

## PROCEEDINGS

In Memory Of

CHIEF JUSTICE JOHN P. DEVANEY

AND

ASSOCIATE JUSTICE ROYAL A. STONE

In the afternoon of February 10, 1943, at two o'clock, the Court being assembled at the courtroom in the State Capitol, Chief Justice Henry M. Gallagher called upon James A. Garrity, President of the Minnesota State Bar Association.

Mr. Garrity then said:  
May it please the Court:

The Bar of the State of Minnesota has recently lost by the death of Chief Justice John P. Devaney and Associate Justice Royal A. Stone two of its most distinguished and illustrious members. The State Bar Association, of which I am President and which I am here to represent, has thought fit that there be recorded in this high tribunal some proper and permanent memorial in recognition of the ability and virtues of our departed brothers.

It is truly meet and just that this great tribunal, over which Chief Justice John P. Devaney presided and of which Associate Justice Royal A. Stone was a member for many years, should specially assemble in their honor and Join in tributes paid to their memory.

These men loved their work and I know tried to the best of their ability to discharge the sacred obligations placed upon their shoulders as members of this Court; and now in the words of Kipling it can be said:

"And only the Master shall praise us, and only  
the Master shall blame;  
And no one shall work for money, and no one shall  
work for fame,  
But each for the joy of working, and each, in  
his separate star,  
Shall draw the Thing as he sees It for the God of  
Things as They Are!"

This Court has permitted the Minnesota State Bar Association the privilege of presenting these memorials. The Chairman of the Committee who has the memorial to former Chief Justice John P. Devaney in charge for the Association is George B. Leonard, of Minneapolis. The Chairman of the Committee who has the memorial to former Associate Justice Royal A. Stone in charge for the Association is Montreville J. Brown, of St. Paul, and these members of the Bar will, with your gracious permission, direct this service.

ASSOCIATE JUSTICE ROYAL A. STONE.

Mr. Montreville J. Brown then said:

May it please the Court:

I have the honor to present the memorial, prepared by the committee, of the late Associate Justice Royal A. Stone.

MEMORIAL

Royal Augustus Stone, Associate Justice of the Supreme Court of Minnesota from May 25, 1923, until his death, died at Miller Hospital in St. Paul, Minnesota, on September 13, 1942.

Justice Stone came from pioneer stock. His parents, Herman Ward Stone and Polly Wells Stone, were natives of eastern Ontario. They came to Minnesota in 1856, locating at Belle Plaine, Scott County, where Mr. Stone engaged in the mercantile business for a year. After engaging in the flour milling business at Jordan, then returning to Belle Plaine and reentering the mercantile business, he purchased a flour mill at Le Sueur, Le Sueur County, and moved his family to Le Sueur. He operated the mill from 1871 to 1876. In 1876 he disposed of the mill and, with his family, located at Morris, Stevens County. After engaging in the mercantile business there for a time, he acquired a considerable tract of land south of Morris and took up farming. In 1879 he erected a flour mill alongside the Pomme de Terre River, which ran through the farm. A dam was constructed to furnish the necessary power. That same year he moved his family to the farm, having erected a commodious residence not a great distance from the mill. He operated the farm and the mill until his death. He and his wife passed away quite a number of years ago.

Justice Stone's father stuck pretty close to his private business, but he took an active interest in the affairs of the communities in which he lived. In 1877 he was elected to the State Legislature and in 1888 was Republican Presidential Elector at Large for Minnesota.

On June 26, 1875, while the Stones were living at Le Sueur, Justice Stone was born. He was just a year old when the family moved to Morris. A line of railroad had been completed from the Twin Cities as far as Morris just a few years before. There was little settlement to the north. It was in this pioneer country and on the frontier farm of his father that Justice Stone grew from infancy to young manhood. As a boy he did his share of the chores about the farm and in between chores attended the public schools at Morris. He passed through the grades and one year of high school, and then entered the Academy at Carleton College at Northfield, Minnesota, where he completed his high school training. The following year, because of a crop failure, he was unable to continue with his schooling, and during that year he lived on the farm and studied law in the office of William C. Bicknell, then a practitioner at Morris. He entered the University of Minnesota in the fall of 1894, contemplating a course of study leading to B.A. and LL.B. degrees; but it was concluded that the family finances would not permit this, so young Stone transferred to Washington University at St. Louis, which was offering a two-year law course, and there he obtained his LL.B. degree in 1897.

