

## PROCEEDINGS

IN MEMORY OF

## ASSOCIATE JUSTICE BUCK.

On the afternoon of October 3, 1905, at the court room in the State Capitol, Charles W. Farnham, Esq., Secretary of the Minnesota State Bar Association, in its behalf addressed the Supreme Court, then in session, as follows:

May it please the Court:

At the instance of the Bar Association of the State of Minnesota a committee was designated to prepare and present to this court a Memorial expressive of its estimate of the character, life, and public services of Honorable Daniel Buck, late Associate Justice of this court, who died at the city of Mankato on the 21st day of May, 1905, at the age of seventy-four years. In discharge of the duty imposed upon such committee, it respectfully presents the following memorial.

### MEMORIAL.

Judge Daniel Buck was born at Boonville in the State of New York, on the 28th day of September, 1829, and, after receiving an academic education in his native state, he removed to Mankato in this state where he located on the 18th day of May, 1857, and there practiced his profession as counselor and attorney at law, with the exception of the time he was a member of this court, up to the time of the sickness that ended in his death.

The people of his county soon recognized in his ability and integrity his fitness to serve and represent them in many official positions. He held the office of County Attorney for Blue Earth County for the term of four years and discharged his duties in such office with singular ability and fidelity. In 1866 he was a member of our House of Representatives, and in 1881 he was a member of the Senate. Whilst a member of the House of Representatives he procured the passage of the law that established the Normal School at Mankato, and in his whole legislative career he devoted his energies to the advancement of education and the enactment of such laws as would safeguard the highest interests of his state. As a member of our Court of Impeachment that sat in 1881, he took a prominent part, and in an argument showing deep research and unusual mental acumen, he made clear the law of the case which frustrated every attempt to apologize for judicial impurity.

In 1892 he was elected an associate Justice of this court for a term of six years commencing on the first day of January, 1894, but this position he resigned a few months before the expiration of his term by reason of the mortal sickness of his wife.

Judge Buck held many other positions of trust, and in none of them did he disappoint the suffrages of the people, or betray their confidence. He never shirked any of the obligations of civic duty, and he was always distinguished as a champion of the rights of the people.

As a lawyer Judge Buck was intensely loyal to his client, and seemed to make his client's case his own, and, if his client fell, he fell with him. His sturdy intellect in action accompanied by his physical vigor, and his known integrity and sincerity of purpose, made him a formidable antagonist in the forensic arena.

As a Judge of this court, Daniel Buck easily won distinction for his invariable devotion to the principles of justice, all of which he portrayed with marked ability. His written opinions among the records of this court show with what vigor he assailed every attempt to evade or prostitute justice in the conduct of human affairs. He met every fraudulent purpose with a withering rebuke and tore away every subterfuge under which dishonesty could hide. That he adopted the highest ideals of justice and applied them to his conduct as a member of this court, no colleague of his will deny. He appealed to conscience from which all salutary law is derived, and made it the monitor of his duty.

The Bar of Minnesota recognizing and remembering his nobility of character, and the estimable services he performed as a citizen, lawyer, and judge, respectfully asks that this memorial be admitted to the records of this court as their tribute to the memory of Judge Daniel Buck.

A. O. EBERHART. A. E. CLARK-  
W. A. FUNK.  
M. J. SEVERANCE.

Hon. M. J. Severance then addressed the Court:

May it please the Court:

I can add nothing to the substance of the memorial, but I may speak more particularly of the characteristics of Judge Daniel Buck, as I observed them during my long acquaintance with him.

I preceded him by a year in the State of Minnesota, but I soon knew of his advent here, for at once he took a prominent position in the politics of the times and at the Bar. Very soon after his arrival here it was my fortune to shiver a lance with him in the forensic arena, and I soon learned that one in contest with him must not leave his shield hanging in his tent.

In some respects Judge Buck was peculiar. In his habits and tastes he was as stern and austere as Miles Standish. He had no familiar circle outside of his household and the Penates were the gods he continually adored. He shunned all places of popular amusement and shut his ears to the chimes of social abandon—hence he was never an idol with those who spiced their lives with laudable pleasure mingled with duty. His office and home bounded his aspirations and seemed to satisfy his heart. This isolation bereft him of much of that sympathy born of social communion.

