

PROCEEDINGS

In Memory Of

COMMISSIONER MYRON D. TAYLOR

AND

ASSOCIATE JUSTICE ANDREW HOLT

In the afternoon of June 4, 1948, at two o'clock, the Court being assembled in the courtroom in the State Capitol, Chief Justice Charles Loring said:

The Court recognizes the president of the Minnesota State Bar Association, Mr. Horace Van Valkenburg.

MR. VAN VALKBNEURG then said:

May it please the Court:

The Bar of this state, through the Minnesota State Bar Association, has requested this Court to set a time at which it would receive and accept memorials in behalf of Mr. Justice Andrew Holt and Commissioner Myron D. Taylor, two very distinguished judges formerly of this Court.

The Bar Association wishes to express to the Court its appreciation of the fact that the Court has been willing to convene this afternoon after its regular term has ended and during the summer months. That this Court has been willing to convene out of term for the purpose of receiving these memorials is a token expression of its respect for these two former members of this Court.

The Bar is honored in being permitted to present for preservation among the records of this Court these memorials. Judge Taylor died April 24, 1946. He served upon this Court from 1913 to 1930. Judge Samuel B. Wilson of Mankato, who during that period was Chief Justice of this Court, will present a formal memorial for him. Mr. James J. Quigley of St. Cloud will likewise present a memorial in the name of Judge Taylor.

Mr. Justice Andrew Holt died this year. He served on this Court from 1912 to 1942, a period which exceeds the entire professional career of many of us in this room. Memorials to Mr. Justice Holt will be presented by Mr. Sigurd Ueland of Minneapolis and by Judge Henry M. Gallagher of Waseca, who was Chief Justice of this Court during a portion of the time of Judge Holt's tenure.

CHIEF JUSTICE LORING then said:

The Court recognizes Mr. Sigurd Ueland.

MR. UELAND then said:

May it please the Court:

On the eleventh day of last February occurred the death of one of the most remarkable men in the history of Minnesota. Andrew Holt then was 92 years of age. The salient facts of his

life are familiar to most of us, and their recital on this occasion should be brief.

He was born of parents of Swedish immigrant stock on May 20, 1855, on a small farm in Carver county. His early home was a log cabin, in the best American tradition. He was brought up in the Lutheran Church and remained throughout his life a deeply religious man. His heredity and early life as a pioneer farm boy gave him that physical strength and inclination and capacity for hard work which were so notably witnessed by his long and industrious life. He earned his way through St. Ansgar's Academy (now Gustavus Adolphus College) and the University of Minnesota. At the University, which now boasts some 26,000 students, he graduated in a class of 17 and received his Bachelor of Arts degree in 1880.

He was undecided as to his calling; it was a student's dilemma between the ministry and the law. The advice of John Lind, later to be governor of the state, saved him for the legal profession. There were no law schools in Minnesota in those days, and he followed the usual practice of reading law in a law office, at first in Chaska and later in Glencoe. After a few months of such study, he was admitted to the bar in 1881.

For the next 13 years he was engaged in the general practice of law, as a junior member of the firm of Ueland, Shores and Holt, in the city of Minneapolis, where he continued to reside until his death. In 1894 he was appointed judge of the Municipal Court, and from that time forward his work was that of a trial or appellate judge. In 1904 he was elevated to the District Court, in 1911 to this the Supreme Court of this state. He was several times reelected to the position of Associate Justice of this Court and finally retired in 1942 at the age of 87, having been continuously engaged at the law for 61 years and as a judge for 48. Even then he did not cease to labor, but was appointed Commissioner by the judges of the Court, and for several years continued to write opinions for the Court, but did not vote.

While on the Supreme Court, Judge Holt maintained a routine of living which has become almost an epic. He took the Nicollet avenue streetcar near his home in Washburn Park, Minneapolis, at 5:57 a.m. on every working day and arrived at his office in the Capitol at seven o'clock. At the end of the working day he returned home on the same conveyance. While on the streetcar he read records and briefs. His industry, by the standards of the present day, was prodigious.

His reported opinions are the fruit of that industry. They are clear and to the point, intellectually honest in their treatment of prior decisions, simple, unbiased, and restrained. He was not one of those judges who feel a call to remake the common law, amend the statutes, and revise the Constitution. Yet he recognized that the law is neither rigid nor inflexible, but rather subject to gradual evolution so as to keep step with those imperceptible changes which are continually occurring in the living conditions and customs of mankind. For example, in the litigation involving various zoning statutes he exercised a decisive influence in upholding the constitutionality of these laws. He wrote: "It is time that courts recognize the aesthetic as a factor in life." That does not sound startling today, but it was strong judicial medicine in 1920. His opinions which expound and clarify the laws of Minnesota will prove an enduring contribution of great value to the bench, the bar, and the people of the state.

