

MEMORIAL SERVICES

FOR DECEASED MEMBERS

RAMSEY COUNTY BAR

HELD AT THE

COURTHOUSE, MARCH 23, 1940



SAINT PAUL LEGAL LEDGER

Memorial Services

On Saturday, March 23, 1940, 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

SPECIAL TERM MINUTES, March, 23, 1940

Saturday morning: Court opened pursuant to adjournment.

Present: Chief Justice Henry M. Gallagher and Justices Andrew Holt, Royal A. Stone, Charles Loring, Julius J. Olson and Harry H. Peterson of the Supreme Court of Minnesota; Judge Robert C. Bell of the United States District Court for the District of Minnesota; Judges O. Hanft, James C. Michael, John W. Boerner, Carlton F. McNally, Kenneth G. Brill, Gustavus Loevinger, Clayton Parks and Albin S. Pearson of the Ramsey County District Court; Judge Michael F. Kinkead of the Ramsey County Probate Court; and Judges John W. Finehout, Robert V. Rensch and John L. Rounds of the Municipal Court of the City of St. Paul.

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

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:

It is fitting that at stated times Bench and Bar of this judicial district cease their labors to pay tribute to the memory of those of their former active associates whose voices in the halls of justice have been stilled forever. This is the day set apart by the judges of this district for such memorial services, and all matters set for hearing at Special Term today are continued for one week.

Mr. [Pierce] Butler [Jr.], as President of the Ramsey County Bar Association, will you kindly report to the Court the names of the members of the bar who have died since last we met upon a similar occasion and, as we proceed, the names of the members of the committees who have been notified to draft and present the memorials today?

MR. BUTLER: May it please your Honors it is the purpose of Your Honors' bar, for whom I speak, to present memorials to Your Honors' court attesting the worth of those of our bar who in the past year have died. It is a fitting and becoming thing that their merits should be preserved upon the records of Your Honors' court until day comes, as it will come, when it is no longer a memory of men. The members of the bar of Your Honors' court who have died during the past year and with reference to whom committees will present memorials to Your Honors are:

James D. Armstrong
Pierce Butler
Thomas C. Daggett
Charles Donnelly
William G. Graves
Oscar E. Holman
Joseph A. Jackson
Thomas J. McDermott
James F. Murphy
Eugene M. O'Neill
John E. Stryker
Joseph Thomson
Richard A. Walsh

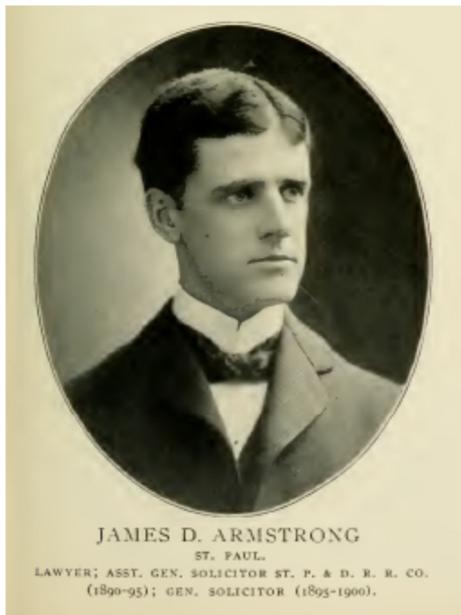
On behalf of the bar, a committee has prepared a memorial which will be presented to Your Honors by Mr. Walter E. Kunze, a memorial of James D. Armstrong, lately of this bar.

JUDGE HANFT: Mr. Kunze—

MR. DREHER: Owing to Mr. Kunze's unavoidable absence from the city, on account of illness of his father, I was requested to read this memorial on behalf of the committee, bench and bar.

James Douglas Armstrong was born in St. Paul, Minnesota, on April 8, 1866. He died in St. Paul on November 1, 1939, at the age of 73 years.

Mr. Armstrong was graduated from the old St. Paul high school in 1885. He attended for a short period of time the University of Minnesota and later was graduated from the Law School of the University of Michigan. He was admitted to the Minnesota Bar in 1889. His early practice of law from 1890 to 1895 was that of Solicitor for the St. Paul and Duluth railroad. He then for five years was in general practice of law as a member of the firm of Hadley & Armstrong in the city of St. Paul.



In 1907 Mr. Armstrong became Assistant General Solicitor of the Great Northern Railway Company and then shortly thereafter its General Attorney, resigning that position in 1912 to become General Counsel for the Great Northern Iron Ore Properties, which position he held until the year 1915. He resigned this position in 1915 to become Vice President the Merchants Trust Company and remained in that position after that company became the First Trust Company until 1931.

Mr. Armstrong was President of the Ramsey County Bar Association in 1905. He was President of the Minnesota State Trust Officers association, and from 1909 to 1930 he was a lecturer and instructor in the St. Paul College of Law.

In his social activities he was President of the Town and Country Club and also at one time was President of the Minnesota Club.

He left surviving him beside his mother, his widow, Cora H. Armstrong, and five children, James B. Armstrong of New York City; Elbert B. Armstrong of Minneapolis; John B. and William B. Armstrong of Los Angeles; and a daughter, Mrs. Margaret A. Dean of Westport, Connecticut.

Mr. Armstrong's position with the Great Northern Railway Company and with the Great Northern Iron Ore Properties, and later with the Trust Company, brought him into close and intimate contact with the business interests of the state of Minnesota. He was a careful and painstaking lawyer and had the confidence of all of his associates. He took an active interest in the Bar Association of this county in its early history and was deeply interested in the legal training of the members of our Bar as shown by his long years of connection with the St. Paul College of Law. As a lecturer and instructor in that law college, he always commanded the respect and interest of his pupils.

His life spanned the pioneer days of our state in the period of its great and rapid development and he lived to see the dream of his pioneer ancestors fulfilled. He had a large number of friends. He was respected by all who knew him. He was an honest man, and nothing more than this should any man desire said of him.

Respectfully submitted,

KARL F. DREHER,
A. L. JANES,
WALTER E. KUNZE, Chairman.

Mr. BUTLER: If Your Honors please, a committee for whom Mr. Michael J. Doherty will speak, has prepared for Your Honors a memorial of Pierce Butler, lately a member your Honors' bar

Mr. Doherty: On November 16, 1939, at the city of Washington, D. C., the life of Justice Pierce Butler came to a close. It was a life that had covered a wide gamut of human experience, spanning a period of nearly seventy-four years. It began in very humble circumstances in a log cabin on a pioneer Minnesota farm on March 17, 1866. It ended after attainment of the highest honor open to the profession in this country—membership in the Supreme Court of the nation.

Pierce Butler was one of eight children of Patrick and Mary Butler. His parents were both born in the County of Wicklow, Ireland, from whence they came directly to settle on a farm in Dakota County in 1848. Here Mr. Butler was born and spent his early life, assisting in the work of the farm. He made such use of his limited

educational opportunities, including tutelage by his father, that at the age of sixteen he became the teacher of a country school. His higher education was obtained at Carleton College at Northfield, from which he graduated in 1887. Thereupon he came to Saint Paul and began the study of law in the office of Pinch & Twohy. He took to the law with such avidity that in 1888 he was admitted to the Bar. This was followed shortly by the formation of his first partnership—an association with Mr. Stan Donnelly under the name of Butler & Donnelly.

On August 25, 1891, he married Miss Anna M. Cronin of Saint Paul. The union was a blessed one. It led to the utmost of domestic happiness. In later years it was to the companionship, the encouragement, and devotion of his wife that Mr. Butler was wont to attribute largely his progress toward success. Eight children were born of the marriage, of whom six survive. Two sons followed their father's profession, and with great pride and satisfaction he saw them both advance rapidly to the forefront of the Bar. A grandson, Pierce Butler III, is a student in the law school of Georgetown University, and is a young man of fine promise.

In 1891 Mr. Butler became Assistant County Attorney of Ramsey County under Thomas D. O'Brien, and a year later himself became County Attorney, serving in that office for four years.



In 1897, returning again to private practice, he formed a partnership with Homer C. Eller and Jared How under the name of Eller, How & Butler. This partnership ended shortly with the death of Mr. Eller, but the association of Mr. Butler and Mr. How continued under the name of How & Butler until September, 1899. Mr. Butler then accepted appointment as general attorney for the Omaha Railroad Company, a position held for six years. Again returning to general practice in 1905, an association was formed with Jared How and William D. Mitchell under the firm name How, Butler &

Mitchell. In 1912 Mr. How retired from the firm and moved to California. The firm then became Butler & Mitchell and so continued until 1918, when, with the admission to the firm of Michael J. Doherty, the firm name became Butler, Mitchell & Doherty, under which practice was then carried on until Mr. Butler's final withdrawal from practice in 1923.

Thus Mr. Butler engaged in practice for thirty-five years, twenty-five of which were devoted to general practice, four to the office of public prosecutor, and six to employment by the Omaha Road. It was thirty-five years of steady advancement in ability, in prestige, and in clientele. During at least the first twenty-five years of his professional career it was as an advocate that Mr. Butler attracted greatest attention, and it was upon his great success in that branch of practice that his earlier reputation mainly rested. He was a skilled legal tactician. Before either court or jury he had few equals in power. It was his belief that success in trial work depended nothing so much as upon thorough preparation of the facts. He acted upon that principle. Although highly resourceful and equal to any surprise development during trial, he never was willing to leave anything to inspiration of the moment. He prepared both law and facts with the most painstaking care and with attention to every detail. In the court room, as everywhere, he had a commanding presence. His manner was one of intense earnestness, his language simple, direct, terse, and vigorous. In the marshaling and presentation of facts he was masterful. His cross-examinations were penetrating. His arguments to juries both carried conviction and stirred the emotions. The verdict was usually his.

