

PROCEEDINGS
IN MEMORY OF
ASSOCIATE JUSTICE COLLINS

LOREN WARREN COLLINS

August 7, 1838—September 27, 1912

On the afternoon of October 22, 1912, in the court room at the State Capitol, HON. ELL TORRANCE addressed the Supreme-Court, then in session and said:

May it please the Court:

On behalf of the Minnesota Bar Association and upon motion of the Attorney General, the committee appointed by this Court to prepare and present to the Court a memorial of the life and public service of the Honorable Loren W. Collins, late Associate Justice of this Court, who departed this life September 27, 1912, in the discharge of its duty, has prepared a memorial which will now be read by Mr. Farnham, secretary of our committee.

The CHIEF JUSTICE then said: Mr. Farnham.

CHARLES W. FARNHAM, Esq., then read the following:

MEMORIAL

The Honorable Loren Warren Collins, once Associate Justice of this Court, died at Minneapolis on the twenty-seventh day of September last,

He was born at Lowell, Massachusetts, August 7, 1838, of old, New England stock. His ancestors served in the French and Indian War of 1760, King William's War, the defense of Fort Edward and of Black Point. They also held many positions of trust and responsibility in civil life, one of whom was the last Colonial Governor of New Hampshire.

At the age of sixteen Judge Collins came to the then territory of Minnesota with his father, who located on same unsurveyed land at Eden Prairie, Hennepin county. His education up to that time had been meager, being such as was afforded by the public schools of Chicopee and Palmer, manufacturing towns in Massachusetts, where his father, a mill operator, resided.

In the fall of 1858 he taught a four-months term of school near Cannon Falls, for which he received a school district order for \$60; and in 1859, with this as his sole asset, he commenced the study of the law at Hastings with the firm of Smith, Smith & Crosby. In January, 1862, the firm dissolved and he remained with Judge Crosby until August following, when he entered the army and was at once promoted to Second Lieutenant of Company F, Seventh Minnesota Volunteer Infantry. While reading law he had some experience in trying cases before justices of the peace, but that was all. His army service was a meritorious one. For eighteen months he defended his adopted state against the depredations of the Indians, the ancient foes of his

ancestors. He participated in the Sibley campaign, which terminated in the Battle of Wood Lake, in which the Indians were routed and five hundred white women and children released from captivity.

In the winter of 1864 his regiment was ordered south, and until the close of the war he was actively engaged in operations against the Confederate forces. He participated in the decisive battle of Nashville and was breveted Captain for gallant and meritorious services. He was honorably discharged from the service August 16, 1865, and spent the following six months in Alabama, as a treasury-agent.

In May, 1866, he commenced the practice of the law at St. Cloud, and continued such practice until April, 1883, when he was appointed to succeed Judge McKelvey of the District Court. During this period of seventeen years he acquired distinction as a lawyer and man of affairs. For four years he was associated with Colonel Charles D. Kerr, in the practice of the law, and for a somewhat shorter period with Theodore Bruener, Esq. In 1876, 1877, 1878 and 1880 he was Mayor of the city of St. Cloud, and for eight years was County Attorney of Stearns county. From 1881 to 1883 he was a member of the State legislature.

November 16, 1887, while serving as Judge of the Seventh Judicial District, he was appointed an Associate Justice of this court, to fill the vacancy caused by the death of Justice Berry. The following year he was elected to succeed himself, and again in 1894 and again in 1900. April 1, 1904, he resigned to become a candidate for Governor of the state. In his unmerited defeat, the state of Minnesota sustained a loss from which she has not yet recovered.

At the age of sixty-six he resumed the practice of the law in Minneapolis and met with a success quite unusual for one so advanced in years and who had been out of active practice for so long a period of time. At the time of his death he was a member of the firm of Collins & Eaton.

While he was a member of this court he wrote over fifteen hundred opinions. They are models in style and composition, and no one, in reading them, would question his scholarly attainments or surmise that his early education had been fragmentary. He had the manners of a scholar, and in his conversation and writings disclosed a self-culture that was the full equivalent of a liberal education.

