

**MEMORIAL SERVICES  
FOR DECEASED MEMBERS**

of the

**RAMSEY COUNTY BAR  
ASSOCIATION**



Held at the

**COURTHOUSE**  
**Saturday, March 31, 1945**

RAMSEY COUNTY BAR ASSOCIATION

## ANNUAL MEMORIAL SERVICES

Court House, Saturday, March 31, 1945  
10 A.M.

JUDGE MICHAEL: In accordance with long usage we have assembled at this time to pay our last tribute to those members of the Bench and Bar who have ended their lives during the past year. The Court, at this time, recognizes Mr. Louis L. Anderson, President of the Association.

MR. ANDERSON: May it please your Honors: The Bar of Ramsey County, Minnesota, appears this morning to present to this Court memorials to those members of that Bar who have died since we last met for a similar purpose, or whose deaths have since been confirmed. It is the desire of your Bar that there be a permanent record of the professional lives and attainments of those who for the last time have appeared among us.

The members of the Bar of this Court for whom memorials will be presented to your Honors today are:

Hon. George F. Sullivan,  
Edward Baird,  
Arthur Q. Carson,  
M. L. Countryman  
Donald Doty,  
William R. Duxbury,  
Horace Glenn,  
William E. Huenekens,  
John Kyle,  
Clarence Ingalls,  
Allan McGill,  
George Peterson,  
James Plunkett Sr.,  
James Plunkett Jr.,  
Edward S. Stringer,  
James Swan,  
Kay Todd Jr.,  
Samuel E. Turner.

Of that number, four, at the threshold of their careers, gave their lives for our country in this present conflict. It is to be hoped that their sacrifice will not have been in vain and that the bitter lessons of this and the last great war will enable the people of this world to so conduct their affairs in the decades to come that their sons and grandsons will not again be called upon to make the same supreme sacrifice. This challenge is directed to our profession above all others. May we not again fail the test.

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## GEORGE F. SULLIVAN

On behalf of the Bar, a committee consisting of Joseph W. Finley, John A. Burns and Robert O. Sullivan has prepared a memorial to the Hon. George F. Sullivan, which will be presented by Mr. Finley.

Mr. Finley read the memorial to the Hon. George F. Sullivan.

George F. Sullivan was born at Shakopee, Minnesota, January 30, 1886, and died April 14, 1944. He is survived by his wife, the former Mary Morrison of Minneapolis, and his son, Mark Sullivan, aged 18. He is also survived by his mother, Mrs. Bridget C. Sullivan of Shakopee, and by two sisters, Mrs. G. O. Lohse of Rochester, and Mrs. Joseph Berens of Shakopee.

George Sullivan was graduated from the Shakopee public high school and then entered the University of Minnesota from which he received his L.L.B. in 1908. He was admitted to the bar the same year and entered the practice of law at Jordan, Minnesota. He was shortly appointed to the office of city attorney which he held until 1912. In that year he was elected to the office of county attorney of Scott County and continued in that office until 1923 when he resigned

From 1923 to 1933 all of his time was employed in the private practice of his profession. His ability as a trial lawyer brought him many retainers from other lawyers as well as clients outside his judicial district and secured for him during these years a large practice in which he found genuine pleasure and satisfaction.

In September of 1933 he was appointed to the office of United States District Attorney for the District of Minnesota which he held until appointed United States District Judge for the District of Minnesota in August of 1937. He continued as United States District Judge until his death.

Many important proceedings, both civil and criminal, were handled by him during his term as United States District Attorney. Among others were condemnations of large areas of land in connection with federal construction projects and the successful criminal prosecutions of nationally notorious kidnapers and bank and mail robbers.

He brought to the bench qualities and characteristics which assure the evenhanded dispensation of justice. His long experience in trial work caused him to appreciate the problems of the lawyer trying a case. His humor often guided lawyers away from sharp contentions back to the trial of the issues. He had a full knowledge of the law, practical common sense, and sound judgment. He had a high sense of justice and fairness which brought him the complete confidence of members of the bar. It can be said that he had the judicial temperament in its truest sense.

George F. Sullivan had a high conception of public duty and he was rigid in his observance of that duty throughout his public career. He was determined and independent in conducting the affairs of his public offices. He was not swayed or affected by any sense of the great power incident to high office, but he was impressed rather by the gravity of the trust and responsibility inherent in it. He was gracious, courteous, and sincere in fulfilling that trust and responsibility.

He had a well-rounded and wholesome attitude toward life and his fellowmen. He was devoted to his family. He liked music. All his life he was interested in athletic activities and hunting and fishing and other outdoor sports.

He was active in politics, but he did not consider political activity an end in itself. To him politics was an instrument available to every citizen for effective expression and participation in the affairs of government. He was tolerant of the political views and activities of others, and numbered among his friends many who opposed his political beliefs.

George F. Sullivan will long be remembered as a capable and honorable

citizen, lawyer, and judge, and as a man who had the gift of friendship. The friends and companions of his youth in Shakopee and Jordan continued to be his friends and companions throughout his life. He made friends easily and quickly wherever he went, but it delighted him to return to Shakopee and Jordan to spend his vacations and his spare time in the community which he considered his home.

He died during the period of his greatest usefulness and he took with him the affection and respect of his fellow members of the bench and bar and of all who knew him.

JOSEPH W. FINLEY.  
JOHN A. BURNS.  
ROBERT O. SULLIVAN.

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## EDWARD REDDINGTON BAIRD

MR. ANDERSON: On behalf of the Bar, a committee of Robert J. Barry, Ray E. Cummins and Russell F. Swensen has prepared a memorial to Edward Reddington Baird, which will be presented by Mr. Swensen.

Mr. Swensen read the memorial to Edward Reddington Baird.

Edward Reddington Baird was born in Saint Paul, Minnesota, on August 31, 1886, the son of John Braden Baird and Etta Redington Baird. He died in Saint Paul, Minnesota, on September 2, 1943, and left surviving, his wife, Margaret W. Baird, a son, Sergeant Edward R. Baird, in the United States Army overseas, three daughters, Marjorie Cornell Baird, Mrs. John R. Haserick and Mrs. Jack Sjolholm, and a brother, Julian B. Baird.

He was educated in the public schools of Saint Paul, attended the University of Minnesota, and completed his legal education at the St. Paul College of Law. He was admitted to practice in 1920.

He was engaged in the real estate business at Lewiston, Montana, until September 12, 1917, when he enlisted in the United States Army, serving overseas as a Second Lieutenant in the 808th Pioneer Infantry. He was discharged from the Army on June 28, 1919, and thereafter entered private practice at Lewiston, Montana, also serving as Assistant County Attorney. He returned to Saint Paul in 1925, and was associated in the practice of law first with John P. Kyle and later, with John F. Scott. In 1928, he became associated with The Federal Land Bank of Saint Paul, handling the legal phases of its mortgage loan and real estate departments, and remained with that institution up to the time of his death. With an abiding distaste for antiquated procedures and red tape, he set up the legal machinery and supervised the making of farm mortgage loans totalling over four hundred million dollars in a two-year period of time, beginning with the critical days of agriculture in 1933. In connection with that tremendous undertaking, he directed the activities of over nine hundred attorneys situated in four states.

He was possessed of a keen, analytical mind and unlimited patience, always fortifying his opinions with vigilant research. His forte was not the fluent advocacy of a cause, but rather the sound counselor in the conference room and the painstaking strategist defining a safe course for his client.

He was a member of the House of Hope Presbyterian Church.

Being of a quiet and retiring nature, he was not intimate with many of his brother lawyers, but those who knew him regarded him highly for his modesty, ability and integrity. His kindly nature endeared him to all who knew him.

Respectfully submitted,  
ROBERT J. BARRY,  
Chairman.  
RAY E. CUMMINS.  
RUSSELL F. SWENSEN.

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## ARTHUR Q. CARSON

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of George B. Anderson, Warren B. Burger and Marshall F. Hurley has prepared a memorial to Arthur Q. Carson, which will be presented by Mr. Anderson.

Mr. Anderson read the memorial to Arthur Q. Carson.

Arthur Q. Carson was born in Saint Paul, Minnesota, on March 24, 1908. He attended the grade schools of this city, and later attended and was graduated from Mechanic Arts high school. Following high school, he first attended the University of Minnesota, and then completed his legal training and was graduated from the College of St. Thomas, receiving his L.L.B. Degree on May 29, 1932.

Shortly after his admission to the Bar he began the general practice of law in Saint Paul and was associated with Arthur E. Nelson for a period of slightly longer than a year. Then he began the practice of law by himself, having his office in the New York Building. He continued his practice of law in Saint Paul until 1941, and these were busy, productive years in the life of this young practitioner. In 1941, he entered the employ of the United States Civil Service Commission and was with this agency of the Federal government until his entry into the Armed Services.

On December 7, 1941, came that day of infamy which all the pages of future history shall ever so blackly relate—the day the Japanese War Lords so foully struck at Pearl Harbor. Although he had no previous military training, Arthur Q. Carson heard and answered the call of duty to serve his nation and his fellow citizens.

Early in 1942, he applied for service in the Navy of the United States. His application was accepted, and on September 1st, 1942, he accepted his appointment as Lieutenant (jg) United States Naval Reserve, and executed his oath of office. On October 5th, 1942, he reported for active service to the United States Naval Training School at Princeton, New Jersey, for temporary duty under instruction. On November 24th, 1942, he was ordered detached from that post and transferred to the Amphibious Forces of the Atlantic Fleet for duty in connection with amphibious operations.