Last spring Washington University at St. Louis invited Justice Stone to deliver the commencement address at its graduation exercises to be held in June and informed him that the University authorities had voted to confer the LL.D. on him at that time. He was deprived of this

deserved honor because of the illness which eventually carried him away.

After completing his course at Washington University and taking and passing such examinations as were then required in Minnesota, he was admitted to the Minnesota Bar. He immediately opened an office at Morris and began the practice of law. This was early in the summer of 1897. At the outbreak of the Spanish-American War the next year, 1898, he volunteered and served through the war with the 15th Minnesota. At the close of war a year later, he was mustered out and at that time was Quartermaster Sergeant of Company C. He then returned to Morris and resumed the practice of law.

Justice Stone was successful at the Bar from the outset. His practice grew rapidly and by 1905 had extended throughout the western half of the state and into the Dakotas. For a time he served as Village Attorney at Morris. During his practice at Morris he came in contact with Edward T. Young, then practicing law at Appleton, Minnesota. Mr. Stone so impressed Mr. Young with his ability that when Mr. Young became Attorney General of the State he appointed Mr. Stone one of his assistants. The appointment was made and accepted on March 30, 1905.

On August 14, 1901, he married Olive Whiting of Spring Valley, Minnesota, who survives him. Shortly after his appointment as Assistant Attorney General, Mr. and Mrs. Stone moved to St. Paul, where they thereafter made their home.

As Assistant Attorney General, Mr. Stone participated in cases of great importance to the State. His work in these cases gave him a deserved reputation as a lawyer of much ability.

He left the Attorney General's office in 1907 and, with Thomas D. O'Brien, formed the law firm of O'Brien & Stone with offices in St. Paul. Upon completion of his term as Attorney General, Mr. Young joined the firm, and the name was changed to O'Brien, Young & Stone. In 1909 Mr. O'Brien was appointed to the Supreme Court to fill the vacancy caused by the death of Justice Edwin A. Jaggard. He served for two years, during which time Mr. Young and Mr. Stone practiced under the firm name of Young & Stone, and then returned to practice with his former partners, again under the name of O'Brien, Young & Stone.

In 1917 Mr. Stone offered his services to his country in the World War and entered the First Officers Training Camp. He came out a Captain. As Commanding Officer of A Company, 349th Infantry, he trained his outfit at Camp Dodge, Iowa, until it left for France on August 1, 1918. To his great disappointment, he was left behind. He was promoted to the rank of Major and made Commanding Officer of the Third Battalion, 14th Infantry. When the Armistice came, he was transferred to the Inspector General's office in the War Department. He was discharged on July 21, 1919. Upon his discharge, General W. T. Wood wrote: "Major Stone's services in the Inspector General's Department have been meritorious and extremely valuable. He is an officer of discretion and sound judgment, and his discharge will be a loss to this Department." He was given a reserve commission as a Lieutenant Colonel in the department and held the same until he resigned some years later.

Following his discharge, he returned to the practice of law in St. Paul, joining his old associates under the firm name of O'Brien, Young, Stone & Horn. He remained with the firm until May 25, 1923.

Judge Stone had much native ability. This, combined with hard work, consisting of a constant study of the law and its development to meet new conditions, painstaking, thorough, and exhaustive preparation of the cases which came to him for attention, made him an able all-round lawyer. But it was as a trial lawyer that he gained unusual prominence and success. He was a natural advocate and a skilled and forceful antagonist. He was easily outstanding in his profession.

On May 25, 1923, Governor J. A. O. Preus appointed him to the Supreme Court to fill the vacancy caused by the resignation of Justice Oscar Hallam. Following his appointment, he was elected in 1924, 1930, and 1936, and in 1942 was nominated as a candidate to succeed himself.

The appointment of Mr. Stone was regarded at the time, and is still regarded, as one of the best ever made to the Supreme Court. He was preeminently qualified for the high station, by training, knowledge of the law, experience, and temperament. And Governor Preus gave expression not only to his own opinion but to the opinion of judges and lawyers throughout the State when he said upon making the appointment: "I regard Mr. Stone as one of the ablest attorneys in the State."

And in accepting the appointment, Mr. Stone did so with some inner misgivings. He said: "This is an offer for service no lawyer could very well decline. I appreciate the honor and will do my best to justify the Governor's confidence in me." That Justice Stone merited the Governor's confidence in him is now demonstrated by a record as an appellate judge which stands far above the average, a record outstanding and distinguished, a record which has materially added to the prestige and standing of Minnesota's high court amongst students of the law and courts throughout the country, and a record which must be the delight of those who were his associates on the bench.

