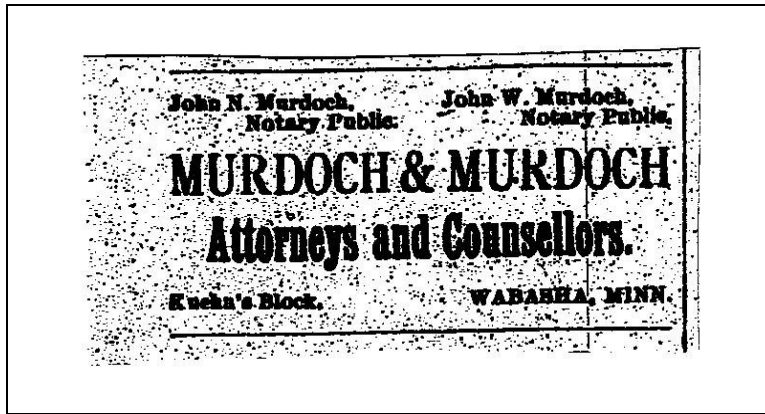


JOHN W. MURDOCH

(June 22, 1869 – April 5, 1962)

In 1893, fresh out of law school, John Wales Murdoch began practicing law in Wabasha with his father, who had settled in the city in 1857.¹ Like other professionals, they published their business card in the local newspaper:²



The firm was dissolved three years later when John N. Murdoch retired. The younger Murdoch, as he probably was then known, thereupon joined John F. Morgan to form Morgan & Murdoch. For the next four decades, John W. Murdoch practiced law in Wabasha, usually with another lawyer. After Morgan's death in 1905, he was a partner of Hugh L. Lothrop from 1916 to 1931, Harold J. Alton from 1932 to 1937, and Arnold W. Hatfield from 1937 to 1942, when he retired.

¹ Wales is John Murdoch's middle name in a county history published in 1920 (and posted on pages 5-6 below). Because he wrote this profile, it is correct; however, his death certificate filed at the Historical Society lists his middle name as Warren.

² *Wabasha Herald*, June 11, 1896, page 1.

There were two lawyers in the local bar with whom Murdoch probably never considered joining forces: James A. Carley and John R. Foley who had reputations almost equal to his own. To Lawrence Lunde, a Lake City lawyer, they were "The Big Three" of the county bar during the first third or so of the last century.

In his eulogy of James Carley, who died in May 1952, Michael Healy recalled Carley's jest about the ironical aftermath of his first successful election:

Mr. Carley was destined for a long public life. The first public office which he sought was that of Wabasha County Attorney, to which he was elected in 1896 and served until 1900. Senator Carley many times said that the important thing in connection with that election was his contribution toward making John W. Murdoch, another distinguished member of this Bar, the skilled and successful lawyer that he became, for it was John W. Murdoch that Mr. Carley defeated in this election. Of this Mr. Carley said "By defeating John, I sent him back to his office where he had to learn to make a living from practicing law." We all know how well Mr. Murdoch availed himself of that opportunity, and I am sure the Bar now thanks Mr. Carley for this contribution.³

The third member of the triumvirate was John R. Foley, who began practicing in Wabasha in 1914, when Murdock and Carley were at their peak. In the next decades Foley observed Murdoch on his feet in court, learned from him, opposed him in numerous cases, and came to admire him, as a son related during the memorial service for Murdoch on May 21, 1962:

I speak as a member of the family of one of his opponents. My father and he were in many a colorful court room battle as all of us know. Truly he and my father and Mr. Carley represented the old school. I am sure that if Mr. Murdoch

³ "James A. Carley (1869-1952)" 2-3 (MLHP, 2012).

could tell us he probably would have shared the same view as my father did when they brought in the new rules, because it spoiled all the fun which these men knew and enjoyed for so many years of the surprise witnesses at the last minute and many of the very colorful things that happened that would throw a bombshell into a trial that might otherwise have been proceeding along very calm ways. But they're both gone and Mr. Carley, too, and I couldn't help thinking the other day when there was a loud roar of thunder coming across the sky that perhaps these men had renewed some of the old battles and perhaps there was some argument still unfinished which they were trying to resolve before they settled down for the rest of eternity which they all very justly deserved.

I know a few years ago when my brothers were here at home we went to call on Mr. Murdoch because we knew of the great admiration and respect which my father had for him. We knew that as my father had told us many times how much he learned from Mr. Murdoch when he came here as a young lawyer in 1914 and later years as they practiced law together. On that occasion, Mr. Murdoch, of course, told us again some of the interesting sidelights of the contests that he and my father had engaged in and restated his great respect for my father...⁴

In 1915, about the time John Foley set up shop in Wabasha, the three volume *Minnesota: Its Story and Biography* was published. Edited principally by Henry A. Castle, it contained profiles or "reviews" of many prominent Minnesotans, who paid to have the books published. In consideration, these "subscribers" had short personal profiles included in one of the volumes. Some subscribers wrote their own, while others edited them if written by the editors.