On December 31st, 1942, he was detached from duty with the amphibious forces and transferred to the Navy Yard, Portsmouth, Virginia, for duty in connection with United States Ship L.S.T. (Landing Ship—Tanks) 342, for duty on board that vessel when it was placed in commission for active service. The vessel was commissioned early in 1943, and then came long days of training for Lt. Carson, his fellow officers and the crew. After training days were completed, it was to Pacific waters that L.S.T. 342 was ordered for duty with the Pacific fleet.

What the record shows for Lt. Carson from this time until July 18th, 1943, we can only surmise; in enemy waters with all hands constantly on the alert and at battle stations on L.S.T. 342.

On July 18th, 1943, while striking a blow at Japanese naval forces in the Solomon Sea, the U.S.S.-L.S.T. 342 was torpedoed by an enemy submarine, and from that date Lt. Arthur Q. Carson has been carried as missing in action. In compliance with United States Law, he is presumed to have died one year thereafter, that is, on July 19, 1944.

Lt. Arthur Q. Carson wore the Asiatic-Pacific Area Campaign Medal. Posthumously, he was awarded the Purple Heart and the Presidential Citation.

Surviving him are: his wife, the former Helen Stone, of Saint Paul; his parents, Mr. and Mrs. Arthur Carson, of this city; and two brothers, Howard Carson, of Saint Paul, and Lt. Wesley Carson, United States Army, who is now in service in the European theatre.

In common with most lawyers, Arthur Carson had a great interest in the civic life of this community. He was not content to spend his life only in pursuit of material success. Very soon after entering practice he became identified with many useful public activities. One of his chief interests was the program of the St. Paul Junior Association of Commerce. For more than five years he was one of the active leaders of Junior Association work in this city, and served as chairman of many of its committees and as a member of its Board of Directors. His special interests were the election year campaigns to get-out-the-vote and the Annual School Police Fund campaign. He was a delegate from Saint Paul to various national and state conventions of the Junior Association of Commerce. He was also an active member of the Junior Bar Section of the Ramsey County Bar Association. While he was best known among

the younger business and professional men of Saint Paul through these civic activities, he had many other interests. He attended and was a member of the Central Presbyterian Church of Saint Paul, and served on its Board of Trustees, and was active in Christian Endeavor. He was an active member of the Y.M.C.A. and worked with student clubs through the Hi-Y movement and at one time was the chairman of the Young Men's Division Council, and also served as chairman of Personality Growth Institute of both the Y.M.C.A. and Y.W.C.A. He was also actively interested in Boy Scout work.

In all these civic affairs Arthur Carson showed one quality in particular which distinguished him from most of his associates. That was the intensity of purpose which he brought into every job he undertook. Whether he was chairman of a committee or merely one in the ranks, he furnished a vigor and a drive that suggests a man who loved life, loved his fellow men, loved the world around him; and beyond that insisted upon having something to say about what went on around him. Nothing disturbed him more than inaction. A phrase constantly on his lips was, "Well, let's do something about it."

To say that he was a good citizen is not quite enough unless we pause and reflect upon the best implications of those words. Arthur Carson deserved the title of Good Citizen in the high sense that the term is used among lawyers when applied to a fellow member of the Bar.

Those who knew him well know that he entered the Armed Services with the same motives, the same hopes, and the same fears that are shared by millions of other young men. He loved life and had the same reluctance that any other young man would have to surrender it. He gave his life as a volunteer in the service. That he performed his final duties as he had lived, honorably and with a devoted intensity of purpose, there can be no doubt. Arthur Carson's service to his Council is a tribute to him and to this nation with its way of life which can produce men who, loving life and hating war, lay down their lives in its defense.

Respectfully submitted,  
GEORGE E. ANDERSON,  
Chairman.  
WARREN E. BURGER.  
MARSHALL F. HURLEY.

## MARCELLUS L. COUNTRYMAN

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of Charles N. Orr, Frederic D. McCarthy and F. G. Dorety has prepared a memorial to Marcellus L. Countryman, which will be presented by Mr. Dorety.

Mr. Dorety read the memorial to Marcellus L. Countryman.

It is with a sense of deep affection and of great admiration for the man and the lawyer, and of keen sorrow at his loss that your Committee, on behalf of the Ramsey County Bar Association, presents this memorial to Marcellus L. Countryman, a distinguished member of the older generation of St. Paul lawyers, who died on October 28, 1944, at the age of eighty-two years.

Mr. Countryman was born on August 27, 1862 in Nininger Township, Dakota County, Minnesota. His parents were Peter Fort and Elizabeth E. Countryman. He was educated in the grammar and high schools of Hastings, and received a degree of LL.B. from Washington University of St. Louis in 1886. He married Cora May Simmons of Hastings in 1890, who survives him. They had five children, of whom four sons are still living. Of these, two, Dr. Roger S. Countryman, one of our leading physicians, and M. L. Countryman, Jr., now General Solicitor of the Northern Pacific Railway Company, reside in St. Paul.

After his graduation, Mr. Countryman became a law partner in St. Louis of the Hon. Charles Nagel, a prominent St. Louis attorney, later nationally known by reason of his service in the House of Representatives and as Secretary of War in President Taft's cabinet. Mr. Countryman preferred the climate of Minnesota, however, and moved to St. Paul in 1887. Here he formed partnerships successively with L. T. Chamberlain, who later became city attorney and still later assistant general counsel of the Northern Pacific Railway Company; with Asa Briggs, which firm represented the Chicago, Great Western Railway Company here; and with J. L. D. Morrison. During the early years of his practice, he contributed to the American and English Encyclopedia of Law.

In 1903 he joined the legal staff of the Great Northern Railway Company and rose rapidly to the position of General Attorney and

General Solicitor. In 1922 he succeeded E. C. Lindley as Vice President and General Counsel. He retired from active practice in 1926, but continued his connection with the company for several years as Special Counsel. The first really effective interstate commerce act, the Elkins Act, many of the safety appliance and hours of service acts, the Federal Employers' Liability Act, the Clayton Anti-Trust Act, and many other regulatory measures were enacted during the period of his railroad connection, so that his work necessarily required a great deal of original study and pioneering.

Mr. Countryman was an active member of the Ramsey County Bar Association, Minnesota State Bar Association American Bar Association, and also a member of the bars of the supreme courts of Missouri, Minnesota and the United States.

His keen interest in legal education found expression in his active work for the St. Paul College of Law. He participated in its founding, aided personally in its financing and was a trustee and member of its faculty for many years. One of his favorite courses was Legal Ethics, a subject in which he conscientiously practiced what he preached throughout his professional career, and in which he left an indelible imprint on the minds of his students.

The young law students honored Mr. Countryman and at the same time honored themselves by making him an honorary member of Delta Theta Phi Law Fraternity. He greatly appreciated this and took an active part in their annual fraternity banquets, frequently acting as toastmaster. His keen sense of humor and his ability to tell stories and recite poetry made him an ideal toastmaster.

He was active in club and social life, a member of the Masonic Lodge, a member and governor of the Minnesota Club and an active member of the St. Paul Whist Club. He and Judge George L. Bunn were teammates in many whist tournaments and won several national championships.

A college course in public speaking, which he took under an old Shakespearean actor, left an imprint on his mind which persisted throughout his life. He memorized a number of poems and Shakespeare's plays and a large part of the Bible. Among the very pleasant recollections of his intimate friends were his very eloquent recitals from these sources. Mr. Countryman was also an enthusiastic

hunter and fisherman, and his cronies in several duck clubs recall these associations with him with great pleasure.

Mr. Countryman combined an amazing memory of legal principles and decisions and a sound legal judgment, with a broad-minded sympathetic and very human understanding of the objects and purposes of the law and of its adaptation to changing economic and social conditions. There were giants at the St. Paul bar in his day and he ranged high among them. While he retired from active practice fifteen years ago, his vivid interest and friendly personality and great legal ability remain, and will continue to remain fresh in the minds of those who knew and idved him.

Respectfully submitted,  
CHARLES N. ORR.  
FREDERIC D. McCARTHY.  
F. G. DORETY,  
Chairman.

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### DONALD S. DOTY

MR. ANDERSON: Your Honors, on behalf of the Bar a committee consisting of John T. O'Donnell, G. T. McDermott and Henry Marks has prepared a memorial to Donald S. Doty, which will be presented by Mr. Marks.

Mr. Marks read the memorial to Donald S. Doty.

Donald S. Doty was born in Saint Paul, Minnesota, on September 8th, 1889. He was the son of Daniel W. Doty and Helen Mar Doty.

Mr. Doty attended the St. Paul Public Schools, graduating from Central High School. Upon his graduation from high school he entered Macalester College, St. Paul, and graduated from that College with the Class of 1911.

While in College he was interested in the athletic activities of the school and was a member of its football team. He was one of the organizers of

the "Mac Club" and served as its treasurer for 25 years.

In later years he became interested in curling and at the time of his death was a member of the St. Paul Curling Club.

During his senior year at college, he also became a student at the St. Paul College of Law and graduated in the year 1913, and was admitted to practice law in the State of Minnesota. He was associated in the practice of law with his father, who was a member of the Ramsey County Bar and practiced before this Court for many years.