He was a man of sterling integrity, of great moral courage and unblemished honor. He had a profound sense of duty, which with his natural vigor of mind enabled him to accomplish much. The history of Minnesota from territorial days down to the present time cannot be properly written without a recital of the civil, military, and judicial service of Judge Collins. He was a man of strong personality, uniformly courteous and agreeable, and commanded the respect, confidence, esteem and friendship of all who knew him. Of him it can be truly said that he combined in rare degree the virtues, qualities and excellences of jurist, statesman, soldier and citizen

ELL TORRANCE,
KNUTE NELSON,
THEO BRUENER,
J. N. SEARLES,
LYNDON A. SMITH,
CHARLES W. FARNHAM,
M. B. WEBBER,
WALLACE B. DOUGLAS,
C. L. LEWIS,

Committee.

HON. ELL TORRANCE then addressed the court and said:

May it please the Court:

The records of this court contain many cherished memorials, and today another is added to the lengthening roll of honor. These memorials are the incense that envelops the shrine of justice. They are tributes which the living pay to those

"Whose actions, like the just,

"Smell sweet and blossom in the dust,"

and their chief value consists in the inspiration to better things which follows the contemplation of the lives and services of those distinguished for excellence of character, efficiency of service and nobility of soul.

Minnesota, since her birth, has been fortunate in the character of her judges, and especially so as to those who have constituted the court of final resort. In the history of American jurisprudence the opinions of this court will, I am sure, share immortality no less illuminating and instructive than that of the courts of other commonwealths, and the moral qualities and high ideals of her judges will lend strength and beauty to the written page. Invaluable as the work of this court has been in interpreting and applying right rules of conduct to human affairs, and in safeguarding life, liberty and the pursuit of happiness, I firmly believe that the character of the eminent men, who from time to time have composed the Court, has exerted upon society a beneficial influence as helpful and enduring as the product of its official labors.

A just, wise and fearless administration of the law is possible only when those who administer the law are men of wisdom, courage and uprightness, and to the memory of one whose life and public services measured up to the highest standard that can be applied to conduct, and duty, we today out of grateful hearts pay a sincere and affectionate tribute.

For more than half a century Judge Collins stamped his personality upon the affairs of this great, state, and it is a pleasure and a privilege on this occasion to speak his just praise.

He was a learned, clear-headed, right-minded, honorable and just judge. He met all the requirements of his great office. His services as a member of this Court were contemporary with those of some of the greatest jurists of the state. For years he was a co-laborer with Chief Justice Gilfillan and Justices Mitchell, Dickinson and Vanderburg. He had great capacity for work and was a man of extraordinary industry. Patient, tireless, painstaking, he could not rest content with a single duty unperformed. He had an attentive mind and a retentive memory. He grasped with readiness the facts in a case, even to the minutest detail, and with ease arranged them in orderly sequence so that, with the law clearly in mind, he could speedily reach a right conclusion.

But I will not longer dwell upon his services as a member of this court. They are monumental and constitute a part of the permanent wealth of the state, and among the illustrious names that have adorned the bench and bar of Minnesota, none will shine with a clearer or steadier radiance than that of Judge Collins.

For a few moments I now ask the indulgence of the court while I speak of him as a man, for he was more than a great administrator of the law. He was a lovable man, a good citizen, a true patriot, a devoted husband, an affectionate father and a sincere friend. He was a many-sided man, but at all times and everywhere he was sincere, steadfast and dependable. He was a courteous, well-bred gentleman, and although at ease in the abodes of the rich, he was not a

stranger in the homes of the poor. He was a popular man in the best sense of the term. His friends were legion. I have often walked with him on the crowded streets of my home city, feeling that I was almost among strangers, while Judge Collins would again and again be greeted in the most cordial manner by those who knew him. I have traveled with him on long journeys, rarely seeing anyone that I knew, while he would meet and greet friends at every turn.

He had a sane and wholesome mind, always hopeful, optimistic, and of two evils he rejected both. He believed in his fellow men and his fellow men believed in him. He looked upon the bright side of life and the windows of his soul opened toward the south and to the sunshine. He did not, as many do, regard the age in which he lived as a sordid one. While recognizing the evils in society and the importance of their correction, he believed that the world was growing better every day and that belief helped to make the world better.

