

PROCEEDINGS
IN MEMORY OF
ASSOCIATE JUSTICE BUNN

On the afternoon of Friday, January 10, 1919, in the court room at the State Capitol, Chief Justice Brown presiding, the following memorial of Associate Justice George L. Bunn was presented to the court and read by Chester L. Caldwell, Esq.

MEMORIAL.

George Lincoln Bunn was born at Sparta, Monroe County, Wisconsin, June 25th, 1865, and was the son of Romanzo and Sarah (Purdy) Bunn. He inherited the judicial traits which marked his career as a Judge in both the District and Supreme Courts of Minnesota. His father, Romanzo Bunn, was a Judge of the Circuit Court of Wisconsin from 1868 to 1877, when he was appointed Judge of the United States Circuit Court for the Western District of Wisconsin, which position he held until his death. George L. Bunn died October 9th, 1918. He received his early education in the public schools of his native town, and when sixteen years old entered the preparatory department of the University of Wisconsin. Two years later he entered the University, graduating from the Academic Course and received his degree of A. B. in 1885, in which year he moved to La Crosse and studied law in the office of J. W. Losey, Esq. In 1886 he returned to Madison and entered the law office of S. U. Pinney, at the same time attending the law school of Wisconsin University, from which he was graduated in 1888 with the degree of LL.B. He came to St. Paul in the fall of 1888 and practiced law from 1888 to 1897, when he was appointed Judge of the District Court of Ramsey County by Governor Clough to fill the vacancy caused by the death of Judge Kerr. He continued to occupy the position of District Judge from 1897 to 1911, when he was appointed to the Supreme Bench by Governor Eberhart. He was married to Ella Spaulding of Madison, Wisconsin, August 9, 1890, who died in 1891; and married Fanny Losey of La Crosse, Wisconsin, October 2, 1908, who survives him.

Judge Bunn was a man in the highest sense of the word. Of a naturally judicial temperament, a keen analytical mind and with an unswerving sense of justice, he was most admirably equipped to discharge the high duties of the office which he has so ably filled for many years. Modest and retiring in his life and habits he was slow to impose or intrude his opinions and beliefs upon others, but when they were invoked they were thoughtfully and conscientiously given and tenaciously defended against all attacks save only those of pure reason. Quiet and retiring in his private as in his public life, his circle of intimate friends was not large, but those who were privileged to be included in that circle found him invariably genial, unselfish and lovable. His interests were broad and varied and his fine mind was tempered and kept wholesome and pure by contact and association with nature, both in the wilderness and in the garden. His unswerving courage, patience and gentleness in the fight with the terrible disease which fastened upon him more than two years before his death, were nothing less than magnificent. He was a devoted husband, a staunch friend, an able jurist and an honest man, and the State itself has in his death suffered irreparable loss.

Morton Barrows., Chairman.
Pierce Butler,
David F. Simpson,
J. L. Washburn,
M. L. Countryman,
L. L. Brown,
Chester L. Caldwell.
Committee.

CHIEF JUSTICE BROWN then said:

The court will be pleased to bear from any members of the bar present
M. L. COUNTRYMAN, ESQ., then addressed the court and said:

Upon the recent occasion of presenting to this court a memorial of the late Justice Philip E. Brown, Mr. Justice Bunn, responding on behalf of the court, paid a tribute to Justice Brown, every word of which is strikingly appropriate to his own character. As he said of his associate, so we can say of him: Minnesota has before mourned great judges but I doubt very much if she ever had greater cause. The elements were so mixed in him that it is no disparagement of either living or dead to say that George L. Bunn was one of the greatest judges that Minnesota ever had. He was a man with a passion to do right and a wonderful capacity for seeing the right. He possessed a keen and sane wholesome mind, thoroughly equipped. He was a tremendous and tireless worker. He met every question squarely. He never dodged. He was no temporizer or compromiser. Himself a man of broad and human views, he had little sympathy with technicality and none at all with anything that approached dishonesty. No case was ever presented to this court that failed to receive the most painstaking scrutiny on his part and it mattered not how small the amount involved was. He never wrote an opinion without exhausting the law on the subject in his researches." He was absolutely fearless. He never courted popularity with the people or with the bar. He never thought for one moment of the possible effect upon his own future of an unpopular decision. He nevertheless stood exceedingly high in public esteem.

I feel very deeply, the personal loss in the death of Judge Bunn. We were intimate friends and companions with the rod and gun for nearly thirty years. He was a loyal friend, a lovable companion and a bighearted man.

CHARLES W.FARNHAM, Esq., then said:

I hadn't intended to say one word, but may I, as a member of this Bar and as one who, in the phrase of the memorial, was privileged to be a friend of Judge Bunn, bespeak for him happiness in Paradise – a lover of little children and flowers and gardens, and of games and sports, and yet a very great judge.