During the last ten or fifteen years matters other than litigation occupied an increasing proportion of his time, a trend probably not unwelcome and one which led to wider experience and a broader exercise of his professional ability. It was during this period particularly that he gained country-wide recognition as one of the outstanding figures of the American Bar.

How important and diversified was his professional activities during this time may be indicated by mention of some his engagements. They included employment as counsel for the railroad interests in the celebrated "Minnesota Rate Case"; by the Federal Government in the "Bleached Flour" Cases and in the

Meat Packers Anti-Trust Cases; as special counsel for the western group of companies in the Federal valuation of railroads; by the shareholders of the Canadian Northern Railroad Company in the proceedings against that company under the Canadian Northern Acquisition Act; by the Government of Canada in the arbitration proceeding under the Grand Trunk System Acquisition Act. For many years he was widely known as one of the country's greatest legal experts in utility rate litigation and devoted much time to that class of work.

While these matters are mentioned as illustrating the variety of important matters entrusted to him, it must not be thought that his practice was confined to the representation of great corporations or to matters of great public concern. His clients were drawn from all classes. While he is sometimes thought of as a defense lawyer, yet representing a plaintiff he recovered from the Minneapolis Street Railway Company the largest verdict ever returned against it. He represented farmers and farmer groups. He was greatly interested in the cooperative movement, and defended an association of dairy farmers against a charge of violation of the anti-trust laws in the cooperative marketing of milk. He represented schools and colleges and people in all stations of life. He was one of the first advocates of a workmen's compensation law for Minnesota and helped influence the adoption of the Minnesota act.

As the demands upon his time grew, he devoted longer and longer hours to his practice. There appeared to be no limit to his capacity for work and for long-sustained mental effort. Office hours for him meant any time from morning until midnight. The eight-hour day was then the Union standard. He once jestingly remarked that he was strict in the observance of the eight-hour schedule, eight hours in the forenoon and eight hours in the afternoon. When occupied in extended trial engagements it was not unusual for him to return at the end of the day to his office and work far into the night conferring with clients and doing legal work wholly unrelated to the case on trial. This would occur for nights in succession, only to find him always ready to proceed with his trial work each following day with undiminished vigor and energy. He exemplified the lines:

The heights by great men reached and kept
Were not attained by sudden flight,
But they, while, their companions slept,
Were toiling upward in the night.

He seldom indulged in a vacation at least not in the usual sense. Sheer idleness for the sake of rest was unthought of. On the rare occasions when he disengaged himself from the practice of law, he usually gave his brief holiday to satisfying his interest in subjects other than the law. It was always a source of wonder to his intimates that he was able to endure the burden of work which he carried. Aside from his naturally strong constitution, the explanation probably lies in one thing—his extraordinary sense of humor. No matter was so serious and no situation so tense but that it inspired intermittent flashes of wit and humor sufficient to relieve the tension and afford moments of relaxation. No conference in which he was included was ever allowed to become too grim for brief interludes of laughter and diversion.

His greatest sources of recreation and pleasure were his family life, reading, and the companionship of friends. Nothing gave him greater delight than an evening of conversation with congenial friends, old or young. And what a privilege it was to participate in such occasions. His never-failing humor, his amazing memory for reminiscence, and wide knowledge of men and affairs made him a conversationalist of great fascination and charm.

A subject in which he always was deeply interested was that of sound education. For a number of years he served on the Saint Paul Library Board. His greatest opportunity for service in promoting the cause of education was opened to him when, in 1907, he was appointed by Governor John A. Johnson to the Board of Regents of the University of Minnesota, on which he thereafter served for seventeen years. He found a board composed of strong men mostly like-minded with himself. He joined them with enthusiasm, gave liberally of his time to the affairs of the University and the solution of its problems. He served as chairman of the executive committee of the Board and as regent advisor of the law school. He was largely instrumental in bringing about the affiliation of the University Medical School with the Mayo Foundation, making available to the medical students the facilities of the great Mayo Institution. He was a trustee

of Carleton College. When he later became a resident Washington, D. C., he was elected a trustee of the Catholic University in that city.

The climax of his career came in 1922, when on November 23 his nomination as Associate Justice of the United States Supreme Court was sent to the Senate by President Harding, to fill the vacancy caused by the retirement of Mr. Justice Day. The nomination not having been acted upon at that session, he was renominated by the President on December 5, 1922, which nomination was confirmed by the Senate on December 21, and on January 2, 1923 took his seat upon Bench.¹ For sixteen years he served upon the Court with same fidelity and industry that had marked the discharge his obligations to the courts and to clients as a member the Bar. During that time he had never once missed the opening of a term, and his total absence from the sessions of the Court amounted to but a very few days. His opinions—some three hundred thirty-seven in number—furnish evidence of the quality of his work upon the Court. They are clear expressions of a clear understanding of the issues involved. His style was never that of a rhetorician. He essayed no display of learning. His language was not intended to be ornate. He wrote with economy of expression but with a precision and clarity that never left doubt as to the meaning of his opinions or as to the scope or effect of the decisions announced. His opinions are free of obiter dicta.

During his seventeen years of service on the Court he saw his country pass through an era of unstable prosperity and into a period of resulting depression. The length and severity of the depression appeared to be shaking the faith of many in American traditions, its institutions and even its form of government. Measures of desperation were brought forward as panaceas for the economic ills and to induce recovery. Impatience grew with constitutional restraints. Long accepted landmarks of constitutional construction were overthrown. These, to Justice Butler, were matters of concern. He had an abiding faith in the Constitution. He believed that the highest duty of the Supreme Court was to preserve it as the permanent, fundamental law on which our system of government should rest. He had confidence in the wisdom of the construction placed upon the Constitution by the

¹ For the history of President Harding's nomination of Butler to the Court, see David J. Danelski, *A Supreme Court Justice is Appointed* (Random House, 1964).

great judges of the past. His long experience at the Bar had taught him the importance of certainty and consistency in decision law. He felt deeply that established lines of judicial precedent and of constitutional interpretation upon the basis of which property and rights had been acquired and the business structure of the country had been built should rarely be set aside and only upon grounds the sufficiency of which appeared clearly and with certainty. A suggestion of this view is found in his opinion in the case of *Railroad Commission v. Pacific Gas & Electric Co.*, 302 U. S. 388, in which he wrote:

"Our decisions ought to be sufficiently definite and permanent to enable counsel usefully to advise clients. Generally speaking at least, our decisions of yesterday ought to be the law of today."



Fearful of the rule of men in place of the rule of law, he appealed to the accumulated body of the law as a continuous social expression. He resisted the breaking down by judicial construction of constitutional barriers against centralization of government and extension of its powers over the individual. He strove against any narrowing of interpretation of the bill of rights. He opposed what he regarded as a judicial redistribution of the powers of government as between the states and the nation without constitutional amendment. On these issues he remained consistently loyal to his deep convictions and fought courageously and ably that they might prevail.

If one were to attempt, within the compass of a few lines to delineate the distinctive, essential characteristics of Justice Butler, the result would come about to this: Mental and moral solidity, strength and stability of character, well-balanced judgment, sincerity, honesty; the ability to appraise things at their true value and unerringly to distinguish that which is fundamental from that which is non-essential; intolerance of sham, affectation, or artificiality; the strength of purpose and capacity to drive always forward in the direction believed to be right, unswerved by obstacles or by consideration of temporary advantage or expediency.

From superficial acquaintance the impression might be that he was stern, austere, unsentimental. This impression gave way upon real insight into his character. Underneath a sometimes severe exterior there was warmth of sympathy and tenderness of sensibility. He was not superficially sentimental or emotional; he was deeply so. Friendship is reciprocal. The genuine friendliness of Justice Butler is attested by the deep affection for him of a legion of friends. After he had passed, with remarkable frequency expressions of regret were coupled with acknowledgments of kindness and generosity by persons he had befriended.

Although his duties on the Supreme Court forced a change of residence to the city of Washington, the land and people of Minnesota always remained close to him. When his life closed he carried with him great and irreplaceable knowledge of the history of the Northwest, gathered from his own youthful experience, from delighted reading of earlier days, and from wide personal knowledge of most of its later leaders and characters. The

mention of a name would start a flow of reminiscence and anecdotes reaching back into the development of that country, full of the colour of its personalities.

In the late summer of 1939, he was overtaken by a fatal illness. He recognized the approach of the final summons without disturbance of spirit, without self-reproach, and with no bitterness of regret. The courage with which he had met the problems and trials of a lifetime served him to the end. A funeral service was held in St. Matthews Cathedral in Washington, and later in the Church of St. Luke in St. Paul.² Both were attended by vast throngs of people of all sorts and conditions, eager to pay tribute to his memory. His remains rest in Calvary Cemetery in this city. Reflection upon his life and contemplation of his suggest the verse:

"Oh strong soul by what shore
Dost thou now tarry,
Somewhere, surely, afar,
In the sounding labor house vast
Of being, is practiced that strength,
Zealous, beneficial, firm."