His attachments were strong and applied to places as well as to persons. While his duties made it necessary for him to be absent from St. Cloud much of the time, and finally to change his residence to another city, his real home remained at St. Cloud until the day of his death. For it was there that he had achieved his early successes in life. It was there that his children were born and where the hearth burned brightly with a sanctifying warmth. It was there that the wife of his affection and his dearly beloved daughter fell asleep and at whose graves sorrow carved deep lines of grace and beauty upon his soul. It was there that many of his compatriots of the Great War resided, and strong as were the inducements for him to transfer his membership in the Grand Army of the Republic to another Post, he would not desert his old comrades in their declining years, and one of the most touching and pathetic incidents connected with his funeral was the tender tribute paid by the venerable survivors of his Post as they gathered about his casket and covered it with flag and flowers.

True friendship is the staff and comfort of our earthly pilgrimage and the severing of the silver cord that binds friend to friend gives lasting pain. Nevertheless, there is more of joy than of sorrow on occasions like this. When the summer is ended, the bountiful harvest is gathered with gratitude and song into the barns and the ripe fruit is plucked with gladness from the overladen branches. If it were not so, then would the remembrance of the blossoming trees and the waving fields of grain bring pain rather than pleasure, for without fruitage all ends in disappointment and sorrow. But the contemplation of the useful life of our friend brings to our hearts comfort and satisfaction, and we are thankful that he rests from his labors and is at peace in the abodes of the blest.

HON. WALLACE B. DOUGLAS then addressed the Court and said:

May it please the Court:

While shocked at the sudden going from our midst of Justice Collins, it still affords me pleasure to bear testimony to the fact that my thought harmonizes with the expression of his most intimate friend, Judge Torrance, who has spoken here today. It was my very great good fortune to know Judge Collins intimately while judge of our District Court in the old Seventh Judicial District, and I recall the first impression gained after his appointment, namely, that he was always alert and quick to decide, and as our acquaintance deepened, I was impressed by his sound judgment and the hearty good fellowship in his make-up which was always dominant. We learned later that he was an accurate lawyer, and he gained in full measure the regard and confidence of the bar upon his circuit. It was my good fortune to be associated with him still

later in many ways during the longest period of his usefulness, while he was Associate Justice of this court, and it occurs to me at this moment that naught has been said by his most intimate friend, except that which we can all testify to with reference to his many-sidedness, his judicial ability and to his accuracy as a lawyer, and it affords me very great pleasure to say that, during the many years of our acquaintance and friendship, I always found him to be a man of the highest integrity, great courage and one of the most useful officers who ever served in this state.

HON. MARSHALL B. WEBBER then addressed the Court and said:

It had not been my expectation to say anything, personally, in memory of justice Collins, except what is uttered in the memorial, and I do so only through insistence on the part of members of the committee. I am very glad to bear testimony to the many lovable characteristics of Justice Collins. These occasions always appeal to me as somewhat hollow. What we say in commemoration of those that have gone on cannot be heard by them, and the thought often comes to me of the expression of another that "A single rose to the living is more than sumptuous wreaths to the dead." Of course, all the virtue there is in these memorial exercises is in commemoration of those characteristics of the dead which are worthy of exemplification on the part of the living.

I remember Justice Collins as a very lovable and approachable man, a man, who, upon all occasions, whether upon the bench in his official capacity, or upon the street, or in any social gathering, was always a lovable acquaintance and valued friend.

I have thought, at times, that there was seemingly an impenetrable wall between the bench and the bar, but with Justice Collins I believe no lawyer ever felt that he was not at any time welcome, or that he could not approach him as an acquaintance on terms of intimacy, and with that intimacy between the bench and bar, judge and lawyer both become stronger and better.

I cheerfully bear my testimony to the lovable characteristics of this dead Justice. I shall ever revere the memory of Justice Collins.

CHARLES W. FARNHAM, Esq., then addressed the Court and said:

From Mr. Bruener, of St. Cloud, a member of our committee, conies this communication:

Owing to my inability, on account of illness, to be present at the memorial exercises in honor of the late Justice, Loren W. Collins, I have requested the secretary of your committee to present this my tribute of respect, of love and admiration for the life and character of the deceased jurist.