HONORABLE DAVID F. SIMPSON, formerly Associate Justice of the court, then addressed the court and said:

May it please the court, I did not expect to say anything. My feeling that I would not say anything came not from any lack of intense appreciation of the great worth of Justice Bunn, nor from lack of the wish to pay him tribute but rather from the belief that I would be unable to express in words my regard for him. The reports of this court and other courts will always

preserve a tribute to the unusual power and ability of Justice Bunn, and yet I feel that full knowledge of his power and qualifications as a Judge comes to one, not from reading his finished product, but from an understanding of the methods by which he produced that result. This understanding came to those associated with him in work. Justice Bunn's ability was individual, unusual. He approached a legal question peculiarly free from any prejudice or leaning; his mind naturally followed a direct and logical course, and deep in his very being was a full and absolute regard for the broadest and most fundamental principles of justice. From this character and disposition and mental trait or power came Justice Bunn's unusual quality as a jurist. To me it always seemed that in the law he possessed the power that a woodsman has in the forest. Without resort to instruments for guidance or continual looking for the blazed trail, he was able, by some power within himself, to follow a line of legal principle to its logical termination. It has sometime been said that "Orators think in sounding phrases." By applying a similar suggestion to Justice Bunn, we might fairly say that he thought in legal principles. His mind seemed to follow naturally and normally lines of established legal principles. Law is simply applied ethics. It develops from an application of the fundamental rules of right and wrong, and the appreciation of those fundamental rules and the ability to apply them Justice Bunn had in a marked degree.

Not only as a jurist was Justice Bunn unusual, but as a friend as well. He never went far afield in seeking associations with other men. He never, by any marked demonstration, evidenced his friendship when he came in contact with men, and yet his kindly interested warm regard for his friends was unmistakable. You felt certain of his great enduring friendship even though you might be entirely unable to tell by what sign or by what word he had indicated that he regarded you as a friend.

My close association with Justice. Bunn will always remain with me, an inspiration in my work, a delightful memory of a satisfying friendship.

CHIEF JUSTICE BROWN then said:

Mr. Morton Barrows, of St. Paul, and Mr. L. L. Brown, of Winona, personal friends and acquaintances of Justice Bunn for many years, are unable to be present today, and they have expressed their regrets at their inability to be here and offer their words of praise and commendation on the life and character of Judge Bunn.

If there are no other members of the bar present who wish to be heard, Mr. Justice Hallam will speak for the court.

ASSOCIATE JUSTICE HALLAM then said:

It is one of the natural promptings of men living, to pay their tribute of respect to the dead. Some say this is not worth while. If we were to spend this time in mere flattery it would not be worth, while, for such words do no, honor to the dead and bring no profit to the living. But a man who has lived a life of honor and usefulness leaves behind him much of which it is worth while to speak with truth, and in recalling the memory of these things we do fitting honor to the dead and impress an example for those who still live.

It was my privilege to know Justice Bunn for thirty-six years. When I first knew him, he was, at 17; just entering on his second year in college. He graduated before the age of twenty. I knew him as a fellow student, as a fellow practitioner at the bar, as an associate upon the district court and as an associate member of this court.

When he was still a young lawyer, those who knew him best thought the best field for him was in a judicial career. He became a judge at thirty-one, and continued to be a judge for nearly twenty-two years, and it was in this line of activity that he spent the better part of his active life, achieved his greatest usefulness and gained his greatest distinction.

As a boy he learned his lessons more easily than most boys, but he learned them well. As a judge he wrote opinions and decided cases more easily than most judges, but he always did his work well. He never left any task half done or shabbily done, and he never avoided any task that fell to his lot. To the very day of his death, in spite of the handicap of failing health, he kept up his full share of his work upon the bench.

The opinions he wrote as a member of this court are contained in some thirty volumes of the *Minnesota Reports*. Able and exhaustive, they rank among the best in the books. But his contribution to the law is not measured by his written opinions alone. At the conference table, around which all cases are decided., his influence was strong, for he was quick to analyze, so clear of judgment, so forceful in speech that his opinion on every pending question was always regarded by his associates with the most careful consideration.

In the later months of his life he was obliged, in conference, to express his views in writing, but this seemed to detract but little from the weight of his words. He would always in a few words go to the very heart of the case.

To him the work of a judge was wholly impersonal. He forgot parties and attorneys in his search for the justice of the cause. No person, no motive, could swerve his judgment save as it could show him wherein lay the right. Quiddities and technicalities never appealed to him. His aim was to mete out justice and he went straight to that end.

He loved to teach law students the law and they loved to hear him. He impressed them with his own dignity and character. He impressed upon them the need of forever allying law and justice and made clear the great trust that would be reposed upon them when they became members of the profession of law. He was fond of his students, followed their career with kindly interest and always rejoiced in their success.

He did not cultivate many intimate friendships, yet he was fond of friendship and those who knew him best were his warmest friends. He did not like to speak ill of men, yet he despised the practices that are petty and mean.

He liked the lighter side of life and the diversions of life. He liked best those of the outdoor sort, was fond of hunting and fishing and of the things that brought him close to nature. In his later years he was never so happy as when he lived among the flowers he so patiently cared for.

He was brave in the misfortune that befell him. For the last two years of his life he must have been continually conscious that his life was gradually slipping away but he never made complaint. He accepted his lot with true grace and fortitude. He typified the truth of the lines that "the man worth while is the man who can smile when everything goes wrong." As a jurist he enriched the law. He helped to make it better serve its true purpose. He made the law clearer to judges, to lawyers and to students of the law. Able, honorable, courageous, sympathetic, true to the best ideals, surely the world is better that he has lived.

CHIEF JUSTICE BROWN" then said:

The court is in full accord with the sentiments expressed in the memorial, and in all that has been said concerning the character and ability of the late Justice Bunn. The memorial will be entered

in the record of the court there to remain as a perpetual testimonial of a great jurist and a just and upright judge.

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