

The Bar's Banquet to Honor Myron D. Taylor on his Appointment as Commissioner of the Supreme Court

(1913)

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Foreword

By

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Editor, MLHP**

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The Thirty-Eighth Legislature established the office of "Supreme Court Commissioner" to assist the five member court in handling its enormous caseload. The law authorized the Supreme Court itself to appoint two commissioners, a slightly different mechanism than that provided in Article 6, §10 of the 1857 Constitution which allotted the power to fill vacancies on the Court to the governor.¹ The law was effective March 12, 1913, and the very next day, Chief Justice Calvin L. Brown announced the appointment of District Court Judges Myron Taylor and Homer Dibell as Commissioners. The *Little Falls Herald* carried the story on its front page:

**JUDGE TAYLOR IS NAMED
SUPREME COURT COMMISSIONER**

**JOHN A. ROESER OF ST. CLOUD
SUCCEEDS HIM AS JUDGE**

¹ The law is posted in the Appendix, at 13-14.

Judge Homer B. Dibell, Duluth, and Judge Myron D. Taylor, St. Cloud, were appointed Thursday of last week by the state supreme court, which was called together shortly after it was learned that Governor A. O. Eberhart had signed the bill providing for such appointment. When informed that the court had selected two district judges and thereby created vacancies Governor Eberhart late that night announced that he had named Bert Fesler, a prominent Duluth attorney and an active democrat, to succeed Judge Dibell and John A. Roeser, St. Cloud, to succeed Judge Taylor.

The court commissioners will have all the duties, responsibilities and emoluments of the supreme court justices, except the title, and will serve until the people amend the constitution so as to create two additional justiceships. Their appointment is made necessary by reason of the large amount of work which has accumulated before the court.

Both Judge Dibell and Judge Taylor are highly regarded as jurists by the members of the bar. The former is a native of Minnesota, is 44 years of age and has been on the district bench seven years. He studied law at the Northwestern university.

Judge Taylor is a graduate of the University of Minnesota and taught school for two years after graduation, but began the practice of law in St. Cloud in 1881. He was city attorney twelve years, register of the land office eight years and has been on the bench since 1906.²

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² *Little Falls Herald*, March 21, 1913, at 1.

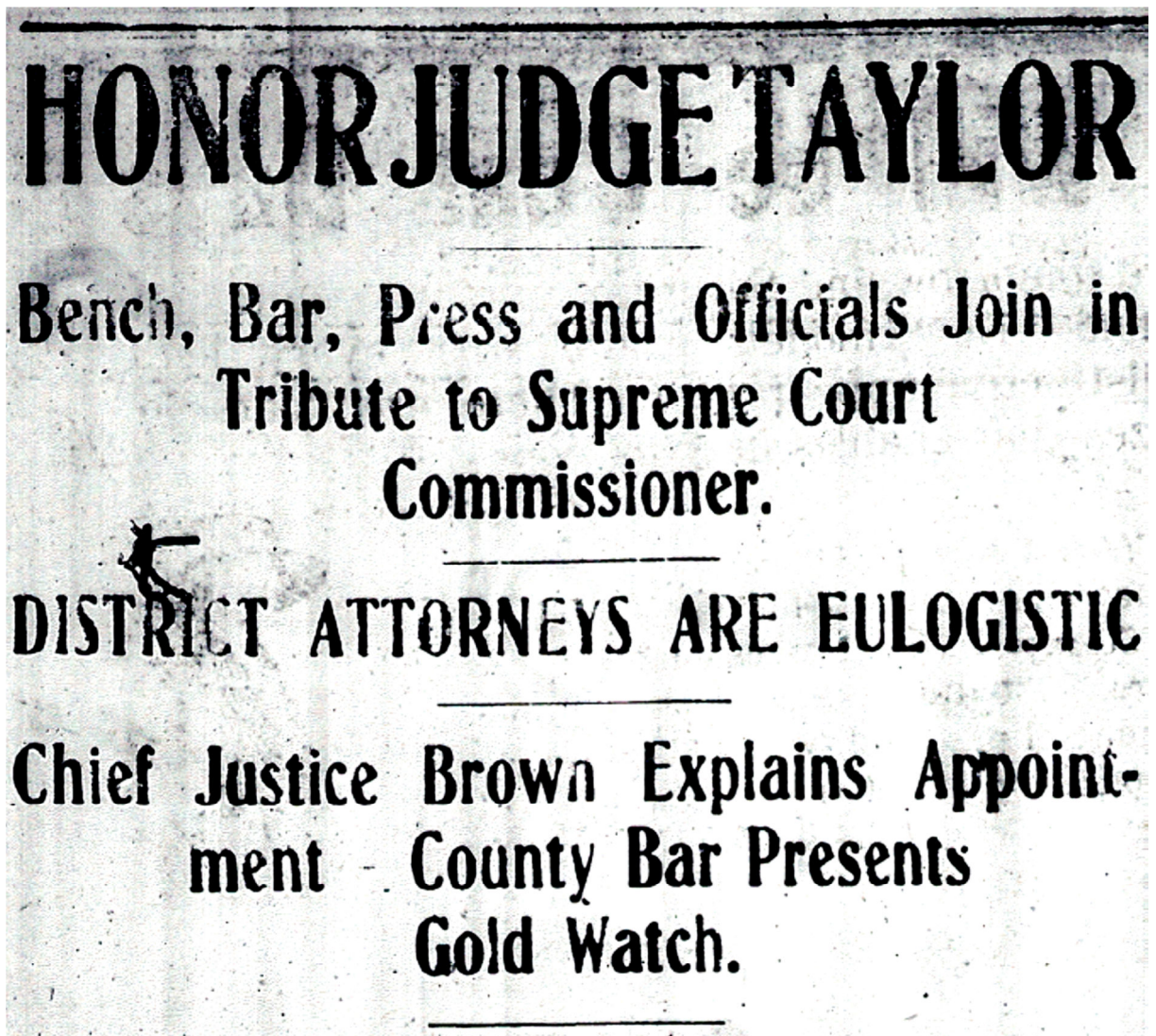
The Bar's Banquet for Commissioner Taylor

