

PROCEEDINGS

IN MEMORY OF

ASSOCIATE JUSTICE SIMPSON

On the afternoon of April 15, 1926, in the court room at the state capitol, Howard T. Abbott, Esq., as president of and in behalf of the State Bar Association, addressed the court and said:

May it please the Court:

We meet today to express our admiration, respect and love for the late David F. Simpson; a most exemplary citizen, an able lawyer and an upright judge, who passed away but a short time ago. It seems regrettable indeed that such expressions of loyalty, admiration and affection as will follow, are seldom conveyed in time to those whom we honor and respect so much. If it were so it would tend greatly to increase the happiness, joy and contentment of the recipient, but unfortunately such does not seem to be the scheme of life.

The State of Minnesota Bar Association, through its appointed committee, desires to present a memorial of Judge Simpson. Mr. James D. Shearer of Minneapolis is the chairman of that committee and I will ask him to read such memorial.

Hon. James D. Shearer then read the following

MEMORIAL.

DAVID FERGUSON SIMPSON

David Ferguson Simpson was born on June 13, 1860. His parents, William Simpson and Catharine Goodsir, were born in Scotland. Mr. Simpson's father came of seafaring people. His mother's people were manufacturers and farmers, and both had the advantage of a liberal education. William Simpson and Catharine Goodsir met in Glasgow and were married in 1850. They purchased a farm near Waupun, Wisconsin, where David, the youngest of five children, was born.

His parents were honest, sturdy, industrious and ambitious people who lived their quiet life on their farm, happy and contented, always useful leading citizens of their locality. David's early education was obtained as many another's, in the little district school a mile away, which had but one teacher and twenty to forty pupils ranging in age from five to twenty years. After that, he attended school at Waupun, walking two miles each way every day, and working hard nights, mornings and vacations on the farm, as all farmers' sons have to do. When fifteen years of age, he entered Ripon College where he spent three years in preparation for college. In the fall of 1878 he entered the University of Wisconsin and received his Bachelor's degree in 1882. In that day, debating was made a special feature of University work and a place on one of the debating teams was considered a great honor. This he won, and was given the place of honor and of offering rebuttal.

He was a leader in college activities and served in various capacities as an officer of his class and was, especially during the last two years of his course, conspicuous in the social life of

the University where he was a leader, as he was always and everywhere. At graduation he received the Lewis prize for the best commencement oration. Although not himself an athlete, he took great interest in college athletics and when he came to Minneapolis and became a member of the Caledonian Club, later its president, he was always a judge at that Scotch Society's annual games. He was awarded Phi Beta Kappa soon after graduation. After receiving his degree of A. B., Mr. Simpson was retained by the University authorities for a half year as assistant professor of English. In 1882, he entered the law department of the University of Wisconsin, but after something over a year, he entered Columbia University Law School and received from that institution the degree of LL.B. in 1884. Wisconsin University also conferred upon him that degree the same year.

David F. Simpson came to Minneapolis a few weeks after receiving his law degree with exactly ten dollars in his pocket. He entered the law office of J. H. Giddings, and like many another, he built the fire in the morning and kept the office swept and dusted and helped Mr. Giddings in payment for his office rent, and incidentally took over small business that Mr. Giddings did not want. Perhaps no young man ever came to Minneapolis who was better equipped by inheritance and education for the practice of the profession of the law. In height more than six feet, broad shouldered and of commanding presence, strong, self assertive features and a deep resonant voice, a genial personality, but of gentle and modest demeanor, the young attorney soon won the admiration, respect and confidence of the bench and bar. He rose rapidly in his profession and in 1891, when Robert D. Russell was City Attorney of Minneapolis, but in frail health, he selected David F. Simpson for his assistant, stating to the Council at the time that his first assistant must be able to try the City's most important cases.