John Murdoch's profile appeared in the second volume of Castle's history (curiously, his last name is misspelled). It is noteworthy that

⁴ See below , at 22-3.

the first half is devoted to Murdoch family history and John N. Murdoch, who died in 1898. When this profile was published, John W. had practiced law in Wabasha for over two decades, and would continue for another two. It, therefore, reveals how he saw himself at mid-career:

JOHN W. MURDOCK. For more than twenty years John W. Murdock, of Wabasha, has been numbered among the members of the county bar. He was born at Wabasha on the 22d of June, 1869, a son of the late John N. and Cynthia (Baldwin) Murdock. The family is of English-Scotch stock, and one of its members, Jacob Wales, fought in the Revolutionary war as a captain of militia. The grandfather of Mr. Murdock was a native of Massachusetts where he passed his life in manufacturing pursuits and died in advanced years, being very well-to-do. John N. Murdock was born at Winchendon, Worcester County, Massachusetts, and was married in New York State to Cynthia Baldwin, following which they came to the West and settled at Wabasha. Mr. Murdock was an attorney by profession and a graduate of Brown University, and for more than forty years was known as one of the prominent attorneys of the state. He took an active and interested part in political affairs, his views making him a republican, and his religious affiliation was with the Congregational Church. He and Mrs. Murdock became the parents of four children: Mary E., a teacher in Duluth; W. L., of Birmingham, Alabama, engaged in the brokerage business; Mrs. Emily Dowley, of St. Paul; and John W., of this review.

John W. Murdock received his early education in the public schools of Wabasha, following which he attended Carleton College, and then took up the study of law at the University of Michigan, from which he was graduated in 1893. He at once established himself in practice at Wabasha, and has continued here to the present time. He is a Scottish Rite Mason and a republican in his political views, and for ten

years served capably in the capacity attorney of Wabasha, but now gives his undivided attention to his constantly growing practice.

Mr. Murdock was married in 1898 to Miss Marie L. Bleifess, the daughter of German parents and a graduate of the Winona Normal School. Three children have been born to this union: Helen K., who is attending high school, and George B. and Cynthia M., who attend the graded schools. Mr. and Mrs. Murdock are members of the Congregational Church. ⁵

Five years later, a longer profile of Murdoch appeared in *History of Wabasha County, Minnesota*, another subscriber-funded local history compiled by Franklyn Curtiss-Wedge. This sketch differs in length, content and style from than that published in 1915. There is less family history and more about John W. and his accomplishments and activities:

John Wales Murdoch, who for the last 25 years has been engaged in the practice of law in Wabasha city, and is now a member of the flourishing firm of Murdoch & Lothrop, was born in this city, June 22, 1869, son of John and Cynthia (Baldwin) Murdoch. His elementary education was acquired in the public schools of Wabasha. In 1883 he entered Carleton College at Northfield, Minn., where he was a student for three years. Then, at the age of 19, he went to Duluth, where for two years he was in the employ of the Stone Mercantile Company, dealers in hardware. Returning to Wabasha in 1888, he remained at home until the fall of 1890, when he entered the law department of Michigan University at Ann Arbor, Mich., and was graduated therefrom in the class of 1893. In the fall of that year he was admitted to the bar of Minnesota, and entered into partnership with his father. John N. Murdoch, under the

⁵ Henry A. Castle, II *Minnesota: Its Story and Biography* 910 (Lewis Pub. Co., 1915).

firm name of Murdoch & Murdoch. This partnership continued until July, 1896, when the father retired and the son became associated with John F. McGovern in the firm of McGovern & Murdoch. The latter partnership was terminated by the death of Mr. McGovern on February 5, 1905, and John W. Murdoch subsequently practiced alone until May 1, 1916, when he associated as a law partner with Hugh L. Lothrop of Mazeppa, and they have since carried on business under the style of Murdoch & Lothrop, occupying the same offices that Mr. Murdoch's father occupied many years ago. The firm is a leading one in this section, having a large clientele, and Mr. Murdoch has personally gained a high reputation as an able lawyer. In politics he is a Republican. For several years he served as city attorney of Wabasha. For a number of years he has been secretary of special school district No. 1. He owns his own home in Wabasha, and also a cottage at Minneowah, just below Winona, where he and his family spend the summers, having been a member since 1902 of the Minneowah Club of Winona. His fraternal society affiliations are with Wapahassa Lodge, No. 14, A. F. & A. M., of Wabasha, and Rose Croix Lodge of Winona. During the recent period of war activities he served as government appeal agent for Wabasha County, also as chairman of the legal advisory board and was active in every phase of patriotic work. On September 22, 1898, Mr. Murdoch was united in marriage with Marie Lydia, daughter of John G. and Wilhelmina Klampe Bleifuss, of Olmsted County, Minnesota. For several years previous to her marriage Mrs. Murdoch taught in the public schools of Wabasha city. She is active in women's club work in this city and in various parts of the state, being president of the Wabasha Club, also of the women's clubs of the First Congressional District in Minnesota. Mr. and Mrs. Murdoch have three children: Helen K., born February 10, 1900; George B., born February 22, 1902, and Cynthia M., March 12, 1907. Helen K. and George B. are graduates of the Wabasha High School, and

the former is now a student at Carleton College, Northfield; the latter a student at the University of Minnesota. The Congregational church of Wabasha numbers Mr. and Mrs. Murdoch among its active members, and for a number of years he has served it as trustee and treasurer.⁶

Murdoch practiced law in Wabasha until 1942, when he retired. He remained active in community affairs, remarried after the death of Marie, his first wife, and moved to Lake City. He died at age ninety-two on April 11, 1962, an event noted on the front page of the Wabasha newspaper:

WABASHA COUNTY HERALD

WABASHA, MINN. APRIL 12, 1962.