Respectfully submitted,

M. J. DOHERTY, Chairman.
PATRICK J. RYAN,
ALEXANDER E. HORN.

JUDGE HANFT: Justice Stone, will you add a few words?

JUSTICE STONE:

Members of our bench and bar:

There was that about the personal and professional stature of Pierce Butler, and there is that in our memory of him which has been well expressed by an American poet, himself but recently

² For the transcript of the memorial proceedings at the United States Supreme Court on January 27, 1940, see "Proceedings in Memory of Pierce Butler (1940)" (MLHP, 2011-2017).

For an album of photographs of Butler taken primarily during his Court years, see "Photographs of Justice Pierce Butler" (MLHP, 2016).

departed, when he speaks of the vacant place left on the hillside by the falling of a magnificent, towering forest giant. Such a vacant place has been left, not only upon our local landscape but also upon the national judicial hillside by the passing of Pierce Butler. A vacancy the magnitude and portent of which, looming large upon us who knew him so well, is likely to become still larger as time goes on. For Pierce Butler had that about him, had that in his personal and professional makeup, that breadth of learning, experience and conviction, which was so sorely needed and will become even more so as time goes on. His was a depth and courage of conviction which is always needed, particularly in places of responsibility and importance, a conviction as a lawyer which perhaps carried over into his judicial and professional work something of the religious poise and faith of the man.

Agreeing with his opinions or not, you must be impressed with the obvious, that here spoke and here wrote a man who was conscious, first, of the literal meaning and the utter inescapability of his oath of office. You will be convinced also that he felt that, however flexible the Constitution of the country may be, yet there are things in it so plain that no judge has a right to give them any other meaning than that there expressed, without violation of his oath of office. You will gather that he felt that there are things in our Constitution, the result of centuries of human experience and conviction, that can no more be safely amended than any of the provisions of the decalogue. With that degree of sincerity and conviction, he did his work not only among us here as a lawyer but also as a Supreme Court justice.

The memorial read here this morning shows that he went there because of his experience and attainment as a lawyer, and not because he was considered good as a publicist or in any other capacity. The record of his work shows how justly he deserved the appointment. We do well to memorialize him today. We will do better as lawyers and judges if we remember his unswerving loyalty to convictions of professional and judicial duty.

JUDGE HANFT: Members of the bar, I trust I may be pardoned if upon this occasion I indulge in a bit of personal reminiscence.

Back in 1896, upon graduation from the law department of the University of Minnesota, I came to St. Paul with a letter of

recommendation from Dean Pattee to Mr. Christopher D. O'Brien, in whose offices a number of students, in later years prominent at the bar, received their early training. He referred me to Mr. Butler, then county attorney, but not a candidate for re-election, who, though but five years my senior, by sheer personal force and virile ambition, had already made his mark at the bar. At that time the county attorney's office, although trials and not pleas of guilty were then the vogue, had but one assistant, under the statute, who was a candidate for the office. With the campaign on, Mr. Butler figured I might fit into the work picture and gave me the chance I sought, of becoming acquainted in a strange city, personally paying me the badly needed stipend for services rendered.

I need hardly tell you that neither of us were ever rated as "yes" men by any of our acquaintances and it wasn't long before a misunderstanding arose, resulting in heated words and my grabbing my hat and starting to leave before I could get fired. It did not end that way, however. Recalled, we talked things over calmly. An understanding then had soon ripened into warm mutual regard and esteem which developed into a friendship that lasted to the end.

He achieved the pinnacle of a lawyer's ambition, a justiceship on the Supreme Court of the United States—my lot was cast in a humbler sphere of service to the public. But whenever we met, privately or in public, we addressed each other by our Christian names. He wanted it so. Such was the inherent, truly democratic stuff Pierce was made of. Tremendously occupied with heavy duties on the Bench, he nevertheless found time, when I became senior judge of this court, to send me a warmly congratulatory letter, recalling the days of my early struggles, and with it a treasured autographed photograph in his judicial robes.

My last intimate chat with him occurred a year ago, during Christmas vacation. While in Washington I called to pay my respects, expecting to remain but a short time, as I knew he was then ailing. The minutes went to hours, because he wanted it so. He was in a reminiscent mood and inquired as to numerous mutual friends and acquaintances of the days when we were young men, and the talk then turned the days when political campaigns took on the atmosphere of battle, with quarter neither

asked nor given between Democrats and Republicans nor indeed between factions in Democratic ranks. We had a hearty laugh over the incident, when a barrel stave did yeoman's service as a gavel and when Frank Robert, a deputy sheriff, today as then, made deputy sheriffs wholesale of one faction to prevent a handful of blue coats at the beck and call of the other faction from throwing us out of the convention hail. The Court sustained our nominee, but not upon the basis we were the Simon-pure article in politics.

The discussion then drifted to serious matters—the trend of the times. As fundamental Democrats, we saw eye to eye in deprecating the present disregard for the provisions of the Xth Amendment to the Constitution—"The Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; also the mushroom appearance of multitudes of boards frequently autocratically exercising legislative, executive and judicial powers no Court would dream to assume, regimenting, regimenting right and left. If that is the kind of government the majority of the people of this country want, they are of course entitled to have it, but only through constitutional process; enlargement of power by usurpation rather than by amendment constitutes a threat to our form of government. Against this trend which ultimately will undermine civil liberty, if a halt is not called by the people, Justice Butler unswervingly held. Such men's motives, are often misunderstood and misinterpreted in their day and age, though their worth is certain to be appreciated as the years roll by.

In Justice Butler's demise, I have lost a valued, personal friend, the people of this country, as they will someday discover, a real defender of personal liberty.

MR. BUTLER: A committee, for whom Mr. Kay Todd will speak, has prepared a memorial of Thomas C. Daggett, lately of this bar.

MR. TODD: On behalf of the Bar of Ramsey County the following memorial to Thomas C. Daggett is respectfully submitted:

Thomas C. Daggett was born of Irish descent at Darlington, Wisconsin on August 12, 1878 and moved with his parents to

Elysian, Minnesota, a few years later, where he attended school and spent his boyhood. He taught school in the Iosco District for one year before working his way through the law school at the University of Minnesota, from which school he received his law degree in 1900 at the age twenty-one years. In his first year of practice he formed a partnership with Kay Todd under the firm name of Daggett & Todd, which association continued until 1905. Since then, though associated at various times under various firm names with other lawyers, Mr. Daggett practiced individually until his death on February 23, 1940. At that time he was associated with Clinton W. Redlund, under the firm name of Daggett & Redlund.

His marriage to Ursula Kelly took place on June 21, 1905, the couple having one child Mary, now Mrs. Cyril C. Sheehan who resides in St. Paul. Mrs. Daggett passed away nine years ago.

At various times Mr. Daggett was a member of the following organizations in St. Paul: Knights of Columbus, Ancient Order of Hibernians, Benevolent & Protective Order of Elks, Commercial, Town & Country and St. Paul Athletic clubs. Throughout his career Mr. Daggett was a particularly active and enthusiastic member of the Ramsey County, State of Minnesota and American Bar Associations.

As president of the Ramsey County Bar Association in 1925 he sponsored, promoted and achieved legislation for the betterment of the Bar, the lawyers and the Courts, the record of which stands as an inspiration to all the leaders of that organization since.

Thereafter and in the year of 1928 he was elected by the Bar of this State as President of the Minnesota State Bar Association, and amongst his many other activities as head of that organization he began the movement for more stringent qualifications for the admission of candidates to the practice of law.

Throughout his entire practice Mr. Daggett gave unselfishly of his time and efforts to the advancement of his chosen profession, the law, which was until the very day of his death his outstanding and permanent interest in life.

He had a most active but unselfish interest in politics, and although never personally aspiring to any political office he headed the campaigns of various candidates, having been most active in the campaigns of the late Floyd B. Olson for Governor, a man for whom he had the greatest admiration and with whom he enjoyed a close personal friendship.

Although eminently qualified and particularly successful in those branches of the law which are transacted between the lawyer and his clients in the office, such as the law of corporations, trusts, probate, and general business law, Mr. Daggett will remain in our memories particularly as advocate. Few lawyers have attained his skill in the trial of cases and in the presentation of legal arguments to Courts and juries. The same spirit to win prevailed whether his client was rich or poor, and the same ardent advocacy existed whether his fee was large or small.

Tom, as he was affectionately known to all the members of the Bench and Bar, radiated a warm and genial personality; his social instincts made him welcome wherever he went; and he had no greater pleasure or delight than when in the company of his brother lawyers, as we all so remember. It was these qualities of a learned, conscientious and diligent lawyer, as a true and trusting friend, that will make his clients and we, his associates, miss him for a long time to come.

The example of the young man who worked his way through school, who began practice in a strange city where he had no particular helping connections, and who the attained an outstanding position at the Bar and in the political and community life of his State, should be, and we trust will be an inspiration to others, who like Tom Daggett selected the law as their chosen field in life.

Respectfully submitted,

KAY TODD, Chairman,
JOHN SEXTON,
JOHN B. BURKE,
CLINTON W. REDLUND.

MR. BUTLER: A committee, for whom Mr. Ben W. Scandrett will speak, has prepared a memorial of Charles Donnelly.