In 1916 Donald S. Doty was united in marriage with Minnie M. Tullar. Three children were born as a result of this marriage. The children are: Daniel Charles Doty, Mrs. Delle Tullar Howard and Donald Smith Doty, Jr., the latter a member of the United States Navy.

He was a member of the Merriam Park Presbyterian Church for many years.

During the years that Mr. Doty practiced his profession, he was also associated with Walter C. Chapin, George G. Chapin, Senator Joseph A. Jackson and Lawrence Nelson.

Mr. Doty died on the 1st day of February, 1945, leaving him surviving his widow and the three children herein mentioned. His mother also survives him, as well as a sister, Miss Margaret M. Doty, Dean of Women at Macalester College.

Mr. Doty was a very conscientious and studious lawyer, and always gave his best efforts to the welfare of those who entrusted their legal problems to him.

Mr. Doty had a keen sense of humor, and this combined with his high standard of ethics made it a pleasure to meet him and transact business with him.

Respectfully Submitted,  
JOHN T. O'DONNELL.  
G. T. McDERMOTT.  
HENRY MARKS,  
Chairman.

## WILLIAM RICHARD DUXBURY

MR. ANDERSON: Your Honors, on behalf of the Bar a committee consisting of Arthur E. Shanahan, George C. Sudheimer and Clifford J. Menz has prepared a memorial to William Richard Duxbury, which will be presented by Mr. Shanahan.

Mr. Shanahan read the memorial to William Richard Duxbury.

William Richard Duxbury was born on a farm in Fillmore County, Minnesota, on the 27th day of August 1866, and was the son of Richard and Miranda Duxbury. His mother's maiden name was Miranda Barnes, early pioneers in Minnesota. Mr. Duxbury attended a country school district in his early life and thereafter finished his higher education at the County Seat of Fillmore County, at Preston, Minnesota, graduating from high school, after which Mr. Duxbury taught a country school at an early age, having pupils attending school who were older than himself. Mr. Duxbury retired as a school teacher and attended the University at Valparaiso, Indiana, graduating from said University and receiving his Bachelor of Laws Degree.

He returned to Caledonia, Houston County, adjoining Fillmore County, Minnesota, where his brother, Frank A. Duxbury, now deceased, had established a law practice, and Mr. William R. Duxbury remained in private practice with his brother for a number of years, and represented large interests in Southern Minnesota, and established precedence in the law that are outstanding, particularly on Trusts. After several years of private practice, Mr. Duxbury then went to work for the St. Paul City Railway Company as its general attorney, and remained with said company for several years, and thereafter resumed the private practice of law in St. Paul.

William R. Duxbury was an outstanding lawyer, and won for himself an enviable reputation as a trial lawyer. He was kindly disposed, considerate and friendly to all lawyers sitting opposite him, and never hesitated to lend a helping hand to his associates.

Mr. Duxbury was married to Sarah M. Wille in 1922, who now survives him.

The Duxbury family are well-known in the law profession. His brother,

Frank A. Duxbury was a member of the State Senate, and Chairman of the State Industrial Commission of Minnesota for a number of years, and his nephew, Lloyd Duxbury is a practicing attorney at Caledonia, Houston County, Minnesota, and another nephew, Leland Duxbury is practicing law in Minneapolis, Minnesota.

Mr. Duxbury passed away on January 20, 1945 and his remains were laid to rest in the Oakland Cemetery in St. Paul, Minnesota, and sincere sympathy is tendered his surviving widow, Sarah M. Duxbury.

ARTHUR E. SHANAHAN,  
Chairman  
GEORGE C. SUDHEIMER.  
CLIFFORD J. MENZ.

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## HORACE HUBBARD GLENN

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of Pierce Butler, Lewis E. Solomon and Joseph F. Cowern, has prepared a memorial to Horace Hubbard Glenn which will be presented by Mr. Solomon.

Mr. Solomon read the memorial to Horace Hubbard Glenn.

Horace Hubbard Glenn was born at Minneapolis, Minnesota, March 10, 1879, the son of Andrew W. and Frances M. Glenn. He died at Minneapolis, Minnesota, October 17, 1944.

He received his early education in the public schools at Aberdeen, South Dakota. After graduating from the Aberdeen High School he spent a year with the Government Geological Survey crew surveying the Black Hills, and two years as a lumberjack in the forests east and north of Duluth, Minnesota. He then took a course at the Granger School of Business at Aberdeen, South Dakota. Following that he became Chief Clerk to the Superintendent of the James River Division of the Chicago,

Milwaukee and St. Paul Railroad with offices at Aberdeen, South Dakota. In the spring of 1907 he left Aberdeen and moved to St. Paul, continuing in the same line of work as Chief Stenographer for the General Superintendent of the Northern Pacific Railway.

On June 19, 1906 he married Luella Boub of Aberdeen, South Dakota. His widow, seven children, and eleven grand-children survive him.

In September, 1908 he entered the St. Paul College of Law, from which he graduated cum laude in 1911 with the degree of Bachelor of Laws.

In 1914 he bought the four acres then known as the "Hill" home at 1647 Stillwater (now Ames) Avenue, in the Hazel Park section of Dayton's Bluff, St. Paul, Minnesota. This was his home up to the time of his death, and is now occupied by his widow and unmarried daughter, Sara.

He took pride in his family and in his Scotch ancestry. He was active in communal life and was one of the founders of the Hazel Park Commercial Club. He attended the Hazel Park Congregational Church of St. Paul, Minnesota, served it as Treasurer and Sunday School Superintendent, and sang in its choir for many years.

After graduation from law school he entered the practice of law at St. Paul, Minnesota, in association with the late Stiles W. Burr. He was appointed Referee in Bankruptcy for St. Paul on April 10, 1933. Upon the death of the Hon. Walter Newton, he was appointed Referee in Bankruptcy for Minneapolis, and filled both posts until October 1, 1943, when a new Referee for St. Paul was appointed. He retained the refereeship in Minneapolis up to the time of his death.

He was a member of the Minnesota State Bar Association, the Ramsey County Bar Association, the Hennepin County Bar Association, and the National Association of Referees in Bankruptcy.

For over thirty years he was recognized as one of the outstanding lawyers of this State. During his term of office as Referee in Bankruptcy his conscientious work, devotion to duty, and native ability earned for him such national recognition from both bench and bar that it was justly said of him, by those best qualified to speak with authority, that he was without question the outstanding Referee in Bankruptcy in this Country.

He had a brilliant mind and a wonderful power of analysis that made difficult tasks appear easy. He loved good literature and was particularly fond of the poems of Robert Burns, many of which he could repeat from memory. His address on Burns, delivered at many gatherings, was a literary gem. His commanding ability was shadowed and tempered by a genuine love for humanity that put others at ease, and his modesty, sincerity, ready wit, keen sense of humor, and skill as a raconteur made him a delightful companion in any group.

Horace had his failings, as do we all. His were not of the soul-shriveling type. His work here is his best monument, and he is now within the jurisdiction of Him who renderest to every man according to his work. The epitaph that his beloved poet, Bobby Burns, wrote for a friend, may justly be appropriated for Horace:

Know thou, O stranger to the fame  
Of this much-loved, much-honored name,  
(For none that knew him need be told)  
A warmer heart Death ne'er made cold.

PIERCE BUTLER.  
JOSEPH F. COWERN.  
LEWIS E. SOLOMON.

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## WILLIAM EDGAR HUENEKENS

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of Samuel H. Morgan, Lewis H. Headley and Edward W. Spring has prepared a memorial to William Edgar Huenekens which will be presented by Mr. Morgan.

Mr. Morgan read the memorial to William Edgar Huenekens.

William Edgar Huenekens was one of those who, in giving his life for his country, had almost no opportunity to practice his chosen profession—

the law. His entire professional career consisted of some six months' practice in St. Paul between graduation from Law School and entry into service.

Lieutenant Huenekens was born at Minneapolis, Minnesota, on September 24, 1916, the son of Dr. Edgar J. Huenekens and Helen Fish Huenekens of that city. In addition to his parents he is survived by his sister Nancy. Horace P. Fish of this Bar is an uncle.

He prepared for college at the St. Paul Academy here, and was, in the words of its Headmaster, "one of the very best". Following graduation in 1935, Lieutenant Huenekens entered Harvard College from which he was graduated in 1939, "cum laude". In the fall of that year, just as bombers were beginning to start their deadly missions over Europe, he entered Harvard Law School, and had a chance to complete his legal training there and graduate in June, 1942. Before leaving Cambridge he applied for training in the Army Air Force as an Aviation Cadet and was accepted subject to later call to active duty.

Upon his return to Minnesota, Lieutenant Huenekens entered the office of Kellogg, Morgan, Chase, Carter & Headley, where for some six months he showed an accurate and well-grounded grasp of legal matters. Not only did he have the ability to think like a lawyer, but he greatly endeared himself to his associates by his simplicity and by his lovable and charming character. Lieutenant Huenekens was admitted to the Minnesota Bar on July 7, 1942.

On January 4, 1943, he was called for active duty and commenced his training at San Antonio, Texas. He won his wings and was commissioned a Second Lieutenant in October, 1943. He was selected for training with heavy bombers and took intensive work in flying the B-24, commonly known as the Liberator. In April, 1944, upon completion of training, he was made first pilot and promoted to the rank of First Lieutenant.

