

In Memoriam

Francis Russell Edward Cornell

(November 17, 1821 • May 23, 1881)



Minnesota Supreme Court
State Capitol
St. Paul, Minnesota
June 10, 1881

Hennepin County Bar Association
District Court
Minneapolis, Minnesota
May 25, 1881

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Introduction

In May 1881, as Justice F. R. E. Cornell lay dying at his home in Minneapolis, newspapers kept a constant vigil, printing notices of his condition almost daily. At 11 o'clock one night, a week before his death, a *Tribune* reporter visited the Cornell home to ask an attending doctor, "Will the judge live?" In keeping with the custom of the day, the Justice's last words were confirmed and printed; persons at his death bed identified; the results of an autopsy disclosed. In the 1880s the notion that the press and the public should respect a person's "privacy" in certain matters just did not exist.¹

Yet, despite all the intimate details, there is a curious omission from the newspaper obituaries and bar memorials of Cornell. His most famous case—famous today, that is—is not mentioned. In that case he and other abolitionist leaders won the freedom of Eliza Winston, a slave who came to Minnesota in 1860 with her owner, a wealthy Mississippi planter. Cornell had a writ of habeas corpus issued by Judge Charles Vanderburgh, his former law partner, now a District Court Judge, who after a brief hearing ordered her released from bondage.² Also omitted, for understandable reasons, are the scathing denunciations of him as a "railroad lawyer" by

¹ The size of the estate of a well-known citizen was also fair game. A few days after his death the *Winona Daily Republican* reported, "The late Judge Cornell had an insurance of \$4,000 on his life." May 28, 1881, at 2.

² For two accounts of the case by Professor William D. Green, see "Eliza Winston and the Politics of Freedom in Minnesota, 1854-60," 57 *Minnesota History* 107 (2000), and "The Summer Christmas Came to Minnesota: The Case of Eliza Winston, a Slave," 8 *Law & Inequality: A Journal of Theory and Practice* 151 (1990). It is mentioned in his *A Peculiar Balance: The Fall and Rise of Racial Equality in Early Minnesota* 97-101 (Minn. Hist. Soc. Press, 2007), and *Degrees of Freedom: The Origins of Civil Rights in Minnesota, 1865-1912* 24-25 (University of Minnesota Press, 2015). For a list of writings about the case, see "The Eliza Winston Case: A Bibliography" (MLHP, 2021).

Democratic newspapers during his campaign for a seat on the Supreme Court in the fall of 1874.

He was enormously popular among his fellow lawyers, members of the Republican Party and press and the public in general. His skills in the courtroom and his decisiveness as an appellate judge were extravagantly praised at these bar memorial proceedings. A scholarly study of his judicial writings, however, is yet to be published. And for that we eagerly await.

The death of Francis Russell Edward Cornell on May 23, 1881, was reported in newspapers throughout the state and memorial services were held by the Hennepin County Bar Association in Minneapolis, the Washington County Bar Association in Stillwater and the Minnesota Supreme Court at the Capitol in St. Paul. They follow.

Cornell's deteriorating condition was the subject of daily newspaper articles.

From *The Tribune*, May 16, 1881.

Judge F. R. E. Cornell
Lying at Death's Door with No Hope of
Recovery.

A. Sketch of an Honored, Useful and
Eminently Successful Life.

...

Judge F. R. E. Cornell, who underwent a surgical operation on Friday at the hands of the ablest surgeons, in the hope of relief from a painful ailment, lingered through yesterday, but his condition was such last evening that his physicians had abandoned all hope of his recovery and the probabilities are that before this shall be read, an exceptional brilliant and useful life will have been ended.

Frank R. E. Cornell was born in Coventry, Chenango county, N. Y., on the 17th of November, 1821. The branch of the Cornells from which he sprang early settled in Rhode Island. He was a son of Edward and Lavina (Miles) Cornell. He early gave evidence of the studious habits which have characterized his afterlife, and at the age of 14 began to carve the way to the position which he has achieved, and lay the foundation of his future successful career. He was pre-eminently a self-made man.

At the age of 14 he began to teach school during the winter and continued so to do for period of seven or

eight winters, meantime preparing for college at Oxford Academy in his native county, and entered Union college, at Schenectady, in the third term of the sophomore class in 1839, and was graduated in 1841. He taught school for several years after his graduation, meantime reading law and afterwards pursued his studies in the office of Thomas A. Jefferson, of Corning, and was examined and admitted to practice at a term of the supreme court, held in Albany in 1846. Opening an office at Addison, Steuben county, he continued practice there until 1854, part of the time being associated with the late Judge A. G. Chatfield, when he removed to Minneapolis which has since been his home. Before leaving New York, in the days of the "old hunker" and "barnburner" democrats, and the "silver-gray" and other whigs, Mr. Cornell was elected to the state Senate in 1852-53 as a barnburner, or free-soil democrat, representing Steuben and Chemung counties.

After having removed to this city the eminent abilities of the man, his public spirit and personal popularity at once secured him a place of prominence in the community, and after having served in the common council he was in 1861, together with Wentworth Hayden elected to represent Hennepin county in the state legislature. He was re-elected in 1861, and again in 1863 and 1865. In the fall of 1867 he was elected attorney-general of the state of Minnesota, entering upon his duties in January of 1868, and filled the position with conspicuous ability up to January 1874.

During all this time he was associated with Col. Bradley in the practice of law under the firm name Bradley & Cornell, the firm for many years being the

leading attorneys in this city.³ The firm was only dissolved by the death of Col. Bradley, and the elevation of Judge Cornell to the supreme bench. Some time prior to the retirement of Judge Cornell from the position of attorney-general, his superior legal acquirements and his fine judicial mind had singled him out as a man eminently qualified for the supreme bench, in connection with which position his name had been frequently mentioned.

When, therefore, Gov. Davis, upon the election of Chief Justice McMillan to the United States senate, and the appointment of James Gilfillan, then associate justice, to the position of chief justice, appointed Geo. B. Young, a resident of Minneapolis and a young and comparatively unknown attorney, to the vacancy, the matter created surprise, and much indignation among the friends of Judge Cornell.

He was, however, in the fall of the same year duly nominated by the republicans and elected to a seat upon the supreme bench, and entered upon his duties in January, 1875. He has filled the exacting place since that time with conspicuous ability. His name has also been frequently mentioned in connection with a seat in congress and the United States senatorship.

He was married in 1847 to Misa Eliza Burgess, who survives him. To them were born three children, of which a son and daughter, Frank B. Cornell and Mrs. Robt. Calcraft, are still living.

Judge Cornell, during the early years of his residence in this city, made purchases of real estate

³ For a biographical sketch and bar memorial, see "Col. George Bradley (1832-1879)" (MLHP, 2015).

lying in what is now the southern part of the city, but which at the time of their acquire-ment were regarded as farming lands. He built upon one of these blocks the residence located on Eighth street and Fourteenth avenue south, which was at the time of its erection regarded as the finest suburban residence the city boasted. The rapid growth of the city in the vicinity has naturally increased the value of the property, and conspired to the up-building of a comfort-able competency, which he will leave his widow and children. ⁴

Late that night, *The Tribune* dispatched a reporter to the Cornell home to learn his condition. The following “Midnight Report” was published in the May 16th issue of *The Tribune*:

A MIDNIGHT REPORT.

The serious illness of Judge Cornell has occasioned much sorrow in Minneapolis where he is so well known and highly respected, and the interest in his case has permeated the entire city. In order to present the latest and most reliable information regarding the sick man, a TRIBUNE reporter was dispatched to the Cornell homestead at 11 o'clock last night, returning shortly before midnight. Yesterday morning the condition of the judge was considered so hope-less that death was confidently looked for at noon by the council of Minneapolis surgeons who had

GIVEN UP THE PATIENT.

The judge rallied a little at noon, but hope again faded during the afternoon, and it seemed certain that death would come before sunset. The surgeons in charge again racked their learned brains for aid

⁴ *The Tribune* (Minneapolis), May 16, 1881, at 6.

to save a precious human life, and at 7 o'clock decided upon making a transfusion of human blood into the veins of the prostrate judge—an operation placed at the head of delicate and wonderful surgical act. At this time Judge Cornell was to all appearance dead, his body being cold from the feet to the neck.

THE LAST SPARK OF LIFE

seemed to linger at the head. Having decided upon the operation the next step was to find an arm from which the blood for transfusion was to come, and W. H. Brown, the judge's brave and faithful nurse, gladly bared his good arm for the operation. Six ounces of warm life blood were taken from Mr. Brown's arm at 7:30 o'clock, and in precisely one hour had been transfused into the arm of the judge, who, at this time gave no signs of life, his flesh giving the feeling of that of the dead. Shortly after the operation

THE EFFORT WAS MAGICAL,

signs of life returning to such an extent that, from the apathy of death, the judge revived and became uneasy, coughing loudly and moving in the bed. This operation was the last resort of medical science. "Will the judge live?" was the momentous question asked of one of the surgeons in charge, by The TRIBUNE reporter. "It seems probable that he will live through the night, but after that there is nothing certain," answered the surgeon. Just before midnight the reporter left the house, unable to gain any further information.⁵

⁵ Id. at 8.

Death of Justice Cornell

Minutes of the Clerk of the Supreme Court, May 24, 1881.

74
 36th Day, State of Minnesota, Supreme Court, —
 General April Term, A.D. 1881
 Tuesday Morning 9³⁰ o'clock
 May 24th A.D. 1881.
 Court convened pursuant to adjournment.
 Present Chief Justice Leffellan and
 Associate Justices Berry, Mitchell
 and Olson.
 Owing to the death of Mr Justice Cornell
 the Court adjourned without transacting
 any business, until Thursday Morn-
 ing next at half past nine o'clock —
 A true record —
 Attest Paul Nichols —
 Clerk —

From *The Tribune*, May 24, 1881:

JUDGE F. R. E. CORNELL.

DEATH OF THE EMINENT JURIST
AT 3 P. M. YESTERDAY.

It was with pain and some degree of surprise, that the announcement was received yesterday that death had ended the bodily suffering of Judge F. R. E. Cornell. His tenacity of life — long after the physicians had put aside all hope and his constantly improved condition had kindled a spark of hope that the man and jurist would be spared to years of added usefulness and honor. But the hope was in vain. On Sunday the judge was in the best of spirits and appeared much better than he had at any time since the surgical operation which was performed in the hope of saving his life. He shared in the hopefulness, and declared that he would be able to sit up in a few days, but shortly after 8 o'clock yesterday morning, was taken with a congestive chill from which he did not rally, passing quietly away at about 3 o'clock yesterday afternoon.