Mr. Simpson was City Attorney from 1893 to 1897, and during that period, two very important cases were successfully concluded, one reducing the price of gas and the other compelling the granting of transfers by the Street Railway Company. In the fall of 1896, Mr. Simpson was elected a Judge of the District Court of Hennepin County and was twice thereafter re-elected to that office, resigning from the District bench upon his election in 1910 to the Supreme Court. He only remained a year on the Supreme bench, from January 1, 1911, to January 1, 1912, when he resigned to form the firm of Lancaster, Simpson & Purdy, which became the present firm of Lancaster, Simpson, Junell & Dorsey, upon the retirement of Judge Purdy.

Judge Simpson was married on January 14, 1886, to Miss Josephine Sarles. They were college sweethearts, she having graduated in a later class at Madison University.

When finishing his term as City Attorney, friends advised him to enter the practice as being more lucrative than public service, but he only said that he desired to give his best service to the public and that a lucrative practice could wait. From 1912 until his death, October 11, 1925, he was engaged in active practice of his profession and was one of the outstanding leaders of the Bar. During that time he was engaged in much important litigation and clients who could entrust their interests to him always felt that their interests were in the most trustworthy and capable hands.

Judge Simpson was endowed with a strong mentality and to this he added deep culture. He had drunk deeply at the "pierian spring". His mental processes were keen and very unerring. He had a fine grasp of legal principles and could usually tell what the law was, by his sense of justice, and his instinctive feeling of what the law ought to be in a given case. He had the Anglo Saxon passion for justice, and when on the District bench his decisions were rarely reversed. He did his legal work easily, aided by good judgment and a large fund of common sense.

He presided in Court with dignity and courtesy to all, but was quick to sense and detect shams, acts and purposes not in keeping with a Court of Justice.

Judge Simpson was gifted with a keen sense of humor, and often smiled at some humorous phase of evidence or situations in the trial before him. When on the bench he had that great judicial quality of being a good listener, and that perhaps rarer quality as a counsellor in the practice, of not wholly agreeing with a client at the start. To him, facing the facts, in an endeavor to reach the very truth of a matter was more important than securing a client. He was courageous for the right and intellectually honest. He hated intellectual dishonesty above all things. A former member of the Hennepin County District Court, now gone, while Judge Simpson sat with him there, told the writer this: "In our full bench discussions, no matter what or who was involved, Simpson could always be depended upon to 'toe the mark'." This from an intimate associate is high praise. Judge Simpson's legal opinions were clear, and analytical, and always rang true to the principles governing the matter in hand. He had received from inheritance and the precepts and example of honest parentage, the advice given by that other father to his son:

This above all to thine ownself be true, and it must follow as the night the day, thou canst not then be false to any man.

If an intimate of Judge Simpson were asked to name his predominant equalities of heart, I think he would say—unflinching integrity, loyalty to friends and associates, and a fine democratic spirit which led him to admire character and merit, irrespective of position. These traits made him friends in every walk of life. No one was too humble to have his friendship, and the man on the street respected and believed in him. It was in the home that Judge Simpson showed at his best. About the time he was first elected to the bench, he purchased land at Lake Minnetonka and built a home, where for thirty summers with his family he lived an idyllic life, surrounded by his woods and flowers, and near to nature's heart. There in vacations and out of Court he toiled in the garden, cared for the trees and shrubbery on the place, fished and rested. There he loved to meet his friends and the spacious home often resounded with mirth and stories, music and laughter. There his garden had but one rival in his heart, his granddaughters, with whom he loved to romp and play. His wit, his humorous sallies and good stories as well as his sober observations on all subjects made him always and everywhere a welcome guest.

For several years he belonged to a private gridiron club, where prominent citizens were wont to meet once a year for the purpose of mutual abuse, and he greatly enjoyed these intellectual encounters.

