

## **In Memoriam.**

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### **HONORABLE WILLIAM HARRISON WASTE**

Presiding Justice, District Court of Appeal, First Appellate District, Division One, 1919-1921; Associate Justice of the Supreme Court of the State of California, 1921-1925; Chief Justice of the Supreme Court of the State of California, 1926-1940.

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The Supreme Court of California met in its courtroom, State Building, San Francisco, at 10 o'clock A. M., on October 30, 1940, in special memorial session, to honor the memory and services of former Chief Justice William H. Waste.

Chief Justice Gibson presided, with Associate Justices Shenk, Curtis, Edmonds, Carter and Traynor present. Taylor, clerk; Sturtevant, reporter; Henry, bailiff.

Mr. Gerald H. Hagar, recently retired president of The State Bar of California, on request of Chief Justice Gibson, presided and introduced Mr. Everett W. Mattoon, Assistant Attorney-General of California, and Honorable Curtis D. Wilbur, Senior Judge of the United States Circuit Court of Appeals, Ninth Circuit, and former Chief Justice of the Supreme Court of California, who spoke in turn as follows:

**MR. MATROON:** In the late afternoon of June sixth of this year, as this Supreme Court was concluding its session in its courtroom in Los Angeles, over in the City of Berkeley the Dark Angel beckoned with gentle but imperative gesture to its Chief Justice, as he lay on his couch of pain, and William Harrison Waste, in obedience to the summons, stepped aboard the ghostly galley and embarked upon an uncharted course for unexplored shores. Thus, quietly and with characteristic dignity, he ended this transitory adventure which we term life and entered upon the new and greater experience measured by eternity. And so we were again reminded that "life is but a day,—a dewdrop on its perilous way from a tree's summit."

Many are the titles to distinction earned by this man who dedicated his life to the profession of the law and who, for nearly half a century, devoted himself to the service of the

citizenry of this commonwealth. Others will here relate the record of that life and its achievements; others will recount its contributions to the political progress and social advancement of the people of this State. A former Chief Justice and the present senior Justice of this tribunal will here testify to these generous contributions of the character, legal learning and devoted effort of this man, who for nearly three decades adorned this bench and for the past sixteen years so ably performed the heavy duties of Chief Justice.

It is not for me to dwell upon his legal, his literary, or his philosophical attainments. They were legion, and the books have already recorded them. The attribute I choose to emphasize is one which books cannot adequately record and which legal opinions, as such, cannot altogether reflect. This attribute is the human quality of the heart, the relationship of the man to his fellows.

His was a great heart, one prompted by a natural, sympathetic understanding and response, and tolerance in bountiful measure. It was a heart that found expression in countless thoughtful ministrations and generous benefactions. It was a heart that was guided by the loftiest of ethical convictions and spiritual faiths,—a heart that builded a character that inspired his every act. Emerson most truly says that "character is above intellect", and the character of this man surpassed even his fine and penetrating intellect—so that it was this, controlling all his other great endowments, that expressed the consummate beauty of his life.

His every aspiration and ambition was high, honorable and noble. His acts were characterized by a natural freedom from selfish motive or meanness of purpose. He possessed capacity for great affection and attracted others to him by reason of the sincere affection he gave to them. He prized sentiment—but he shunned sentimentality. He valued the genuine—but he scorned the counterfeit. Always moved by the most tender impulses, he was not given to outward display of emotion. His manner was mild and gentle—yet he could be stern when occasion required. His generous hand and heart were open to all. He attracted the admiration and he commanded the respect of all.

His sense of justice and right was uncompromising, yet his acts were tempered with mercy. Unyielding in his abhorrence of evil deeds, he had yet acquainted himself well with the lines:

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"Wilt thou draw near the nature of the Gods?  
Draw near them in being merciful.  
Sweet mercy is nobility's true badge."

He was one who could see something of good in everything and in everybody. He was one who could look down into a dirty wayside puddle and see something besides mud, who could look into the face of the most forlorn human derelict and see something besides wrongdoing, who believed that to live fully one must give of oneself without stint to others.