10

Dean of County Lawyers John W. Murdoch dies

John W. Murdoch, who for nearly half a century practiced law in Wabasha, died at Methodist Hospital, Rochester, Wednesday. Mr. Murdoch, 92, had been a patient at the hospital for three weeks.

He was born in Wabasha June 22, 1869, son of John Nelson and Cynthia Baldwin Murdoch, pioneer settlers in Minnesota.

Mr. Murdoch attended public schools in Wabasha and Carleton College for three years. In 1890 he entered the college of law at the University of Michigan and was admitted to the bar in Minnesota in 1893. In the fall of that year he was admitted to the bar in Minnesota and entered

⁶ Franklyn Curtiss-Wedge, ed., *History of Wabasha County, Minnesota* 562-3 (H. C. Cooper Jr., & Co., 1920).

into partnership with his father. After his father retired, Mr. Murdoch continued to practice law in Wabasha and surrounding areas. At times he was associated with John McGovern, Hugh Lothrop, Harold J. Alton and Arnold W. Hatfield, present judge of the Third Judicial District. In 1936 Mr. Murdoch was admitted to practice before the Supreme Court. After his retirement from law practice in Wabasha, he moved to Winona and was active in Kiwanis Club and Price Stabilization Board during World War II and was counselor for several attorneys in the area.

Mr. Murdoch served as secretary of the Wabasha School Board and city attorney in Wabasha. During World War I he was government appeal agent for the draft for Wabasha County and was chairman of the legal advisory board. He wrote numerous articles for historical publications and was a member of the Wabasha County Historical Society.

He was a 60-year member of the Masonic Lodge. He belonged to Lodge 14, Wabasha, from which he transferred to Carnelian Lodge 40 at Lake City Chapter 75, Order of the Eastern Star, and the Scottish Rites Bodies, Winona. Mr. Murdoch was a lifetime member of the Congregational Church in Wabasha and then Lake City.

He married Marie Lydia Bleifuss in 1898. She died in 1942. Three children from that marriage survive: Mrs. A. J. (Helen K.) Hyslop, Northfield; Mrs. James (Cynthia M.) McConnon, St. Paul and George B., Bloomer, Wis. Murdoch married Alice B. Grannis of Lake City in 1943. She survives him as do five grandchildren and eight great grandchildren.

Funeral services were held Sunday at 2:30 p.m. at the First Congregational Church, Lake City and burial was in River-view Cemetery in Wabasha, with the Masonic ritual. The Rev. A. J. Ward officiated. Many friends from Wabasha were in attendance at the funeral.⁷

⁷ *Wabasha County Herald*, April 12, 1962, at 10. His photograph is omitted.

On May 21, 1962, a memorial proceeding honoring Murdoch was held in the Wabasha County Courthouse. Presiding over the ceremony was Judge Arnold Hatfield, Murdoch's last partner. A lengthy eulogy was delivered by Lawrence R. Lunde, who had given a tribute to John Foley in 1953. The service was transcribed by the court reporter.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WABASHA

THIRD JUDICIAL DISTRICT

In the Matter of:

MEMORIAL SERVICE FOR

JOHN W. MURDOCH

Transcript of the proceedings had in the above entitled matter held in the court room, court house, Wabasha, Minnesota, commencing at 11 A. M., Monday, May 21, 1962, with the Hon. Arnold Hatfield presiding, as reported and transcribed by Earl M. Steen, official court reporter.

THE COURT: The May Term of the District Court of Wabasha County is now in session. This procedure this morning is an official procedure that is taken whenever any member of the Bar passes away in this county and the lawyers of this county are officers of the court. Since our last Term of Court, one of our fellow lawyers, Mr. John W. Murdoch, passed away and as is customary we are to make an official record of his passing and our Memorial Service to him.

Mr. Lawrence R. Lunde, attorney, of Lake City, is the senior member of the Bar Association of Wabasha County now, since Mr. Murdoch died, and inasmuch as we don't have in this county a Bar Association with elected officers, I appointed Mr. Lunde as a Committee of one to prepare a

suitable resolution on behalf of the Bar Association. When he has completed presenting that resolution, any other members of the Bar, either the County, the District or State are invited to make such comments as they think are advisable. Very well, proceed.

MR. LUNDE: Your honor.

THE COURT: Mr. Lunde.