On the night of Thursday, March 27, 1913, the Stearns County Bar Association held a banquet to honor Judge Taylor. The *St. Cloud Daily Times* described the festivities:

Saint Cloud Daily Times

Friday, March 28, 1913

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The altitude to which Judge Myron D. Taylor has been raised in the love and respect of members of the bar of the Seventh judicial district, the bench of the same district,

state officials and his townsmen was testified to last night evening when about three score gentlemen representing bench, bar, state officials and townsmen, gathered at the Grand Central. Each guest of about the boards, which formed the letter "T," felt a sense of regret: realizing that the occasion marked a departure of a gentleman often elevated to positions of public trust and honor, a man who has reflected credit upon the city and district, a man who, as an official, a lawyer, and a judge, has been respected and revered, and a man who, as a man, is a pride to his every friend.

The service of the banquet did not commence until 9 because of a delayed train which bore Judge C. A. Nye and members of the bar from the northern part of the district.

Seated at the head table, which formed the top of the letter "T," were Toastmaster Brower, Chief Justice Brown, Judges Taylor, Nye and Roeser, and other speakers. At each plate had been placed a handsome souvenir menu and program card, the embossed cover presenting the initials of the honor guest in monogram. During the banquet the Elks' orchestra rendered a delightful musical program which elicited applause unstinted.

The banquet itself was a source of liberal commendation. The management of the Grand Central spared no pains in the preparation of a six course dinner which was faultlessly served under able direction of Miss Gusta, the efficient head waitress.

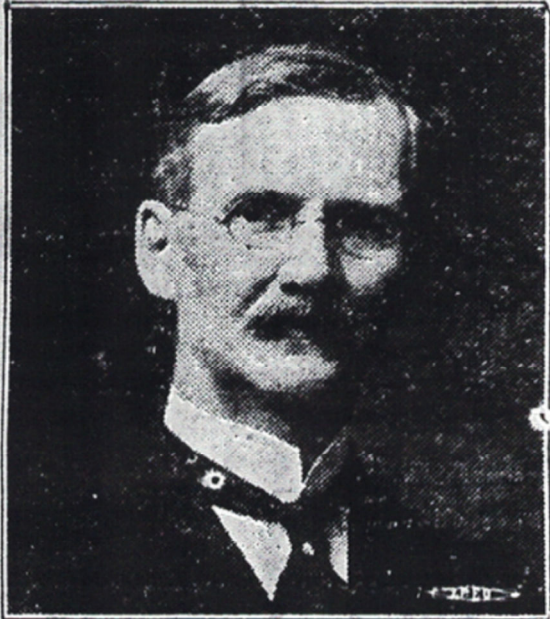
Shortly after 11 o'clock Toastmaster R. B. Brower opened the speaking program. Briefly he eulogized the honor guest and pointed to the record of the judge in eloquent phrase. It was God-speed and not farewell which the Toastmaster extended to Judge Taylor at the opening of the program of toasts. Mr. Brower then introduced Mayor Seberger.

