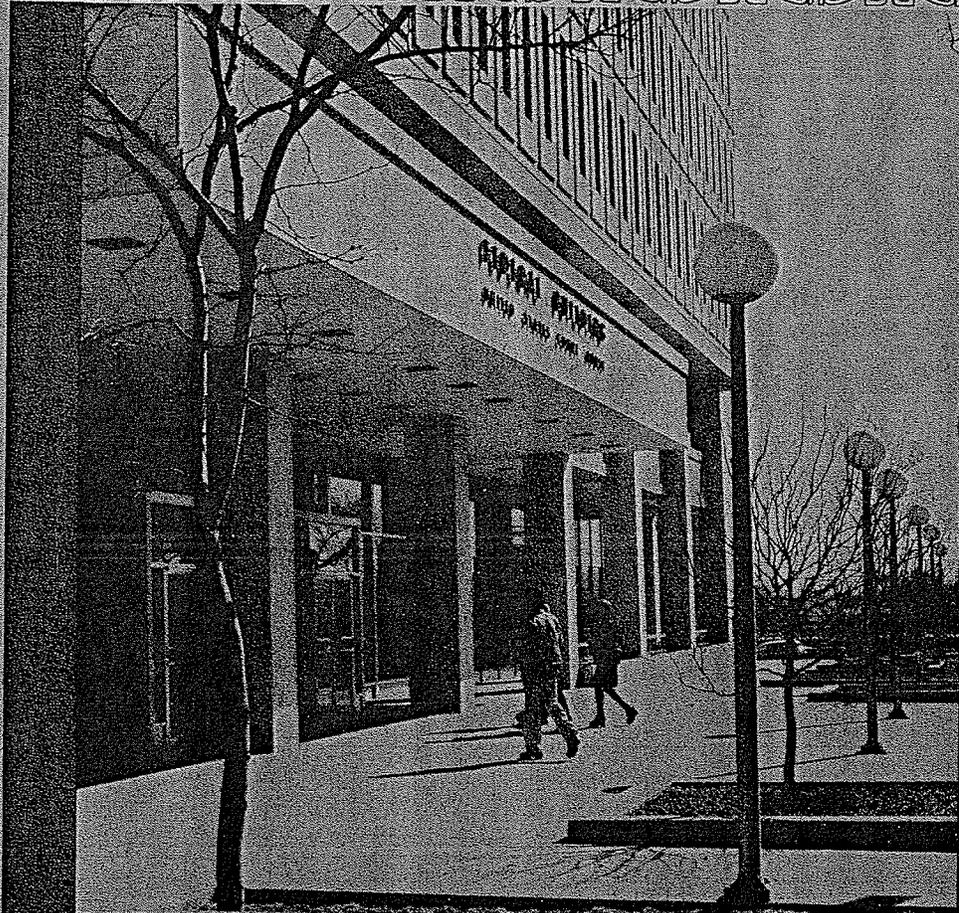


History of the United States District Court



of Minnesota

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Preface

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Here, for the first time, is a history of the federal courts in Minnesota. It is appropriate, in the nation's Bicentennial year, to record for posterity, as well as for our own interest and enjoyment, the historical record of the twenty United States District Judges who served the area since Minnesota statehood in 1858. Would that we could vividly reflect in words and pictures the early days of the federal trial judges who rode circuit by stagecoach from St. Paul to Preston, Winona, and Mankato, then designated places for holding court, to bring federal justice to the early settlers of the new state. But the scanty and now musty records in the Clerk's office show only the kinds of cases they tried—land disputes, railroad litigation, federal crimes—rather than colorful vignettes of the early judges and their work in the pioneer territory.

The biographies of the judges tell an interesting story. Although the present judges of the court are all native Minnesotans and reflect the nationality background of the present population of the state, the early judges, like their fellow settlers, were immigrants from elsewhere, principally the East—Judge Nelson from New York, Judge Willard from Vermont, Judge Booth from Connecticut—and were generally of English and Scotch-Irish ancestry.

Many of the early judges had not attended law school but "read law" in law offices. That was true of Judges Nelson, Lochren and Morris.

Unusual facets in the lives of the 20 federal judges reflected herein show:

- ◀ Judge Lochren fought in the Battle of Gettysburg.
- ◀ Only one judge failed of Senate confirmation—Purdy—after nine months interim service. Later he was a judge of a United States Court in Shanghai, China.
- ◀ Judge Booth was the only bachelor of the group.
- ◀ Two were foreign-born—Judge Lochren in Ireland, Judge Nordbye in Norway.
- ◀ The first, Judge Nelson, following his retirement in 1898, was a candidate before the State Legislature for election to the United States Senate in 1901. He didn't make it.
- ◀ Before studying law, Judge Purdy learned and practiced his trade as a potter.
- ◀ Before his federal service, Judge Willard served as an associate justice of the Supreme Court of the Phillipines in Manila from 1901-1904.
- ◀ One was an outstanding amateur golfer—Judge Earl R. Larson.

We thank Bankruptcy Judges Kenneth G. Owens and Jacob Dim for the preparation of this history. It has been a difficult task because so little information about the court and its judges has been preserved in official archives.

This much is clear from what we know of our early predecessors—Federal Justice in Minnesota was promptly dispensed by competent judges. We trust this appraisal has been true during the entire 118 year history of the federal courts in Minnesota.

Dated: May 5, 1976

A handwritten signature in cursive script that reads "Edward J. Devitt".

EDWARD J. DEVITT, Chief Judge
United States District Court

UNITED STATES DISTRICT COURT— DISTRICT OF MINNESOTA



First Judgeship

(authorized 1858)

Rensselaer R.
Nelson

Terr. j. 1857 USDJ 1858
to
May 16, 1896 (resigned)

William
Lochren

May 18, 1896
to
April 3, 1908 (resigned)

Milton D.
Purdy

July 6, 1908 (recess)
[never confirmed]

Charles A.
Willard

May 18, 1909
to
March 13, 1914 (died)

Wilbur F.
Booth

May 4, 1914
to
March 26, 1925 (Cir.J.)

John B. San-
born

March 27, 1925
to
Jan. 22, 1932 (Cir.J.)