The out-of-doors in any form was always a source of joy to Judge Simpson. He rarely missed taking an annual hunting trip, not for the pleasure or lust of killing, but to enjoy the beauty and uplift of forest, hill and stream and of nature in all her moods. He once said that the best hunting trip he ever had was for ten days in the forest for deer, during which time he never saw a deer. It was while driving his automobile on the way to his favorite duck pass, last fall, that the accident occurred which finally resulted in his death on October 11, 1925. He was in the best of health at the time of the injury and even he supposed that it was trivial. He was patient and optimistic to the very last, smilingly assuring visitors that he had no pain and was getting on fine. Truly, "In the midst of life we are in death."

Judge Simpson, without ostentation, was a religious man. He could scarcely be otherwise, with his forbears. He was for many years a member of the First Unitarian Church of

this city, but in later years, he attended Plymouth Congregational Church.

Perhaps no man fully realizes how much his life and career have been influenced by wife and mother. We believe it was Ruskin who said:

"The buckling on of the Knight's armor by his lady's hand was not a mere caprice of romantic fashion. It is the type of an eternal truth that the soul's armor is never well set to the heart unless a woman's hand has braced it, and it is only when she braces it loosely that the honor of manhood fails."

We mourn today the passing of a strong lawyer, an able and upright judge, an outstanding citizen and a genial and loyal friend.

JAMES D. SHEARER, Chairman,
FRANK CRASSWELLER,
W. E. ROWE,
OSCAR HALLAM,
GEORGE W. BUFFINGTON,
JOHN O. P. WHEELWRIGHT,
ALBERT SCHALLER,
FRANK E. PUTNAM,
C. O. BALDWIN,
AMBROSE TIGHE,
CHESTER L. CALDWELL,
Memorial Committee.

Hon. James D. Shearer then said:

If the Court please, the Committee has received from Hon. Tracy, Bangs and his brother, of Grand Forks, North Dakota, warm personal friends of Judge Simpson, a letter containing their tribute, and regretting their inability to be present on this occasion. With the Court's permission I will read the letter,

April 13, 1926.

"Dear Sir. Shearer:

"We profoundly regret our inability to be present at the memorial program for the late David F. Simpson, to there join in a just tribute to the memory of a distinguished citizen and lawyer, a valued friend.

"Judge Simpson was not only a distinguished citizen and lawyer, but he was a great, strong, broadminded, big-hearted man, with whom an acquaintance meant a friendship.

"He, by years of honest, earnest service, built his character, wrote his own history and so fixed his reputation that the record will always remain a guide for those who would build well.

"He has left us—no more will we hear the music of his voice; no more will we feel the warm clasp of his friendly hands, no more will we enjoy his pleasant smile.

"He has gone from this world, but the memory of his high ideals, of his splendid personal and professional life continues an influence for good, "He has 'slipped his moorings and sailed away, o'er the ebbing tide of the unknown sea.'

"He has 'Peacefully furled his sail,
'In moorings sheltered from storm or gale
'And greeted the friends who have sailed before
'O'er the unknown sea to the unseen shore.'

"We, who are left to travel a little longer the shadowy paths of this darkened world, cannot bring him back by sorrow and tears, but we will not say Good-bye—no—only Good night.

"Sincerely,
"TRACY R. BANGS,
"GEORGE A. BANGS."

James E. Dorsey, Esq., then said:

May it please the Court:

Some of us knew Judge Simpson only in his years of maturity. He has left us, not privileged to enjoy a longer friendship, a clear picture that will last. His human qualities were joined most amiably with his legal abilities. This union made an admirable and likeable personality, the flavor of which can but poorly be given by words.

His good legal sense and his mastery of his special branches of the law are well known. With these attributes was an utter absence of any pride of opinion. The humblest or the jauntiest clerk in his office always found ready to discuss, on a basis of equality, any legal proposition in hand. No office matter of his was too serious to escape the whimsical turn of phrase or apt allusion that frequently aided in reaching a decision. A junior, flushed with court victory or dispirited by a jury's waywardness, a ways find in Judge Simpson a ready listener with sincere words or approval or sage counsel of consolidation. A temperament based on ability and a desire to do more than his share, and aided by self-effacing generosity and a tranquility difficult to upset, made him an ideal head of his office. When engaged in a matter that engrossed him his powers of concentration were enormous. He would become oblivious to the passage of the hours, the encroachment of darkness and even to the insistence of the telephone. This single-mindedness bore its fruit. The Courts listened to him, brother lawyers sought his advice, clients returned for further services. When his office duties did not press he could play whole-heartedly. His garden, fishing and hunting, his friends were all fresh joys to him. His heart remained young. To us who served under him his memory will be an inspiration ever sweet.

