



[The transcript of these proceedings was published first in a twenty page booklet. It has been reformatted for the following article. The caption has been rearranged, and several photographs omitted.]

The presiding judge, Joseph J. Moriarty, was born March 23, 1884, in Belle Plaine Township, Scott County. He practiced law for thirty years before being appointed to the district court in 1937. He was elected to a six year term in 1938.]

STATE OF MINNESOTA
COUNTY OF SCOTT

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Proceedings in Memory of –

Charles G. Hinds, Francis J. Leonard,
Eli Southworth, John A. Duffy, Walter
Southworth, Frank C. Irwin, Harry A.
Irwin, and Julius A. Collier.

THE COURT: Members of the Bar, the first order of business this morning will be the Memorial Proceedings to be held here in honor of the memory of the Lawyers of Scott County. In some instances and for some of the lawyers memorial proceedings were held shortly after they died, but there are eight lawyers, whom we honor especially this morning, and I will call the names of these lawyers.

District Judge Andrew G. Chatfield

District Judge L. M. Brown

District Judge J. L. McDonald

Attorney and Counselor at Law, Robert Irwin

Attorney and Counselor at Law, Harrison J. Peck

Attorney and Counselor at Law, Henry Hinds

Attorney and Counselor at Law, Edward J. Komarek

Attorney and Counselor at Law, Henry Hinds, Jr.

Attorney and Counselor at Law, Frank J. Leonard

Attorney and Counselor at Law, Eli Southworth

Attorney and Counselor at Law, Walter N. Southworth

Attorney and Counselor at Law, John A. Duffy

Attorney and Counselor at Law, Frank C. Irwin Attorney

Attorney and Counselor at Law, Harry A. Irwin Attorney

Attorney and Counselor at Law, Julius A. Collier Attorney

Attorney and Counselor at Law, Charles G. Hinds

The Court at this time will recognize the Honorable Joseph Hilgers, Chairman of the Committee.

MR. HILGERS:

MAY IT PLEASE THE COURT:

Since 1920, although eight members of the Scott County Bar have died, no memorial services have been held, and your honor thought fit to appoint this committee that there be recorded in this Court some proper and permanent memorial in recognition of the ability and virtue of the deceased members of the bar of Scott County, and your committee desires that a memorial be spread upon the records of this Court expressive of its keen sense of loss to Scott County and the bar of this County and the Eighth Judicial District of the following members of the Scott County Bar:

Charles G. Hinds, Francis J. Leonard, Eli Southworth, John A. Duffy, Walter Southworth, Frank C. Irwin, Harry A. Irwin, and Julius A. Coller.

These occasions, as your Honor has said, bring home to us the great truth that we are destined to pass away from the earth, leaving no trace other than the memory retained by those who loved and esteemed us.

We have set forth these members in the order of their death, and your committee therefore asks that this memorial be made a part of the records of this Court, and that copies thereof be forwarded to the widows and families of the above mentioned deceased members of the Scott County Bar.

MEMORIAL

CHARLES G. HINDS

Charles G. Hinds was born at Shakopee, Scott County, Minnesota, on August 30, 1866, the son of Mr. and Mrs. Henry Hinds, another famous lawyer of Scott County. He attended the public schools of Shakopee, and grew to manhood there.

He attended the Academic School of the University of Minnesota, and then went to the University of Michigan, and there graduated from the Law School, ranking second in his class of 280. He returned to Minnesota, was admitted to the Minnesota Bar, and started practicing his profession at Shakopee. He was County Attorney of Scott County from 1894 to 1898, and in 1898 he was a candidate for Congress on the Democratic ticket. He was a Master Workman of the Ancient Order of United Workmen, and wrote the constitution of that Order. He was Knight Templar of the Masonic Order. He was married to Miss Maud Plumstead on September 25, 1888, and they continued to live in Shakopee until his health broke down in 1907. He died on February 2, 1920, leaving two sons, Frank H. Hinds and Frederick C. Hinds.

Charles G. Hinds had a large clientele in Scott County and surrounding counties, and also acted as legal adviser for several Twin City Corporations. At the time of his death the Shakopee Argus said of him: "Until his health broke down in 1907 his was known as one of the brightest legal minds in the state."