During the afternoon a *post mortem* examination was had which disclosed a complete ulceration of the bladder, and a diseased condition of that organ which must have forbidden his recovery. He was, however, otherwise in a perfect state of health.

A sketch of the long and honorable career of the dead judge has already been printed in these columns. The sturdy manliness, the untiring devotion to a high and honorable calling, and the spotless integrity that characterized his whole career, are their own eulogy of the man.

Exceptionally modest and unostentatious as he was his talents and his manliness, as well as his eminent social qualities, made him almost during the entire term of his residence in Minneapolis a servant of the public of their own choosing, nor did he ever hesitate to do such service as was required of him, at however great a personal sacrifice. He was a man in the highest sense of the word, who wielded an influence in the community in which he so long resided that was always of the most positive and the most salutary character. His death is not alone a loss to the bench and to the people of this great commonwealth, but to the community of which he was a part. His memory may be treasured with just pride by the widow and two children, grown to manhood and womanhood, who survive him, and with gratitude by the people who have known and loved to honor him so long.⁶

Other newspapers reported his death in articles of varying length. From the *Pioneer Press*, May 24, 1881:

JUDGE CORNELL IS DEAD.

He Breathed His Last at 3 O’Clock Yesterday Afternoon, Surrounded By His Mourning Family and Relatives—His Last Words Were “I Am Wearing Out Fast”—A Peaceful Death Without Pain.

The *Pioneer Press* has daily chronicled the various stages of the painful illness under which Judge F. R. E. Cornell has been lingering during the past two weeks, and now the sad duty presents itself of

⁶ *The Tribune* (Minneapolis), Tuesday May 24, 1881, at 7.

making the final record of his death, which occurred yesterday afternoon at precisely 3 o'clock.

During the past few days his favorable symptoms had inspired the hope that the valuable life of the associate justice might yet be spared to his family, friends and the State. Up to yesterday morning the judge had indulged the hope himself. He took his nourishment and performed all his bodily functions naturally. About 3 o'clock yesterday morning he was seized with a congestive chill, which proved too much for the already weakened frame to withstand, and from that hour he sank rapidly. About three hours before his death he spoke to his wife and said, "I am wearing out fast." These were his last audible words, and about 3 o'clock in the afternoon his spirit passed quietly away, no pain or suffering being apparent. At the bedside of the dying man were his devoted wife, his daughter, Mrs. Calcraft and husband, his son, T. G. Cornell and wife, Mrs. Cornell's sister, Mrs. Birge, and the attending physicians whose untiring vigilance and rare skill have been instrumental in deferring the final taking off until the last effort of nature and science had been exhausted. Late in the afternoon

An Autopsy Was Held

by the surgeons which disclosed of the fact that the interior of the bladder was completely filled with ulcers, but that the other organs were in perfect condition. . . . A telegram was sent yesterday to W. B. Cornell of Chicago, the brother of the deceased, and that gentleman will probably arrive in time to be present at the funeral. [Funeral plans omitted]

Sketch of the Deceased.

Judge Francis R. E. Cornell was born on the 17th of November, 1821, and Chenango county, N. Y. He

graduated at Union college in 1842; studied law at Corning, and was admitted to the bar in Albany in 1846. He was elected to the Senate of New York in 1852 from Steuben County and served his constituency ably, as he did in all the public positions he ever occupied. He removed to Minneapolis in 1854, and has resided here ever since. He was elected to the State legislature, and served with conspicuous ability from 1861 and 1865, and in 1867 was elected attorney general of the State. In 1874 he was elected one of the judges of the supreme court, a position which he has filled with great credit to himself and satisfaction to the State, and his term of office what have expired next fall. With the exception of the intervals where Judge Cornell was serving the State in a legislative capacity, he has followed his profession continuously since he resided in Minneapolis, but his advice and abilities have been utilized in every measure or movement pertaining to the welfare of the State.

For some time he practiced in partnership with Judge Charles E. Vanderburgh, and subsequently with the late Col. George E. Bradley, until his election to the supreme bench. There is hardly a public measure of importance with which Judge Cornell has not been a connected, and his rare ability has been manifest, invariably whenever duty called him. He was exceptionally modest, cautious and kind to all who came in business or social contact with him, and those who were acquainted with him will regard his death as that of a personal friend, as well as a most reliable and upright citizen. In his profession he was known as a man of exceptional discrimination of his ability to comprehend the various features of any matter brought to his attention, and his tact and knowledge were shown in his honorable life. As a citizen, attorney,

legislator, jurist, in all — Judge Cornell has but few peers and no superiors in his adopted State. He leaves a son and a daughter, both married, to mourn the loss of devoted father.⁷

The following is an editorial in the *Pioneer Press* in the same issue as the obituary:

Death of Judge Cornell.

Minneapolis bows her head in grief and puts on the garments of mourning today for the loss of one of the very foremost of her citizens. Francis R. E. Cornell, the able and upright judge, the wise and prudent counsellor, the worthy and noble hearted citizen, the true, generous and faithful friend, the tender and loving husband and father, has fallen by life's wayside and will no more walk among us. The whole State will partake of the grief which Minneapolis feels today for he whose death they mourn was widely known and respected throughout, as he had been so justly honored by the people of the whole State, and was occupying, when he fell, one of the most honored positions within the gift of his fellow citizens.

Judge Cornell was one of the oldest, as he was one of the best and most useful, citizens the Minneapolis. It is more than a quarter of a century ago, since, then a young man, he came to Minneapolis, then a little more than a beautiful, unoccupied prairie, and identified himself with its destiny. A man of singularly happy and agreeable manners, of extraordinary quickness and incisiveness of mind, eminently sound and correct and judgment, and of a kind and generous heart, he took rank at once as the recognized leader among the earnest and

⁷ *Pioneer Press*, May 24, 1881, at 6.

resolute young man who had pitched their tents at the Falls of St. Anthony and started out in their avowed purpose of building up at this point a great and beautiful city.

And no man was better fitted to lead in such work than he. Upon all matters of public policy he was eminently wise and practical, and while helpful and enthusiastic, his enthusiasm was tempered with a considerable prudence and caution which made him a most safe and valuable counselor upon any question relating to the welfare of the new city and State, which he was helping to build up and develop. In all matters pertaining to public welfare, and in all enterprises which looked to the general good of his city or State, Judge Cornell took a deep and lively interest. To the reasonable extent of his means, he was always a cheerful giver, and every good work and cause found in his clear, quick judgment, his splendid courage and his finally tempered enthusiasm, a support and strength upon which they could rely with perfect confidence to carry them through to a successful issue.

In his personal friendships and relations he was one of the most agreeable of companions, and one of the most trusty and valuable of friends, and those who for more than twenty years past have been admitted to his confidence, and enjoyed his close and personal friendship; who have come to know and appreciate the nobleness of his character, and the tender kindness of his nature, will be the most deeply saddened and grieved at its taking away.

It is as a lawyer that Judge Cornell will be best remembered in this community, where a quarter of a century of the prime of his manhood was spent in unremitting and eminently successful practice of that profession. He seemed born for that calling and

was endowed by nature with such powers of perception, reasoning and analysis, as enabled him, with his thorough training, always to reach correct conclusions respecting any case submitting to him with the little effort. He was a safe counselor; and, what is rare in the profession, was equally strong with court and juries. It seldom occurs that the same man who excels as an advocate before juries has also the aptness for the argument of dry legal questions before courts. But Judge Cornell excelled in every branch of his profession, whether as a counselor in his office consultations, as a pleader, in the preparation of causes, as an advocate, in the examination of witnesses and persuasion of juries, or as a lawyer in the argument of questions of law before courts, he had no superior at the bar of this State; and in the capacity to discharge all these varied duties of his profession successfully he was without a peer.

He was devoted to his profession and sought no office that did not come within it. Although his practice was very large, and his labor unremitting, he pursued it more for love of the work than desire for its emoluments,, and was proverbially careless about securing or exacting conversation for services.

His elevation to the bench of the supreme court resulted naturally from the recognition of his by his brethren of his superior fitness for that for the place. It filled out the measure of his professional ambition and was suited in his habits, tastes and studies; and it is needless to say here how well and acceptably he discharged his duties as judge of that court. The opinions which he has written will stand in the law reports, an enduring record of his ability. And the universal purpose of the bar and the people of the State to have him remain on the bench, sufficiently evinces their appreciation of his worth.

But the great lawyer, the pure and just judge, and noble citizen and the faithful friend is gone, and we can now only testify to his many virtues and lay the offerings of a life-long friendship upon his grave.⁸

From the *St. Paul Dispatch*, May 24:

Judge Cornell's Death.

Sketch of his Life—Preparations for the Funeral.

The announcement of the death of Judge F. R. E. Cornell in yesterday's *Dispatch* was received with great sorrow in St. Paul and elsewhere. For several days there been strong hope of his recovery but he was taken with a congestive chill yesterday morning, after which he sank rapidly until 3 P. M., when death came to his relief. . . .

He was elected Attorney General of the State in 1868, and served for six years, and after a year's retirement from office was nominated and elected as an Associate Justice of the Supreme Court, taking a seat upon the bench in January 1875. While occupying that position he has enjoyed the esteem of the public and the bar for judicial fairness and impartiality, and has been notable for the industry which he has exhibited in solving knotty legal problems. His opinions have been characterized by high degree of literary merit, as well as by a profound knowledge of the law. His death will be sincerely regretted by the people of the whole State,

⁸ *St. Paul Pioneer Press*, May 24, 1881, at 6.

as well as by a large number of intimate friends and acquaintances.⁹

From *The Princeton Union*, May 26, 1881, front page:

JUDGE CORNELL, of the State supreme court, died at his residence in Minneapolis, on Monday afternoon. Judge Cornell was an eminent and just jurist and his death will be universally regretted

From the *Warren Sheaf*, June 1, 1881:

JUDGE CORNELL.

Death of F. R. E. Cornell.
Judge of the Supreme Court of Minnesota.