Former Associate Justice Hallam then said:

May it please the Court:

Others have spoken of the ability and achievements of Judge Simpson as a lawyer, as a public official, as a Judge. I join with them in their tribute, but I feel still more the impulse to pay my tribute to David F. Simpson as a friend. Not merely as a friend of mine, but as a friend of men.

I remember well the first time I saw David F. Simpson. I was taking my examinations for entrance into the University of Wisconsin. He had graduated a few months before, with the highest honors both in oratory and debate, and had just been chosen by the Board of Regents to fill the chair of the full professor in Rhetoric and Oratory who was absent for a year on leave, Simpson, of commanding presence and impressive personality, yet so easily approachable,

inspired in me the greatest admiration.

It was my privilege to become a member of the college fraternity to which he belonged. We always esteemed as an honor his presence at our gatherings, and yet it seemed to him such a matter of course, and he mingled so naturally with us that his distinguished presence never made us ill at ease. Through all the years of his life he continued his intimate relation with these young men, and also with those connected by present or by past association with the University from which he had graduated.

It was not my privilege to sit with him as a member of this Court, but for several years we occupied co-ordinate positions on the District Court of the state. During this time we had frequent conference and association and I enjoyed his uniform kindness and courtesy that pays such big dividends in the happiness and satisfaction to himself and others.

These things are but examples of the uniform course of his life. He loved the society of his fellow men. He prized friendship not as a means but as an end. In his busy life he always had thought for the things that would help a friend and he always had time for the things that a friend can do. He was frank and square and true. No voice was ever raised to disparage his fidelity or sincerity. He scattered smiles and words of cheer. I like to remember him as one who would live in a house by the side of the road and be a friend to man.

John O. P. Wheelwright, Esq., then said:

May it please the Court:

I first met Judge Simpson either in 1884 or 1885. From that time until the day of his death we were warm and intimate friends, I know that he would dislike anything that savored of fulsome eulogy, and for that reason shall give expression only to a few of his characteristics and attainments as I saw them. In my judgment he was one of the ablest trial Judges Minnesota has ever had. Learned in the law, presiding in his Court with patience, poise and self possession, knowing men and being able to penetrate the motives by which they were controlled in all matters coming before him for his determination, he had the happy faculty of almost invariably reaching a sound and righteous conclusion. Had he remained on the Supreme Court, I am confident that he would have developed into a great Appellate Judge.

After his resignation from the Supreme Court we were associated together in some important litigation. He was the wisest man in conference I have ever met. With unerring instinct he always placed his finger on the salient features of the case. He abhorred sham and hypocrisy. For the demagogue he had no use. He was a good citizen and loyal to our institutions. He was possessed of great personal charm and was universally courteous to all with whom he came in contact. A great leader in the profession has fallen and it will be difficult to fill his place.

Asa G. Briggs, Esq., then said:

May it please the Court:

What we think and what we say here today in tribute to our dear departed friend, David Ferguson Simpson, will not add to the merits which he achieved during his lifetime; but the contemplation and review of his life, his good deeds and his good qualities will enrich and make us better and more capable to do our parts in life.

We regard the loss of a dear friend as a privation; yet it often proves a guide pointing to

higher and better things and calling to greater effort.