FRANCIS J. LEONARD

Francis J. Leonard was born on January 6, 1862, at Glendale Township, Scott County, Minnesota, the son of Mr. and Mrs. Lawrence Leonard. Mr. Leonard, prior to his admission to the bar, taught school at Lakeville and Rosemount in Dakota County, and at Shakopee in Scott County, and became Superintendent of Schools of Scott County in 1887. He was admitted to the bar during that year, and took over the practice of M. M. Shields at Jordan, Minnesota. In 1893 he became a member of the Minnesota Legislature and held that office for one term. He was County Attorney of Scott County for two terms, beginning in 1902, and held the office of City Attorney of Jordan for a number of terms. He served for several years as High Chief Ranger of the Minnesota Jurisdiction of the Independent Order of Foresters. He was a member of the Ancient Order of Hibernians, and was also a member of Modern Woodmen and of the Knights of Columbus. He was one of the organizers of Jordan Sulphur Springs and Mudbath Sanatorium Company, serving as secretary of said Company for a number of years. He died on March 17, 1924, at the age of 62 years, leaving surviving him his widow and six children.

Mr. Leonard was a man of temperate and abstemious habits all through his life. No one worked harder at the law than did he. He had one of the largest law libraries of any lawyer in the Eighth Judicial District, and he was at his office until late every night, poring over his law books. He was tireless in his efforts, thinking always of his clients' interests, and with indomitable persistence he pursued his ideals with firm determination. He often used the expression, "with bull-dog

tenacity,” and it was with this kind of tenacity that he adhered to his ideals and purposes in life. The touchstone of his approach to any cause which he espoused was his profound belief in its justice and its worthiness of success. He was cogent and resourceful in argument and tenacious in support of the points he advanced.

ELI SOUTHWORTH

Eli Southworth was born at Mattapoisette, Plymouth County, Massachusetts, on September 15, 1844. He came to Minnesota with his parents in 1856 and settled on a farm two miles south of Belle Plaine in Scott County. On September 22, 1861, he enlisted in Company “A”, Fourth Minnesota Infantry Volunteers, and was discharged for disability on October 22, 1862. He was married on April 24, 1867. After spending several years as a druggist at Belle Plaine and Saint Anthony, now East Minneapolis, he studied law and was admitted to practice law on June 18, 1874, and began the practice of law at Shakopee, where he continued to live for the remainder of his life. He was closely connected with the early life of Shakopee. He was City Recorder for a number of years, and also served as City Attorney of Shakopee for many years. For thirty years he served as Commander of General Shields Post of the G.A.R. of Shakopee. He served for two terms as Grand Master of the Ancient Order of United Workmen of Minnesota, and for 17 years he served as Secretary of the State Board of Law Examiners of Minnesota. He died on May 29, 1925, at Shakopee, Minnesota.

Mr. Eli Southworth lived a long and useful life. He was always active and untiring in his efforts. No matter what position of public trust he was called to, the honorable discharge of his Official duties, his honesty of purpose; and his integrity of character won for him a high place in the esteem of his fellow citizens.

He conferred and cooperated with his friends and clients with accurate knowledge and a clear conception of the law applicable to their problems but far beyond that, with a clear, honest, and realistic mind, joined with a kind and sympathetic soul. These, taken together, constitute the most valuable and the most valued equipment a lawyer can have. He was gentle and courteous by nature, never ruffled, and he carried on his daily affairs with a gentle and kind mien which endeared him to those who knew him and made him many friends. He was thorough and painstaking, being never satisfied until he had mastered every detail of the law and of the facts of each case.

JOHN A. DUFFY

John A. Duffy was born at Savage on June 23, 1892. As a youth he worked as a section hand for the St. Paul, Minneapolis and Omaha Railway Company, and later worked for the famous M. W. Savage, taking care of his horses. In 1917 he enlisted in the United States Army and served in France for eleven months. He was a member of the 302nd Tank Corps which took a meritorious part in the battles of Saint Mihiel and Meuse-Argonne Sectors. He served valiantly in France and his organization was cited for bravery on eight different occasions. In 1921 he was appointed Postmaster at Savage

and he was married at Fairbanks, Pennsylvania, on July 11, 1922, to Miss Hannah Noonan. In 1922 he enrolled in the Minnesota College of Law, from which he graduated with honors in 1925. He located at Shakopee in 1925, and in 1926 he was appointed City Attorney of Shakopee, and that year was elected County Attorney of Scott County, which office he held until his death on April 11, 1928, at the age of 39 years.