In May, 1944, Lieutenant Huenekens flew his plane and crew over the Atlantic and very shortly began flying from a base in England. He was killed over England on June 27, 1944. He who spent seven pleasant and fruitful years in the Cambridge on this side of the Atlantic now lies buried in a military cemetery at that older Cambridge in England, from whence came the founder of our University at Cambridge, Massachusetts.

For men who have had a chance to make their mark in this world the manner of their leaving it is generally of small moment, but where a life has been cut short at its very threshold by war, the circumstances of death may tell most about the character of a man.

Immediately following the Normandy invasion and within a very few weeks after arrival overseas, Lieutenant Huenekens and a skeleton crew were flying supplies from England to the French Resistance Forces behind the German lines. It is understood that these were night flights without fighter escort and without lights. The planes were painted black.

On returning from his last mission, Lieutenant Huenekens, as he approached his home base and reduced altitude preparatory to landing, had to turn on landing lights. At that moment the B-24 was apparently fired on from behind by a German plane.

Suddenly the bomber was in flames in the bomb bays, in the radio deck and below the flight deck. All interphone contact was lost. Bill started to climb so the other crew members would have a chance to dump. When power ceased he stayed at the controls and kept the plane level and in a gliding altitude. Three of the total crew of six managed to get down—two coming down with one parachute. Then the burning plane exploded and hit the ground.

One of the survivors, Lieutenant Robert Callahan, navigator, concluded a description of the crash in a letter to his own mother with the words, "Bill saved our lives in keeping the plane in the air those extra seconds".

One of the other survivors, Sergeant Randall Sadler, nose gunner, wrote thus to Lieutenant Huenekens' mother: "(After the plane crashed) Bill was found still at the controls—Even to the last he was thinking of his crew and their safety. He was a great flyer and a wonderful man—We all loved him more than I am able to tell you."

Respectfully submitted,  
SAMUEL H. MORGAN,  
Chairman  
LEWIS H. HEADLEY.  
EDWARD W. SPRING.

## JOHN PATRICK KYLE

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of William H. Oppenheimer, Patrick J. Ryan and William H. Gurnee has prepared a memorial to John Patrick Kyle which will be presented by Mr. Gurnee.

Mr. Gurnee read the memorial to John Patrick Kyle.

John Patrick Kyle, who practiced as a member of the Bar at St. Paul for more than fifty years, passed away on May 15, 1944, after an illness of about one week. He was born on April 21, 1863, in Swinford, County Mayo, Ireland. He was one of five children of William and Bridget Kyle. William Kyle was superintendent of the Barracks or Workhouse in Swinford. We understand that a workhouse in Ireland is equivalent to a poor house in this country. The father died when the subject of this memorial was very young, and eight years later his mother died. His older sister, Mary, at the age of fourteen, took over the responsibility of raising the younger children, and kept the family together.

John attended school in Swinford, and being a brilliant student at the age of fifteen he had completed the equivalent of our high school course. As no higher education was available in Swinford, he became a monitor, or assistant teacher in the school, and studied typing and shorthand in his spare moments. At the age of twenty-one he assumed the same position his father had held as master of the workhouse.

Because of the limited opportunities in Ireland, John's brother, Richard, came to the United States in 1882, and settled in Minneapolis. In 1889 when he was twenty-six years old, John came to the United States, directly to Minnesota. His first work was as a bookkeeper for the P. H. Kelly Mercantile Company (importers and wholesale grocers in St. Paul). During this period he began attending evening classes at the Law School of the University of Minnesota. Later he was employed part time as a clerk and stenographer by the law firm of Munn, Boyesen & Thygesen.

Mr. Kyle graduated from the University of Minnesota Law School in 1894, completing the two year course in one and one half years, and was admitted to the Bar in June of that same year. After his admission to the Bar Mr. Kyle was associated with the Munn firm for a short time,

and he then opened a law office and underwent the usual experiences of the new practitioner. In 1911 he was appointed first assistant corporation counsel of the City of St. Paul by the late O. H. O'Neill, and he served in that capacity until he resigned in 1917, to resume the independent practice of law.

In 1930 Mr. Kyle was appointed Special Assistant Attorney General of the United States, and conducted involved and important litigation for the Government in connection with the condemnation of lands for the Hastings Lock and Dam. His work for the Government continued until 1936, when he resigned.

In 1927 Mr. Kyle was joined by his nephew, Richard E. Kyle, now a Colonel in the United States Army, overseas. A partnership between the two was formed a few years later, and continued until Mr. Kyle's death.

John P. Kyle never married. He was a student and avid reader of worthwhile literature, and was especially interested in the history of Ireland, and in the study of philosophy. Unassisted he acquired the ability to read, write and speak the French language fluently.

A man of large and powerful physique, in his earlier years he was an athlete of some distinction, indulging in soccer football, baseball, handball, bicycling, golf and swimming. For many years he was a member of the St. Paul Boat Club and the White Bear Yacht Club. Always a lover of the outdoors, he enjoyed living over half of each year at a home which he built on a high bluff overlooking the beautiful St. Croix river, near Afton. Here he was an ideal host, when entertaining his friends.

Aside from the public service above noted, and some service as attorney for the city of West St. Paul, and for the Village of Dellwood, Mr. Kyle was engaged in what is termed general practice. As a lawyer he was highly regarded and respected by his brothers at the Bar. He was a man of absolute integrity, and intolerant of deceit or pettifogging. Somewhat austere in his habits and views, abrupt and positive in his expressions of opinion, he yet had a keen sense of humour. He was loyal to his clients, and faithful to his trusts. He was a hard worker, and a hard fighter, and possessed of an analytical legal mind and unusual ability. Anyone who placed his affairs in Mr. Kyle's hands could be sure that he would be fully protected by a zealous and untiring advocate. Fees were a

secondary consideration with him, especially if he believed his client had been unjustly dealt with.

In his later years he suffered much physically, but never complained, and was impatient with expressions of sympathy.

He was a devout member of the Roman Catholic church.

He is survived by his nephew, Colonel Richard E. Kyle, a niece, Mrs. Eileen Kyle Marshall, of Minneapolis, and by a niece and nephew and grandnieces, who are residents of Ireland.

Respectfully submitted,  
WILLIAM H. OPPENHEIMER.  
PATRICK J. RYAN.  
WILLIAM H. GURNEE,  
Chairman

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## CLARENCE FRANK INGALLS

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of George P. Dames, Burtin A. Shay and Clarence A. Maley has prepared a memorial to Clarence Frank Ingalls which will be presented by Mr. Dames.

Mr. Dames read the memorial to Clarence Frank Ingalls.

Clarence Frank Ingalls was born in Waceda, Michigan, May 12, 1880. He died at St. Paul November 12, 1944, residence 1988 Lincoln Avenue.

The Ingalls family came to this country from England in 1624. Clarence's parents came to Minnesota in 1884. He graduated from the Fairmont High School in 1898. During 1899 the family took up residence in St. Paul, at which time Clarence entered the School of Mines at the University of Minnesota. Because of the sudden death of his father in 1901 he was unable to continue his studies at the University. He

afterwards became secretary to Chief Justice Start, and during that time he entered the St. Paul College of Law, graduating therefrom in 1910. During his long period of active and successful practice he was associated at different periods with Hon. Albert Schaller, Otto Kueffner, Henry Marks, Albert Kueffner and Burtin A. Shay in St. Paul.

He was a member of the Minnesota and Ramsey County Bar Associations, the Masonic Fraternity and St. Mary's Episcopal Church.

He left surviving his widow, Sarah Seymour Ingalls, and two brothers, Col. R. E. Ingalls of Washington, D.C. and Clyde W. Ingalls of Minneapolis.

He was a man of high ideals and had a reputation for honesty and fair dealing. He had a harmonious domestic life. The welfare of his clients was of the highest importance. One of his cardinal principles was to help the unfortunate and needy in a quiet way, entirely devoid of flare, flourish or ostentation.

We feel that the family will mourn the passing of a man who was a good son, brother and husband, and the community a good citizen and lawyer who was an honor to the profession.

Therefore, May it please the Court that these remarks be entered upon the Court's records as a final tribute of his friends and associates.

GEORGE F. DAMES,  
Chairman  
BURTIN A. SHAY.  
CLARENCE A. MALEY.

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## ALLAN MARSTON MCGILL

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of Eugene F. Matthews, Hilary J. Flynn and Harvey J. Diehl has prepared a memorial to Allan Marston McGill which will be presented by Mr. Matthews.

Mr. Matthews read the memorial to Allan Marston McGill.

Allan Marston McGill was born at Eagle River, Wisconsin, on July 14th, 1890, the only child of Leroy E. McGill and Margaret, his wife, a daughter of Patrick and Mary Taggert, also of Eagle River, Wisconsin. Allan's mother died in 1899 and he then went to Rhinelander, Wisconsin to live with his grandparents. His father remarried in 1902 and he thereafter resided with his parents at Ladysmith, Wisconsin.

He graduated from the Ladysmith High School in 1907, taught country school for two years in Maple Hill, Wisconsin, and later was employed as a Bookkeeper with the Menasha Paper Company and became widely known among Rusk County farmers as a scaler of poverty wood. He attended the University of Wisconsin until 1912, when he moved to St. Paul, attending the St. Paul College of Law and graduating therefrom on June 22nd, 1916.

