staff of the St. Paul Dispatch, was a clerk in the law department of the Chicago Great Western Railroad, and was admitted to the Bar on October 24, 1904. For many years, he was associated with the late B. H. Schriber in the practice of law.

He was a member of Masonic Blue Lodge, the first president of the Exchange Club of St. Paul and held important offices in the local organization of the Elks.

He was a profound reader and student and quoted frequently from the Bible, Cicero, and the Classics. He had a sense of humor and was always interested in the personal progress of his fellow members of the Bar. He was engaged in many cases of great importance.

Socrates said, "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially."

Mr. Sargeant had the four essentials of a lawyer; education, preparation, loyalty, and authority. He liked Mr. Webster's statement, "Accuracy and diligence are much necessary to a lawyer than great comprehension of mind brilliancy of talent."

This quotation from the Danish is fitting to his life and work:

*"Fortunes die . . . Friends may die . . . I myself shall die . . .  
but reputation fairly earned never dies."*

In religion, he had faith and trust, and at this pre-Easter season, the following lines are appropriate to him and all of us:

*"Lord, give us faith and strength the road to build,  
To see the promise of the day fulfilled,  
When war shall be no more and strife shall cease  
Upon the highway of the Prince of Peace.  
Build ye the road, and falter not, nor stay;  
Prepare across the earth the King's highway."*

GEORGE W. PETERSON,  
J. A. A. BURNQUIST,  
PAUL D. SCHRIBER,  
Chairman.

MR. FINLEY: May it please your Honors, this concludes the memorials to those of the bar who have left us during the past year. At this time we move that the Clerk be instructed to spread these memorials on the minutes of your Honors' Court and that a copy of these Memorials be delivered to the members of the families of these members of the bar.

JUDGE HANFT: The judges of this Court concur in the sentiments expressed in the various memorials read by members of the bar who have spoken fitting tributes to the character and worth of our former associates.

The motion of the President of the Bar Association is granted, and the Clerk is instructed to enter these memorials upon the minutes of this court and to forward copies thereof to the families of the respective deceased.

As a further token of our respect to the memory of those of our brethren who have wended their way to the "undiscovered country from whose bourn no traveler returns," this Court now stands adjourned without day.

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## Afterword

Norman Fetter's *Handbook on Equity Jurisprudence* (1895), his textbook of cases on equity (1895), and his two volume treatise on the *Law of Carriers of Passengers* (1897) are posted in the "Treatises/textbooks" category of the MLHP. A "work on charitable funds" mentioned in his Memorial on page 17 has not been found. Reviews of his books in

several law reviews have been collected and are posted in this category as well.

The “memorandum” on George W. Markham’s examination for admittance to the bar, mentioned in his Memorial on page 20, has not been found. This is regrettable because it would be a valuable source of historical information.



## Credits

All photographs have been added by the MLHP. That of Justice Stone on page 5 is from *Men of Minnesota* (1902) and on page 6 from the *Minnesota Legislative Manual* of 1943. The photograph of Norman Fetter on page 17 is from *Men of Minnesota* (1902), and that of Harvey O. Sargeant on page 22 from *Men of Minnesota* (1915).



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