MR. LUNDE: Members of the family of John W. Murdoch and fellow lawyers and friends: This is the first day of the opening Term of the May 1962 Term of Court and we just had the call of the calendar. Now, the scene shifts and we come with subdued hearts and softened affections to pay tribute to a departed brother attorney — John W. Murdoch. The scene has shifted but the setting is the same — in this Courtroom where he arose so many times from this same chair and this counsel table to address the Court and Juries. There are those of us who attended the last rites at the grave beneath the open sky in God's Valley along the Mississippi River, and bade him a long and last Farewell. This moment now is sacred with the almost visible presence of Mr. Murdoch. He is now enrolled in the great Spirit Army whose footfalls cause no sound, but in memory his soul goes marching on. And, because of men like him our lives have been better; our sacred duty as lawyers has been more fully impressed upon us; and because of his life dedicated to the Law, his home, his Church and to make Right the Master of Might, this community and the whole world has been blessed. We come to honor the memory of one who spent his whole life time in the service of his fellow men — by service at the Bar of Justice.

Mr. Murdoch was born in Wabasha, Minnesota, in 1869, died April 5, 1962, at age 93. He left him surviving his widow Alice Murdoch of Lake City, Minnesota; two daughters, Mrs. Hyslop of Northfield, Minnesota, and Mrs.

McConnon of St. Paul, Minnesota, and one son George of Bloomer, Wisconsin. It is interesting to note that Mr. Murdoch's father was an attorney and began practice in Wabasha, Minnesota, in 1857. Minnesota had not then acquired statehood and his father was a member of the convention which met in 1855 to organize the Republican Party in the Territory of Minnesota. The City of Wabasha was not so named until 1843. The elder Mr. Murdoch was the first City Attorney of Wabasha and was Postmaster here from 1869 to 1873. John W. Murdoch began his practice in partnership with his father in 1893. The partnership of Murdoch and Hatfield was dissolved in 1942 by Mr. Murdoch's retirement from active practice. It is pleasing to note that his partner, Arnold Hatfield, was thereafter appointed District Judge in this District, and is now one of the Judges in this District and on the Bench today for this Service. And so, with the retirement of our deceased brother, whom we honor today, it marked the end of an era which began in 1857 to 1942. And the Murdochs grew with the city and this community. In later years he lived in Lake City, Minnesota. He was a 60 year member of the Masonic Lodge in Wabasha and Lake City; member of the Eastern Star and the Scottish Rite Bodies in Winona, Minnesota; a life time active member of the Congregational Church in Wabasha and Lake City; City Attorney in Wabasha; 30 years on the School Board; Government Appeal Agent during World War I and on the Price Stabilization Board during World War II; and Member of the Historical Society and many Civic and Social Organizations. Admitted to practice in the Supreme Court of the United States and spent time in the English Courts when he went to London.

The fabric of life which was woven by him was full, rich and honestly woven. He built on a solid foundation believing that we build forever. As he laid stone on stone he knew that the time would come when such stones would be held

sacred, and that men would justly say as they looked upon his labor — See! This is what he has done for us. Within the framework of his busy life he found time to devote to his family, to education, to church, to the Masonic Bodies and to his fellow men.

His devotion to his family and their devotion to him were the finest things in the life of a fine man.

To him, education meant experience, faith, courage and understanding, and most of all the ability to think and act. He translated dead knowledge into living wisdom. He had an abiding faith in affairs of scholarship and education. He knew that our daily experiences are only as wide or as narrow as our interest in the welfare of others, and our desire to serve humanity. He gave the helpful word to others who sought advice or needed encouragement. He exerted great strength on men and events in his time and in this community. He trained and inspired new leadership. He lived in a small community but realized that distinctions do not lie in the places we occupy but in the grace and dignity with which we fill them.

To him, true religion afforded government its surest support. He never forgot, never ignored, never underestimated the basic unity of the United States whenever fundamental Freedoms were at stake. He knew that his that they dreamed of Freedom, fought for Freedom and lived for Freedom, prayerfully. And, Mr. Murdoch with blazing intensity of spirit made this Freedom a part and parcel of his life. To him, Religion was a very real, practical and useful experience. It taught him a sense of responsibility. Regular Church attendance was a part of his religion, needing nourishment for his soul, inspiration from worship service, and the fellowship of associating with other Christians, knowing that it is to the churches to which we must look to develop the resources for the great moral offensive that is required to make human rights secure.

He knew that moral power did not derive from any act of Congress; it depended on the relations of a people to their God. He surveyed the road he traveled; he looked ahead along the road to tomorrow arid with respect for the Laws or God — without which no man-made statute could long remain in good effect. The Bible was his trestle board of life upon which was drawn his plan to build and rear the Temple of his life. Great men have been followers of the Bible.

He knew that man's moral possessions were acquired in the home, the school and the church and with man's daily contact with people and in organizations. He retained his love for his fellow men so his life was strong and durable in love and affection for his family and his service to mankind. The divine and eternal principles of truth, justice, love and charity were voluntarily accepted by him and incorporated into his life. He believed in the power of a kind word, a helping hand and an understanding heart. As Reverend Ward said at his funeral service in quoting the Bible, we quote "What does it profit a man to gain the whole world and lose his own soul?" Benjamin Franklin said "The soul of man is immortal and will be treated with justice in another life respecting its conduct in this." He set a good example: Living a life of true simplicity and presenting a straight-forward and sincere attitude toward his friends and in all his legal works. He realized that life is a precious thing and that the opportunity to do good through his example and service placed a sacred obligation squarely on his shoulders. So living that his best was continuously expressed through speech and manner and personality, and an inspiration and help to those about him.