In 1917 he enlisted in the United States Navy, taking his training at the Great Lakes Training Center. While in the Navy he played in the famous football game between the Army and Navy, at Philadelphia, in 1918. He had also played football at the University of Wisconsin.

After the war, Allan became an assistant county attorney of Ramsey County and prosecuted many famous criminal cases down until the time he entered private practice. Owing to his kind nature, his prosecutions were never of the type of a partisan, and he was kind and lenient to the inexperienced attorney who would sit on the opposite side of the table.

He entered private practice of law in 1925 and seven years after was attached to the Attorney General's office of the State of Minnesota in the Department of Rural Credits. In 1943 he moved to Ladysmith, Wisconsin and entered into partnership in the practice of law with his father, Leroy E. McGill, a veteran practitioner of Ladysmith.

In addition to his profession as an attorney, Allan McGill made a hobby of athletics and music. He was captain of the Minnesota Boat Club, took part in meets in Duluth, Winnipeg and other points, as a crew man in an eight oared shell and in a scull.

He was also a championship handball player and won a silver cup in a meet in Chicago. A splendid physical specimen standing over six feet tall and weighing two hundred pounds, he was an amateur boxer of considerable renown.

While attending school in St. Paul he worked out constantly with Mike and Tom Gibbons, and was such a skillful boxer that both of them used him to perfect their timing before championship fights.

He had kept in perfect health and had made a hobby of physical fitness and hiked or jogged the roads daily, usually six or seven miles at a stretch until September, 1944.

Music was his other life-time hobby. He became an accomplished pianist from study and devotion to music and the last time he played the piano was two months before his death, when with unsteady steps he approached the piano and played "Debussy's Arabesques" for his father. From that day on he suffered terrible agony from a rare form of cancer, called Myeloma, which attacks the bone structure of the body and in his case, literally honeycombed his back bone. He was taken in an ambulance to the Veterans Hospital at Fort Snelling where he lingered for three weeks and died on January 6th, 1945. A military funeral was held for him at Ladysmith, Wisconsin, and during the funeral services, piano selections, favorites of the Deceased in life, were played. Burial was in Riverside Cemetery, Ladysmith.

His father has the memory of a big boy grown to manhood, a happy dreamer, who exacted a toll of happiness from each day as he lived; and sincere sympathy is expressed to him.

EUGENE F. MATTHEWS,  
Chairman  
HILARY J. FLYNN.  
HARVEY J. DIEHL.

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## GEORGE WASHINGTON PETERSON

MR. ANDERSON: Your Honors, on behalf of the Bar, a committee consisting of Montreville J. Brown, Charles H. Weyl and Kay Todd has prepared a memorial to George Washington Peterson which will be presented by Mr. Brown.

Mr. Brown read the memorial to George Washington Peterson.

George Washington Peterson was born in Albert Lea, Minnesota, February 25, 1872. He passed away at St. Luke's Hospital, St. Paul, Minnesota, August 25, 1944.

He came from Norwegian stock, his parents having emigrated from Norway and settled in southern Minnesota at an early date.

After graduating from the Albert Lea High School he attended the University of Minnesota, from which institution he graduated in 1893 with the degree of Bachelor of Arts. He continued academic training at Columbian College and was awarded a Master of Arts degree by that college. At the same time he attended George Washington Law School, Washington, D. C. Upon graduation therefrom in 1897, he received his Bachelor of Laws degree. That year he was admitted to the practice of law in Minnesota.

While in college he became a member of Phi Kappa Psi and Delta Theta Phi, the last named being an honorary legal fraternity.

Subsequent to his collegiate academic training, and prior to taking his law course, he was for a time principal of the Albert Lea High School, and later served as Superintendent of the Chaska Public Schools.

Shortly after his admission to the Bar, he opened offices at Long Prairie, Todd County, Minnesota. He was not long in building up a fine clientele and in gaining the confidence and esteem of the people of Long Prairie and the surrounding country. In 1898 he was elected County Attorney of Todd County and served in that capacity until 1905. On October 15, 1907, he was appointed Assistant Attorney General of Minnesota. Upon receiving this appointment he with his family moved to St. Paul. After serving as Assistant Attorney General for several years, he resigned and accepted a position as General Attorney for the Chicago & North

Western Railway Company, with offices in St. Paul. He remained in the service of the railway company for a number of years, and then retired therefrom and entered private practice in St. Paul. He continued in such practice from then on until his death.

On September 6, 1899, he married Daisy Krayenbuhl at Chaska, Minnesota. She, a son and three daughters survive. One of the daughters is now in the service of the Country as a Spar located at Los Angeles, California.

He was a member of the Ramsey County, State of Minnesota and American Bar Associations; St. Paul Athletic Club; a director of the St. Paul Y.M.C.A.; and at one time President of the Board of Trustees of the Plymouth Congregational Church of St. Paul. At the time of his death he was a member of the House of Hope Presbyterian Church, St. Paul. He was a member of the faculty of the St. Paul College of Law for seventeen years; and a member of the faculty of the Minnesota College of law for two years.

His experience as a practitioner of the law was wide and varied, and extended over a period of many years. His practice commenced in the country, took in service to the public as County Attorney and Assistant Attorney General, and continued and was concluded in the City of St. Paul. There were many appearances before the court of last resort of Minnesota, and appearances in the Federal Courts including the Supreme Court of the United States. While Assistant Attorney General of Mmneota he handled quite a number of cases before the highest courts of the State and Nation of vital concern to the State. Some of the cases handled involved such questions as the right of the State to tax incidental gross earnings of railroads and express companies in addition to earnings from trans-ortation; the right of the State to increase the rate of gross earnings taxes of railroads as against the claim that the same was irrevocably fixed by reason of charter provisions; and the right of the state to tax telephone companies pro rata on interstate messages. Without exception these cases were won and largely through the efforts of Mr. Peterson. The questions involved were new at the time, and the decisions in the cases are in the class which blazed the trail for much by way of legislation and decision law as to taxation of public service corporations which was to follow.

As a trial lawyer he excelled. He was perfectly at ease in the court room. As a cross-examiner he had few equals. His handling of a case in the courtroom and his demeanor during the trial commanded the respect and admiration of both court and jury, and in this field he was pre-eminently successful.

As a lawyer Mr. Peterson will be remembered for the service he rendered the State while Assistant Attorney General and as a trial lawyer of exceptional ability.

George was kindly, courteous and considerate in his treatment of others. He might disagree with you but he was always courteous and tolerant about it. In speaking of another he was never heard to speak of him disparagingly; his discussion of another was always in a most friendly and kindly vein. He was constantly solicitous of the welfare and well-being of those about him. His acts toward others were always on a high plane of honor. He was actuated in all that he said and in all that he did in his private, professional and public life by the ideals of a christian gentleman. He lived and practiced the christian virtues. They were a part of him.

It is well that the Bench and Bar pause on occasion to do honor to such as George Washington Peterson, a man who exemplified fine qualities in his private, professional and public life, a lawyer of note and distinction who was in his legalistic endeavors and accomplishments a distinct credit to our profession.

MONTREVILLE J. BROWN,  
Chairman

CHARLES H. WEYL.  
KAY TODD.

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## JAMES P. PLUNKETT, SR.

MR. ANDERSON: If your Honors please, on behalf of the Bar a committee consisting of A. T. Janes, Albert J. Mueller and J. M. Mullaly has prepared a memorial to James P. Plunkett which will be presented by Mr. Mullaly.

Mr. Mullay read the memorial to James Patrick Plunkett.

James Patrick Plunkett was born in Eau Claire, Wisconsin, January 27, 1884. His father was Peter Francis Plunkett, and his mother, Anne Devine Plunkett. He attended the grade schools at Eau Claire and graduated from high school there in 1901. The following year he entered the employ of the Chicago, St. Paul, Minneapolis & Omaha Railway Company as a clerk at Eau Claire and worked there until he was transferred to the Accounting Department in the general offices of the Omaha in St. Paul. He became Auditor of Disbursements of that road in 1910, which position he held until 1924.

He was married January 22, 1908, to Anne Mary Shine of Eau Claire. There were five children as a result of that marriage—two daughters, Mrs. William T. Sampson, and Mrs. James T. Hinley of St. Paul, and three sons—Captain Robert W. Plunkett, an artillery officer in France with the Ninth Army, First Lieutenant Jerome J. Plunkett, an infantry officer in France. Jerome was wounded in France last Fall, was hospitalized in England, but is now back in active service. The oldest son, First Lieutenant James Francis Plunkett, an infantry officer, a member of the bar of the State, was killed in action in France, December 5, 1944. The husband of his youngest daughter, Sergeant James T. Hurley, is also in active service in the Pacific area.