My memory goes back forty-five years to the first general meeting of the students of the University of Wisconsin that our freshman class attended. The students had met on the campus to consider what seemed to them to be a serious and important question affecting their rights. After a number of volunteers had spoken with varying force and effect, someone called "Simpson;" many voices joined in the call; attention was centered on a tall slender boy with a strong, kindly, friendly face, as he rose from the crowd, straightened himself, threw back his shoulders, as was his habit when about to speak, and began to talk in a sincere, deliberate, forceful manner. He commanded respectful attention. At the close of his talk the student gathering was satisfied and prepared to act, and to act in accordance with his views. Every freshman present knew from that time that the senior boy Simpson was the student leader of the University of Wisconsin. Upper classmen had learned it before.

It was my pleasure and my profit to know Judge Sampson well from that day until the time of his death. As a member of his Literary Society and his College Fraternity, and as a student in his class and under his training when he was an instructor in the faculty of the University, I observed and felt and knew his worth. I saw his Literary Society confer upon him the greatest honor within its power to bestow; I saw the entire student body of the University do him such homage as is given in the spirit of hero worship; I saw him receive the highest honors the University bestowed for oratory; I saw him receive the commendation of the faculty.

He was admired and loved as a fraternity brother; his cheerful smiling face and jolly good nature were welcome everywhere. His successes created no envy, no ill will, for he was entitled to them; he earned them. He bore his honors so well and with such humility and poise that his fellows were pleased that it was he who had received them.

Justice Simpson's career in the University of Wisconsin gave promise of what his future life would be. An even temper, strong reasoning power, good common sense, practically applied, were always at his command. They were most formidable qualities.

As Judge, he one time listened patiently to two long technical arguments which seemed quite necessary to the attorneys on both sides. But when the case was submitted, by the application of his good common sense Judge Simpson in a few minutes swept aside the questions argued, went to the substance of the controversy and disposed of it to the satisfaction of both parties upon a basis neither side had previously considered.

He was prudent; he acted only when fully advised, hence he acted accurately and justly. His most pleasing personality added to his great strength. He was big-hearted and strong; he was kind and friendly; he was gentle and loving; he was without pretense or display.

Foremost and above all else it must be written: Justice Simpson loved all mankind, and all mankind loved him.

Hon. George H. Sullivan then said:

May it please the Court:

It is a privilege to be here today to take part in this memorial to Judge David Simpson. As already related in these proceedings he had a wide and varied experience at the bar, on the bench and in the general practice of his profession. He had a wealth of learning, a clear logical mind, remarkable ability and great forensic power. Nature fashioned him in a mould of greatness in physique, character, intellect and heart.

It was during the last three years of his life that I was most intimately acquainted with him. He was then at the zenith of his physical strength and intellectual power and at the height of his professional career. As a young man he had been city attorney of the City of Minneapolis, later he was Judge of the District Court of Hennepin County, and then became an Associate Justice of the Supreme Court of the State of Minnesota. He had retired from the bench and had resumed private practice in the City of Minneapolis; he was at the head of a great law firm; he had the responsible management of the extensive and important business of that firm and was consulted and retained by many of the great and important business interests of that city and throughout the state. He personally conducted a great deal of important litigation. During this period I was associated with him as counsel in an important proceeding which, in its various phases, occupied the attention of one of our state commissions for several years and involved actions in the District Court, Supreme Court and Federal Courts, so that for several years before his death I was in more or less constant and close association with him and came to know him intimately and able to gauge his capacity as a lawyer and to know his value as a friend.

I have often heard lawyers prominent at the bar say of Judge Simpson, "he is a great lawyer", and in all candor and sincerity that was and is my opinion. He was a profound student of the law. He understood all its great fundamental principles, was ready and sure in his application of the law to the facts and circumstances of the given case. He had a clear and comprehensive mind, sound and accurate judgment. His mental horizon compassed all the factors of a problem so that when he had resolved upon a course of action all possible difficulties, obstacles and alternatives had been duly considered and his decisions rarely required revision. He had wonderful practical judgment ripened and informed by long experience. He was therefore invaluable in counsel and his advice widely sought and confidently relied upon. He was an expert in all the intricate and delicate work of a law office, familiar with all the legal detail of the organization and management of great business enterprises. His wide experience had made him familiar with questions of practice, jurisdiction, extraordinary remedies and unusual legal proceedings. He was a master of the technique of the legal profession. He was skillful in the examination and cross-examination of witnesses, master of the strategy of a trial, alert to every possible move of his opponent, quick to seize upon every point to the advantage of his cause, logical, forceful and convincing in argument, honest, sincere and helpful to the court, always fair, frank and square. He had the confidence of every tribunal before which he appeared. He was a great trial lawyer.

