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Report of the Necrology Committee

Wyoming State Bar

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the more important ones are as follows:

Chapter 73 relating to the estates of missing persons and authorizing the Trustee of such estate to sell real and personal property. Chapter 28 providing that money or property belonging to a minor, not exceeding \$500.00 in value, may be paid or delivered to the parents.

Chapter 81, which is the uniform photographic copies of business and public records as Evidence Act.

Chapter 180 providing for the appointment of counsel for indigent or pauper defendants.

Chapter 192 providing for notice by the Secretary of State to corporations whose term of existence is about to expire, and permitting reinstatement of corporate franchises.

These last laws are mentioned herein in case some of you may have failed to notice them. Perhaps, too, the Legislative Committee should have recommended passage of two or three of them for they will be very helpful in many cases.

It has indeed been a pleasure to have served as your Legislative Committee. We have one positive recommendation to make and that is to urge attorneys to run for the Legislature so that we, who are most vitally affected by the legislation, will have a voice in seeing that good legislation is passed.

Respectfully submitted,

Sam Corson
Reuel Armstrong
C. M. Crowell
Robert E. Holstedt
E. V. Magagna
James O. Wilson

REPORT OF THE NECROLOGY COMMITTEE

During the past year death has taken six members of the Wyoming Bar. Of the six, three had had unusually long and illustrious careers in the profession. Two of this trio had served on the District Bench and one of the two at the time of his death was an Associate Justice of the Wyoming Supreme Court. A fourth was stricken while in military service after an auspicious start in his profession, and notable activity in political affairs. The fifth had served for twenty-eight years as a Court official, and before that had been a County Attorney and a member of the Attorney General's staff. The sixth engaged actively for more than twenty years in the practice of his profession, and thereafter served with credit, if not indeed distinction, as United States Commissioner for Yellowstone National Park, in which capacity his function was judicial as well as ministerial, and of significance beyond that commonly indicated by the title of his office.

Lamentably, but two of the six had attained to relatively advanced years. Of these two, one, and the oldest of the six, was active in the practice of his profession literally to the day of his death. The State of Wyoming has suffered loss, appreciated most keenly by the members of the Wyoming State Bar, by the deaths of Frank E. Anderson, C. O. Brown, John B. Clark, Harry P. Ilsley, W .A. James and T. Paul Wilcox.

FRANK E. ANDERSON
OBITUARY

Frank E. Anderson, for nearly forty-four years prior to his retirement in 1951 a member of the Albany County Bar, died after a long illness in Los Angeles, California, on March 18, 1953.

He was born in Jefferson County, Kansas, October 14, 1876, the son of A. J. and Margaret McCain Anderson. He was educated in the Jefferson County schools and received his law degree from the University of Kansas Law School in 1900. June 4, 1905, he married Ray Buckminister, who in 1938 preceded him in death.

After coming to Wyoming he did not at once engage in the practice of law, but for two years or more was interested primarily in stock raising and farming, and in gaining familiarity with the mining ventures in the Centennial area, concerning which his later writings, particularly concerning the Rambler Mine, the Golden Eagle Mine and the Billy Waters Mine, are classics in the field of local historical "source material." In 1907 he entered the practice of law in Laramie, Wyoming, and in the practice was for a time partner of the late Judge C. W. Bramel. In public office he served the people of his county and state in the capacity of County and Prosecuting Attorney and as State Senator. He was engaged actively in the general practice of his profession for more than forty years. The opportunity was never afforded him to restrict his practice to any particular type of professional work, or any particular branch of law, but he was of tough fibre and obviously enjoyed the handling of a criminal case, of which he had many, and several of the murder cases in which he represented the defendants fell but little short of being "celebrated cases." During his most active years he was intimately interested in various mining ventures, and in a larger forum would have undoubtedly attained distinction as a specialist either in the field of criminal defense or in the field of mining and water law.