Judge F. R. E. Cornell of the supreme court of Minnesota, died at his home in Minneapolis, on Monday afternoon, 23d inst. On Thursday evening of the 12th an operation for urinary calculi was performed by Dr. Christian Fenger, of Chicago, assisted by Drs. D. W. Hand, of St. Paul and H. H. Kimball, of Minneapolis, hoping that the valuable life could thus be saved. The judge's strength had been so reduced by the disease that the result of the operation was looked for with the greatest anxiety by the friends and family. When, in addition to the stone, an abscess necessarily fatal was also found, the case became without hope. Previous to the operation he had lain unconscious and pulseless, and after was insensible apparently to all surrounding. The surgeon in attendance entertained

⁹ *St. Paul Dispatch*, May 24, 1881, at 3 (education, New York legislature and funeral arrangements omitted).

hopes of his recovery but in the Sunday following the operation of transfusion of blood was preformed, Mr. William H. Brown furnishing six ounces of blood to the sufferer, and he rallied perceptively, and hopes had begun to be entertained of his ultimate recovery. Up to Monday morning the judge had indulged that hope himself. He took his nourishment, and performed all his bodily functions naturally.

About 3 o'clock that morning he was seized with a congestive chill, which proved too much for the already weakened frame to withstand and from that hour he sank rapidly. About three hours before his death he spoke to his wife and said, "I am wearing out fast" These were his last audible words, and about 3 o'clock in the afternoon his spirit passed quietly away, no pain or suffering apparent. An autopsy was held by the surgeons, which disclosed the fact that the interior of the bladder was completely filled with ulcers, but that the other organs were in perfect order.

Judge Francis R. E. Cornell was born on the 17th of November, 1821, in Chenango county, New York. He graduated at Union college in 1842 studied law at Corning, and was admitted to the bar in Albany in 1846. He was elected to the senate of New York in 1852 from Steuben county and served his constituency ably, as he did in all the public positions he ever occupied. He removed to Minneapolis in 1854, and has resided there ever since. Judge Cornell held the office of attorney general of Minnesota for several terms, and represented Hennepin county in the legislature at various sessions previous to his election as Judge of the supreme court.¹⁰

¹⁰ *Warren Sheaf* (Marshall County), June 1, 1881, at 2.

Bar Memorials

From the *Pioneer Press*, May 26, 1881:

Action of the Hennepin County Bar Association
On the Death of Judge F. R. E. Cornell.

Elegant Eulogies Upon the Life and Character
of the Honored Citizen —
The Funeral at 8 O' Clock Yesterday.

Action of the Bar Association.

Pursuant to announcement, members of the Hennepin County Bar association assembled at the courthouse at 9 o'clock yesterday morning,¹¹ and immediately after the formal opening of the District Court, Judge Isaac Atwater presented to the association the resolutions which had been drafted

¹¹ In its account of the Bar Association meeting, *The Tribune* listed many of judges and lawyers who were present at this session of the court:

Of this number were Chief Justice Gilfillan and Judges J. M. Berry, Greenleaf Clark, and W. H. Mitchell, of the supreme court, Judges Wilkin and Brill of the Ramsey county court. Judge Buckham of the Fifth judicial district; Judge C. H. Berry and John A. Mathews of Winona, Gov. Pillsbury, Hon. Pennock Posey, Sam H. Nichols and W. B. Nichols, of the supreme court, Hon. H. M. Knox, Hon. H. H. Young, Hon. J. N. Castle, and Hon. Wm. McCluer of Stillwater, Gov. Davis, John B. Brisbine, Judge C. E. Flandreau, W. P. Clough, H. Judge C. E. Flandreau, W. P. Clough, H. L. Moss, Sandford Newell, W. P. Murray, George B. Young, J. T. Cornish, H. E. Mann, Hon. C. C. Andrews, J. B. Beal, Harvey Officer, Louis E. Fisher, and Judge Edgerton, of St. Paul, Hon. Gordon E. Cole, of Faribault, R. R. Briggs, of Moorhead and Judges Vanderburg and Young of the Hennepin county courts and the bar of Hennepin county generally.

The Tribune (Minneapolis), May 26, 1881, at page 6 (misspelled names not corrected)..

expressing the sentiments of the bar of Hennepin County relative to the death of Judge F. R. E. Cornell, prefacing the resolutions substantially as follows:

Judge Atwater's Tribute.

"In presenting these resolutions prepared for this sad occasion, we cannot help feeling how inadequate they are to express the deep feelings of sorrow which overwhelm us all. We think of him who has departed from our midst, in various ways, and always with the highest esteem. Whether we recall the skillful way in which he examined witnesses upon the stand, or the clear and logical style in which he addressed the court upon matters of law, or the sincere and forcible manner in which he counseled and directed the jury in its labors, we see him always as he was, the honest, upright man, the gifted, noble lawyer. There was a foundation element of truth in his character, and he never deceived either court or jury. As a man and as a neighbor, I knew him well, and loved and respected him always for his great qualities of head and heart.

"Years ago, when I was a new-comer here, he put me in possession of facts whose knowledge saved me from great pecuniary loss. Then I was not able to repay him, but years after, when I wish to recompense him, he said: 'Judge, on that occasion I did simply as I would wish to be done by; I can receive nothing for doing my duty.' The golden rule was the rule of his life, and was never swerved from by a hair's breadth.

"In conclusion, thinking of his family here within a stone's throw of us, bereaved thus sadly of a loving husband and noble father, I can recall no words more fitting than those from one of England's greatest writers:

“God gave us to love, something to love the limbs us; but when love grows to ripeness, that on which it throve falls off, and love is left alone. Love and respect and veneration are all that we grant him now who so lately stood a king of men among us, but such as the tribute is, it comes from full hearts.”

The Resolutions Adopted.

The following resolutions were then adopted unanimously:

Whereas, By the dispensation of an all wise providence, one of the ablest and most eminent members of the bar of Hennepin county, and a justice of the supreme court of Minnesota, has been removed by death, therefore,

Resolved, That we deeply deplore the loss of Judge F. R. E. Cornell, one of the most distinguished members of the bar of Hennepin county for the last twenty-six years, and one whose eminent ability, uniform courtesy and strict integrity, in the discharge of his professional duties, has endeared him to all—not less the older than the younger members of the profession.

Resolved, That we deeply regret the loss to the state at large of a profound jurist of incorruptible integrity, whose opinions, while on the bench of the supreme court, commanded universal respect and confidence and are an ornament to the jurisprudence of the state.

Resolved, That the example set by our late lamented associate, of strict application to pro-

fessional duties, in the discharge of which he rose to the highest honors and dignities which the people can confer, is an incentive to all professional men, in legal practice, to follow his example, and never to seek office, but to let office seek the man.

Resolved, That we offer our earnest sympathy to the widow and children of our deceased associate, in the great affliction which has befallen them.

Resolved, That this court be respectfully asked to permit these resolutions to be entered on its minutes, and, also, that it adjourn for the day in honor of the memory of our deceased associate.

(signed)

I. Atwater,
D. A. Secombe,
Wm. Lochren,
J. B. Gilfillan.

Expressions of Respect.

Warm and eloquent tributes of respect were paid to the deceased justice by Hon. William Lochren, Hon. J. B. Gilfillan and Hon. J. M. Shaw, president of the Hennepin County Bar association, the latter speaking at some length of the high character and distinguished public services of Judge Cornell. At the conclusion of Mr. Shaw's remarks,

Judge A. H. Young
of the district court, spoke as follows:

Mr. Chairman and Gentlemen of the Bar:

"We need not assure you that the court is in full sympathy with the spirit of the resolutions pre-

sented and the words spoken in respect to our departed brother. Those who have known Judge Cornell as a member of the bar and judicial officer, and the relation which for many years he has entertained to this bar and to this court, and the place which by a life of usefulness and uprightness he had won in the hearts and affections of this people, know full well that these resolutions are not meaningless in their expressions of love for the dead and regrets at the loss which, in common with the community and State, have sustained in his demise. No man could have been taken whose loss would have been more keenly felt by the State at large, by this community, and a special manner by the judiciary and bar. Judge Cornell possessed rare qualities of heart and mind which peculiarly fitted him for the responsible position to which he been chosen by the people of this State, and while he was honored by their choice he had at the same time honored the position which he filled with such marked ability. His memory as a friend and neighbor will long dwell in the hearts of those who have known them personally, and his ability as a judicial officer will ever be recognized by those who may have come to consult the reports of the court of which for seven years he had been a member. It has been said that death loves a shining mark, but our experience teaches us that he loves any other as well. This joy, however, with which we mention the noble qualities of our honored dead but shows how we love and respect that which is manly and true in the living, and so these resolutions and these words of respect for the noble deed noble dead have a proper place before this court and this bar.

“Let these resolutions be spread upon the records of this court is a tribute of respect which this court owes and as a tribute to the memory of the departed.”

Judge C. E. Vanderburgh

followed with some eloquent remarks highly eulogistic of the deceased, praising again his wonderful mental powers, his accurate judgment, his extreme and nice sense of justice, and the uniform kindness and courteousness of manner which had endeared him alike to old and young whose fortune had been to learn to know and love and honor this peer among nature's nobleman. Some personal reminiscences of by-gone days, when Judge Vanderburgh was a poor briefless attorney, a stranger among strangers, and of the careful kindness with which his earlier steps had been aided and guided by Judge Cornell, closed a heartfelt tribute to the memory of the deceased.

A Committee of Arrangements.

At the conclusion of Judge Vanderburg's address, Messrs. McNair, Gilfillan and Morrison were appointed a committee to make all necessary arrangements for attending the funeral, and after deciding that the association attend in a body, the meeting of the association and the district court were adjourned.

Actions of the Ramsey County Bar.

A meeting of the Ramsey county bar was held yesterday morning to take action as to attending the funeral of the late Associate Justice Cornell at Minneapolis. In the absence of Mr. Bigelow, Mr. J.

B. Brisbin presided. On motion of Mr. Davis the district court was requested to adjourn, so as to give the attorneys the opportunity to attend the funeral. Mr. Allis and Judge Flandrau were appointed a committee to find out how many attorneys would attend the funeral. These two gentlemen proceeded to find out and soon after reported that about thirty would go up. It was then determined to appoint a committee of eight to go from the house to the cemetery with the remains, on behalf of the bar of Ramsey county. This committee consists of the following persons: Judge Wilkin, W. P. Clough, J. B. Beals, Judge Flandrau, C. K. Davis, Gordon E. Cole, J. B. Brisbin, Harvey Officer. The meeting then adjourned, and at 2 o'clock the committee mentioned above, and a large portion of the members of the bar, left for Minneapolis to attend the funeral of the late jurist.

Stillwater's Share.