A man of devout faith, he was not chained to doctrine or to creed. He found good in every faith which can help a man to lay hold of divine things and see majestic meanings in life—by whatever name that faith may be called.

There was a touch of the knight of chivalry in his daily life—although he never would have admitted it. It was not visible in the mediaeval form of shining armor and dazzling tournaments—but in the never ceasing effort to help others. Perhaps this was a reflection of the teachings of the great fraternal order of Knights Templar to which he devoted so many years of his effort—an order whose banner bears the legend "Unsullied honor, unwearied zeal in a brother's cause, and universal benevolence."

In his relationship with his fellows he represented the antithesis of recluse. He loved companionship with others—and active participation with them. His thought and effort found constant expression in the development of instrumentalities beneficial to those about him. A public library for those denied advantages for intellectual improvement, a community church to better afford the opportunity for public worship, a Young Men's Christian Association to develop youth in an atmosphere of physical, mental and spiritual uplift, an educational loan foundation to avail deserving college students of the facilities for completing their education—these were his avenues of expression, these his contributions to those about him.

His interest in youth was such that never to the time of his last illness did he relinquish his contact or relax his activity in their behalf. In this relationship he was what has been aptly termed "invincibly young". His constant, irre-

pressible endeavors were continuously exerted to elevate the tone of youth's mind, and to inspire it to worthy ambition.

Others will tell of his achievements as a jurist. The contribution he made to this court's solution of its many grave problems, his recorded wisdom in his decisions, require no elaboration from me. To many of us his outstanding contribution to the work of this tribunal was the wise counsel and steady direction which he afforded it. His was the rare capacity to lead rather than to drive, to guide rather than to force. With him there was no compromise with truth and right. To him expediency, appeasement and propitiation were not acceptable terms. For him the eternal principles of truth and justice, than which he held no virtues more truly great or God-like, were the beacon lights which ever pointed his course. While not regarding himself inexorably bound by the fetters of precedent as such, he did consider himself firmly dedicated to the preservation of the sacred liberties vouchsafed by our inspired charters. His clear concept of legal, ethical and political standards was such that he was spared much of the confusion and bewilderment attending the solution of many problems. As has been so well said of another great American jurist, he could be aptly described as "serenely dwelling above the discordant sound of passing shibboleths—refusing to harken to the murmur of the moment."

He was intensely American, and possessed a patriotic fervor which overshadowed all other considerations when fundamental questions of loyalty presented themselves. He also possessed those qualities of courage, independence and fortitude so essential to strength of leadership.

Perhaps the most dominant attribute of William H. Waste was his unflinching faith. It evidenced itself in his consideration of every problem. It asserted itself in his entire outlook upon life and its meanings. He was far from complacent or resigned in his contemplation of the disturbing course of human events. He shuddered, as do many others, for the future of what we apologetically term civilization—but he was able to cast his vision beyond the confusion and the turmoil of shifting moods. He was able to place his faith—as was the great jurist and philosopher, Holmes,—in the Director of "a universe not made with hands, a universe not measured by our fears,—a universe that has thought and more than thought inside of it" and so to find that "beyond

the vision of battling races and an impoverished earth there comes a dreaming glimpse of peace." It was his serene and abiding faith in the ultimate triumph of right which sustained him ever, and—so he said—must sustain all others.

He went from us in the manner of his choosing, active almost to the last, never estranged from the pulse of affairs or the rhythm of life—glad to live but not afraid to die; strong in mind, stout in heart and great in spirit.

The physical presence of Chief Justice Waste no longer graces this Bench, yet there will linger long the enduring and endearing fragrance of his life and character—while out by the eternal sea, on another and far distant shore, other grateful souls will enjoy the same wise counsel and kindly ministrations of his leadership.

"O strong soul, by what shore  
Dost thou now tarry?  
Somewhere, surely, afar  
In the sounding labor-house vast  
Of being, is practiced that strength—  
Zealous, beneficent, firm!"