Any lawyer who in his younger days appeared before the Supreme Court while Judge Holt was a member will retain an indelible impression of his personality. He was tall, straight and spare. His blue eyes, attentive gaze, fresh complexion, white mustache, and pointed beard, the perennial white bow tie, a friendly smile all combined to give the young advocate a feeling of confidence on an occasion when that feeling was much needed. Notwithstanding his great age, one felt that his face was beautiful, illuminated as it seemed by an inner light. No judge ever

won a more unanimous love and respect from the lawyers admitted to practice before him.

He was a disciple not only of Blackstone, but of Isaac Walton as well. He found his recreation from the law books amid the beauties of nature on our lakes and streams, where he angled for the small mouthed bass and other denizens of the deep. His other interests included a love for good music and a keen interest in Swedish literature and culture.

He was not a lively man in social affairs, and in recent years, at least, rarely left his fireside in the evening. He loved his home, and the domestic side of his life appears to have been not less happy than his professional career. He survived his wife and was in turn survived by his two children. One, a son, Dr. John E. Holt, is a successful physician in St. Paul. The other, a daughter, Miss Agnes E. Holt, is the principal of West High School in Minneapolis.

Throughout his long life Judge Holt enjoyed the good health that his temperate habits so well deserved, and he retained to the end a mind and memory of which many younger men are denied. He derived those great hopeful dispositions. Take it all in all, his life seems to have been as rich in achievement and tranquility as ever falls to the lot of man.

Such is my impression of our friend, whom I may truly call the gentlest and best of all the men that I have ever known.

CHIEF JUSTICE LORING then said:

The Court recognizes former Chief Justice Henry M Gallagher, who will present the memorial for Associate Justice Andrew Holt.

ASSOCIATE JUSTICE ANDREW HOLT

The Honorable HENRY M. GALLAGHER then presented the following

MEMORIAL

May it please the Court:

It is wholly fitting that the deliberations of this Court be interrupted for the purpose of paying tribute to one who served as a member of this honorable body for almost 35 years, during 30 of which he was an Associate Justice and the balance a Commissioner.

Judge Holt was appointed to the Court on December 21, 1911, by the late Governor Eberhart, to fill a vacancy caused by the resignation of Justice David F. Simpson, who served only one year of a six-year term. Judge Holt was then almost 57 years old, a few years short of the age men in many occupations are now expected to retire. Nevertheless, at the time of his retirement Judge Holt had served as a member of the Court longer than any other man since statehood, and, we may add, no one has ever served more faithfully or more honorably.

During his service Justice Holt wrote the opinion of the Court in 1,687 cases. He also wrote 114 dissents and a few concurring opinions. When he concurred specially or dissented, he did so in very few words.

The first of Judge Holt's opinions is reported in Volume 116, *Minnesota Reports*, and the last in Volume 213. He served with six chief justices and 22 associate justices during his terms on the Court, and his incumbency in office extended throughout the terms of eight governors. It is said that at the time of Judge Holt's appointment he was the first native Minnesotan to serve on the Court.

Judge Holt could well be called a “perfect judge.” He possessed all the necessary characteristics of a jurist. He had a judicial mind and a judicial temperament. He possessed a high degree of patience and tolerance and, above all, a kindly heart and a sympathetic nature. He did not rely upon brilliance or snap judgment but persisted in plowing every furrow of the law as a farmer would his field, and the rewards reaped therefrom are reflected in the richness of his opinions, all of which were written in longhand and transcribed after careful study and consideration.

Every man who ever served as an associate with Judge Holt will vouch for his helpfulness to the other members of the Court. He was a stickler for precedent, but would listen with patience to the viewpoints of others and would always present his view in a calm but persuasive manner. Criticism of the work of other justices or judges was not in his makeup. In short, he was the idol of the Court.

Layman and lawyer alike respected and loved Judge Holt. They respected him for his staunchness of character, his philosophy of life, and his proficiency in his profession. They loved him for his mild-mannered courtesy, unprejudiced point of view, and his understanding sympathy.

While not a politician in any sense of the word, Judge Holt was one of the best vote getters of his time. He was first elected in the year following his appointment, and reelected in 1918, 1924, 1930, 1936, and 1942, each time by increasingly larger majorities. It is doubtful whether in all his years in public life Judge Holt ever asked anyone to vote for him, and it is likewise certain that he never accused anyone of voting against him.

The people of Minnesota are justly proud of Judge Holt. He was often honored by his associates and his friends, particularly in the later years of his life. He always “stole the show” at any gathering at which he appeared, regardless of whether he or someone else was being honored. He always accepted tribute with humility and honor with modesty. He never really appreciated his greatness.

The stability of our past and the foundation of our future are due in no small way to the work and the efforts of this Grand Old Man, who served his state so long and so faithfully. May his memory linger as long as the books in which his opinions appear retain their pages.

JUDGE HENRY M GALLAGHER then said:

With the permission of the Court I would like to add a few personal remarks.

I began the practice of law the year Judge Holt was appointed to this bench. In the years that followed I had occasion to appear before the Court about as often as the average country lawyer. There was something about him that always offered encouragement to lawyers appearing before the Court, particularly young lawyers.

He administered the oath the day I was appointed Chief Justice.