The following are the resolutions adopted by the Washington County bar, of Stillwater, yesterday afternoon, in respect to the memory of Hon. F. R. E. Cornell:

Resolved, That the members of this court and bar have learned with profound sorrow of the death of Hon. F. R. E. Cornell, late associate justice of the supreme court of the State, where, by his eminent services as a lawyer, legislator attorney general and judge of the supreme court, has greatly aided in framing beneficent laws, duly executing and wisely expounding the same, and by his death the State loses a most valuable public servant whose loss will long be felt and not easily supplied; that is uniform courtesy and kindness to his brethren, both at the

bar, during his long and honorable service there, and upon the bench, have endured to us as a friend and brother, and in his death we have suffered a personal as well as public calamity.

Resolved, That these resolutions be spread upon the minutes of the court, and the clerk be directed to forward a copy of the same, and the proceedings had herein, to the widow of the deceased. ¹²

The minutes of the Clerk of the Supreme Court of the Memorial Proceedings for Justice Cornell on June 10, 1881, follow.

¹² *Pioneer Press*, May 26, 1881, at 6 (funeral arrangements omitted).

45th Feb, State of Minnesota Supreme Court
General April Term A.D. 1881

Friday morning 9th Octob

June 10th A.D. 1881

Court convened pursuant to adjournment.

Present Chief Justice Giffman and associate

Justices Berry Mitchell and Clark

Yndour E. Cole Esq as chairman of a committee of the Bar of this State presented the following memorial and moved that the same be spread upon the records of the Court.

Remarks having been made by Messrs G.E. Cole, E.M. Hilmy, J. Atwater, Wm. McCreary, Wm. Lockman, Judge R.R. Nelson, J.M. Shaw, J.B. Sangron and Mr. Heronauer, and the Chief Justice having responded on behalf of the Court it was ordered that this memorial be entered in the records of this Court there to remain as a testimony so long as those records shall be preserved and that the Court adjourn *Sine die*.

Memorial

We the members of the Bar of the State of Minnesota deem it appropriate that we should place upon record an expression of our sense of the great loss to our State, and its Judiciary and to our profession caused by the death of Hon Francis R.E. Cornell one of the Justices of the Supreme Court of our State which occurred on the 20th day of May last. More than twenty five years of his vigorous manhood were passed along us in the constant and successful practice of our profession, Endowed with quickness of perception and clearness of judgment, & a degree rarely united in the same person, his thorough training, and close application he excelled in all branches of the profession and stood foremost at the bar of the State; his being marked no less by eminent ability, and strict integrity than by that uniform kindness and courtesy towards his brethren which was

48 Nov

for him the especial regard of the younger members of the bar, to whom he was the model of professional excellence. His services for the highest professional success were recognized by his brethren at the bar and by the people of the state. After discharging the duties of Attorney General for repeated terms with signal ability, he was elevated to the bench of the Supreme Court and has left a judicial record without blemish and above criticism which will remain an imperishable testimony to his learning and ability, after his fame at the bar shall have faded in the shadows of tradition.

Deeply deploring our loss, which has taken from our state one of its most gifted and estimable citizens, from the bench one of the ablest of jurists, and from our profession a brother loved and mourned by us all, we can contemplate with satisfaction his useful and blameless life, and rejoice that so much of him is left to us in the records of the state and of the Supreme Court. And we respectfully ask that this Court permit this brief expression of our regard for the memory of our honored brother to be entered upon its records.

Ordered that this Court stand

Adjourned. Sine die.

A True record

Attest. David Nichols

Clerk.

An account of the Memorial Proceedings in the Minnesota Supreme Court in *The Tribune*:

From *The Tribune*, June 11, 1881:

HONORING THE DEAD.

Meeting of the Bar of Minnesota to Take Action
Relative to the Death of Judge Cornell.

The meeting of the bar of Minnesota, held yesterday forenoon in the supreme court room to take action relative to the death of Hon. F. R. E. Cornell, late associate justice of the supreme court, was numerously attended.

The judges of the supreme court, Judge Nelson of the United States court, Judges Wilkin, Simons and Brill of the Ramsey district court, and nearly all the members of the Ramsey county bar were present. Among others present were D. A. Secombe, A. L. Levy, J. M. Shaw, H. G. O. Morrison, O. F. Tousley, E. M. Wilson, Judge Atwater and Wm. Lochren, of Minneapolis: W. M. McCluer and J. N. Castle, of Stillwater, W. D. N. Pringle, of Hastings Senator McMillan and Gov. Pillsbury, Attorney-General Hahn was reported detained at his home in Lake City by sickness. The meeting was called to order by H. J. Bigelow, president of the Ramsey County Bar Association, on whose motion Hon. Gordon E. Cole was made chairman of the meeting. Hon. Sam. H. Nichols, clerk of the supreme court, was elected secretary.

Messrs. George B. Young, M. J. Severance, Lorenzo Allis, William Lochren, J. M. Shaw, E. M. Wilson, G. E. Cole and W. M. McCluer were selected to draft and report a proper expression of the feeling of the

bar, and a recess of twenty minutes was then had, after which the committee reported the following:

“We, the members of the bar of the state of Minnesota, deem it appropriate that we should place on record an expression of our sense of the great loss of our state, and its judiciary, and to our profession, caused by the death of the Hon. Francis R. E. Cornell, one of the justices of the supreme court of our state, which occurred on the 23d day of May last.

“More than twenty-five years of his vigorous manhood were passed among us in the constant and successful practice of our profession. Endowed with quickness of perception and clearness of judgment to a degree rarely united in the same person, with his thorough training and application, he excelled in all branches of the profession and stood foremost at the bar of the state, his career being marked no less by eminent ability and strict integrity than by that uniform kindness and courtesy toward his brethren, which won for him the especial regard of the younger members of the bar, to whom he was the model of professional excellence. His fitness for the highest professional honors was recognized by his brethren at the bar, and by the people of the state. After discharging the duties of attorney-general for repeated terms with signal ability, he was elected to the bench of the supreme court, and has left a judicial record without blemish and above criticism, which will remain an imperishable testimony to his learning and ability after his fame at the bar shall have faded in the shadows of tradition.

"Deeply deploring his loss which has taken from our state one of its most pitted and estimable citizens, from the bench one of the ablest of jurists and from our profession a brother loved and revered by all, we

can contemplate with satisfaction his useful and blameless life and rejoice that much of him is left to us in the records of the state and of the supreme court. And we respectfully ask that this court permit this brief expression of our regard for the memory of our honored brother to be entered upon its records."

This paper having been read and adopted, on motion of Judge Young it was voted that it be presented to the supreme court with a request that it be spread upon the records of the court.

The meeting was then adjourned and the supreme court, Chief Justice Gilfillan and Associate Justices Berry, Mitchell and Clark, was then opened by Clerk Nichols, when Gen. Cole presented and read the memorial of the bar and addressed the court briefly in support of the request that the paper be spread on the records, urging the ability and urbanity of the deceased, and especially the purity of his public and private life.

Hon. E. M. Wilson seconded the resolution, and spoke of his intimate knowledge of the late judge, whom he pronounced to be the best lawyer at the bar of his county.

Judge Atwater next followed in a feeling tribute, which was listened to with interest and close attention by all present.

Hon. W. M. McClure said that, although not so intimate with the deceased as some of the preceding speakers, he had yet had ample opportunities to measure his abilities and had always regarded him as one of the ablest members of the bar. He had abilities rarely united in one and the same profession.

Judge Nelson said that as a member of the legal profession, and a native of the same state with deceased, he felt like adding his feeble testimony to the memory of the dead. He was not intimately acquainted with Justice Cornell, but in his opinion, from a careful examination of his decisions, he could say frankly, no judge was ever influenced by finer motives or surrounded by an atmosphere of higher and more ennobling purposes. He was a man of strict integrity, of thorough education, of literary taste, and no one ever wielded a more ready pen. He freely concurred with the sentiment of the resolutions.

Hon. J. M. Shaw, of Minneapolis, next delivered a brief eulogy and was followed by Hon. Wm. Lochren and Gen. J. B. Sanborn.

Hon. M. J. Severance was the last speaker and paid a most eloquent and phathetic (sic) tribute to the memory of the deceased, both as a man, a citizen and a lawyer. Mr. Severance's address was interspersed with flowers of rhetoric, which were certainly very beautiful and expressive.

Chief Justice Gilfillan then read quite a lengthy eulogy of deceased, based upon their six years' intimate association on the bench of the supreme court, and at its conclusion directed that the bar memorial be entered at length upon the records of the court, and declared the April term of the court adjourned without day.¹³

¹³ *Tribune* (Minneapolis), Saturday, June 11, 1881, at 5.

The complete Memorial Proceedings before the Supreme Court were published in *27 Minnesota Reports* xv-xxvii (1881). They are reprinted in *Testimony: Remembering Minnesota's Supreme Court Justices* 89-95 (Minn. Sup. Ct. Hist. Soc., 2008).

PROCEEDINGS

IN MEMORY OF

Associate Justice, F. R. E. CORNELL.

The Honorable Francis R. E. Cornell, an associate justice of the supreme court of Minnesota, died at his home in Minneapolis, on the twenty-third day of May, 1881.

Judge Cornell was born at Coventry, in Chenango county, New York, on the seventeenth of November, 1821. He was graduated from Union College in 1842, was admitted to the bar in the supreme court at Albany in 1846, and began the practice of law at Addison, Steuben county, where he remained until 1854. He was a member of the state senate of New York for 1852 and 1853. In the year 1854 he became a citizen of Minnesota, making his home at Minneapolis, where he resided until his death. He was a member of the state legislature in the years 1861, 1862, and 1865, and attorney-general for six years, from January 10, 1868, to January 9, 1874. In November, 1874, he was elected associate justice of the supreme court, and qualified and took his seat on the eleventh day of January, 1875.

On the tenth day of June, 1881, at a fully attended meeting of the bar of the state, a memorial resolution was adopted, and

Hon. Gordon E. Cole, chairman of the meeting, was instructed to present the memorial to the supreme court.

On the same day Mr. Cole presented to the supreme court then in session the memorial of the bar, and moved that it be entered in the records of the court.

MEMORIAL.

We, the members of the bar of the state of Minnesota, deem it appropriate that we should place upon record an expression of our sense of the great loss to our state and its judiciary, and to our profession, caused by the death of Hon. Francis R. E. Cornell, one of the justices of the supreme court of our state, which occurred on the twenty-third day of May last.

