Section XVII

HISTORY OF THE MINNESOTA SUPREME COURT

BY

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In 1910 David F. Simpson was elected to the supreme court bench, served a year, and then resigned. He was born June 13, 1860, at Waupun, Wisconsin, and in his youth attended the district school a mile distant from his father's farm. When fifteen he entered Ripon College where he studied for three years preparatory to entering the University of Wisconsin, from which he later was graduated in 1882. Following he taught English at Wisconsin for a half-year. In the fall of 1882 he entered the school's law department, but later enrolled at the Columbia University Law School, receiving the degree LL.B. in 1884.

A few weeks later he arrived in Minneapolis with exactly $10 in his pocket. He entered a law office and rose rapidly; Robert D. Russell, city attorney, selecting Simpson as his assistant in 1891. From 1893 to 1897 Simpson was city attorney, and during that period handled two important cases -- one reducing the price of gas, and the other compelling the granting of transfers by the Street Railway Company. In the fall of 1896 he was elected a judge of the district court, and re-elected twice, resigning in 1910 upon his election to the supreme court.

Judge Simpson remained on the bench for only one year, serving from January 1, 1911 to January 1, 1912, at which date he resigned to form the law firm of Lancaster, Simpson &

Purdy. With this firm he continued until his death, which occurred at his home in Minneapolis, October 11, 1925.

During his year on the supreme court bench he wrote 71 opinions and 2 dissents. They are found in volumes 113 to 116 of the Minnesota Reports.

Several other changes now occurred on the bench. Following Simpson's resignation, Andrew Holt was appointed to the bench. [-1-] Justice Holt has since served, by virtue of continuous re-election, down to the present time -- a distinguished period of service, the duration of which has even now exceeded that of any other judge who ever sat on the bench of the Minnesota supreme court. And Justice Holt still marches on!

Andrew Holt was born in Carver county, Minnesota, May 20, 1855, and now, after serving more than a quarter century on the bench of the Minnesota supreme court, still remains an active member of this high tribunal.

In his youth he attended the common school in Carver county, St. Ansgar's Academy, and what is now Gustavus Adolphus College at St. Peter. Later he entered the University of Minnesota, from which he was graduated in 1880. He was admitted to the bar a year later and began to practice in Minneapolis. In 1894 he was appointed municipal judge, elected that fall and re-elected in 1900. In 1904 he was elected to the district bench.

On December 21, 1911, Judge Holt was appointed by Governor Eberhart to the seat on the supreme court bench made

vacant by Justice Simpson's resignation. Justice Holt's term began January 1, 1912. That fall he was elected for a six year term, re-elected in 1918, 1924, 1930, and 1936. During these years Judge Holt and Homer B. Dibell sat together on the bench for more than twenty years. They are the only two justices who have ever done so, serving together from April 1, 1913 to February 17, 1934, at which latter date Dibell died in service.

Incidentally, at the time of Holt's appointment, he was the first native Minnesotan ever to ascend the supreme court bench.

Inclusive to January 1, 1937, Judge Holt's work on the bench totals 1,451 opinions and 101 dissents. They begin to appear in volume 117 of the Minnesota Reports and continue through volume 198, and the last is yet to be written. [-2-]

George L. Bunn was appointed to the supreme court at this time by Governor Johnson. Bunn was born at Sparta, Wisconsin, June 25, 1865, and there received his early education. When sixteen years old he entered the preparatory department of the University of Wisconsin. Two years later he entered the University proper and graduated in 1885, whereupon he moved to La Crosse and continued his studies in a law office. In 1886 he again went to Madison and worked in a law office while attending the University Law School. He was graduated in the spring of 1888, and that fall moved to St. Paul where he practiced until appointed by Governor Clough to the Ramsey county district court to fill the vacancy

caused by the death of Judge Kerr. He remained district judge until 1911, when Governor Eberhart appointed him to the supreme court.

The term expired January 6, 1913, on which date he was again appointed associate justice by Governor Eberhart, this time to fill the vacancy created by the appointment of Associate Justice Calvin Brown to the chief justiceship.

During his service on the bench Justice Bunn wrote 439 opinions and 6 dissents. They are preserved in volumes 114 to 141 of the Minnesota Reports. He died October 9, 1918.

Philip E. Brown was elected associate justice in November 1910, and assumed his seat January 2, 1912. He length of service, like that of several of the others, was cut short by his death February 6, 1915.

Judge Brown was born June 11, 1856, in the town of Shullsburg, Wisconsin, and died February 6, 1915.

He was graduated from the University of Wisconsin, received his law degree from the Albany College of Law (New York) in 1881, and began to practice at Darlington, Wisconsin. Two years later he moved to Luverne, Minnesota, where he continued to practice. In [-3-] 1891 he was appointed judge of the Thirteenth district, elected in 1892, and re-elected in 1898 and 1904, continuing until his election to the supreme court.

During Judge Brown's tenure it was the custom of the supreme court, due to the crowding number of cases demanding

attention, to hear three appeals a day, five days every week, almost throughout the year. It is said that Judge Brown assumed this burden cheerfully, and from the resultant overwork arose the breakdown of his health which resulted in his early death.

