

## PROCEEDINGS

In Memory of

### ASSOCIATE JUSTICE JAMES H. QUINN

On the morning of March 22, 1930, the court being assembled at the court room in the state capitol, Chief Justice Wilson called upon Honorable John E. Palmer.

Mr. Palmer then said:

Mr. Chief Justice and may it please the Court:

This hour has been graciously and appropriately set apart by Your Honors for proceedings commemorative of the life, the character, and the public service of former Associate Justice James H. Quinn, who five weeks ago today passed from this life. Shortly thereafter the State Bar Association, through its president, the Honorable S. D. Catherwood, appointed a committee of its members to prepare and present to this court a memorial statement, which with Your Honors' kind permission might be made a part of the permanent records of the court. As chairman of that committee I have the honor to state that its work has been done; and on behalf of the bar of the state we respectfully submit, and I will read, the following

#### MEMORIAL.

James H. Quinn was born June 23, 1857, on a frontier farm near Kilbourn, Columbia county, Wisconsin. He died at St. Paul, February 15, 1930, living nearly to the close of his seventy-third year. Of this span of life more than half was spent in faithful service to Minnesota. He was for 8 years county attorney of Faribault county, 20 years judge of the seventeenth judicial district, and 11 years associate justice of the supreme court, his continuous public service covering 40 years save one.

His parentage was Irish and English, Rugged self-reliance marked the stock. His father, Andrew Quinn, came alone to America at the age of 15, and without aid of acquaintance or relative made his way to independence on the borders of civilization. His mother's family (Mountford) came from near London and was of the substantial farming class which settled Marquette county, Wisconsin. It is sufficient eulogy of these parents to say that they were hardy, industrious, God-fearing and honest; that amid the hardships of being twice pioneers they had a family of 11 children. Three died early. Eight were reared to lives of usefulness and honor.

James was the third of this family. Early in 1863 they journeyed to Minnesota by covered Wagon, settling on a farm in southeastern Blue Earth county. The privations and horrors of the frontier were theirs in full measure. Eight neighbors were murdered by Indians. The sight of mutilated forms of men, women, and children lowered into their graves, the great blizzards taking their heavy toll of life, and the awful scourge of locusts were experiences which left deep impressions upon his young mind. But the frontier had its charm. Blue Earth county, always accounted one of the most beautiful in the state, was in those times a veritable fairyland of forest and prairie and lake and stream, abounding in wild life, fruits and flowers. From this early environment came a lifelong love of the open, of flowers and every natural beauty.

His education was acquired in characteristic fashion. Toil on the farm in summer, wood-chopping, hunting and trapping in winter, left scant time for even the primitive school in the little

log schoolhouse; and after acquiring the rudiments he set out from home, a tall, raw-boned, roughly clad youth of 16, possessed of nothing save resolute purpose and definite aim. We find him laboring on an Iowa farm for a start, next at Poynette, Wisconsin, for three years making his way unaided through the village schools, returning to Minnesota and working his way through high school at Mapleton, then taking up the study of law in the office of William N. Plymat. In 1882 he married Sarah M. Annis, a teacher whose family had come from Vermont and settled near Mapleton. Judge Quinn often recounted how greatly she aided and encouraged him in his educational struggles.

In 1884 Judge Martin J. Severance appointed a commission consisting of J. L. Washburn, Lorin Cray, and William Plymat to examine applicants for admission to the bar in Blue Earth county. The young student creditably passed and began practice at Minnesota Lake. Two years later he moved to Wells and with Frank E. Putnam formed the firm of Quinn & Putnam. An office was also established at Blue Earth, of which Mr. Putnam took charge. Commencing with the election of 1888, Mr. Quinn was five times elected county attorney, and March 19, 1897, while serving his fifth term, he was appointed by Governor Clough judge of the new seventeenth district, serving by successive elections until that of 1916 called him to a seat on this court. He was re-elected in 1922, but ill-health forced his retirement January 1, 1928. He had moved to Fairmont in 1899, and that city remained his legal residence.

The opinions of this court written by him in 39 Reports, 135 to 173, are the best memorial of his industry, clearness of statement, knowledge of legal principles, and that excellence which is best described as sound common sense. His greatest strength as a lawyer and judge lay in his comprehensive grasp of the facts of every case, however difficult or involved. Nature endowed him with a strong and orderly mind, and he had a positive genius for holding clearly in memory every detail of any personal experience or any experience narrated by others. He used to remark that he "never got lost in the forest or the swamp," and this peculiar power was always manifest in his mental processes. His instructions to juries were models of clear and lucid statement of the facts, followed by a statement of the applicable law in a few simple sentences. In person he was tall and of broad and heavy build; his mental structure was likewise massive and powerful, and he possessed the physical and moral courage to make the fullest use of both. It may be aptly said of him, as it was of his beloved and lifelong friend Judge Severance, "God made him in a large mould." He was methodical and rapid in his work, though painstaking and thorough, and was able to dispatch a large amount of business with apparent ease. Though not pretentious or harsh, he was emphatically the court when on the bench. To the young or inexperienced practitioner he was most considerate, aiding by kindly suggestion and without partisanship to the full presentation of the case.