More than twenty-five years of his vigorous manhood were passed among us in the constant and successful practice of our profession. Endowed with quickness of perception and clearness of judgment to a degree rarely united in the same person, with his thorough training and close application, he excelled in all branches of the profession, and stood foremost at the bar of the state, his career being marked no less by eminent ability and strict integrity, than by that uniform kindness and courtesy toward his brethren which won for him the especial regard of the younger members of the bar, to whom he was the model of professional excellence.

His fitness for the highest professional honors was recognized by his brethren at the bar, and by the people of the state. After discharging the duties of attorney-general for repeated terms with signal ability, he was elevated to the bench of the supreme court, and has left a judicial record without blemish and above criticism, which will remain an imperishable testimony to his learning and ability after his fame at the bar shall have faded in the shadows of tradition. Deeply deploring our loss, which has taken from our state one of its most gifted and estimable citizens, from the bench one of the ablest of justices, and from our profession a brother loved and revered

by us all, we can contemplate with satisfaction his useful and blameless life, and rejoice that so much of him is left to us in the records of the state and of the supreme court; and we respectfully ask that this court permit this brief expression of our regard for the memory of our honored brother to be entered upon its records.

Mr. Cole then addressed the court as follows:

May it please your Honors:

In presenting this memorial it will perhaps be expected that I accompany it with some comments upon the life and character of Judge Cornell. I might perhaps have made careful preparation, and culled some flowers of rhetoric to strew upon his grave; but I cannot do it; I leave that for those who knew him less and loved him less. I must speak from the heart, and rely upon the inspiration of the moment.

Nearly a quarter of a century ago I came to this city, a mere boy, to assume the discharge of the duties of the office of attorney-general, without acquaintance or friends; and the first acquaintance and friend I made was Judge Cornell. The acquaintance thus begun ripened into an intimacy and friendship, which I cherished as I never cherished other friendship, and which ceased only with his life.

My opportunities for forming a correct estimate of his character and talents I believe to have been unusual, meeting him at the bar, first as prosecuting officer while he was engaged in the defence, afterwards, when he had become attorney-general and prosecutor, and I was employed for the defence. In later years I had the good fortune to be associated with him in a very important civil case in the federal courts, until, at the close of the litigation in the trial court, he was removed from the case by his appointment to the supreme bench. In the subsequent progress of the cause in the supreme court of the United States, he was succeeded by a gentleman who then stood and still stands at the head of the

bar of the country, with a reputation and fame only circumscribed by the territorial boundaries of the nation. The opportunity of measuring Judge Cornell's powers by contrast with those of the highest I believe I did not abuse. I do not think that my judgment was swayed by personal friendship. At any rate it was deliberately formed, and has been since carefully reviewed, and I then thought and still think that in every attribute which contributes to form the character of a great lawyer, Judge Cornell was the peer of his successor, and that a reversal of opportunities would have produced a corresponding reversal of station, fame and reputation.

The salient feature of Judge Cornell's character as a lawyer was the unerring certainty with which his mind glided from premise to conclusion. I have often had occasion to note and to admire the rapidity with which, with almost the precision of intuition, he would arrive at the correct solution of a difficult legal problem, then first submitted to his attention; the comprehensive glance with which he would instantly sweep the entire subject, and take it in with all its qualifications and limitations. While his high character and standing in the state made him the constant recipient of civil honors, and in the politics of the state, as well as at the bar, his position was always conspicuous, yet a marked characteristic of the man was his innate modesty. In self-conceit he seemed absolutely wanting, and yet no man that I ever knew had a more constant and abiding confidence in himself.

No man who has ever embellished and adorned the bench or official position in this state was ever more conspicuously distinguished for the perfect purity of his public and private character than our lamented friend.

He was not a mere lawyer, he was not a man of the cloister and the office. In all the great enterprises which have made the beautiful and flourishing city of Minneapolis what it is, he bore a prominent part. In the politics of the state he was a leader, and, although for a quarter of a century participating in the always earnest and often bitter contests which politics

engender, and often a candidate and elected to political office, yet at those periods when the character of no man is secure from the envenomed shafts of political enemies, if there is a flaw in his armor through which the spear of an opponent can pierce, nor ever, during the quarter of a century during which he has lived and moved, always a prominent figure, among us, has the breath of scandal ever so much as essayed to reach him. His character and reputation have remained untarnished by a whisper of suspicion.

The uniform urbanity of his manner, the innate kindliness and gentleness of his character, endeared him to all; and especially to the young neophyte, embarrassed in the intricacies of his first case before the most august tribunal of the state, and then essaying his first flight in the atmosphere of jurisprudence, his gentle manners and attentive ear carried the same ease as to the older barrister, with assured reputation, flushed with the triumphs of hundreds of forensic successes.

He has gone from among us, and has left the judicial ermine not only spotless as when he assumed it, but has left to his family the priceless legacy of an unsullied private character as a citizen and a man. The bar of this state, with uniform accord, will endorse me when I say that in him were blended, with a harmony which the faultless hand of nature seldom achieves, the attributes which make the character of a great judge; profound legal learning, combined with the keenest accumen in its application, purity of public and private life, and the suavity of manners which marks the gentleman, producing a magnificent self-poise, and a beauty of character which is rarely permitted by the frailties of our common humanity.

Hon. Isaac Atwater then addressed the court as follows:

May it please the Court:

Having had occasion recently, at a meeting of the Hennepin County Bar Association, to render my tribute to the memory of

the late Judge Cornell, I shall trespass but a few moments on your time today; and the more especially, inasmuch as I observe the most of those present have long known the judge professionally, and can render a more eloquent tribute to his eminent ability than I could hope to do. It seems peculiarly fitting that one who has so long been a distinguished member of the bar and bench of the state, and who has also adorned other important offices in the gift of the people, should not be permitted to pass away without some public recognition on our part of his merits. It is due, not less to the living than the dead, that this should be done.

Young as we are as a state, the profession is not yet so affluent in distinguished names, that we can afford to forget the well-earned fame of any one. And shut out as we are, by the nature of our profession, from what are usually considered the highest prizes of life, there is the more reason that we should jealously guard the reputation fairly earned by any one of our number, in the strict practice of his profession. The law is a jealous mistress, and excludes her votaries from the rewards obtained by our merchant princes and railroad magnates. But such as she has are better worth effort to the true lawyer than all others; and it should be ours to see that, when once earned, they lose none of their value to the living.

But on this occasion, standing as we might say almost in the shadow of death, I find my mind dwelling on the qualities of the deceased which distinguished him as a man, a neighbor and friend, rather than on his eminent abilities as a lawyer. It was my privilege to know him somewhat intimately for more than twenty-five years. And I do not overstate when I say that for a high, delicate sense of honor, unswerving integrity, and a conscientious desire to discharge with scrupulous fidelity every trust committed to him, I have never known him surpassed.

But there was more than this. He was ever ready to assist his neighbors, and especially the younger members of the profession, with his valuable counsel and pecuniary means, so

far as he was able. And I was forcibly struck, at the meeting of the association to which I have referred, at the number of young lawyers, who bore feeling and earnest testimony to this trait in his character. And herein he has left an example which, I am sure, we should all do well to heed and follow. We are too apt to become so wholly absorbed in the study and practice of our profession that we often forget our duties, to the younger members thereof-forget those kindnesses and amenities, which perhaps cost little, but are of more value to the recipients than we are wont to think. It may not happen to any of us to attain that eminence in the profession which it was the rare fortune of our deceased friend to reach; for that was largely due to natural gifts which few possess. But in the practice of those moral virtues which adorned his life, and the full development of which is largely a matter of cultivation, we may reasonably hope to approach more nearly the degree of excellence which he attained. And at the last supreme hour, if I mistake not, success in such an effort will give, in the retrospect, more satisfaction than the highest professional honors due to intellectual effort alone. For we must not forget that-

"Only the actions of the just
Smell sweet and blossom in the dust."

Hon. William Lochren then addressed the court as follows:

May it please your Honors:

It is difficult, in the brief time that can be taken at such a meeting, to say anything at all commensurate with what is fitting, or to what is felt by every one respecting the loss of such a man as Judge Cornell.

I was with him, at the bar of our county, since my coming to Minnesota, twenty-five years ago; have been frequently associated with him, and oftener opposed to him, in the trial of causes, and came to know him intimately. In my judgment he was the ablest lawyer who has ever practised at that bar, and

second to none in the state. He excelled in every branch of the profession—equally as a counsellor, as a pleader, in the examination of witnesses, as an advocate before juries, and in the argument of questions of law to courts. It is seldom that one man possesses such varied ability; and whenever it occurs in our profession, it cannot fail to place the possessor in the foremost rank.

He loved his profession, and its work; and never permitted anything to divert or withdraw him from it. Trained to it from youth, he was familiar with the underlying principles of jurisprudence; and, with his natural powers of perception and accurate judgment, he seemed to reach correct conclusions with the rapidity of intuition. But he never relied too much upon his natural powers, and was familiar with leading authors and decisions, to which he could refer with readiness whenever necessary to enforce his arguments.

A noted characteristic was his unfailing courtesy and consideration for others, especially his brethren at the bar. He was always ready to assist and encourage young men starting in the profession; and many such will gratefully remember his acts of professional kindness and friendly assistance.

Although his practice was large, he seemed to work more for love of his profession than for gain; and was proverbially careless about securing compensation for his labor. Without being a politician, in the ordinary sense of that term, he took a lively interest in everything affecting the material prosperity of the state, and of the city in which he lived; and on such matters his counsel was always sought, and his influence great.

Reaching at last the goal of a laudable professional ambition—a seat upon the bench of this honored court,—I shall not speak of how well he performed the duties of that high station. That is too well known and recent to call for more than reference.

Had he lived beyond his term of office, nearly closed at the time of his death, he would have been chosen, without opposition, to continue in the place for which all felt he was so well fitted. But the judicial honors, by him worn so worthily, have been laid down with his life. His labors are ended, and our brief testimony to his worth closes the record.

The Honorable R. R. Nelson, Judge of the United States District Court for Minnesota, then addressed the court as follows:

May it please the Court:

I desire, as a member of the legal profession, a native of the same state, to add my tribute of respect to the memory of the deceased.

I was not intimately acquainted with Justice Cornell. Others, his coworkers and associates in the profession, who learned by social intimacy to appreciate the man, have dwelt upon his excellent qualities of head and heart. My estimation of Judge Cornell is derived from a careful examination of his opinions, emanating from him in the discharge of public duties, and I can justly say no counsellor or judge was influenced by purer motives or surrounded by a higher moral atmosphere. His opinions show thorough education as well as cultivated literary taste. He was learned in the law, which he administered wisely, and thus won confidence and esteem.

