

## PROCEEDINGS

In Memory Of

ASSOCIATE JUSTICE INGerval M. OLSEN

AND

ASSOCIATE JUSTICE OSCAR HALLAM

On the morning of January 11, 1946, at ten o'clock, the Court being assembled in the courtroom in the State Capitol, Chief Justice Charles Loring said:

The Court is convened here today for the presentation of memorials to Mr. Justice I. M. Olsen and Mr. Justice Oscar Hallam. This session is at the request of the State Bar Association, and now the Court will recognize the president of that association, Mr. Donald D. Harries.

MR. HARRIES then said:

May it please your Honors;

This Court and the Bar of the State have lost from our ranks two of the foremost exemplars of the ideals of our profession. We are met today to do honor to their memory.

The record of their services to the State is, of course, their best memorial, and it is not easy for us afterward to review that service in the light of the circumstances and events which give it lasting vitality. As Winston Churchill has put it:

"History, with its flickering lamp, stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days. What is the worth of all this?" And he answers: "The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent," he says, "to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting of our calculations; but with this shield, however the fates may play, we march always in the ranks of honor."

In their practice at the Bar and in their judgments rendered from the bench of this Court, Mr. Justice Olsen and Mr. Justice Hallam bore this shield. The Bar of the State of Minnesota is therefore proud to move the Court to receive the tributes which we have prepared to their memory, and for that purpose may I ask the Court to recognize, first, former Chief Justice Samuel B. Wilson of Mankato, who will present the memorial to Mr. Justice Olsen.

CHIEF JUSTICE LORING then said:

The Court recognizes former Chief Justice Samuel B. Wilson, who will present the memorial for Justice Olsen.

ASSOCIATE JUSTICE INGerval M. OLSEN

The Honorable SAMUEL B. WILSON then presented the following

## MEMORIAL

May it please the Court:

Mr. Justice Olsen was born in Lillehammer, Norway, on January 4, 1861. At four years of age, he came with his parents to America and located at St. Peter, Minnesota. They lived, in the city of St. Peter until 1871, when the family moved onto a farm in Nicollet county, where Interval grew to manhood.

He graduated from the University of Minnesota in 1887. He was a member of the Psi Upsilon fraternity. He became a student and clerk in the law office of Ueland, Shores & Holt in Minneapolis. He then went to Duluth, where he was employed in an abstract office. He was next employed in the law office of Lind and Hagberg in New Ulm. He was admitted to the Bar in Minnesota on December 22, 1893. He then practiced law at Redwood Falls, and in June 1894 he moved to Sleepy Eye and became a member of the firm of Sommerville and Olsen, which continued until the fall of 1906. He served the city of Sleepy Eye two years as mayor and one year as city attorney.

In November 1906, Governor John A. Johnson appointed him to fill a vacancy on the district bench in the Ninth Judicial District. In that same month, at the general election, he was elected for a six-year term. He was reelected in 1912. He was not a candidate in 1918.

He then practiced law in New Ulm until November 1920. During a part of that period of time, he was in partnership with Attorney A. W. Mueller, under the firm name of Olsen and Mueller.

Another vacancy occurred in his district, and on or about the 1st day of February 1920 he accepted an appointment from Governor J. A. A. Burnquist to return to the district bench. He was again reelected district judge in November 1920 and also in 1926. He served in that capacity until October 1, 1927, when he was appointed by the Supreme Court as a commissioner of that court. While serving as a commissioner, he was appointed associate justice of the Supreme Court by Governor Theodore Christensen on November 20, 1930. He was elected to that office in November 1932. He retired from the Supreme Court on December 15, 1936, on account of ill health. He lived until June 26, 1943.

In June 1896, Justice Olsen was married to Miss Lida C. McBain, who survives him, as do their two children, Harold M. Olsen, an investment broker of New York City, and Mrs. Ruth Olsen Reineke of Cincinnati, Ohio.

Justice Olsen lived in Sleepy Eye at the time he first went on the Bench and for a period of time thereafter. He later moved to New Ulm, where he resided until the time when he came to the Supreme Court.

Mr. Justice Olsen had a thorough knowledge of the law and the judicial principles which support our form of jurisprudence. His sympathetic kindness, his high character, his mental equilibrium, his grasp of the rules of law and of what by reason and logic the law ought to be made him a wise and safe counsellor and an admirable jurist.

His was a judicial temperament. He was kind and considerate, but firm and steadfast in his concept of duty, from which he never swerved. He neither was fearless, and did not bend to bias or prejudice; nor was he concerned with the consequences which the law imposed. He acted without rancor or bitterness. By study and experience he was mentally well equipped. He never spoke evil of anyone.