Mr. Plunkett was 40 years of age when he began the study of law. He entered the St. Paul College of Law in 1921 and graduated in 1924 with the honors of magna cum laude, having completed the four year term in three years. He was admitted to the Bar of Minnesota the same year with highest honors. Immediately after his admission to the Bar he was employed in the Law Department of the Great Northern Railway Company as an attorney. During the remaining years of his life as a railroad lawyer, he rendered distinguished service. He brought into the field of railroad law not only an unusually fine mind, but specialized training that made him an outstanding railroad lawyer. For many years

he specialized in work before the Interstate Commerce Commission. He had a high standing with that commission and was unusually successful. In his later years he was assigned to handle tax matters, both state and federal, and represented the Great Northern Railroad in many important tax cases. His legal training and his accounting knowledge made him very successful in this branch of the law. At the time of his death, he was in charge of matters of great importance involving large sums of money. His success in the practice of his profession was based not only on his early training, but also upon the care and untiring effort which he brought to his work.

He was interested in legal education and was for many years a member of the faculty of the St. Paul College of Law and was there regarded as one of its ablest instructors.

He was admitted to practice before the Interstate Commerce Commission and was a member of the Association of Interstate Commerce Commission Practitioners. Beside being admitted to the Bar of Minnesota, he was admitted to all the Federal Courts, including the Supreme Court of the United States, before which he appeared several times. The cases that he handled before the tax administrative bodies of the Government and the courts handling tax matters, he presented with outstanding ability. Mr. Plunkett was made General Attorney for the Great Northern Railway Company in 1929 and held that position until his death.

Mr. Plunkett was a deeply religious man. He was a devoted Roman Catholic and a trustee of St. Luke's Catholic Church. He was tolerant and broadminded toward the faith of others as is shown by his interest in the National Conference of Christians and Jews. He was instrumental in organizing the St. Paul Roundtable of that body and became one of its directors.

He was a public minded citizen and interested in all charitable organizations. At the time of his death he was President of the Particular Council of St. Vincent de Paul Society and was on the Advisory Board of the Bureau of Catholic Charities. He was also a member of the Board of Governors of the Archbishop Ireland Educational Fund.

Mr. Plunkett found his chief joy in the company of his wife and children. His patriotism was of the finest type. He fully realized the dangers and

hazards of war, but he derived great pride in the fact that he had sons to fight the battles of his country and though death and wounds overtook them, he was proud of the fact that his boys could add their bit to the eternal glory of his country.

Toward the end of the year 1944 his health began to fail. The wounding of his son Lieutenant Jerry in France and the death of his son Lieutenant James Junior were a great shock to him and undoubtedly hastened his death. He died on January 27th, 1945. By a strange coincidence this was his birthday and on the same day his mother died.

We who were his associates in the Law Department of the Great Northern Railway Company and members of the Bar of this state desire to have preserved in the records of this court a tribute to his memory as a worthy and able lawyer, a good neighbor, a fine citizen, a man of great courage, good will and integrity, and, to all of us, a true friend.

A. L. JANES.  
ALBERT J. MUELLER.  
J. M. MULLALY.

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### JAMES FRANCIS PLUNKETT, JR.

Mr. Anderson: If your Honors please, on behalf of the Bar a committee consisting of Wood R. Foster, Carlyle Knudtson and L. E. Torinus Jr., has prepared a memorial to James Francis Plunkett Jr., which will be presented by Mr. Torinus.

Mr. Torinus read the memorial to James Francis Plunkett.

James Francis Plunkett was born in St. Paul, Minnesota, on July 2, 1914, the eldest son of James Patrick Plunkett and Anne Mary Shine. His father, whom most of us knew well, was General Attorney for the Great Northern Railway Company and a member of this bar.

Jim was educated in the St. Paul parochial schools, Cretin High School, and the University of Minnesota, was graduated from the St. Paul College of Law in June of 1939, and was admitted to the practice of law in May of 1942. In 1938 he entered the employ of the Northern Pacific Railway Company and three years later was appointed that company's district claim agent at Brainerd, Minnesota. He was married on August 7, 1943, to Miss Mary Coonan, daughter of Mr. and Mrs. John M. Coonan, of this city.

Like most of his classmates, after the start of the present war, Jim entered military service—as a private, on May 19, 1942. Eight months afterward he was commissioned a Second Lieutenant in the infantry and later was promoted to First Lieutenant. He was stationed for various periods at Fort Benning, Georgia, Camp Carson, Colorado, and Camp Roberts, California, and last fall was sent to France as a replacement officer, where, while serving with the 324th Infantry of the United States Seventh Army, on December 5, 1944, after eleven days of combat, he was killed in battle, the first of his law school classmates to die in action in this war.

He is survived by his wife, an infant son, James William Plunkett, his mother, two brothers, Captain Robert W. Plunkett and First Lieutenant Jerome J. Plunkett, and two sisters, Mrs. William T. Sampson and Mrs. James P. Hurley, of St. Paul. The brothers have both served actively as combatants in the European theatre of this war, and Captain Robert W. Plunkett is likewise a member of this bar. His father, James Patrick Plunkett, for whom a memorial is also being presented to this Court today in these proceedings, succeeded him in death by less than two months.

Jim Plunkett was possessed of a fine intelligence, excellent character, energy and industry. He had prepared for a profession traditional in his family and expected, of course, to follow, the fine example of his father. Death, in his thirty-first year, has prevented the fulfillment of this expectation, and his life, like that of numberless other casualties of this conflict, cannot now, and cannot ever, be properly appraised. This bar has lost a man well worthy of the profession of his inheritance, and, in the days to come, we shall need, as we have always needed, men of the sort Jim Plunkett was and hoped to be.

Dated at Saint Paul, Minnesota, this 31st day of March, 1945.

WOOD R. FOSTER.  
CARLYLE KNUDTSON.  
L. E. TORINUS, JR.

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### EDWARD S. STRINGER

MR. ANDERSON: If your Honors please, on behalf of the Bar a committee consisting of Wilfrid E. Rumble, William H. Oppenheimer and Paul C. Thomas has prepared a memorial to Edward S. Stringer which will be presented by Mr. Rumble.

Mr. Rumble read the memorial to Edward S. Stringer.

Edward S. Stringer was born at Hastings, Minnesota, on May 22, 1883. All of his adult life was spent in Saint Paul, where he died on November 16, 1944. He was the son of Edward Charles Stringer and Isabel Seymour Stringer. In 1879 Edward Charles Stringer and M. V. Seymour, having just been admitted to the Bar of New York, formed a law partnership and together practiced law in that State for about a year. In 1880 both moved to Hastings, where the partnership was continued until 1890, when the partners moved to Saint Paul and carried on with the partnership. Both subsequently became outstanding members of this Bar.

Edward S. Stringer attended the Saint Paul Central High School, from which he was graduated in 1901, Yale University, from which he received an A.B. degree in 1905, and, after spending one year in the Yale Law School, the Saint Paul College of Law, from which he was graduated in 1907 and immediately was admitted to the Bar of this State and entered his father's firm. He was a high ranking student in all of his classes. In 1908 he became a member of the firm of Stringer & Seymour.

In 1911 he married Rachel O'Brien, daughter of John D. O'Brien, who was then and until his death a prominent member of the Bar of this County. There were five children born to them, Edward S. Jr., Sarah S., now Sarah S. Donohue, John D., William S., and Richard S. Mrs. Stringer and all of the children are living. All of the boys are serving their country in either the Army or the Navy.

In 1916 Edward Charles Sringer died, and his son then became a partner with Mr. Seymour in the firm of Stringer & Seymour. In 1921 Mr. Seymour died, and Edward S. Stringer then became a member of the firm of O'Brien, Stone & Horn, the name of which was changed to O'Brien, Stone, Horn & Stringer. This firm continued under that name until 1923, when Royal A. Stone was appointed to the Supreme Court of this State, and the firm name was changed to O'Brien, Horn & Stringer. In 1942 McNeil V. Seymour, a son of the member of the old firm of Stringer & Seymour, was made a partner and the firm name was changed to O'Brien, Horn, Stringer & Seymour.

Mr. Stringer was an active member of this Bar until shortly before his death. He was a member of the faculty of the Saint Paul College of Law, and taught constitutional law in that school from 1928 until he became ill in 1942. He was President of the Ramsey County Bar Association in 1937.

Mr. Stringer was an all-around lawyer. His practice was large and his clients varied. For many years he represented the Chicago, Rock Island & Pacific Railway Company in Minnesota and tried all of its cases in this State, as a result of which he became expert in railroad law. His rise to prominence in the profession was quick, and for years prior to his death he was recognized by judges and lawyers as a leader of the Bar of this County and of the State.

Ned Stringer was a lawyer's lawyer. There was no sham or hypocrisy in him. He was a plain, frank-speaking, straightforward lawyer. Except that for a number of his earlier years he was an active member of the Minnesota Boat Club he had no particular hobbies, and from the time of his admission to the Bar practically his entire life was devoted to his family and to his profession. To his law work he brought an analytical mind and a judicial temperament. He was skillful in quickly separating material from immaterial facts and getting down to the real issues of any matter submitted to him. He had common sense and courage in a

high degree. He never entered a court room without being thoroughly prepared in every phase of his case, and he had the courage to stand firmly on the conclusions formed before entering the court room. He was a man of high integrity, one of those lawyers with whom, we say, no written stipulation is ever necessary. He was a charming companion and enjoyed the company of other lawyers. Because of his thorough knowledge of fundamental law, his views on any legal question were always valuable to and appreciated by other lawyers. He was respected by the Courts, by his associates, and by his clients.