Mr. John A. Duffy was a faithful and conscientious official and a steadfast friend. Honest John Duffy, as his friends and neighbors at Savage loved to call him, was the most popular and the most respected man that community ever produced. His was a short life, but one full of good deeds. He was completely unpretentious and straightforward and publicity-shy. Though fascinated by intellectual questions, he enjoyed the company of men who work with their hands, as he had worked in his youth.

WALTER N. SOUTHWORTH

Walter N. Southworth was born at Belle Plaine, Scott County, Minnesota, on November 30, 1873. His family moved to Shakopee when he was only a few weeks old, and he made Shakopee his home for the remainder of his life. He attended the public schools at Shakopee and after his graduation from the Shakopee High School he entered Shattuck Military Academy, and thereafter attended the Law School at the University of Minnesota, and upon his graduation was admitted to the bar and entered upon the practice of the legal profession with his father, Eli Southworth, at Shakopee, Minnesota. While at college he

played football and was a member of the famous Minnesota team which defeated Michigan. He was married in 1897 to Miss Edna Damsel.

During his short life he held a number of public offices. He was Alderman of the City of Shakopee, and also served for many years as City Attorney. He was elected County Attorney of Scott County. He died at Shakopee on November 4, 1930, at the age of 56 years and 11 months.

Mr. Walter Southworth was well liked by all who knew him. He was always ready and willing to give to his friends of his time and his means. He was always willing to cooperate in any movement which he thought would benefit Shakopee and Scott County. His personality was a winning one. He had a charm peculiarly his own, which reflected something of his warm interest in people, his intellectual curiosity, and his sense of the adventure of life. His friends were many and to them his death was a deep personal loss.

He enjoyed a wide acquaintance and his most exceptional capacity for making friendships had its fountain spring in a true generosity and loyalty of spirit and an unaffected love of his fellowmen.

FRANK C. IRWIN and HARRY A. IRWIN.

The life stories of Frank C. Irwin and Harry A. Irwin may well be combined. They were not only father and son, but partners in the legal profession and close associates in everything throughout their respective lives. The same background influenced the course of both.

That background concerns the origin of Belle Plaine, the town having been founded, laid out, and named by Judge A. G. Chatfield, then territorial judge of Minnesota, and who for twenty-one years thereafter was the borough's leading citizen and legal light.

Attracted to the new town was a young lawyer, Robert A. Irwin, and during the first month of 1856, Robert A. Irwin and Celia A. Chatfield, only daughter of Judge and Mrs. Chatfield, were married. Frank C. Irwin was their son, born April 15, 1857, which gave him the distinction of being the first white child born in Belle Plaine.

As Frank Irwin grew to manhood he studied law in the offices of his father and of his grandfather. In 1886 he was admitted to the practice of law and entered into a partnership with his father under the firm name of R. A. & F. C. Irwin, which continued until the death of the former during the early 1890's.

Frank Irwin was married to Elizabeth C. Bay of Belle Plaine in 1878. Their son, Harry A. Irwin, was born on September 27, 1887. Like his father before, it was inevitable that Harry Irwin also should be pointed at an early age to a legal career. He graduated from the law department of the University of Minnesota in 1910, and during the following year took a post graduate course which won for him the degree of Master of Laws.

Just as Frank Irwin in the earlier period was proud to be the junior member of the firm of R. A. & F. C. Irwin, so did Harry Irwin return from schools to be the junior member of the firm of F. C. & H. A. Irwin. For twenty-five years this closely

knit law partnership continued until the death of Frank Irwin on February 12, 1936, at the age of 78 years and 10 months.

