

Interview with Magnus Wefald

Interviewed by Phyllis Thysell for the Heritage Education Commission

Interviewed on April 16, 1985

PT: Today, April 16, 1985, we are taping an interview for the Oral History Project at Moorhead State University. I am Phyllis Thysell, and I am interviewing Magnus Wefald of Hawley, Minnesota. We're going to talk about his legal career in Clay County, the State of Minnesota.

Magnus, where were you born?

MW: I was born in Hawley.

PT: In Hawley. And where did you grow up? You were born there and grew up there.

MW: I grew up in Hawley.

PT: Were you born right in town, or were you born out in the country?

MW: Never lived in the country in my life.

PT: You were strictly a city boy.

MW: I was born in town in the place that my father sold to Alex Fountain [spelling] on the west side of town. I suppose you know where that is.

PT: Yes, yes.

MW: You wouldn't know where that is, would you?

PT: Well, you describe where it is.

MW: In 1903 he sold it.

PT: 1903.

MW: I was born in 1900.

PT: What was the date of your birth?

MW: Debs Robinson owned it and his son is living there now.

PT: Oh, yes.

MW: Right in the west side of the old part of town.

PT: And what did your father do?

MW: Well, he was in the lumber business in Hawley from 1896 until he sold out in 1923.

PT: 1923. What did he do after he sold out?

MW: Well, he went to Congress then.

PT: I see; for how long?

MW: He was elected in 1922 and he was re-elected in '24 and defeated in 1926; so that was the end of his congressional career.

PT: And after, did he return to Hawley and live in Hawley?

MW: Well, he came back to Hawley; he didn't have any work in particular then at all.

PT: What did your mother do?

MW: Well, she was just a plain housewife; that's all.

PT: How many children were in your family?

MW: There were ten.

PT: Where were you among those ten?

MW: Number one.

PT: Number one. And where did you go to school, Magnus?

MW: In Hawley.

PT: Elementary and--.

MW: Went to all twelve grades in Hawley, from the first grade through the senior high school; and after that I went to St. Olaf College in Northfield.

PT: And you graduated from St. Olaf.

MW: Yeah, in 1923.

PT: Why and when did you decide on law as a profession?

MW: Well, in Washington, D.C. I was a secretary for my father when he was in Congress, and it seemed like there wasn't much future in being secretary, so I decided to go to law school especially with the urging of U.S. Senator Henrich [phonetic] Shipps [spelling]--he thought that would be the best thing to do. I didn't go in for anything like medicine because it would have taken too much time and would have cost much more than I could have raised money for.

PT: And how long did it take you to go through law school?

MW: It took about four years. If I would have gone steady it would have been three years, but--.

PT: And where was that, Magnus; where did you graduate from law school?

MW: George Washington University Law School in Washington, D.C.

PT: I bet you were excited over the basketball game recently. Did you see that exciting George Washington basketball game recently.

MW: I never paid any attention to athletics at all.

PT: I see.

MW: I don't know a thing about writing in any kind of sports or athletics.

PT: Why did you decide to practice in Hawley? What brought you back there?

MW: I came back there in 1929 and things were pretty bad economically over the whole United States. I didn't have any money, except when I got to Hawley, of course, I had my wife and three boys and it took everything I made; but when I finally got back to Hawley I had about \$20 left.

PT: And that's when you set up your practice there?

MW: Well, after I passed the bar examination.

PT: And you passed the bar in what year?

MW: 1929.

PT: 1929.

MW: We came back here in June and it took until September before I found out whether I'd passed the bar or not.

PT: With whom have you practiced? Have you always practiced law by yourself?

MW: I never practiced in any other town than Hawley, and I never had a partner until starting in November 1, 1980; and I'm all done with that now.

PT: And that was Zenas Baer?

When you began to practice, Magnus, what was your office like? Where was it located?

MW: Did you ever see or know anything about an old frame building where Knute Lee had a jewelry store at one time? Well, it was upstairs there--one room.