He has gone to join another great company of leaders. It is left to us to rejoice that it was ours to share the blessing and the inspiration of his life—and to cherish the memory of one whose greatness of mind and heart and spirit exalted him to the eminence of that high fellowship

"Constant as the Northern Star  
Of whose true, fixed and lasting quality  
There is no fellow in the firmament."

**JUDGE WILBUR:** The Chief Justice of this Court—Chief Justice William Harrison Waste, passed away recently, and we are here to pay tribute to his memory and take some account of his character, his ability, and his public duties.

I had the pleasure of sitting with Justice Waste for almost three years on this bench, and as a Justice of this court I had theretofore had occasion to review his decisions, both as a Superior Court Judge and as Presiding Justice of the First Division of the First District Court of Appeal. For this reason, no doubt, I have been asked by The State Bar Association to join with others here to call attention briefly and

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partially, as it must be, to our conception of Chief Justice Waste.

One difficulty in appraising the life of Judge Waste is in the manifold activities in which he engaged. We strike gold wherever we explore his record. These golden deposits, wherever found, are connected by the golden thread of his supreme faith in God and man, and his humble estimate of himself and his great and consecrated ambition to serve his fellowman worthily.

In order to estimate the character of the work of a judge, some attention must be given to his preparation for the work, his education and training.

Judge Waste came to the position which he held for 14 years with the background of four years' work as an associate justice of this court, with over a year's experience as the Presiding Justice of the First Division of the First District Court of Appeal, with 14 years in the Superior Court of Alameda County, four years' work as a State legislator, and 11 years as a private practitioner of the law, and back of that the training of the public schools, the State University and the Hastings College of Law. He thus had experience as a legislator, a lawyer, and as a judge in the practical application of the law to the affairs of men.

Without belittling in any way one who comes to this high bench from the active practice of the law, it can justly be said that the opinion and influence of one who has actually confronted the courtroom problems of a trial judge is an invaluable asset to the court. Every active lawyer is in a daily process of education, as is everyone practicing any profession. But a judge, while the master in the courtroom, is in fact the pupil therein. The lawyers on each side are presenting the matured results of their research to educate the judge. That he has two tutors pulling in opposite directions should sharpen the wit and understanding of the judge and drive him to the study of the authorities. Here it may be said that many laymen look askance at the use of precedents because they do not realize that precedents represent the impartial judgment of other wise and impartial men who have considered the same or analogous problems in the past. Moreover, where they have become accepted by the business world or by those actively concerned, to change the decision or reverse the precedent, is in practical effect to

change the law. I would add a further word as to the work of a judge.

Few persons, indeed few lawyers, realize the scope or difficulty of the work of a court of general jurisdiction. Most lawyers become in some sense, and for various reasons, specialists in some branch or branches of the law. The judge of that court may be called to pass upon every type of case within the broad jurisdiction of the court. The work of a judge cannot be measured by the number of cases he decides. The variety of the cases and the number of problems in each case, and the research required in each case, more justly measure the work of the judge.

It is manifest, therefore, that 14 years on a *nisi prius* court is a most valuable training in the various branches of the law which might not come within the scope of his practice as a lawyer. The work is not only diversified but of great volume. United States District Judge Jenney, after three years on the bench, recently expressed the idea by stating that as a lawyer for 25 years he had worked as hard as any lawyer in the United States he thought, but that on the bench he found that he had to work much harder and that all the judges on his court did also. Chief Justice Waste was a diligent worker.

Before leaving the subject of Judge Waste's preparation for the work of Chief Justice, I must call attention to his work in the Assembly of the State Legislature, to which he was elected in 1902 and 1904, by an overwhelming vote. It is worthy of note that Justice Houser, of this court, was a member of the Assembly and co-worker with Judge Waste. A careful study of the California statutes of 1903 and 1905 and a review of the Journals of the Assembly of these two Legislatures will make it evident that there were there and then laid the foundations of the revolutionary political changes which six years later were more fully developed and are still in process of development.

Let us note some of the laws passed by the Legislature in 1903 and 1905: Laws were passed establishing the juvenile courts in every county of the State, applicable to children under 16, one of the first juvenile court laws in the United States, and the first, I believe, of universal application throughout the State. Adult probation for offenders was first established in California by the Legislature of 1903.

