

## PROCEEDINGS

In Memory Of

### CHIEF JUSTICES HENRY M. GALLAGHER, CHARLES LORING, AND ROGER L. DELL, AND ASSOCIATE JUSTICES LEROY E. MATSON AND CLARENCE R. MAGNEY.

On May 31, 1966, at 2 p. m., the Court being assembled in the courtroom in the State Capitol, Chief Justice Oscar R. Knutson said:

The Court recognizes the president of the Minnesota State Bar Association, Mr. James E. Montague.

MR. MONTAGUE then said:

May it please the Court:

The Minnesota State Bar Association comprising more than 4,000 members of the Bar of this State is honored to participate in this proceeding to commemorate the memories of departed justices of this court who have died since proceedings in memory of departed justices were last held in this room. Since that time five justices have gone to their ultimate reward. Three of them were chief justices of this court and two were associate justices. All left their imprint on the law, on the profession, and on the state. In order that there may be a record of their lives, their personal characteristics, and their achievements, we ask the Court at this time to recognize members of the Bar of this State who will deliver memorials to these departed justices. The Honorable Robert J. Sheran, an associate justice of this Court, will deliver the memorial honoring Chief Justice Henry M. Gallagher. Mr. William K. Montague of Duluth will deliver the memorial honoring Chief Justice Charles M. Loring. The Honorable Chester Rosengren of Fergus Falls, a Judge of the District Court, will deliver the memorial honoring Chief Justice Roger L. Dell. Mr. Arthur Sund Nelson of Minneapolis will deliver the memorial honoring Associate Justice LeRoy E. Matson, and the Honorable Edwin J. Kenny of Duluth, a Judge of the District Court, will deliver the memorial honoring Associate Justice Clarence R. Magney.

CHIEF JUSTICE KNUTSON then said:

I'll now recognize Mr. William Montague of Duluth, who will deliver the memorial for Justice Loring.

CHIEF JUSTICE CHARLES M. LORING

MR. MONTAGUE then presented the following memorial:

For many years I admired greatly the late Chief Justice Charles Loring. As a boy in Crookston, I thought of him as a leading citizen of the community; as a young man, I worked for a year or two—back in 1913 and 1914—as a clerk and stenographer in his law office. As a practicing lawyer, I looked up to him as one of the leaders of his profession, and later as an able Justice and Chief Justice of this Court.

It is, therefore, a privilege for me to have the honor of presenting the memorial to him on this occasion.

Charles Loring, former Commissioner, Associate Justice, and Chief Justice of the Minnesota Supreme Court, was born on a farm in St. Croix County, Wisconsin, on November 26, 1873. He was the only child of Lyman Loring and Eugenie Hutchinson Loring.

His father was an early pioneer of this area. A native of Maine, he pushed steadily westward as government land was opened for cultivation. He located in Wisconsin in the 1850's. He served with distinction during the Civil War, returning to Wisconsin after its termination. In 1877 he and his family moved to Clay County, Minnesota, where they resided until 1890. They then moved to Missoula County, Montana, where he engaged in ranching until his death in 1898.

In Montana Judge Loring became an avid lover of ranch life, and for many years afterwards still kept the saddle and lariat that he had used as a cowboy on his father's ranch.

From 1888 to 1891, he attended the State Teachers College at Moorhead, and later the Phillips Exeter Academy. He then entered the University of Minnesota Law School and graduated as Bachelor of Laws in 1898. Following his graduation, he was admitted to the bar in Montana, and practiced there for one year. He then returned to Minnesota, where he entered the law office of his cousin, Carroll A. Nye, later Judge of the Seventh Judicial District.

In 1900 he moved to Crookston, and entered the law office of Halvor Steenerson, a long-time member of Congress from the Crookston district. That association was dissolved in 1905, and Loring entered into a law partnership with G. Aaron Youngquist, who later was Attorney General of Minnesota and Assistant United States Attorney General. They were both highly regarded by their fellow lawyers. They enjoyed a large practice together until 1918, when the offices were closed as both men entered the military service.

