

Memorial

of

John R. Foley

(November 1, 1890 – June 12, 1953)

**WABASHA COUNTY
DISTRICT COURT
THIRD JUDICIAL DISTRICT**

WABASHA COUNTY BAR ASSOCIATION

Saturday, December 12, 1953

State of Minnesota
County of Wabasha

In District Court
Third Judicial District

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In the Matter of a Memorial to the memory
of John R. Foley, a deceased member of the
legal profession in Wabasha County,
Minnesota.

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To the Honorable Judges of this Court, the members of the
family of Mr. John R. Foley, fellow attorneys and friends ::

This matter comes before the Court and those here assembled by
virtue of a Summons, not from our man-made courts, but from our
Heavenly Father, to a distinguished member of the legal profession
in Wabasha County for whom the Bell has tolled. Having been
selected to prepare a Memorial to our deceased member John R.
Foley, I present the following ::

John R. Foley was born at Barry, Minnesota, November 1, 1890, and
following a prolonged illness that hospitalized him for three
months, died at St. Elizabeth Hospital in Wabasha, Minnesota, on
June 12, 1953, at the age of 62 years. Today is six months from the
date of his death.

He was the son of Daniel Foley and Ellen Dunn Foley. Graduated
from St. Thomas College in St. Paul 1909, and received his
Batchelor of Law Degree from the University of Minnesota in 1912.

Practiced law in St. Paul and Minneapolis for a few years, and after his marriage to Ellen Brennan of Centralia, Pennsylvania, In June 1915, they moved to Wabasha, and he practiced law here from then until his death.

Survivors are

his wife
five sons

John H. Foley, Jr.— attorney in Washington, D.C.,
Lt . Col. Robert L. Foley — U. S. Air Force—Oklahoma City,

Daniel F. Foley, * Wabasha, who was associated with his father in the practice of law, and carries on in the law under the firm name of Foley and Foley,

Eugene — law student at the University of Minnesota,
Patrick law student at the St. Paul College of Law,

four daughters :

Mrs. John (Mary) Ferran — Pittsford — New York,
Mrs. Stephen (Catherine) Quigley— Washington, D. C.,
Mrs. Robert (Eileen) Eaves — St. Paul,
Roseleen—student at St. Catherine College— St. Paul,

25 grandchildren;

4 brothers: Thomas and Patrick—Graceville—Minnesota;
Daniel — a Minneapolis attorney,
Michael — Minneapolis —
one sister — Mrs. Patrick J. Lannon — Graceville, Minnesota.

* Daniel F. Foley (1921-2002) served as a judge in the Third Judicial District from 1966 to 1983 and on Minnesota Court of Appeals from to 1983-1991. For a tribute to him, see Terry Walters, "Remembering Judge Foley" (MLHP, 2010).

He had a long record of service in associations and public life.

Wabasha county attorney — 1920-1927 — during which time he gained and earned much prominence and prestige as a prosecutor;

Wabasha city attorney — 1916-1920;

Active in the Democratic and Farm-Labor parties;

attended the National Democratic convention which nominated Franklin D. Roosevelt for the first time;

Appointed to the five-man State Conservation Commission by Governor Floyd B. Olson and was Governor Olson's representative in Washington during the re-organization days and the inauguration of the NRA;

During World War II he joined three of his sons in the service of his country [and] became the Government's attorney for the New Brighton Arsenal project — Twin Cities;

Was under consideration for appointment of United States District Attorney;

A member of the State and American Bar Association;

Elks Lodge;

Knights of Columbus (a former grand knight and district deputy);

St. Felix Church at Wabasha;

St. Joseph's Society;

Wabasha Rod and Gun Club;

Wabasha Chamber of Commerce

The Izaak Walton League of America.

Rt. Rev. Monsignor John N. Bartholome of Wabasha was the celebrant at the Requiem High Mass at the St. Felix Catholic Church on June 15th, 1953. Others of the clergy assisted, and among those attending included priests from several of the colleges of the state, and Sisters of the schools and churches, together with hundreds of towns people and friends, and many from the legal

profession.....all to pay tribute to Wabasha's distinguished citizen; a man of the Church — the home — the schools and the community. The many long obituary items in the newspapers throughout the state were a recognition of his colorful life and career.

One of the many virtues of the Christmas season is the magical force of the full-stop in the every day schedule to renew ties which even though ever existent seem to become stronger and warmer through sharing with each other the true meaning of that season, and so it applies to occasions like this one.

Here — today — in this court room, this moment is sacred with the almost visible presence of the one who has gone before. We come to honor the memory of Mr. Foley as one who was devoted to his God, his home and family, to the community and to his profession, and to his country. He is now enrolled in the great spirit army whose footfalls cause no sound, but in the memory of man his soul goes marching on, sustained by the pride of such service. Generation after generation peoples of the Past — great in prominence in public life— perplexed and mystified by Death, have gone into the Great Beyond with hearts filled with wistful longings, as all must go. Eternal God has Summoned a brother of this profession—a member of the Wabasha County Bar— to that realm in the West beyond the twilight and the evening star, mindful of such services nobly done. May we cherish and revere his memory.