Both were born in Belle Plaine, spent their entire lives there, and died there. They had each similar civic careers in which they held in turn those positions of leadership such as mayor and municipal attorney. Frank Irwin was mayor of Belle Plaine more often than any other citizen, fifteen terms in all. Harry Irwin served in that office less often, but his public career spread to include the county. Appointed to the office of County Attorney in 1927, he was reelected in each of the succeeding elections, 1930, 1934, and 1938, and held that important office at the time of his death. On September 20, 1928, Harry Irwin married Miss Clara Lepetsky, who survives him. He died on September 19, 1941, at the age of 55 years.

During the long period of their legal partnership, the elder Irwin was the one more eager to take the speaking roles; Harry was ever the profound law student. They were untiring in their preparation of any matter committed to them, irrespective of the dollars involved or the glamour attached. They never spared themselves in their task of serving the best interests of their clients and they had a great love for their profession. They at all times applied themselves to their work with earnestness and industry. They were intensely loyal to one another and to their common interests, and both were given to a policy of generosity in the matter of services to community and clients.



JULIUS A. COLLER

Julius A. Coller was born at Shakopee, Minnesota, on February 22, 1859. He attended St. Mark's School at Shakopee, and later attended the old "District 41" until 1872, when his father, who owned and operated a store at Shakopee, moved to St. Louis, Missouri. Mr. Coller returned from St. Louis after his father's death in 1874, with his widowed mother, and his brothers and sisters, to Shakopee, and there he spent the remainder of his eventful life. In 1880 he was elected City Clerk of Shakopee, and that year he began the study of law in the office of the late Major H. J. Peck. The following year, 1881, he was elected Clerk of the District Court of Scott County. In 1884 Mr. Coller married Miss Ida L. Adams of Sioux City, Iowa, and to this union a daughter, now Mrs. J. E. Smith of Chaska, was born. Mrs. Coller died in 1903, and in 1907 he married Miss Cora E. Dennis of Cedar Rapids, Iowa, who survives, him. A son, Julius A. Coller, the present County Attorney of Scott County, was born of this marriage.

On September 12, 1887, Mr. Coller was admitted to the bar and took his oath before the late Judge James E. Edson. One year later, 1888, Mr. Coller was elected County Attorney of Scott County, and in 1889 he opened his law office in Shakopee where he practiced his profession until his death. In 1889 Mr. Coller was elected State Senator from Scott and Carver Counties, which office he held with distinction for 16 years.

He was a member of the Catholic Order of Foresters, Knights of Columbus, and St. John's Benevolent Society. He organized the St. Henry Court of the Catholic Order of For-

esters at Shakopee, and he was a charter member of the Shakopee Council of the Knights of Columbus. From 1901 until 1936 he was a member of the High Court of the Catholic Order of Foresters. In 1924 Mr. Coller was appointed a member of the Board of Regents of the University of Minnesota to fill the unexpired term of Justice Pierce Butler, who became a member of the Supreme Court of the United States. He was reappointed a regent by Governor Christianson; and later he was again appointed to this office by the State Legislature to a term which expired in 1937. Mr. Coller died on August 15, 1940, at the age of 82.

Mr. Coller gained distinction during the last World War when, as chairman of the Scott County Red Cross and legal advisor of the Scott County Draft Board, he delivered an address which he entitled "Loyalty of German Americans." The address was later called "The Call of the Blood Versus Call of Country," and was adopted by the United States Senate as a senate document, and thousands of copies were printed in English and German and appeared throughout the nation. The Shakopee Argus-Tribune, at the time of Mr. Coller's death said: "Julius A. Coller, 82, Shakopee's most illustrious son and one of the state's most prominent figures, was laid to rest in St. Mark's Cemetery here Monday morning." — "Death came at 6:40 p. m. Thursday at Mr. Coller's home, to end the colorful career of the statesman, lawyer, lay Catholic leader, orator and civic enthusiast, whose name was known, whose ability and achievements were admired and whose friendship was cherished across the length and breadth of the land."

His career reflected credit upon our profession, and represented the best that is to be found in American life. Al-

ways a stimulating conversationist, he inspired admiration in many for his intellectual and moral integrity. All who knew him as a lawyer and a friend respected most his resolution and energy in combating injustice and hypocrisy. The death of this brilliant lawyer and distinguished public official leaves us enriched in memory, but with a deep sense of loss. Those who were privileged to know him will cherish the memory of his genial personality and his sterling character. He will ever be missed by his friends.