His passing marks the approaching breaking of the last living link with what is probably the most intimately dramatic and romantic epoch of American history, which commenced in the mid '70s at the close of the Indian Wars, reached its climatic point twenty years later, and continued a somewhat less turbulent and boistrous course for another twenty years, thence forward known only by vestigial evidences, now known only in the memory of oldsters and in history and in story and legend.

Our sincere sympathy goes to his daughter, Dorothy Focht, his son, Laurence, his granddaughter, Jean, whose father, Harold, preceded her grandfather in death, and of whom only Jean is still a resident of the State of Wyoming, wherein her grandfather carved his career.

Mrs. Dorothy Focht,
Los Angeles, California

Laurence Anderson,
Philadelphia, Pa.

Miss Jean Anderson,
Laramie, Wyoming

C. O. BROWN
OBITUARY

About noon Wednesday, February 18, 1953, and less than three hours after the radio and newspaper wire services transmitted the announcement of the death of Supreme Court Justice Harry P. Ilsley, "Judge" Brown was found dead in his home at Douglas, Wyoming. Death is believed to have occurred late Tuesday, February 17, 1953, and doubtless came almost instantly, and from a heart attack. He has been at his office and engaged in his professional work in his usual manner Tuesday, February 17th, so it can truly be said that he literally worked to the very day of his death.

Cyrus O. Brown was born December 2, 1866, and was in his 87th year at the time of his death, and for more than 52 years, quite possibly sixty years or more, for records of such matters prior to 1900 are none too adequate, he had been admitted to the practice and engaged in the practice during all this time with the exception of the eight years he served upon the Bench, and for more than 46 years he had been a resident of Douglas, Wyoming.

On May 1, 1901 he was married to Viola Cole at Lincoln, Nebraska, from which place they removed to Burwell, Nebraska, where Judge Brown engaged in the practice of law for approximately six years. Mrs. Brown died September 27, 1951, shortly less than five months after their golden wedding anniversary. Three daughters, Mrs. J. L. Spears, of Casper, Wyoming; Mrs. Fred Dunlavy of LaJunta, Colorado; and Mrs. Glenn Preston, of Lyons, Nebraska, survive the father, as did one brother, Frank, of Casper, and a sister, Mrs. Sara Johnson, of Shannon City, Iowa, and eight grandchildren.

Though we will remember him best as a lawyer and a judge, the people of his home community will appreciate and remember him as a neighbor and public spirited citizen. He was active in church, civic and lodge work until his death. He was a trustee of the First Methodist Church, Past Master and Trustee of Ashlar Lodge No. 10, A.F. & A.M., Trustee and Past President of the Kiwanis Club, and a past Worthy Patron of the Order

of the Eastern Star. He had taught the adult Bible Class in his church school for more than thirty years, and held the oldest active card at the Douglas Public Library.

He was small and slight of build, and his demeanor was quiet and unassuming, but his appearance and demeanor were somewhat deceptive, for in the handling of professional work he was notably forceful and effective. He had a powerful, active mind, great innate shrewdness, and possessed unusual courage and stamina of character. His experience in the practice of law was wide as to variety and extended as to time, and particularly after he left the Bench his advice was frequently sought by other practitioners. He early gained, and never lost, the confidence and respect of clients, counsel, and judges alike.

No neophyte lawyer ever confronted upon the Bench or consulted in Chambers with a judge more sympathetic, understanding, solicitous and helpful than was Judge Brown. Those lawyers who in their youth served their court apprenticeship under the eye of Judge Brown may well be thankful for that fortunate experience. He was a patient, conscientious and able judge. No criminal or wrongful act was ever condoned, nor in any way glossed over, though occasionally some sympathy for a particular malefactor might be evidenced. In criminal cases he had no hesitancy whatever in imposing maximum sentences in all cases wherein the personal record of the culprit showed a confirmed criminal tendency or character either unregenerate or hardened. In a criminal case a plea of guilty could never be entered with any degree of assurance that the sentence imposed thereafter would be in the slightest degree less severe than might have been anticipated after reception of a jury's verdict of "guilty". Though he early became known as a hard judge in a criminal case, when the record of the convicted person contained no showing of innate perversity or confirmed criminal tendency and good ground, if not sound reason, for the hope that the individual before the Bench for imposition of sentence would not again become entangled with the law, Judge Brown would display the utmost clemency. In such instances his appraisals of individuals concerned must have been extraordinarily keen and accurate, for few indeed of those to whom he extended clemency have ever again faced the Bench for imposition of sentence.