He lived through two World Wars, depression and changing times, all giving birth to new issues from the ashes of the old. He believed in the Law of Nature — that the Law would be conformable to reason, to elevated morality and practical good sense, and reflect the Preamble of the

Constitution seeking to guarantee the inalienable right of life, liberty and the pursuit of happiness. From *Case and Comment* comes this, "The Law is the most trying of all professions; the Minister can dazzle his congregation with glittering promises that no one can dispute; the physician can bewilder his patients with unreadable phrases from a dead language, and has sometimes been known to bury his mistakes — the lawyer, however, must perform in public. His mistakes are open to God and man, worst of all to the watchful eye of his skilled adversary. But while the law is the most trying, it is also the most necessary of all professions. It is the constant Guardian of our Liberties."

Mr. Murdoch made a search for details to the nth degree but with a soundness for facts, admirable clearness and preciseness. A great and inspiring lawyer and wise counselor. A lawyer of high ideals; of these is integrity, that unimpeachable practice of honesty; loyalty to God, his fellow men and to himself. Undeviating adherence to moral standards and unquestionable behavior. He possessed a frankness of balance in every day thinking and living habits. There was tolerance — respect for the other man's point of view, opinion, belief and practices, and the other man's way of life his creed and his philosophy. He was a man of conviction and moral courage.

He believed in the fundamental law that our Government is a Government of laws and not of men. And, his daily work as a practicing lawyer brought him into the most intimate contacts with the business of Government and the administration of justice. His wise counsel and successful litigation flowed around many people — their homes, their businesses and farms — like the ocean flows around an island. Victory for him was never determined at the exciting moment of crisis but during the long, unspectacular hours of preparation.

So, today, we pay tribute to a mighty memory — to a good man and a great lawyer. And, we pause for a few moments to give verbal admiration and expression of honor to the memory of Mr. Murdoch. Silenced forever are the lips that gave wise counsel and with alertness to the juries. Many times in this court room — the Supreme Court and the Federal Courts — and always with distinction. He waged a battle for the rights of Man — he was a defender of destinies; a champion of freedom and a soldier of God. A lawyer who saw a creative value in every case. He had the ability to captivate audiences and juries with a mixture of eloquence, earnestness and clarity of expression — a grasp of what his listeners wanted to hear — a native warmth and friendliness. A sense of humor, timely employed and friendly. He fought his battles on the priceless and triumphant battleground of humanity. He possessed dignity and poise. His mind was richly stored apt phrases and stories. As a conversationalist he was stimulating and entertaining. Those who saw him in action did not forget him. He was renowned as an exceedingly skillful trial lawyer with unusual ability in cross-examination and extraordinary tact before a jury. To him, life was not a drab experience. His rare gift of humor enlivened many an occasion and dissolved many strained situations. He knew precisely what was pertinent. Honest and sincere, he inspired confidence. Such days enshrined in memory are never lost and death is powerless to still his remembered voice or erase his remembered smile.

He walked the pilgrimage of life and kept word and watch together in its vicissitudes and trials. He walked uprightly in his many stations before God and man. As a man — a citizen and a lawyer — these words speak with simple eloquence the language of our hearts.

I would like to add a few of my personal observations:

1. I never knew him to anger or to show bad temper — the venerable tradition of respectful argumentation, based on evidence, conducted with courtesy and leading to greater exposition of truth is a precious part of our heritage in this land of freedom. One mark of an educated man is his ability to differ without becoming angry, sarcastic or discourteous. He leaves with us the duty to understand, appreciate and perpetuate this tradition.

2. I can see him now before this Court — addressing the Court or a jury and with his characteristic pose — and directing emphasis with his index finger.

3. One of his expressions before the Court or jury when dwelling on some point that may not have been too relevant — and passing it by saying, “Be that as it may.”

4. In the Memorial that I presented to this Court after the death of John R. Foley, I made reference to “The Big Three” — namely, Senator James A. Carley; John B. Foley and John W. Murdoch. Now, they have all departed this life for their eternal reward.

5. He was often commended by the Trial Judge and the late Judge Finkelnburg said that he considered Mr. Murdoch one of the best ten trial lawyers in the State.

6. Well do I remember when I was County Attorney — in the trial of a murder case where Paris Green was allegedly used to cause death — Judge Finkelnburg later said that Mr. Murdoch conducted the most brilliant cross-examination he had ever heard.

7. On April 29, 1953, in the Masonic Lodge at Lake City he received his 50 year pin for a continuous membership of 50 years. I was in charge of that program and the speaker of the evening was his former partner, Arnold Hatfield, who at

that time was District Judge of this Court and now is on the Bench today. Mr. Murdoch never missed the opportunity to give credit where credit was due — and paid high tribute to his former partner — YOUR HONOR — whom he held in high esteem — in which the members of the Bar concur.