PT: Right on the main street of--.

MW: I paid \$5 a month to I. W. Swenson for it; he owned the building.

PT: \$5 a month.

MW: Yeah.

PT: There were no elevators. You've never had an elevator in any building that you practiced in. There weren't any elevators in Hawley, were there?

MW: Television?

PT: Elevator--an elevator to take you upstairs.

MW: Elevator?

PT: There weren't any in Hawley.

MW: No elevators in Hawley even now.

PT: What was the salary of the office girls who worked for you?

MW: Pretty hard to remember. I think the first one I hired--well, I had Mrs. Kenneth Torgeson--I don't think I had to pay them more than 35 cents an hour. This is back in--I started practice in '29 and I guess that Mrs. Kenneth Torgeson--she was the first one I hired and she could only work a part-time basis--and I think that was probably about 1933 or 1934. Up to that time I'd done the whole works myself--typing and everything.

PT: And everything.

What kind of law did you practice?

MW: Well, just what your husband practiced to start with. Probate and real estate mostly.

PT: How did you travel to your cases?

MW: The first years I was there I had to ride with clients because I didn't have any car, or else take a train. Trains were running then and I'd take a train up in the morning and come back in the afternoon.

PT: Magnus, were you involved in a lot of community affairs in Hawley?

MW: Well, I was involved in more back in 1930 than I've ever been since. I never made it a point to spend much time on local civic matters.

PT: You were busy with your practice.

MW: I suppose the main thing was that it didn't appeal to me.

PT: Have you held public office yourself?

MW: Well, I was Mayor of Hawley in 1934. That's the year that they started with the federal projects. They built the dugout lake at that time and built the golf clubhouse--built it out of stone, so that was the start of any kind of public works in Hawley.

PT: What professional organizations have you belonged to?

MW: Well, Clay County Bar Association and Minnesota State Bar Association and, of course, as part of that, the Seventh Judicial District Bar Association, and then the American Bar Association.

PT: What are the changes in the practice of law as you have experienced it?

MW: Well, during the years that I was really active--that would be up to about--well I'd say all through from '29 to 1960 up to 1970-- there's been very little change except for all these social programs. I don't think very many lawyers had anything to do with that.

PT: What about the changes in cost in the--?

MW: The costs are awful steady and stable. The fees of the Clerk of Court--that hardly changed until--well, it probably started changing in the 1950s, but they went up very little then. Inflation--nothing compared to what it's been since, well, since 1975, especially since the Carter Administration.

PT: And how about the amount of litigation?

MW: The amount of what?

PT: The amount of litigation?

MW: Well, I never did a great deal because I was too hard of hearing. I first noticed that I was hard of hearing when I was at St. Olaf way back in 1919 and, of course, my hearing--

you might think it was normal; but there was a lot of stuff I didn't catch that I'd have to ask people to repeat and so I never made a point of litigating. The cases I got I generally settled them without any trials. If I had had good hearing, it would have been different.

PT: It must have been difficult going through law school with having a hearing deficiency.

MW: Well, that wasn't too bad. I didn't even have any hearing aid at that time. I always made a point of sitting up front, so I got a stack of notes about that thick and that through four years of law school.

PT: What about the changes in consumer protection that you've observed--the protection of the people.

MW: Well, I never heard anything about consumer protection for years until after Roosevelt--well, we didn't even hear much about consumer protection until some attorney general got in in Minnesota--I can't remember which one it was--it was before Spannaus [spelling]--right now I can't think of who it was. Anyway, that wasn't much of a concern for lawyers. If it was anybody's concern, it was just these welfare workers.

PT: What about advertising?

MW: Well, the ethics of the Bar Association prohibited any type of advertising. It wasn't even ethical to have a little one-inch ad with your name and address on it with the words "attorney at law" or something like that. In fact, there were a lot of lawyers that had such ads that nobody kicked about, but that's as far as any lawyers in Clay County that I ever knew went.