Judge Stone was a Congregationalist and all his life took an active interest in the affairs of the church. He was a member of the American Legion and from time to time served on its committees. He was sought after as a public speaker and delivered many addresses on a variety of subjects. He was a 32d Degree Mason, and in 1933 served as Grand Orator of the Masonic Grand Lodge of Minnesota. He was a member of the Minnesota Historical Society and at the time of his death was serving as a member of the Executive Council of the Society. For some years he taught the subject of Contracts at the St. Paul College of Law. He was a member of the American Law Institute, and the American, State, and Ramsey County Bar Associations, and participated freely in the work of all these groups. So his life was full of service in many fields foreign to his work as a practicing lawyer and as a judge.

Probably because of his early environment, he was a lover of outdoor life. He liked fishing, and he made many a trip back to Morris to enjoy hunting for a day or so with old friends.

He liked people and enjoyed visiting with them. He was friendly, approachable, and affable, and people always enjoyed his company. Quite frequently on Friday noons he would have luncheon at the lawyers table at the St. Paul Athletic Club, and the conversation on those occasions was always lively and full of interest, due in large part to his presence and participation. Judge Stone never failed to make lawyers feel that he was just a lawyer among them. He was liked as well as admired by lawyers generally.

The lawyers of the State honored him in 1923 by electing him President of the State Bar Association. He served with distinction and continued throughout his life to take a keen interest in the affairs of the Association.

His great contribution of service, of course, was as a member of the Supreme Court of the State.

The influence of his previous experience as an active practitioner upon Judge Stone's judicial career was evident throughout his service. At times, especially during his earlier years on the Bench, his aggressive mind and active experience as a practitioner made it hard for him to be patient with some of those who appeared before the Court. He was wont to go at once to the points which he deemed controlling, and his interruptions of counsel with pertinent questions enlivened many an otherwise dull argument. While such interruptions were less frequent during

his later years of service, the lawyer who spent much time in rambling was suddenly confronted with a question that brought him face to face with the precise point in issue.

His opinions were vigorously critical of any unethical practice or conduct of counsel. The high plane on which he placed the practice of law was evident in many of his decisions.

His conception of the proper function and conduct of the lawyer in litigation disapproved of "making a mere game of the trial of a lawsuit."

He had profound respect and admiration for the trial lawyer, and often expressed his belief that the ideal appellate court judge was as apt to be one who had been a successful and experienced trial lawyer, with a wide range of practice, as one who had had previous judicial experience. No one ever better justified this view than Judge Stone himself.

An appellate judge is measured by his opinions. Justice Stone's opinions are models of concise and forceful language. To read some of them one must go beyond the use of legal terminology. He was a master of the use of English, and many a musty principle of law took on new life from the manner in which he stated it. He maintained to the end his habit of "calling things by their right names" as he saw them. He had the faculty of going directly to the point or points at issue in a case and of disposing of them without indulging in discussion of facts and law foreign to a decision of the case. He had an analytical mind. He unerringly discriminated between essentials and nonessentials. His opinions show him to have been a deep student of the law; show that his knowledge of the law covered the entire field of the law; and show him to have had quite singular ability in stating rules and principles of law. Quite often he seemed to show discontent with the statement of a rule or principle in cases of long standing. On such occasions he had his own way of stating the rule or principle. But this was not because he thought the statement as originally made was not appropriate at the time made, but because he shared in the belief that case law needs, from time to time, some modification with resultant restatement to meet changes wrought by social and economic development. His pronouncements of the law constitute an important contributing factor in a development of recent years, still continuing, which may well be termed the modernization of the common law. Justice Stone's opinions were highly regarded throughout the land, and through them he took high rank among the appellate judges of the country.

He had great respect for precedent, but he was by no means a "case-lawyer," and when he regarded a previous decision as erroneous he showed little reluctance in overruling it. He was a legal student with a genuine love for the law as a science. He was a firm believer that, as humanity is constantly progressive, so must the law be constantly progressive. It was he who said: "Static or retrograde law cannot achieve justice." And he was not content just to make such a statement. He did his part, as a member of the Court and also as a member of the American Law Institute and the American and Minnesota Bar Associations, to make the law a progressive thing, a changing thing to meet new conditions requiring new legal concepts, in order that justice might be accomplished.

