

## PROCEEDINGS

In Memory Of

### CHIEF JUSTICE SAMUEL B. WILSON AND ASSOCIATE JUSTICES CLIFFORD L. HILTON, JULIUS J. OLSON, AND THEODORE CHRISTIANSON.

On May 15, 1956, at 1:30 p.m., the Court being assembled in the courtroom in the State Capitol, Chief Justice Roger L. Dell said:

The Court recognizes the president of the Minnesota State Bar Association, Mr. John M. Palmer.

MR. PALMER then said:

May it please the Court:

This time has been graciously and appropriately set apart for proceedings to commemorate the lives, the characters, and the public service of four members of this Court who have passed away, namely:

Chief Justice Samuel B. Wilson,  
Associate Justice Clifford L. Hilton,  
Associate Justice Julius J. Olson, and  
Associate Justice Theodore Christianson.

The Court has called upon the Minnesota State Bar Association as the representative of the Bar of this state to arrange for the presentation of memorials to perpetuate the memory of those distinguished members of the profession who served for many years on this Court. The Association is honored to respond to the call. It has designated these representatives of our profession to deliver the following memorials:

Mr. William C. Blethen of Mankato, who will deliver the memorial in honor of Chief Justice Samuel B. Wilson.

Mr. Cyrus A. Field of Fergus Falls, who will deliver the memorial in honor of Associate Justice Clifford L. Hilton.

The Honorable Oscar R. Knutson, Associate Justice of this Court, who will deliver the memorial in honor of Associate Justice Julius J. Olson.

The Honorable Warren E. Burger, Judge of the United States Court of Appeals for the District of Columbia, who will deliver the memorial in honor of Associate Justice Theodore Christianson.

CHIEF JUSTICE DELL then said:

The Court recognizes Mr. William C. Blethen, who will present the memorial for former

Chief Justice Samuel B. Wilson.

CHIEF JUSTICE SAMUEL B. WILSON

MR. BLETHEN then presented the following

MEMORIAL

May it please the Court:

For a number of years it was my privilege to be closely associated with the late Samuel Bailey Wilson, and it is, therefore, a particular honor to be chosen to present the tribute of the Bar on this occasion. The Chief, as he was affectionately known by his friends, was a big man in every sense of the word—strong of physique, brilliant of mind, of powerful personality, yet he possessed a gentleness and an understanding of human frailties that won him devoted friends among the weak and downtrodden as readily as among the mighty. With his passing Minnesota has lost one of its most distinguished citizens, the Court has lost an outstanding judge, and the Bar has lost one of the greatest advocates ever to appear in the Courts of this State.

Samuel Bailey Wilson was born at Price's Branch, Missouri, in 1873. Like so many of the men who have left their mark upon our Nation, he was poor and whatever success he achieved he earned through his own efforts. He was educated in the public schools of Missouri, at the Mankato Normal School, and earned his legal degree at the University of Minnesota in 1896. Early in his career he served with distinction as County Attorney of Blue Earth County, and throughout his life he held many positions of public trust and civic responsibility in his community.

He is perhaps best known as Chief Justice of this Court for ten years from 1923 to 1933. He brought to the Court a wealth of trial experience. He understood to an exceptional degree the practical problems facing a trial lawyer in the conduct of a lawsuit and this point of view was reflected repeatedly in his decisions. His opinions tended to be short, even terse in style, and while others might occasionally argue with his conclusions, no one ever had the least trouble in understanding what those conclusions were. He resigned from the Court in 1933 to return to the practice of law at Mankato where he remained active until his death on January 24, 1954, at the age of eighty (80) years.

Aside from his profession, his devotion to his family, and his active participation in political and civic affairs, Judge Wilson found but little time for leisure pursuits. And as in everything else in his life, here, too, he was satisfied with nothing less than the best. Whether it was his herd of dairy cattle, an occasional round of golf, or a card game at his club, he approached everything he did with a zeal and an energy that never ceased to astound his associates.