Matthew M.
Joyce

Feb. 11, 1932
to
Oct. 11, 1954 (retired)

Edward J.
Devitt

Dec 20, 1954 (recess)
Feb. 4, 1955 (confirmed)

Second Judgeship

(authorized 1903)

Page Morris

July 1, 1903
to
June 30, 1923 (retired)

William A.
Cant

July 1, 1923 (recess)
Jan. 24, 1924 (confirmed)
to
Jan. 12, 1933 (died)

Robert C. Bell

June 13, 1933
to
May 1, 1961 (retired)
March 17, 1964 (died)

Earl R Larson

Aug. 28, 1961
to

Third Judgeship

(authorized 1922)

John F. McGee

March 7, 1923
to
Feb. 15, 1925 (died)

Joseph W.
Molynéaux

March 18, 1925
to
Feb. 28, 1937 (retired)

George F.
Sullivan

Aug. 20, 1937
to
Apr. 14, 1944 (died)

Dennis F.
Donovan

Aug. 15, 1945
to
Dec. 31, 1966 (retired)
Sept. 17, 1974 (died)

Miles W. Lord

May 2, 1966

Fourth Judgeship

(authorized 1930)

Gunnar H.
Nordbye

March 18, 1931 (recess)
Feb. 13, 1932 (confirmed)
to
March 6, 1967 (retired)

Philip Neville

August 4, 1967
to
February 13, 1974 (died)

Donald D.
Alsop

January 17, 1975

[This chart was first prepared by Miss Ethel Larson, long-time secretary to Judge John B. Sanborn who served as historian of the court for many years. It has been brought up-to-date to reflect recent appointments.]

TERRITORIAL JUDGES

Judge	Date of Commission
Aaron Goodrich	March 19, 1849
David Cooper	March 19, 1849
Bradley B. Meeker	April 3, 1849
Jerome Fuller	October 21, 1851
Henry L. Mayner	August 31, 1852
Moses Sherburne	April 6, 1853
Andrew G. Chatfield	April 6, 1853
William H. Welch	April 6, 1853
	April 21, 1857
Rensselaer R. Nelson	April 21, 1857
John Pettit	April 21, 1857
Charles E. Flandrau	July 17, 1857

UNITED STATES DISTRICT COURT

Judge	Date of Commission
Rensselaer R. Nelson	May 20, 1858
William Lochren	May 18, 1896
Page Morris	March 9, 1903
Milton Dwight Purdy	July 6, 1908
Charles A. Willard	May 18, 1909
Wilbur F. Booth	May 4, 1914
John F. McGee	March 2, 1923
William A. Cant	May 21, 1923
John B. Sanborn	March 18, 1925
Joseph W. Molyneaux	March 18, 1925
Gunnar H. Nordbye	March 18, 1931
Matthew M. Joyce	February 11, 1932
Robert C. Bell	June 13, 1933
George F. Sullivan	August 20, 1937
Dennis F. Donovan	July 18, 1945
Edward J. Devitt	December 10, 1954
Earl R. Larson	August 10, 1961
Miles W. Lord	April 28, 1966
Philip Neville	August 1, 1967
Donald D. Alsop	December 20, 1974

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"A judge's duty is to listen, study, consider and decide.

The measure of his success is the confidence and respect he wins—through the fairness, integrity, and wisdom of his decisions."

Michael J. Doherty



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THE BEGINNINGS



Minnesota has lived under four flags: France, Great Britain, Spain, and the United States. Under the flag of the United States, Minnesota has been a part of the following territories: Northwest, Indiana, Illinois, Michigan, Wisconsin, Louisiana, Missouri, Iowa and Minnesota.

Pursuant to an Act of Congress dated May 11, 1858, 11 U.S.St. at Large 285, the State of Minnesota was admitted into the Union.

The Act provided the following:

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Minnesota shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Sec. 3. And be it further enacted, That from and after the admission of the State of Minnesota, as hereinbefore provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within that State as in other States of the Union; and the said State is hereby constituted a judicial district of the United States, within which a district court, with the like powers and jurisdiction as the district court of the United States for the district of Iowa, shall be established; the judge, . . . of the United States for the said district of Minnesota shall reside within the same, and shall be entitled to the same compensation as the judge . . . of the district of Iowa”

The State of Minnesota constitutes one judicial district. In 1890 the district was divided into six divisions. These divisions still exist and encompass the following counties:

First Division: Dodge, Fillmore, Houston, Mower, Olmsted, Steele, Wabasha and Winona Counties.

Second Division: Blue Earth, Brown, Cottonwood, Faribault, Freeborn, Jackson, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rock, Sibley, Waseca, Watonwan, and Yellow Medicine Counties.

Third Division: Chisago, Dakota, Goodhue, Ramsey, Rice, Scott and Washington Counties.

Fourth Division: Anoka, Carver, Chippewa, Hennepin, Isanti, Kandiyohi, McLeod, Meeker, Renville, Sherburne, Swift and Wright Counties.

Fifth Division: Aitkin, Benton, Carlton, Cass, Cook, Crow Wing, Itasca, Kanabec, Koochiching, Lake, Mille Lacs, Morrison, Pine and St. Louis Counties.

Sixth Division: Becker, Beltrami, Big Stone, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahanomen, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Roseau, Red Lake, Stearns, Todd, Traverse, Wadena, and Wilkin Counties.

At the present time terms of the District Court are held in St. Paul, Duluth and Fergus Falls, Minnesota.

The Bankruptcy Court, a division of the District Court, also holds court in Rochester, Mankato and St. Cloud, Minnesota.

The Federal Magistrates Act became effective on October 17, 1968, 82 Stat. 1107. This act provided for the replacement of over 6,000 United States Commissioners with United States Magistrates and vested them with additional judicial authority, thus affording much needed assistance to the district judges. United States Magistrates, as well as Bankruptcy Judges, are appointed by the judges of the district.



RENSSELAER R. NELSON



Rensselaer R. Nelson was appointed the first United States District Judge for the District of Minnesota on May 20, 1858, by President James Buchanan.

Judge Nelson was born May 12, 1826, in Cooperstown, New York, son of an eminent jurist, Honorable Samuel Nelson, who served many years on the Supreme Court of that state, and later as an associate justice of the Supreme Court of the United States. He was educated in New York State and later graduated from Yale University in 1846 and as was then the custom read law in law offices in New York and again at Cooperstown, thus qualifying for the bar in 1849. On advice of friends he determined to pursue his practice in the then almost entirely un-

developed territory of Minnesota, arriving in St. Paul on May 12, 1850. Though urged he avoided political contest and continued his law practice and business activities until in April, 1857, he was appointed an Associate Justice of the Supreme Court of the Territory of Minnesota, a position which he held slightly less than one year.