Courage was one of Judge Stone's outstanding characteristics, and this was no more evident than in his public career. Whether as Village Attorney, as Assistant Attorney General, or as a Justice of the Supreme Court, he never failed to do what he conceived to be the right thing to do. He was impervious to outside influences. On which side is the right in this situation? On which side is justice in this case? Answers to these questions were the objectives he constantly had in mind. If he concluded that under the facts and the law applicable thereto in a given case a decision must go against a person or a group or an organization with extensive influence, or be contrary to the popular notion at the time, courageously and without hesitation he decided

according to his convictions. He was honest in every sense of that term, but in his work as a public servant and particularly as a judge he was, without a single deviation, intellectually honest. He was true always to his own conception of what was right. And in this day and age as never before we are in need of such men in public life. Public servants might well emulate the high ideals of Justice Stone to the ultimate good of those they serve; might well in the performance of their duties, whether in an executive, legislative, or judicial capacity, make it a rule at all times to do the right as conscience gives them to see the right.

Much more might well be said in extolling the virtues of Judge Stone, as a man, as a citizen, as a lawyer, and as a judge. Suffice to say in conclusion that all through his life he was guided in all things by the highest and noblest of ideals; that he was intensely loyal to his country, and showed this twice by volunteering his services in time of war; that as a lawyer he was an outstanding credit to the legal profession; and that as a judge he was just, profound, and able, and has left a record which stamps him as one of the greatest of a long line of distinguished judges who have served as members of the Supreme Court of the State.

May the example of his conscientious, faithful, and able performance of duty as a Judge be an inspiration to those who are and who are to become judicial servants of the State.

MONTREVILLE J. BROWN, Chairman  
G. AARON YOUNGQUIST  
ROLLO F. HUNT

The Honorable Carlton F. McNally, Judge of the District Court of Ramsey County, then said:

May it please the Court:

On behalf of the Judges of the District Court of Ramsey County, the following memorial to Justice Royal A. Stone is respectfully submitted:

Royal A. Stone was born in Le Sueur County in 1875, and, except for his absence during the Spanish-American War and in World War I, his entire life was lived in and for the State of Minnesota. He was a product of Minnesota, his interests were here, and he had a deep affection for his native state.

We of the Ramsey County District Bench had a delightful association with him throughout the years. He was a frequent guest at our monthly dinner meetings and was a most enjoyable and stimulating companion in our discussions. Frequently, of course, the discussions involved the decisions of this Court and the difficulties of the trial court and, I believe, were beneficial to the members of both courts.

We knew Justice Stone as a lawyer, for he carried on his practice in St. Paul from 1907 to the time of his appointment to this Court in 1923. Those of our judges who were on the bench at the time Justice Stone was practicing law say that they found him to be a profound lawyer and a persistent, persuasive, and powerful advocate, tireless in the interest of his client. He was a believer in preparedness and explored every angle of his client's cause and made, as well, a careful study of his opponent's resources and the moves that he could make.

A veteran of two wars, Justice Stone was a student of tactics, both military and legal. His training, ability, and earnestness made him a dangerous but honorable opponent.

He had a wide acquaintance with general literature and an accurate knowledge of the law. He was meticulous, both in the use of the spoken and the written word, and had an exceptional command and understanding of English.

In his preparation for the trial of cases, from the day of the first interview with his client he would start the preparation of what would ultimately be a complete and comprehensive brief. His brief would be revised from day to day, until at the time of trial very little needed to be added to it in the event of its later use as a brief on appeal. However, such was the thoroughness of his preparation that he was unusually successful both in the settlement of his cases out of court and in the winning of them in court.

He was fortunate in his choice of associates in the practice of law, and his ability and character "were improved by association with such men as Justice Thomas D. O'Brien, General E. T. Young, Dillon J. O'Brien, Edward B. Stringer, and A. E. Horn. He was fortunate in being a member of the Bar of Ramsey County and being in daily association with the members of that Bar.

As a judge he brought to his work a well-balanced judgment, a wide experience in the law, including a country practice, a term as Assistant Attorney General, and a large city practice. He maintained that judicial temperament which enabled him to combine a fine legal discrimination and great legal learning with an alert sense of justice and a keen social vision. With him the merits of the cause ever outweighed considerations of technicalities or expediency. His judicial balance was never disturbed by public clamor, political pressure, or specious appeals for sympathy. He combined the cold neutrality of scholarly impartiality with an intimate knowledge of human strength and frailty. His decisions are his monument. Into them he has written his reverence of justice and his love of humanity.