8. One of Mr. Murdoch's special quotations was, "Strive to so fill your life with pleasant things that when old age draws a sight draft on memory it may be duly honored."

9. Reverend Alfred Ward, Pastor of the Congregational Church in Lake City and a member of the Masonic Lodge with Mr. Murdoch, in his funeral service mentioned the words of the Psalm that Mr. Murdoch loved so well, "As far as the East is from the West so far hath He removed our transgressions from us."

10. I think that Mr. Murdoch considered the Reads Landing case one of the landmarks. Complex with its many legal angles, full of historical value, filled with the thrills of early settlement, exciting with the picturesque days of logging, stage coaches and steam boats. Upon his retirement he prepared a record of this case and had it published in the newspapers, entitled "The Story of Reads Landing - Comedy of Errors." This singular and extraordinary case began in 1868 when the original charter of the Village of Reads was granted by the Minnesota Legislature. Reads Landing then a city of 2000 population, rated as second to none in Minnesota, and claimed to have more hotels than any city in the country in proportion to its size. It was a lawsuit on notes by one of New York's great financiers against the Village of Reads Landing arising out of a bond issue by the Village of Reads in aid of building the railroad. The case involved the Village of Reads, the Township of Pepin and the City of Wabasha, including the Riverview Cemetery where now rest the remains of Mr. Murdoch. A case that involved many special acts of the Legislature as

the parties were sparring for No. 1 position. Many distinguished lawyers and venerable Judges participated therein. This case was in the State Courts and Supreme Court and in the Federal Courts. Mr. Murdoch came into the case around 1900 and made the final argument in the Federal Court. The final decision was adverse to the City of Wabasha. When Mr. Murdoch wrote his record of this case he was then the sole survivor of all the attorneys and all the Judges who had been on this case. In his own words, "this was the final blow and it is safe to say that the man on the street in Wabasha and the man on the farm in Pepin were equally unable to appreciate the justice of the decision." In his own words, he added, "among all the cases which, in more than 50 years of practice, have come under my observation, this case presents more striking, novel and humorous aspects than any other. For those who come on the stage after all these busy actors have left it, I have felt it little short of a duty to preserve the main, facts which I have passed in review covering, as they do, a part of the history of this region for more than 75 years."

To conclude, may we say of Mr. Murdoch:

In home, it was kindness —
business it was honesty —
society it was courtesy —
work it was fairness —

toward the unfortunate it was pity —
wicked it was resistance —
weak it was help —
strong it was trust —
penitent it was forgiveness —
fortunate it was congratulations —
God it was reverence and love.

It was he who lived in the Light of domestic happiness —

in the Light of education —
in the Light of his church —
in the Light of Masonry —
in the Light of his fellow men —
in the Light of service in Law.

Today a rich inheritance is ours bequeathed by him to each of us. Good work deserves recognition and should be rewarded with the appreciation and gratitude of those who have benefited from it. A good life is never lost — a good name endureth forever. The world is a bank into which every life is deposited to the account of future generations. And, though we may not complete the Temple of Justice, let us lay the foundation so true and lasting that generations yet unborn will build upon it with confidence and with pride.

Truly, as we pay tribute to him, may God say “Well done my good and faithful servant.” Let us today give this living tribute with profound reverence, gratitude and dedication. Across the blue horizon, behind the clouds of grey, there are thoughts of love and devotion and his call to “Carry On.”

It is hoped that you will be lifted up by the beauty and meaning of this service in the memory of Mr. Murdoch, and that your faith will be strengthened and deepened in those things that made up his complete life.

And, we may truly say that in this Court Room as in the hearts of the people he served, the memory of John W. Murdoch will be enshrined forever.

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 comfort 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 21st day of May, 1962.

THE COURT: Anyone else to be heard?

MR. DUNLAP: May it please the Court: On behalf of Mr. Kenneth R. Smith, a member of the Wabasha County Bar, who was not able to be here this morning because of illness in his own family, I would like to read into the record of this service the remarks of his which are addressed to the Court and which are most appropriate on this occasion:

“Hon. Arnold Hatfield, District Judge, Wabasha, Minnesota.

“May it please the Court:

“Because of an illness in my family, I regret that I will not be able to attend the Memorial Service for John W. Murdoch on May 21, 1962, so I respectfully submit the following remarks.

“I consider myself fortunate in having known John Murdoch for almost thirty years, not only as a fellow member of the Bar but as a personal friend. He was a devoted husband and father, ever solicitous of the welfare of his family and assuring that they were cared for as he desired. He gave generously of his time to many civic affairs, to organizations and to his friends and neighbors, He was a true friend and it was a pleasure to sit back and talk to him.

After he retired from the active practice of the laws he would frequently stop in and visit at my office, and I recall these visits with pleasure because he was always highly interested and very much up to date on the affairs of the world, our local events, and he never lost his interest in attorneys and the legal events of the day.