I regard it as a great privilege and my utmost good fortune to have made the acquaintance of that good and noble man, Judge Collins, soon after my arrival in the North Star state in 1879, and to have become associated with him in the practice of law in the summer of that year, in the city of St. Cloud. Having at that time just graduated from the University of Michigan, with but a meager working knowledge of the law, Captain Collins, as he was then addressed by everybody, was ever ready and willing to be interrupted in his work to answer questions and to extend a helping and sympathetic hand. He was indeed a father to me in these early days of my career. But not to me alone did his kindly and sympathetic soul go forth, but to everyone needing assistance. No young man ever applied to Captain Collins for assistance, advice, or comfort, in vain.

Courteous and cheerful at all times, casting sunshine wherever he went, Judge Collins was loved and admired by everybody. The fact that he was elected County Attorney for three consecutive terms, and once for the legislature, in a county where the great majority of the voters affiliated with a different political party than his, is evidence of the great esteem in which he was held by the people.

It was, therefore, not surprising that with his untiring energy, a well educated mind and his admirable traits of character, he rose rapidly in his profession, was chosen District Judge of the Seventh Judicial District and while still a young man, was elevated to the high and responsible position of Associate Justice of the Supreme Court, which he filled so excellently for so many years. In his death the state has lost one of its best, most beloved, and most distinguished citizens. Long will his memory live in the hearts and minds of all who knew him, and long will his services to his country be gratefully remembered by those who justly appreciate them.

HON. J. N. SEARLES then addressed the Court and said:

My first recollection of the late Judge Collins dates back to the time he became a citizen of Hastings, in the state, in the year 1858, I think. I remember his being in the law office of the late Judge Seagrave Smith and his partners for the purpose of qualifying himself for the legal profession. Under the tuition of Judge Smith he had the leadership of one of the many solid legal intellects who have graced the bench of this state, one who had graduated from a Connecticut law office at a time when lawyers were confined in their studies chiefly to the leading text books. Then it was difficult to find, what we now speak of as a "case lawyer." In those days we took delight in consulting the text books for the principles of law. It was chiefly a day of Kent, Greenleaf and leading works on Equity and the other main branches of the law that constituted the lawyer's library. It has been a matter of common knowledge that lawyers of that age were among the most successful members of the bench and bar in this country. Judge Collins had that very desirable training.

When the war broke out circumstances led him in one direction and me in the other. My next acquaintance with him was of a casual character, when I found him practicing law at St. Cloud. Afterwards I had the pleasure of meeting him in the legislature in the session of 1881, where he took a leading and active part in the House as one of its members. I remember the activity and zeal that was displayed by him in the adjustment of the old Minnesota Railroad bonds. They had been a subject of constant discussion ever since the organization of the state. With the aid of this Court that controversy was adjusted. He was largely instrumental in bringing about that result.

Judge Collins' intellect as a lawyer was exceedingly alert. He had the faculty of taking the proper focus of legal propositions. He could hold off a state of facts at the right distance and get a correct photographic outline of its legal qualities. He was always ready to justify his opinion by reference to the fundamental principles that he had absorbed from his early reading, and he possessed, in addition to that, the quality of a good mixer among men. He had, far beyond most of us, the quality of extending his acquaintance with men with whom he associated. He was thereby less subject to the criticism that has been made of the legal profession, especially in these later years, that they are so conservative that they do not keep abreast of the movement of the masses of people; that their studies lead them to look backward instead of forward; that they are looking for precedent on which to base their action and, consequently, their eyes are

turned rather to what has been than to what is or should be. Judge Collins was comparatively free from such criticism, largely owing to his extended acquaintance with all classes of men. The seventeen years that he served on this bench, as one of the members of this Court, were seventeen of the most eventful years of the legal life of this state, and during the entire period he acquitted himself with honor and credit, not only to himself, but to the people who placed him there. The fifty or more volumes of this Court that contain the results of his labors on this bench are, and ever will remain, a memorial to the industry, integrity and courage of Judge Collins. And those are the fundamental elements of good citizenship.

HON. ELL TORRANCE then said:

May it please the Court:

I believe that all the members of the committee present have now addressed the Court. At the time of Judge Collins' death he was associated in the practice of law with Mr. Eaton. Mr. Eaton is here and I am sure we shall be glad to hear from him.

The CHIEF JUSTICE then said:

The Court will be glad to hear from Mr. Eaton.

LEW K. EATON, Esq., then addressed the Court and said:

In all that has been said I concur, and deeply cherish this opportunity of saying something of the affection and admiration that I bore for Judge Collins, and of the reverence I bear for his memory.