That is the report of the committee
which consists of the following:

Joseph L. Hilgers	John E. Casey
Michael Moriarty	William Duffy
Al Irwin	Charles Townsend

THE COURT: Thank you. I observe that the lay member of the committee is present and the Court will now recognize the Honorable John Casey of Jordan.

MR. JOHN CASEY: Your Honor, members of the Bar, and fellow citizens and the children of your schools here, speaking as a layman who has no connection with your profession directly by relationship, family members or otherwise, one would probably discuss the relationship of this discussion, which Chairman Hilgers has so beautifully exemplified in the lives of eight members of Scott County, that this matter in relation to public life and public morals in the community, one profound profession in human life is the legal profession particularly in the two nations of the English speaking leadership, the British Empire and the American Republic. The dignity of your profession, sir, is

exemplified by the courts of the land. We, in other walks of life, do respect the courts of this land. We respect the courts for the reason that every day we hear snap judgment pronouncements against individuals and against groups not only in random conversation but in public questions by groups, by organized minorities and majorities, even by official bodies. Many who have watched the procedure of courts have sometimes possibly been impatient. You have spoken of the so-called red tape that you considered unnecessary, you spoke of the circumlocution, you spoke of the forms that you have noticed in judicial procedure in the courts. In my view, your Honor, and I think in the view of most thinking citizens, these things which I have mentioned are more valuable than troublesome. Personally, I think that they are valuable if the courts are going to escape snap judgment. Everything here in this court, the citizen can come in here with a case and bring it before your Honor and he is sure that it is going to get a careful hearing. Practically anything that he thinks belongs to that cause is not trivial—is not too trivial to be brought up here. Time is given, and that I submit, fellow citizens, is the essential of justice and that, I submit further, young folks of the public schools who will be here long after we are gone, is the basis of American justice, and so, your Honor, we laymen, we people outside of your own profession and your courts, I think I may say safely, have the greatest respect for the courts of America. We think by and large that they have achieved justice in this land. I use the words “by and large” because the courts and your profession, gentlemen, are composed of the same human beings that God made with faults in their composition. It cannot be possible that you will find perfection in this world, nowhere, not even in nature is it found and naturally it will not be found in human beings, so such

faults as you may complain of now and then must be existing but if they are existent they are only the attributes of weak human beings. Chairman Hilgers of the Committee most beautifully phrased in his report, your Honor, the characteristics of the eight gentlemen whom you rightfully honor in memory today. Most of you knew them all in life, most of you knew their attributes and characteristics. They too were human beings with the lovable faults of a human being. We, in regarding these things are more apt to think of what the poet, John G. Saxe, said about the lazy boy. He said—

“I like the lad
Who, when his father thought
To clip his morning nap by hackneyed praise
Of vagrant worm by early songster caught, replied—
‘Tis not at all surprising, sir,
The worm was punished for early rising.’ ”

I often think of that, your Honor, when I think of people complaining of faults of this one or that one, whether it is laziness or some other minor fault I think your Chairman here in going through the lives of those people was very fine about it. It was a very beautiful tribute to all eight of them. All of them I knew quite well. They have practiced, as the Chairman said, this profound profession of law in the United States before the American courts and especially before the courts of this district and this court in Scott County honorably and well. Some of them lived short lives. I think one of them lived to be only thirty-nine, and another lived a long honored life of eighty-two all in this county. They were men of various characteristics, various abilities, various skills within their profession and, such, folks, is the

American Bar, such, folks, is the. Minnesota Bar, the Scott County Bar, and we, I believe, fellow citizens, do well to pay heed and to pay a note of respect to them this morning. Now, your Honor, before closing, to advert to a thing I have thought of in connection with the lives of those eight men — Chairman Hilgers mentioned the dates of their birth and the dates of their death and I couldn't help but think, your Honor, that the eight men were lucky. They lived in a period of American history, ladies and gentlemen, that I think was the happiest period in civilization. From the close of the Civil War until the time of the outbreak of the World War was possibly the flowering time of civilization. It was a wonderful period in which to live compared with the present when dictators and strong brigands are abroad in the world, bombing civilians and harmless people. There seems to be no way except war of stopping, that monstrous wrong Courts are held in contempt by brigand dictators. Our eight fellow citizens, your Honor lived in a happy time when there was little or none of that. True, some of them saw the prelude to it, the curtain-raiser called World War I. They lived in a very, very happy time, in what I think was the flower time of human culture on this earth and pray God that it may return again. To the legal profession, I would say I believe that it is animated by the idea expressed by the Good Gray Poet of the Sierras:

