

REUBEN P. BOISE

A native of Blandford, Massachusetts, Rueben P. Boise was born June 9, 1819, and spent his youthful days upon his father's farm, his time being largely devoted to the acquirement of an education in the district schools, supplemented by a classical course in Williams College, from which he was graduated with honor in 1843. Immediately afterward he made his way westward to Missouri, where for two years he was engaged in teaching school. He returned to Massachusetts, however, for the study of law, pursuing his reading with Patrick Boise, a distinguished attorney of Westfield, Massachusetts, as his preceptor. Three years were devoted to the mastery of the principles of jurisprudence and in 1848 he was admitted to the bar, entering upon the practice of his profession at Chickopee Falls, where he remained for two years. In the meantime the great and growing western country attracted his attention. The reports which he heard brought conviction to his mind concerning the natural resources, the opportunities and advantages of the Pacific Coast country and in the fall of 1850 he started for Oregon by way of the Isthmus route. Proceeding up the Pacific coast, he landed eventually at Astoria and thence made his way to Portland, where he opened a law office and entered upon practice in the spring of 1851, at which time the now populous and beautiful Rose city contained only a few hundred inhabitants. However, it was even then becoming a center of shipping and other business interests and from the beginning his practice proved remunerative and he advanced steadily to a position of prominence as a member of the Oregon bar. In the fall of 1852 he secured a section of land in Polk county whereon he erected a home and otherwise improved the property, residing there for four years. He continued to own the claim to the time of his demise but while residing thereon was also engaged in law practice in Portland.

When Judge Boise arrived in Oregon the all important question before the officials of the territory was the location of the capitol. The supreme court was divided upon the question, the majority of the court differing from the legislature. Judges Nelson and Strong, then sitting upon the supreme bench, were of the opinion that Oregon City was the lawful location of the seat of government and accordingly they convened their court there. Judge O. C. Pratt held that Salem was the seat of government and refused to sit with the other two judges. Every prominent man in the state took sides on the question and Judge Boise threw the weight of his influence with the minority, supporting Judge Pratt, whose position was also sustained by the legislature, which, however, could not change the will of the majority of the supreme court. The general assembly then resorted to the expediency of depriving the two erring judges of most of their circuit court jurisdiction, giving Judge Pratt all of western Oregon for his judicial district. At that time the supreme court judges also sat as circuit judges and Judge Pratt appointed Mr. Boise to help the federal government as prosecuting attorney

in this district, which comprised all the country on the west side of the Willamette river and nearly all of the Willamette valley except Clackamas and Multnomah counties. For four years he served in that capacity. He was also a member of the territorial assembly in 1853 and in 1855 and that body elected him to the office of prosecuting attorney following the appointment of Judge Pratt. At that day gambling was quite common, the criminal work of the court was extensive and thus heavy demands were made upon the time and labors of the prosecuting attorney, who hunted down the gamblers with special vigor and with much success. He made it his business to learn the names of all men who frequented the places in which gambling was notorious and when the grand jury met he called as many of these men as he wanted to testify before that body. While many called would evade telling what they knew, he seldom failed to find witnesses enough to secure conviction. In those early days Judge Boise traveled the circuit on horseback, several attorneys usually riding in company with the Judge as he went from place to place to hold court. Law books were then comparatively few and some of the standard works on common law were carried in the saddlebags. The constant reliance upon the old common law authors who condensed their works to concise statements of fundamental principles gave the attorneys of that day a thorough knowledge of the essentials of law and it is frequently mentioned by members of the bar today that Judge Boise had a wonderful familiarity with all branches of the common law which is particularly applicable in an equity court.

While serving as prosecuting attorney Judge Boise, as previously stated, was a member of the territorial legislature and took an active part in the deliberations of that body, thus aiding in shaping the policy of the state in its formative period. In 1857 he was chosen to represent Polk county in the constitutional convention and at the time of his death was the last survivor among those who framed the organic law of the state. He was chairman of the committee on legislation and prepared that portion of the constitution relating to the legislative department.

In the same year in which the constitutional convention met Judge Boise was first called to the bench, being appointed by President Buchanan as one of the supreme judges of the territory. The following year the state was admitted to the Union and he was then elected a supreme judge, serving from 1862 until 1864 inclusive as chief justice of the state. Upon the expiration of his term he was reelected for the succeeding six years and in 1870 was once more chosen by the people to that high judicial position, but Hon. B. F. Bonham, his competitor, having commenced an action to contest his seat on the bench, Judge Boise, not desiring to engage in long and expensive litigation, resigned and resumed the private practice of his profession. No one recognized in larger degree the necessity for thorough preparation or more industriously prepared his cases. His handling of his cause was

always full, comprehensive and accurate, his analyzation of the facts clear and exhaustive. He saw without effort the relation and dependence of the facts and so grouped them as to enable him to throw their combined force upon the point they tended to prove. His briefs always showed wide research, careful thought and the best and strongest reasons which could be urged for his contention, presented in cogent and logical form and illustrated by a style unusually lucid and clear.