Justice Stone was an intensely patriotic man and gave unstintingly of his time in the advancement of civic matters. He was a forceful, interesting, and instructive speaker, usually confining his speaking engagements to legal, civic, or patriotic subjects. He was a man who worked hard at everything—even at play. His strenuous ways and driving force were sometimes hard on his associates, but he always drove himself the hardest. Life, with him, was not easy, but it was fruitful and exciting.

He was a man of exceptional force of character. When he became interested in a subject his approach to it was never half-hearted, but aggressive, and his interest continued until the subject was accomplished or exhausted. His whole life was spent in trying to improve the aspects of life in which he was interested, including the law. The lawyers of Minnesota are deeply indebted to his persevering pursuit of a better system of law.

Highly respected by everyone in St. Paul, he had built for himself here a lucrative practice. His appointment to the Supreme Court was accepted by him as a command and as an opportunity for further service in the field of law, but it was accomplished at a very substantial financial sacrifice.

I did have an opportunity to know Justice Stone intimately because of employment with him as a law student and law clerk from the time he formed a law firm with the late Justice Thomas D. O'Brien in 1907 until 1912, and I find pleasure in acknowledging Justice Stone's aid and counsel. His continued interest and advice during an entire lifetime have been a comfort and inspiration.

The last time I heard him speak was at the Ramsey County Bar memorial exercises, when he paid a tribute to Justice Pierce Butler. I thought then, as I do now, that the closing sentence of his remarks applied to himself—"We will do better as lawyers and judges if we remember his

unswerving loyalty to convictions of professional and judicial duty."

Respectfully submitted,  
CARLTON McNALLY,  
In behalf of the Judges of the  
Ramsey County District  
Court.

Mr. Edward S. Stringer then said:  
May it please the Court:

It was my very good fortune to become acquainted with Mr. Justice Stone very early in my professional career, shortly after I graduated from the law school. At that time he was a member of the staff of the Attorney General of this State, under the Honorable Edward T. Young. A few years later, for the first time, I was his opponent in litigation involving title to certain lands in northern Minnesota. At various times during the next ten years I found myself opposed to him. It was not until 1921 that I became a member of his law firm, which association continued until his appointment as a member of this Court. During the 35 years of our acquaintance, at first at times as his opponent, then as his partner and associate, and later while he was on the Bench of this Court, I came to know him well and to admire his character and his ability, and I felt that I was privileged to call him one of my best and closest friends. He was possessed of a personality so difficult adequately to portray that whatever is said is likely to fall below the level of what ought in fact to be said. I feel that on this occasion it would be better to pay tribute to him as a lawyer, as a man, and as a friend rather than as a Justice of this Court. His opinions, written as a member of this Court, covering a period of nearly 20 years, from 1923 until the date of his death, and inscribed upon the records of this Court, speak for themselves and clearly demonstrate his ability and clear thinking as a judge.

As a lawyer he was equally at home as an adviser in his office and as a trial lawyer. During the course of a busy professional career, he tried many cases before juries and before courts sitting without a jury, many of them of the utmost importance. He possessed a sound and clear knowledge of legal principles, and to the preparation and trial of his cases he brought the aid of a clear and comprehensive intellect and the power of analysis which attends a discriminating mind. He commanded the attention and respect of both court and jury, for they knew that what he said expressed his true belief and that he asked only what he believed his client was entitled to under the facts and the law.

I never saw him seek in court an unfair advantage. His manner toward his adversary was always considerate, courteous, and forbearing. He possessed the faculty of being firm in presenting his points, while at the same time avoiding giving offense. He participated in none of the animosities that sometimes arise out of the trial of a case.

He had an alert and inquiring mind, and his persistency in exploring whatever question may have been involved in a case was untiring. He always sought the truth, and his interest as to the ultimate realities often led him into extensive reading upon the subject at hand, but he did not have the type of mind which accepted the opinions of others. He was essentially an original thinker; and, while he eagerly sought the light that others could throw, his conclusions were independent and were his own.

His broad acquaintance with literature reflected itself in the fluency and the care with

which he chose his words, not only in his opinions and occasionally in his addresses, but in ordinary conversations. He was capable at times of eloquence, but he could and did usually express his ideas in simple language, yet in a style so impressive that it never failed to hold attention.