He was sound, able and brilliant in every branch of the profession. It was a great pleasure to listen to his exposition of legal doctrine and its application to the matter in issue and this was especially true of any legal question which had not yet been thoroughly and finally settled by decisions of the courts of last resort. He used the historical method beginning with the earliest decisions in point of time, clearly showing their application to the question involved, going forward with irresistible logic, arriving at a conclusion amounting almost to a mathematical demonstration.

Because of his complete mastery of the subject and the illustrations he so well knew how to use under his skillful treatment a dry legal theme became a subject of absorbing interest. He had the faculty of summing up in a few crisp sentences the essence of a lengthy legal decision. In the annals of the legal profession of this state David Simpson will be written down as one of the great lawyers of his time.

Judge Simpson never indicated by anything in his manner that he was conscious of any superior intellectual attainment or ability. He was simple, unassuming, unaffected, even modest

in manner. He was genial, gentle, kind, courteous and considerate in all his relations with other members of the bar whether adversaries or associates.

He was richly endowed by nature with that rare and delightful combination of qualities of mind and heart which drew men to him and compelled their affection. He was a charming and delightful companion and those who were closely associated with him could not help but love him. He had the sincere affection and admiration of a host of friends.

Just at the hour when the Judge had arrived at the period of his greatest usefulness, when he was in the full vigor of physical strength and intellectual power, time having dealt so gently with him as to leave no trace of its passing; when he walked serene and secure the heights of professional fame, surrounded by loving associates and devoted friends proud of his attainments, suddenly, with but a moment's warning, the final summons came and he passed on.

The Bar of the State of Minnesota has lost a great leader. A host of friends keenly regret and sincerely mourn his loss.

Hon. James H. Hall then said:
May it please the Court:

Judge David F. Simpson is one of the outstanding influences of my life and I deem it a privilege to take part in these exercises held here in his honor.

I fortunately became associated with Mr. Simpson in a very important case some years ago and during my early practice before the bar. His power to grasp quickly legal questions, his clear and concise way of stating facts and the principles of law applicable thereto, his courtesy and kindly treatment of counsel and witnesses, his perfect poise and control during the trial made a profound impression upon me and he has been, and is my ideal lawyer.

I never had the privilege of appearing before him while he was on the bench, but I am proud to be able to say that I have been associated with him in the practice of law and was numbered as one of his friends.

I never knew him to exhibit a small trait or a weak sentiment, but on all occasions displayed the most noble characteristic of ideal manhood and my life has been enriched because he was my friend.

Nature endowed him with a splendid physique, a sunny face and a cheerful disposition. His outstretched hand greeted all alike. He was kind, always loyal to his friends and generous to his enemies. In his professional life, Mr. Simpson exhibited in a marked degree those traits of character which guarantee success at the bar, which bring to their possessor the confidence of clientage, inspire esteem and affectionate regard in the hearts of associates and add luster to the noble profession of the law.

As we review the kind, genial companionship of our departed friend, recalling his kindly disposition and smiling countenance with which he always met us, we reverence his memory for himself alone.