In 1903 the law was amended so as to put party primaries under the protection of the law. (Political Code, Sec. 1359.) A law was enacted preventing the sale of liquor in the vicinity of public schools. Assemblyman Waste introduced and secured the passage of a law for a dormitory building at the University of California. In 1905 we find a child labor law, and a compulsory education law. The records of the Assembly of 1903 and 1905 surprise one with the activities and the success of Assemblyman Waste.

But in other fields Judge Waste was preparing for his future work. That is, in the Christian standard of morals and service which he not only adopted and practiced, but which he endeavored to get others to adopt. In church and Sunday school he was active for years, only giving up this work 10 or 12 years ago.

He was for 36 years president of the Berkeley Y. M. C. A.

He was also active in the Masonic fraternity and was so devoted to its work that he was advanced to the highest office of Knights Templar of the State.

No just estimate of Judge Waste can be made without taking into account his frank and devoted adherence to the teaching of Jesus Christ and his acknowledged obligation to follow the Divine Leader as best he could at all times and under all circumstances. He was determined to win in life, if he won at all, as an avowed Christian. The public accepted Judge Waste as a sincere Christian and registered approval again and again of his Christian character.

Judge Waste was educated in the school of politics. As he advanced from a small assembly district to a great county and then to a great judicial district, and at last to the whole State, he registered success in party primaries, party conventions, and general elections; later, in nonpartisan elections, and still later as a candidate to be approved or rejected on his own merits. Successful political life has a profound influence on a man's habits and his career. It may cause degeneration, or it may be a great influence promoting tolerance, promoting an interest in others and a study of their points of view, and an enlarged view of service and of brotherhood. Judge Waste was helped and not hurt by politics. He was uniformly courteous and kind and when sorely tried he held his spirit well in hand.

Perhaps it should be taken for granted that Judge Waste was morally and politically courageous. All judges should be and few are not. But it is significant that Judge Waste in May, 1922, joined in an opinion holding unconstitutional, in part, an initiative measure which has been adopted by a two-thirds vote of the people of the State, although within two months thereafter he was to face the voters in a direct primary, and again two months later at the general election. The decision vindicated the right of a Japanese baby girl, citizen of the United States. Judge Waste had no opposition at either the primary or general election and his appraisal of his duty as a judge and of the fair-mindedness of the people of the State was fully vindicated.

It should also be said that Judge Waste sat on this court as an Associate Justice and presided over its deliberations as Chief Justice at a time when there was a statewide, a national, and even an international effort to discredit the fairness of the court and the integrity of its judges, but when the court was called upon to again consider the Billings case on application for approval of pardon, and the Mooney case on *habeas corpus* (*In re Billings*, 210 Cal. 669 [298 Pac. 1071]; *In re Mooney*, 10 Cal. (2d) 1 [73 Pac. (2d) 554]), the court, under the fearless leadership of Judge Waste gave careful and just consideration to the law and the facts and rendered opinions almost universally approved by thoughtful and informed lawyers, thus largely disabusing the public mind of the assumption that there had been a fraudulent perversion of justice in these cases.

Within a year after this last decision Chief Justice Waste again appeared before the electorate of the State for reelection. He was reelected by over a million votes, slightly over 2 to 1. It should be added that two Associate Justices who concurred with Judge Waste, and one who did not, were elected by over a million votes each, showing that the people of California had full confidence in this court.

His activities in the Commonwealth Club of San Francisco cannot properly be overlooked. He was a vice-president of that organization and for two years (1923-1924) was its president. As president he favored a constitutional amendment to the Constitution of the State permitting a verdict in a criminal case by three-fourths of a jury, as in civil cases. Such an amendment passed the State Senate but failed in

the Assembly. He advocated the abolition of the cumbersome method of petition of thousands of voters, to secure a place on a primary ballot and the substitution of a small number of sponsors. This plan was adopted by the Legislature. In 1924 the club approved the plan for National Defense of selective service in time of peace, and of industrial preparedness. These plans were sent to Washington and are now in effect. The club grew and prospered during his administration.