To be, and to be known as, a Christian gentleman was the height of Judge Brown's aspirations, and few indeed have so nearly attained to that ideal or to recognition of the achievement.

JOHN B. CLARK
OBITUARY

John B. Clark, of Cheyenne, Wyoming, after recall to active duty in the armed service of the United States in the rank of Lieutenant Colonel, and while in Washington, D. C., incident to a tour of duty at the Pentagon,

was stricken with Polio early in October of 1952, and died at Walter Reed Hospital, Washington, D. C., on October 21, 1952.

After an exceedingly auspicious start in the practice of his profession, his career in the law was interrupted by military service in World War II, and after his release from military service, he was scarce more than re-established in the practice when he was recalled to active duty with the army, and not long thereafter died at the relatively early age of 39 years.

No just appraisal of his quality as a lawyer can be entered, for his time in the practice was short, but during that short time he gave every promise of attaining professional distinction. He was active in public affairs, and particularly in politics. He was at one time chairman of the Wyoming Democratic Central Committee, and was his party's candidate for Congress in 1950. Untimely death has robbed the state of an able, public spirited citizen, and us of an esteemed brother practitioner.

Col. Clark is survived by his parents, Dr. and Mrs. John D. Clark, formerly of Cheyenne, and more recently of Washington, D. C., his wife, Gwineth Ann, and three small children, and to these survivors we extend our sympathy in the loss of son, husband and father.

HARRY P. ILSLEY
ASSOCIATE JUSTICE OF WYOMING SUPREME COURT
OBITUARY

After but one year and 41 days service as Associate Justice of the Supreme Court of Wyoming, on February 18, 1953, the very day and three hours before the death of his former judicial colleague, C. O. Brown, was known, *Justice Harry P. Ilsley, of the Wyoming Supreme Court, collapsed* in his office shortly after 9 o'clock in the morning, and died before a doctor could be summoned.

Within an interval of not more than twelve hours, death had taken two of the most prominent and most highly esteemed members of the Wyoming Bar; *one a former District Court Judge, the other a member of our State's highest Court.*

Justice Ilsley was born at Markesan, Wisconsin, in 1884. He was admitted to the Bar in South Dakota in 1908, and entered the practice in Wyoming at Sundance in 1910. He early attained success in the practice of his profession and prospered financially. In addition to his professional practice, he was interested in ranching and in banking, and at a relatively early age became a bank president. Late in the year 1920 he was appointed by Governor Robert D. Carey to fill a vacancy upon the Bench of the Sixth Judicial District, and entered upon his judicial duties in 1921. Under his original appointment he served out two years of the unexpired term and was thereafter five times elected to the same judicial office, in which he

served continuously from the date he was first sworn in until January 7, 1952, when he was appointed by Governor Frank A. Barrett to fill out the unexpired term of the retiring Chief Justice of the Wyoming Supreme Court, and in 1952 he was elected to the full six-year term upon the Supreme Bench, so that at the time of his death, he had served more than 32 years as justice and as judge.

He was always interested in civic and public affairs, and was active therein. His interest in politics was keen, but his activity therein was of course severely limited. He was a candidate for the Senatorial nomination in the Republican primary of 1934, but was defeated by Vincent Carter. This was his sole venture in partisan politics.

Survivors are his wife, Evelyn, his son, John, of Gillette, also a member of the Wyoming Bar and eight grandchildren. Two other sons, Robert and Dwight, preceded their father in death, both of whom were war casualties.