Important as were his other accomplishments, it was as a general practitioner in the law that Judge Wilson found his greatest satisfaction. To him the practice of law was not only a way to make a living but was in itself a way of life. He loved the law with a passionate intensity rarely found in any profession. While he studied the law continuously throughout his life, his interest in it was not so much that of the scholar but rather in the application of the law to the lives of people, rich or poor, great and small. His opinions as a Judge will live as a part of the common law of our State, but he will live on even more surely in the lives of those who were

influenced by contact with him. His counsel has helped dry the tears of many a bereaved family, has given hope to many who were down on their luck, has charted a new course for countless people who were hopelessly confused by personal or financial disaster, and has caused more than one businessman who was tempted to take a questionable course to face up squarely to his responsibilities.

Judge Wilson's greatest ability was as a trial lawyer. He was admirably equipped for the role of an advocate. Possessed of an unusually keen mind, he had the rare ability to cut through masses of evidence and confused testimony to reach the basic issues of a controversy with a speed and accuracy that could not but impress the most able opponent and utterly overwhelm the mediocre. He was a master-showman in a courtroom, gifted with that indefinable thing known as "color" and the ability to think best when pressed the hardest. Thunderous in invective, biting in sarcasm, flashing in wit, towering in righteous rage, yet patient and gentle with a timid witness or sympathetic with one in trouble, he could present a case not only with flawless logic but with a dramatic impact that would do credit to a Shakespeare or a George Bernard Shaw. He understood and deeply believed in our judicial system, often discoursing on the duty of the advocate to use every honorable means in his power to present his client's cause while leaving the decision to an impartial judge and jury who perform an equally important, but decidedly different function.

His capacity for work was prodigious. I can see him as he would brief some difficult point of law, shutting himself in his library for hours, then suddenly throwing his door open to reveal an apparent confusion of books in wild disarray, only to dictate rapidly while turning unerringly from volume to volume and ending with an argument that would be the envy of us who toiled for days with scratchpad and pencil for a much less convincing result. I can recall cases that seemed utterly hopeless where in a matter of minutes his vast knowledge of the law would lead him to a spectacular, but often simple and sure solution. Impatient with delay, sometimes hasty in temper, completely intolerant of slipshod effort, he was not the easiest man to work with, but as one grew to know him he commanded not only respect but an affection and devoted loyalty which few men ever earn.

With all his ability and the personal success he attained, the Chief was never too important to see the most unfortunate client, never too busy to lend advice and encouragement to a deserving young lawyer, and never too serious to enjoy a joke on himself. Some of his most enjoyable moments came in later years when opinions he had written while a member of this Court were cited against him in the course of a trial.

Judge Wilson's view of the high calling of the law may best be summarized in the advice I have heard him give to a new member of the profession. In his words,

"The practice of law is like the practice of medicine or the ministry. Your door is open 24 hours of the day to any one who is in trouble, regardless of his reputation, his social standing, or his ability to pay for your services. It is your duty to hear his story and to use every honorable means to insure that his rights are protected."

His fellow members of the Bar can testify that he not only believed but lived by this code.

Truly, Judge Wilson was intrusted by his Creator with many talents. Like the good servant of old he used them diligently and their return was manifold. May his example be an inspiration for us to do likewise.

The Chief was survived by his widow, Daisy Sheehan Wilson; a daughter, Phyllis Wilson

Johnson; a daughter, Corol Wilson Blethen; and grandchildren, Bailey W. Blethen, Nan Blethen, Pamela Blethen, Jane Blethen, and Peter William Blethen. He was predeceased in death by a son, Samuel Bailey Wilson, Jr., and a daughter, Nan Wilson.

CHIEF JUSTICE DELL then said:

Members of the Bar:

It is indeed fitting and right that we should assemble here today in memory of the departed justices who served as members of this Court and to record the respect, esteem, and affection in which they were held by the Bench and Bar alike. That these men who we memorialize today have justly earned and richly deserve their place in the history of this state, has been most ably pointed out by the memorials presented here this afternoon. Their work is finished and finished well but our memory of them and what they have done will remain with us always.

I knew Chief Justice Wilson as a practicing lawyer of Mankato. He was a brilliant and outstanding trial lawyer with a boundless amount of energy and capacity for work. He had the faculty of being able to go directly to the point, to remove the wheat from the chaff, and he could usually be found on one side or the other in all of the important litigation in southwestern Minnesota. He brought to this Court that same energy and capacity. He was a man who insisted on getting things done. His opinions were strong, virile, and clear and will remain always as monuments to his work and industry.

These proceedings will be spread upon the minutes of the Court.