Judge Waste was generous to a fault in accepting engagements to speak and in taking on social duties and problems. He was always dignified but he never posed. He knew that he was the highest judicial officer in a great State, but after all he knew that although clothed with high authority he was still to be taken and judged as a man among men—thus he thought of himself.

I am saying that he was an humble man; not counting himself unworthy of the high office he had aspired to and occupied, but realizing that his value depended upon his own character, education and effort and not upon the gain or loss or the occupying of position. We thus come to Judge Waste as Chief Justice, knowing what to expect—diligence, devotion, courtesy, conscientiousness, courage, learning, wisdom, discernment, a spirit of tolerance, of accommodation, of friendship and comradeship for and with his associates and employees. These expectations were fully realized. He had an extraordinary capacity for work; for carrying many activities and problems at the same time, those in his office, in his home, in his church, in his lodge, in his social contacts, and his addresses to the public on many and varied occasions. He truly made himself the servant of all.

Judge Waste, during his judicial service, has written into the records of the Superior Court of Alameda County and in the Reports of the District Courts of Appeal and of the Supreme Court of California, a record of his work. It can be said of it that it is worthy of a great man and a great judge. In this record no effort will be found to advance any particular theory of law or government, or school of thought, or any political party or religious group, but only a record of an honest, sincere and able effort to find the law and apply it fairly and impartially.

Judge Waste has been praised as a good man—he was—but he was more than that. He was a man working out his goodness in the difficulties of politics, of religion, of great official obligation.

In this presentation I have wished that no word should ring untrue to the members of this court who have so long known and worked with Judge Waste. I would rather under than over-praise him. As the Apostle Paul said of himself so long ago, I think Judge Waste wanted to say of himself: "I have fought a good fight. I have finished my course. I have kept the faith." And this you have done, Judge Waste!

In school, university halls, legislative halls, in courtrooms, lodge room, assembly halls and committees, he fought a good fight and kept the faith, and now that he has finished his course and submitted his case, may we not expect for him "that crown of righteousness" which Paul confidently asserted was prepared for him and others like him?

May the life and character of Judge Waste be a lamp unto the feet of all who have succeeded or may succeed him in the exalted position to which he was elevated by the people of a great State.

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Chief Justice Gibson then called upon Associate Justice Sherk to speak on behalf of the court. Justice Sherk gave a summary of the public and judicial services which Judge Waste rendered to the people of Alameda County and the State of California, as follows:

**JUSTICE SHENK:** It was with heavy heart that his associates and colleagues on the bench of the State learned of the passing of Chief Justice William H. Waste on June 6, 1940, while this court was in session at Los Angeles. He had been closer to all the judges of the State than any other former Chief Justice because of his position as Chairman of the Judicial Council, and he enjoyed their confidence and esteem. It had been my privilege to be associated with him on this court longer than any one of its present members. This long and pleasant association ripened into a close personal relationship which enriched our labors on the court.

William Harrison Waste was born near Chico, Butte County, California, on October 31, 1868, the son of John Jackson Waste and Mary Catherine McIntosh. He was edu-

cated in the Butte County public schools, in the Los Angeles High School, attended the University of California, and was graduated from that institution with the class of 1891. He then attended Hastings College of Law and at the same time supported himself by working as a reporter on bay area newspapers. After graduating from Hastings in 1894, he was admitted to the bar and practiced law in Oakland and Berkeley. He was married to Mary Jane Ewing on September 16, 1896, and was blessed with two children as the issue of that marriage; a son, William Ewing Waste, and a daughter, Eugenia McIntosh Waste Ward, both of whom, together with five grandchildren, survive him.

Mary Jane Ewing Waste died in 1927, and five years later Judge Waste married Lucille M. Scoonover, a widow, with whom the judge had been associated for some time in church work and who survives him. The judge was also survived by a stepson, Frank M. Scoonover, Jr., a sister and two brothers, Mrs. Forrest Snow, Harry L. and John M. Waste.