"Green be the turf above thee,
"Friend of my better days,
"None knew thee but to love thee,
"None named thee but to praise,"

Hon. Horace D. Dickinson, presiding judge of the district court for the Fourth Judicial District, then said:

[May it please the Court:

"One Sunday morning, in the far-off town of Basel," says an unknown author, "I sat in my window listening to the melody of the bells. All the bells were chiming, and one mellow, deep-toned tolling-bell, swinging alone in its tall bell tower, gave the master tone to the clamoring strife of sound. How their jangling voices wrangled in the air, striving for the right of way. Yet, in spite of it all, through the midst of it all, undisturbed by multitudinous discords, even bringing them all into concord, came unfailingly to the ear the steady swing and sway of that calm, mellow boom, which seemed to soothe the ruffled air, and from its own abundance lend grace and meaning to all that; aerial disquietude, which else it had not had."

I would not desire to appear on this occasion to indulge in extravagant or exaggerated phrase or metaphor. It is to be expected, perhaps, and forgiven that memorial addresses are apt to be more highly laudatory than otherwise, especially where the individual whom we attempt to honor was a man of so extraordinary and outstanding a character as the one in whose memory we assemble today in this distinguished forum where his talents shone both upon and before this Bench.

Yet may we not liken the master mind and soul of David F. Simpson, whose calm voice has been so often heard in these halls, rising in its quietening harmonizing influence above the tumult of discordant controversy, to the great bell in its tall tower, soothing the ruffled air, as it were, with the grace of its mellow resonance and power?

I cannot hope by general or generous phrase to either adorn or enrich these eloquent contributions which have been dedicated to the character and memory of Judge Simpson. I prefer rather to speak briefly from a more personal standpoint.

I cannot but recall the consternation and shock which the announcement of his death brought not only to his own home community but the entire state. To myself it came with not only shock and dismay but with a poignancy of sincere grief that for the time being amounted almost to melancholy.

I had not seen him for a long time. Hearing of his accident, which though serious enough was not regarded as threatening life itself, I had resolved as it were in atonement for past neglect to visit him in the hospital. As the days went by he was reported to be much, improved, sufficiently indeed to make it possible for him to indulge in some dictation of work from his bed. And then all unexpectedly the end came and my call had not been made.

How often it happens that we delay the call of friendship and duty until it is too late. "Around the corner—and a vanished friend."

My love for Judge Simpson was grounded on years of personal contact tried out on many a field of action in our professional life. Call it love, admiration, respect, esteem, or what you will, it was of the lasting kind. It was a kind that outroughs all weathers and outrides all storms. It goes back to days prior to the time when as junior judge, in company with Justice Holt, I came to the District Bench of the Fourth District over which Judge Simpson then presided.

For many years we were colleagues, and I always found him kind, considerate, generous, sympathetic—an ever present help in time of trouble in many a difficulty I learned to lean upon him. A bond of friendship—almost boyish in its attachment on my part—grew up between us which no divorcement of time or circumstance could weaken or estrange. My thoughts and recollections of him today and forever more will be always of the tenderest and sweetest nature.

Dying, Horace Greeley exclaimed:

"Fame is a vapor. Popularity an accident. Riches take wings. Those who cheer today will curse tomorrow. Only one thing endures: character."

And it is my privilege in this august presence today, in great sincerity and affection that will abide, to add my testimony to the high character of Judge Simpson and the grandeur of his splendid spirit.

At his death I was attracted by the appropriateness of an editorial appearing in one of our papers:

"Nature cast Judge David F. Simpson in generous mould. Symbolically as well as literally he was a big man. He was big as to stature, big as to heart, big as to mind. Not often do we find an individual whose character was so perfectly mirrored in his appearance. To see him once was to remember him always—a fine giant of a man with a presence which, contradictorily enough, seemed no less judicial than jovial. * * * He was richly human at all times and needed only to be seen to be liked. * * *

To the very end there was a touch of the boy in his composition, a heartiness of manner and a zest of life such as were not easy to associate either with one of his profession or his years."

The most cherished days of my judicial life were those when Brooks and Brown and Simpson and Holt and John Day Smith were my associates on the Bench—all men of towering individuality.