On behalf of the Bar of Ramsey County, the following memorial to Charles Donnelly is respectfully submitted:

Charles Donnelly was born at Wisconsin Rapids, Wisconsin, on November 9, 1869, and died at his home in St. Paul, Minnesota, September 4, 1939.

In 1891 he came to Minneapolis, Minnesota, where he remained for two years acting as secretary to the then publisher of The Minneapolis Tribune, W. J. Murphy, and also as reporter. In 1893 he went to Washington, D. C., where he entered the Georgetown University Law School. While pursuing his studies at Georgetown, he was confidential Secretary to Judge William Lochren, who at that time was United States Commissioner of Pensions. In 1894 he married Miss Berthania McMichael, of Lansing, Iowa; and graduated from Georgetown University Law School in 1896. In 1897 he returned to Minneapolis and, after being admitted to the Bar of the Supreme Court of Minnesota in 1900, became associated with W. A. Lancaster. While with Mr. Lancaster, he attracted the attention of Mr. C. W. Bunn, who was then General Counsel of the Northern Pacific Railway Company; and Mr. Bunn, in September 1903, appointed him Assistant Counsel of the Railway Company at Helena, Montana. He returned to Minnesota in 1908, when he was appointed Assistant General Counsel of the Railway Company at St. Paul. In May 1918 he was made General Solicitor, and shortly thereafter was called to Washington to assist Judge Payne, who was General Counsel of the Federal Railroad Administration. While in Washington on this assignment, Mr. Donnelly, because of Judge Payne's illness, largely continued the affairs of the department. On December 1, 1920, he was elected President of the Northern Pacific, and continued in that position until his death, having served in that office for a far longer period than any of his predecessors.

Mr. Donnelly was a great lawyer and a powerful advocate. His mind was stored with profound and accurate knowledge the law, and, in addition, he had a comprehensive and intimate acquaintance with general literature. He was a hard worker, and gave to every case which he was called upon to handle the best that was

in him. While dignified and unassuming, he had a commanding presence, and was a master of clear and concise expression. His arguments were delivered in simple but beautiful English.

Mr. Donnelly gained especial renown in the handling of lawsuits involving the Company's land grants, and in rate cases both before the Interstate Commerce Commission and courts. During the period between 1906, when the Hepburn Amendment to the Interstate Commerce Act was passed, and 1917, Mr. Donnelly gained a national reputation as one especially fitted to handle litigation arising under that Act. In the years between 1911 and 1920 six of the cases involving the Company's land grants, with which he was connected, went to the Supreme Court of the United States. The last case which he argued in that court was not decided until after he became President of the Northern Pacific, and decided in favor of the Company.

When Mr. Donnelly became President of the Northern Pacific, his legal training proved to be of great value to him; and during the difficult years which followed the conclusion of the World War in 1918, his services were of inestimable value to his own company and to the whole railroad industry.

While Mr. Donnelly was a great lawyer, and possessed unusual executive ability, he was a delightful companion, and his lovable qualities of manly charm inspired the affection of his associates and friends.

Respectfully submitted,
B. W. SCANDRETT, Chairman
F. G. DORETY
DILLON J. O'BRIEN

MR. BUTLER: A committee, for whom Mr. Milton C. Lightner will speak, has prepared a memorial of William G. Graves, lately of this bar.

On behalf of the Bar of Ramsey County, the following memorial to William Grant Graves is respectfully submitted.

On April 6, 1939 the Bar of this County lost a very able and highly

respected member. He was a man of interesting and charming personality and of unusual force of character. His work in his profession was never half-hearted and his interest in associations of his fellow lawyers was alive and compelling. Mr. Graves had a fine legal mind and great industry and attracted to himself a lucrative practice. His advice to his clients was sound, wise and of unusual value.

William Grant Graves was born in Saint Paul on July 30, 1886. Here he had his grade and high school education, attended Harvard University and was graduated from its Academic Department in 1907 and from its Law School in 1910. He commenced the practice of law in the offices of How, Butler & Mitchell and later was associated in the practice with George Metcalf. In the early period of his practice he taught at the Law School of the University of Minnesota. In 1916 he formed a partnership with Bruce W. Sanborn and Monte Appel under the firm name of Sanborn, Graves & Appel which association, with some changes in the firm name, continued to the time of his death, the firm name then being Sanborn, Graves, Appel, Andre & Morton.

Mr. Graves was a member of the American Bar Association, the State Bar Association and the Ramsey County Bar Association. His most active interest was in the Minnesota State Bar Association where he contributed long, untiring and faithful service as Treasurer for fifteen years up to the time of his death. During this period in his quiet but effective manner, he contributed greatly to raising the standards of the legal profession in Minnesota, and his work in helping to select the best officers for the association was unsurpassed. He was a potent influence for prudent management within that Association.

Mr. Graves was deeply interested in his Alma Mater, Harvard University, served her in many ways, and at the of his death was President of the Harvard Club of Minnesota. He also gave a modest amount of time to avocations; was greatly interested in golf, and followed sailing with interest and became Commodore of the White Bear Yacht Club in which capacity he served for some years. In recent years he had a farm near Hudson, Wisconsin, interested himself in farm development and became a student of animals and of farm life.

He was married in Saint Paul to Gertrude Schurmeier, and she and their two sons, William Grant Graves, Jr., and Robert B. Graves survive him.

William Grant Graves was an excellent lawyer and patriotic citizen. His loss is keenly felt by his many friends and clients and is recorded with profound sorrow by this Association.

Respectfully submitted,

MILTON C. LIGHTNER, Chairman,
BRUCE W. SANBORN,
CHARLES W. BRIGGS.

MR. BUTLER: A committee, for whom Mr. John McConneloug will speak, has prepared a memorial of Oscar E. Holman, lately of this bar.

On behalf of the Bar of Ramsey County, we present this Memorial, and ask that it may be made a part of the records of this Honorable Court.

Oscar E. Holman was born at Allentown, Pennsylvania, on April twelfth, eighteen hundred fifty-three, and died in Saint Paul, Minnesota on July fifth, nineteen hundred thirty-nine, in the eighty-sixth year of his life.

Mr. Holman attended Muehlenberg College at Allentown, Pennsylvania, graduating in eighteen hundred seventy-four. Mr. Holman read law in the office of Judge Edward Harvey of Allentown, and was admitted to practice before the Bar of the State of Pennsylvania.

In the year eighteen hundred seventy-eight he married Angelina Balliet of Allentown, and to this union there were born one son and four daughters. In the year eighteen hundred eighty-four he, with his family, moved to the City of Saint Paul, Minnesota, where he resided for the remainder of his life.

He was admitted to practice in the State of Minnesota by the Ramsey County District Court on March twenty-fourth, eighteen hundred eighty-four, and thereafter served as Corporation

Attorney of the City of Saint Paul from eighteen hundred eighty-nine to eighteen hundred ninety-one. After retiring as Corporation Attorney he practiced law for the remainder of his life and was well known for his honesty, ability and courage.

For more than twenty years Mr. Holman represented the German Roman Catholic Women's Aid Society, and among other notable cases he represented one Theodore Michel for several years in litigation surrounding the several laundry institutions owned by his client.

From nineteen hundred four to nineteen hundred twelve, Mr. Holman was a member of the Board of School Inspectors of the City of Saint Paul, taking an active part in the management and upbuilding of the schools of this City, and during the years nineteen hundred seven and nineteen hundred eight he was the president of said Board of School Inspectors.

Any tribute paid to the honesty, integrity, ability courage of an individual reflects itself in all who have been under the tutelage and sponsorship of the individual, as well as in many members of the profession to which said individual may belong.

In paying tribute to the personality, courage, integrity and ability of Mr. Holman, it will be of great assistance for us to consider the long years of semi-public service rendered by him to the growth, development and advancement of the City of Saint Paul, and especially to the part he contributed to the progress and advancement of his chosen profession. The calling of the law brings into public recognition and scrutiny all the members of the profession, and as the years progress, there are constant evidences of the integrity and high courage of those members who had much to do with the earlier days of the profession when the City was emerging from swaddling clothes and assuming the more formal garb of the youth and the man. As we contemplate the standards attained by the honorable profession of the law, we become retrospective and analyze the personalities, characters and courage of those who made decided contributions of themselves and their ability which as time progressed came the basic stones upon which the honorable profession of the law rests today.

Fifty-six years ago Mr. Holman began the practice of his profession in this, the City of Saint Paul. The population of the city in eighteen hundred eighty-four was approximately ninety-nine thousand. This was the beginning of a great industrial, educational and cultural center. Mr. Holman as a young professional man became a part of it, and for fifty-six years stood firmly planted in a professional sense, and from him emanated the sturdy influences of high courage, sterling integrity and nobility of purpose which evidenced themselves as they were reflected in the members of the profession who were directly influenced by their contact with Mr. Holman and are still being reflected in the high standing of the profession of the law in this great metropolitan center of approximately three hundred thousand souls.