Judge Boise, however, could not long continue in the private practice of law, for his services were in continuous demand in public connections. In 1874 he was elected by the legislature as one of the capitol building commissioners, which office he held until 1876, when he was again called to the supreme bench. Two years later, the general assembly having divided the supreme and circuit judges into district classes, he received the appointment as one of the judges of the supreme court. In 1880 he was elected judge of the third judicial district, which office he continually held until 1892. By one long familiar with his history and connection with the bench and bar it was said: "The Judge had a very strong dislike for technical questions in practice. He desired to see cases tried out on their merits alone, if possible, and he sometimes evidenced a distrust of attorneys who quibbled over small technicalities of procedure. While he was patient with attorneys or witnesses who were slow or clumsy with apparent good intentions, he was ready and plain in his disapproval of an attempt to trifle with the court or to mislead by an incorrect statement of law or fact. Young attorneys received kind consideration at his hands and it was not uncommon for him to take charge of the examination of a witness where the attorney seemed unable to draw out all the essential facts. His rulings and decisions were so generally satisfactory to both attorneys and litigants that appeals from his districts were uncommon except in cases in which it was understood from the beginning that the questions involved must be passed upon by the court of last resort".

Judge Boise was married in 1851 to Miss Ellen F. Lyon, who died December 6, 1865, and they became the parents of four sons and one daughter, of whom three sons are living, namely: Fisher A. Boise, Reuben P. Boise, Jr., and Whitney L. Boise.

On December 27, 1866, he was married to Miss Emily A. Pratt, who still survives him. Two daughters were born to this marriage: Sarah Ellen Boise, who died Aug. 5, 1891; and Maria Boise Lauterman.

In 1857 Judge Boise removed with his family to Salem and continued to reside at the capitol to the time of his death, April 10, 1907, when he was about eighty-eight years of age. He first purchased a number of lots that now constitute the site of the Academy of the Sacred Heart and there resided until 1865. In 1880 he purchased a farm in North Salem and there lived until his demise. It was upon this property that the first

house in Salem was built. Judge Boise enlarged and remodeled the residence and improved and cultivated the land, thus greatly enhancing its value. He always enjoyed agricultural life and carried on farming pursuits as a side issue. From time to time he added to the acreage of his first ranch until he became the owner of twenty-five hundred acres in one body. He was ever a champion of legislation in Oregon in behalf of farm interests and five times was elected master of the State Grange. He also attended a number of meetings of the National Grange held in different parts of the country and he did everything in his power to promote the interests of the public schools, while twice he served as a member of the board of trustees of Pacific University at Forest Grove and was also officially connected with La Creole Academy at Dallas and Willamette University at Salem. The first named conferred upon him the well merited degree of Doctor of Laws.

In his early political views Judge Boise was a democrat but at the time of the Civil War his loyalty to the government placed him on the side of the Union ranks of the republican party. He held patriotic meetings all over the state, delivering many eloquent addresses that were effective forces in checking secessionists' opinions and in saving the state to the Union. In his later years he maintained a somewhat independent political position and his last nomination for judicial office was at the hands of the Union forces. It was characteristic of him that he supported zealously and fearlessly the cause in which he believed, never accepting party dictation but forming his views and opinions as the result of careful and comprehensive consideration of the question.

It was said of Judge Boise that "he was very quiet and deliberate in his manner and speech. He chose his words and formed his sentences very carefully and seldom hesitated or corrected himself in talking. This characteristic, together with a logical arrangement of ideas, made his verbal opinions upon cases tried by him very clear in meaning and sound in reasoning." It is said by attorneys that his extemporaneous oral opinions, if taken and extended by a stenographer, would make a very creditable showing if printed in a volume of the supreme court reports. To a stranger who paid a casual visit to the courtroom during the trial of an equity case Judge Boise had the appearance of being unobserving, but those familiar with his manner and those who heard him give a detailed discussion of the weight of the testimony assert that not a word or a sign from a witness ever escaped his notice. He was always in the forefront of those who advocated the extension of greater legal rights to women and while in the constitutional convention he worked effectively for the adoption of provisions which put a wife upon the same condition before the law as her husband. His decisions in matters relating to property and contract rights of married women showed an inclination in this direction. At a banquet held by the State Bar Association in Portland, November 19, 1902, Judge Boise was the guest of honor. Many words of appreciation and praise were spoken to him and of him on that occasion and he also delivered a most interesting and memorable address concerning the judicial

history of the state. His fellow members of the bar on that occasion brought to him the rose-garland of gracious memory and of friendly appreciation and bore testimony of the fact that he laid down the judicial ermine without spot or wrinkle, with no soil of meanness or touch of criticism upon it. His courtesy, his kindness, his affability, his approachability were among the thoughtful but beneficent offices which bound bar and bench together. He held high the standards, the ethics and the morals of the profession and to his record the younger and older members of the bar may well look for an example of the just and upright judge who administered the law with resolution and courage, yet withal tempered justice with the gentleness of sympathy and the kindliness of mercy.