During that short service there was presented to him on an application for mandamus the question of validity of a then act of the territorial legislature attempting to remove the capital from St. Paul to St. Peter, Minnesota. The matter was then of great public interest and Judge Nelson wrote an elaborate opinion denying the application.

Judge Nelson was serving in that office when Minnesota was admitted as a state and constituted a District in the Federal Court system by act of May 11, 1858. Within days thereafter he was appointed the first United States District Judge for the District and served there for 38 years when in 1896 he resigned to resume private practice. During his term on the bench the then sparsely settled and rough and ready territory had become a more populous and stable state.

While business of the court increased over the years, the record of his judicial activity is not readily traceable, the then practice not contemplating publication of the bulk of opinions which he may have written. Some charges to Grand Juries, principally in the early years following the commencement of the Civil War, are preserved and he is reported to have had very few of his decisions overruled.

Other than appearing as a candidate before the legislature for United States Senator in 1901, Judge Nelson remained in retirement and in private life until his death October 15, 1904, at the age of 78.

WILLIAM LOCHREN



William Lochren was appointed, qualified on May 18, 1896, as successor in the one Judgeship of the United States District Court for the District of Minnesota.

Judge Lochren was born in County Tyrone, Ireland, on April 3, 1832. He accompanied his widowed mother to America where they settled in Franklin County, Vermont. In that border area he shared the rigors of rural life, took employment in the mills of the area, but all of the time pursued his education through a few available public schools and through self study was able to read law and in 1856 was admitted to the bar of Vermont.

During the same year he came to Minnesota and established his practice at St. Anthony, later Min-

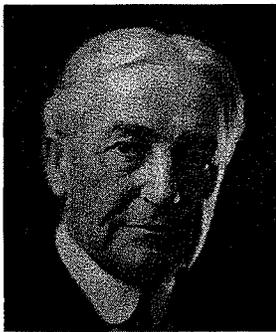
neapolis. This practice was interrupted by the Civil War where he served in the Union Forces for some three years rising through the ranks to Regimental Adjutant. He participated in the Battle of Gettysburg and thereafter ill health caused his return to Minneapolis where he continued the practice of law where it is said that he participated in some way in substantially all of the important litigation of the Northwest, much of his practice being in the courts of review and appeal.

William Lochren had a varied experience otherwise, serving as a member of the Minnesota State Senate, Judge of the Fourth Judicial District of Minnesota and U. S. Commissioner of Pension during the period 1893 to 1896.

It was from the latter position that Judge Lochren was appointed to the District Bench May 18, 1896, serving there until April 3, 1908, almost twelve years. His death occurred January 27, 1912, at the age of 79.

Many of the cases coming before Judge Lochren involved Charter rights of Railroad and other corporations and early regulation. Many of his decisions were rendered orally from the bench and reflected his active mind and logical thinking. See for example of such an oral opinion Perkins v. Northern Pac. Ry. Co., 155 Fed. 455 (D.C., Minn. 1907).

PAGE MORRIS



Page Morris was appointed to a new additional judgeship in the District of Minnesota on March 9, 1903.

Judge Morris was born in Lynchburg, Virginia, in 1853 and completed his formal education after attendance at William and Mary College, by graduation from Virginia Military Institute on July 4, 1872. From graduation onward to 1879, he held academic positions at Virginia Military Institute, Texas Military Institute, and Agriculture and Mechanical College of Texas. He read law and was admitted to the bar in St. Louis, Missouri, but only entered the practice after his return to Virginia and his admission to the Virginia Bar in 1880. After an unsuccessful candidacy for Congress, he removed to Duluth, Minnesota, where he commenced the practice of law in 1886. He was a prominent figure in Masonic circles. He served in various public capacities as Judge of the Municipal Court, City Attorney, and District Judge for the Eleventh Judicial District. Resigning the latter post he was elected a member of congress in 1897 and served in the House to March 4, 1903. While there he was active in the enactment of the original Panama Canal Legislation.

Judge Morris received his appointment to the United States District Bench on March 9, 1903 and there served for some twenty years to June 30, 1923.

Judge Morris resided and principally held court at Duluth, Minnesota, during the first years of his term. He was not provided with a secretary and had to depend on the only court reporter serving the Federal Court on a fee basis for the typing of his opinions and assistance from the Clerk's Office in connection with his correspondence. Later a court reporter was appointed who received a small salary in addition to fees and then assisted as the judge's secretary. Much of the criminal litigation conducted before Judge Morris had to do with the introduction of liquor into Indian Territory and later enforcement of the Prohibition Act. The volume of such cases was large, but trials were few, and Judge Morris had the reputation of imposing severe fine penalties.

Judge Morris was a sportsman and it is said that during the pheasant and duck hunting season would sometimes have his bird dogs with him in chambers. Some lawyers are still active who practiced before Judge Morris and in all of his contact with the bar he is said to have been a "Virginia Gentleman". Judge Morris after twenty years service reached the age of 70 and for reasons of health retired on that birthday, June 30, 1923. He passed away December 16, 1924.

MILTON D. PURDY



Milton D. Purdy was appointed on July 6, 1908, to succeed Judge Lochren who had resigned on April 3 of that year. During his short term of service he served with Judge Morris.

Judge Purdy was born November 3, 1866, in the State of Ohio, and in 1870 removed with his parents to Illinois. He graduated from high school there in 1884, taught school for two years, and during vacations worked in his father's factory and learned the potters trade. Thus acquiring sufficient funds he came to Minnesota and completed his education at the University of Minnesota, graduating from its law school in 1892. As was then customary he also read law in the office of a practitioner.

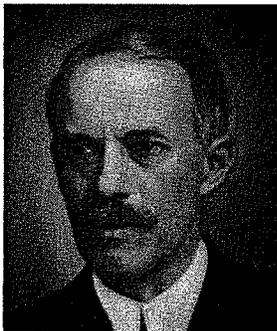
Judge Purdy held various positions as Assistant County and United States Attorney and as an Assistant to the Attorney General of the United States prior to his appointment in 1908.

Judge Purdy, however, served only nine months from his appointment on July 6, 1908, to May, 1909, on the District Bench.

He failed of confirmation by the Senate and leaving the Bench continued in public service as an Assistant to the then Attorney General and for ten years served as Judge of the United States Court in Shanghai, China.

After leaving that court in 1934 Judge Purdy passed away on February 11, 1937 at age 70.