“As a member of the Bar he was not only a very successful practicing attorney but was one of our finest trial attorneys. I remember very well many of the lessons learned from him many years ago. He was ever ready to assist and help the younger attorney from his years of experience and knowledge of the law. I remember, as I am sure many of the attorneys of this area do, attending trials when John was active in trial work, simply to watch him try a case because he did it so skillfully, and with a flair that showed he enjoyed his work and knew precisely what he was doing. I also remember some of the phrases he cited for his arguments to the jury in those trials, which were cleverly conceived and made their point so forcibly that you had to admire them even though you had the feeling that he was surely leading the jury to look upon his client with obvious favor. He was an attorney of the old school, a highly trained technician of the law, equally competent and at home in his office and in the Court Room. The younger attorney who had the opportunity to study under him was fortunate.

“John Murdoch will be remembered by all who knew him as a kind and generous friend, and the members of the Bar will remember him as a fellow attorney with whom it was a privilege and a pleasure to practice law.

“Respectfully submitted,

“Kenneth R. Smith.”

Mr. FOLEY: If It please the court: I suppose that as a member of the family of one of Mr. Murdoch’s principal

opponents over a good many years I may have some feelings just a little bit different, your honor, than perhaps others who were not quite as involved. Certainly, the passing of Mr. Murdoch is the end of an era. I remember as a child growing up here in Wabasha many times hoping that the decisions would be adverse to Mr. Murdoch's position. But what an inspiration it was to observe him in action and to witness the zeal and enthusiasm with which he represented his clients in the cause of justice. Of course, I speak as a member of the family of one of his opponents. My father and he were in many a colorful court room battle as all of us know. Truly he and my father and Mr. Carley represented the old school. I am sure that if Mr. Murdoch could tell us he probably would have shared the same view as my father did when they brought in the new rules, because it spoiled all the fun which these men knew and enjoyed for so many years of the surprise witnesses at the last minute and many of the very colorful things that happened that would throw a bombshell into a trial that might otherwise have been proceeding along very calm ways. But they're both gone and Mr. Carley, too, and I couldn't help thinking the other day when there was a loud roar of thunder coming across the sky that perhaps these men had renewed some of the old battles and perhaps there was some argument still unfinished which they were trying to resolve before they settled down for the rest of eternity which they all very justly deserved.

I know a few years ago when my brothers were here at home we went to call on Mr. Murdoch because we knew of the great admiration and respect which my father had for him. We knew that as my father had told us many times how much he learned from Mr. Murdoch when he came here as a young lawyer in 1914 and later years as they practiced law together. On that occasion, Mr. Murdoch, of course, told us again some of the interesting sidelights of the contests that he and my father had engaged in and

restated his great respect for my father, so, certainly, Mr. Murdoch's active life in our community has left a legend which will endure for all time and endure as a challenge and inspiration for his brother lawyers who carry on the great quest for justice for all people and I am honored that I have this opportunity to make these remarks in the record, your honor.

THE COURT: Anyone else?

Mr. ARTHUR E. ARNTSON: If the court please: As the oldest practicing attorney in Goodhue County, I probably knew Mr. Murdoch before most of the people here. I think I tried one case against him — unfortunately he won — but I learned to know him as the other men here — Mr. Lunde have discussed. I am happy and proud to extend my few remarks to what a wonderful man he was, in my opinion. I also found him sincere and honest and friendly. In behalf of the Bar of Goodhue Count, we extend our condolences on his passing.

MR. HEALY: If the court please: I came upon the scene in Wabasha, I suppose, late as far as the active practice of John Murdoch is concerned. However, maybe too early because the two "Johns" as I call them were very, very active; both John Murdoch and John Foley, and I was in the bind between them. However, I learned to respect both the men. I found John Murdoch to be a very learned, bold and daring adversary. I enjoyed working against him. He was always courteous and business was business and that's all it was. To John Murdoch — Thank you.

MR. D. P. MATTSON: May it please the court: On behalf of the Olmsted County Bar I would like to yield to Mr. Ronken to make an expression. Unfortunately, I never knew Mr. Murdoch.

THE COURT: Mr. Oscar Ronken, not the dean but almost the dean of the Olmsted County Bar.

MR. OSCAR RONKEM: May it please the court, and to the members of the family of Mr. John W. Murdoch: I think I knew Mr. Murdoch from the time I came into this territory to endeavor to practice law in 1914. Upon an occasion like this and over that length of time, one could say a great many things and it would be a delight for me to say them if they hadn't already been said, so well and about all I can say now is to say that I heartily agree and subscribe to the many kind and beautiful things that have been said about Mr. Murdoch. I deem it a privilege of my life to have known him and I have a memory of him, in all respects, professionally and otherwise that I should cherish. I don't know how much better place I can give to a man than to say that.

THE COURT: Anyone else?