As I stated previously—in 1913 and 1914 I worked as a law clerk and stenographer in that office. I was impressed not only with Mr. Loring's ability, but by the fact that he was highly regarded by other lawyers in that area, as evidenced by the frequency with which they consulted him on their legal problems. Of the legal matters handled by him during that period, my principal recollection is his representation of a large group of homesteaders, woodsmen, and farmers in the northern part of the state, who had been wiped out by a disastrous forest fire. Suits were commenced against a railroad company as being to blame for the fire, and very satisfactory settlements were made.

Judge Loring was married to Bertha Darrow, a very close friend of the Nye family, at Moorhead in 1900. She was a skilled pianist. At Crookston she and Judge Loring sponsored and promoted musical concerts and artistic exhibitions. They were recognized as community leaders. He was a great lover of automobiles, and in those early days, at a time when decent highways were unknown, promoted automobile tours. He was also very interested in farming and owned a fairly large farm near Crookston.

During World War I, he was local Chairman of the Citizens Training Corps Association, and a Captain and Major in the Minnesota Home Guard. In 1918 he accepted a commission as Major in the Judge Advocate's Division of the U. S. Army, serving in that capacity in Washington and in Ohio. Later as Lt. Colonel, in the Judge Advocate's Department, he served in the First Corps Area at Boston, in the U. S. Army Forces in China, and in the Hawaiian Department. While he served in these capacities with distinction, neither he nor Mrs. Loring enjoyed life in the Far East, and were glad when his tour of duty there ended.

As evidence of the respect with which he was regarded in those capacities, the Judge Advocate General later wrote:

"Mr. Loring served with me and under me for several years, and I feel that I can say of him that

he is a lawyer of great ability, a man of entire integrity, and of admirable judicial temperament."

In 1926 he retired from Army Service, and returned to the practice of law at Crookston, where he was associated with John Haugen from 1926 to 1930. During that period, he served as Special Assistant to the U. S. Attorney in carrying out the provisions of the treaty between the United States and Canada for water levels in the Lake of the Woods area, and in settling claims arising out of the raising of those levels.

On August 1, 1930, he was appointed as Commissioner of the Supreme Court of Minnesota, and in November of that year was appointed Associate Justice of that Court. He was elected to that position in 1932, and re-elected in 1938. In January 1944, he was appointed Chief Justice of the Minnesota Supreme Court, a position he held until his retirement in July 1953.

Upon retirement, he moved to Tucson, Arizona, where he died on March 7, 1961, at the age of 87 years.

By his first wife, Judge Loring had two daughters, Genevieve, who predeceased him, and Helen (Mrs. Charles B. Bryant), who survived him. Some years after the death of his first wife, Judge Loring, in March 1933, married Frances Nye, a relative of the Nye family group with which he had been associated at Moorhead. She died in 1964.

Besides his active practice of law and his work as Justice of the Supreme Court, Judge Loring took an active part in many civic fields. By religion, he was a Unitarian. He was a member of the Masonic Order. He was twice a member of the Minnesota Board of Law Examiners, and for a time was president of that Board. In 1949, he was appointed to the Executive Council of the Conference of Chief Justices of the United States. In 1954, after retirement, he was named by President Eisenhower as Chairman of a three-member nationwide arbitration board set up to settle certain types of railway disputes.

I am sure that I express the views of all the members of the bar who appeared before Chief Justice Loring, as well as the opinion of all of the Justices of this Court who served with him, that he was a very distinguished member of this Court; that in his years of judicial service, he displayed the same high degree of legal ability, the same complete integrity, and the same judicial temperament for which he was praised by the Judge Advocate General of the Army upon his retirement from that service.

CHIEF JUSTICE KNUTSON then said:

It is proper that we hold these memorial services for those who have served on this Court. Some of us have had the privilege of serving with most of those whom we honor today. All of them have served with distinction and have added much to the jurisprudence of this state and this nation. While the opinions they have written, which are to be found in our Minnesota Reports, are the best testimonial to their ability—their intellectual integrity—and their devotion to their work, it is fitting that we who survive them express our appreciation for what they have done. These memorials written by men who have been closely associated with our departed brethren on the bench will be spread on the Minutes of the Court and will be contained in an early copy of the Minnesota Reports—there to remain as a permanent testimonial to the high regard we have for all of them.