The city's chief executive told the banqueters that he had come to express gratitude for the services which been rendered by Judge Myron D. Taylor while a resident of St. Cloud. He called attention to the large attendance from outside the city, each person here to pay tribute to a man and judge they respect. The tribute paid by all acquaintances of the honor guest, said Mayor Seberger, is to the man as well as the judge.

Illness prevented the attendance of President Theodore Bruener of the Stearns County Bar Association. By Judge Bruener's request, City Attorney James A. Jenks was next introduced in the name of the county Association. Mr. Jenks welcomed the attorneys of the Seventh judicial district and the other distinguished gentlemen present. Mr. Jenks, who had been associated with the honor guest in the past, hailed Judge Taylor the strongest of all able men who have practiced at the Stearns county bar. Instances of his earlier life were cited to substantiate the assertion that the Judge is essentially of a judicial mind.

Alvah Eastman, editor of the *Journal Press*, recalled humorously events and happenings during the days in which the honor guest and himself were co-laborers in the local land office. As long as the people continue to elect men like Myron D. Taylor, said the speaker, there will be no occasion for the exercise of the recall, which he, the speaker, favored.

C. F. Macdonald, editor of the *Daily Times*, was next introduced. The speaker took issue with the preceding gentleman and announced his opposition to the recall of judges and branded as the height of folly the recall of decisions upon constitutional matters. A resident of the city during the entire length of Judge Taylor's life in St. Cloud, Mr. Macdonald spoke with pride of the work of the honor guest.



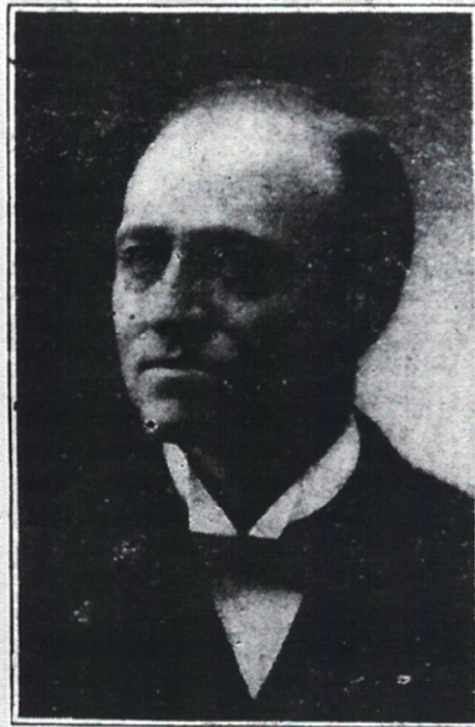
CALVIN L. BROWN,
Chief Justice Supreme Court.



MYRON D. TAYLOR,
Supreme Court Commissioner.



CARROLL A. NYE,
Judge 7th Judicial District.



JOHN A. ROESER,
Judge 7th Judicial District.

The appreciation of the Otter Tail county bar was expressed by J. A. Brown, of Fergus Falls. The respect, love, admiration and regard of the bar of that county has been given unreservedly to the honor guest he said. A reflection of credit has been cast upon the Stearns county bar, continued the speaker from Fergus Falls, by virtue of the selection of Judge Taylor by them. Realizing the strength of the local county bar's deliberations and wisdom of their selection, the western county bar feels satisfied that the elevation of Judge J. A. Roeser is a wise and judicial one. The respects of the Otter Tail bar were extended to Judge C. A. Nye. Congratulations to the entire district were voiced by Mr. Brown because of the district's ability to send so capable a man to the supreme bench.

County attorney A. B. Church, of Todd county, assured the Stearns county bar that the bar of his county experiences the same feelings as those possessed by the local county bar upon the elevation of Judge Taylor. He highly commended the administration of criminal law by the honor guest, admitting the while that the prosecuting attorneys are prone to urge stringent methods when the exercise of cool judgment always exhibited by the honor guest works to the best end.