In the three years that Judge Brown served the court he wrote 191 opinion and 5 dissents. They are found in volume 116 to 128 of the Minnesota Reports.

An increase was made at this time in the number of justices sitting on the bench of the supreme court. By an act of the legislature effective March 12, 1913, the supreme court was authorized and directed to appoint two persons as commissioners of the court, "each of whom shall possess the same qualifications, and take a like oath as the justices of the supreme court", the term of such appointment to be six years, and the salary to be the same as that for a justice.

The duties of the commissioners were stated "to aid and assist the court in the performance of its duties, in the disposition of causes now pending before it" -- in fact, the same as those of the regular justices.

It was further stated "upon the increase, in the manner provided by law, of the number of associate justices to six, 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".

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As stated in the act, the salary for the commissioners was to be the same as that provided for the associate justices, which at this date was $7,000. The chief justice received $7,500. [-4-]

Myron D. Taylor and Homer B. Dibell were appointed by the court, pursuant to this act, court commissioners soon after the act became effective, and began serving at the opening of the April term 1913.

Judge Taylor was born at Byron, Maine, December 30, 1855, and came to Minnesota with his parents in September, 1858. He attended the common schools in the state and then entered the University of Minnesota, from which he was graduated in 1878. Shortly afterwards he became principal of schools at Henderson, Minnesota.

In 1881 he moved to St. Cloud and commenced to practice law. He was city attorney at St. Cloud for twelve years, and register United State land office for eight years. On December 1, 1906 he was appointed to succeed district Judge Searle, and was twice elected to that office.

Then under the Laws of 1913, providing for the appointment by the supreme court of two court commissioners to act in the full capacity of justices, Judge Taylor was appointed commissioner early in 1913. On March 29, 1919, three days before the ending of his first term, he was appointed to succeed himself. Then, again, at the end of this term, April 1, 1925, he was re-

appointed once more. He voluntarily retired as commissioner August 1, 1930.

On leaving the bench Commissioner Taylor left behind him a record of seventeen years of service, during which time he compiled 973 written majority opinions and no dissents. They are preserved on volumes 121 to 181 of the Minnesota Reports.

Judge Dibell, who took his seat at the same time as Taylor, was born in Fillmore county, Minnesota, January 17, 1864, and died February 17, 1934.

When he was a year old his family moved to Illinois, and then in 1875 to Wolcott, Indiana. In this latter state Dibell [-5-] attended the local schools, and later taught in a country school there. He enrolled at Indiana University and was graduated in 1889. After graduation he entered a law office in Logansport, Indiana, and there studied law. Soon he entered the Northwestern University Law School, graduating from there in 1890.

The following year he moved to Duluth, and in October was admitted to the bar in Minnesota. He was a law clerk in the office of McGindley & Cotton in 1890 and 1891, a member of the firm of Cotton & Dibell from 1891 to 1893, and a member of Cotton, Dibell & Reynolds from 1895 to 1899.

In 1898 he was elected judge of the district court, and re-elected in 1904 and 1910. On April 1, 1913, he was appointed by the court to fill one of the two newly created offices of supreme court commissioner. Then in 1918, upon the death of

Justice George L. Bunn, he was appointed by Governor Burnquist an associate justice of the court, elected to the seat in 1920, and re-elected in 1926 and 1932. During this tenure, it will be recalled, he and Justice Holt served together for more than twenty years.

During his service on the bench Dibell lectured at the St. Paul College of Law, the Law School of the University of Minnesota, and at Yale, Michigan, and Northwestern Universities. At various times, beginning in 1927, Dibell served under presidential appointments by Coolidge, Hoover, and Roosevelt on arbitration boards in labor disputes. A labor magazine once captioned a picture of him "Square Shooter". And President William L. Bryon of Indiana State University once spoke of him as "one of the most able jurists in the United States".

In the twenty-one years that Justice Dibell sat on the high court bench he wrote 1,221 opinions and 142 dissents. They are found in volumes 121 to 191 of the Minnesota Reports.

Oscar Hallam had been nominated and elected associate justice in 1912. He assumed his seat January 6, 1913, preceding by a [-6-] few months the coming of the two court commissioners.

Hallam was born on a farm near Linden, Wisconsin, October 19, 1865, and there attended the district school. In 1881 he entered the Dodgeville high school, and a year later the University of Wisconsin, from which he was graduated in 1887,

whereupon he entered the University Law School and graduated two years later.

He came to Minnesota in 1889, locating at St. Paul where he gained immediate admission to the bar. He remained in practice until January 1, 1905, when he became judge of the Second judicial district.

In 1912, as mentioned, he was elected to the supreme court. His resignation, tendered early in 1923, became effective May 25 of the same year. Since leaving the supreme court bench he has long been an active and prominent figure in state and national affairs.

During the ten years that Judge Hallam was a member of the high court he wrote 626 opinions and 65 dissents. They are contained in volumes 120 to 156 of the Minnesota Reports.

A glance at the work being accomplished by the court during this period shows little yearly change in the number of cases coming before it. Shortly after the turn of the century the number of cases began leveling off from the peak which had been reached in 1895, and since then have maintained a rather even yearly average -- about four to five hundred actions. [-7-]