A good example of his style is his statement of the scope and purpose of the federal employers liability act, in *McLain v. Chicago Great Western Railroad Company*, 140 Minn. 35, 39, that part of the opinion being quoted in full by Chief Justice Taft in *Chesapeake & Ohio Railway Company v. Stapleton*, 279 U. S. 587, 595. That he was also capable of elevated and beautiful thoughts and appropriate language wherewith to clothe them is shown by his tributes to Chief Justices Start and Brown in 144 and 155 Minnesota Reports. Of the former he said: "It was the sturdy manhood of Chief Justice Start that appealed most to me. There was in him no fawning, or yielding of self-respect."<sup>1</sup> And of Chief Justice Brown he said: "Faithful service was the outstanding characteristic of his life. \* \* \* Fair, manly, unflinching, he fought a good fight."<sup>2</sup>

<sup>1</sup> 144 Minn. li.

<sup>2</sup> 155 Minn. xlvii, xlvii.

No more fitting words can be found by which to characterize Judge Quinn himself. Unconsciously, in speaking of these two noble friends, he gave to us the chart by which he shaped and guided his own life.

Judge and Mrs. Quinn were blessed with three children: Roswell James, an attorney; Donald Annis, a mechanic, both of Longview, Washington; and Cecelia, now Mrs. Bingham, of Auburn, New York. After his own family circle, to which he was tenderly devoted, was broken, he found solace in the homes of his children, and the grandchildren in each were to him an unflinching source of pride and delight. His love for all young people was deep and genuine; and mindful of the steep and rugged path up which he had climbed, he extended a strong and helping hand to all of them, even those brought before him as offenders against the law.

Mrs. Quinn, in the truest sense a helpmeet, mother and homemaker, died in 1919. A few years later, through bank failures, Judge Quinn's earthly fortune was swept away. During the last two years continuous and almost indescribable physical suffering came upon him. He bore all with the calm fortitude taught by the frontier; the iron lines of his strong countenance deepened, but no word of complaint or bitterness came from his lips. The final summons came at break of day, and fearlessly as he had lived he died, in the abiding faith that it was for him the dawn of the eternal morning. Truly, he was "a type of the true elder race" and deserves from the state he loved and served its farewell tribute—Well done, good and faithful servant, enter into thy rest and thine exceeding reward.

JOHN E. PALMER, Chairman  
FRANK E. PUTNAM  
JULIUS E. HAYCRAFT  
JOHN W. HOPP  
J. L. WASHBURN  
FREDERICK N. DICKSON

Honorable Frederick N. Dicks on then addressed the court and read the following tribute prepared by Honorable John W. Hopp, who was unable to be present because of illness: May it please the Court:

I deem it an honored privilege to be permitted to take part in these memorial exercises.

The right to be remembered and honored after death belongs to all who serve a righteous cause. The life work of Judge Quinn was that of a seeker after the truth to the end that justice should obtain between man and man. Truth was the pole star controlling and guiding him in all his judicial acts. He never compromised a wrong or supported an unworthy cause. As a member of the judiciary he fought a good fight, he kept its faith, and wore the judicial ermine with dignity to the institution and with honor to himself. His stations in life were but tributes to his worth. A just and upright judge has gone to his reward. His friends and associates will long cherish and revere his memory.

It is not as a member of the judiciary that I desire to speak of him, but rather as a plain, honest and faithful friend. Judge Quinn was intensely human. He loved his fellow man. Of him it cannot be said: "Laugh and the world laughs with you, weep and you weep alone"; but rather may it be said that your joys were his joys, your sorrows were his sorrows. He would enter the "valley of the shadow" with you, speaking words of consolation and encouragement.

Judge Quinn was a lover of the beautiful, whether that beauty was manifested in the handiwork of the Creator, the chisel of the sculptor, the brush of the artist, or in "pictures, robes

and gems of thought" the promptings of a master mind. Sitting one day in my office after a hard day's work on the district bench, he picked up 93 *Minnesota Reports* and said: "John, I want to read you something that I have read time and again." He then read with all the feeling at his command Judge Severance's wonderful eulogy on the life and character of that great man, the late Judge R. R. Nelson; and as he read that part wherein reference is made to "the ivy that entwined," his voice faltered and I noticed a tear in his eye—also in mine.