The example of such a life should not be lost to the community, and the resolutions presented express the unanimous opinion of the legal profession.

General John B. Sanborn then addressed the court as follows:

May it please your Honors:

It was my purpose to do honor to the memory of the illustrious dead by sympathy, silence, and considerate attention to the

words of eulogy uttered by others, possibly more intimately acquainted with him as a neighbor, friend, or relative than myself. But the sentiments already expressed bring so vividly to my mind the scenes and friends of the past, the important and great services rendered by the deceased, his faithfulness in all positions and under all circumstances, his wonderful mental acuteness and great legal attainments, that I cannot refrain from uttering a few words of tribute to his memory on this sad occasion.

More than twenty-five years have passed away since I first met him at the bar of Hennepin county, and such was the impression made upon me at the time of his mental power and legal knowledge, that within a year, when called upon to defend, in that county, a most critical case of murder, prosecuted by the late James R. Lawrence, whose vigor and legal capacity all the old members of the bar will well remember—I mean the case of the United States against Moon,—I called Judge Cornell to my assistance. The impressions previously made by his management and argument of the civil case were deepened and strengthened by his skill and conduct of this criminal cause. He demonstrated, beyond controversy, that he was the possessor of one of the most clear, incisive and accurate legal minds. The slightest shades of difference in the facts and the legal principles governing a case were as distinct and clear to him as the widest difference is to many of our profession. With his aid in that case the accused was discharged, although the homicide was admitted and was without excuse, and the alleged criminal was of sound mind upon all matters not connected with the person killed.

The conclusions then reached by me respecting the great powers and attainments of our departed friend have been retained to the day of his death. It has been my fortune often--almost every year since that time--to meet him at the bar, in political conventions, in the legislature, where we represented constituencies who considered that they had interests that were adverse; and in all positions, and at all times, he has shown himself a wise counsellor, a high-toned honorable man,

a faithful and far-seeing legislator, an able lawyer who respected and adorned his profession; and even without his legal attainments he would have been a good judge. For although a good judge may be a bad man, a good man cannot be a bad judge. And this vacancy made by the death of the learned and upright judge will be hard to fill.

Be it ours to cherish his memory and emulate his example.

Hon. M. J. Severance then addressed the court as follows:

May it please the Court:

The vacant seat on your bench has convoked this assembly to-day. Its late revered occupant has crossed the ocean that has no refluxing wave, his earthly duties all performed.

We are not here to-day to tender to any the cold and formal courtesies always due to the great catastrophe of death, but we are here in the interest of the living, and those who are yet to live, to pay a just and merited tribute to the life and character of one who on the forge of life wrought out an honorable and enduring fame. We do not yield this tribute for the benefit of the dead, but to excite and awaken the emulation of the living, who, hearing the applause we bestow on noble action, may take the only pathway that can justify the highest hopes of mankind.

As a lawyer, our friend possessed those natural endowments that could but give him pre-eminence in the forensic arena; and as a judge on the bench, those same endowments lifted him far above the common plane. A quick perception and a power of analysis that never lent its ear to the sophistries of ingenious debate, ever enabled him to test the soundness of any proposition presented to his mind, and to bring method out of the chaos of conflicting opinions. Add to these natural endowments an inherent love of justice, and an unswerving integrity, born with him and in him, and you behold Judge Cornell as a lawyer and as a judge.

Splendid original gifts, and high intellectual endowments lavishly bestowed, invoke human admiration, and give to their possessor the stately tread of a giant. But it is not on these that we bestow our highest encomiums to-day, though they rounded out the majesty of our friend's career. We instinctively turn to the social department of his life, generous with sensitive emotion, unobtrusive, but ever radiating the vernal warmth of love and kindness. Exacting in nothing, he acknowledged the mutual obligations of his race, and yielded that deference to others that forbids personal tyranny, and smothers that effusive self-assertion which so often breeds hatred and contempt. No cloud of egotism ever drew its shade across his generous mind to mildew its opening flowers. He cultivated the finer emotions of the heart, for he knew that they were the headlight that ought to gleam along the pathway of intellectual action in every walk of his earthly duty. And when his life went out, another ray of light and warmth vanished from the earth forever.

Judge Cornell was a brother in the great brotherhood of man, and ever held out his hand to the weary as he ascended the hillsides of life. He never looked back with contempt on those who had just entered with uncertain step on the long pathway over which he had passed, but he pointed to the summit illumined with hope and then with kindly counsel wooed them along.

As a man, a lawyer or judge, he never embraced the shallow fallacy of personal triumph in order to prod the feelings of others, but in every condition of life, its highest amenities furnished the rule of his action. In the spirit of love and equality he fashioned his character with all the graces of moral symmetry, so that whatever blemishes it had were easily hidden under the mantle of human infirmity. His domestic life so full of sunshine is sacred to others. I will not unroll its once bright panorama, now moist with pearly tears, the offerings of love to love. If his death left broken hearts, let them heal again under the benign radiance of a life's sunset golden with personal honor. Judge Cornell loved his home, and every night

the neighboring waterfall of Saint Anthony throbbled its soft music through the trembling lattice of his window, and lulled him to earthly sleep. Now let it forever murmur the requiem of his dreamless slumber.

Other remarks were made by Messrs. Eugene M. Wilson, William M. McCluer and John M. Shaw, at the conclusion of which, Chief Justice Gilfillan, on behalf of the court, responded as follows to the addresses of the bar:

Gentlemen of the Bar:

The memorial which has been read will be entered in the minutes. It is peculiarly fit that it should be of record in the court of which Mr. Justice Cornell was a member for the last six years of his life, and in the performance of his duties in which he spent his last strength. He had in the highest degree every claim to appropriate memorials.

His career and character as a man, as a citizen, as a shaper and leader of public opinion, as a legislator, as a member of the legal profession, and finally as a judge in the court of last resort in the state, were such as call for marked public recognition, now that he is gone. Of his public services to the state at large and to the more immediate community in which he lived, the press has made honorable mention. His personal friends, those who got to know his inner life and character, have in their private discourse, as you have done, recalled and borne their testimony to his virtues as a man; virtues which made him dear to all who had the good fortune to be on terms of intimacy with him. It is for us, at this time and place, more especially to dwell upon and pay our tribute to his memory as a member of our profession, and as connected with it by his judicial station and services.

Most of us, the oldest of us at any rate, knew him for many years. His position at the bar, from the first, was such that no one could be a member of the bar in the state without knowing him, either personally or by reputation. At a very early day, at

the time when the bar here may be said to have been in its infancy; when, as a political community, Minnesota was about passing from the guardian-ship of the general government to the free condition of a self-governing state, he was already among the foremost in the profession. Who would, for the next quarter of a century, lead in its labors, contests and honors, was then, to a great extent, uncertain. But he had taken his place. Whosoever future standing might seem doubtful, his was not. He was then an acknowledged leader. His ability, learning, eloquence and force of character, already recognized, made it evident that whoever else might fall behind, he would, so long as he remained in the practice of the profession, stand in its front rank, the equal of the highest. From that time the bar steadily increased in numbers, in strength, in learning, in influence and importance. Through all its growth his relative position in it remained the same, until he took his place upon the bench.

The mental qualities and characteristics that enabled him to maintain so high a position at the bar, eminently fitted him for the bench. The character of his mind, indeed, was more judicial than forensic. Its more appropriate field of action was the bench rather than the bar. To assure a lawyer the highest success as an advocate, his mind must be capable, in a large degree, of taking a partisan view of a cause; of adopting as its own the feelings and prejudices of the client; and of seeing and judging of the cause through the medium of such feelings and prejudices. A mind of that stamp is apt to see but one side of the case, though, to make its possessor a great advocate, it must see all of that side at once, and as by the full light of the noonday sun. One with such a mind, especially if that be its controlling characteristic, rarely, if ever, makes a great judge.

Erskine, by far the greatest advocate who has spoken in the English language, was a striking instance of this. Those who, while he was at the bar, knew Judge Cornell, not intimately, who saw his sanguine, nervous temperament, the zeal with which he engaged in the trial of a cause, his instantaneous perception of the rules and principles of law governing it, and

the intense force and clearness, and fervid, energetic eloquence with which he set forth and urged upon the courts those rules and principles, might be led to suppose that his was that stamp of mind. But to suppose that would have been a grave mistake. His more intimate acquaintances knew then, his career on this bench has demonstrated since, that his success at the bar was owing to other and larger intellectual attributes than the peculiar characteristic I have ascribed to the advocate.

From the time of his transfer to the bench it became apparent to all that his intellect was notably liberal and comprehensive, and singularly impartial; calmly and dispassionately taking in the whole of a case, and judging it only upon those considerations which lead to a correct result. His learning in the law was great; his quickness to apprehend the true issues in a cause and the right solution of them was marvelous—more so than I ever knew in any other man; and, at the same time, his judgment was cautious and profound, his habit of investigation patient and conscientious. In his mental operations were united two characteristics not often found together—quick, intuitive perception, and careful, patient reasoning. To these was added a clear, unfailing natural sense of justice, of moral right and wrong, on the rules of which the rules and principles of law are mainly based. These mental traits, with an intimate knowledge of human nature, and a generous but discriminating charity towards its failings, united in him the elements that go to make the great magistrate. In respect to the harmonious combination of these conditions, it will be long before his place on the bench will be wholly filled. To the bar and to the judiciary his loss is well nigh irreparable.

I should fail of doing justice to his memory, and to his associates' appreciation of his memory, if I omitted to mention, as you have mentioned, his uniform courtesy of manner, and the amiability and gentleness of his disposition and temper; an amiability and gentleness joined with the highest degree of manly energy. These were very marked in his intercourse with

his brother lawyers and the courts, while at the bar. They were more conspicuous to us, his associates on the bench, brought, as we were, into most intimate relations with him. Two of us were with him on the bench for more than six years. During that time our intercourse with him, and knowledge of him and of his traits, both of mind and heart, were necessarily very close and intimate. In the hearing of causes, in the subsequent investigation of and consultations upon them, and the preparation and comparison of decisions and opinions, we were together day by day. Frequent conflicts of opinion have necessarily arisen, followed by earnest discussions, sometimes leaving irreconcilable differences as to how causes should be decided. But in no instance that I can recall, during all that time, did he ever let fall any discourteous, unkind or irritating expression to either of his associates; nor did any difference of opinion, or anything occurring in the discussions, ever for a moment interrupt the unvarying kindly relations between him and them. In this his forbearance was the more remarkable, because, for the latter part of the time, the disease of which he died was upon him, causing him often severe suffering, at all times harassing anxiety. That under such trying conditions he should at all times preserve even temper, and exercise towards others perfect courtesy and consideration, marks strongly the character of the man.