In those days there was a fellowship of the Bench and a communion of spirit which, since the judges have doubled in number, is no longer experienced, and that close comradeship was due in a large measure to the radiant personality of Judge Simpson—a radiance and spirit of youthfulness which even so staid and steady a soul as Judge Holt could not successfully subdue.

So long as memory lasts will the name of Judge Simpson be cherished in the hearts of all who knew him.

Chief Justice Wilson then said:

Justice Holt will respond to your addresses in behalf of the court.

Associate Justice Holt then said:

I was an interested observer of Judge Simpson's whole professional career, he having come to Minneapolis to practice law two years after I did. Young lawyers naturally take a hand in civic affairs. Judge Simpson had more than ordinary aptitude in that direction. His sound judgment and agreeable personality soon attracted the attention of the leaders of the political party with which he affiliated. So, when the gentlemanly Robert R. Russell became City Attorney, young Simpson was selected as his first assistant; and by the time Mr. Russell was promoted to the district bench, the assistant had so favorably impressed the City Council that he readily became city attorney, serving as such until elected a district judge.

As a judge he singularly distinguished himself during his fourteen years of service. His commanding stature, dignified bearing, and calm disposition inspired respect and avoided many of the disagreeable scenes that are so prone to disturb the trial of closely contested cases, resulting in ill considered rulings and unjust results. During six years it was my good fortune to be an associate of Judge Simpson on the district bench. In my judgment he was an ideal nisi prius judge, so recognized by the bar. Among the eminent, congenial, and helpful men who then adorned that bench he stands out as one whose calm and wise counsel was always cheerfully

extended to those of us of less experience when met by perplexing legal problems. This means much when it is recalled that such men as Judges Frank C. Brooks, Fred V. Brown and Wilbur F. Booth were also on that bench, each one also equally ready and capable effectively to help an associate. To my mind the outstanding compensation that comes to a man from the drudgery of judicial work is the influence, aid and counsel derived from close contact and associations with the men of outstanding ability and integrity who have occupied and do now occupy the bench, both in the district court and in the supreme court of this state.

But as highly as I valued Judge Simpson as a lawyer and a judge when serving as an associate with him, I afterwards came to esteem his capabilities as a jurist still more, not only from the work he did as a member of this court, but especially on account of the assistance his briefs and arguments were to us in his subsequent practice. The lucrative and congenial partnership offered by his friend, the highly efficient lawyer, Judge Lancaster, and his former assistant, Judge Purdy, was too attractive; and he resigned after serving only one year upon this bench. His opinions, rendered during that short period, sufficiently demonstrate the high class of judicial work he did and was capable of doing on an appellate bench; and I know that his associates, only one of whom is now living, Judge Lewis, valued very highly his judgment and ability as a jurist. I also know that I voice not alone my personal conviction, but the conviction of my associates, those now here as well as those who have passed beyond, in asserting that no attorney who has appeared before this bar the last fourteen years has uniformly been more helpful to this court in the presentation of a case than Judge Simpson. He had the faculty of stating the salient facts of a case frankly, clearly, and tersely and singling out the controlling legal propositions with convincing force. He never pressed small points nor apparently sought to take advantage of pure technicalities. From the character of his work as an advocate the inference was irresistible that his clients had in him a safe and valuable counselor in not only legal controversies but also in the practical and common sense way of avoiding or settling disputes.

This court had in Judge Simpson a steadfast and sympathetic friend. From experience he knew what the task is, and that with our best efforts it cannot be performed to the entire satisfaction of either the bar or the public. Hence, even in defeat his friendly attitude towards the court never changed. It, therefore, is but natural that we greatly regret his sudden passing at the height of his physical and mental powers, and we join with the bar in paying a deserved tribute to his abilities as a lawyer and in expressing our love and esteem for him as a man and friend.

Chief Justice Wilson then said:

Justice has been done by these well deserved tributes. The memorial offered by the committee, and the memorial addresses made here today Will be printed in our reports. They will serve as a permanent record of our regard and respect for the decedent. This memorial session will now stand adjourned.