“In men whom men condemn as ill
I find so much of goodness still,
In men whom men pronounce divine
I find so much of sin and blot,
I hesitate to draw the line
Between the two, where God has not.”

And, your Honor, I continue to hesitate to draw the line until all the evidence is in fairly and dispassionately.

THE COURT: Thank you very much, Mr. Casey.

The senior member of the Bar of the Eighth Judicial District, the Honorable George McKenzie, is here this morning and the Court now recognizes Mr. McKenzie.

MR. MCKENZIE: May it please this honorable Court, Members of the Bar of Scott County and otherwise and fellow citizens and ladies and gentlemen, I will say on this occasion that I am not prepared to make any lengthy remarks. In listening to the fine report of Mr. Hilgers of the Committee that covered the lives of these brothers that have departed and the splendid lessons that we gather from brother Casey's talk, it isn't necessary for me to enlarge upon that except to say that in speaking of these different periods of our life, the Gay '90's were perhaps the most enjoyable although as a youngster I remember the Civil War and passed through the Spanish War, organized a company which wasn't accepted, and, of course, too old to enter the first World War and my eighty-five years now will not permit any active duty in the second World War. Now, of these departed brothers, I had the personal acquaintance of Senator Collier, the elder Southworth and the three Irwins, the grandfather and the son and the grandson, Harry. I met Frank before the courts more often than any other lawyer from Scott County with the exception, perhaps, of Major Peck. Major Peck of this Bar was for many years a close friend of mine and used to visit me during the hunting season and we have had very many enjoyable times talking and the last hunt we were on when the prairie chickens were plentiful and there was no

limit, the Major and I killed fifty-four. Frank Irwin was a close friend of mine. We often met on opposite sides and consulted together and there was something about Frank that I liked very much. He had the same place that he went on his vacations among the beautiful lakes of northern Minnesota. Often times we would hear of each other in the same area. His place was Park Rapids and among these lakes surrounding the park where he spent his vacation days in the summertime. Now, these men that have passed away, their lives were real and earnest and the grave was not their goal and dust to dust does not mean the departure of the human soul and I think if they were with us today in life they would have and believe the same sentiments that the brother lawyer paid here recently to the Unknown Soldier, and I am going to read that short pledge to the Unknown Soldier because I think it is applicable to this occasion:

“A LAWYER’S PLEDGE TO THE UNKNOWN SOLDIER”

“Dear Unknown Soldier:

“In this far day, nearly a quarter of a century from the noisy clamor of World War I, in which you gave your ‘last full measure of devotion’ for your Country, for fear that your sacrifice might become bedimmed in the twilight of the ever enlarging boom of mighty guns in the early days of World War II, we pause beside your Tomb to make, in all sincerity, this Pledge to You:

“That the flag of the United States shall forever wave over our nation and its possessions, upon the ships of commerce which navigate the waters of all the oceans;

that here no Dictators shall ever swagger among our ways; America will continue to be the land of the free; here will stay the center of trade and here will center the commerce of the railroads and the rivers of the continent. Here will continue the temples of a Christian people for the worship of the living God; here will stand great seats of learning—great universities to cultivate the minds of generations yet to come and here the American citizen, wherever his home might be and for all time to come, will find in the hearts of this people, the spirit of fraternity, of union, of devotion and respect to the flag and the honor and glory of our Country which you so freely gave your life to protect upon a foreign battle field.

“To You, Sir, a monument of a man’s devotion to his Country, a lawyer makes this pledge, with the trust that the day is not far distant when the war drums shall ‘throb no longer,’ the battle flags will be ‘furled’ and the world shall again be free and all mankind shall walk in unison and brotherhood.”

