

HORACE WILLS ROBERTS

(July 8, 1877 - October 19, 1957)

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HORACE W. ROBERTS

MINNEAPOLIS.

WM. P. AND HORACE W. ROBERTS, LAWYERS.

(1915)

At the age of twenty-one, Horace Wills Roberts enlisted in the army to serve in the Spanish American War. He reached Manila Harbor on July 31, 1898, fought to capture the city, returned to the U. S. on August 19, 1899, and was mustered out on October 5th.¹ He later returned to the Philippines and served in the civil service for several years.²

Back in Minnesota, he entered law school. He graduated the University of Minnesota Law School, and was admitted to the bar on June 12, 1908.³ He continued his studies and received a M.A. the following year.⁴ He then joined his father, William Preston Roberts, a prominent and politically active lawyer in Minneapolis.⁵ Following the path set by his father, he became involved in the public affairs, including the local bar association.

He was elected the first president of the Hennepin County Bar Association, serving 1919-1920.⁶ During his presidency he was the chairman of the Committee on Industrial Court, authorized to investigate the newly-created Kansas Court of Industrial

¹ Roster of the 13th Minnesota Volunteer Infantry, at <http://files.usgwarchives.net/mn/statewide/military/rost13mn.txt>

² A lengthy profile of the father, William Preston Roberts (1845-1931), published in 1908 concludes: "In 1876 he married Agnes D. Taggart, of St. Clairsville, Ohio, who died in 1895, leaving two sons of that marriage — Horace W., born July 8, 1877, and Roy G., born January 29, 1880. Horace is in the Philippine civil service and Roy lives in Manitoba." See Horace B. Hudson, "Courts and Lawyers of Minneapolis" 63-66 (MLHP, 2013) (published first, 1908).

³ 1 Roll of Attorneys: Supreme Court, State of Minnesota, 1858-1970 98 (State Law Library, 2011). The photograph on the first page is from *Men of Minnesota* 162 (1915).

⁴ His entry in an alumni directory provides:

**Horace Wills Roberts, LL. B., 08; LL. M., 09; Lawyer.
502 Metropolitan Life Bldg., Mpls., and Fridley, Minn.**

Alumni of the College of Law, 1889-1915 288 (1916).

⁵ William Preston Roberts was a staunch Republican who served three terms in the state House of Representatives, 1899-1901, 1901-1903, and 1905-1907.

⁶ "Presidents of the Hennepin County Bar Association" (MLHP, 2008).

Relations, which was authorized to resolve labor disputes.⁷ He wrote many letters to local corporate executives and union officials as well as national labor leaders seeking their views on the Kansas Court. He received thoughtful replies from many influential figures, including Clarence Darrow and Samuel Gompers – in fact three long letters from Gompers.⁸ In 1921, the Committee recommended against the adoption of such a court in Minnesota.⁹

When the work of the committee was completed, Roberts donated his file of correspondence to the Minnesota Historical Society.¹⁰ It is foolish to extrapolate broad conclusions from a small body of material covering a brief period; nevertheless, from these letters we may get a rough idea of how, as a lawyer, he worked up a case and, later, how he approached cases from the bench. From them, it is obvious that he did not go through a pro forma exercise, but genuinely sought the opinions of others – that is, he wanted to learn. He saw labor unrest as a serious problem, examined the Kansas Court in detail, sought information from diverse sources, then more information, and finally led the committee to make a firm decision.

⁷ See generally, <http://kshs.org/kansapedia/court-of-industrial-relations/12017>.

⁸ In the Appendix, at 6-8 below, are copies of letters from Gompers to Roberts, December 22, 1920 (the first of three) and from Darrow to Roberts, December 27, 1920. The signature of Gompers on each of his letters to Roberts was rubber stamped. Darrow's is in ink. The originals are in the Horace W. Roberts Papers at the Minnesota Historical Society (Manuscripts, P. 2862).

He even wrote Eugene V. Debs, who was incarcerated in the U. S. Penitentiary in Atlanta, after being convicted of violating the Espionage Act of 1917. *Debs. v. United States*, 249 U. S. 211 (1919) (Holmes, J.). He received a reply from Debs' son.