CHARLES A. WILLARD



Charles Andrew Willard was born in St. Johnsbury, Vermont on May 21, 1857. He graduated from Dartmouth, got his LL.B. at Boston University and went on to get his Doctor of Laws at Dartmouth.

He came to Minnesota in 1882 and practiced law and lectured in law at St. Paul and Minneapolis until 1901, when he was appointed Associate Justice of the Supreme Court at Manila, Philippine Islands.

He returned to Minneapolis in 1904 and practiced law for a year after which he returned to the Philippines as Associated Justice serving until 1909.

While in the Philippines Judge Willard rewrote the Spanish Code into an Americanized version.

William Howard Taft was Governor of the Philippines and he and Judge Willard became fast friends. Later when William Howard Taft was elected President of the United States he appointed Judge Willard to the Minnesota Federal Bench on May 18, 1909, where he served until his death on March 13, 1914. President Taft, later of course Chief Justice of the United States, attended the funeral.

Judge Willard usually presided over the Court at St. Paul. In the pre World War I era the land was being rapidly settled and many real estate disputes came before him.

WILBUR F. BOOTH



Wilbur F. Booth was born at Seymour, Connecticut, August 22, 1861. He defrayed his university expenses by teaching in the Hopkins Grammar School at New Haven.

Judge Booth graduated from Yale Law School and was admitted to the bar in Connecticut. He came to Minnesota in 1889.

He practiced law in Minnesota from 1889 to May 20, 1909, when he was appointed to the district bench in Hennepin County.

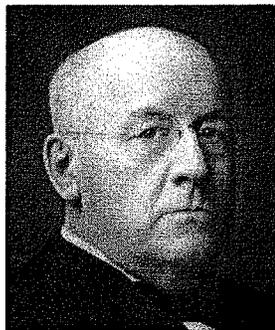
He then succeeded Judge Willard to the Federal Bench, appointed on May 4, 1914.

He was the only bachelor to serve as a District Judge. He sat on the district bench until March

17, 1925, when he was elevated to the Court of Appeals.

Judge Booth was a distinguished jurist said to have been "one of the greatest United States Judges of all times", courteous, gentlemanly and talented. He was a great influence on succeeding judges in this district.

JOHN F. MCGEE



Little is known of the early years of John F. McGee, other than he was a long time resident of Minnesota.

He practiced law in Minnesota, was a member of the Minnesota Public Safety Commission during World War I, and was also a prosecuting attorney.

He was a great student of the Civil War.

A Minneapolis editorial writer said:

"Laymen's knowledge of subjects for experts is usually a sorry thing. Judge McGee's study of the Civil War was merely an avocation in a busy life. But the knowledge he fished up out of all sorts of sources was none of it second-hand, and it was simply extraordinary, a marvelous intellectual performance both in way of research and memory."

Judge McGee commenced his judicial service on the State District Court in Hennepin County.

He was appointed to the Federal District Court on March 7, 1923, but served only a short time to his untimely death on February 16, 1925.

Judge McGee's appointment by President Warren G. Harding was to a new position, the third judgeship in the district.

WILLIAM A. CANT



William A. Cant was born in Westfield, Wisconsin on December 25, 1863. He graduated from the University of Michigan Law School and opened his law office in Duluth, Minnesota, in April, 1886.

He was elected to the Minnesota Legislature in 1894 and in 1895 elected City Attorney of Duluth.

Judge Cant commenced his judicial service by election to the bench of the District Court for the Eleventh Judicial District of Minnesota and served in that capacity until appointed to the Federal District Bench on May 21, 1923. There he succeeded Page Morris in the second judgeship.

Judge Cant was zealous of the rights of defendants charged with crimes. He was instrumental in in-

roducing the pre-sentence investigation—now nationally adopted. Many of his ideas lead to the present probation system with the use of probation officers for investigation, recommendation, and follow-up.

Judge Cant died January 12, 1933, and was succeeded by Robert C. Bell. During his tenure on the bench Judge Cant dealt with many novel questions of tax law.

JOSEPH W. MOLYNEAUX



Joseph W. Molyneaux was appointed to succeed Judge McGee in the Third Judgeship in the United States District Court of Minnesota on March 18, 1925.

Judge Molyneaux was born in Bellevue, Kentucky and spent his childhood and early school years in that state.

He attended Miami University at Oxford, Ohio, for his academic education and took law at the University of Cincinnati obtaining his degree in 1882. It is said that while attending the law school he supported himself by driving a milk wagon.

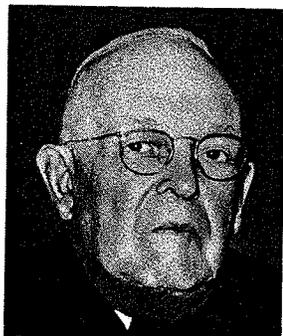
He came to Minnesota and was admitted to practice at the Minnesota Bar in 1884 and there practiced for many years as a member of the firm of Benson, Morley and Molyneaux. After many years of law practice he was appointed a judge of the Minnesota District Court for Hennepin County in 1913 and was twice elected to succeeding terms on that bench. He was there serving when he was appointed United States District Judge in 1925.

Judge Molyneaux was observed not to be a large man in physical size but impressive and one observer described him as an aristocrat both in appearance and demeanor. He was a contemporary of Judge Sanborn on the District Bench and continued on his service overlapping that of Judges Joyce and Nordbye. On the District Bench he presided over a wide variety of trials involving a number of fields of law including cases dealing with the emergency legislation of the great depression, the then widely publicized trial of W. B. Foshay, and prohibition violations.

While the practice of the time was not to print many opinions of the District Bench, Judge Molyneaux's are found in the early volumes of Federal Reporter Second.

Judge Molyneaux retired after thirteen years service on February 28, 1938 and died at Minneapolis in 1939 at the age of 76.

JOHN B. SANBORN



John Benjamin Sanborn was appointed to the original Judgeship of the United States District Court for the District of Minnesota succeeding Judge Wilbur F. Booth by appointment on March 27, 1925. He continued to serve on the District Court until his elevation to the United States Court of Appeals for the Eighth Circuit on January 22, 1932.

Judge Sanborn was born in St. Paul, Minnesota, November 9, 1883, the son of General John B. Sanborn, a lawyer and in command of the Minnesota Fourth Regiment during the Civil War, first as Colonel then Brigadier General and later Brevet Major General. His regiment participated in many battles including the Battle of Vicksburg. By rea-

son of that inheritance Judge Sanborn always showed great interest in historical matters particularly concerning the Civil War.

