

In Memoriam

WALTER VAN DYKE

[On the fifteenth day of October, 1906, the Hon. D. K. Trask, Judge of the Superior Court of Los Angeles County, presented to the Supreme Court the memorial, theretofore adopted by the Los Angeles Bar Association, respecting the Hon. Walter Van Dyke, late Justice of the Supreme Court. The memorial, which was ordered to be placed upon the minutes of the Court, is as follows:]

As the Christmas sun of 1905, which had glorified the landscape of California and gladdened the hearts of its inhabitants on that day, was setting beneath the ocean's rim beyond the Golden Gate, the life of WALTER VAN DYKE, lying at his home in Oakland, stricken with a recent illness, went out with the orb of day.

He lived a long, useful, and honorable life, having reached the age of eighty-two years. Fifty-six of these years he spent in California, having arrived in this state in December, 1849, shortly after the adoption of the first constitution of the state. He was twenty-six years of age at the time of his arrival, and was armed with a license to practice law, which had been issued to him in August, 1848, at Cleveland, Ohio, and which was destined to become the oldest active license at the bar of this state.

On his arrival here, in the flush and with the ambition of youth, he surveyed the foundations of the state which had been so recently laid, and decided to aid to his utmost in building thereon the structure we regard with so much pride. To be a citizen of an American commonwealth is a great privilege; but to be a builder and citizen of one such as ours is a greater privilege, and one that strongly appealed to our departed colleague.

His ability, integrity, industry, and perseverance speedily gained for him the recognition which he deserved; and placed him among those who had the honor and respect of their fellow-citizens. This position he maintained during the fifty-

six years that he spent at the bar and on the bench in this state. Such a long period of active practice in an exacting profession, with various excursions into politics, is a severe test that but few are subjected to; yet he never was found wanting in any of the essentials of a lawyer, a jurist, or a man. This is attested by the love and respect of his brethren of the bench and bar, as well as the people at large of the state; and it is high praise that is justly accorded to deserving worth.

In 1851 he was elected District Attorney of Klamath County, and from the same county was elected a member of the Assembly in 1853. In 1854 he was elected District Attorney of Humboldt County, to which he had removed after his term as member of the Assembly had expired. While in Humboldt County he became the publisher of the *Humboldt Times*, and in 1861 he was elected State Senator to represent Humboldt, Klamath, and Del Norte counties. In 1863 he removed to the city of San Francisco, there to engage in the practice of law, and in 1874 was, by President Grant, appointed United States District Attorney for the District of California.

In the discussions and suggestions which resulted in the calling of a constitutional convention to frame a new constitution for the state, he took an active and prominent part; and was in 1878 elected a member of the constitutional convention which framed the constitution that was ratified and adopted by the people in 1879. Shortly after the adoption of the new constitution Judge Van Dyke removed from San Francisco to Los Angeles and became a member of the law firm of Wells, Van Dyke & Lee, which succeeded the firm of Brunson, Wells & Lee, Judge Brunson, the senior member of that firm, having been elected judge of the Superior Court of this county. He continued a member of that firm until he was elected, in 1888, one of the judges of the Superior Court of Los Angeles County, to which position he was re-elected in 1894. In 1898, he was elected one of the associate justices of the Supreme Court of the state, which position he held at the time of his death.

Judge Van Dyke was one of the original organizers of the Republican party in the state of California, and had remained in close touch with its leaders for a great many years; though in 1896 he cast his lot with the Silver Republicans. In 1898 he was nominated by that party for associate justice of the

Supreme Court, and at the ensuing election was elected by one of the largest majorities given any candidate on any ticket. To his knowledge of the law was added a large knowledge of human affairs in general, so that he shone with equal brilliancy in the legislative halls, in the forum, and on the bench. In all that he did, he was animated by lofty patriotism, and was never found supporting a policy which he did not deem to be for the very highest interests of the public.

He had many endearing personal qualities; he was bright, hopeful, considerate, and generous. His family relations were of the very best. He is survived by five children: Mrs. Frank Bangs, Miss Caroline Van Dyke, Dr. Edward Van Dyke, of San Francisco, William Van Dyke, clerk of the United States Circuit Court, and Henry Van Dyke, a practitioner at the Los Angeles bar.

We, his brethren of the bar, miss his kindly nature, which endeared him to us; and the state of California has lost a good citizen, an able and conscientious lawyer and jurist. Though his death came at the end of such a long active life, we believe he was not unprepared, as it seemed that he always lived as though he were ready to meet the end whenever it should come; and at the last he fell asleep, "like one who wraps the draperies of his couch about him and lies down to pleasant dreams."

M. T. ALLEN,
JAS. A. GIBSON,
D. K. TRASK,
J. W. MCKINLEY,
N. P. CONREY.

January 30, 1906.