His long career and distinguished record as a District Court Judge, Judge of a court of general original jurisdiction, has earned for him the undoubted right to be termed one of the great judges of his generation, one of that select band of trial court judges whose lives and careers have given tone, stamina, stability and prestige to our American judicial institutions.

Justice Ilsley was on the Bench of the Supreme Court scarcely more than a year, but from the outset carried his full share of the work. The Wyoming Supreme Court, though young among the Courts of the sister states, holds high place in respect and esteem of both judges and practitioners in other jurisdictions. The relatively few opinions written by Judge Ilsley bid fair to maintain and even enhance the already high standing of the Wyoming Supreme Court among similar courts of the sister states.

On the bench of the District Court, Judge Ilsley displayed to a high degree the quality of decisiveness, and though he was never a "driver", never discourteous, inattentive, inconsiderate, and seldom in even slight degree, brusque, he dominated the courtroom as much by sheer force of personality as by virtue of his position. He had the rare faculty of being able to make up his mind and to make and announce decisions and rulings without qualms, quibbling, or apologies. He seldom offered much comment before announcing his judgment, though he might, and frequently did, discuss matters with counsel afterwards in Chambers. Most frequently, within a moment after the close of the case, Judge Ilsley would merely say "Judgment will be entered for the Plaintiff" (or for the Defendant, as the case might be), rap the gavel and leave the Bench. However, he was no means so precipitate in arriving at his conclusions as this last statement might indicate. He had the issues well in mind before the trial started. If in a serious doubt upon a law point, or if not satisfied with counsel's

presentation of authorities, he would frequently recess the trial to make a short personal review of the statutes, precedents and authorities. The point is that he could and did rule promptly and clearly. He neither vacillated nor become enamored of the mere function of announcing rulings, orders and judgments.

Judge Ilsley's acts and conduct during his long career upon the Bench reflected credit upon his judicial office and brought distinction to himself.

To those whose bereavement in the loss of husband, father and grandfather is even greater than our own, we extend our deepest sympathy.

INTERPOLATION

Three contemporaries so widely different in so many respects as Brown, Ilsley and Anderson could be found only in real life. No mere human imagination could create such characters, though they might be reflected by the mirror mind of a Shakesperian universal genius. Vast though their differences, they had one thing in common which made their lives consistent, each with himself, with his time, his place and with the others, and that was a rugged, forthright, righteous ruthlessness and the courage to go with it. Theirs was the day of the last expanding frontier and of the individualist; even the mild-mannered, almost diminutive Brown, was a formidable character.

Any person who supposes or believes that Judge Ilsley's defiance offered to the game warden was a mere throwing around of the weight of the judicial office simply did not know Harry P. Ilsley. His conduct would have been the same regardless of any office that he might have held, or any prominence or lack of prominence in his own community.

In appearance and demeanor, Anderson was the prototype of the traditional "courtroom lawyer" of the closing years of the pioneer era; intellectually combative, possessed of courage and stubborn tenacity, a talent for biting invective and a flair for the dramatic. All this with a sometimes studiously cultivated truculence of manner suggestive of but slight aversion to displays of physical violence—the actual participation of which, however, was avoided with equally studious diligence.

Brown and Ilsley lacked Anderson's outward robustness of character, but surpassed him in innate flinty hardness and perhaps in quickness of perception. Ilsley dominated by force of character; there was never occasion to exert or even to display the iron hand within the velvet glove. Brown ruled by inherent dignity and relaxed composure. One courtroom spectator was heard to remark that "the little man is tough. He never tightened a muscle, even in his eyebrows, all day long—that's the only kind of man could ever scare me." His doubting confidant and crony attended court next day, after which he commented, "Maybe he missed his calling—the little man is plenty hard—could have been a good sheriff in a tough town."