Judge Sanborn graduated from the University of Minnesota in Arts and from the St. Paul College of Law on June 20, 1907, and then entered practice in St. Paul. In addition to his practice he was a member of the Minnesota Legislature and Insurance Commissioner of the state before and after his service in the United States Army in World War I in which he enlisted at the age of 34. After the war he resumed his position as Insurance Commissioner and was later a member of the Minnesota Tax Commission. At 38 he was appointed Judge of the Second Judicial District, St. Paul, Minnesota, on March 6, 1922 serving there until his appointment to the United States District Court.

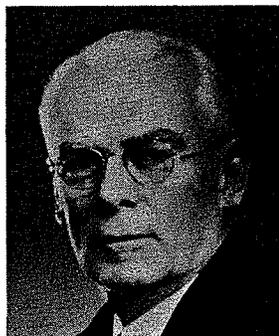
During his service on the District Bench, as always, he exhibited a rich legal talent, but both as a trial judge and as a man was entirely free from affectation or artificiality.

The record of his judicial talent is to be found in the main in his public decisions following elevation to the U. S. Court of Appeals in Volumes 15 to 326, Federal Reporter, 2d Series. In all cases the bar recognized that his decisions were sure and sound, greatly relied upon and frequently cited by Bench and Bar. His associates of the bench and bar recognized him as a unique and outstanding jurist on both trial and appellate bench.

In addition to his service on the Bench, Judge Sanborn served with distinction in matters of judicial administration as a member of the Committee of the Judicial Conference of the United States on Bankruptcy Administration, as a member of the Advisory Committee on Bankruptcy Rules to the Committee on Rules of Practice and Procedure, and as Chairman of the Committee of the Judicial Conference of the United States considering post-war building plans for the quarters of the United States Courts in 1944 to the end of its endeavor. In January, 1945, he became a member of the Advisory Committee to the reviser of Title 28 United States Code, the Judicial Code and Judiciary.

Active in other ways in aid of the St. Paul College of Law and other civic endeavors Judge Sanborn was designated on the occasion of the Minnesota Territorial Centennial on March 3, 1949, was "one of the hundred living great in Minnesota", and received numerous other awards from the University of Minnesota and from his alma mater. Following retirement from the Court of Appeals Bench he nevertheless continued active in hearing cases and in the other endeavors mentioned until his death on March 7, 1964.

MATTHEW M. JOYCE



Matthew M. Joyce was appointed to the United States District Court on February 11, 1932 to the First Judgeship in the District, succeeding John B. Sanborn.

He was born April 29, 1877 at Emmetsburg, Iowa, the oldest of five children of Matt and Ella Healy Joyce. His father died when the boy was eight years old and the family moved to Fort Dodge, Iowa where he attended grammar and high school. The family was not then or during his college years affluent but three of his uncles practiced law at Fort Dodge.

He attended the University of Michigan attending for two years the College of Science, Literature and Arts followed by two years in the law school there.

In the summer prior to his scheduled final year at the suggestion of an uncle in Fort Dodge, he took the Iowa bar examination and while not a graduate in law easily passed the same and being short of funds did not return to Michigan to attain his degree at that time. After he served

many years on the bench, the University of Michigan in 1944 discovered he had never received his law degree and the regents on recommendation of its faculty awarded him that degree as of the class of 1901, in June 1944.

After admission to the bar he and a companion Edward C. Mulroney of Fort Dodge, went to Missoula, Montana, where they practiced in partnership until 1907. The rewards were sparse, their total combined fees for the first year of practice being in the neighborhood of \$250.00. Later, he practiced successfully from 1907 to 1910 in New York City. He then returned to Fort Dodge where his firm represented one or more railroads and in 1917 he became General Attorney of the Minneapolis & St. Louis Railroad. He successively became General Solicitor, General Counsel and when receivership ensued became counsel for the receiver in 1923. He served there until appointed to the Federal Bench.

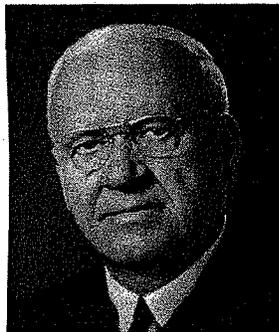
Judge Joyce was a most imposing figure on the Federal Bench and privately a charming man with innate Irish wit and sense of humor.

Judge Joyce came on the bench at a period of growing public violence, much centered in Minnesota and involving the Hamm and Bremmer kidnappings. Notorious criminals Roger Touhy, Arthur (Doc) Barker, and others were tried before and sentenced by Judge Joyce.

As a trial judge he was seldom reversed and his legal reasoning was clear and precise as evidenced in his opinions, often unreported, some in Federal Reporter 2d and continuing through Volume 114 Fed.Supp.

Judge Joyce retired in 1954, to be succeeded by Judge Edward J. Devitt and died at Minneapolis on January 12, 1956, at the age of 78.

ROBERT C. BELL



Robert C. Bell was born on a farm in Cass County, Missouri, on November 1, 1880. He graduated from the University of Missouri Law School in 1908. He practiced law for eight years at St. Joseph, Missouri.

In 1916, he was appointed as a special Assistant Attorney-General. As such, he was one of the primary investigators for the Federal Government in the "Tea Pot Dome" scandal, and the evidence produced by him was used in the successful prosecution of that matter. His investigations took him to Minnesota, Colorado and Wyoming.

He was much impressed with Minnesota, and he located at Detroit Lakes in 1921 where he practiced law and also served as Commissioner of Indian Affairs.

As such, and in his practice, he was involved and concerned about the Indian and his relationship to the Federal Government. He dealt with many matters involving that concern on the Federal Bench.

In 1930, he was elected state senator. In 1933, he drafted, introduced and secured the passage of the state income tax law.

Judge Bell was appointed to succeed Judge Cant in the second judgeship on June 13, 1933. In addition to holding court in Minnesota, he sat in the states of Washington, Oregon, Colorado and Washington, D. C.

His appointment as United States district judge received the general endorsement of the bench and bar and general public. As one of the speakers at the luncheon following his taking the oath of office said, "Judge Bell is not only a man of fine legal talent, but one who possesses the human qualities necessary for a judge."

Judge Bell retired from the Federal Bench in the spring of 1961. He passed away in March, 1963.

Judge Bell had four children, three of whom are lawyers.

GEORGE F. SULLIVAN

George F. Sullivan was appointed to succeed Judge Molyneaux in the Third Judgeship in the United States District Court for the District of Minnesota on August 20, 1937.