He was prompt, punctual, and *semper paratus*; yet, to him, time was only relative. He was little aware of the good impression his presence always created.

While on the district bench, he appeared cold, distant, and unsociable; a silent man, who spoke only when duty demanded. He left this impression with attorneys practicing before him—due largely to his sense of propriety—and also with employees about him. He, perhaps, so appeared to the public generally, but not to his associates in the Supreme Court, nor to those who were near him. There he talked freely and without reservation. At heart, he had a warm personality. He was a calm, modest, plain man who accepted life simply. He was a great judge. He added to the Court's reputation, confidence, and dignity.

We quote the following from a resolution recently passed by the Bar Association of the Ninth. Judicial District:

"No lawyer of whatever experience and accomplishments came before him in a difficult case without surprise and admiration at Judge Olsen's learning, which covered unusual and unexpected fields and at his lucid and sure insight into legal principles. Of modest and retiring disposition he was strong in his convictions and fearless in their statement and in their application to the cases that came before him. He was a patient and courteous judge, without undue pride of opinion."

Justice Olsen was always conscious of his civic duty and gave freely of his strength and ability to his local community. During World War I, he was active in promoting the sale of Liberty bonds, encouraging enlistments, and engaging in other activities. He was his county's director in the Minnesota Safety Commission.

He admired nature and enjoyed fishing and hunting. He apparently found his greatest pleasure in his legal work.

S. B. WILSON, Chairman  
T. O. STREISSGUTH  
JAMES H. HALL

MR. HARRIES then said:

Your Honors, both Mr. Justice Olsen and Mr. Justice Hallam, before ascending, to the bench of this Court, were judges of the district courts of the State of Minnesota. The District Court Judges Association is a constituent member of the State Bar Association and is represented here by Judge Albert H. Enersen and Judge Albin S. Pearson, who wish to be heard on behalf of their association.

CHIEF JUSTICE LORING then said:

The Court recognizes Judge Enersen.

JUDGE ALBERT H. ENERSEN, of the Ninth Judicial District, then presented the following memorial to Justice I. M. Olsen on behalf of the District Court Judges Association:

June 26, 1943, marked the passing of one of Minnesota's most esteemed jurists, Ingerval M. Olsen. Born in Norway in 1861, he came to the United States in 1865, was admitted to the Bar of Minnesota in 1893, and thereafter established an enviable reputation for integrity, industry, and superior ability in the practice of his profession.

He was elected District Judge of the Ninth Judicial District in 1906. Then, as now, that

district comprised the counties of Brown, Nicollet, Redwood, Lyon, and Lincoln. Politically a Republican, he ran as such in 1906, but following his election and all during his service on the Bench he abstained from participation in partisan politics and even expression of political opinion. He was happy when, in 1912, the laws of the State were changed so as to provide that candidates for judicial positions file without party designation. He served a second six-year term following reelection in 1912, but in 1918 was not a candidate and resumed the practice of law in New Ulm. In 1920, however, he accepted reappointment as district judge to fill a vacancy, and was elected later in that year.

Judge Olsen was elected to a final term on the district bench in 1926.

At Sleepy Eye he was a member of the Congregational Church, which membership he transferred to the First Congregational Church of New Ulm when he moved there in August 1913; he was a faithful attendant, and his son and daughter were given the full benefit of church atmosphere and Christian training.

Those who practiced before him remember vividly his honesty, his impartiality, his thoroughness, and untiring devotion to duty. On the Bench he was untouched by friendships, unswayed by personal sympathies, prejudices, or antagonisms. His charges to juries were models of good and concise English, invariably prepared by him carefully in advance in longhand. An outstanding Winona lawyer once said of one of Judge Olsen's charges: "That charge covers everything properly—as clear as crystal, as cold as ice."

Court work during his 19 years on the district bench was heavy, especially during the "ditching" years, so well remembered by many members of the Bar. Judge Olsen, then the only judge in the district, never failed to meet the onerous demands upon him. He was never known to miss a term or to fail to keep an appointment.

A model of legal propriety himself, he was deeply interested in maintaining the high standards and traditions of the legal profession. His leadership contributed substantially to the high level of observance of the rules of professional conduct which has carried on throughout the State to the present day.

He was elevated to the Supreme Court of Minnesota in 1927 when appointed Court Commissioner. He was appointed an Associate Justice in 1930, and elected Associate Justice in November 1932, in which position he served until he retired in 1936. He distinguished himself there as one of the greatest jurists in the history of that eminent body. The same clarity, soundness, conciseness combined with thoroughness, and the same integrity and industry which characterized his work on the district bench and which led to his selection as a member of our State's highest court are evident in the many opinions which bear his name.

