

## 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:

The Court will now recognize Arthur Sund Nelson, who will deliver the memorial for former Justice Matson.

#### ASSOCIATE JUSTICE LEROY E. MATSON

MR. NELSON then presented the following memorial:

Every man's actions affect the lives of other people to some degree. Those men whose talents and opportunities lead them in the direction of the Bench have a great responsibility because their actions affect, directly or indirectly, the lives of everyone in the community. LeRoy E. Matson, whose memorial I am honored to present at this service, was uniquely fitted to discharge this responsibility as Justice of the Minnesota Supreme Court because of his amazing self-discipline, and his determination to give his profession the best in himself. This facet of his

character burned so brightly one could not help but notice his dedication to excellence whether the task before him was cutting down a tree, outfitting a hunting trip, building a fish cleaning house, playing a little joke on a close friend, serving a civic organization, or writing a Supreme Court opinion—in all things, the execution was thorough.

A son of the North Country, he was born in Crookston on February 11, 1896, and raised on a farm at Saum in Beltrami County. He loved the wilderness and his blue eyes twinkled at a chance to get out into the woods. In memories of my boyhood hunting days, I smile as I recall my Dad and Mat, a couple of 250 pounders, strong as horses, setting a pace no one else could match. They could eat as if food were going out of style, and many were the astounded waitresses in small northern towns who served them the largest steak dinner on the menu only to be called back again 15 minutes later and told to fix up 2 more just like the first!

Justice Matson graduated from Bemidji High School in 1916 and served 23 months with the United States First Infantry Division, spending much of that time overseas, during which he was injured in a gas attack. Attendance at the A.E.F. University of Beaune, France, was followed by the earning of Bachelor of Arts and Bachelor of Law degrees at the University of Minnesota in 1926. From that time until his election as Associate Justice of the Minnesota Supreme Court in 1944, he practiced law in Minneapolis, with my father, Arthur T. Nelson, and others. His service on this court continued from 1944 until his death on February 28, 1960. During his many years of active practice and service on the Bench, Justice Matson contributed his time to many civic organizations. He served for many years as an advisory board member of the Minneapolis YMCA. For a while he engaged in teaching at the YMCA. He was chairman of the Judicial Council; a member of the Minnesota Constitutional Revision Commission; a board member of the American Swedish Institute; an honorary member of the Interracial Service Council; Past President of the Six O'clock Club of Minneapolis; member of the American Legion; and a member of the Gamma Eta Gamma and Delta Sigma Rho fraternities. He was also a member of the American and Minnesota Bar Associations and the American Judicature Society. As a Mason, Justice Matson was a former Grand Master of the Grand Lodge of Minnesota, and during his tenure acted as co-chairman of the fund drive for the building of the Masonic Memorial Cancer Hospital at the University of Minnesota. He was a member of the Board of Directors of the Natural History Society of Minnesota, and State President of the Izaak Walton League, reflecting his great interest in conservation.

The members of this court who were privileged to serve with LeRoy have, I'm sure, been enriched by their association with him. Those who knew him well will recall the extraordinary sense of humor and the kindness which lay behind the serious surface of his face, as well as the smile which played at the corners of his mouth betraying the humor about to reveal itself.

I count the year served as his law clerk one of the most demanding and instructive of my career. He expected much of me but much more of himself. He wrote his opinions, rewrote them—and rewrote them again in his constant search for excellence. More than once after getting home from the court after 7 p.m. and feeling somewhat abused, I would get a phone call about 9 p.m. from the Judge who would ask me whether I had read a certain case which dealt with the issue we were researching. When I hadn't read it, he would suggest that perhaps I should—I did—bright and early the next morning!

His dedication to a job well done and his lack of tolerance for carelessness comes through clearly in parts of the memo he himself presented to me when I began service as his law clerk. This 2-page document contained, among other directions, the following statements:

"When a case is before us, we work on it, regardless of hours, until it is finished. By following this procedure, we dispose of our work promptly. Please bear in mind that legal research is not done on a civil service basis; it is necessary to complete the work regardless of hours."

"We work Saturdays,"

"If you are allergic to the regular devout and unfailing use of Shepards Citator, do not ask for the job. There is absolutely no excuse for citing or quoting any case which has not been carefully Shepardized. In quoting a statute or a decision, you are expected to be absolutely accurate. The court doesn't need help in being sloppy."

"All statements of the law must be made with definitiveness, clarity and brevity. I am not interested in acquiring the help of a law clerk who has developed a capacity for sliding around the point. Each legal issue must be dealt with in a straightforward manner. It is necessary to keep in mind that the only excuse for writing a legal opinion is to provide practicing lawyers and trial judges with working tools. An opinion that is not clear and definite is of little use to the profession,"

Those who are familiar with his work in this Court will recognize that he followed these standards and practiced what he preached.

Justice Matson is survived by his wife, Elsie H. Matson, his sister, Lillian Matson Rust, by former clients who benefit from the help he gave them as a practicing attorney, by his colleagues of the Bench and the Bar who admire his integrity and his determination to do his best, and by his many friends to whom a man of such strength and kindness is a source of faith in humanity.

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.