His helping and friendly hand was always extended to the perplexed and sorrowful. It was a character such as possessed by Judge Quinn that prompted and inspired the poet to pen:

"When a man ain't got a cent, and he's feeling kind o' blue,  
An' the clouds hang dark an' heavy, an' won't let the sunshine through,  
It's a great thing, oh my brethren, for a feller just to lay  
His hand upon your shoulder in a friendly sort o' way.

"It makes a man feel curious; it makes the tear drops start,  
An' you feel a sort o' flutter in the region of the heart;  
You can't look up and meet his eyes—you don't know what to say  
When his hand is on your shoulder in a friendly sort o' way.

"Oh, the world's a curious compound, with its honey and its gall,  
With its cares and bitter crosses, but a good world after all;  
An' a good God must have made it—leastwise, that is what I say,  
When a hand is on my shoulder in a friendly sort o' way."

Chief Justice Wilson then said: Judge Haycraft.

Honorable Julius E. Haycraft then said:

May it please the Court:

I knew Judge Quinn for more than a quarter of a century. For a number of years we lived as neighbors in the same town. I served as a pallbearer at Mrs. Quinn's funeral, and in like capacity at the Judge's funeral. I tried many cases in the district court over which he presided. I argued appeals to this court after he became an associate justice. Later appeals were taken from orders made by me as district judge of his old district. I saw him take the oath as an associate justice in this building in January, 1917. I was with him on Saturday, December 30, 1916, when he left the court room and court chambers at Fairmont and locked the door for the last time—left never to return until he lay in state, still in death, before the bench where he had so long presided.

These experiences and this friendship established an intimacy and an opportunity to know his character and his ability.

I agree with the praise accorded him as an associate justice of this court. I would not minimize nor mitigate it. However, he was, typically and peculiarly, a district court judge. No one was ever in doubt as to who was in control when Judge Quinn presided. He made the court function as though it were made of steel. He had courage and backbone. He was one of the few trial judges who could take a case by its four comers and present the facts in plain, understandable language. His instructions dissipated the confusion and unraveled the snarls of the case and made it easy for the jury to decide disputed and controlling facts.

Judge Quinn was a strong character. He rose above humble surroundings. He overcame difficulties and handicaps. He succeeded by blunt force, energy and perseverance. May his

name ever be an inspiration to all who begin in humble circumstances. May his life and his success be an encouragement to every American boy who has to fight life's battles alone.

Honorable Frank E. Putnam, who was unable to be present because of illness, submitted the following tribute:

May it please the Court:

James H. Quinn was born in Wisconsin in June, 1857. His father was North Ireland Irish and his mother English. He was one of a large family. In 1863 the family moved to Verona township, Blue Earth county, and shortly moved to Medo township in the same county. He grew up under all the privations of pioneer days, living in a dugout, then a log house, and finally a more substantial dwelling.

His education was in the red schoolhouse of his boyhood days; later in a grade school and high school in Wisconsin—meager as compared with the educational advantages of today.

He studied law in the old-fashioned way in the county law office of William N. Plymat at Mapleton, Minnesota, and was admitted to the bar in 1884. His law practice began in Minnesota Lake in Faribault county where he lived until he moved to Wells in the same county in 1886. His whole professional life as a lawyer was in Faribault county, Minnesota.

He was married to Sarah M. Annis before his admission to the bar. Three children were born to them, all of whom are living. Mrs. Quinn died in 1919.

He was county attorney of Faribault county a little over eight years. He was a very competent county attorney and faithfully served the public in that capacity. During his term of office as county attorney he prosecuted four murder cases and many other major criminal cases.

In March, 1897, the seventeenth judicial district was organized and he was appointed judge thereof. He continuously held that position until January 1, 1917. At the 1916 election he was chosen associate justice of the supreme court and entered upon the discharge of his duties of that office January 1, 1917, and held that office until January 1, 1928, when he voluntarily retired because of failing health. He finished his professional career in life on the supreme bench with honor to the bench and to the court.

The major part of his professional life was in public service, and that service was rendered with a wholesome regard for the best interests of society. In all his public relations his guiding star was the administration of justice without fear or favor. In his judicial labors he was deaf to public clamor. He fully realized that compliance with such clamor was not true administration of justice. Often public outcry is against the innocent, not the guilty.