Gentlemen, I have endeavored briefly, I know with imperfect success, to express what his survivors on the bench think and feel in regard to our departed associate. Your eloquent and appropriate memorial shall be entered in the records of the court, there to remain as a testimony so long as those records shall be preserved.

The clerk will record the memorial in the minutes for to-day, and the court will adjourn *sine die*.

APPENDIX

BIOGRAPHICAL SKETCHES OF JUSTICE F. R. E. CORNELL

Two biographical sketches of Cornell follow. Each was written after his death. They borrow from the eulogies at the memorial session of the Supreme Court on June 10, 1881.

1

Minnesota State Bar Association (1884).

At the first meeting of the Minnesota State Bar Association in St. Paul on April 1, 1884, the following sketch was read:¹⁴

Biographical Sketch of Judge Francis R. E. Cornell.

Francis R. E. Cornell was the son of Edward and Lovina Cornell, and was born in the town of Coventry, Chenango county, state of New York, on the seventeenth of November, 1821. His father was a physician, prominence in his profession, and his mother a woman of rare intellectual power and culture. Her poetical contributions to the press were of a high order of merit, and indicated unusual gifts in that direction.

From his boyhood, Judge Cornell evinced an unusual taste and aptitude for study. At the early age of fourteen he took charge of a public school. This vocation was continued for a part of every year until he entered college; and this, not from necessity, but

¹⁴ Report of the First Annual Meeting of the Minnesota State Bar Association 31-39 (Appendix C) (West Pub. Co., 1884).

choice. Habits of self-reliance were thus early formed, which proved of incalculable benefit to him in after life.

His preparation for college was made at the academy of Oxford, New York. At that time that institution ranked among the first, if not the first preparatory school in the state. Here he stood *facile princeps* in a large class, and was awarded the valedictory. He entered Union college the third term of the sophomore year, and graduated with the highest honors in 1842.

With a mind well disciplined and matured, a thorough collegiate training, and habits of industry and application unusual, he soon after entered upon the study of law in the office of Judge Thomas A. Johnson, of Corning, New York. His preceptor is well known to the profession as one of the ablest judges who graced the bench of the court of appeals of that state. He was admitted to the bar at a term of the supreme court held at Albany in 1846. His idea of the thorough preparation required to enter upon the practice of his profession may be gathered from the fact that he devoted nearly four years of close study to the mastery of those legal works which are usually read in about half that time. It is easy to understand, therefore, that he was thoroughly versed in the elementary principles of law before he entered on its practice. Soon after his admission he opened an office in Addison, Steuben county, New York, in partnership with Hon. A. G. Chatfield, afterwards associate justice of the supreme court of the territory of Minnesota.

In 1847 he was married to Miss Eliza O. Burgess, of Coventry. His widow is still living in Minneapolis, as also two surviving children, Frank B. and Carrie R. Cornell. His son is a lawyer and married, and his

daughter was married a few years since to Robert C. Kolkoff, Esq.

The statistics which we have been able to obtain of that portion of his life spent in Addison are somewhat meager. Enough is known, however, to state that he already gave promise of the eminence he afterwards attained. At the early age (in that state) of thirty-one, he was elected to the state senate as a Barn-burner or Free-soil Democrat, and served acceptably to his constituents. But a political life was not the end he sought. He devoted his energies to building up his practice, and met with a success equal to his fullest expectations. But success in a country village of the east has not the same meaning as we attach to the term in a rapidly growing town of the west. In the former, the older members hold a mortgage on the honors and emoluments of the profession which death only can foreclose. Mr. Cornell was disposed neither to dispute their title nor bide the time necessary to come into his lawful possession. Other fields, still more inviting, were open for conquest.

Judge Cornell removed to Minneapolis in 1854. There was then but a small settlement on the west side of the river, as the land was then a government reservation. In February, 1855, congress passed an act opening the greater part of the military reserve to pre-emption. Scarcely twenty-four hours had elapsed from the time the news of the passage of the bill was received before every acre was claimed by an occupant, and in a large number of oases by more than one claimant. This necessarily gave rise to a large amount of important litigations, in nearly all of which Mr. Cornell participated. Within a year from the time of his arrival his reputation as an able lawyer was firmly established. Thereafter he took a leading part in most of the important litigation of

the county, until the time of his elevation to the bench.

In 1862 and 1863 he yielded to the earnest solicitations of his friends, and allowed his name to be used as a candidate for the house of representatives, to which he was elected, as he was again in 1865. His influence in shaping legislation in that body was not surpassed by that of any other member, and his course throughout gained the emphatic approval of his constituents of both political parties; and if his own consent could have been obtained he could have occupied a seat in either branch of the legislature at any time during his residence in the city.

In 1867 he was elected attorney general, an office which he held for three successive terms. With the growth of the state, the duties of this office had become arduous, but were discharged by him with fidelity and entire acceptability. The numerous and important opinions on various subjects, required of him in the discharge of the duties of that office, are the highest testimonials, not only of his extraordinary legal ability, but of his wisdom and sound common sense in directing the affairs of government. So firm were his convictions that absolute right was the highest expediency on the part of the state, that no popular clamor, however insistent, could swerve him a hair's breadth from what he believed the line of duty and strict honesty. So jealous was he of the honor of his adopted state that he became indignant at any hint of repudiation; and his efforts at a critical time in its history, and at a risk of his own popularity, were earnest and unceasing to preserve it from a stain.

In 1874 Mr. Cornell was elected an associate justice of the supreme court of the state of Minnesota. He

took his seat upon the bench in January of the following year. The learning and ability which he brought to the discharge of the duties of that high station are a part of the history of the state. In his capacity of judge, his published opinions are his sufficient and enduring eulogy; but who of us, who have argued cases before that court, can forget his uniform kindness and courtesy on the bench, and the close, interested attention he gave to every argument, not less—and even more—to that from the neophytes than the Nestors of the bar? This was largely due to the natural kindness of his heart; his cheerful readiness to aid those who were struggling for a place and name in the profession. This was strikingly illustrated at a meeting of the bar association of Hennepin county on the occasion of his death. It was remarkable how large a number of the younger members of those present spoke in feeling terms of the encouragement and assistance they had received from Judge Cornell in their profession. The regret expressed was like that for the loss of a near and dear friend. The tribute to the man was warmer than that to the lawyer; the heart was greater than the intellect. Surely is he most to be envied whose good deeds and loving words exhale a perpetual fragrance from the grave. Judge Cornell served as associate justice for a little more than six years. He died May 22, 1881.

There can scarcely be a difference of opinion among the profession as to Judge Cornell's rank as a lawyer. If not *primus inter pares*, he at least stood in the front rank of his profession in the state. He was a master of the science of pleading, and accurate and skillful in its application. His facts were presented in logical sequence, without unnecessary verbiage, and yet with a fullness which left nothing to be supplied. And the same traits were observable in contracts and other legal papers which he

prepared. He had a clear idea in his own mind of the idea to be expressed, and the happy faculty of expressing it in the most apt and appropriate language. He would not have made a successful diplomat, for he had not the art of using language to conceal his ideas. He said what he meant, and always meant what he said.

His method of presenting a legal argument was always agreeable; and the argument itself, if not always convincing, never failed to be instructive. He grasped the strong points of his case by intuition, and presented them in the clearest and most forcible manner. He had the somewhat rare gift of knowing when he had finished; never wearied the court by dwelling on minor or immaterial points; never sought to mislead it by advancing propositions which he did not himself believe to be true. A large and long practice, and extensive reading, had richly furnished his mind with legal principles and precedents, which a retentive memory and discriminative faculty enabled him readily and correctly to apply. But his learning was equaled by his modesty, and in his ablest efforts not the slightest trace of pedantry or of speaking for effect alone could ever be discovered.

If it be asked in what branch of his profession Judge Cornell was most eminent, I should say it was that of a jury lawyer. His skill in eliciting facts from an honest, though perhaps stupid, witness, or, on cross-examination, from a keen, unwilling, and unscrupulous one, I have never seen surpassed. Rarely did a witness leave the stand under his examination without his having elicited all he desired. He seemed to have an intuitive knowledge of the motives actuating men in any given case, and was seldom at fault in his estimates of character. And he had an unusually forcible way of presenting

his case to a jury. He made it a rule to accept no cases except those in regard to which he believed his client was in the right; but, once accepted, he made the cases his own. They engaged not only his intellectual faculties, but the sympathies of his heart. His earnestness, not less than his eloquence, carried conviction and swayed a jury. Supplemented as these qualities were by a well-established character for veracity, honesty, and devotion to the interests of his clients, his success with a jury was natural and certain.

Had political life possessed attractions for Judge Cornell, there can be no question but he would easily have attained the highest honors which the people of his adopted state could bestow; but the questionable methods by which these are gained and retained were alien to his tastes. The highest political preferment he justly counted as of far less value than the reputation of an able and upright lawyer. True, he did serve three terms, as before stated, as a member of the state legislature, but it was strongly against his will, and only by the most strenuous efforts, that his opposition thereto was overcome; and it was not till he was convinced that he could, more certainly than any other, succeed in securing certain results for his constituents, that his consent to be a candidate was obtained. After 1865 he neither sought nor accepted any state office, the duties of which were not directly in the line of his profession.

No biographical sketch of Judge Cornell would be complete without some reference to his social and unprofessional life. Into the sacred relation of family ties around the fireside, it is not meet to seek to penetrate; enough to know that there was his chosen retreat from the trial and burden of business; there, the happiest hours of his life were

spent. Of his life in the wider relation of neighbor and citizen we may speak with less reserve. His natural modesty and reticence might lead some, on a brief acquaintance, to conclude that he was to some extent deficient in genial qualities, and incapable of warm attachments. A more intimate acquaintance never failed to correct this mistake. Few in his profession had a larger circle of warmly-attached friends, and those who knew him best, loved him most. That he had no enemies, it would be rash to say. No man with his force of character, strong convictions, and fearlessness in expressing them can escape censure and ill-will. But such as he had were not of those whose enmity is to be regretted. The record of his social life is enshrined in the memory of the just and good. The loss of such a man to the city in which he lived for twenty-five years, is incalculable. His time and labor were freely given, when required, to promote its best interests.