There was in him a certain gentleness and sincerity that will always be remembered by those who had the privilege of his friendship. He lived and practiced the fundamental Christian virtues which were a part of his character. He never hesitated when occasion required to condemn what he deemed improper conduct, but his condemnation was directed to the act and not the person. He was ready to forgive the individual. His attitude toward others was kind, his judgment charitable, and his belief in the high average honesty of mankind was one of the foundation stones of his life. It was truly said that although he was able at times to employ the most withering sarcasm it was not directed toward the humiliation of those with whom he disagreed, but toward the destruction of what they advocated.

As a friend he displayed his finest qualities. To that relation he brought loyalty, companionship, and sympathy. Generosity he carried to a fault. In time of trouble he could always be counted on. He was not capable of effusive expressions of sympathy. In fact, on first acquaintance, he often appeared to be retiring, but this was all on the outside. His true inward feelings and character were indicated in the active and practical assistance he never failed to give.

The man whom we remember here lived a life of accomplishment, usefulness, and distinction. He possessed and conducted himself according to the highest ideals. Toward everything his attitude was wholesome. Never was he guided by any unworthy purpose or a dishonorable impulse. His attitude toward his fellow man was that of sympathy and charity.

Chief Justice Gallagher then called upon James A. Garrity, President of the Minnesota Bar Association.

Mr. Garrity then said:  
May it please the Court:

I ask the Court's kind permission to read a letter addressed to the Chief Justice from the Honorable I. M. Olsen, a former member of this Court.

Hon. Henry M. Gallagher  
St. Paul, Minnesota  
Dear Sir:

I regret that physical infirmities keep me confined to the house at the present time and prevent me from being with you at the memorial services for Chief Justice Devaney and Justice Stone on February 10.

My association with the two Justices, while serving with them on the Supreme Court, was most agreeable and cordial. They were both men of sterling character and outstanding ability and learning in our profession. I am indebted to each of them for many kind suggestions and aids in our work in the Court. They will always be remembered by me as dear friends whom it was my good fortune to meet and associate with in my journey through life.

Very sincerely yours,

I. M. OLSEN

Chief Justice Gallagher then called upon Justice Andrew Holt, a former Associate Justice of this Court.

Justice Holt then said:

May it please the Court:

I had the opportunity to work with Judge Stone as an associate for almost 20 years. Most of the time we had adjoining offices. There is no doubt in my mind that he was a man who will go down as one of the outstanding justices of this Court. He was positive in his character, and he had one characteristic that I sometimes envied him, and that was that he was so sure that he had arrived at the correct result. I think he seldom wrote an opinion where he tried to lessen the pang of defeat for either litigant or attorneys. He was always exacting of the conduct of attorneys and did not condone any of their loose practices. He gave considerable help to the whole court. No question would pass him without thorough examination, and I think that the State and the community is indebted to him for his work here. I agree with all that has been said of him, and I join in the tributes paid him.

Chief Justice Gallagher then said:

Gentlemen of the Bar:

I will respond for the Court on behalf of Justice Stone.

Last June, when this Court recessed, we knew that in the fall we should be deprived of the assistance and companionship of our beloved Justice Holt, because he had indicated his desire and intention to retire from active service. But to be deprived at the same time, by death, of the counsel and guidance of Justice Stone, who upon the retirement of Justice Holt would have become the senior Associate Justice of this Court, was a shock and a loss which we were ill prepared to bear.

Perhaps no member of the Court misses Justice Holt and Justice Stone more than I. Coming to the Court as a novice in judicial experience, I leaned heavily upon both of them. I shall not attempt to review the work of Justice Stone, It is a matter of record, well known to us all. Nor can I add to what the other speakers have said about his life, his ability, and his character. Those of us who served with him vouch for the truth of their glowing pronouncements.

Justice Stone was an outstanding member of this Court for about 20 years. He never failed to carry his share of the work and was always ready to assist any of his associates who needed help. As a profound student of the law, he brought to the court a depth and breadth of interpretation and vision which will leave its mark upon the work of the Court. He had the gift of making his views clear to others, giving at the same time the most careful study and attention to the opinions of his associates. If convinced of the soundness of their views, he would gracefully yield his position. But, if he could not be persuaded to their ideas, he would stand his ground and often dissent—sometimes vigorously, but always honorably and as a gentleman.

The fact that Justice Stone wore the robe of judicial office did not set him apart from his fellows or lessen his interest in their legal problems or in public affairs. His concern for good government was as great as his desire for the just administration of the law. He will long be

remembered as an able judge, an upright citizen, and, by the members of this Court with whom he served, as a considerate and valuable associate.

Chief Justice Gallagher 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*.