If genius did not flash its gems upon his mind, and if he did not have that witchery of tongue that could beguile when it could not persuade, yet his stately presence and physical energy, all in harmony with the heavy laboring of his mind, gave him a distinguished prestige at the Bar.

It is an unwritten historical fact that my fear of Judge Buck as a prosecuting attorney gave to the defendant the closing argument in criminal trials.

If he was sometimes clumsy and awkward in speech, yet he always dexterously played with the idioms of the common people, and this with his personal presence was argument and eloquence with them. In some of his judicial opinions the expression of his thoughts is in choice and admirable phrase. Whether or not his thoughts in expression were slovenly or carefully clad depended upon the duty he had to perform.

As a parent his devotion was simply sublime and if an angry bolt of nature fell upon one of his household, as more than once it did, it left in his heart an unhealing wound and cast a shadow upon his life that time would never remove, for he imbibed no philosophy from that lesson that teaches us that the living by hundreds of billions are outnumbered by the dead.

As a citizen he should be numbered with those who would apply the rule of morals that adorns private life to the conduct of government in all of its departments. In political life he was the uncompromising enemy of any system that would curtail the inalienable rights of the people, or substitute for the broadest liberty the rule of the few over the many. Others might take their stand with the Thirty Tyrants of Athens but he would take his with the fierce Democracy of Rome.

As a lawyer he never prostituted his profession by conduct his dignity would not commend.

As a judge, I am sure he was emancipated by his very position from that ambition for personal triumph which often beguiles the lawyer into forbidden paths, that he was oblivious to persons and political traditions and animated by the sole desire to hold justice securely on its throne. If his mind did not volunteer ready made legal conclusions, yet down deep in his sturdy intellect there were hidden gems of correct legal analysis only awaiting the demands of labor and thought. Such a mind is as apt to arrive at a safe legal conclusion as one absolved from labor by some generous gift of genius or intuitive perception.

If I should say that Judge Buck had no faults I should only exalt and crown human infirmity. Some great minds that have explored deeply into man and his nature have said that many of our venial but glaring faults are born of resplendent virtue; if this is so, how easy it is for a generous mind to forget and forgive.

My heart will not permit me to follow Judge Buck through the last year of his life and up to the portals of the tomb, I cannot do it without reproducing the story of Promethean torture and suspending the rock of Tantalus over one condemned longer to live.

I have spoken briefly, but I have endeavored to speak truly of Judge Buck, I believe that he always desired to be right and to do equal justice to his fellow men. Of this I am certain, that he left no example behind him that will encourage immorality, injustice or wrong. When this can be truthfully said of any man there is no fear that a recollection of his virtues will ever perish from the earth.

At the conclusion of this address Chief Justice Start made the following response:

Gentlemen of the Bar:

The court is in entire sympathy with the sentiments of your memorial and unreservedly concurs in the eloquent and appropriate tributes you have paid to the memory of a good man and a fearless judge. I was associated with Justice Buck in the work of the court for some five years and my affection and respect for him as a friend and as a judge increased with each succeeding year.

During that time he was sorely afflicted by physical ills and subjected to great mental anxiety by reason of the mortal illness of his wife, to whom he was devoted. This necessarily embarrassed him in the discharge of his judicial duties, but he

accepted, his misfortunes with equanimity, bravely faced the situation, and discharged the duties of his high office with fidelity and upon the whole to the satisfaction of the people and bar of the state. Many of his opinions are valuable contributions to the jurisprudence of the state, especially those relating to constitutional questions and to questions involving personal rights.

He was a man of unique and intense personality; of commanding figure, broad of brow and shoulders, he looked the ideal judge. He was of sturdy spirit and temper, which made him a chivalrous and loyal friend and a stern and consistent enemy. He loved whatever was right, just and true, and hated all that was wrong, unjust and false. With perfect candor, it may be said of him what he spoke of another on a similar occasion: "Fearless in the cause of right he would not turn aside to avoid an enemy, nor bend to grant an unjust favor to a friend. He wrote no opinions to obtain notoriety, he made no decisions at the dictation of wealth or political influence. He would rather go down with the colors flying than be silent when justice was endangered."

The court receives your memorial with grateful appreciation and directs that it be entered in the records of the court for the day, as a deserved tribute to a public-spirited citizen and a just judge, and that thhe court now adjourn as a further mark of respect to his memory. So ordered.