

JOHN BRECKINRIDGE WALDO

Sixteenth Chief Justice of the supreme court of Oregon -- 1884 to 1886; associate justice - 1880 to 1884.

John Breckinridge Waldo, was born October 6, 1844, upon the old homestead located by his father, Daniel Waldo, the noted pioneer, whose honorable name the Waldo Hills now bear. He was the first native-born Oregonian to hold the high office of Chief Justice of Oregon. His father, Daniel Waldo, came to Oregon in 1843, and settled in the beautiful rolling, open foothills country now known as the Waldo Hills, ten or twelve miles east of the city of Salem. The Waldo hills embrace one of the most productive, beautiful and healthful sections of the Willamette valley; the so-called "hills" being low and generally undulating, and now entirely under cultivation, principally to wheat. In this ideal country home Judge Waldo was reared and received his common school education, and afterwards graduated from Willamette University in the class of 1863, going to San Francisco in 1865, where he acquired his legal education, studying under Judge Pratt, who had been the first associate justice of the supreme court of the territory of Oregon. In the year 1870, Judge Waldo, in partnership with Orlando Humason, began the practice of law in Portland, Oregon. In 1880 he was elected a member of the Supreme Court of Oregon, serving six years. In 1889 he represented Marion County in the Oregon Legislative Assembly. His public career was brief, but he was scarcely less conspicuous in private life than as a public official. Surrounded by the broad and fertile acres of the old homestead where he was born, where he lived almost all his days, and where finally he passed away, he was the oracle of a wide constituency, and with generous hand dispensed hospitality suggestive of the landed proprietors of the old Colonial days.

In 1877, he married Miss Clara Humason, to whom one daughter was born.

Among the oldest of Oregon's native sons, of stalwart pioneer stock, he stood apart from his fellows, a stranger to the narrow selfishness which too largely characterizes those of crowded cities, a splendid product of the pioneer hospitality and kindness, the instincts of the pioneer, and he was a lover of the woods and streams and the mountains. Of studious and methodical habits, unobtrusive to the point of timidity in dealing with men in the mass, he was absolutely fearless in his expression of opinion and in dealing with all matters of public interest. Without special ambition, he despised the arts of the courtier and the time-server. He neither sought nor cared for popularity. A man of intense convictions and often severe and abrupt in his expression of opinion, he was withal a kindly and courteous gentleman. In his family relations, in all of his relations to the public, as a friend and as a neighbor, he was a model citizen.

He was devoted to the law, especially the common law, and he studied with industry and became well versed in its legal principles. The theory of the law, its aim to subserve justice, its logical formulas, its subtle and exact reasoning, its elasticity and its capability to solve

abstract and complicated questions, and adjust controverted rights affecting persons or property, appealed to his innate sense of right and justice and love of fair play and dealing. The ideal government to his mind was a government built on constitutional principles, and regulated by law, intelligently and impartially administered. He was not a trial lawyer; he had no love for its wranglings and disputations; his mind was not constituted for the contentions and struggles of trial practice; he had little imagination and no disposition to indulge in rhetorical excursions; he was fond of wit and repartee, but seldom indulged in it himself; he liked to hear a good story or anecdote, and was a pleased listener, although he rarely told one himself, and when he did, it was usually a good one, full of marrow, and never pointless. It was in the quiet of the study room, or the consultation room, where his mind ranged on its native heath, where interchange of thought and opinion was calm and critical, and where the aim and object was to solve aright and impartially justice between man and man. In this sphere his mind was fitted for the task, and it was usually equal to the undertaking and occasion.

As a lawyer, he was learned, but as a judge he was erudite, in sources of our jurisprudence and its development. And it was in this last capacity he distinguished himself as an able and industrious, an upright and impartial jurist. Devoted to the common law, he delighted in studying and tracing its legal principles in solving matters of litigation, and, possessing a mind at once penetrating, logical and exact, he did not rely on precedent merely in the consideration of a case, but bent all his powers to find out the legal principle involved and to apply it with logical exactness to the solution of ~~stating-the-facts-of-a-case~~ the disputed point, citing precedents to fortify it. He had the faculty of stating the facts of a case with remarkable brevity, without sacrificing perspicuity. He brought out the point in dispute sharply and distinctly. In formulating his opinion he was cautious, painstaking and critical, avoiding all diffusiveness or unnecessary elaboration, keeping the legal principles always in sight, and pressing it upon the facts with logical acumen and exactness, and leading by the rationale of his deductions irresistibly to the conclusion reached, so that his opinions were generally short and pointed, rarely obscure, always logical, and their judicial correctness seldom disputed.