PT: Is there a case in your career that really stands out in your mind?

MW: Any case?

PT: Yeah, what case really stands out?

MW: Well, any case that stands out in my mind never attracted any public attention. I had one case back in the '30s--a farmer up in Cromwell who was, well, dead broke. He was losing his farm or probably had lost it but he was living up there--I think his name was Olaf Anderson. And he was going home with a load of long tree poles on his wagon, pulled by a team of horses; and of course there are no branches on these poles. But they were cut off on the end so naturally the top end was not very thick and probably sort of cut off on an angle and I think there was a superintendent in Ulen by the name of Holvebusch [phonetic] who had a couple of women with him and one of them, I forget what her name was, but she's the one who got hurt. They ran into this Anderson's load of poles, and she got cut here in the throat--they're just lucky it didn't take her windpipe. And so she got Garfield Rustad, who was a prominent attorney, to bring suit against Holvebusch, the owner of the car, and Olaf Anderson who was driving that load of poles. And Olaf Anderson--I wrote and told him the case was coming up; but he never showed up at my office, but I made up

my mind I'd go up there and sit in and try the case even if he wasn't there. And he never showed up at the trial, so that the only way I could operate in that case was to ask questions so I could ask questions of all the witnesses and it was, well, from my standpoint it was just like cross-examination--you could ask pert near [sic] anything you wanted. And then the jury, after the case was submitted to the jury, they brought in the verdict of no recovery for this woman either from Olaf Anderson who was driving the load of poles or this Hulsebusch who owned the car. The jury found that there was no negligence on the part of either one.

PT: I can see why you remember that case so clearly.

MW: You weren't in Hawley, were you?

PT: No, but that's an interesting case. Was that case tried in the old Clay County Courthouse?

MW: Well, that's the only courthouse we had. The new courthouse was built and ready for occupancy in 1954, so up to that time, everything was in the old courthouse. As a matter of fact, I think they should have left the old courthouse for a number of years; but they had to tear it down. That's the way they had been doing things in Hawley and Moorhead, too--I guess everything that was old had to be torn down--probably worse in Hawley than here; but that's what did with the old courthouse.

PT: Magnus, what was the attitude of the Hawley community toward lawyers--attorneys?

MW: Well, of course, you always find people that have no use for them, but I can't say that that prevailed down there. Looking back on it, I can't really complain about anything like that. Most of my work came from the farmers; but as time went on, I got quite a business from--legal business--from businessmen there, too; and I remember the Thysell [spelling] Brothers--I had quite a bit of work from them. In fact, I had quite a bit of work from Albert Thysell, both personal stuff, probating of Oscar Berg's estate--his wife was related either to Oscar Berg or Berg's wife, I forget which, so I had quite a bit of business every now and then from Hawley businessmen.

PT: If today you were a young man making a career decision, what would you choose to do?

MW: Well, I don't think I'd go into law, not the way it is now. It has got to be--this partner, Zenas Baer, that I took in--he's practicing alone now, continuing in my office because I sold him all the equipment and library and the building. Right from the start he started in with briefing everything. I never did that--very little--unless it was something that was going to the State Supreme Court; then, of course, you had to have a written brief then. But I guess this thing of having to write out so darn much stuff and having pre-trial conferences and depositions and all that--it didn't come in until late in the 1950s and I never got into it. I never spent much time in trying to write up stuff. You didn't have to do it in probate work, and I didn't have a great deal of stuff that might be litigated; but this Baer, he writes out

one thing after another and depositions and interrogatories. I did draft an interrogatory--that wasn't so bad; but I never made a practice of handling the stuff just like we were going to the Supreme Court because there just wasn't enough money to make it worthwhile. As a matter of fact, the attorneys fees never increased very much, and I always had to fight other attorneys to keep the fees up and even so, there were some prominent attorneys that would undercut anybody that they thought they could get any business away from them.