The late Chief Justice devoted the last thirty-seven years of his life to public service. In 1902 and again in 1904 he was elected to serve his district in the Assembly of the State Legislature, and for the fifteen years next ensuing he was a judge of the Superior Court of Alameda County, having been appointed once and elected three times to the same position. On January 6, 1919, he was appointed Presiding Justice of the District Court of Appeal, First Appellate District, and was elected to that Court for a full term. On November 25, 1921, he was appointed to the office of Associate Justice of this Court. In the year following that appointment he was elected to fill the unexpired term of Lucien Shaw as Associate Justice, when the latter resigned to assume the duties of Chief Justice. Judge Waste was elevated by appointment to the position of Chief Justice and took the oath of that office on January 1, 1926. Following that appointment he was elected to the same office for full terms each in the years 1926 and 1938.

He assisted in organizing and was the first President of the Berkeley Public Library, founded in 1892. In 1904 he organized and presided over the Berkeley Y. M. C. A. For thirty-six years he was president of that organization and only a few months before his death was elected its Honorary President. In 1904 he also assisted in organizing Epworth

University Methodist Church of Berkeley. At the time of his death he was serving as a member of the Boards of Trustees of the College of the Pacific in Stockton and of the Pacific School of Religion in Berkeley. He was honored by the University of Southern California and the College of the Pacific, each of which conferred upon him the honorary degree of Doctor of Laws. During the first World War he was Chairman of the Legal Advisory Board of Alameda County. He was President of the Commonwealth Club of California during the years 1923 and 1924.

In 1929 the city of Berkeley named Judge Waste as its "most distinguished citizen" and he was awarded the Benjamin Ide Wheeler Memorial Medal for "faithful and unostentatious service to State and community."

His activities in the Masonic Orders were conspicuous. He was a member and Past Master of Durant Lodge No. 268 at Berkeley; a member of Berkeley Chapter No. 92, Royal Arch Masons; a member of the Oakland Council No. 11 of Royal and Select Masters; a member and Past Sovereign of the Red Cross of Constantine. He organized and became first Commander of Berkeley Commandery No. 42, Knights Templar of California. He was Grand Commander of that organization in 1922; and from time to time held high office in the Grand Encampment, Knights Templar of the United States, being at the time of his death a member of its jurisprudence committee and chairman of the Knights Templar Educational Loan Fund for California. In 1939 he was elected Grand Master of the Grand Lodge of California, but found it necessary to decline to serve because of failing health. He was President of the Board of Trustees of the University of California Masonic Club from its inception. He was a Native Son of the Golden West and devoted much study to the history of the Mission Era. One of his hobbies was photography and he delivered lectures on the California Missions, using lantern slides for illustrations, made from photographs taken by himself. He held membership in the fraternities of Phi Delta Theta and Phi Delta Phi.

A few reflections on his personal characteristics may serve to unfold the picture of his composite nature. Outstanding at all times were the simplicity and goodness of the man; the kind of goodness that emanates from a great soul. Honesty was so inherent in him that he took for granted the honesty

of others and, in consequence, was repaid by their confidence and loyalty. He was broadly tolerant of the opinions and views of others. There was no sham or pretense in his nature. He said what he meant and meant what he said. His unselfishness was unflinching and he gave of himself unsparingly; always willing to render service to Nation, State or City. He was perhaps too quick to respond to requests to engage in extrajudicial or outside activities. Because of his uniform readiness to comply, his strength was oftentimes overtaxed to the detriment of his general health. It was not his lot to possess an overabundance of physical strength, but he was prodigal in expending it, in order to save the strength and time of others. He was intensely interested in the welfare of young people. This was exemplified by his long service with the Berkeley Y. M. C. A., the University of California Masonic Club, and his personal management for years of the Knights Templar Educational Loan Fund. He was always especially interested in assisting and advising with law students and young lawyers. He enriched the lives of others, for it was instinctive to respond to the nobility of his nature. He remembered the things that gave pleasure to others and enjoyed having them participate in things that gave him pleasure. He seemed to crave the association and companionship of his fellow man. The great heart of the man went out in considerate regard for all. He was genial in his social relationships, companionable in his immediate official associations, and hospitable in his home.