It is rather difficult for anyone to estimate the real values emanating from an individual personality. Every life is many sided, and in attempting to evaluate the contributions, one may fail to take all the emanating influences into consideration. As lawyers we think in terms of law, but on an occasion such as this, there are other factors to be considered. Mr. Holman came into the activities of the City while the frontiers of civilizations were still clearly defined, and a consequence of this, there are factors other than the profession of the law which enter into our consideration. Mr. Holman was a college man and as such contributed to the cultural and educational development of the community. All men in semi-public positions, such as the members of the profession of the law, become the exponents of government and stand in defense of the rights and liberties of the people. These factors carried thru in the life of Mr. Holman and are reflected in the administration of the public trusts reposed in him by the City of Saint Paul in the conduct of the office of Corporation Attorney and also as president of the Board of School Inspectors. The value of the sterling character of Mr. Holman is further evidenced by the character and professional conduct of men of today who were boys yesterday, and who were directly influenced by their association with Mr. Holman. That influence still carries on, and its scope can only be estimated in eternity. It is beyond the ken of the human mind to estimate the spiritual values an individual life. Above and beyond the star depths, beyond the known, lies the immensity of the eternal; there and only there will the value of human and spiritual endeavor and the

moral and civic accomplish-ments be justly and equitably adjudged.

THEREFORE, may it please the Court that this feeble, ineffectual tribute to the life, character and career of our fellow lawyer and associate be entered upon the records this Court before which he practiced, as a final tribute of his friends and associates at the Bar.

Respectfully submitted,

JOHN W. McCONNELLOUG,
JOHN P. KYLE,
WALTER L. CHAPIN.

MR. BUTLER: A committee, for whom John A. Pearson will speak, has prepared a memorial of Joseph A. Jackson lately of this bar.

On behalf of the Bar of Ramsey County the following memorial to Joseph A. Jackson is respectfully submitted.

Joseph A. Jackson practiced law in St. Paul during the years 1893 to 1938, a period of 45 years.

A native of Carver County, he made St. Paul his permanent home immediately upon his graduation from the Law Department of the University of Minnesota. He was admitted to the bar in this state June 2nd, 1893.

His parents were among the early Swedish pioneers in Minnesota, both of them coming here in the 1850s. His father, Rev. Andrew Jackson, was a teacher in the old country, came to the United States as a sailor in 1852, worked in saw mills on the Hudson River and in Wisconsin and in 1858 took a homestead claim in Minnesota in Monongalia County, (now the northern part of Kandiyohi County).

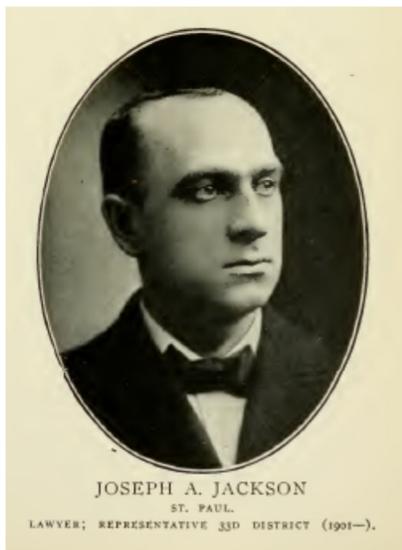
After studying for the ministry in Chicago, Rev. Jackson, in 1861, took charge of four scattered congregations in the neighborhood of Norway Lake in the wilds of Monongalia County. On the outbreak of the Sioux Indian War in the following year these congregations and settlements were broken up, the Indians

massacring 24 members of his congregation, children and neighbors.

Forced eastward by the Indian outbreak, Rev. Jackson came to the settlement of Swedish pioneers in Carver County. Here he became principal of St. Ansgarius Academy at East Union and here the son Joseph Ansgarius was born July 17, 1868.

The son received his early schooling from his father and in the local district school. In the meantime the Academy, which counted among its pupils such distinguished citizens of the future as Governor John Lind and Justice Holt of the Minnesota Supreme Court, moved to St. Peter where it became Gustavus Adolphus College. At the age of thirteen Joseph began his studies there and was graduated from Gustavus Adolphus College in 1890. There followed a period of teaching school in South Dakota and then law studies at the Minnesota University.

After graduation and admission to the bar in 1893 he was associated with State Senator Edward E. Lommen until the latter's appointment as United States District Judge for Alaska. During the period 1895 to 1898 he served as deputy clerk of the Probate Court under Judge Willrich.



His only law partnership was with Mr. Alfred Holmes from 1899 until the latter's death in 1902.

Mr. Jackson served two terms from 1899 to 1902 as representative in the State Legislature from the East Side district. Later during the period from 1914 on he served years in the State Senate from the Payne Avenue district.³

Mr. Jackson not only took a keen interest in the civic affairs of his own country, city and state, but also interested himself actively in matters concerning the land of his ancestors. After the dissolution of the Union between Norway and Sweden in 1905 he

³ A Republican, Jackson served two two-year terms in the House of Representative, 1899-1903. In 1914, he was elected to the state Senate, and re-elected in 1918 and 1922. He served three four-year terms, 1915-1927.

served as Swedish vice-consul several years and was knighted by King Gustaf of Sweden as a member of the Royal Order of Vasa.

In 1900 Mr. Jackson married Miss Anna C. Lund of St. Paul. He is survived by his widow and by his sister, Mrs. Edward Peterson.

In person Joseph Jackson was quiet and without ostentation. Reading, especially history, was a favorite diversion. He was kindly and humane; a loyal and sympathetic friend.

Mr. Jackson officed for nearly forty years in the New York Life Building in St. Paul. In later years his office associates were Mr.



Daniel Doty and his son, Mr. Donald Doty. He had an extensive practice in the field of probate and real estate law and may be said to have become a specialist in the probate field. He was at work at his office as usual on November 3rd, 1938, when death came suddenly as the result of a cerebral hemorrhage.

Mr. Joseph Jackson's father had ministered to an earlier generation of pioneers who had come to settle on Minnesota farms. Joseph, the son, ministered in the legal field to thousands of another generation of pioneers who came to the growing city of St. Paul to make their homes, to work, acquire property, rear families and become a part of the American melting pot.

When these clients came to Joseph Jackson, they came to a lawyer who had not only ability and experience but who had a high regard for the standards of the lawyer's profession. With him honesty, integrity and scrupulous fidelity to a client were taken for granted. No lawyer's code of ethics was more rigid than his own. With him the practice of law was a profession and not a business.

Respectfully submitted,

JOHN A. PEARSON, Chairman,
GEORGE L. SIEGEL,
ANDREW J. NEWGREN.

Mr. BUTLER: If Your Honors please, a committee for whom Mr. Donald Doty will speak, has prepared a memorial of Thomas J. McDermott, lately of this bar.

Thomas Jefferson McDermott was born November 17, 1861, on a farm in LeSueur County not far from St. Peter, Minnesota, the son of Paul A. and Rose McNamee McDermott, who formerly lived in the State of Pennsylvania near Pittsburgh and came to Minnesota in the year 1849 locating in what was then the Village of St. Paul. When the southern part of Minnesota was opened up for settlement after the Treaty was made between the Government and the Sioux Indians at Traverse de Sioux, Mr. McDermott's parents moved from St. Paul and settled on land which was to remain their homestead for many years. His father died when he was only seven years of age and consequently it was necessary for him to become self-reliant very early in youth.

He acquired his early education in the public schools in his community, and later attended a commercial school in the city of Minneapolis. As a young man he taught school for several years near his boyhood home in LeSueur County. He was a boyhood friend of John A. Johnson, and frequently participated with him in the social and literary life of the young folks in and about St. Peter. Mr. McDermott at that time was a great admirer of John A. Johnson, and later on did much in behalf of the cause of the political advancement of his friend Johnson. In fact they both ran for state offices on the Democratic ticket in 1904.

Mr. McDermott as a young man worked in the United States Mail Service and at one time came near being selected as the Railway Mail Service Superintendent in the 10th division, and although he was disappointed at the time in not receiving this appointment he later thought it fortunate for him and his family that he decided to devote his life to the study and practice of law for it was in practice of the law that he found his true life's work.

On September 13, 1887 he was married to Caroline T. Doran who lived in the adjoining County of Blue Earth whom he had known from the time they were both very young people. Like so many young folks who then lived in the rural communities, Mr. McDermott and his wife decided to move to the Twin Cities, and for a number of years they lived in the City of Minneapolis. He

studied law in the office of Hon. Eugene M. Wilson and Judge William Lochren of Minneapolis, and later attended the Law School of the University of Minnesota, from which institution he received the Degrees of Bachelor of Law and Master of Law. Mr. McDermott was admitted to practice before the Supreme Court of Minnesota in April, 1892, and continued to practice until shortly before his death. When he commenced to practice law in St. Paul he associated for several years with Mr. George Nelson who was a well known lawyer in St. Paul at that time. Later on Mr. McDermott officed with former Lieutenant Governor Gideon S. Ives for a number of years.

Mr. McDermott always espoused the cause and principles of the Democratic Party from the time of his young manhood and played a very active part in many state and national political campaigns. In 1894 he was selected as Chairman of the Democratic State Central Committee, and he attended the Democratic National Convention in 1896, and practically every National Convention of the Democratic Party from that time until recent years.

He was always interested in political and historical figures in the history of the state and nation, and came to know personally many distinguished and able leaders. He was personally acquainted with Grover Cleveland, and visited him in Washington on various occasions. Mr. McDermott was personally acquainted with nearly every Governor of the State of Minnesota. He ran for Attorney General of the State of Minnesota in 1904 on the ticket with John A. Johnson, and carried on an active political campaign with Johnson in all parts of the state, and he always was proud of the part he played in the advancement of John A. Johnson of whom he was very fond.⁴ He was a close friend of William Jennings Bryan and traveled with him in 1896 hundreds miles when Bryan was the great champion of the Democratic Party, and again campaigned with Bryan in 1900. Mr. McDermott played a very important part in the political campaign of 1898 which resulted in the election of John A. Lind as Governor of Minnesota.

