

## 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. Cyrus A. Field, who will present the memorial for former

Associate Justice Clifford L. Hilton.

ASSOCIATE JUSTICE CLIFFORD L. HILTON

MR. FIELD then presented the following

MEMORIAL

May it please the Court:

Clifford L. Hilton was born in the state which he later loved and served so long and faithfully. He was born at Kenyon, Minnesota, on December 8, 1866, the son of Addison and Harriet Hilton. His parents moved to Fergus Falls, Minnesota, in 1879, where he grew to manhood and attended the public schools. He graduated from the High School in Fergus Falls in 1884. He went to our neighboring State of Wisconsin to study law, and graduated from the University of Wisconsin in 1888, with a degree of Bachelor of Laws. That same year he was admitted to practice law in both Minnesota and Wisconsin. Mr. Hilton returned, almost at once, to his home town of Fergus Falls, where he commenced the practice of law in 1888. On September 23, 1891, Mr. Hilton was united in marriage with Frances G. Moll. They had two children. A daughter, Jean Hilton, died in childhood, and Mr. and Mrs. Hilton established a memorial library room in one of the grade schools in Fergus Falls in her memory. A son, Bernard M. Hilton, lives in St. Paul.

Mr. Hilton was engaged in the active practice of law in Fergus Falls from 1888 to 1909. During that time, he was City Attorney of Fergus Falls from 1896 to 1898, and County Attorney of Otter Tail County from 1899 to 1909. In 1908, Mr. Hilton formed a partnership with Anton Thompson, and they practiced law together in Otter Tail County under the firm name of Hilton & Thompson. As we lawyers all well know, his partner, Mr. Thompson, later became Judge of the District Court in the Seventh Judicial District, and enjoyed a long and highly renowned period of service on that Bench.

In 1909 Mr. Hilton came to the Capitol Building in St. Paul, and remained there as a legal public servant, in one capacity or another, continuously from that date until his retirement in 1943, a period of 34 years.

From 1909 to 1917, Mr. Hilton was Assistant Attorney General, and was Deputy Attorney General from April 1917 to March 1918. Attorney General Lyndon A. Smith died on March 8, 1918, and Governor Burnquist appointed Mr. Hilton as Attorney General of the State of Minnesota to fill that vacancy. History records an interesting event which occurred shortly after Mr. Hilton became Attorney General. The year of his appointment was the political campaign year of 1918. David H. Evans of Tracy filed as an independent candidate for Governor, with no designation of a political party accompanying his name. Evans had the backing of A. C. Townley of Non-Partisan League fame, and an association of members of the Minnesota Federation of Labor. Attorney General Hilton ruled that Mr. Evans' name could not be printed on the official ballot unless followed by the name of some party. To comply with that ruling, the name of "Farmer-Labor Party" was chosen.

Many hundreds of rulings were destined to be made during Mr. Hilton's tenure as Attorney General. The voters of the state returned him to that office for four consecutive terms, and he served as Attorney General of the state until his appointment to this Court.

Associate Justice James H. Quinn of Fairmont retired from this Court on December 31,

1927. On January 1, 1928, Governor Theodore Christianson appointed Clifford L. Hilton as an Associate Justice of this Honorable Court. Many of us had the honor and privilege of practicing before Justice Hilton and this Court during the succeeding fifteen years that Justice Hilton served the Court, the Bar, and the people of this state, so ably as a member of this Court. It was in that capacity that the author of this memorial knew Justice Hilton personally. It would be appropriate to note, parenthetically, that it was necessary to draw upon recorded history and other reliable sources for many of the events of Justice Hilton's life prior to his ascendancy to the Supreme Court.

Justice Hilton's forthrightness, integrity, and legal ability are permanently implanted in the common law of this state in his many opinions reported in Volumes 173 to 215 of the *Minnesota Reports*. The voters of the state returned him to the office of Associate Justice for successive terms in 1928, 1934, and 1940. He retired from this Court, and from active professional life, on May 1, 1943. He lived about three years after his retirement, during which time he maintained his home in St. Paul. Justice Hilton passed away on April 5, 1946, at Clearwater, Florida, while with his family there during the winter months. He was survived by his wife and son. Mrs. Hilton died on April 24, 1949, at St. Paul.

Both Justice and Mrs. Hilton were members of, and active in, the House of Hope Presbyterian Church in St. Paul. Justice Hilton was a member of the Minnesota State Bar Association and the American Bar Association. While he was Attorney General, he was President of the National Association of Attorneys General.

Justice Hilton had a long and distinguished legal and public career. He maintained a keen interest in state and national affairs, and also in political trends and developments. The voters of the state endorsed his public service by large majorities on many occasions. In his long, continuous public service, Justice Hilton was never defeated at the polls. While he was in public office for many years, he always served in his chosen legal profession.

The life of Associate Justice Clifford L. Hilton has enriched the Judicial branch of the State Government, the legal profession generally, and, in a broader aspect, the lives of the peoples of the State of Minnesota. It is indeed fitting that we should pay tribute to his memory today as a part of the permanent records of this Court.

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 best remember Associate Justice Clifford L. Hilton as Attorney General of this state, which office he filled with dignity and ability for several years. It was then that I had most of my contacts with him. He was a fine administrator and had that rare trait of being able to select the right man for a particular job. His assistant attorney generals were some of the best in the history of this state and the efficiency of his office as well as the opinions prepared by his staff were recognized for their worth by the Bench and Bar alike. There is little that could be added to

the memorial prepared by Mr. Field. The highly efficient office which he maintained as Attorney General of this state as well as his work as an Associate Justice of this Court will always be remembered by the Bench and Bar alike.

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