His experiences of life enabled him clearly to understand and share the viewpoint of the common man and to give it due regard. In the court room he was at all times in command and insisted on due decorum in court. Levity and clamor instantly ceased. He bent the knee to no man nor to any group of men. Poor and rich were alike when they entered the door of his court room. In his mind courts were founded to administer equal justice to all. In criminal cases his administration of justice was "always tempered with mercy where the exercise of mercy was proper.

He was to an extraordinary degree possessed of good sense and an unerring judgment in getting at the roots of a lawsuit. He had a peculiar instinct in separating the material facts from the immaterial ones. He acted only on the material facts. He was a master in stating the respective claims of the plaintiff and the defendant in his charge to a jury, and his separation of facts from the law was clear and clean-cut.

These characteristics, combined with his character and integrity, made him a great judge. He enjoyed the confidence of the citizens of his district and of the state.

He carried with him to the supreme court all these habits and characteristics. He took no second place in the court. His presence honored that court. There the administration of justice under the rules of law was his sole aim.

Reduced to its lowest terms, he was an honest, upright, and learned judge, and the administration of justice was bettered by his presence on the bench.

Figures of speech and words cannot express the loss that has come to the bench, the state by his death.

Chief Justice Wilson then said: Mr. Palmer.

Honorable John E. Palmer then said:

May it please the Court:

He to whose character and services we today pay our tributes of love and respect would sternly deny and rebuke the statement that he is entitled to rank as one of the greatest of Minnesota judges, lawyers, and citizens. He would rejoice if it could be said with truth that he met and discharged the duties of life with such fidelity that he is entitled to a place among the good judges, the good lawyers, the good citizens of Minnesota. That can be said with absolute truth and without any qualification; and I wish to bear that testimony from an intimate personal friendship and association with Judge Quinn for a third of a century,

In these days it seems quite the fashion to discourage our best young men from entering upon the legal profession. To counteract such mis-teaching we point to the career of Judge Quinn as a great lesson in encouragement. From the most humble beginnings, with most meager educational opportunities, with no financial assistance, and without the business environment of wealth or population, he rose step by step to what is worthily esteemed the pinnacle of our profession. What did it? Unconquerable will to succeed and entire consecration of his life to the highest ideals of our profession. If what is done here today accomplishes no more than to impress this teaching upon the younger members of the profession and upon those who contemplate entering upon it, our labors are not in vain. Our friend who has passed on did not believe that success in the legal profession is to be measured in material possessions. He profoundly believed in the saying: "There is a true glory and a true honor, the glory of duty done, the honor of the integrity of principle." That glory and that honor he achieved.

The committee now respectfully moves that the memorial and responses thereto be made part of the records of the court.

Chief Justice Wilson then said:

Is there anyone else present who desires to say anything at this time? If not, Judge Taylor will speak for the court.

Judge Myron D. Taylor then said:

Recognizing Judge Quinn as an able, upright and conscientious judge, the people of this state kept him in continuous service for nearly 31 years—20 years as a judge of the district court and 11 years as a justice of this court. Plain and unassuming, he would dislike that anything be said of him that savored of fulsome eulogy. He performed his duties at all times with a steadfast purpose to secure to all litigants the personal and property rights to which they were justly entitled under the law. Technicalities that stood in the way of a just result received scant

consideration. Quick to detect fraud, trickery and overreaching, he was quick to remedy the wrong so far as lay in his power. He was courageous in maintaining his convictions, and stood for what he believed to be right, whether popular or unpopular. An exemplary citizen, a loyal friend, an upright and conscientious judge, he earned and retained the respect and confidence of the public, of the bar, and of his associates.

In his later years he suffered much from illness and physical disability. For a long period he was unable to walk without the aid of a crutch and a cane. He bore his afflictions uncomplainingly. He always had a smile and a cordial greeting for everyone. His physical disabilities lessened in no degree the zeal and fidelity with which he performed his duties to the public. Although physically weak he was mentally strong; and, until he retired, continued to devote all the powers of a well-trained mind to the correct solution of the perplexing problems before the court.

Of a cheerful, genial, and companionable disposition, and always considerate of others, his unaffected spirit of good fellowship attracted to him those in all walks of life with whom he came in contact and made them his friends. His life history has been sketched in the memorial presented by the bar and in the remarks of those who knew him from early days. It is an enviable record. It shows that the respect and esteem in which he was held by friends, neighbors, and associates was fully merited. Nothing we can say can add to it. We cherish the memory of his friendship and of his unvarying courtesy and kindness; and join with the members of the bar in paying a deserved tribute to those sterling qualities of mind and heart which won the good will of all and endeared him to his intimate friends and associates.

Chief Justice Wilson then said:

These memorials will be filed with the clerk and printed in our reports.