⁴ He was defeated by Edward T. Young in the election on November 8, 1904:

Edward T. Young (Republican).....	180,346
Thomas J. McDermott (Democrat).....	87,528

Douglas A. Hedin, "Results of the Elections of Attorneys General, 1857-2014" 35 (MLHP, 2013 -), citing 1905 Blue Book, at 508-9.

Later on when the Democratic Party staged a recovery in Minnesota he was very active in espousing the candidacy of Winfield Scott Hammond who became Governor of Minnesota and who was a great personal friend of Mr. McDermott's. Governor Hammond frequently spent his vacations in the summer time at Mr. McDermott's summer home at Madison Lake, near Mankato.

As a young man he played an active part in fraternal organizations, particularly the International Order of Foresters and represented that organization from Minnesota several times at their International conventions.

Mr. McDermott was fortunate in being personally acquainted with many of the distinguished national figures of the last generation, and although he was an active Democrat, nevertheless he had many friends in the ranks of other major political parties. He had the pleasure of entertaining both William Jennings Bryan and William Howard Taft at his home in St. Paul, as well as many other distinguished men such as Josephus Daniels, former Secretary of the Navy and several United States Senators.

Mr. McDermott was always willing to spend time and effort to bring distinguished speakers to St. Paul to further the cause of the Democratic Party and the principles which it stood, and St. Paul enjoyed scholarly addresses by many Democratic national figures as a result of Mr. McDermott's personal efforts.

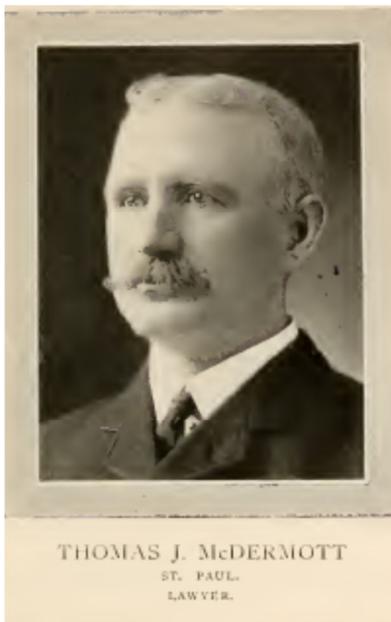
He enjoyed a large law practice for many years and always made a great effort on behalf of his client's cause. In his younger years, as a lawyer, he was successful in a number of well known criminal cases, some of the better known being State vs. Hawkes and State vs. Adler, although in later years Mr. McDermott confined his legal practice largely to civil matters. He was a splendid speaker and had great analytical powers, and ability to present legal problems in a concise, clear and forceful manner.

In addition to his legal practice Mr. McDermott always willing to give of his time and ability in presenting matters of general interest to public gatherings, and many times throughout his long career was called upon to deliver lectures or to speak before political and civic organizations. He had an interesting and effective ability to present facts and he had occasion to use that

ability many times before public gatherings in various parts of the state. One of the well known occasions in which Mr. McDermott proved his powers of effective persuasion was at a Council meeting held in the City of St. Paul at the time the question was to be decided as to where the new City and County Court House was to be located. Mr. McDermott made a remarkable argument in behalf of locating the new Court House on the site upon which it now stands, and many of those who were present on that occasion expressed great admiration for the excellent argument which Mr. McDermott made and the forceful manner in which he presented his views.

He was very fond of history both Minnesota and American. He was a member of the Minnesota Historical Society for years, and took an active part in its many gatherings throughout the State. Mr. McDermott presented and wrote a number of historical papers about the early history of the life and men of Minnesota, and was well qualified to do this for he was personally acquainted with many of the men of whom, and the events of which he spoke.

He was a public spirited citizen always ready to support institutions calculated to aid his fellow men and causes from which he



believed the public generally would benefit. Although Mr. McDermott's prime interest in life was his home, family, and his professional work, nevertheless, he found time to participate in outdoor life, and was very fond of re-visiting the community and the people among whom he was raised; he also enjoyed hunting in the fall of the year, particularly in the County he knew as a boy. Up until very late years of his life he was known as an expert shot, and frequently brought in the limit whenever he went after ducks. Mr. McDermott was an office partner for many years of Gideon S. Ives, formerly Referee in Bankruptcy of this City, and they were very fond of going out on hunting trips

together. Another gentleman well known to citizens of St. Paul, and who was a great personal friend and frequently went hunting with Mr. McDermott was Winn Powers a former Mayor of St. Paul.

Together they visited most of the favorite hunting spots in southern Minnesota.

One of Mr. McDermott's noteworthy characteristics was that he was always willing to help his friends and former friends, and treasured the memory of old friends and acquaintances by his willingness to help them and those close to them. Mr. McDermott was largely responsible for the placing in the State Capitol of a bust of the late Governor Hammond by a well known sculptor, Mr. P. Bryant Baker. The bust of Governor Hammond was presented to the State at memorial exercises in the State Capitol, and Mr. McDermott took the leading part in seeing to it that these exercises were carried on in a manner worthy of the memory of his old friend and associate, Governor Hammond, whom he greatly admired.

Mr. McDermott's political philosophies were based largely on those of his distinguished namesake, Thomas Jefferson, the study of whose life Mr. McDermott was fond of pursuing; and at the time a national campaign was carried on to purchase Jefferson's home in Monticello to commemorate the memory of Thomas Jefferson, Mr. McDermott was the National representative for this work in the state of Minnesota, and did much to secure funds in the state of Minnesota on behalf of this national historic shrine.

He had an unusually wide acquaintance throughout the state and among all classes of people, and there were few men, no matter how distinguished their rank or lowly their position in life with whom Mr. McDermott was not equally cordial and sincerely friendly.

He was optimistic by nature and expressed his optimism by his readiness to exchange a few friendly words or greetings whenever perchance he met anyone of his many acquaintances. Mr. McDermott was inclined to look upon the bright side of life, and was frequently able to radiate his cheerful point of view to the many with whom he came in contact in his daily duties.

He was an active member of the Catholic Church all of his life and was buried from St. Luke's Catholic Church in St. Paul, in which Parish he lived. He was buried in St. Peter, Minnesota, beside his father and mother, in the community in which he was raised and in which he had very many friends. He is survived by his wife,

two daughters and four sons. Two of his sons are living in the City of St. Paul; one son, Paul I. McDermott is engaged in the real estate and insurance business, while another, Geo. Thomas McDermott, who was associated with his father for a number of years prior to his death, is a member of our Ramsey County Bar Association.

By a strange coincidence Mr. McDermott died on his birthday, November 17, 1939, and was on that day seventy-eight years of age.

Respectfully submitted,

DONALD S. DOTY, Chairman,
W. P. WESTFALL,
L. J. DOBNER.

MR. BUTLER: A committee, for whom Walter T. Ryan will speak, has prepared a memorial of James F. Murphy, lately of this bar.

James F. Murphy was born in Lisbon, New York, November 12, 1891, the son of John Murphy and Margaret Phalen Murphy. His parents were old settlers of St. Lawrence County, N. Y. where James grew to early manhood.

He received his elementary education in the public schools of Lisbon and the Ogdensburg Free Academy, from which school he graduated in 1911. Following graduation from Ogdensburg and in company with Clark Clements, a former member of this bar, now deceased, he came west, coming to St. Paul in 1916.

In the fall of 1916 he enrolled in the St. Paul College of Law, graduating therefrom in June, 1919. He was in the same year admitted to practice in the State of Minnesota.

In June, 1920, he opened offices in the Endicott Building for the practice of his profession, in company with Walter T. Ryan. While this association terminated in 1924, he maintained offices in the same building during his entire practice.

On September 28, 1933, Jim, as he was commonly known, married Hazel Margaret Fraser of St. Paul, the daughter of

Detective Frank Fraser and Anna Fraser.

As a lawyer, he was able, courteous to his oponents, and zealous in his devotion to the interests of his clients, giving them unsparingly of his time and energy, and in many instances, without expectation of compensation.

His rare gift of humor, combined with his very human and kindly disposition endeared him to a host of friends and made him not only an enjoyable acquaintance, but a real friend.

While he never held public office, he was deeply interested in politics and public affairs, devoting to them a great deal of time, through no hope of personal reward, but because of his natural interest in governmental processes.

Jim had barely reached the prime of his life when failing health gave way to death August 30th, 1939, leaving him survived by his wife, two brothers and three sisters.

Respectfully submitted,

T. F. QUINN, Chairman,
ALRIC ANDERSON,
WALTER T. RYAN.

MR. BUTLER: The committee, for whom Mr. Arthur A. Stewart will speak, has prepared a memorial of Eugene M. O'Neill, lately of this bar.