Now, brothers, there is this one thought that I want you to carry with you, that our hearts like muffled drums, are beating funeral marches to the grave. So, let’s make the best of life and I feel particularly under obligation to this Court and to the Honorable Judge that now sits here; it was on his motion that the General Term of this Court recessed and attended the funeral of my son, Claude McKenzie. Thank you, gentlemen, for listening to the old man.

THE COURT: Thank you very much, Mr. McKenzie, and I assure you, you have the admiration and thanks of all the

members of the Bar of Scott County for coming here this morning.

One of the lawyers who battled fast and long and furious with the lawyers whose memory we honor this morning arrived here from Chaska and I am now recognizing John J. Fahey of Chaska and I am asking him to say a few words.

MR. FAHEY: If the Court please, members of the Bar, I attended a funeral this morning at Chaska of a young boy who lost his life in Texas in an accident, in an airplane crash and that funeral is a grim reminder to the people of this country and this community of what is in store for us before we get back again, as Mr. Casey says, to the happy times during which these fine lawyers and fine citizens lived. It was my pleasure to know all of those splendid gentlemen and I know it to be a fact that they were excellent, high-class lawyers and not only that but they were leaders, leading citizens in their respective communities. I knew perhaps Frank Irwin for a longer time than I knew the other deceased members. I lived in Green Isle as a boy and Frank was practicing in Belle Plaine and he had a number of clients in the vicinity of Green Isle, especially east and southeast of that village. My father-in-law originally came from Belle Plaine to Green Isle and established business there and on any occasion that we required legal services he always consulted with Frank Irwin and I have often heard him state that he always received very fine advice and a square deal and was treated very finely at the hands of Mr. Irwin and when I had occasion to do business with Mr. Irwin and his son, Harry, it was always a pleasure when they were on the opposite side of any matters that I might have to handle in which they were interested. I was very well

acquainted with Mr. Leonard of Jordan and I always found him a very painstaking and able attorney. I had a great admiration for Senator Collier. I considered him a very fine lawyer, and not only that, he was a man of great intellectual attainments and a statesman of high rank. Now, these men have passed on and they have left behind them a grand heritage and if the young lawyers in this county and in this district will emulate the example left by them and will continue to keep the legal profession on the same high plane that those pioneer lawyers kept it, then, in that case, there is no danger for the future of the legal profession. Thank you.

THE COURT: Thank you, Mr. Fahey.

Remarks of Judge Jos. B. Moriarty at the Memorial Exercises held for Deceased Members of the Scott County Bar at the Court House in the City of Shakopee, Scott County, Minnesota, on the 23rd day of March, 1942.

I want to take this opportunity to extend my sincere thanks to Honorable Joseph L. Hilgers, chairman of the committee, and to all the members of the committee which prepared this fitting and proper memorial which is accepted by this Court and ordered placed on file and that copies thereof be forwarded to the families of the deceased lawyers.

This morning in this solemn way we honor the memory of certain deceased members of the Bar of Scott County.

In doing this we do not intend to shut out the memory of all the other lawyers who labored here down through the history of our county.

The memory of each and all are dear to our hearts and from our innermost souls we pray to God for them.

The society of our day and of every other day, for that matter, has failed to properly evaluate the legal profession and to give it its well-earned place in the whole sphere of human affairs. Of all the professions none are more backward to right this wrong than are the lawyers themselves.

Glibly the careless of speech brand every lawyer as a crook and regard him as a necessary nuisance in the scheme of things. For him society leaves no room in the inn, no shelter but the bleak plain where rage the storms of confusion and despair. Of him they say, "Let him live if he can, if he can't live it matters not for we can."

How false is this attitude, how unjust this classification. Only the work of the lawyer down through the ages can truthfully answer.

No writer should attempt to answer lest he may fail to do justice to a theme so sacred, no spokesman dare tell but half the story, no historian dare record but half the work of the lawyers of the ages — lest truth should arise in its might to strike low the defamer of a profession too long undervalued in the affairs of men.

Paul, the Apostle, was in the eyes of men first and foremost a great and noble lawyer and in the eyes of God a true and tried soldier of Christ.