At an early day he was foremost in shaping legislation in regard to the railroad interests of the city, and as an alderman he did good service in the city councils; and he was one of the first to participate in the establishment of the present school system, which is so justly the pride of the city. And in every project for the welfare of the city his wise counsels were potent, and his means freely expended according to his ability. To him the poor, if deserving, never appealed in vain, and to such his professional services were often rendered without money and without price.

We cannot conclude this brief sketch of the life of Judge Cornell without adverting to his views on religious subjects. It is a matter of satisfaction to know that he gave his cordial assent to the fundamental doctrines of the Christian faith. He

was accustomed to attend the Universalist church, and gave of his means to its support. But his broad catholic spirit and charitable views made him tolerant of differences in religious belief. No narrow or sectarian creed could formulate his profound religious convictions. He was naturally reticent on religious topics, never obtruding his views on these subjects on others, and only to intimate friends was he wont to speak on sacred subjects; but that he had thought profoundly upon them, and had well-defined views of religions truth, (though perhaps not unclouded with doubt,) I have the best reason to know. I well remember that on one occasion, after a conversation on these sub-jects, and expressing regret at the little certain knowledge that was vouchsafed to us of the future life, he quoted these lines of Tennyson as expressing truths applicable to his own state of feeling:

“Oh, yet we trust that somehow good
Will be the final goal of in,
To pangs of nature, sins of will,
Defects of doubt, and taints of blood;
That nothing walks with aimless feet;
That no one life shall be destroyed,
Or cast as rubbish to the void,
When God bath mails the pile complete;
That not a worm is cloven in vain;
That not a moth with vain desire,
Is shriveled in a fruitless fire
Or but subserves another’s gain.
Behold! we know not anything:
I can but trust that good shall fall
At last—far off—at last, to all,
And every winter change to spring.
So runs my dream; but what am I?
An infant crying in the night;

An infant crying in the light,
And with no language but a cry.”

If any object that this sketch is rather a panegyric than a biography, in that I have omitted to speak of the failings of our deceased friend, I care not to deny the justness of the criticism. But where merits are so numerous and conspicuous, be not mine the ungracious task of searching for microscopic faults. Perhaps the maxim, *nil de mortuis, nisi bonum*, is not always to be observed; but, at least, it may be where faults affect only the private and not the public character of the man. Failings, indeed, he had, of which none were more conscious than himself, and of his failure to reach the ideal standard of excellence he had set before him. He was cut off in the full maturity of his intellect, and when he might justly have expected to reap the fruits of his ripe experience and well-disciplined mind. And in that regard, to some, his life might have seemed a failure to reach the best results. But a broader and, we believe, juster view of the here and the hereafter will correct the false impression that work left unfinished shall not fail to be accomplished.

“Thy leaf has perished in the green,
And while we breathe beneath the sun,
The world, which credits what is done,
Is cold to all that might have been.

So here shall silence guard thy fame,
But somewhere, out of human view,
What e’r thy hands are set to do,
Is wrought with tumult of acclaim.”

2
*BIOGRAPHICAL HISTORY OF
THE NORTHWEST*
(1890)

The following sketch is from pages 68–71 of Volume 4 of the *Biographical History of the Northwest*, edited by Alonzo Phelps, published in 1890.

FRANCIS RUSSELL E. CORNELL.

FRANCIS RUSSELL E. CORNELL was born in 1821 in Coventryville, Chenango County, State of New York. Mr. Cornell's father, Edward Cornell, was born in Guilford, Chenango County, New York. He was fond of study and was a good scholar. He chose the profession of medicine, and for thirty years was a successful physician in Coventryville, where his son was born. He married Lavinia Elizabeth Miles of that town, a lady of fine mind, most lovely in character and amiable in disposition. Her physical organization was very delicate, and for many years she remained an invalid, and died when her son was twelve years of age. During these years they lived together the bond of affection between them was of the closest kind; they seemed to live in each other, and no doubt his mother's deep religious nature and finely cultivated mind had much to do in forming the character of her son. Both parents died at Coventryville, and F. R. E. Cornell was their only son.

His grandparents were American; their ancestors were English. His maternal grandmother was a Yale, relative of the founder of Yale College. His grandfather Cornell was a kinsman of the founder of Cornell University at Ithaca, New York. There were farmers and lawyers and physicians and merchants,

and many of them occupied places of local distinction.

Mr. Cornell was fond of study when a boy, and learned readily. His father took great pains with his early education to see that he was well and thoroughly instructed. He had a very delicate constitution, and several times during his boyhood was very ill, so that his studies were often interrupted; but when health returned he soon made up the lost time.

At the age of thirteen he entered Oxford Academy, in the State of New York, where he remained four years. During this time, at the age of fifteen, he taught a district school of seventy scholars (among them were several young men studying Latin and Greek), and he gave such satisfaction that they were anxious to secure him for the next winter. But the duties were too arduous, and he accepted a situation to teach a select school of smaller numbers. Both winters he pursued his studies and kept up with his classes, and graduated at Oxford with the highest honors, receiving the appointment of valedictorian. Merritt G. McHoose was principal, and Miss Whitney preceptress. Both were distinguished educators, and gave to the academy for many years a celebrity equal if not paramount to any other in the State. At eighteen years of age he entered Union College at Schenectady, New York, and upon examination was found prepared to enter the second year. His college course was marked by the same studious habits and persevering industry that had always characterized him. During this course he taught a select school in the same village two winters, and gave great satisfaction both to patrons and pupils, keeping up with his classes in college perfectly. At the age of twenty-one he graduated, with honor to himself and the many

friends who were watching his career with pride and pleasure.

Soon after graduating he went to Corning, New York, to read law in the office of Mr. Johnson, afterward judge of the Supreme Court of that State. The profession of law was his first and only choice. While pursuing his legal studies he taught a select school two winters in Corning with the assistance of another teacher. He had wonderful tact in imparting knowledge, and for this reason some of his friends urged him to become a professional instructor; but the law had his preference.

He was slender in stature, and from his infancy up to manhood was never strong, subject until his later years to severe headaches; but his mind was very active and he was fond of study, and his bodily weakness had to succumb to the superior force. Especially was this the case in the last few years of his life, when from the nature of his disease he must have suffered intensely had not his mind been so absorbed in his legal pursuits as to render him insensible to bodily pain. In every situation of life he always manifested great calmness and fortitude, and with his slender physical development it was surprising how much he accomplished.

When his legal studies were finished with Judge Johnson, he removed to Addison, New York, where he commenced the practice of his profession. He soon formed a partnership with Mr. A. G. Chatfield, a lawyer of good ability, who at the expiration of about a year removed to Minnesota and became one of her judges. Mr. Cornell resided in Addison seven years; he had a successful practice, and was twice elected to the Senate. His friends wished him to remain and become a candidate for Congress, but he had no taste for political life. After some

hesitation whether to go East or West he decided upon the latter. A college friend had made him a fine offer to come to New York City and form a partnership with him in the practice of law; but the western country and especially the fine climate of Minnesota seemed to have the greater attraction, and in November, 1854, he removed to that State. On his way he visited Galena, Illinois, and there met a college friend who offered him great inducements to remain and become his partner. Galena was then a flourishing city, with a fine prospect for future growth, while Minneapolis was in its infancy, with none of the avenues of business yet fairly opened. But the fine climate and beautiful location of that city, decided him to carry out his original intention, and he never regretted his decision. He took great interest in the new city, and was ever active in promoting her best interests, and felt great pride and pleasure in her growth and prosperity. His local attachments were very strong, and he never had any desire to travel. In the faithful performance of his duties lay his highest happiness, and no object could be presented to him sufficiently attractive to swerve him from this course. His life in Minnesota can be easily obtained from the records and the services he performed.

He was married in November, 1847, to Eliza O. Burgess of Coventryville, whom he had known from childhood, and who had at different periods been his pupil through all the intervening years.

He was a Universalist in belief, and although never connected with the church by membership he was always an attendant on the Sunday services, and gave freely to their support, and was an earnest, sincere Christian in his daily life and character. He was very kindly in his feelings, and his desire that no one should suffer by unjust criticism always

characterized his conversation. He had great faith in human nature, and great charity for its defects, and held firmly the conviction that the destiny of the race would be progressive.

During his early life, when a young man, Mr. Cornell was fond of society, and participated in its pleasures and amusements with a good deal of zest. He was genial and humorous and social in his feelings, and his manner was pleasing and cordial. But as he advanced in years and became more and more engrossed in his pursuits he lost his taste for general society, and enjoyed the intercourse of a few friends better, probably, during the last few years of his life, ill health induced him to seek rest and quiet when disengaged from his official duties. But this did not prevent him from keeping up his interest in the welfare of the city or the citizens among whom he had lived so many years.

Extracts from proceedings in memory of Associate Justice Cornell at a fully attended meeting of the bar of the State of Minnesota, held June 10, 1881.

From the memorial of the bar of the State —

"His fitness for the highest professional honors was recognized by his brethren at the bar and by the people of the State. After discharging the duties of attorney-general for repeated terms with signal ability, he was elevated to the bench of the Supreme Court, and has left a judicial record without blemish and above criticism, which will remain an imperishable testimony to his learning and ability after his fame at the bar shall have faded in the shadows of tradition."

From the address of Gordon L. Cole: —

"No man who has ever embellished and adorned the bench or official position in this State was more conspicuously distinguished for the perfect purity of his public and private character than our beloved friend."

From response of Chief Justice Gilfillan: —

"His learning in the law was great; his quickness to apprehend the true issues in a cause and the right solution of them was marvelous, more so than I ever knew in any other man; and at the same time his judgment was cautious and profound, his habit of investigation patient and conscientious. In his mental operations were united two characteristics not often found together.— quick, intuitive perception, and careful, patient reasoning. . . . I should fail of doing justice to his memory and to his associates' appreciation of his memory if I omitted to mention . . . his uniform courtesy of manner, and the amiability and gentleness of his disposition and temper: an amiability and gentleness joined with the highest degree of manly energy."

Credit

The etching on the first page is from Alonzo Phelps, ed., 4 *Biographical History of the Northwest*, 68–71 (1890). It was later reproduced by Charles B. Elliott, "The Minnesota Supreme Court: Part II" 4 *The Green Bag* 169 (1892).

Related Articles

“Col. George Bradley (1832-1879)” (MLHP, 2015).

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