On behalf of the Bar of Ramsey County, the following memorial to Eugene M. O'Neill is respectfully submitted:

Eugene M. O'Neill, whose sudden death on July 3rd, 1939, shocked the members of the Bar, was born April 23, 1894, in St. Paul. He attended the local public schools and high school, St. Thomas College, and for a time was enrolled at Notre Dame University. He was a son of the late Owen H. O'Neill, long prominent at the Bar of Minnesota. Prior to the World War, Mr. O'Neill enrolled in the St. Paul College Law. In his senior year, he enlisted in the United States Army serving until the end, of the war when he was disharged as Lieutenant of Infantry. He there-

upon resumed his legal studies and graduated with the Class of 1919 and was immediately admitted to the Bar of this State.

In 1921 he married Helen McGrath of St. Paul, Minnesota.

He engaged in the general practice of the law for a short time after his admission. He was appointed fourth assistant corporation counsel of the City of Saint Paul in 1920. He continued to serve as an assistant under four corporation counsels steadily being promoted until he became first assistant. In August 1928 the City Council elected Mr. O'Neill corporation counsel. It is a matter of interest to note that his father had at one time held the same office. He was re-elected in August, 1930. During his entire public career Mr. O'Neill cherished an ambition to engage in general practice and to gratify that desire he resigned the office of corporation counsel in 1931 and engaged in general practice of law, continuing such practice until his death.

Mr. O'Neill was one of the organizers of St. Paul Post Eight of the American Legion and served as one of its early Commanders and up to the time of his death he maintained an active participation in the work of the Legion.

During Mr. O'Neill's comparatively short career as a general practitioner he met with unusual success and rapidly built up a substantial and loyal clientele composed of all classes of society. His was a truly general practice.

Mr. O'Neill was a genial, friendly man with an usually optimistic nature. He seldom failed to see a bright side to any difficulty. He was a lawyer by nature as well as by training. He loved the practice of the law. He loved the combat and trial of skill and he enjoyed the detail and drudgery which go with it.

Mr. O'Neill's untimely death occurred after he had established himself firmly as one of the successful and eminent members of our Bar and when he stood upon the threshold of an unusual career. His death was a great shock to the members of our Bar with whom he was very popular.

Mr. O'Neill is survived by his widow, Mrs. Helen O'Neill, and two daughters, Jean and Judith.

Respectfully submitted,

HAROLD C. KERR,
CARL W. CUMMINS.
ARTHUR A. STEWART, Chairman.

MR. BUTLER: A committee, for whom Judge Frederick N. Dickson will speak, has prepared a memorial of John E. Stryker, lately of this bar.

Mr. John Edwards Stryker, for more than fifty years an active and distinguished member of the Bar of Ramsey County, departed this life at St. Paul after a short but severe illness, on the 5th day of February, 1940. Mr. Stryker was born on October 30, 1862, in the Village of Catskill, the county seat of Greene County, New York, situated on the west bank of the Hudson River, thirty-four miles south at Albany. He was the son of John L. Stryker and Mary Edwards Stryker.

On his father's side he was descended from Colonial Dutch ancestors. In the 1630's there came to America from Holland two brothers, Jacobus Stryker and Johannus Striyker. They settled on Manhattan Island, then a Dutch possession, and one of the brothers, Johannus Stryker became burgomaster of the Village of Manhattan and it was from this brother that Mr. Stryker was descended. On his mother's side also he could boast a distinguished ancestry, for she was Mary Edwards, a lineal descent of Jonathan Edwards, celebrated divine and metaphysician of Colonial times and for a time president of Princeton College.

Mr. Stryker's boyhood was spent at Catskill and he was educated at Phillips Academy at Andover, Massachusetts, at Yale University, graduating from Scheffield Scientific School of Yale University in 1883 with a degree of Ph.B. At Yale he was a member of Theta XI fraternity. His legal education was acquired at Columbia University Law School in New York City, from which he graduated in 1885. Thereafter he spent a year or so traveling in Europe and in the study of international law at the University of Berlin. Upon turning from Europe Mr. Stryker came to St. Paul and 1887 was admitted to practice in all the courts of Minnesota

and began the practice of law in St. Paul. For the first few years his practice was a general practice and for a time was associated in partnership with Mr. Albert R. Moore under the firm name of Stryker & Moore.

On December 4, 1889, he married Miss Virginia Penn, daughter of Colonel Glover Penn, former assistant surgeon general of the Army of the United States.

In the years 1893 and 1894 Mr. Stryker was first assistant United States District Attorney for the District of Minnesota, and from 1894 to 1902, inclusive, he was special counsel for the United States in the prosecution of timber trespass cases in the course of which he had an interesting and successful experience.



In about those years pine timber was getting scarce in Minnesota and on the reservations of the Chippewa Indians in Minnesota were some fine stands of White Pine which attracted the greed of the lumbermen, who succeeded in getting through Congress an act empowering the President to authorize the cutting and removal by Indians on and from the reservations of "dead timber, standing or fallen," and certain very respectable lumbermen of Minneapolis had entered into contracts with Indians to cut certain

specific amounts "more or less" or "about" of "dead and down" pine logs, which contracts were duly approved by the President.

The controversy over the results of the lumbering operations under these contracts turned on the proper interpretation of the term "dead and down," and the latitude afforded the words "more or less" and "about." The lumbermen interpreted the words "dead and down" to include any tree that had a red branch on it, whether standing or fallen, and to include any living tree which in their judgment had reached its growth and might die in the future, and interpreted the words "more or less" and "about" to

include many millions of feet in excess of the specific amount contracted to be cut and delivered, and the controversy turned principally on the proper interpretation of these terms. The case was vigorously defended by able counsel and the judge by whom it was originally tried, himself an old lumberman of the early days, coincided with the views of the defendant lumbermen, and Mr. Stryker was obliged to appeal the cases to the circuit court of appeals to secure a correct definition of the term "dead and down" and the practical meaning of the words "more or less" in the contracts. The case was twice tried in the court of original jurisdiction, twice in the circuit court of appeals and once in the Supreme Court of the United States.⁵ In the end Mr. Stryker was highly successful and recovered, ample damages for all the timber which had been wrongfully converted and removed from the reservations. Furthermore, he obtained judicial decision that the words "more or less" and "about" in contracts for the cutting of a specific amount of timber did not authorize the cutting of many millions of feet in excess of the stipulated amount, and that the words "dead and down" did not include live trees among which some dead trees were standing, or live trees which had reached their growth and which in the judgment of the lumbermen might die some time in the future.

These cases demonstrated the energy, persistence and great ability of Mr. Stryker and stand as a monument for his learning and ability as an advocate in both courts of original jurisdiction and courts of appeal and last resort.

Mr. Stryker was an active member of the Ramsey County Bar Association, having served for several years on its Ethics Committee and other committees, and also as president of the Association, and was for many years a member of the Minnesota Bar Association and the American Bar Association.

Since about the year 1900 he made a specialty of patent, copy-right and trademark law, and in this field he was peculiarly successful and enjoyed a national reputation as one of the three

⁵ *Pine River Logging & Improvement Company v. United States*, 78 Fed. 319 (8th Cir. 1897)(reversing judgment for defendant and remanding for new trial), 89 Fed. 907 (8th Cir. 1898)(after second trial and verdict for defendant, reversed and remanded for retrial), 105 Fed. 1004 (8th Cir. 1900) (affirming judgment for government after third trial), affirmed 186 U. S. 279 (1902) (Brown, J.).

most competent and able patent lawyers in the United States.

Mr. Stryker was a loyal citizen of his home town and devoted much of his time to public service.⁶ In February, 1920, he was appointed a member of the St. Paul Charter Commission, and in March, 1924, he was elected chairman of the Commission, in which position he served until his death on February 5, 1940.

Mr. Stryker was an outdoor man and enjoyed vigorous exercise. In his earlier years he practiced the manly art of self defense and was rated a good boxer and enjoyed the sport. Also he was fond of hunting and fishing and spent some time in the summer months exploring the forests, lakes and rivers of northern Minnesota, camping out and leading the life of an explorer.

In his later years he devoted much of his spare time to gardening and was very successful in the culture of flowers had always a beautiful garden full of roses and other beautiful blooms.

Mr. Stryker was a gentleman of many attainments. He was an outstanding lawyer and a loyal and kindhearted friend. His friendship was cherished by all who had it and the little group of legal friends, with whom for so many he had lunched every day, will deeply regret his absence.

He is survived by one daughter, Mrs. Sophie S. Gray, of St. Paul, and two sons, Mr. J. E. Stryker, Jr., of St. Paul and Captain William B. Stryker of the Medical Corps United States Army, and nine grandchildren, his wife having died January 19, 1940.

Respectfully submitted,

FREDERICK N. DICKSON, Chairman,
EDWARD S. STRINGER,
GEORGE W. MARKHAM.

MR. BUTLER: The committee, for whom John J. Keefe will speak, has prepared a memorial of Joseph Thomson, lately of this bar.

⁶ Stryker's sketch of Justice William Mitchell was published in Hiram Fairchild Stevens, ed., 1 *History of the Bench and Bar of Minnesota* 65-71 (1904). It is posted in the "Mitchell Studies" category in the archives of the MLHP.

On behalf of the Bar of Ramsey County, the following memorial to Joseph Thomson is respectfully submitted:

MAY IT PLEASE THE COURT:

Joseph Thomson was born at St. Paul on October 28, 1882. He was educated at the public schools, Central High School, the University of Minnesota, and the St. Paul College of Law. While studying law he was employed as a reporter by the Daily News and later by the Dispatch.