Judge Sullivan was born at Shakopee, Minnesota, on January 30, 1886. He was educated in the public schools, taught school for a short time following his graduation from high school, and entered the law school of the University of Minnesota in 1904, receiving his LLB degree in 1908. After graduation he returned to his home in Jordan where he became City Attorney and later County Attorney for Scott County.

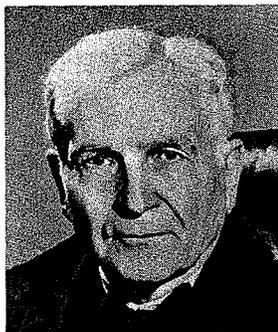
An able trial lawyer he also built up a large private practice in which he evidenced good judgment and common sense. From September 18, 1933, to his appointment to the bench on August 30, 1937, he served first as interim and later permanent appointee as United States Attorney for the District of Minnesota. During that time he supervised his capable staff in a series of major criminal prosecutions in an era which saw a rise of kidnapping as well as robbery of the mails and of national banks. Included were cases involving the kidnappings of William Hamm and Edward G. Bremmer and resulting in prosecutions of notorious criminals Doc Barker, Alvin Karpas and others.

In his service on the United States District Court Judge Sullivan was an impressive figure, an able judge, and dignified and courteous to all. The publication of opinions of the District Court was not as frequent then as today but in Volumes 21 through 46 of the Federal Supplement are found some 35 decisions written by Judge Sullivan covering a wide field of law.

Judge Sullivan served the Court until his death in 1944.

GUNNAR H. NORDBYE

Gunnar H. Nordbye after recess appointment on March 18, 1931, confirmed February 13, 1932, assumed the Fourth Judgeship in the United States District Court for the District of Minnesota. There he joined Judges Sanborn, Cant and Molyneaux.



Judge Nordbye was born in Urskog, Norway, on February 4, 1888, the son of Halvor and Anna C. (Aarnes) Nordbye. His parents brought him as an infant to the United States in 1888.

Judge Nordbye attended high school at Granite Falls, Minnesota, graduating in 1906 and for the following two years taught elementary school in Yellow Medicine County. He was then able largely through his own efforts to attend the University of

Minnesota and obtained his law degree and was admitted to the bar in 1912. In later years he attained the honorary degree of Doctor of Laws from the University in 1959.

For the next ten years he engaged in the general practice of law at Minneapolis, Minnesota, until called to the beginning of his long period of judicial service in 1922. Judge Nordbye was appointed a Judge of the Municipal Court of the City of Minneapolis in 1922 and served there until his appointment to the Minnesota District Court for Hennepin County in 1925. He continued there until appointed to the United States District Bench.

Judge Nordbye in appearance and by qualification is an epitome of a United States District Judge. Over the years he has been recognized by Bench and Bar as one of the outstanding trial judges in the United States. Judge Nordbye's first reported decision on the United States District Bench is found in 51 F.2d 840, and his opinions thereafter may be found liberally sprinkled through the following volumes of Federal Reporter and Federal Supplement to this date. He is known throughout the country for his comprehensive and scholarly charges to trial juries.

The bulk of his opinions are for the District Court but he has been frequently called upon as well to set with the United States Court of Appeals and there are a number of his opinions in the books in that capacity.

For many years Judge Nordbye was chief judge of the district and in the assignment of cases was generous in taking the unwanted ones for himself. The trials and cases with which he was concerned run the gamut from Railroad Reorganizations and Receiverships, Motion Picture Civil Anti-trust and other Anti-trust proceedings through the whole range of criminal proceedings and as a matter of historical moment the determination of entitlement to certain of the Lewis and Clark papers. First Trust Company of St. Paul v. Minnesota Historical Society, D. Minn., 146 F.Supp. 652.

Judge Nordbye was called upon to serve as a Special Master for the United States Supreme Court in boundary disputes, and has been assigned for the trial of cases in other districts, Illinois, Arkansas, Iowa, Missouri, and New York, where his impartiality, skill and knowledge was required.

While the record shows that Judge Nordbye retired on March 6, 1967, he has continued in service to this day.

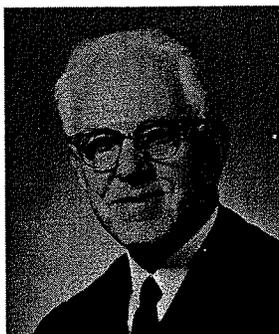
In private life Judge Nordbye is a skilled and avid hunter and fisherman, active in fraternal matters as a Mason 33rd Degree and Grand Master in 1939.

Among other honors in connection with the 1949 Minnesota Centennial and in common with Judge Sanborn he was selected as one of the 100 living great of Minnesota. He also received the Northwestern University Centennial Award as one of the ten persons from Minnesota out of the 100 selected for the award from all of the six states comprising the old Northwest Territory.

His honors grow as the years go by reflecting his so far 54 years on the trial bench.

Judge Nordbye is a widower. His two sons are Roger Lincoln Nordbye and Richard Arthur Nordbye.

DENNIS F. DONOVAN



Judge Donovan was born in Ironwood, Michigan. He graduated from the University of Michigan Law School.

Dennis F. Donovan became a resident of Duluth in 1913. After a number of years of private practice, he became attorney for the Oliver Iron Mining Company, a division of the United States Steel Corporation.

Judge Donovan was appointed to the Federal District Bench on July 18, 1945.

It was commonly known that President Franklin D. Roosevelt was to appoint another to the Federal Bench. At the time President Roosevelt died, a commission to appoint another was on his desk.

After President Harry S. Truman was sworn in to succeed President Roosevelt, he appointed Judge Donovan. The appointment raised some hackles in Minnesota.

Judge Donovan primarily sat in Duluth, Minnesota. He was known for his wit and humor.

In presiding over criminal cases he showed both compassion and concern for the defendant while adhering strictly to the law. In all cases he was known for his patience in treating fairly all counsel and litigants. A modest man, the bulk of his opinions were unreported. Those reported cover the range of federal jurisdiction and are found in Federal Supplement.

Judge Donovan was called and frequently served in other districts.

After his retirement on December 31, 1965, he moved to California but returned to Rochester, Minnesota where he passed away on September 16, 1974 at the age of 85.

Judge Donovan was survived by his widow, a son and a daughter and one brother, who was formerly Secretary of State of Minnesota.