PT: During these many years you were practicing in Hawley, were there other attorneys who came into town to practice?

MW: There was just one attorney practicing there when I started--was Earl Morton. He had been a partner of W. George Hammett [phonetic], and when Hammett was elected County Attorney around 1920 or something like that, he moved to Moorhead and Earl Morton stayed in Hawley. Then Hammett was County Attorney for just one term and Garfield Rustad defeated him, but he stayed on in Moorhead; and there were no other attorneys in Hawley until your former husband, Vance Thysell, had not only finished law school but quit working for the highway department, I guess; then, of course, he lived there for--how long did you live there, then, three or four years, five or six years?

PT: Oh, we lived there from 1947 to 1953.

MW: Well, that's six years.

PT: Yeah, six years.

MW: And then, of course, he always got quite a bit of business from Hawley and then there were no other attorneys--well, of course, he was the only other attorney that lived there even up to right now, except this Lamb--well, at one time I made an arrangement with the Stefanson firm (Stefanson and McLarnan) to turn my practice over to them, sell out to them, but that never came to pass because I stayed too healthy and kept on too long and I didn't draw any social security until I was 72 and I kept on practicing then until January 1, 1984--that's just a year ago last January I retired. And, let's see, this Raymond Lamb--he started practicing in the 60s, I think, and then he took in this Robert Schaeffer [spelling] as a partner; and Lamb doesn't come down there very much because he just didn't seem to mix with--I mean people didn't take to him--but Schaeffer, a lot of people took to him, so he's been coming down there ever since. And I guess now the firm that used to be Thysell, Gjevre, and later on McLarnan and Skatvold--well, he's the only one I ever see there. I've never seen that guy in Barnesville--what's his name again--.

PT: Mike Hannaher.

MW: Oh, yeah, Hannaher, the Irishman.

PT: The Irishman, yes.

Well, Magnus, you've practiced so long and I think you sound as if you enjoyed practicing law.

MW: Well, I enjoyed it enough so I never made any move to leave Hawley. Of course, I think what kept me there was the fact that I'd bought a lot of cheap land--I can't really call it very good farm land--and Spring Prairie. I first started buying that land in 1937 in the fall, paid \$400 for a quarter section of land; then I bought land every year after that and Spring Prairie until 1948--was the last piece of land I bought there and then when I sold out in 1962 to Douglas Schnell of Fargo, I had 1760 acres of land there, but it was all marginal land. There were some good pieces they could raise some crops on, but it was a good place for sheep and cattle and it would always produce hay and I discovered, after I moved all my Galloway cattle from Spring Prairie to Cromwell, that it was a stupid move because you've got to have a big acreage to get anything out of beef cattle and also out of sheep, unless you're farming yourself and can handle a small operation. But I paid all the wages, had to hire the labor, had to accumulate all the machinery, and it got to be too expensive so I sold that out in 1969 and now I've just got 240 acres in Cromwell.

PT: Well, let's go back to that one question I asked you before. If today you were a young man, what career would you choose? You said you wouldn't choose law.

MW: I doubt it.

PT: What do you think you would want to do, if you were having to choose a career now?

MW: When I was young I never really had any plans what I would do. I'd probably have done better in some scientific work, I think, but I don't know--things have changed so darn much it's hard to tell. I haven't really got too much to compare with the past because all these scientific courses have changed so darn much with nuclear energy and all that that it's pretty hard to say.

PT: Magnus, knowing you and Verna, Verna is an avid reader. Are you an avid reader also?

MW: Well, I don't read the kind of stuff she reads. I haven't read that kind of stuff--novels and all that stuff--I haven't read much of that since I started law practice. But I read mostly newspapers and magazines and, of course, the first twenty years or so I spent a lot of time briefing up on law. I hardly ever took anything without checking up law. Then probably I got too--well, of course, you get so you don't have to look up too much law when probate and that until they started so many ridiculous changes, well, I'd say in the last 25 years--after 1960.