It is easy for the lawyer to understand God because he is trained specially to find the secret trail which leads to truth and his work leads him further and further into the realms of truth where in all power and majesty God reigns supreme.

The lawyer holds a prominent position in the whole scheme of human society. He had a job to do and down through the ages every step in the march of progress received the support of the legal talent of the day. In times of peace the lawyer sought to make things right and in times of war the lawyer as a soldier fought against the foe.

There came a time when the whole world was languishing in despair, when men dreamed of justice but saw it not, when power and force was the source, of rule, when men were sure of nothing but death, and suddenly a cry came out of the desert "Prepare ye the way of the Lord, make straight His path," and immediately men began to look for justice, and to do justice lest they perish. The darkness of despair was dispelled by the dawn of the Christian era. Men began to study the new philosophy of life, the new dignity of man, man's real purpose on this earth and his ultimate goal. Men began to see and understand human relationship in the new light of Christian philosophy and the lawyers began to formulate into rules and regulations and laws these new Christian concepts.

Gradually the work of the lawyer found its way into the structure of government and through its administration to the long suffering individual. In this new-found philosophy the lawyer discovered the conscience of man playing its part as a monitor of man's actions and that it was the keeper of the higher law because it was the voice of God ever proclaiming the eternal laws of righteousness, ever commanding all men to obey it. So, with profound learning and zeal, unsurpassed by any profession, they impressed upon government the institution called the law of conscience, and the spirit of this law transcends the letter of the written law of man.

The lawyer recognizes that government is naught but tyranny behind the mask of justice save as it depends for its authority upon the will of the governed fully and freely expressed. So, the lawyer is the watchdog of the peoples' rights, ever watching and analyzing the doings of government, detecting and pointing out the dangers, suggesting safeguards, denying to the government the right to claim exemption from error, showing the government wherein it is wrong, and pointing out the path which leads to right.

When government attempts to perpetuate itself upon its own terms disregarding the rights of men, or claims immunity from error, or attempts to shield its acts behind the guise of superior knowledge or self-sufficiency, or departs from the marked course or violates the spirit of human conscience or proceeds in defiance of God or of the people, the lawyers are first to detect and first to attack every such transgression not with shot and shell but with the shining lances of their intellect they fight on to victory for the people.

The true mark of a lawyer aside from his legal talent and devotion to duty is his liberality towards the views, opinions, and convictions of his fellow men and a willingness to share their lot come what may.

There is no place in the legal profession for those who look upon their brothers as souls in a lower plane or beings of an inferior race, who do not know that all men are equal and have equal rights and privileges and equal prominence in the contemplation of God.

The lawyers whose memory today we honor and revere were men who measured up to the highest standards of the legal profession. This Court would not undertake to make any distinction. I knew each and all of them. I tried cases with and against them. I knew their sentiments, their ideals and aspirations. I knew their attitude towards the government of our country and their fellow men. I knew their devotion to duty and I know that they came from God and when their journey in this life was ended, with a seal of victory upon their brow, each and all went back again to God.

You will notice today that the banners of the American Legion from Shakopee and from Belle Plaine are here, here from Shakopee because John Duffy was a member of the Post at Shakopee, and here from Belle Plaine because Harry Irwin was a member of the Legion Post at Belle Plaine. You will notice too one banner here, the first banner, that is the flag that was carried by Eli Southworth on all public occasions such as Memorial Day and later on when Southworth died Charlie Manaige carried that flag and it is here today and the other banner comes from Belle Plaine, brought down here as a mark of respect to Harry Irwin and

to all of the lawyers, and, now, my friends, you will notice too that these wreaths upon the chairs are not brittle things. They are made of leather and they will be taken reverently now into the library and Mr. Ploumen has very generously consented to engrave or to in a very fine way place the name of each one of the lawyers upon these wreaths and they will be placed in the library here and they will remain here as long as we are alive and as long as this court house shall stand as a mark of respect to the men whom today we honor, and now I am going to ask that a prayer be said for these lawyers and immediately after I want the Sheriff to take these banners and I want the lawyers to reverently take one of these wreaths, and take it in a solemn way and place it in the library in the position arranged for it and now we will all rise in prayer for one minute.

(Audience rises.)



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