Douglas county was represented by Constant Larson, of Alexandria. Courtesy, consideration, fairness, carefulness and soundness of judgment have been shown at all times by Judge Taylor, said Mr. Larson. It is a mark of tribute and of signal confidence that never in the experience of the speaker has he heard a word of adverse criticism from lawyers or others directed at Judge Taylor. The Alexandria attorney welcomed Judge Roeser.

In a humorous vein Superintendent F. L. Randall told of his friendship with the Judge. Mr. Randall told a number of humorous incidents and created great applause.

Mercy has been shown where mercy is due and stern justice where stern justice was needed. Thus did Don M. Cameron of Little Falls sum up his statements of the fearlessness and uprighteousness which have characterized the work of Judge M. D. Taylor upon the district bench.

The lateness of the hour and approach of the departing time for a number of the guests compelled to leave the city on night trains caused a portion of the program to be passed over.

Speaking for the lawyers of the state, Attorney General Lyndon A. Smith stated that the state bar is pleased to a man at the appointment of Judge M. D. Taylor to the Supreme bench.

Judge John A. Roeser, who on Tuesday morning will assume the duties laid down by Judge Taylor, told of the strength of the honor guest in a professional way. Judge Roeser promised the exercise of the very best within him in an attempt to worthily succeed so able a judge. His address was listened to with close attention, as he was a stranger to many of the attorneys. Judge Roeser made a very favorable impression.

The Stearns county bar has possessed strongmen but none stronger than the one who leaves soon for the Supreme bench duties, said Judge C. A. Nye, who had adjourned court at Detroit yesterday afternoon to be present last evening. The departure of Judge Taylor to the Supreme bench is a milestone in the judicial history of the state. A hearty welcome was extended to Judge Roeser.

"If there ever was an instance of the office seeking the man," said Chief Justice Calvin L. Brown, "it was in the case of the elevation of Judge Taylor to the Supreme bench. There were no agents upon the capital seeking to

secure this place for him. To my best belief he knew nothing of his contemplated appointment until apprised of the fact from the Capitol over the telephone, when he was invited to accept the proffered appointment. The Supreme court is in an excellent position to judge the ability of district court judges, through appeals taken from their courts and the records submitted. It is through these records that the Supreme court has recognized the fitness of Judge Taylor, for I think I am correct in saying that the Judge was previously known to but the minority of us personally. When this appointment was made by the Supreme court we had in mind fitness for a full fledged member of the Supreme court who would permanently retain the position."

In introducing Judge Taylor, Toastmaster Brower spoke of him as one who has won a place in the hearts of the people not held by his predecessors, and who had secured for himself a position in their hearts that others will strive hard to secure. As a memento of love and honor from the officers of the Stearns county bar, Mr. Brower presented the Judge a handsome watch and fob.

Sincerity was dominant when the honor guest arose and in that even tone which is so frequently been heard in every court room of the district, expressed his heartfelt appreciation of the honor shown by guests. Judge Taylor said that the satisfaction expressed by the gentlemen who had preceded him were attributes which he had never dared hope to deserve and he expressed a desire that in the performance of his new duties, to which he will give himself untiringly, he will be able to exhibit the qualities which the speakers said have characterized his district court duties. A fervent desire that his work at the capitol will be of a nature which will not cause regret to those who had so earnestly wished him God-speed was the expressed hope of the honored Judge.

Three rousing cheers were lustily given Judge Taylor and health was drunk to Judge Roeser before the guests dispersed at 1 o'clock.

All in all this splendid testimonial to Judge Taylor by Bench, Bar and Press, was as expressed by one of the speakers, a new incident in the Seventh judicial district. It was a tribute of confidence, esteem and affection which few men have ever received.

Those Present.

The guests were:

**Judge M. D. Taylor, St. Cloud.
R. B. Brower, St. Cloud.
Judge C. L. Brown, St. Paul.
Judge John A. Roeser, St. Cloud.
J. E. Jenks, St. Cloud.
F. L. Randall, St. Cloud.
James A. Brown, St. Cloud.
Atty. Gen. L. A. Smith, St. Paul.
C. G. Dosland, Moorhead.
M. J. Daly, Perham.
C. F. Macdonald St. Cloud.
Alvah Eastman, St. Cloud.
Judge C. A. Nye, Moorhead.
C. Rosenmeier, Royalton.
Mayor P. J. Seberger, St. Cloud.
Constant Larson, Alexandria.
Don M. Cameron, Little Falls.
A. B. Church, Long Prairie.
Carl Thiele, St. Cloud.
E. L. McMillan, Princeton.
John B. Pattison, St. Cloud.
Paul Ables, St. Cloud.
J. D. Kowalkowaski, St. Cloud.
James H. Maybury, St. Cloud.**

