

PROCEEDINGS

In Memory Of

ASSOCIATE JUSTICES CHARLES LUNDY LEWIS, CHARLES BURKE ELLIOTT, AND THOMAS DILLON O'BRIEN.

In the afternoon of November 25, 1936, at two o'clock, the court being assembled at the court room in the State Capitol, Chief Justice John P. Devaney called upon Michael J. Doherty, president of the Minnesota State Bar Association.

Mr, Doherty then said:

May it please the Court:

The bar of Minnesota asks leave at this time to join with the court in honoring the memory of three men who have passed from this life since this court last convened for a similar purpose. Each of these three men was during his lifetime a leader of the bar of this state and a distinguished member of this court. The Honorable Charles L. Lewis died February 11, 1936. The Honorable Charles B. Elliott died September 18, 1935. The Honorable Thomas D. O'Brien died September 3, 1935. In order that a brief biography of each of these men and an expression of the sentiment toward them of their contemporaries be preserved in a lasting form, we ask that the memorials and the addresses which are to follow be when given inscribed upon the permanent records of this court. The bar is represented by Mr. Frank Crassweller, Mr. Hugh J. McClearn, Mr. A. L. Agatin, and Mr. John B. Richards, who will present a memorial of the Honorable Charles L. Lewis; by Mr. James D. Shearer, Mr. Fred B. Snyder, and Mr. Willard R. Cray, who will present a memorial of the Honorable Charles B. Elliott; and by Mr. Charles Donnelly, the Honorable Frederick N. Dickson, Mr. James D. Shearer, and the Honorable Pierce Butler, who will present a memorial on behalf of the Honorable Thomas D. O'Brien. Although the last mentioned of this group has for some years occupied a high judicial position, he is still, I think it is safe to say, in spirit, a member of the bar of Minnesota.

ASSOCIATE JUSTICE CHARLES LUNDY LEWIS.

Chief Justice Devaney then said: Mr. Crassweller.

Mr. Frank Crassweller then said:

May it please the Court:

Mr. McClearn, the chairman of this committee, unfortunately is unable to be here, and he has asked me to represent him and to present this

MEMORIAL

Charles Lundy Lewis was born in March, 1851, on a farm five miles from Ottawa, in LaSalle County, Illinois. His parents were Samuel R. and Anna Harley Lewis, who were natives of Pennsylvania. Samuel E. Lewis was of Quaker descent and emigrated to Illinois with his father, Jehu Lewis, in 1833 when Samuel R. was 15 years old. Before emigrating, Jehu Lewis

kept a "station" on the "Underground Railroad" on the Baltimore Pike in Washington County, Pennsylvania. Both Jehu and Samuel R. Lewis kept "stations" on the so-called "Underground R. R." in Illinois. Samuel R. Lewis was a friend of Abraham Lincoln. He was one of the founders of the Republican Party. He attended the convention that nominated Lincoln in 1860. Samuel R. Lewis was County Treasurer of LaSalle County, Illinois, for four years and State Senator for four years.

Charles Lundy Lewis was named Charles Lundy for Charles Lundy, a brother of the celebrated Abolitionist, Benjamin Lundy, who lived and died in LaSalle County, Illinois.

Charles Lundy Lewis attended a district school situated on his father's farm until he was 16 years old, when he entered the Ottawa high school. After graduation from Ottawa high school, he entered Oberlin College, from which institution he graduated in 1876. He spent two years in a law office in Chicago. In 1879 he opened a law office in Fergus Falls, Minnesota. While there he served as prosecuting attorney. He was a delegate to the convention that nominated Benjamin Harrison in 1888. He moved to Duluth in April, 1891, and on March 14, 1893, he was appointed judge of the district court by Governor Knute Nelson and moved to Duluth. Some years later he resigned from the bench and became a partner of J. L. Washburn of Duluth.

In 1898 he was elected a justice of this court and took his seat on the bench January 1, 1900. He was reelected in 1906. Judge Lewis retired as a justice of this court January 1, 1912.

About a year after Judge Lewis left the bench he went to Duluth, where he was ill. From there he went to Wisconsin to be near his son, Charles L. Lewis, Jr., and remained there until some time in 1915, when he went to California for his health. He stayed in California until the early part of 1916, when he left for Kingman, Arizona, to establish a business and home as his health had improved. He was admitted to the bar in Arizona and practiced law there until 1922. During the latter part of 1922 he returned to Los Angeles and formed a law partnership with Don Lehman, formerly of Minneapolis, and this co-partnership continued until his death. He was admitted to practice law in California in January, 1923, and died there February 11, 1936. Because of ill health, Judge Lewis was not active in the practice of law the last three years of his life.