Judge Brown would have been amazed, very probably shocked, had these comments reached his ears. Two men, presumably experts in this particular variety of human appraisal, detected in him the potentiality for coldly calculated decision and simultaneous action, for the first observer was a gun hand and peace officer of eighteen years' experience, four times tried and acquitted under homicide charges, and the second had thirty years seniority in the same profession, and a record which included at least seven "justifiable homicide" entries.

The versatility of true talent is extreme; perhaps, and a handful of his friends so suspected, in gaining a judge, society had lost a man of righteous violence of the same ilk as Uncle Billy Tilghman, Jimmy Robertson and Malcolm Campbell. These diversely endowed men were among the more competent of their generation. Later generations will produce their equals, but scarce their counterparts.

T. PAUL WILCOX
OBITUARY

T. Paul Wilcox, who practiced law in Cheyenne for 20 years, possibly as much as 25 years, died in California sometime early in the month of May, 1953. Details of the time and place have not been ascertained, though more than cursory effort has been expended in endeavor to obtain this information. Never, reportedly, of robust health, in early middle life he felt compelled for reasons of health, to quit the active practice of law and accept appointment as United States Commissioner for Yellowstone National Park, in which capacity he served until shortly before his death.

Lawyer Wilcox, as we remember him, was a smallish man, of manner in turn animated and owlish. In conversation he was engaging, sometimes even charming, for his interests were wide, and his comments frequently both shrewd and witty. By reason of withdrawal from active practice of his profession, and residence for many years at Mammoth in Yellowstone National Park, far remote from any County Seat town of Wyoming, memories of T. Paul Wilcox as a lawyer are held only by older members of the Bar, those admitted to the practice somewhat before 1930, among whom he was well known and well liked, and who regret alike his enforced withdrawal from the practice of his profession and his recent death.

W. A. JAMES
OBITUARY

W. A. James, for 28 years a deputy clerk and later clerk of the District Court of Laramie County, died in Cheyenne, Wyoming, on April 3, 1953, at the age of 65 years.

He was born in Sunshine Canyon just west of Boulder, Colorado, and had lived in Cheyenne since 1911. After admission to the Bar he practiced

briefly in Cheyenne, then served for a time as County and Prosecuting Attorney of Sublette County, and shortly returned to Cheyenne, where he accepted a position on the staff of Attorney General W. L. Walls. In 1925 he was appointed Deputy Clerk of the Laramie County District Court, and in 1929 was appointed Clerk of the District Court, was elected and re-elected at the succeeding elections and served as Clerk of Court until the time of his death.

He is survived by his wife, his son and daughter, two brothers and a sister, all residents of Cheyenne.

Mr. James' time in the practice spanned but a few years. However, his training in the law and his experience in the practice were of great assistance to him in conducting the operations of the office of the Clerk of Court, and conduced to the maintenance alike of efficiency and of cordial relations, both with the members of the Bar and with the members of the general public, which last is amply proven by 24 years service in an elective office. With Mr. James' retirement from the active practice of the law, the active Bar lost an esteemed fellow practitioner, but it is a certainty that this loss was balanced by an added smoothness and efficiency in the conduct of the administration of the office of the Clerk of Court. His relations with the members of the Laramie County Bar were exceedingly pleasant, and his loss is deeply regretted.

Our sympathy is extended to the bereaved relatives.

NOW THEREFORE, be it resolved that the Wyoming State Bar, in regular annual meeting assembled in Casper, Wyoming, September 17, 18 and 19, 1953, pay its respects to Frank E. Anderson, C. O. Brown, John B. Clark, Harry P. Ilsley, W. A. James and T. Paul Wilcox, and recognize their contribution to the legal profession of the State of Wyoming, and that their memories be perpetuated by spreading this resolution upon the minutes of the meeting of the Association.

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of the families of each.

Respectfully submitted,

THE NECROLOGY COMMITTEE

D. W. Ogilbee, Chairman

Thomas O. Miller

Otis Reynolds