

In Memoriam

William H. Beatty,

CHIEF JUSTICE OF THE SUPREME COURT OF THE STATE OF
CALIFORNIA, 1888-1914.

At the meeting of the Supreme Court of the State of California, held in San Francisco, on Monday, January 4, 1915, Mr. Charles S. Wheeler, on behalf of the Bar of the State of California, as represented in the California Bar Association, presented and read the following Memorial of the life and services of William H. Beatty, late Chief Justice of that Court, and moved that the same be spread upon the minutes of the Court. The Memorial had been prepared by a Committee of members of the Bar of the State of California, consisting of Mr. F. W. Henshaw, Associate Justice of the Supreme Court of California, Chairman, Mr. Wheaton A. Gray, formerly presiding Justice of the District Court of Appeal of the Second Appellate District, Mr. Benjamin F. Bledsoe, Judge of the United States District Court for the Southern District of California, Mr. M. C. Chapman, and Mr. Garret W. McEnery, and it had been adopted and approved by the California Bar Association, at its annual meeting held in the City of Oakland, on November 20, 1914.

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Memorial

OF THE

LIFE AND SERVICES

OF THE

Honorable William H. Beatty,

LATE CHIEF JUSTICE OF THE SUPREME COURT OF CALIFORNIA.

The death of no other man in the State of California could have moved its legal profession so profoundly as it was moved by the recent death of the revered Chief Justice, William H. Beatty.

The young lawyer felt the loss of one who, in court or chambers, listened to him with the same considerate attention that would be paid to a leader of the bar, and who thus built up his self-respect, self-poise and self-confidence. The elder practitioner lamented the loss of that great learning which, coupled with a genial urbanity, made companionship with the Chief Justice a well-spring of informing pleasure. One and all grieved over the loss of that potent influence for right and justice which was the dominant characteristic of his judicial career.

It is, therefore, fitting that this Association should, by a review of the life of this distinguished man, make formal (but not the less sincere) record of its respect for his memory and of its sense of profound loss at his death; that it should convey to the court over which he presided an expression of that respect, and to his family its sincere sympathy for their deeper personal bereavement.

The bare facts of his life are a record of a distinguished career devoted to the public service. Chief Justice William Henry Beatty was born in Monclova, Lucas County, Ohio, February 18, 1838. His parents were Kentuckians, and when he was very young they returned to their native State, where the future Chief Justice passed a part of his boyhood. In

1853, with his parents, Henry Oscar and Margaret Boone Beatty, he came to California by way of the Isthmus. Inspired by the achievement of his father in the practice of the law, he returned to the East to complete his education, entering the University of Virginia in 1856. In September, 1858, he returned to California and became a law partner of his father in Sacramento. In 1863, following the example of his father, he went to Nevada to practice and, in the following year, was elected District Judge of the Seventh District, continuing in office until 1874, when he was elected Associate Justice of the Supreme Court of Nevada and took his seat in January, 1875. He served in that Court until 1880—the last two years of his term, as Chief Justice. Shortly afterwards, he returned to California, and in 1888, was elected Chief Justice of its Supreme Court. This office he filled continuously until the time of his death. His career is thus unique in that he was Chief Justice of the highest courts of two Commonwealths. His opinions as Chief Justice of the Supreme Court of this State are to be found in ninety volumes of its Reports—Volumes 77 to 166, inclusive—and cover a length of distinguished service probably not equaled by any jurist of any state court of last resort, and equaled or surpassed by few in the United States courts. For more than a quarter of a century he presided over the Supreme Court of California with dignity and rare ability. If he had lived until the expiration of his present term in January, 1915, he would have completed his twenty-sixth year of continuous duty as Chief Justice. Owing to ill health and because of his long service he had announced, several months before he passed away, his intention of retiring at the close of his term.

Judge Beatty was married in 1874 to Miss Elizabeth M. Love of Salisbury, North Carolina, who survives him, together with a son and two grandsons, children of a deceased daughter. Death came to him at his home in San Francisco on August 4, 1914. For some years he had suffered from heart trouble, and a final and fatal attack came upon him after an acute illness of six weeks. At his bedside were his wife and his only surviving child, Mr. Henry Oscar Beatty.

Chief Justice Beatty was a member of the Bar Association of San Francisco, of the University, Pacific Union and Southern Clubs of San Francisco, of the Sutter Club of Sacramento, and of the Phi Kappa Sigma Fraternity. The degree

of LL.D. was conferred upon him recently by the University of California.

His long term of faithful public service, and his lovable and irreproachable character gave him a position in public esteem second to that of no man in the history of the State. Physically and morally he was of unyielding courage. In the pioneer days of Nevada he was put to many tests. Every one of these demonstrated that he feared no man, and that he never failed to meet unflinchingly every danger. Throughout his long life he knew but one fear, and that was the fear of doing an injustice to his fellow man. His judgments sprang from his convictions alone, unswayed by popular clamor, uninfluenced by thought of consequences.

It is to be regretted that the pressing nature of his executive duties as presiding officer of the Supreme Court prevented him from devoting more of his time to creative effort. With painstaking care he examined all applications for writs and all petitions for rehearing. His keen, critical, analytical mind and his devotion to a just interpretation of the law fitted him ideally for these important tasks, and while such duty kept him from performing so large a proportion of the constructive work of the court as he might otherwise have done, nevertheless the labor to which so much of his time was necessarily devoted, was of the utmost value in righting wrongs and correcting errors. His opinions are the works of a master, not only in their logic and in their evidences of profound learning, but also in the literary quality which marks the cultured scholar.

Chief Justice Beatty was a man who enjoyed to the utmost association with his friends. Possessed of a keen sense of humor and of great ability as a raconteur, he was a delightful companion. His mind was richly stored with incidents in the history of the two States in which he had spent most of his life, and he was never more charming than when he was telling of some thrilling or amusing occurrence in the early life of the West. It was the hope of those who knew him best that years and health might be vouchsafed him, after the close of his judicial career, in which he might be induced to put his recollections into permanent form. That hope has failed, but his genial tones, his anecdotes of the brave days of old, and his attractive personality are abiding treasures to those who

will continue to count amongst their most cherished memories the fact that he was their friend.

He put honor before opportunity; he revered the law and strove to make it always the instrument of justice; he loved his friends; he feared not his foes, and he dedicated his life to the highest service of the Commonwealth.

At the conclusion of the presentation of the foregoing Memorial, Chief Justice Angellotti said:

The members of this court, of course, had for years been intimately associated with the late Chief Justice Beatty in his work upon this bench. Owing to that fact they know, perhaps better than anyone else, how truthfully as well as beautifully the story of his life, his virtues as a man and citizen, his love of justice, his fidelity and signal ability in the discharge of the important trusts that were committed to his care, have been portrayed in the memorial that has been presented this morning. They greatly appreciate the action of the California State Bar Association in preparing and presenting in such form that it may be made a part of the records of this court this deserved tribute to his memory. The memorial will be received and spread at length upon the minutes of the court, and appropriate provision will be made for its publication hereafter.