EDWARD J. DEVITT



Edward James Devitt was born at St. Paul, Minnesota on May 5, 1911. He received his Doctor of Jurisprudence at the University of North Dakota in 1935. He has also been awarded honorary degrees by the University of North Dakota and the William Mitchell College of Law.

He practiced law at East Grand Forks, Minnesota from 1935 to 1939, at the same time serving there as Municipal Judge and instructing at the University of North Dakota Law School.

From 1939 to 1942, he served as Assistant Attorney General of Minnesota. He also instructed at the St. Paul College of Law in 1946.

During World War II, Judge Devitt served in the United States Navy for 39 months as a Lieutenant Commander. He was an Intelligence Officer and served with the Seventh Fleet. He was wounded in the Battle for the Philippines and was awarded the Purple Heart. Judge Devitt was elected as a Representative in the 80th Congress for the 1947-1948 term. He then practiced law in St. Paul to 1950 when he was elected Probate Judge for Ramsey County, Minnesota until his appointment to the Federal District Bench by President Dwight D. Eisenhower in 1954 and took office on May 20 of that year. He is now Chief Judge, United States District Court, District of Minnesota.

Judge Devitt is world renowned as a scholar and student of the law. He is chairman of the American Bar Association Advisory Committee on Fair Trial-Free Press. He is co-author of "Federal Jury Practice and Instructions" published by West Publishing Company. He was the first to introduce the six person jury in civil trials, resulting in the saving of millions of dollars to the government and speedier trials in the federal system.

Judge Devitt's ten commandments for judges best describe him. They are:

1. Be Kind
2. Be Patient
3. Be Dignified
4. Don't Take Yourself Too Seriously
5. Remember That a Lazy Judge Is a Poor One
6. Don't Be Dismayed When Reversed

7. Remember There Are No Unimportant Cases
8. Don't Impose Long Sentences
9. Don't Forget Your Common Sense
10. Pray for Divine Guidance

Judge Devitt has also suggested ten practical suggestions for Jury Instructions that have become standards in the Federal Judiciary. They are:

1. Proposed Instructions Should be in Writing
2. Instructions Should be Limited
3. Instructions Should be Objective
4. Instructions Should be Phrased in Understandable Language
5. Accurate Citations Should Support Suggested Instructions
6. All Pertinent Instructions Must be Given
7. Instructions Should be Given in Logical Sequence
8. Pattern Instructions Must be Tailored to the Case
9. Federal Judges Should Comment on the Evidence
10. The Instructions Must be Effectively Delivered

In formulating these rules Judge Devitt distilled the practice of this district, and he practices them.

Judge Devitt was called upon to instruct the jury in the law in the first jury case involving Taft-Hartley violation.

Judge Devitt is married to the former Marcelle LaRose MacRae. They have two children, Mrs. Michael (Terese) R. Hoffman and Timothy.

EARL R. LARSON



Earl R. Larson was appointed on August 10, 1961, to the Second Judgeship of the District following the retirement of Judge Robert C. Bell.

Judge Larson, the son of Axel and Hannah Larson, was born at Minneapolis on December 18, 1911, and lived there during all of his early years through graduation from North High School. In those years he developed his interest in golf and became, and still remains, an outstanding amateur golfer, reaching the fourth round of the United States Amateur Golf Tournament held at Detroit, Michigan, in 1954.

Judge Larson attended the University of Minnesota, receiving his academic degree cum laude in 1933 and followed through the law school of the University, obtaining his law degree cum laude in 1935. He was president of the All-University Student Council in 1934-35.

Judge Larson remained in private practice until appointed an assistant United States Attorney for the District of Minnesota where he served from 1940 to 1942. He then entered the United States Navy, serving in air intelligence work during the course of the war from 1943 to 1946, leaving the service as a Lieutenant Senior Grade.

Following that service he returned to the active practice of law in Minneapolis, founding a law firm which continued and grew during his entire period of private practice through 1961. Both he and at his instance other members of the law firm in addition to their extensive practice maintained an active ongoing interest in civic and political matters.

From that firm came, among others, Orville L. Freeman, former governor of Minnesota and former United States Secretary of Agriculture; Leonard E. Lindquist, former State legislator and former chairman of the Minnesota

Public Utilities Commission; Walter F. Mondale, United States Senator for Minnesota; Donald M. Fraser, United States Congressman; Lee Loevinger, former Justice of the Minnesota Supreme Court and former member of the Federal Communications Commission; and Harry H. MacLaughlin, now Justice of the Minnesota Supreme Court.

During the early years of his practice Judge Larson remained academically active, serving as a lecturer in business law at the School of Business Administration of the University of Minnesota until 1953. Always interested and active in human affairs, he became chairman of the Governor's Human Rights Commission and served in that capacity from 1955 to 1960.

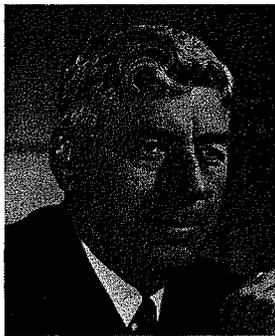
As indicated, he was appointed United States District Judge in 1961 and during his entire service has gained uniform recognition as a most capable, fair, and industrious trial judge.

As was portended by his service on the Human Rights Commission, he came on the bench at a time of growing awareness on the part of the courts of problems of discrimination and equal protection. Consequently, in addition to presiding over trials in the usual broad spectrum of judicial business covering antitrust litigation, commercial law, federal criminal law, and usual civil business, the judge has presided over a number of civil rights suits, contesting school segregation and other matters of civil rights, many of them of first impression and of nationwide import.

It is of interest in view of his sports ability that one of his most recent lengthy trials involved the validity of professional football's "reserve clause."

Judge Larson is married to Cecill Carlgren and has two children, Earl R. Larson, Jr., and Jane Torras.

PHILIP NEVILLE



Judge Neville was sworn in as the 19th Judge of the Minnesota Federal District Court on August 4, 1967, replacing in the Fourth Judgeship Gunnar H. Nordbye, retired.

Judge Neville was born at Minneapolis, Minnesota, November 5, 1909. His father James E. Neville was an editorial writer for the Minneapolis Journal. His schooling was in Minneapolis where he graduated from West High School, then attended the University of Minnesota receiving his BA degree in 1931 and his law degree in 1933.

While at the University he was active in undergraduate affairs and was selected as a "representative Minnesotan". His record in the law school was outstanding and following graduation he served as law clerk to the then chief justice of the Minnesota Supreme Court and even after entering practice remained active as an instructor in law at the University of Minnesota and Minneapolis College of Law and associated for many years with the State Board of Law Examiners.

