

In Memoriam.

OREGON SUPREME COURT JOURNAL.

Tuesday, October 18, 1927.

JUSTICE GEORGE H. BURNETT.

On the eighteenth day of October, 1927, a Committee on behalf of the Oregon Bar Association presented to the Supreme Court of the State of Oregon the following

RESOLUTIONS.

GEORGE HENRY BURNETT was born on the 9th of May, 1853, on the donation land claim of his parents, two miles north of McMinnville. His parents crossed the plains in 1846. He received his early education in the public schools of Yamhill County, attending at a later date McMinnville College and Christian College of Monmouth. He graduated from the latter institution in 1873 with the degree of Bachelor of Arts. The same year he took up his residence in Salem, in which city he continued to reside until his death on the 10th of September, 1927.

In 1873 he entered the offices of Rufus Mallory and J. J. Shaw at Salem as a law student. He was admitted to the bar in 1875 and was elected district attorney of the third judicial district in 1876. From 1878 to 1886 he was law partner of J. J. Shaw; from 1886 to 1892 he practiced law alone. In 1892 he was elected circuit judge of the third judicial district, an office he continued to hold until 1910, when he was elected a justice of the Supreme Court of Oregon. He remained a member of the court during the rest of his life, serving as Chief Justice from 1921 to 1923, and from January, 1927, to the time of his death.

On December 31, 1879, he married Miriam Belt, who died on the 20th of March, 1924. October 12, 1925, he married Frances Lorena Wise, who survives him. Judge Burnett was a member of the Benevolent Protective Order of Elks, the Independent Order of Odd Fellows, and all of the Masonic bodies. He was active in the latter two fraternal organizations. On the 13th of June, 1912, he was elected Grand Master of the Grand Lodge of Ancient Free and Accepted Masons of Oregon, and on the 13th of December, 1913, the Thirty-third Degree of the Ancient and Accepted Scottish Rite was conferred upon him.

Judge Burnett was endowed with an excellent constitution and with natural abilities of a high order. He acquired habits of industry and became a hard and methodical worker. He was a man of great force of character. He had thought profoundly on ethical and political questions; as a result of this study he had convictions which were deep-seated and tenaciously held. His life profoundly influenced the lives of others with whom he came in contact. All men recognized his sincerity and his intellectual honesty. His voice and vote counted for much in the march of events in Oregon.

Judge Burnett was not a communicant in any church, but he believed in the Providence of God and the immortality of the soul.

His ideals were high and his conduct squared with his ideals. His home life was ideal. He was the soul of honor in his dealings with his fellowmen. He was generous and open-handed. He loved his fellow-men and delighted in doing the kindly, helpful things.

The latchstring on his front door was always out; he was one of the most hospitable of men. He had a large circle of friends; he was loyal to them and happy when he could render them service. He was genial, companionable and gifted with a keen sense of humor. He added to the pleasure of any company of which he was a part. He was welcome wherever he went.

He had a great affection for the state in which he was born and in which he had lived his life. He loved his country and was loyal to the principles of constitutional government. He acknowledged his debt to the founders of our government and was always ready to do them honor.

Judge Burnett was a man of great courage. He was in precarious health for several years prior to his death. He knew that he was nearing the end of his life and talked freely with his friends on the subject. He faced the situation manfully and without fear.

Judge Burnett will be remembered chiefly for his judicial labors. His distinguishing characteristic as a judge was his loyalty to the law. As it was written in the books, he declared it in his opinions. He believed in the enforcement of the law. He did much to clarify the law and to blaze the way for others to follow. He had a fine discrimination. He was at his best in applying the law to the facts of each case. He had a practical knowledge of the canons of statutory construction, and his construction of statutes was sound, accurate and supported by cogent legal argument.

He believed that the law was no respecter of persons. No one because of his power received more than even-handed justice from Judge Burnett and no one because of his unpopularity received less.

He made it his care to see that every man accused of crime should have a fair trial.

His opinions, ten hundred and forty-six in number, are couched in clear and felicitous language. They enrich sixty-three volumes of the Oregon Reports. They are a monument to his fame and through the years which are to come they will materially assist the bench and the bar in the administration of justice.

THEREFORE BE IT RESOLVED, that in the death of George H. Burnett the State of Oregon has lost a native son endeared to its citizens by a lifetime of pleasant association, a public servant of high talent and rare usefulness, the bench has lost a Chief Justice profoundly learned in the law and eminently qualified for the discharge of the important duties devolving upon him, the bar has lost a member, whose high ethical standards have made him an exemplar to others, and many of us have lost a personal friend to whom we were warmly attached and whom we all admired.

RESOLVED, that the Court be requested to spread these Resolutions on its journal and to direct that a copy be sent to the widow of the late Chief Justice, to whom we extend our sincere sympathy.

WALLACE MCCAMMANT.
JOHN H. McNARY.
JAMES H. RALEY.
ALBERT B. RIDGWAY.
OSCAR HAYTER.

REMARKS BY HONORABLE WALLACE McCAMMANT.

I second the motion for the adoption of these Resolutions. I desire to add a few words with reference to my relations with Judge Burnett and the esteem in which I held him. I met him in 1892 and our acquaintance spanned a period of thirty-five years. I was greatly drawn to him. He was so manly, so sound in his thinking, so deeply interested in the things which made for the welfare of the state and the country. It was one of the high privileges of my life to be associated with him for a period of seventeen months as a member of this court. I am grateful for the welcome he gave me and for his wise counsel which assisted me in the performance of my work. I have enjoyed the hospitality of his home and in one way or another have had many proofs of his good will.

I was close to Judge Burnett when the World War was in progress. I can testify to his fervent patriotism and his deep interest in the good cause.

He was one of the ablest men I have ever known. He rendered a public service whose value it is difficult to overestimate. He appreciated the importance of certainty in the law. When the law is certain counsel can advise with assurance and investors can proceed confidently. The presence of such a man as Judge Burnett on the bench makes for the stability of titles and the strengthening of credit.

Judge Burnett felt the responsibility which always comes with the possession of power. He carefully scanned every opinion handed down. He was painstaking in his research. He was a hard and effective worker. He had a fine discrimination. He readily detected the fallacy in an unsound argument. He was profoundly learned in the law and he was gifted in applying his legal learning to the facts as they came before him. He had at his command a large vocabulary; he was able to express his conclusions in clear language easily understood by the profession.

Judge Burnett was always mindful of the restraints of judicial propriety. He said and did nothing which could weaken the confidence of the people in their courts.

It is a privilege to recall the friendship with which he honored me and to have a part in the tributes paid to-day to his memory.

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