Don Lehman, his law partner, says of Judge Lewis:

"During my association with him I found him very honest, reliable and kindly, always considerate of the rights of others and always ready to do the fair thing. Until a very few days before his passing his mind was very clear, and he had a very comprehensive grasp of all matters."

One of the outstanding happenings in his later years was a celebration of his fifty-fifth wedding anniversary with Mrs. Lewis in May, 1935. At this celebration there were three couples who had been married 55 years, all of whom had been students at Oberlin College, Oberlin, Ohio, all living in Los Angeles at the time of the celebration. This being such an unusual occasion, one of the radio broadcasting stations of Los Angeles arranged a special party at which each of the six celebrants made short radio talks.

Judge Lewis passed away February 11, 1936, and his body was cremated and placed in an urn at Forest Lawn Memorial Park, Glendale, California. He is survived by his widow, Janet D. Lewis, now residing at 149 North Gramercy Place, Los Angeles, California; Laurel Lewis Buckle, a daughter, residing at 2254 Arthur Street, N. E., Minneapolis, Minnesota; William Murray Lewis, a son, residing at 38 Lafayette Avenue, Haddonfield, New Jersey; Charles L. Lewis, a son, residing at 125 South Oxford Street, St. Paul, Minnesota; and Margaret Lewis

Fees, a daughter, residing at 538 Harps Street, San Fernando, California.

HUGH J. McCLEARN
A. L. AGATIN
FRANK CRASSWELLER
JOHN B. RICHARDS

Mr. Crassweller then said:

I regret that there are not more from Duluth who could say something in reference to Judge Lewis. From the time that he became a member of this court he was very little in Duluth, and in 36 years many things are forgotten. His law partners, J. L. Washburn and W. D. Bailey, are both dead.

My recollection of Judge Lewis is of a kindly, courteous man of high ideals, unpretentious but dignified, of great integrity, and of good courage. It came to be his duty during the time he was on this bench to make a decision affecting the city of Duluth and the iron ore district of the North, and he made that decision and wrote the opinion knowing that it would arouse strong feeling and antagonism in that northern country. He made his decision as he believed it should be, and he stood by it. I take it as a high grade of courage when a man will do his duty knowing that his position will be misunderstood, his motives misconstrued, and his decision derided and bitterly resented by those who had theretofore been his strongest friends.

Judge Lewis was a good lawyer, a good judge, a good citizen, and well upheld the high traditions of this court.

Chief Justice Devaney then called upon Justice Hilton to speak for the court on behalf of Justice Lewis.

Associate Justice Clifford L. Hilton then said:

Gentlemen of the Bar:

Charles L. Lewis became a member of the Fergus Falls bar in 1880. At that time I was a young student in the Fergus Falls high school. As a boy and young man, I became well acquainted with him. I knew the high esteem in which he was held not only by the members of the local bar but also by the citizenry of Fergus Falls and Otter Tail County. Although of a reserved nature, he had a pleasing personality. His reputation was that of a studious, careful, and capable lawyer. He was not a brilliant orator but as an advocate was convincing. I heard it frequently said by those who knew him best, that his preparation for the trial of a case was always thorough and left nothing to chance.

He served as county attorney of Otter Tail County for four years. His manner of conducting a prosecution was fair. Although very successful in securing convictions, there was never an attempt to obtain them by other than proper methods. He moved to Duluth in 1891 to continue the practice of law. In 1893 he was appointed judge of the district court in St. Louis County by the then governor, Knute Nelson. The attorneys who there practiced before him held him in the highest regard.

In the fall of 1899 he was elected associate justice of this court, which office he held for 12 years. The first opinion written by Justice Lewis appears in the last five pages of volume 78 of the *Minnesota Reports*. The case, a criminal one, was tried before Judge David Simpson of Hennepin County, afterward a justice of this court. For the state in that case appeared Wallace B. Douglas, then attorney general, who later also became a supreme court justice.

Justice Lewis brought to the discharge of his duties in this court the same sterling qualities and ability that had made him outstanding in the private practice of law and in his work on the district bench. It fell to his lot to write the opinions in many important cases. He expressed his views with remarkable clearness. His contribution to the opinion law of this state made a most favorable impression both within and without its borders.

His friends were many and devoted. His learning and ability were exceptional. His consecrated faithfulness to duty earned for him wholehearted regard and affection.

Chief Justice Devaney then said:

In response to the suggestion of the president of the bar association, it is ordered that these memorials be filed and become a part of the records of this court and that they be printed in the *Minnesota Reports*.