The members of this Committee feel that no better advice could be given any young lawyer than to emulate Edward S. Stringer. The members of the Bar and the Courts of this State have suffered a grievous loss in his death. A far greater loss has been suffered by his family, to whom we extend the sympathy of this Bar.

Respectfully submitted,  
WILFRED E. RUMBLE,  
Chairman  
WILLIAM H. OPPENHEIMER.  
PAUL C. THOMAS.

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## JAMES DRUMMOND SWAN

MR. ANDERSON: If it please your Honors, on behalf of the Bar a committee consisting of Roy McDonald, Andrew Bratter and O. A. Blanchard has prepared a memorial to James Drummond Swan which, due to the inability of the committee members to be present, will be presented by Mr. Joseph Cowern.

Mr. Cowern read the memorial to James Drummond Swan.

James Drummond Swan was born in the City of Winnipeg, Province of Manitoba, Canada, on September 15, 1886. His parents brought him to St. Paul and he attended the public schools here for a short time and

then went to Scotland, where he remained for a few years, returning to St. Paul, Minnesota. He attended Mechanic Arts High School in St. Paul and was an outstanding member of the track team. He was also captain of the basketball team. Upon graduating from Mechanic Arts High School in 1911, he became a deputy clerk of the District Court of Ramsey County under Major N. C. Robinson and continued in that office from 1911 to 1914, during which time he took his law course in the St. Paul College of Law, graduating from that college in 1914. Upon his graduation from Law College, he resigned his position in the office of the Clerk of the District Court to become an assistant in the office of the City Attorney. He was assistant City Attorney from 1914 to 1917, when he resigned to become a member of the law firm of McMeekin and Quinn. He was a member of the firm of McMeekin, Quinn and Swan until the year 1930, when he opened up a law office of his own and practiced as an individual from 1930 until his death. He was a member of the Board of County Commissioners of Ramsey County from 1930 to 1942 inclusive.

In 1908 he married Edith Martha Leavitt. Four children were born to this marriage, namely, James Jr., Thomas, Edith and Jack, the latter dying while a member of the Armed Forces, in 1943. Mrs. Swan died while all of the children were very young and Jim then acted as father and mother in raising the children and in keeping the home together.

Besides being interested in public and civic affairs, he was a member of the Y.M.C.A., the Athletic Club and the Lion's Club, having been exalted ruler of the Elks and president of the Lion's Club. He was also a member of the Masonic Order.

Possessed of a ready wit, a pleasing personality and a very comprehensive knowledge of the law, he soon became recognized as an able lawyer. While his practice and public duties required close application, he had three hobbies, which he cultivated with the same zeal and enthusiasm which he displayed in his practice; these were his home, his garden and raising Scottish terriers.

In April, 1937, Mr. Swan married Catherine Aynsley, who had been the secretary to many of the mayors of the City of St. Paul.

On April 3, 1944, he died. He is survived by his widow and three children, James Jr., Thomas and Edith. While he died a comparatively

young man, he enjoyed practically every minute of his life. He loved his profession, he loved his family and friends and at his death he left hundreds of close friends, who will long remember his ability as a lawyer, his wide knowledge and experience and his unfailing good humor and loyalty.

ANDREW BATTER.  
ROY McDONALD.  
O. A. BLANCHARD.

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### SAMUEL EPES TURNER

Mr. Anderson: If it please your Honors, on behalf of the Bar a committee consisting of George W. Morgan, Charles W. Briggs and Cleon Headley has prepared a memorial to Samuel Epes Turner which will be presented by Mr. Morgan.

Mr. Morgan read the memorial to Samuel Epes Turner

Samuel Epes Turner was born in Cambridge, Massachusetts, February 2, 1884, the son of Samuel Epes Turner, teacher of history at Harvard University, and Mary Louise Moore. He died in St. Paul, Minnesota, on February 2, 1945.

He attended Browne & Nichols School at Cambridge, Massachusetts, was graduated from Harvard College in 1905, from the St. Paul College of Law in 1913 and was admitted to the Bar in that year. On September 24, 1910, he married Catharine Ames, daughter of Charles W. Ames of St. Paul. He is survived by his wife, their two sons, Samuel Epes Turner, Jr. and James Murray Turner, their four daughters, Mary A. Turner, Mrs. William H. Winfield, Mrs. Robert W. Greenman and Elizabeth H. Turner, and five grandchildren; also by a brother, Howard M. Turner of Cambridge, Massachusetts, and a sister, Mrs. William E. Schoyer of Pittsburgh, Pennsylvania.

After graduation Epes Turner worked for the Great Northern Railway at Superior, Wisconsin, and later at Breckenridge, Minnesota, for two years, coming to St. Paul in November, 1907. From that date to his death he was associated with the West Publishing Company and, since March 19, 1908, was the head of its Law School Department.

He was a member of the American Bar Association, the Minnesota State Bar Association and the Ramsey County Bar Association. He was a member of Unity Church in St. Paul, Unitarian, and prominent in its affairs.

Epes Turner never engaged in the practice of law. His legal education, however, and his knowledge of the problems of lawyers were essential factors in the constructive work he did as Manager of the Law School Department of the West Publishing Company. The contribution he made to legal education and thus to our profession generally was perhaps not fully realized by us of the Ramsey County Bar. One reason was that his work was chiefly carried on in the law schools throughout the country. Another reason was Epes Turner's charming modesty.

Letters from Deans and faculty representatives of more than twenty law schools in all parts of the country, received since his death, bear eloquent testimony to the high regard in which Epes Turner and his work were held by leaders in the field of legal education. Dean Young B. Smith of Columbia University School of Law writes:

"Mr. Turner's death was a real loss to the cause of legal education in America. He was always interested in new developments and through his willingness to cooperate with the law schools he made many improvements in legal education possible."

Acting Dean Rundell of the Law School of the University of Wisconsin says:

"He was a beneficent influence in the Law School world and those of us who are interested in legal education will miss him very much."

Dean Gilmore of the College of Law of the University of Iowa says that:

"his interest in the problems of law school teachers made him much more than the usual representative of a large publishing concern."

Mr. Homer Clark, Chairman of the Board of the West Publishing Company, with whom Epes Turner was associated for many years, pays him this tribute:

"Epes Turner was a man of the highest character and integrity. While of a retiring nature, he possessed a rare sense of humor together with a personal charm and friendliness which drew people to him and made him beloved by all who came in close contact with him.

"He proved an able manager of our law school department and was responsible to a large degree in building up a list of law school publications of the highest standing."

All who knew Epes Turner will subscribe to these high tributes to his character and personality. He was a man of innate modesty but of persuasive charm. He was invariably kind, thoughtful and unselfish. As a friend he was loyal and dependable. In his family he was a devoted father and husband. His sense of humor and cheerfulness of spirit never deserted him, even during the period of his own serious illness. To the hour of his death he remained, what he had been, a rare and attractive personality.

Respectfully submitted,  
GEORGE W. MORGAN,  
Chairman  
CHARLES W. BRIGGS.  
CLEON HEADLEY.

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## KAY TODD, JR.

MR. ANDERSON: If it please your Honors, on behalf of the Bar a committee consisting of William Mitchell, Lt. Col. USA, Frank N. Graham Jr., Lt. USN, R. H. De Lambert, James N. Otis Jr. and Robert Leach, has prepared a memorial to Kay Todd Jr., which will be read by Mr. Leach.

Mr. Leach read the memorial to Kay Todd Jr.

Kay Todd, Jr., was born in St. Paul, Minnesota, on February 15, 1910, the son of Kay and Sinclair Holbrook Todd. Kay was truly an American, both in his own right and by birthright. His ancestors fought in the Revolutionary War.

Kay received his early education at the Saint Paul Academy in St. Paul. He was a leader from the beginning, both in classroom and on the athletic field. He participated in debating and dramatics, was commanding officer of the cadet battalion, was President of the Gables Club and of the Student Council his Senior Year—highest student honors. He was awarded the Harvard Cup for excellence in scholarship and athletics in 1924 and 1926, the Clapp Medal for Military Progress in 1927, and the Senior Athletic Cup in 1927 and 1928. He won 11 letters, 3 in football, and 4 each in hockey and baseball. He graduated third in his class, cum laude, and made honor grades on eight of the eleven College Board Examinations which he took for admission to Yale University.

Kay was Captain of the Hockey Team for two years, and high scorer in the city his Senior Year. In football, he was quarterback for two seasons, in one of which the Academy ranked with the best teams in the City. It was characteristic of Kay that, as quarterback, although he was the best ball-carrier on the team, he rarely took the ball when the team was in scoring territory and never counted a touchdown until his final game against Blake, traditional Academy rival. In this game, his team-mates checked signals until he had to call his own number, and he scored both touchdowns, in a 12-0 victory.

The headmaster of the Academy, John DeQ. Briggs, wrote of Kay:

"He was one of the almost legendary figures of schoolboy history here. He was, of course, a great athlete and honor

student. But we've had a goodly number of fine athletes and good students and that is not what makes this boy memorable. It is rather that he was one of the gentlest, sweetest, most modest boys I've ever known and in this lay the charm that made every one who knew him—even slightly, simply adore him. He was a living illustration of the fact that a man doesn't have to be "hard" or "tough" in order to be strong."