After my appointment was announced, former Chief Justice Wilson called to see me. His only advice was, “Lean on Judge Holt.” My predecessor, former Chief Devaney, gave me the same advice, and I always followed it.

I suppose that in an ordinary lifetime every man has some brickbats thrown at him, and he receives some compliments. The highest compliment I ever received was a silent one. It came from Judge Holt. On the day I terminated my services as a member of the Court I met Judge Holt in the corridor. He stopped and clasped my hand. The tears were trickling down his cheeks. He didn’t say anything, and I couldn’t. I merely patted him on the shoulder, and he

went his way and I went mine. By the time I reached my chambers there were a few tears trickling down my cheeks too. I shall never forget that parting.

I presume that Judge Holt parted company in the same manner with every man who left the Court during his incumbency, but that didn't in any respect lessen my appreciation of the way he parted company with me. I accepted the compliment in the same spirit as if I were the only one to whom it had ever been afforded.

CHIEF JUSTICE LORING then said:

Judge Wilson, you were Chief Justice for ten years while Judge Holt was a member of this Court. Would you care to say something?

The Honorable SAMUEL B. WILSON then said:

May it please the Court:

For a period of ten years while I was the Chief Justice, Andrew Holt, as the senior Associate Justice, sat at my right hand.

No man ever had a more loyal co-worker than I. Rare compassion graced his spirit.

He was a common man with common attributes dedicated to the judiciary. From his experience in early life he built a foundation that served well in his long judicial career. He was a humble man. There was greatness in his simplicity. His heart could hold no malice. For him, there was no middle ground for the solution of morals of right or wrong.

Mr. Justice Holt was a patient man, always maintaining a calm, cautious, and dignified attitude. He held to the traditions in the sphere of his work. He was not a phrasemaker. He was always moved by his sense of justice. He was a valuable member of the Court. In some respects he was a timid man, but his timidity never swerved him from his line of duty as he saw it. He kept his rendezvous with justice.

While he was on the Court there was nothing so bad that he could not better it by simply being present. His presence always sweetened all of his surroundings with his goodness. I have sat in his presence and observed his ability to remain silent when and where one could not speak favorably. What a great bounty and blessing it is to hold such a royal gift! It is really a great virtue to know how to be silent even though you are right. I believe Mr. Justice Holt followed my philosophy: Never laugh when you win, then you don't have to cry when you lose.

The association of men on an appellate court gives one an intuitive understanding. You sense a partnership. You experience a brotherly feeling. Each cheerfully gives help, and each gladly receives help. They, *ex necessitate*, are bound together in a realization of a common destiny.

We honor Mr. Justice Holt for his mental strength and admire him for his humanity. His loyalty to duty reflected both his ancestry and his heritage.

To live is to strive and to venture and to win or lose. Man can't live easy and small. He is full of things meant to be used or given away, or maybe destroyed. The more he spends, the more comes back. That is all he is, something to be used, scorched by the sun, warped by the wind, to have his fingers smashed and his body bent, to fall down and get up, to hunt and find. All a man has at the end of life is a set of memories. Things done well and things done poorly. The great sin is to end up with nothing done. Mr. Justice Holt lived and served. He accomplished much.

He never shirked. His head was high. It never drooped. It carried the spirit of a clear

conscience and a definite aim.

Because of his charming personality and ten years of delightful association, I shall cherish the memory of the Honorable Andrew Holt.

CHIEF JUSTICE LORING then said:

Members of the Bar;

These proceedings in which Bench and Bar participate in memory of departed judges afford us an opportunity to record the respect, the esteem, and the affection with which, in their lifetimes, we regarded our professional brethren. It is wise that we pause in the course of our active work to conduct such ceremonies. It emphasizes in our minds the fact that all that is of real value that a judge can acquire is a fair name and the respect which we have for lives well spent in service in the cause of impartial justice. When a lawyer accepts a call to the Bench, he must reconcile himself to serving without hope or prospect of other reward.

Those of us who served for years with Mr. Justice Holt were greatly impressed with his ability, his application to work, his quiet and patient attention to the arguments of counsel, and his systematic method of disposing of business. Among his intimates, he occasionally displayed a keen sense of humor.

His 31 years of service on this Court covered the period of its heaviest burden in number of cases decided per annum. In spite of his advancing years, he did his full share of the work, even when this Court was rendering opinions in over 500 cases a year—more than twice the work per judge considered to be a year's work in the Circuit Courts of Appeals. The constant abuse of his eyes impaired his vision to a point which finally forced his retirement when his mental faculties were still at their full vigor. It was a privilege to practice before him, both when he was on the District Bench and during his service here, and more especially to serve with him on this Bench—a still greater privilege to know him as a friend.

As for Commissioner Taylor, I succeeded him as Commissioner, and so I did not have the privilege of serving with him. However, I practiced before him during his entire service here. He rightly stood very high in the estimation of the Bar and of his brethren here. His excellent opinions corroborate all that Judge Wilson has said about him.

By their devotion to the cause of justice, the judges whose memories we honor today have added their names to the illustrious list of distinguished: men who have devoted their lives to the service of the state.

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