MR. BURKHARDT: May the court please: The family of John Murdoch and lawyers: I feel as though the statements have been all comprehensive. They have covered the life of John Murdoch. I would like to point out that Mr. Murdoch lived through an era of transition that's probably the greatest than any other similar period in the history of the World. When Mr. Murdoch started practicing law in Wabasha, I was a youngster. I would visit at Wabasha at times and in those days we would drive down from Plainview with a team. The trip down would be a day's trip. The excitement of Wabasha with the boats going up and down the river — my recollection was, there was a packet, as they called it, up on Wednesday and probably on Saturday, and a packet back under similar schedules. It's hard to appreciate this era of transition unless you think in terms of the Court. In those days, the members of the jury were summoned to Wabasha. They would drive to

Wabasha. They would fill the barn, the stables, the hotels and the rooming houses, and Wabasha was given over to a Term of Court that would last for days. Today we have moved into a more rapid pace of life. Mr. Murdoch saw all this and he was able to move with the transition more easily, more freely and adapt himself to the change of conditions more readily than probably any lawyer we had in Wabasha County. It was hard to realize until I came here today that this transition has taken place and feel as though I have become one who lived somewhat on memories and it's for that reason that I wish to in some way contribute something to the expression of appreciation of the life of John W. Murdoch. Thank you.

THE COURT: Well, It is generally acknowledged that a silent Judge is a better Judge. Because of my association with Mr. Murdoch in the past, I feel compelled to add a few words to those so well spoken by my fellow members of the Bar.

There are many younger lawyers here who never knew Mr. Murdoch and some who never saw him in action. I am sure that those men having heard these tributes must have wished that they had the opportunity to observe and work with and against such a great lawyer as Mr. Murdoch was. I had the pleasure and the good fortune of practicing law, both as a competitor and as a partner with Mr. Murdoch; three years as a competitor and five years as a partner. I was taught many lessons in both capacities. During our five years as partners, we never had an argument or a harsh word and it was a pleasure to work with Mr. Murdoch. There are many lawyers who aspire to become recognized as great trial lawyers, even as there are many who desire to strive to become great surgeons, artists or architects. Occasionally, one of these aspirants has a talent and acquires a technique, a style and a skill that sets him apart from his colleagues. Such was Mr. Murdoch. It is my

humble opinion that these successful artisans are motivated by more than material gains. Their skill and their talent become a sense of pride and when they are bent to their task all else is set aside and forgotten until perfection has been obtained.

Mr. Murdoch had all the qualities that are required of a great trial lawyer. He was a serious student of the law and trial tactics. He had at his fingertips the Rules of Evidence and, of course, procedures. He was a skilled strategist. He planned his trial and his examination of witnesses with great care long before trial. His attacks, his defenses and his counterattacks were always well thought out in advance. Traps were laid for the prevaricator, the mistaken and those prone to exaggeration. While he displayed respect for the trial Judge and his rulings, when he was after his quarry and in the heat of the contest, he was not easily deterred or diverted with frivolous objections and motions and delaying tactics. He was awed by none. He was well read and he was clever and he was articulate — a master of persuasion. His summations to the juries were masterpieces. Added to all this was a cultured gentleman who looked the part and was a great showman.

Those lawyers who had the pleasure of observing him at his work were indeed fortunate. His passing is a great loss to the Bar of this District and to the State and to the Judiciary.

It is ordered that a transcript of these proceedings, including the resolution presented on behalf of the Bar Association and all the remarks of counsel and the court be presented on the minutes of this court and made a part of the record of this court.

It is ordered that a certified copy of these proceedings be sent to Mrs. Murdoch, the widow, and to each of Mr. Murdoch's three surviving children.

We stand adjourned until 2 o'clock.

(Adjourned was had at 11:50 A. M.) □

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RELATED ARTICLES

Memorials to the following members of the Wabasha Bar are posted on the MLHP: "Harold J. Alton (1903-1937)" (MLHP, 2012); "Charles E. Callaghan (1863-1926)" (MLHP, 2012); "Samuel L. Campbell (1824-1910)" (MLHP, 2012); "E. N. Card (1828-1910)" (MLHP, 2012); "James A. Carley (1869-1952)" (MLHP, 2012); Terry Walters, "Remembering Judge [Daniel F.] Foley" (MLHP, 2010); "John R. Foley (1890-1953)" (MLHP, 2012); "Allen J. Greer (1854-1905)" (MLHP, 2012); "Wesley Kinney (1837-1926)" (MLHP, 2012); "Hugh L. Lothrop (1888-1931)" (MLHP, 2012); "Michael L. Marx (1871-1921)" (MLHP, 2012); "John F. McGovern (1860-1905)" (MLHP, 2012); "Henry W. Morgan (1850-1918)" (MLHP, 2011); "John H. Mullin (1842-1907)" (MLHP, 2012); "John N. Murdoch (1831-1898)" (MLHP, 2012); and "James E. Phillips (1866-1935)" (MLHP, 2012).

See also: "Bench and Bar of Wabasha County (1884), and Early Courts and Lawyers of Wabasha County (1920)" (MLHP, 2008).

And see also John Murdoch's two case memoirs: "Russell Sage v. The Village of Reads," published in *The Lake City Graphic* on February 14, 1952, and "The Wabasha Doctors' Murder Trial", published in the *Wabasha County Herald*, February 17, 1954. Both are posted in the "Wabasha County" category in the Archives of the MLHP.

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