As an administrator in his office, he displayed a high order of efficiency. He imparted harmony and inspired confidence in the deliberations of the Court. He was always understanding and sympathetic. His friendly manner frequently prevented strained relations and turned discord into harmony. His hours were crowded, but there was never any sense of irritation, haste or confusion. In discussion he never raised his voice, never lost his self-possession, was uniformly courteous, displayed firmness when the occasion demanded it, but without a trace of unfairness or rancor, and his patience was unlimited. In spite of the demands on his time, he sat with quiet composure at his desk and wrote year by year more than the average number of opinions per judge handed down by the Court. He was a good lawyer and a just judge. In his treatment of the attaches he was kindly

and courteous and in turn enjoyed their unbounded confidence and loyalty.

When he was inducted into the office of Chief Justice in January, 1926, I had occasion to say of him: "He brings to his new office a purity of personal life and character, a sincerity of purpose, an amiability of temper that foretells a courteous attitude toward all, a long and profitable experience in judicial service, and a mental equipment and industry fully equal to the important task before him." The prediction was fully realized.

Upon assuming his new office he became ex officio President of Hastings College of Law. In 1926 he became, also ex officio, Chairman of the Judicial Council of California, pursuant to the constitutional amendment adopted in November of that year.

Prior to that time the duties of the Chief Justice were considered of sufficient magnitude and importance to require the full time service of that official. Many of his predecessors had labored to the point of physical exhaustion in that task alone. Upon the establishment of the Judicial Council his work was greatly increased. This was particularly true during the formative years of the Council's existence. It fell upon him to gather about himself as chairman of that body the men who should assist in establishing the policies, promulgate rules and recommend legislation best suited to the accomplishment of the objects and purposes of the constitutional amendment. This he did with great care and thoughtfulness. Through his efforts and the efforts and recommendations of those first appointed, the Constitution of the State was further amended in such manner as to permit the Legislature to fix the jurisdiction of the trial courts, to provide for additional districts and divisions of the District Courts of Appeal, and the original appellate jurisdiction of those courts was increased so as to include appeals in all law cases. The jurisdiction of the municipal courts, newly provided for by constitutional amendment and statute, was thereafter so fixed as to relieve Superior Courts in populous centers of much litigation that had theretofore found its way by appeal to the District Courts of Appeal and to the Supreme Court. The appeals from the Municipal Courts were then taken to the Appellate Departments of the Superior Court, whose decisions were made final.

Through a generous exercise of the power of assignment of judges, the Chief Justice supplied the man power sufficient to relieve the congestion in the trial courts and in the District Courts of Appeal.

When the act of the Legislature creating The State Bar of California as a public corporation became effective on July 29, 1927, the Chief Justice was required to appoint four members of the first Board of Governors, who, with himself, were to constitute a commission to place the act in operation and organize The State Bar, adopting rules and regulations to complete that organization.

Judge Waste was of a deeply religious nature. He believed in the principles of religion as the driving power to guide a man's conduct in life. He found good in everything and in everybody.

It is such a life and character that we are here to reflect upon. In its issue of June 7, 1940, the editor of "The Recorder," of San Francisco, in commenting on the passing of the late Chief Justice, beautifully expressed the following sentiment: "He bequeathes to us a name without stain, a record none may challenge, a soul that he placed humbly before the altar of the God he loved and feared, a heart that beat always for the welfare of good men and that was anguished prayerfully for men who strayed from the proper path. A splendid lawyer, a just judge, an exemplar of the domestic virtues, the idol of his colleagues, and ever a *man* who knew men and therefore noted their frailties without condemnation. He has put off the black robe for a white garment."

Few men have performed better their part in life or fulfilled better the duties of a good citizen. The shadow of his usefulness will extend down through the years as long as the history of his native State of California is recorded.

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When Justice Shenk concluded, Chief Justice Gibson directed that the remarks of the speakers be made a part of the permanent records of this court, and the session was adjourned.