He, like many, was tempered in the fires of adversity; toughened on the anvil of hardship; which made him big and strong in his love of home, his fellow men, his country and his God.

He believed in the philosophy that Government should be kept close to the people. Born and raised on a farm, working his way through school and college, there was instilled in him the love of

so-called little people. One who put himself in the place of other men, who could understand the workings of their mind, believing that he served God by serving humanity. He was an observant man in all his intercourse with society and the world. He had a sense of the uniqueness of America, of the power and glory of this land, its beauty and its nobility. He kept pace with the advancement and the progress of the world. His mind was kept young and wholesome in his contacts with Nature. He delighted in the open world of hunting and fishing — in true sportsmanship; the smell of pine trees in the heat of noon; the “blind” in his annual search for ducks; the lonely calling of the Canada honkers.

We see him chuckling on the street corner. We see him steadying his gun and letting go both barrels as bird shot plows into a flock and the cove explodes into taters of foam as birds churn for headway, standing on their tails. We see him in the Court room, striving mightily and eloquently.

A Memorial speaks with simple eloquence the language of our souls. He learned one of Life’s lessons — the power and significance of the common-place — how good are the familiar streets and friendly faces; how refreshing to mingle with plain people who are doing their duty in a simple fashion and learning through common sense the essential values which are the foundation of the loftiest visions of truth. His feeling for people was not necessarily sentimental— but a sense of people having a right under the law. A Democrat to the core he seemed to have found no difficulty to get along with the Republicans. His outlook on Life was big; that America was spacious and roomy enough to allow for great diversity of outlook. He loved to tackle jobs— never minded hard work.

He had big moments in the public eye and will be remembered by many for a long time. Not because he played the hero, but because

he did not. He had no ego— but a hard-hitting trial lawyer. He has faced the public as a man who has done his duty. A lawyer in a Democracy, and a citizen in the ranks.

Whether Leadership is vested in man or in a manufactured product, emulation and envy are at work. He lived many times in the white light of publicity — never seeking it — but it came to him. Long, long after a great work or a good work has been done, those who are disappointed or envious continue to cry out that it cannot be done. The little world continued to protest that Fulton could never build a steamboat, while the big world flocked to the river bank to see his boat steam by. That which deserves to live, lives.

He leaves many Memorials to his memory — those which are in the minds of people because of his service in law, in church, in the community and state affairs. Material and physical Memorials which bring enjoyment to others, for instance, the Whitewater trout fishing because of the Crystal Springs fish rearing project.

Of all the attorneys across the space of years, few have been more creatively decisive, more dynamic in service, more enduring in service. He had an unassailable place in the front rank of trial attorneys, possessing a keen and analytical mind — resourceful— aggressive — alert forceful and persuasive.

Listen for a moment to what the witnesses say:

(1) in public life — Orville Freeman, former candidate for governor of the Democratic Farm Labor party, who submitted to me among other data, the following:

“sincere and effective service was rendered in the field of public service by John R. Foley throughout his life. Whenever there was a battle to be fought he could be found

in the front ranks exerting his compelling personality and his earnest solicitude for the benefit of the greatest number of his fellow men. John Foley was never known to run away from a situation because it was unpleasant, but rather, fearlessly and aggressively forced into the open all facts which were pertinent and consistently fought for that he thought was right and would better his fellow men. John Foley made an invaluable contribution and one that will live on not only in terms of positive accomplishments but also through the deeds of his fellow men who have been influenced and inspired by the example he set."

(2) in the legal profession John W. Murdoch, senior member of the Wabasha county Bar, who practiced at Wabasha for half a century, during 30 years of which time Mr. Foley was engaged in active practice here, gave me some of his impressions :

"there was no lawyer with whom I came in more intimate contact than with Mr. Foley. For more than a quarter of a century we sat on opposite sides of the counsel table at every term of the district Court in Wabasha. Mr. Foley was a rugged individualist. He was at his best in the trial of jury cases, which he almost invariably tried alone. His preparation of his cases was always detailed and complete, especially as to facts; he always had a well developed plan of his case; he was exceedingly resourceful. Anyone opposing him in Court could rely on having a fight on his hands from the time of empanelling the jury to the charge delivered by the court. He was effective in cross-examination. Perhaps he was at his best in his address to the jury. His tendency was to oratorical attack but he knew the psychology of the average jury and had an uncanny ability to secure verdicts. I consider him to have been as effective trial lawyer as any with whom I came in contact during my years of practice."

(I might add here that this feeling was reciprocal. Many times Mr. Foley remarked to me about the ability of Mr. Murdoch, and gave Mr. Murdoch credit for much that he (Mr. Foley) learned in trial work. I guess it is true that, “he who wrestles with us strengthens our nerves and sharpens our skill....our antagonist is our helper.” In this connection I like to think of Mr. Foley, our late James A. Carley* and our venerable associate Mr. Murdoch — as the “Big Three” — of which any Bar may be proud, and who have set a goal to which all members of the Bar may aspire to.)