⁹ *Minneapolis Star*, February 4, 1921 ("Lawyers Make report Against Labor Court—Hennepin Bar Committee Advises Against Support of Kansas Plan").

¹⁰ The Roberts Papers also include a file of photographs of unidentified family members. Regrettably, his papers were never supplemented with other correspondence with lawyers, judges and others while in private practice and on the bench.

From his graduation he had practiced with his father in Minneapolis, but in 1923, when his father was seventy-eight, he left private practice for the bench.¹¹ In November of that year, he was appointed Referee in Bankruptcy for the Mankato district, succeeding the redoubtable Jean Flittie, whose health was failing.¹²

For the next twenty-three years, he served as a federal bankruptcy referee in a largely rural area of the state. Alas, he left no recollections of his experiences during the Great Depression, when he oversaw hundreds of bankruptcy petitions by farmers, merchants and laborers. He resigned from the bankruptcy court in 1946 and later returned to Minneapolis, where he died on October 19, 1957, at age eighty. The *Mankato Free Press* carried his obituary two days later:

Horace Roberts, Former Lawyer In City, Dies

Funeral services were held today in Minneapolis for a longtime Mankato resident, who moved to Minneapolis a year ago.

Funeral services were held at 1 p. m. today for Horace W. Roberts, 80, a former Mankato attorney and referee in bankruptcy. Burial was in Lakewood cemetery.

Mr. Roberts was born in Minneapolis in 1877. He was a former internal revenue agent in the Philippine Islands and practiced law in Minneapolis with his father before coming to Mankato in 1923. While in military

¹¹ William Preston Roberts died on July 21, 1931, at the summer home of his son on Lake Winnipeg, Manitoba, Canada.

¹² See “Jean Anton Flittie (1866-1927)” (MLHP, 2014). There were four referees at the time, each chambered in a different city: Herbert M. Bierce, Winona; Gideon S. Ives, St. Paul; and Alexander McCune, Minneapolis.

service in the Spanish-American war he aided in the capture of Manila.

He was a past president of the district bar association and was a member of the board of governors of the Minnesota Bar association. Mr. Roberts was a past president of the Blue Earth county historical society He was a member of the Thirteenth Minnesota Regimental association and Scottish Rite of the Masons, where he was knight commander of the of honor.

Roberts had an early love of the Philippine Islands. He was one of the first school teachers to have been sent there from the United States. He was also employed in the city collector office Manila before being as signed the position as an internal revenue agent in the same City.

He is survived by two daughters, Ruth, Minneapolis, Jean, Bethesda, Md., and a brother Roy of Winnipeg, Canada.¹³

His death was also noted the following year in the *Journal of the National Association of Referees in Bankruptcy*:

HORACE W. ROBERTS

Horace W. Roberts, formerly of Mankato, Minnesota, died on Oct. 19, 1957, in Minneapolis, where he had moved a year ago. He was 80 years of age. Mr. Roberts commenced the practice of law in Minneapolis but moved to Mankato when he was appointed as Referee in Bankruptcy in 1923 by the late U. S. Circuit Judge Wilbur F. Booth, when a District Judge. He continued as a Referee until about

¹³ *Mankato Daily Free Press*, Monday, October 21, 1957, at 13.

1946 when, due to his failing health, he resigned. He was a veteran of the Spanish-American war. Mr. Roberts attended the Detroit (1926) organizational meeting of the Referees' association.¹⁴ ◇

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APPENDIX

Letter from Samuel Gompers, December 22, 1920.

Letter from Clarence Darrow, December 27, 1920.

¹⁴ 32 *Journal of the National Association of Referees in Bankruptcy* 71 (April 1958). The contributor of this sketch is identified as "H. M. B."



AMERICAN FEDERATION OF LABOR

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A. F. OF L. BUILDING

Washington, D.C. Dec. 22, 1920.

Mr. Horace W. Roberts,
Metropolitan Life Bldg.,
Minneapolis, Minn.

Dear Sir:

Your letter of December 13 received.

The question of compulsory arbitration appears to be the subject of much debate in the United States and has caused many people to study the subject. The question has become so prominent because of efforts of a few un-American employers to conduct a campaign to establish autocracy in industry.