Having a widowed mother to whom he was devoted and who was dependent upon him for her support, he felt that duty would not permit him to make the sacrifice of income incident to commencing the practice of law and he continued as a reporter until 1910. He then became associated with Joyce Insurance, Incorporated, with whom he remained until his death, which occurred on October 14, 1939.

He was always interested in athletics; played baseball and tennis on University teams and continued those activities until middle age. He was active in bowling circles, and an ardent follower of University football teams, his death having occurred from a condition of his heart, while attending the Minnesota-Purdue football game.

He was a devout Catholic, attended St. Luke's church all his life, served as an usher and in other capacities, and took an active interest in church affairs. He was a member of the Knights of Columbus and of the Elks and was active in those societies.

For his mother he built a lovely home at Hamline and Portland Avenues, where she, Joe and his sister lived some years prior to his mother's death. He married Helene Baker on June 17, 1937, and at the time of his death residing in a new home at 1776 Hillcrest Avenue.

Joe Thomson was always genial, courteous, friendly and ever ready to go out of his way to help or serve friends or needy persons. He had many friends and a wide acquaintanceship in the city, being in the first-name relationship with almost all public officials, attorneys, and others in all walks of life, as were they also with him. In his employment he was always successful and well liked by both employers and fellow-workers.

It was but natural that Joe Thomson maintained his genial disposition to the end, notwithstanding that for years his health was impaired. On his death there passed one who was a loyal and loving husband and a friend held in affectionate regard by all who knew him.

Respectfully submitted,

HENRY P. CURRER,
GUY CHASE, Chairman,
JOHN J. KEEFE.

MR. BUTLER: A committee, for whom W. W. Dunn wilf speak, has prepared a memorial of Richard A. Walsh, lately of this bar.

The undersigned committee appointed by the President of the Ramsey County Bar Association, on behalf of said Association, respectfully submits the following memorial to the Honorable Richard A. Walsh, Deceased:

Richard Ambrose Walsh, son of Thomas Walsh and Margaret Wheeler Walsh, was born January 9, 1862, at St. Paul Minnesota. He was married in the Cathedral at St. Paul to Margaret McManus, daughter of P. H. McManus and Rosanna McBride McManus, July 21, 1884.

Judge Walsh died at St. Paul, Minnesota, January 18, 1940, at the age of seventy-eight years, and is survived by his widow, five sons and five daughters.

At an early age he studied law and was associated with the offices of Charles D. Kerr, later a Judge of this Court, and with the office of George P. Wilson, then Attorney General of the State of Minnesota.

He was admitted to the Bar by the Supreme Court of Minnesota at the age of 21 years.

He was elected as the youngest member of the Minnesota House of Representative in 1891 and reelected two years later. His legislative career was marked by success in advocating new and progressive statutes which pioneered the field of constructive and humanitarian legislation in this state.

In 1931 he was appointed a Judge of this Court to fill the vacancy caused by the death of Judge Howard Wheeler, and was thereafter elected to succeed himself. Although again renominated at the polls, he seemed to sense his failing health a greater degree than others, and over the protests of his friends and associates, he voluntarily declined to accept reromination.

Upon his admission to the Bar and while still very young, he began the general practice of law in St. Paul and continued herein until his appointment to membership upon this Court. As a practicing attorney, he was known as a hard and patient worker, a good fighter when necessary, but his naturally mild disposition caused him to be reasonable and approachable in peaceful adjustments of disputes to avoid useless and costly litigation.

His long years of successful practice at the bar deservedly attracted to him a large and appreciative clientele, who remained devoted and faithful to him throughout his long and fruitful life.

His judicial career, beginning in mature life, was fortified by the same characteristics that marked his years of active practice at the Bar. He possessed a ripened knowledge of law and had a sympathetic understanding of human nature; he was patient and courteous at all times and fully appreciated the problems of the practicing lawyer as well as those of the client and litigant. His modesty prompted him always to avoid personal prominence or aggrandizement.

He was born and lived a long and full life wholly in this community. All who mourn his loss, and we who testify herein, know that because of his modesty he would dislike lavish praise.

Distinguished as was his career in his chosen profession and in public service, he will always be best remembered as a truly considerate, gracious, kindly, Christian gentleman and friend.

Respectfully submitted,

W. W. DUNN, Chairman,
ARTHUR CHRISTOFFERSON,
JOHN A. BURNS.

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

IN RE: MEMORIAL SERVICES,
MARCH, 23, 1940

TO HONORABLE RICHARD A. WALSH.

I am fortunate that custom grants me the privilege of adding a few words to the last Memorial.

The great qualities of his life lay in his unselfishness and his loyalty to his Church, to his family, to his profession, to his friends and to his home city, St. Paul. He was a man, grateful until the last, for the contributions each made to the richness of his well spent life.

He was proud to be a citizen of this community, and the community is proud to call him a native son

Richard A. Walsh, all agree, possessed those gentle and refined qualities as stamps him, not only a self-educated man, but a gentleman of the first order.

Nicholas Murray Butler, some time ago, gave what he conceived to be five (5) evidences of a truly educated man: The proper use of the mother tongue; possession of those qualities of gentleness and refinement as signify a lifetime habit of thought and action; the power of reflection, the power to grow, and the power to do. All these powers he possessed.

Webster defines a gentleman as: "A man of gentle and refined manners; a man of fine feelings and a good character, raised above the vulgar by education, habits and social esteem." This, I think, fits the man to whose memory we this day pay our respects.

He was a God-fearing man who believed a man's home was his castle, and created and maintained it as such.

He loved to work in his garden and would arise at five o'clock in the morning to cultivate his flowers, his plant his shrubs and his trees. He loved to see them grow, and by his own efforts, helped them to grow.

He was a lover of books and verse, and had one of the finest private libraries in the city. He had a real philosophy for living. He enjoyed History most of all, but read deeply into the works of all the Masters. His industry in this respect was amazing, for he kept himself a book of memories, notes and quotations on the things he had read, and as he read he jotted down notes of approbation or disapproval. Hundreds of these notes may be found in this work of his. They must have sustained and cheered him as his life drew to a close. It is only by reading some of those quotations, excerpts and notes, which he made, that one can justly appraise his worth and character. Such as the following he cherished:

"It is within our power to confine our friendships and intimacies to men of virtue."

"No virtue is acquired in an instant, but step by step."

"Every mode of religion, to make a deep and lasting impression on the human mind, must exercise our obedience by enjoining practice of devotion, and must acquire our esteem by inculcating moral duties analogous to the dictates of our own hearts."

"Economy is the daughter of Prudence, the sister of Temperance and the mother of Liberty."

"Philosophy delivers the mind from the bondage of the body and raises it up to the contemplation of its divine original."

"For forms of government let fools contest—whatever is best administered, is best."

"Men of many words sometimes argue for the sake of talking: Men of ready tongue frequently dispute for the sake of victory: Men in public life often debate for the sake of opposing the ruling party, or from any other motives than the love of truth."

"The operation of the wisest laws is imperfect and precarious. They seldom inspire virtue; they cannot always restrain vice. Their power is insufficient to

prohibit all that they condemn nor can they always punish the actions they prohibit."

"The best portion of a good man's life; his little nameless, unremembered acts of kindness and of love"

These are but a few quotations from the store he has preserved. I am told, when his children were wont to quarrel amongst themselves, he would admonish them, in quiet dignity by quoting:

"Whatever quarrels disturb the street,
there should be peace at home,
Where sisters dwell and brothers meet,
a quarrel should never roam."

He loved peace.

His philosophy concerning war, was like that of Abraham Lincoln. He would have done anything within his power to prevent war, but when the United States was actually engaged, he believed, that right or wrong, one should fight for country, and he willingly gave three sons and one daughter to the service in the late war. One son became an Ensign, another became a Lieutenant in the Navy, another an Engineer, and a daughter, who cared for the soldiers in France. All enlisted in the service and one was gassed and wounded.

Here I end as I began. His greatest virtue, was his unselfish love for others.

I think it was H. G. Wells, who said:

"The great mass of men everywhere, worry themselves into endless graves, while here and there, a great unselfish soul, forgets itself into mortality."

Such a man was he, that is with us, this day, in memory.

Respectfully submitted,

CLAYTON PARKS,
In behalf of the Judges of the
Ramsey County District Court.
1940.

JUDGE HANFT: I would like the minutes to show that Judge Sanborn and Judge Joyce, of the Federal Courts, are unavoidably absent today, solely due to the fact that they had matters on their calendar which could not possibly be postponed

MR. BUTLER: If Your Honors please, those are the memorials to those who have gone, prepared by those of us who move about and by our several paths are hastening to overtake them.

In behalf of Your Honors' bar, we move that the Clerk of Court be instructed to spread these memorials on the minutes of Your Honors' court in perpetual memory of the parties and send copies to the families of those memorialized

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 departed this mundane sphere, this court now stands adjourned without day. •

> — <

Acknowledgments

Photographs and footnotes have been added by the MLHP. The photographs of James D. Armstrong on page 4, Pierce Butler on page 6, Joseph Jackson on page 26 and John E. Stryker on page 37 are from *Men of Minnesota* (1902). The photographs of Joseph A. Jackson on page 27 and Thomas J. McDermott on page 31 are from *Men of Minnesota* (1915). The photograph of Justice Butler on page 11 is from the Harris & Ewing Collection at the Library of Congress.