Philip Neville was an excellent trial lawyer and a fellow of the American College of Trial Lawyers. Over the course of years his practice ranged from anti-trust litigation to general law practice. Nevertheless, he found time to remain most active in the bar, becoming president of the Hennepin County Bar Association and the Minnesota State Bar Association. During the years of his private practice he took time to serve as a municipal judge for the Village of Edina and finally served with distinction as a

United States Attorney for the District of Minnesota. In short his appointment called him from a very active and fulfilling practice, and his appointment was uniformly well received by the bar.

Judge Neville was universally held in high esteem because of his kindness, judicial temperament, impartiality, and his fair and considerate attitude on the bench. In addition to presiding over the wide spectrum of cases common to the Federal Trial Bench, Judge Neville dealt with several involving environmental concerns.

Judge Neville fully undertook all of the obligations of his office and continued through a painful period of illness to the end. He died, an active judge of the court, at the age of 64 on February 13, 1974.

MILES W. LORD



Miles W. Lord was born in Crow Wing County, Minnesota on November 6, 1919. He earned his Bachelor of Arts and Bachelor of Laws degrees from the University of Minnesota. He worked his way through college as a janitor, postal clerk, night watchman, a restaurant operator, packing house worker, electrical appliance salesman, "cat skinner", welder and construction foreman.

Judge Lord served as an Assistant United States Attorney prior to being elected Attorney General of Minnesota in 1954 and was reelected in 1956 and 1958. In 1961, he returned to federal service on appointment as United States Attorney for the District of Minnesota. He resigned that position to become the eighteenth Federal District Judge for the District of Minnesota, his appointment having been made by President Lyndon B. Johnson.

Attending his swearing in ceremony were the Honorable Harry A. Blackmun, at that time Judge of the United States Circuit Court of Appeals for the Eighth Circuit, and now Justice of the United States Supreme Court; Mrs. Hubert H. Humphrey, wife of the then Vice President of the United States; and Minnesota Governor Karl F. Rolvaag. He was sworn in on May 2, 1966.

Judge Lord succeeded the Honorable Dennis F. Donovan who had retired.

Upon being sworn in Judge Lord stated: he was ". . . deeply honored by what the President has done, by showing that he has confidence in me and by appointing me to this high and responsible and exalted office as I undertake the awesome responsibilities of this job, I am going to try to measure up and try to be the kind of Judge that each of you hope that I will be . . ."

Judge Lord is his own man. He is courageous, outspoken and dedicated.

He has presided over extended and complicated anti-trust litigation and the most protracted environmental litigation so far experienced in the Federal Court System.

Judge Lord is married to Maxine F. Lord and has four children, sons Miles W. Lord, Jr. and James F. Lord, and daughters Priscilla Faris and Virginia Lord.

DONALD D. ALSOP



Donald Douglas Alsop was born August 28, 1927 at Duluth, Minnesota. He graduated from the University of Minnesota, Duluth in 1948 and the University of Minnesota Law School in 1952, where because of his scholastic ability, he was elected a member of the Order of the Coif.

He practiced law in St. Paul, Minnesota from 1952 to 1954 at which time he became a partner in the law firm of Gislason, Alsop, Dosland and Hunter in New Ulm, Minnesota until his appointment to the Federal Bench in 1975.

Judge Alsop took office as United States District Judge, District of Minnesota on January 17, 1975, the twentieth to be so honored.

In his youth Judge Alsop worked as a caddy, sold shoes, poured hot tar, swabbed the decks of the ships in Duluth harbor, and carried mail.

In New Ulm, he was a leader in virtually every community endeavor, from soliciting for charity to president of the Chamber of Commerce.

In his practice he was an outstanding trial lawyer and was highly respected by all who came in contact with him.

At his swearing in ceremony, his partner Sidney P. Gislason stated:

"If there is one thing in Judge Alsop's character that stands out in bold relief, it is his unimpeachable integrity. He is a kind and gentle man. In 20 years of practice, no partner or associate remembers him speaking an unkind word. He is patient, dignified, humble, respectful and reverent. He believes in people, in tolerance, in compassion, in the law and in justice. Those of his peers who know him best, his former partners and associates, are unanimous in their prediction that Judge Alsop will be a judge of whom both bench and bar will be proud."

That prediction has come true. Judge Alsop has met the challenge with knowledge, understanding and "the wisdom to know what is right, and courage enough to do it." His decisions are clear, concise and to the point.

Judge Alsop came on the bench to meet a congested court calendar bearing many civil rights cases in addition to the traditional civil and criminal business of the court.

Judge Alsop is married to the former Jean Lois Tweeten. They have three children, David Douglas, Marcia Ann and Robert Alan.

THE PRESENT COURT

In addition to the District Judges the court is served by:

Clerk of the Court

Harry H. Sieben

Bankruptcy Judges

George A. Heisey, retired

Kenneth G. Owens

Jacob Dim

John J. Connelly

Hartley Nordin

Patrick McNulty

Gordon Thompson

United States Magistrates

George G. McPartlin

J. Earl Cudd

Patrick J. McNulty

Jay R. Petterson

Richard A. Gullickson

Steven A. Nelson

Chief Probation Officer

Edward Abas



EPILOGUE

In this Bicentennial year of 1976 it is fitting that a history of the United States District Court of Minnesota be written.

In our research we have discovered very little has been preserved in the archives of this State about the court, its Judges and its personnel.

We have endeavored to compile all of the information we could find about our Federal District Judges, with special emphasis on those who presently sit in that capacity.

We would recommend that the court make some provision for a repository for relevant material so they can be preserved for the future.

Kenneth G. Owens
Jacob Dim



UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA



ORDER

It having been brought to the attention of this United States District Court during this year of the Bicentennial of the United States that much of the writings and other materials of importance to the preservation of the history of this court may not have been properly tended or kept and much lost during the 118 years of statehood and of this court, and it appearing desirable that a repository be designated to receive such writings or other historical materials as may bear upon said history so that it may be preserved for the future:

IT IS ORDERED That the Clerk of the United States District Court be and he hereby is directed to act as a repository of memorials, histories, and other documents affecting the history of the court, such as may be submitted to him, so that there will be in one place such information as we may now have or which may be contributed in the future.

Edward J. Devitt

Earl R. Larson

Miles Lord

Donald Alsop

Judges of the United States District Court

Gunnar H. Nordbye

Senior Judge of the United States District Court