Enclosed you will find pamphlets entitled "Collective Bargaining", "The Union Shop and Its Antithesis" and "Autocracy in Industry". Under separate cover I am sending you copy of an editorial on compulsory arbitration from the American Federationist, copies of speeches made by me before the New York and New Jersey legislatures on the Kansas Court of Industrial Relations law and pamphlet entitled "The American Labor Movement".

America has become great despite industrial disputes. In fact, they are probably responsible for more progress than any other one thing. They have autocracy in industry in China and India because there are no trade unions in those countries.

Those who advocate compulsory arbitration do so for personal reasons. Greed animates them. Individuals will profit from such a condition in industry; the people as a whole will suffer. These men who are now seeking to enslave Labor have no interest in the people. On the other hand Labor asks for nothing that is not of benefit to the whole people.

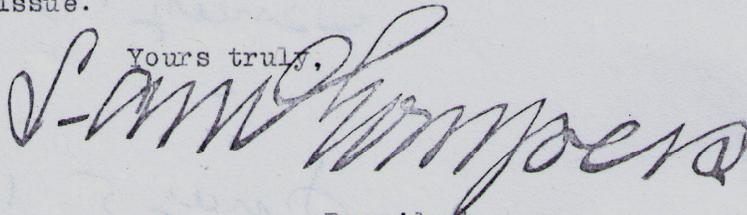
Horace W. Roberts

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If the Hennepin County Bar Association desires to stop progress it should advocate compulsory arbitration laws. If it desires that the United States go forward and not backward it will oppose compulsory arbitration laws.

It would be impossible to create a "fair tribunal of adequate powers for settlement of industrial disputes" without interfering with progress. The pamphlets I am sending you will explain the position of the American Federation of Labor, which is a voluntary organization, on the questions at issue.

Yours truly,

A large, cursive handwritten signature in dark ink, reading "Sam Gompers". The signature is written over the typed name and title.

President,
American Federation of Labor.

Enclosures.

This is the first of three letters Gompers wrote Roberts; the second is dated January 5, 1921 (2 pages), the last, January 19, 1921 (3 pages).

DARROW, SISSMAN, POPHAM & CARLIN

CLARENCE S. DARROW
PETER SISSMAN
GEORGE M. POPHAM
VICTOR S. YARROS
WILLIAM L. CARLIN

LAWYERS
1310, 140 N. DEARBORN ST.
CHICAGO

TELEPHONE
CENTRAL 925

December 27, 1920.

Mr. Horace W. Roberts,
Minneapolis, Minn.

My Dear Mr. Roberts:-

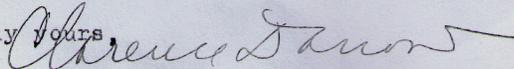
Your letter in reference to the Kansas law was received some time ago and I did not find time to answer it.

I read this law some months ago and I gave it some attention. It seems to me that it will not work. Of course I naturally approach this question from the standpoint of labor. The United States, following the English custom, has strong ideas of individualism. I do not believe they would submit to having all contracts supervised by a State. I do not think the Kansas authorities ever intend to submit to it, but they do intend to make the working man engaged in large industries responsible to a court. This will of course throw these questions into politics and the fight will be to get the court. I do not believe the working man can afford to trade his power to strike for any benefits that he could get through a court. It is not his game, but it is the game of the big interests. As long as industry is managed under the competitive system, I do not see how any particular industries can be singled out.

This Kansas law itself is an example of its unfairness. It leaves the farmer free to forestall the market or make any arrangements he sees fit to make and only touches his products after they have been converted into something else.

Any scheme like this would involve a whole change in the English idea of free contract. It really could not work, in my opinion, outside of socialism and I am inclined to think it would not work there. The law was passed on a theory that something must be done to prevent industrial disturbances. These disturbances are, of course, often very annoying, but at the same time we can get rid of them at too high a price and it seems to me that this is what would happen under this law. Of course it would never stand where it is now. It would go on until it included everything and I am inclined to think that neither capital or labor would be satisfied with it.

Very truly yours,



Related Articles

“William Preston Roberts” in Horace B. Hudson, “Courts and Lawyers of Minneapolis” 63-66 (MLHP, 2013).

“Referees and Judges of the Bankruptcy Court for the District of Minnesota, 1898-2014” (MLHP, 2010-). ■

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