(3) 3rd witness: the man on the street— Many times I have heard It said, “If I ever get into trouble or have a tough case, I’ll take John Foley.”

(4) 4th witness: my own personal statement —
and these words no Shakespeare wrote—
these words no Byron penned —
it is an honest heart that speaks of a precious friend...

I believe that I was more intimately associated with Mr. Foley than any attorney in the county. I can recall trying matters with him when I was county attorney. In many cases we have been associated representing the same client. At all times I found him thoroughly fair, honest—most agreeable to work with. And he always had a high regard for the interest of our client and respect for the ability of the opposing counsel.

He was much pleased that two of his sons are now practicing attorneys and that two are preparing themselves for this pro-

* For an obituary and memorial to John W. Murdoch see “John W. Murdoch (1869-1962)” (MLHP, 2012).

For a memorial to James A. Carley by the Wabasha County Bar Association, also delivered on December 12, 1953, see “James A. Carley (1869-1952)” (MLHP, 2012).

fession. His concern for the majesty of the law, and that justice be done — and concern for integrity came forcibly to me when, a few days before he departed this life, while he was talking to his sons Dan and Jack, and talking to them as a father—that above everything else, they must be honest lawyers.

His work is done end the busy world is hushed and the fever of Life is over. The loom of Life never stops, and the pattern which was weaving when the sun went down is weaving when it comes up tomorrow. He understood to live his life each day to the full. He kept his mind open to truth, responsive to the world's best thought; looked forward, not backward; looked up, not down; faced Life with a smile; had confidence In his power to conquer every difficulty; made his life yield its highest possible service by being faithful to the duties of each day; trying to do everything he attempted to a complete finish.

His long service and frequent appearance in this Court revives a flood of grateful memories to mitigate the feeling of deep regret that a good and venerated figure has passed forever from our midst. His example, in action, did much to implant in jurors and laymen a love for the Law as a great profession and instill in them a respect for the Courts. He excelled in trial work, in dealing with facts— showing a remarkable knowledge of human nature and a lively imagination. He had the invaluable quality of realizing how the Law takes hold of people in life. He hated the sin, but never the sinner. Standing side by side with the defendant in any criminal case whom he was defending or for whom he was pleading, he was not one to condone wrong-doing, but realizing, however, that men are creatures of circumstances. He believed that no man should ascend so high that the strong arm of the Law could not reach him, and no man should descend so low but that his whispering voice may [not] be heard in a temple of justice. He had high regard for

the Law, and the ability of a good trial judge. He realized that respect for the Law and respect for those who administer it go hand in hand; that the character of the Judge is at least one of the major guarantees of justice, if not the principal one. While loyal to his church his convictions were free from all taint of narrowness. That he shall be sincerely missed by those among whom he lived and worked seems to be a good answer to the test of his individual personal and social worth. In the legal profession, in the public work of the future as in the past, in the front rank will be the man of all-around attainments and all-round experience....the country lawyer....for his day is not past, nor in a free country ever will be.

With feeling of deepest regret we record the passing of one of our most distinguished members of the legal profession. Because of benefits to the community in which he lived— to the state— and National affairs— in his home and his church— derived from work of this public-spirited man — and because of the warm, personal feeling inspired in our hearts, MAY IT BE RESOLVED, That we inscribe upon the records of this Court this tribute to his memory that future generations may know and appreciate his Christian character, his many benevolent deeds, his successful legal career, and the respect and esteem in which he was held,

AND MAY IT BE RESOLVED, that a copy of this Memorial be transmitted to the family of our deceased associate together with our assurance of deepest sympathy, and may our Heavenly Father com-fort them in their present sorrow, and may these words of appreciation and high regard be a solace in the years to come.

Respectfully and Sincerely submitted
this 12th day of December, 1953,

by Lawrence R. Lunde

for and in behalf of the Wabasha County
Bar Association — Wabasha, Minnesota.

ADDENDUM

Included in the transcript of the bar memorial for John R. Foley deposited with the Minnesota Historical Society was the following Western Union telegram:

Caledonia, Minn. 325 PM 12/11/53

Luke C Beaver
Clerk of Ct.,
Wabasha, Minn.

I am sorry that Circumstances beyond my control prevent my attending the memorial proceedings in your court this Saturday for my friend John R. Foley. please add my words of appreciation for his example in the profession. few men are endowed with such gifts and such ability as are his and few are permitted to attain so high a standing as a lawyer and a humanitarian.

Lloyd L Duxbury.

Lloyd L. Duxbury, Jr., (1922-2002) was a lawyer by profession. At the time he sent this message, he was in his second term in the Minnesota House of Representatives. He served in that chamber from 1951 through 1970. ■

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Posted MLHP: July 4, 2012;
Revised December 3, 2012.