I believe that it is perhaps more difficult for me to express my regard for him than for any person present, outside of his immediate family. My association with him was wholly confined to the later years of his life, and I can only speak of his more active period from the records of this court, where for all time is preserved the remarkable of his mind. I do not believe that in the records of any are found the principles of justice, however profound, laid down more directly, more clearly or more purely, than in the opinions written by Judge Collins,

My knowledge of his character, mind and disposition comes from intimate, personal and daily contact as a business associate. It is difficult to say which of his many admirable qualities seemed to predominate, but during our association what seemed to me more remarkable than anything else, in these late days of new theories and ultra-modern economics, was his admirable sanity.

Though past threescore and ten, his mind was that of ripened manhood. Whatever public question was being discussed, in a few sentences he would go to the root of the subject, discard its nonessentials, and give his opinion clearly and concisely, and one might always be sure that that opinion was the reasonable and sane opinion. He could not abide the sycophant, the demagogue, nor any of those "miserable aims that end in self." He stood for humanity. He had many charities and gave freely in a material way, and what was vastly more important, he gave his sound healthy-minded advice.

Wherever he was known he was respected and admired, and I believe that admiration was caused by his rugged honesty, which stood four square to all the world.

His love for his comrades in arms and his enthusiasm for their well-being showed itself by some act each day. He gave unstintingly to these objects, both of his purse and of his life. No journey was too long, no work too hard for him to undertake, if it concerned the Grand Army. Since January, 1911, his health had not been of the best, but in spite of the fact that he had full knowledge of his condition, he did not in any wise diminish this labor of love, nor did it in any wise diminish his interest in affairs, his nimble wit or kindly humor. He was always courteous, always kindly to every person, whatever be his or her circumstances.

I find it very difficult indeed to speak of our relationship. It taught me that he was an ideally devoted father and a firm friend. Our relations were more than those of professional associates, for with the same feeling with which I would have consulted my own father I repeatedly asked and took his counsel and advice in the every-day affairs of life, and that counsel and that advice were always good.

In him the state has lost one of her first citizens, the bench and bar have lost one who should be an example to all members, his sons have lost a devoted father, and I have lost my guide, counselor and friend.

It is therefore trebly difficult for me to express my affection and admiration. From his own lips, and from the records of this Court, from the history of this state and the testimony of those who knew him well, I have learned of his life; from daily association I learned to know his mind and character; from all of this, it seems to me that, when I say that Judge Collins was of the finest type of the American and the lawyer, the jurist and the citizen, one who was a true friend, whose memory I shall ever revere, I have only spoken the truth.

CHIEF JUSTICE START then responded for the Court and said:

Gentlemen of the Bar:

It is difficult for me to speak of Judge Collins without seeming exaggeration, for he was one of my most intimate and cherished friends. I knew him personally for some thirty years; but it was not until 1895, when I became a member of this Court, that I came to know him intimately and to appreciate his great ability and sterling character. We were associated in the work of this court for more than nine years, and our official relations resulted in a close and devoted friendship which grew stronger as the years advanced.

His was a lovable and interesting personality, and he made friends readily and retained them by his worth and cheerful readiness to help them. He was a devoted father, and his care for his motherless boys was touching. He was to them a loving father, mother, comrade and friend; their inspiration and example. His mental grasp was clear and incisive; his impulses honorable; and his manner simple and unaffected. He was a man of manly common sense, of unquestioned integrity, and of great intellectual force.

He was, as was his nature, always courteous to his associates on the bench, and deferential to their views. He was, however, a man of independent judgment, reaching his conclusions with care to which he adhered unless, upon a full discussion in the consultation room, he became satisfied that they were not legally right and just.

He was a keen and accurate observer of men and things which with his knowledge of the history and traditions of the state, its public men, laws, and institutions, together with his great ability industry and legal learning, made him a practical, able and just judge. The state in his death has lost one of its best and most eminent citizens, whose life was clear and clean, and full

of useful work and unobtrusive kindness.

The Court receives with grateful appreciation your memorial which is a just and merited tribute to a loyal friend, a public spirited citizen, a brave soldier, an able and just judge, and a man of unblemished honor.

As a tribute to his memory, the Court directs that your memorial and addresses be entered in the records of the Court for the day.