Kay graduated from the Saint Paul Academy in 1928 and entered the Sheffield Scientific School at Yale University that fall. He graduated from Yale in 1932. He was a member of Tau Beta Pi (the scientific Phi Beta Kappa), the St. Elmo Club, a social fraternity, and the Aurelian Honor Society. He was a member of the Class Day and Triennial Committees of the Sheffield Scientific School. He won his letter in football, 3 letters in hockey. In hockey, he was one of the outstanding players in college circles; he played on an undefeated freshman team and on a varsity six which was twice champion of the East. After graduation, Kay was thrice invited to participate in collegiate tours of Europe with other outstanding players.

Kay's career in college football showed his extraordinary quality of persistence. In his Freshman Year he worked up from the 12th Team to the 6th Team: in his Sophomore Year he went out for the varsity, with little encouragement; in his Junior Year he was regular left end on the Junior Varsity eleven—not until his Senior Year did he make the Varsity. That year, however, he played in every game except one in the schedule, and in three major games played regular right half-back, the left half-back being the famous Albie Booth, the captain. He was one of those selected by the Xth Olympiad Committee to represent the East against the West and played in an exhibition game as part of the 1932 Olympic Games in Los Angeles. His Olympic Diploma hangs on the walls of the Saint Paul Academy.

Kay was a superb athlete. He was beautifully coordinated. Whether he was wielding a hockey stick, golf club or tennis or squash racket, throwing a forward pass, or fielding a baseball, he did it, apparently effortlessly—gracefully—but with deadly effect and efficiency. In prep school, college and thereafter, his excellence was exceeded only by his love for athletics. He loved the spirit of combat, was at his best, outdid himself, when the going was toughest.

After a year in Mexico prospecting a gold mine, Kay entered the University of Minnesota Law School. It was natural for him to follow the law as his father had been an outstanding member of the legal profession in Minnesota for many years. During his course, he represented the law school on the All University Council, represented his law fraternity, Phi Delta Phi, at its national conclave, and generally continued as a leader in scholarship and extra-curricular activity.

Kay was graduated from law school and admitted to the bar of Minnesota in 1936. He immediately associated himself with his father and Rix de Lambert in the practice of the law in St. Paul and continued this association until his enlistment in the United States Army. Kay promptly became a leader of the younger bar; he promoted and helped organize the Ramsey County Intermediate Bar Association, and later he became its President. He was a member of the Ramsey County, State of Minnesota, and American Bar Association. Both bench and bar recognized Kay as destined to have an outstanding career as a lawyer. He was a student, an analyst, and a workman. He had a keen insight into and a thorough understanding of human nature. As young as he was he was not only an able counsel but an astute, forceful and determined advocate.

Kay was a good churchman, taking an active part in the affairs of the church of St. John The Evangelist. He was also a member of Triune Lodge A. F. and A. M.

Kay took a great interest in politics and was active in Young Republican work. From time to time, he was an officer in the Young Republican league and took an aggressive interest in various campaigns. He was able to suggest excellent and ingenious ideas for his party and was willing to do the hard work—the house to house canvassing, posting of bills, and other difficult, tiresome and tedious work associated with such endeavors.

Kay was a member of the White Bear Yacht Club, the University Club of Saint Paul, and the Yale Club. In each organization he took an active and interested part. He was President of the University Club and a good one.

When war broke out, Kay might have had a commission the easy way; he never seriously considered such a course. He chose the hard way

and enlisted as a private in May, 1942. He received his basic training at Camp Wolters, Texas. He was commissioned a Second Lieutenant at Officers' Training School, Fort Benning, Georgia, on January 9, 1943.

He was married on January 12, 1943, at New Orleans to Nancie McAuliffe, the daughter of Mr. and Mrs. H. C. McAuliffe of Montrose, Colorado.

Characteristically, though over age, Kay volunteered for and was accepted by the Paratroops, one of the most dangerous branches of service; after further training at Alliance, Nebraska, (where he was promoted to a first lieutenant in November, 1943), he was sent overseas on December 7, 1943. He was first stationed in Ireland and later in England. He fought in the great Normandy Invasion and was killed in action on June 12, 1944, in France. Kay was attached to the 82nd Airborne Division; that Division received the Distinguished Unit Citation, awarded to Kay posthumously. The story of his death is best told in the words of Captain Paul F. Smith, a member of the 507th Parachute Infantry, who wrote to Kay's father as follows:

"Kay was killed early in the operation, in fact before the regiment was fully assembled. He and I were part of a group that was isolated and surrounded by the Germans for three days. At the end of the third day we established radio contact with the bulk of the regiment and by means of the radio found out where it was located. That night after dark we cut our way through the German force surrounding us and started cross country for the location we had been given over the radio. At daylight we stopped to reorganize and at this point I discovered that I was the senior officer in the group so I assumed command and proceeded with the reorganization. We were very short of officers so I was forced to make Kay a platoon leader, a job which he had not particularly trained for inasmuch as he has been a communication officer. We started again for the location of the regiment but the course we had been instructed to follow passed through a small village and as we approached this village the leading platoon came under small arms fire. Lt. Todd and I made a reconnaissance of this village and discovered that it was an observation post for all the artillery and mortars in this particular sector as well as containing an

ammunition dump. Kay and I both decided that wiping out this village would do more towards accomplishing our mission than just bypassing it and rejoining the regiment. Following this decision we moved in to attack, Kay leading one group and myself the other. The place was a little better organized for defense than we had anticipated, consequently we spent six hours taking it. When the action died down I called for Lt. Todd and was told that he had been hit shortly before, so I took two aid men and went back to the spot where he was lying. The aid men looked at him and told me that a machine gun bullet had entered his chest travelling through his body with the result that he died instantly. We started to carry his body with us but about that time the German artillery landed on the village with such intensity that we were forced to entirely evacuate it leaving all our dead and wounded. However, later that day we sent a strong patrol back into the village to carry out all the wounded and our own dead. The following day Kay's body was interred in the 82nd Division cemetery."

Kay is survived by his wife, Nancie Todd, his mother and father, Mr. and Mrs. Kay Todd, and a sister, Mrs. Bradley Troost.

Kay Todd, Jr., lived an enormously full life for his short years. Following his death his family was deluged with letters from all over the world, with messages from friends in all walks of life. His interests were amazingly diverse. In addition to his other accomplishments, he was an insatiable reader and a lover and student of music. Kay was a regular attendant at Symphony and while he was not a musician himself, he appreciated and thoroughly enjoyed both classical and popular music. He was always greatly interested in the life of Abraham Lincoln, read many versions of Lincoln's life, and obviously believed in and idealized this great man's philosophy.

As a result of Kay's many interests, he had many friends. Each saw in him a somewhat different character. Those of his friends who knew him longest remember him most affectionately for his completely selfless devotion to others. No act of kindness, no service to others, however great or slight, was impelled by self-interest or personal gain but rather sprang from a simple desire to do for those whom he liked and respected.

It was not the prominent and influential among his associates who attracted Kay's attention, but for anyone who needed assistance, Kay did a hundred acts of kindness and, in his quiet, modest way, gave advice and encouragement unstintingly. In all this, his manner and approach were so unostentatious that few fully realized the careful thought he must have given in doing for others.

We do not know of a personal enemy he had in the world; yet, he always possessed the courage of his convictions and never hesitated to speak the truth if it was warranted. He had that rare combination of being a man's man, who was loved and admired by women as well. He had courage, determination and perseverance, brains and common sense, and yet he was mischievous and loved a good time, which qualities, combined with a most irrepressible and contagious sense of humor made him a delightful companion. He had the confidence which is the hallmark of any great man yet no one ever mentioned conceit and Kay Todd in the same breath. He was sure of himself, on the field of sport or in the more important games of life but always he was modest and reticent.

Kay's memory will endure. The Saint Paul Academy and Yale University have recorded his versatility. The annals of the United States Army testify to his courage. His countless friends will never forget his comradeship and will never cease to tell of his life; they will pass it on to their children and their children's friends with such obvious reverence and sincerity that the memory of Kay will never die but will live on to inspire courage, strength, forthrightness and greatness in Americans yet unborn.

Respectfully submitted,  
WILLIAM MITCHELL, LT. COL, U.S.A.  
FRANK N. GRAHAM JR., LT. U.S.N.  
R. H. De Lambert  
JAMES N. OTIS JR.  
ROBERT LEACH

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MR. ANDERSON: This, may it please your Honors, concludes the memorials. At this time we move that the Clerk be instructed to spread these memorials on the minutes of this Court and that a copy thereof be delivered to the families of our deceased members.

JUDGE MICHAEL: The motion will be granted and the memorials will be spread upon the minutes of the Court and copies sent to the respective families of the deceased. Court will now adjourn.

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This booklet is published by the ST. PAUL LEGAL LEDGER (a daily legal newspaper published in the City of St. Paul and County of Ramsey) and distributed with its compliments. We wish to extend our thanks to Mr. J J. Fitzgerald,, Clerk of the District Court, who so kindly furnished us with copies of the memorials as presented to the Court.

The St. Paul Legal Ledger wishes to take this opportunity to express its deep sympathy to the members of families, relatives, and hosts of friends of the departed members of the Ramsey County Bar Association memorialized in these pages. Many there were who closed long and brilliant careers; others who, taking an active part in the armed services of our great country in this world-wide conflict, lost their lives when but on the threshold of promising careers. To the bereaved relatives and friends of these last especially do we extend our heartfelt sympathy.

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