Perhaps the greatest testimonial to his sterling qualities as a man, lawyer, and judge exists in the fact that those who knew him best, who practiced against him and practiced under him, mourn him most. They cherish his memory and, with it, the ideals for which he staunchly stood.

The District Judges join with the lawyers of the entire State and his many friends everywhere in an expression of appreciation of Judge Olsen's great contribution to Minnesota jurisprudence, and of the ever-living example the memory of his character and leadership furnishes the members of Bench and Bar.

ALBERT H. ENERSEN, Chairman  
Marshall, Minnesota  
G. E. QVALE  
Willmar, Minnesota

FRANK CLAGUE  
Redwood Falls, Minnesota  
A. B. GISLASON  
New Ulm, Minnesota

CHIEF JUSTICE LORING then requested that there be incorporated into the memorial for Justice I. M. Olsen the following tribute prepared by WILLIAM R. MITCHELL of Tracy, Minnesota, who was unable to be present because of illness:

When I returned from France in 1919, I began to practice law at Tracy, Minnesota, and immediately became very well acquainted with Judge Olsen. Judge Olsen was, most certainly, very courteous. His honesty and integrity and his judicial temperament made him an ideal judge. He had a faculty of quickly grasping the fundamental facts and points upon which each case depended. Although he was firm in his conclusions, he always paid courteous attention to arguments presenting a contrary conclusion. The legal profession and Judge Olsen's family can be justly proud of the wonderful record he made as a lawyer and as a judge.

CHIEF JUSTICE LORING then said:

If there are any members of the Bar who would like to speak in connection with the memorials of either or both of these judges, the Court will hear them now. If there are none, then, at the request of the Court, Mr. Commissioner Andrew Holt will respond in behalf of the Court.

COMMISSIONER ANDREW HOLT then said:

In the history of this Court, five persons have had the unique distinction of being selected by the Court itself to become members thereof. They were Homer B. Dibell, Myron D. Taylor, Edward Lees, Ingerval M. Olsen, and Charles Loring, the present Chief Justice.

When illness compelled the genial and learned Lees to retire, Ingerval M. Olsen was selected by the Court as his successor. That the selection was a wise one is demonstrated by the memorials prepared by the committees and also by his work here.

Judge Olsen was graduated from the academic department of the University of Minnesota in 1887. I was a junior member of a law firm in Minneapolis from 1882 to 1894, and that firm had as clients Professor John Blegen, of the Augsburg College and Seminary of Minneapolis, and his wife, a sister of Ingerval M. Olsen. From that condition of affairs, it happened that when Ingerval decided to make law his profession he applied to our firm for a place to study law, and my recollection is that he remained with us the better part of a year as a law student. His duties for the firm were not arduous, and his pay was small. I remember that. His work was, of course, well done. There was no fault found.

When he was selected and became a member of this Court, of course I was in daily contact with him in the consultation room and in his own chambers. He was always ready and willing to aid the Court in anything that came up. When he came to our law office, he was a serious-minded, quiet, studious young man, and that was characteristic of him all along. You will find no attempt to display his learning or his literary ability in his opinions. They state the issues on appeal clearly, and the arguments and conclusions are so clear and plain that there can be no misconstruction about the results. He was always pleasant and agreeable and never lost his temper in the consideration of any case or proposition that came up and was always ready to help

in his chambers as well as in the consultation room.

I think the tribute that the committee has presented is merited, and we sincerely concur in it.

CHIEF JUSTICE LORING then said:

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 leave behind is a fair name and a good reputation—the respect which we have for lives well spent in service to the State and to the profession. When a lawyer accepts a call to the Bench, he must reconcile himself to serving without hope or prospect of other reward.

Mr. Justice Olsen was a close friend of mine. We were commissioners together until appointed justices in November 1930. Our offices adjoined. He was a great judge—his opinions ranked with those of the best judges whoever sat on this bench. On the district bench, he had the reputation of being among the very best of our district judges. On that bench as on this, he seldom talked much. But he listened with unusual understanding. His counsel in conference was listened to with the respect which our high regard for his professional attainments insured. Off the bench, he was cordial, gracious, and companionable, as I, probably better than anyone outside his immediate family, had opportunity to realize.

The justices whose memories we honor today have added their names to the illustrious list of distinguished men who devoted a large share of their lives to the service of this State by their devotion to the cause of justice.

MR. HARRIES then said:

May it please the Court:

On behalf of the Bar of the State of Minnesota, I move the Court that these proceedings be spread upon its minutes and made a permanent part of its records.

CHIEF JUSTICE LOSING then said:

In response to the motion made on behalf of the State Bar Association, it is ordered that these proceedings be spread upon the minutes of this Court and that they be printed in the *Minnesota Reports*.