PT: You and Verna have lived in the same house for many years in Hawley.

MW: Well, since 1929 up to right now.

PT: And you're living in the same house that you moved into in '29?

MW: Yeah, I was raised in that house.

PT: Is that right? Is there anything else you want to

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PT: mention with your career?

MW: Well, the reason we lived in that house was my father had a mortgage on it and couldn't pay it, so he deeded it over to me and then I finally paid off the mortgage. I got a woman by the name of Mrs. Brown who had the mortgage, and as soon as the Homeowners Loan Corporation was set up, I applied for a loan to pay her off so then I was through with her; that was probably about 1937, I think.

PT: Well, Magnus, I think you are a great example of a good lawyer in a small community; and I'm sure that we all appreciate the many things you did there. And I do thank you for doing this today.

MW: There's one thing you forgot.

PT: What's that?

MW: I was in the State Senate for 12 years.

PT: What years were those? What years?

MW: I was elected in 1946 and re-elected in 1950 and 1954 and defeated in 1958.

PT: That must have been a difficult thing to do because when you were in the Senate, your law office--there was no one there producing for you.

MW: I had a stenographer there all the time. I'd drive back on weekends and spend Friday, Saturday, and Sunday and Saturday and Sunday in the office and then go back, so it was a seven-day-a-week job then.

PT: Did you go back down to St. Paul by train?

MW: I had a car. In 1940 I bought a Hudson car for about \$940. That was a pretty nice car, too. It was a four-door car with probably capacity for five or six people all together. But I used that--had a trailer hitch on it and used to haul feed out to my farm and that sort of took all the guts out of the car. So I had to keep it all the way through the war. I must have had it from 1940 to about 1947 or '48 and it was pretty well worn out at that time.

PT: When you were practicing in Hawley, did you walk from your house down to your office or did you always drive?

MW: Most of the time. It wasn't very far, not over half a mile or six-tenths of a mile; so I suppose that helped to maintain my health.

PT: Anything else you want to tell us about your legal career?

MW: Well, I haven't been reviewing things to amount to anything, so--.

We raised the four kids, of course; they all went to college. They are all doing okay now. There isn't any of the kids that I can say turned out to be a misfit or not able to make their own way after they left home. Three of the boys served in the military service.

PT: You had three sons.

MW: And that, of course, enabled them to get through college without--; all the money I ever paid them was the money they earned on my farm during the summers when I had them out there.

PT: You had three sons and one daughter?

MW: Yeah, I had one daughter. Of course, I never sent her out to the farm to work because, well, that wouldn't have worked at all. But my wife, Verna, and Marguerite were out there one summer in 1943 and spent about a month there and they both remember it pretty well.

PT: Verna was from Red Wing?

MW: Red Wing, Minnesota. Raised on the Mississippi River.

PT: Where did you meet Verna; was she at St. Olaf?

MW: Yeah, she was a student there--started the same year I did, in 1918, and she finished a year ahead because I stayed out one year. She finished in '22 and I finished in '23. That's pretty much--there are very few people left of those classes now.

PT: Well, Magnus, thank you very much for coming today.

MW: Yeah, well, I'm glad to have been able to have given you some information.

PT: Well, you've made a marvelous contribution to the Oral History Project.

MW: Maybe you can give me a copy of it when it is written up.

PT: We'll do that. Thank you very much.

MW: I gave one interview to somebody from MS back in the 60s and about five years later they sent me a copy of it. That didn't cover this stuff much; that was just--at that time I just

told--that was more or less at random and I guess I spent most of the time telling some of my father's--how he got started in politics, and so on.

PT: Well, we'll see if we can't provide you with a copy.

MW: Yeah, I'd like to have a copy when it's typewritten.

PT: Well, thank you much for coming.

MW: Well, thanks for asking me.

[End of Interview]