W. F. Donohue, Melrose.
F. H. Peterson, Moorhead.
J. W. Mason, Fergus Falls.
E. E. Sharp, Moorhead.
W. Geo. Hammett, Hawley.
Leonard Erickson, Fergus Falls.
W. C. Doane, Princeton.
Ira G. Stanley, Princeton.
A. H. Klasen, St. Cloud.
M. J. Stephens, Melrose.
J. I. Donohue, St. Cloud.
W. Leigh Cary, St. Cloud.
A. H. Vernon, Little Falls.
E. F. Shaw, Little Falls.
P. M. Woodward, St. Cloud,
W. S. Foster, Minneapolis.
J. B. Himel, St. Cloud.
George Hicks, St. Paul.
J. B. Vandersluis, Fergus Falls.
B. E. Schoener, St. Cloud.
James R. Bennett Jr., St. Cloud.
P. F. Schroeder, Detroit.
H. J. Limperich, St. Cloud.
Chris Schmitt, St. Cloud.
John Lang, St. Cloud.
J. P. Rau, St. Cloud.
Huert Hansen, St. Cloud.
P. B. Gorman, St. Cloud.
J. A. Senn, Sauk Rapids.
M. Z. Mitchell, St. Cloud.

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The following editorial also appeared in the *Daily Times*:³

Tribute to Judge Taylor.

The complimentary banquet to Judge M. D. Taylor at the Grand Central hotel Thursday evening, tendered by the Stearns County Bar Association and attended by Chief Justice Brown, Judges Nye and Roeser, Attorney General Smith, and attorneys from every county in the Seventh judicial district, was a tribute such as few judges ever receive. The eulogies pronounced by the attorneys who had practiced before him, were not perfunctory utterances. They were impressively spoken and bespoke absolute sincerity. Chief Justice Brown's explanation of the appointment proved it to have been a case of the "office seeking the man," due to Judge Taylor's well-known judicial qualifications.

The members of the Bench and Bar and his St. Cloud neighbors and friends join in congratulations to Judge Taylor upon his well-deserved promotion.

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³ *Saint Cloud Daily Times*. March 28, 1913, at 4.

Appendix

1913 Laws, c. 62, at 53-54.

CHAPTER 62—S. F. No. 409.

An Act to provide for the appointment of supreme court commissioners, prescribing their qualifications, the manner of their appointment, their duties, and fixing their term and compensation.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Two commissioners of supreme court to be appointed by the court at the same salary as a justice of the supreme court.—The supreme court of the state, upon the taking effect of this act, is hereby authorized and directed to appoint two persons as commissioners of the supreme court, each of whom shall possess the same qualifications, and take a like oath as justices of the supreme court. Such appointment shall be for six years from the date thereof. They shall each receive

the same compensation as a justice of the supreme court, and payable in the same manner; and during their appointment shall not engage in the practice of law. All vacancies shall be filled in the same manner as the original appointment.

Sec. 2. Duties of commissioners to be prescribed by the court—Offices to be at capitol—Appointment of stenographers.—It shall be the duty of said commissioners, under such rules and regulations as the supreme court may adopt, to aid and assist said court in the performance of its duties, in the disposition of causes now pending before it, or which shall hereafter be brought into it during the term of office of such commissioners. During his term of office each commissioner shall be provided with an office at the state capitol, suitably furnished, be supplied with stationery, and may appoint a stenographer who shall receive the same compensation, and to be paid in the same manner as stenographers of the justices of the supreme court are now, or may hereafter be appointed and paid.

Sec. 3. Termination of office.—Upon the increase, in the manner provided by law, of the number of associate justices of the supreme court to six, and the appointment and qualification of such additional associate justices, the term of the supreme court commissioners then in office shall terminate, and the office of supreme court commissioners hereby created, shall without further act be abolished.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 12, 1913.

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Related Articles

“Judge Dillon’s Farewell (1879).” (MLHP, 2014).

“The Year-End Banquet of the Stearns County Bar Association (1893).” (MLHP, 2016).

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